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

Agenda - Final

Thursday, March 28, 2024

10:00 AM

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Board of Directors - Regular Board Meeting

Karen Bass, Chair
Janice Hahn, Vice Chair
Fernando Dutra, 2nd Vice Chair
Kathryn Barger
James Butts
Jacquelyn Dupont-Walker
Lindsey Horvath
Paul Krekorian
Holly J. Mitchell
Ara J. Najarian
Tim Sandoval
Hilda Solis
Katy Yaroslavsky
Gloria Roberts, non-voting member

Stephanie Wiggins, Chief Executive Officer

METROPOLITAN TRANSPORTATION AUTHORITY BOARD AGENDA RULES

(ALSO APPLIES TO BOARD COMMITTEES)

PUBLIC INPUT

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

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

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

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

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

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

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

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

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

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x2 *Español (Spanish)*
x3 中文 *(Chinese)*
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x5 Tiếng Việt *(Vietnamese)*
x6 日本語 *(Japanese)*
x7 русский *(Russian)*
x8 Հայերէն *(Armenian)*

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Live Public Comment Instructions:

Live public comment can be given by telephone or in-person.

The Board Meeting begins at 10:00 AM Pacific Time on March 28, 2024; you may join the call 5 minutes prior to the start of the meeting.

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

Instrucciones para comentarios publicos en vivo:

Los comentarios publicos en vivo se pueden dar por telefono o en persona.

La Reunion de la Junta comienza a las 10:00 AM, hora del Pacifico, el 28 de Marzo de 2024. Puedes unirte a la llamada 5 minutos antes del comienso de la junta.

Marque: 202-735-3323 y ingrese el codigo
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Written Public Comment Instruction:

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

CALL TO ORDER

ROLL CALL

1. APPROVE Consent Calendar Items: 2, 7, 8, 9, 10, 13, 14, 16, 17, 18, 19, 20, 23, 25, 26**, 27, 28, 29, 30, 31, 32, 33, 34, and 37.

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

**Item requires 2/3 vote of the full board.

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

NON-CONSENT

3. SUBJECT: REMARKS BY THE CHAIR 2024-0199

RECOMMENDATION

RECEIVE remarks by the Chair.

4. SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER 2024-0200

RECOMMENDATION

RECEIVE report by the Chief Executive Officer.

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

15. SUBJECT: JOINT DEVELOPMENT BENCH AND EXCLUSIVE NEGOTIATION AGREEMENT 2023-0751

RECOMMENDATION

CONSIDER:

A. APPROVING the creation of a bench of qualified developers eligible to respond to Requests for Proposals (RFP) for the joint development of the “10K Sites” to be in effect for three years, with the option to extend for two additional one-year periods for up to five years total (Attachment A);

B. APPROVING the Summary of Key Terms and Conditions (Attachment B) for 10K Sites' Exclusive Negotiation Agreements (ENAs); and

C. DELEGATING authority to the Chief Executive Officer, or their designee, to execute the ENAs following a competitive RFP process for the joint development of the 10K Sites.

Attachments: Attachment A - Procurement Summary
Attachment B - Summary of Key ENA Terms
Attachment C - 10K Sites
Presentation

CONSTRUCTION COMMITTEE RECEIVED AND FILED THE FOLLOWING:

21. SUBJECT: 2023 CONSTRUCTION MARKET ANALYSIS 2024-0009

RECOMMENDATION

RECEIVE AND FILE status report on the 2023 Construction Market Analysis.

Attachments: Attachment A - 2023 Construction Market Analysis
Presentation

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

24.1. SUBJECT: BUILDING A COHESIVE APPROACH TO LOS ANGELES'S LEGISLATIVE ADVOCACY FOR THE 2028 MOBILITY CONCEPT PLAN MOTION 2024-0206

RECOMMENDATION

APPROVE Motion by Directors Solis, Bass, Hahn, Horvath, Najarian, and Yaroslavsky that the Board direct the Chief Executive Officer to:

A. Develop a framework for and establish a Legislative Advocacy Working Group for the 2028 Games that includes, but is not limited to, the members of the Games Mobility Executives and the County of Los Angeles, to develop and implement a cohesive state and federal legislative advocacy plan to advance Metro's 2028 Mobility Concept Plan.

B. Report Back in 90 days with:

1. A proposed framework, recommended working group members, and recommendations on strengthening advocacy coordination with the LA County legislative delegation and other key Games delivery partners; and

2. A progress update on a regional convening of local jurisdiction stakeholders and LA28 on broader transportation and infrastructure project coordination needed for the 2028 Games.

39. SUBJECT: UNSOLICITED PROPOSALS POLICY MOTION 2024-0208

RECOMMENDATION

APPROVE Motion by Directors Yaroslavsky, Bass, Krekorian, Najarian, and Horvath that the Board direct the Chief Executive Officer to:

Report back to the Board by June 2024 with a comprehensive review of the Unsolicited Proposal Policy and recommendations for changes to the Policy that include, but are not limited to:

A. More direct integration of Metro's core mission and priorities;

B. The advancement of Metro's sustainability and equity goals;

C. Board consideration of unsolicited proposals early in the process to regularize the manner in which the Board is consulted throughout the project development and approval process regardless of whether Metro capital or operational funding is proposed to be utilized;

D. Strengthened community-focused transparency and engagement;

E. Identify work streams that could be better suited to be accomplished by third-parties to reduce Metro staff time; and

F. A status on the implementation and effectiveness of the previously developed recommendations from Metro's September 2021 Unsolicited Proposal Five Year Review.

40. SUBJECT: I-605/VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT RESOLUTION OF NECESSITY 2023-0772

RECOMMENDATIONS

CONSIDER:

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

B. ADOPTING the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the full fee simple interest ("Property") as identified in Attachment A.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

Attachments: Attachment A - Staff Report

Attachment B - Resolution of Necessity

Presentation

END OF NON-CONSENT

41. SUBJECT: CLOSED SESSION 2024-0210

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

1. Darin Stewart v. LACMTA, LASC Case No. 20STCV27522

B. Conference with Labor Negotiator - G.C. 54957.6

Agency Designated Representative: Cristian Leiva and Ilyssa DeCasperis (or designees.
Employee Organizations: ATU, AFSCME, TCU, and Teamsters

C. Public Employee Performance Evaluation - Government Code Section 54957(b)(1)

Title: Chief Executive Officer, Board Clerk, General Counsel, Inspector General, Chief Ethics Officer

CONSENT CALENDAR

2. SUBJECT: MINUTES 2024-0197

RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held February 22, 2024.

Attachments: Regular Board Meeting MINUTES - February 22, 2024
February 2024 RBM Public Comments

AD HOC 2028 OLYMPIC & PARALYMPIC GAMES COMMITTEE MADE THE FOLLOWING RECOMMENDATION (3-0):

7. SUBJECT: TWENTY-EIGHT BY '28 PROJECT LIST 2023-0756

RECOMMENDATION

CONSIDER:

A. RECEIVING AND FILING the Twenty-Eight by ’28 progress report, and;

B. APPROVING revisions to the Twenty-Eight by ’28 project list (Attachment A).

Attachments: Attachment A – Revised Twenty-Eight by ’28 list
Attachment B – Summary of Progress for Projects to be Delivered Beyond '28
Attachment C - Map of 28 by ’28 Projects & Proposed Replacements
Presentation

FINANCE, BUDGET AND AUDIT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

8. SUBJECT: WORKERS' COMPENSATION MEDICAL BILL REVIEW SERVICES 2024-0047

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 2 to Contract No. PS61721000 with Lien On Me, Inc. for workers' compensation medical bill review services in the amount of $242,303, increasing the not-to-exceed amount of the four-year base term from $2,834,674 to $3,076,977, and exercise the first two-year option in the amount of $2,083,248, revising the total contract amount from $3,076,977 to $5,160,225 and extending the period of performance from July 1, 2024, to June 30, 2026.

Attachments: Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

FINANCE, BUDGET AND AUDIT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

9. SUBJECT: LICENSE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR TEMPORARY DEPARTMENT OF PUBLIC HEALTH FACILITIES 2024-0164

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) or their designee, to execute a 33-month license agreement commencing on April 1, 2024, with the County of Los Angeles ("County") for a portion of real property located on parcels numbered (APN) 2350-013-920 and 2350-013-922 ("Property") at a rate of $24,485 per month for a total license amount of $808,005 ("License").

Attachments: Attachment A - Property Location
Presentation

FINANCE, BUDGET AND AUDIT COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

10. SUBJECT: INVESTMENT POLICY 2024-0081

RECOMMENDATION

CONSIDER:

A. ADOPTING the Investment Policy in Attachment A;

B. APPROVING the Financial Institutions Resolution authorizing financial institutions to honor signatures of LACMTA Officials in Attachment B; and

C. DELEGATING to the Treasurer or his/her designees, the authority to invest funds for a one-year period, pursuant to California Government Code ("Code") Section 53607.

Attachments: Attachment A - Investment Policy Redline
Attachment B - Financial Institutions Resolution
Presentation

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

13. SUBJECT: DIGITAL BILLBOARD DEVELOPMENT AGREEMENT WITH THE CITY OF EL MONTE 2023-0300

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer, or their designee, to execute a 30-year development agreement with the City of El Monte ("City") and AllVision ("AV") to construct, own, and operate a digital billboard on Metro property adjacent to Division 9 at 3449 Santa Anita Avenue, El Monte ("Project") (Attachment A);

B. CONSIDERING, in accordance with the California Environmental Quality Act (CEQA), the environmental effects of the Project as shown in the Mitigated Negative Declaration ("MND") prepared by the City of El Monte (Attachment B);

C. ADOPTING, in accordance with CEQA, the four mitigation measures incorporated in the MND to reduce the impacts of the Project to a less than significant level;

D. FINDING, in accordance with CEQA, that the four mitigation measures would avoid or mitigate the effects of the Project to a point where no significant effect on the environment would occur, and there is no substantial evidence that the Project, as mitigated, would have a significant effect on the environment; and

E. AUTHORIZING the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

Attachments: Attachment A - Development Agreement Between the City of El Monte
Attachment B - Initial Study and Mitigated Negative Declaration
Attachment C - Location and Site Plan
Attachment D - City of El Monte Ordinance No. 3017
Presentation

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

14. SUBJECT: 2025 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM 2024-0029

RECOMMENDATION

ADOPT the resolution for the 2025 Los Angeles County Transportation Improvement Program as shown in Attachment A.

Attachments: Attachment A - Resolution for the 2025 LA County TIP
Presentation

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

16. SUBJECT: CESAR E. CHAVEZ AND FICKETT JOINT DEVELOPMENT 2024-0035

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer, or designee, to execute and enter into a joint development agreement ("JDA"), ground lease ("Ground Lease"), and other related documents with Chavez Fickett, L.P. ("Developer"), an affiliate of Abode Communities, for the construction and operation of a mixed-use, affordable housing project ("Project") on approximately 68,100 square feet (1.56-acres) of Metro-owned property located at the corner of Cesar E. Chavez Avenue and Fickett Street in Boyle Heights ("Site") in accordance with the Summary of Key Terms and Conditions attached hereto as Attachment A;

B. AUTHORIZING a discount to the appraised fair market rental value for the Site of 67% or $6,900,000 under the Ground Lease as set forth in the Summary of Key Terms and Conditions for the Ground Lease; and

C. FINDING that the Project is exempt from the California Environmental Quality Act ("CEQA"), consistent with the environmental studies and reports set forth in Attachment B, pursuant to Sections 21080(b)(9) and 21084 of the California Public Resources Code and Section 15332 (In-Fill

Development Projects) of the CEQA Guidelines; and authorizing the Chief Executive Officer to file a Notice of Exemption for the Project consistent with said exemption.

Attachments: Attachment A - Summary of Key Terms and Conditions
Attachment B - CEQA Studies and Reports
Attachment C - Renderings and Site Plan
Presentation

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

17. SUBJECT: APPROVAL OF CMAQ/STBG/CRP PROJECT PRIORITIZATION AND FUNDING RECOMMENDATIONS 2024-0070

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) or their designee to submit to SCAG the project prioritization and funding recommendations for Los Angeles County for CMAQ/STBG/CRP funding (Attachment A).

Attachments: Attachment A - Sum. of Proj. for CMAQ/STBG/CRP Funding for LA County
Presentation

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

18. SUBJECT: METRO BUSINESS INTERRUPTION FUND (BIF) 2023-0768

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer to award a firm fixed price Contract No. PS109347-2000 to Pacific Coast Regional Small Business Development Corporation (PCR) to serve as the fund administrator for Metro's Business Interruption Fund (BIF) in the amount of $5,168,773 for the three-year base term, with two, one-year options in the amounts of $1,699,722 and $1,761,758 respectively, for a total amount of $8,630,253, subject to the resolution of any properly submitted protest(s), if any; and

B. RECEIVING AND FILING the status update on Motion 17 which directed Metro staff to provide a program update that considers, but is not limited to, resources necessary to maintain a permanent Business Interruption Fund and culturally competent outreach and inclusive technical assistance to adequately support affected businesses.

Attachments: Attachment A - Motion 17
Attachment B - Motion 57
Attachment C - BIF Metrics & Measures of Effectiveness Feb 29, 2024
Attachment D - Procurement Summary
Attachment E - DEOD Summary
Presentation

PLANNING AND PROGRAMMING COMMITTEE (4-0) AND EXECUTIVE MANAGEMENT COMMITTEE (5-0) MADE THE FOLLOWING RECOMMENDATION:

19. SUBJECT: DISPARITY STUDY 2024-0109

RECOMMENDATION

CONSIDER:

A. RECEIVING AND FILING the Final 2023 Disparity Study Report; and

B. AUTHORIZING the Chief Executive Officer (CEO) to develop a three-year pilot Micro Small Business Program and certification designation.

Attachments: Attachment A - 2023 Disparity Study Executive Summary
Attachment B - Public Comment Period Comments and Responses
Presentation

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

20. SUBJECT: NORTH HOLLYWOOD TO PASADENA BUS RAPID TRANSIT PROJECT - PROGRAM MANAGEMENT SUPPORT SERVICES 2023-0746

RECOMMENDATIONS

AUTHORIZE the Chief Executive Officer to:

A. AWARD task order-based Contract No. AE10769700000 for Program Management Support Services (PMSS) to Ramos Consulting Services, Inc., in the amount of $38,699,165 for a five-year base period and $7,603,641 for two, one-year options for a total of seven years at a maximum contract value of $46,302,806 subject to resolution of protest(s), if any; and

B. EXECUTE individual Contract Modifications within the CEO's Board approved authority.

Attachments: Attachment A - Procurement Summary
Attachment B - DEOD Summary

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

23. SUBJECT: LONG-TERM ADVERTISING - CULVER CITY STATION 2024-0090

RECOMMENDATION

APPROVE a long-term advertising purchase, up to 12 months, at Culver City Station from Max (formerly HBO), generating $616,000 estimated net revenue for Metro. This is not a title sponsorship and will not affect Culver City Station's title nor the adjacent private property's title, Ivy Station.

Attachments: Attachment A - Commercial Sponsorship and Adoption Policy
Attachment B - System Advertising Policy
Attachment C - Max Advertising-Culver City Station

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

25. SUBJECT: CONSULTANT SUPPORT SERVICES FOR NEW HR5000 HEAVY RAIL VEHICLE (HRV) PROCUREMENT 2023-0494

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

A. AWARD Contract No. PS11758001 with Hatch Associates Consultants, Inc. for Element A, Consultant for Heavy Rail Vehicle Acquisition, Technical Support Services, in the not-to-exceed amount of $23,072,507.51, for a period of 87 months from issuance of a Notice to Proceed, subject to the resolution of any protest(s), if any;

B. AWARD Contract No. PS11758002with AtkinsRealis USA Inc. for Element B, Consultant for Heavy Rail Vehicle Acquisition, Program Management Support Services, in the not-to-exceed amount of $11,263,545.59, for a period of 87 months from issuance of a Notice to Proceed, subject to the resolution of any protest(s), if any; and

C. APPROVE a combined Life of Project (LOP) budget of $47,530,870.10, which includes the cost of the two professional services contracts of $34,336,053.10, Metro administration cost of $8,873,829, and Contract Modification Authority of $4,320,988.

Attachments: Attachment A - Procurement Summary
Attachment B - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

26. SUBJECT: FLEET SCHEDULE SOFTWARE UPGRADE 2023-0765

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer to award a non-competitive 36 -month firm fixed price Contract No. PS108917000 to Giro, Inc./LE Groupe En Informatique Et Recherche Operatioannelle (Giro, Inc.) for the HASTUS v2024 fleet schedule software upgrade and optional software enhancements in the amount of $3,445,049, and;

B. FINDING that there is only a single source of procurement for the item(s) set forth in recommendation A above and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material already in use, as defined under Public Utilities Code Section 130237.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

Attachments: Attachment A – HASTUS Software Module Description
Attachment B - Procurement Summary
Attachment C - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

27. SUBJECT: CONTRACT MODIFICATION WITH TOW INDUSTRIES 2024-0018

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 1 to Contract No. DR81105000 with Baatz Enterprises Inc. DBA Tow Industries, to increase the contract value by $733,836.74 from $3,922,757.26 to $4,656,594.00, inclusive of sales tax.

Attachments: Attachment A - Procurement Summary
Attachment B - Contract Modification Change Order Log
Attachment C - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

28. SUBJECT: SPRING TENSION ASSEMBLY UNITS FOR C LINE OCS SYSTEM OVERHAUL PROJECT 2024-0032

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed price contract, Contract No. MA105918000, to Mac Products, Inc. for 232 Spring Tension Assembly units and onsite installation support for the C Line OCS System Overhaul Project for a firm fixed price of $3,121,820.86, inclusive of sales tax, subject to the resolution of any properly submitted protest(s), if any.

Attachments: Attachment A - Procurement Summary

Attachment B - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

29. SUBJECT: CONTACT WIRES FOR C LINE OVERHEAD CATENARY SYSTEM (OCS) REPLACEMENT 2024-0033

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award Contract No. DR119508, to Global Electric, for 96,839 linear feet of contact wire to support the C Line OCS Replacement Project for a firm fixed price of $1,052,646.22, inclusive of sales tax, subject to resolution of any properly submitted protest(s), if any.

Attachments: Attachment A - Procurement Summary

Attachment B - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

30. SUBJECT: CONTRACTED TRANSPORTATION SERVICES 2024-0036

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute:

A. Contract Modification No. 2 to Contract No. PS76258000 with Southland Transit, Inc. to operate an additional two fixed route bus lines in the North Region of Los Angeles County, specifically Metro Bus Lines 96 and 218, in the amount of $18,701,950, increasing the total not-to-exceed five-year base term from $90,032,724 to $108,734,674;

B. Contract Modification No. 2 to Contract No. PS76258001 with MV

Transportation, Inc. to operate an additional two fixed route bus lines in the North Region of Los Angeles County, specifically Metro Bus Lines 177 and 603, in the amount of $39,176,545, increasing the total not-to-exceed five-year base term from $148,645,400 to $187,821,945; and

C. Individual contract modifications within the Board-approved contract modification authority.

Attachments: Attachment A-1 - Procurement Summary (East Region)
Attachment A-2 - Procurement Summary (South Region)
Attachment B-1 - Contract Mod Change Order Log (East Region)
Attachment B-2 - Contract Mod Change Order Log (South Region)
Attachment C-1 - DEOD Summary (East Region)
Attachment C-2 - DEOD Summary (South Region)
Presentation

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

31. SUBJECT: POWER SWEEPING SERVICES 2024-0059

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP1066318370000 to Joe's Sweeping, Inc. dba Nationwide Environmental Services, to provide systemwide power sweeping services in the not-to-exceed (NTE) amount of $7,162,050 for the three-year base period and $2,588,620 for each of the two, one-year options, for a total NTE amount of $12,339,290, effective June 1, 2024.

Attachments: Attachment A - Procurement Summary
Attachment B - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

32. SUBJECT: ELEVATOR AND ESCALATOR MAINTENANCE SERVICES 2024-0060

RECOMMENDATIONS

AUTHORIZE the Chief Executive Officer to:

A. AWARD a firm fixed unit rate Contract No. OP1107840018370 to Mitsubishi Electric US Inc. (MEUS) to provide comprehensive preventative maintenance services, inspections, and repairs of elevators, escalators, and their associated systems and equipment throughout Metro facilities excluding the Metro Gateway Headquarters Building. The Contract

not-to-exceed (NTE) amount is $142,352,031 for the five-year base period, and $57,349,950 for the one, two-year option, for a total combined NTE amount of $199,701,981, effective May 1, 2024, subject to resolution of any properly submitted protest(s), if any;

B. AWARD a firm fixed unit rate Contract No. OP1107840008370 to Otis Elevator Company (Otis), to provide comprehensive preventative maintenance services, inspections, and repairs of elevators, escalators, and their associated systems and equipment within the Metro Gateway Headquarters Building, for an NTE amount of $11,890,099 for the five-year base period, and $5,063,368 for the one, two-year option, for a total combined NTE amount of $16,953,467, effective May 1, 2024, subject to resolution of any properly submitted protest(s), if any, and;

C. EXECUTE individual contract modifications within the Board approved contract modification authority.

Attachments: Attachment A - Procurement Summary
Attachment B - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

33. SUBJECT: FAMILY MEDICAL LEAVE ACT/CALIFORNIA FAMILY RIGHTS ACT PROGRAM THIRD-PARTY ADMINISTRATOR SERVICES 2024-0093

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. PS112527000 to Total Administrative Services Corporation (TASC) to support the centralization of the management and administration of the Family Medical Leave Act and the California Family Rights Act (FMLA, CFRA or collectively, “FMLA/CFRA”) in the not-to-exceed (NTE) amount of $1,959,320 for the four-year base term, with two, two-year options in the amount of $996,160 for each option, for a total NTE amount of $3,951,640, effective May 1, 2024, subject to resolution of any properly submitted protest, if any.

Attachments: Attachment A - Procurement Summary
Attachment B - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

34. SUBJECT: TRANSIT AMBASSADOR PILOT PROGRAM SERVICES 2024-0022

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Contract No. PS88001001 with Strive Well-Being to continue to provide Transit Ambassador Pilot Program services in the amount of $7,200,000, increasing the current three-year base not-to-exceed contract value from $16,403,235 to $23,603,235.

Attachments: Attachment A - Procurement Summary
Attachment B - Contract Modification Change Order Log
Attachment C - DEOD Summary

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE MADE THE FOLLOWING RECOMMENDATION (4-0):

37. SUBJECT: CONTRACT MODIFICATIONS FOR RENEWABLE NATURAL GAS (RNG) CONTRACTS 2024-0026

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to:

A. EXECUTE Modification No. 6 to Contract No. OP73960000 with Clean Energy Renewable Fuels, LLC. to increase the contract value by $20,204,040 from $56,048,630 to $76,252,670 and extend the contract performance end date by seventeen months from July 31, 2024, to December 31, 2025, to provide renewable natural gas to five bus operating divisions;

B. EXECUTE Modification No. 4 to Contract No. OP59812000A with Clean Energy Renewable Fuels to increase the 5-year base contract value by $22,023,615 from $43,626,286 to $65,649,901;

C. EXECUTE Modification No. 3 to Contract No. OP59812000B with Shell Energy North America (US) to increase the 5-year base contract value by $4,224,175 from $10,888,120 to $15,112,295; and

D. EXECUTE Modification No. 2 to Contract No. OP59812000C with Trillium USA Company, LLC. to increase the 5-year base contract value by $7,112,949 from $12,379,477 to $19,492,426.

Attachments:

Attachment A - Procurement Summary OP7396000 Clean Energy

Attachment B - Contract Mod Change Order Log OP7396000 Clean Energy

Attachment C – DEOD Summary OP7396000 Clean Energy

Attachment D - Procurement Summary OP59812000A Clean Energy

Attachment E - Contract Mod Change Order Log OP59812000A Clean Energy

Attachment F - DEOD Summary OP59812000A Clean Energy

Attachment G - Procurement Summary OP59812000B Shell Energy

Attachment H - Contract Mod Change Order Log OP59812000B Shell Energy

Attachment I - DEOD Summary OP59812000B Shell Energy

Attachment J - Procurement Summary OP59812000C Trillium USA

Attachment K - Contract Mod Change Order Log OP59812000C Trillium

Attachment L - DEOD Summary OP59812000C Trillium

Presentation

SUBJECT: GENERAL PUBLIC COMMENT 2024-0201

RECEIVE General Public Comment

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

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

Adjournment

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

Metro

Board Report

File #: 2024-0200, **File Type:** Oral Report / Presentation **Agenda Number:** 4.

REGULAR BOARD MEETING
MARCH 28, 2024

SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER

RECOMMENDATION

RECEIVE report by the Chief Executive Officer.

Report by the CEO
Item #4

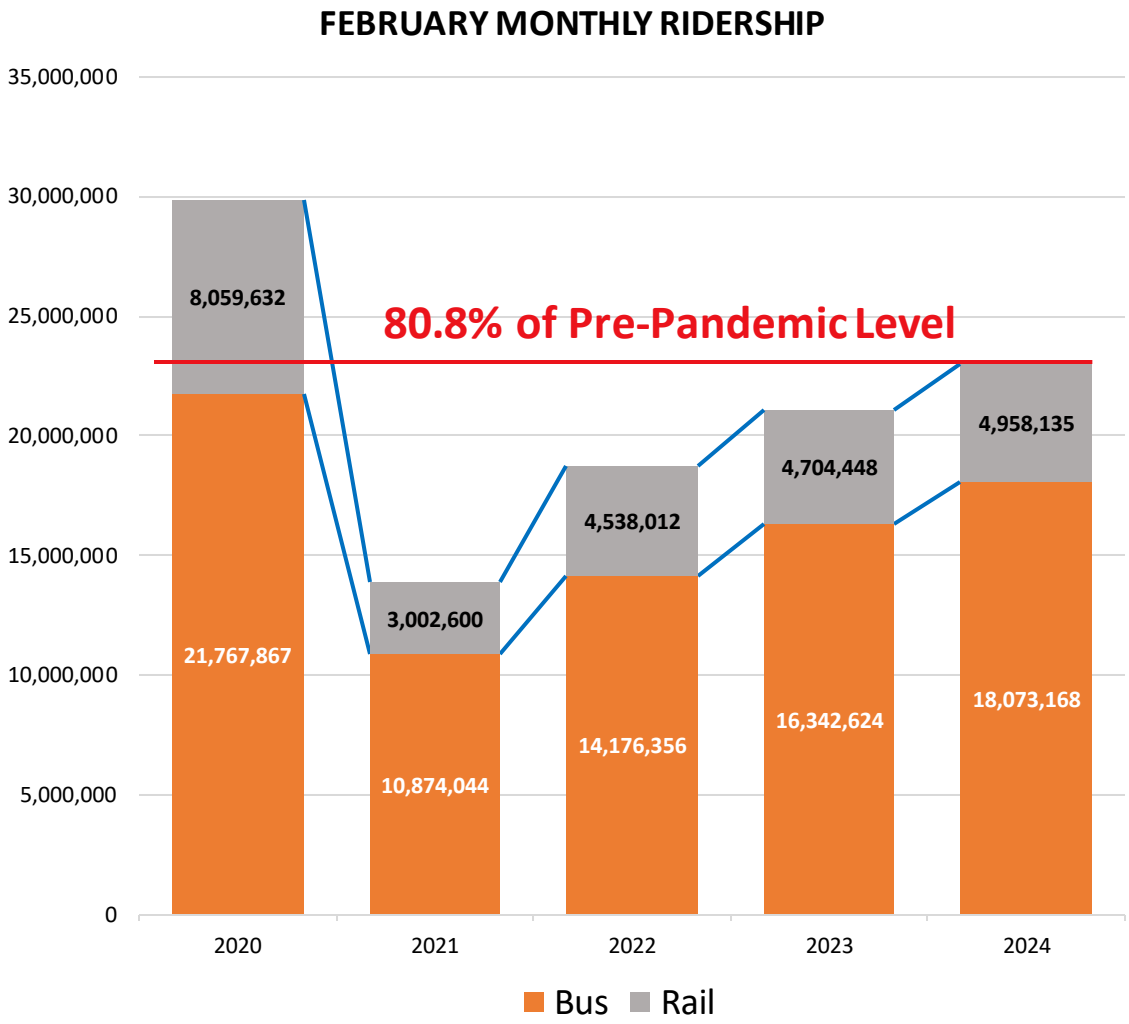


Metro

CHIEF EXECUTIVE OFFICER

March 2024

February 2024 Ridership



Highlights

- 15th consecutive month of year-over-year ridership gains
- Weekend bus exceeded its pre-pandemic level
- Ridership growth despite storm impacts

Happy Women's History Month!



Transit Operator Appreciation Day









NATIONAL Transit Employee APPRECIATION DAY MARCH 18, 2024

César Chávez Day



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

File #: 2023-0751, **File Type:** Contract **Agenda Number:** 15.

REVISED
PLANNING AND PROGRAMMING COMMITTEE
MARCH 20, 2024

SUBJECT: JOINT DEVELOPMENT BENCH AND EXCLUSIVE NEGOTIATION AGREEMENT

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER:

A. APPROVING the creation of a bench of qualified developers eligible to respond to Requests for Proposals (RFP) for the joint development of the "10K Sites" to be in effect for three years, with the option to extend for two additional one-year periods for up to five years total (Attachment A);

B. APPROVING the Summary of Key Terms and Conditions (Attachment B) for 10K Sites' Exclusive Negotiation Agreements (ENAs); and

C. DELEGATING authority to the Chief Executive Officer, or their designee, to execute the ENAs following a competitive RFP process for the joint development of the 10K Sites.

DUPONT-WALKER AMENDMENT: Report back on the ENA template to clearly communicate participation with community-based organizations (CBOs), allowing for community development-based organizations (CDBOs) to work directly with Metro as the prime or sub-prime contractor. This would allow for CBO/CDBO participation, not exclusive of the Joint Development Bench. Include engagement with general contractors and subcontractors for the inclusion of Small Business Enterprise, Disadvantaged Business Enterprise, Disabled Veterans Business Enterprise, and Minority Women Business Enterprise.

DUTRA AMENDMENT: Directed the CEO to improve the contract language for RFPs and to work with the cities to help streamline the entitlement process and work with the developers to streamline the capital stack.

ISSUE

In April 2023, the Board adopted 27 strategies to accelerate the creation of 10,000 new housing units on 20 Metro-owned sites located throughout Los Angeles County (10K Sites) by 2031. Those

strategies included accelerating the developer selection process by creating a Developer Bench and standardizing and expediting the negotiations process with the Board-approved ENA Summary of Key Terms and Conditions (ENA Key Terms).

The longest phase of the Joint Development (JD) process has typically been the exclusive negotiations phase, during which the developer initiates developer-led outreach, refines the project design, secures entitlements, negotiates Joint Development Agreement (JDA) and Ground Lease terms with Metro, and identifies financing sources to construct the project. Recent changes in state and local laws and policies designed to accelerate the delivery of affordable housing near transit have significantly shortened the time required to secure project entitlements. These changes have created an opportunity to accelerate the remaining tasks to be completed during the ENA phase to accelerate housing production and minimize challenges and uncertainty for Metro's development partners. Along with the Developer Bench recommendations, staff is seeking Board approval of the ENA Key Terms that would be included in the standard ENA that Metro would enter into with Qualified Developers from the Developer Bench to develop 10K Sites.

BACKGROUND

In response to the countywide housing affordability crisis, in 2021 the Board adopted an updated JD Policy and established a ten-year goal of completing 10,000 housing units, at least 5,000 of which will be income-restricted by 2031. In July 2021, staff obtained a $1,600,000 grant from the Southern California Association of Governments (SCAG) to complete an in-depth analysis of Metro's JD process and potential development sites. The analysis formed the basis of acceleration strategies designed to overcome existing hurdles to project delivery without sacrificing community input and quality projects. In April 2023, the Board adopted the acceleration strategies along with a list of sites suitable for development and available in the timeframe required to meet the 2031 deadline. The strategies, together with the proposed adoption of the Developer Bench and ENA Key Terms, are anticipated to reduce the timeline for JD projects from an average of 10 years to an average of five years.

DISCUSSION

Request for Qualifications - Developer Bench

Historically, a developer for each joint development site has been procured separately, which lengthened the time needed to produce housing and required extensive staff time. To minimize the time and expenditure of resources required of both Metro staff and developers, JD staff released an RFQ in August 2023 to establish a bench of developers eligible to propose on future 10K Sites, as depicted in Attachment C. The RFQ was structured to reduce barriers to participation in the joint development of the 10K Sites. Applicants were required to submit their experience and credentials but were not required to prepare site-specific visioning or analysis. The Developer Bench will be in effect for three (3) years, with the option to extend for two (2) additional one (1) year periods for up to five (5) years total.

On July 13, 2023, Metro's JD Department hosted a Developers Industry Forum to build interest

amongst non-profit and for-profit real estate development firms in the RFQ. The forum was held at the historic Union Station Ticketing Concourse and had over 160 attendees. The RFQ was advertised through several professional planning and housing-focused organizations and posted on the JD website. Availability of the RFQ was also announced via email to Developer Industry Forum registrants and attendees, the State of California's Housing and Community Development interested developers list, and the JD developer opportunities interest list, representing over 6,700 email addresses.

Qualified Developers must sustain and abide by the obligations, terms, and conditions incumbent upon Qualified Developers under the RFQ to remain on the Developer Bench. Furthermore, no Qualified Developer is guaranteed to be awarded an ENA to develop a 10K Site, as the awarding of an ENA will be determined pursuant to the subsequent RFP process for developing a 10K Site. Qualified Developers will be required to execute an agreement (Bench Agreement) confirming their understanding of the foregoing, following Board approval of the Developer Bench. Through the RFP process, Qualified Developers will be encouraged to form teams that include local Community Based Organizations and provide opportunities for Metro-certified Small Business Enterprises (SBE), Disadvantaged Business Enterprises (DBE), Disabled Veterans Business Enterprises (DVBE), and Minority and Women Business Enterprises for the delivery of professional or construction services.

Community-Based Development Organizations (CBDOs)

Metro strongly encouraged community-based development organizations (CBDOs) rooted in the communities in which the 10K Sites are located to respond to the RFQ. Staff conducted targeted outreach to CBDOs to promote the Industry Forum. Harnessing the local expertise of CBDOs will help Metro effectuate meaningful community engagement and develop JD projects that include elements that benefit, enhance, and respond to the needs of surrounding communities. Following input from local community organizations and developers, Metro defined a CBDO as "a nonprofit, tax-exempt, housing developer with a commitment to a geographic community and a stated intention of generating community scale outcomes including building wealth, increasing economic stability, improving health, or advancing equity through its projects and programs or partnerships with other organizations." CBDOs were asked to complete a self-certification form and awarded additional points in the RFQ application evaluation if they met the established CBDO definition. Twenty-five applicants who responded to the RFQ met Metro's definition of a CBDO, all of whom are being recommended to be added to the Developer Bench. Qualified Developers who are not CBDOs will be encouraged to partner with CBDOs at the RFP phase. Teams that include CBDOs will be awarded additional points in the RFP scoring process.

Standardizing and Streamlining Exclusive Negotiation Agreements (ENAs)

The ENA Key Terms will be critical to successful partnerships between Metro and Qualified Developers. In October 2023, Metro invited all applicants who responded to the RFQ to comment on a template ENA. A draft of the template ENA and comment form were provided. The provision of this opportunity to comment on the draft template ENA did not obligate Metro to incorporate any comments or suggested edits from developers into the template ENA. In December 2023, five applicants submitted approximately 22 comments on the template ENA. Most of the comments were

general questions related to Metro's JD process. Staff will address these questions in future site-specific RFPs. Staff and County Counsel have revised the template ENA and ENA Key Terms to address relevant comments such as clarification of liquidated damages, the ENA Schedule of Performance deliverables, and the ENA Administration fee. Comments on the draft template ENA were not considered in the RFQ evaluation and will not be considered in the RFP evaluation processes.

Although historically the Board has approved the ENA for each joint development site, there is no requirement for Board approval as an ENA does not convey any property rights or obligate Metro to make any payments. The Board approved the 10K Sites (April 2023), and with this action, it would approve the Developer Bench and the ENA Key Terms. Staff will conduct a competitive process within the Developer Bench and execute an ENA consistent with the Board-approved ENA Key Terms with the selected Qualified Developer. Updates on developer selection, project proposals, and other significant milestones will be reported to the Board and public through a dashboard. Board approval will still be required to enter into a JDA and Ground Lease (as those do convey long-term property rights).

DETERMINATION OF SAFETY IMPACT

The approval of the Developer Bench will not impact the safety of our customers and employees.

FINANCIAL IMPACT

Approval of these recommendations will not impact the existing FY24 budget for Cost Center 2210 (Joint Development), Project#401300 "Joint Dev. 10K Homes". JD staff have requested FY25 funding to support the release of the site-specific RFPs to the Developer Bench. Future ENAs will require developers to pay a $50,000 to $150,000 (depending on the complexity of the JD site) ENA administration fee to cover certain Metro project-related expenses. In the unlikely event of a default under an ENA (in 20 years Metro has never defaulted under a joint development ENA), Metro's exposure would be limited by liquidated damages not to exceed $250,000.

EQUITY PLATFORM

The goal of the Developer Bench is to expedite the JD developer procurement process. This will enable Metro staff and development partners to create more housing as quickly as possible for Los Angeles County residents, particularly low-income households facing systemic inequities that make achieving better health, economic, and educational outcomes harder than higher-income households.

Points were awarded in RFQ application evaluations to applicants who met Metro's CBDO definition and/or demonstrated experience successfully creating opportunities for community-based organizations (CBOs), Metro-certified Small/Disadvantaged Business Enterprises (SBE/DBE), Disabled Veterans Business Enterprises (DVBE), and/or local businesses. In future site-specific RFPs, proposals will be awarded additional points in evaluations if a CBDO is the lead developer or if a non-CBDO has committed to a partnership with a CBDO. The intent is to build relationships with these community organizations, strengthen their capacity, and integrate public benefits into the

developments that provide value to the surrounding community beyond just housing. In future RFPs, Metro will also strongly encourage Qualified Developers to leverage 10K Sites to create opportunities for CBOs, such as leveraging Metro's new CBO Database, Metro-certified SBE/DBE/DVBE firms, and/or local businesses through subleasing or as providers of community, professional, and/or construction services.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

By approving these recommendations to support the acceleration of JD projects, Metro will advance Vision 2028 Strategic Plan Goal #3, "to enhance communities and lives through mobility and access to opportunity," by activating several transit-oriented communities with catalytic development projects that will bring housing, jobs, and services to neighborhoods across the Metro system and Los Angeles County at large.

ALTERNATIVES CONSIDERED

The Board could defer or deny approval of the recommendations. This is not recommended as it would be unlikely Metro could meet the 10,000-unit mandate by 2031, and it would constrain Metro from contributing to urgently-needed solutions to the regional housing shortage.

NEXT STEPS

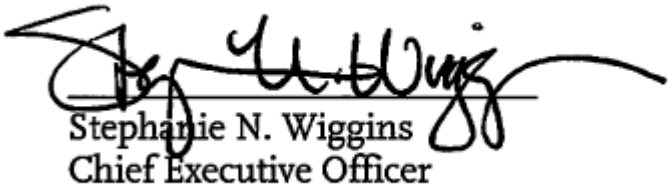
Upon Board approval, staff will execute Bench Agreements with each Qualified Developer. Staff will develop and execute a community outreach plan in which the 10K Sites are situated to gather community input, which will then inform RFP evaluation criteria. Staff will then invite the Developer Bench to respond to site-specific RFPs for 10K Sites. After RFP evaluations are completed and a Qualified Developer is selected, staff will execute an ENA consistent with the Board-approved ENA Key Terms. The Board will be notified of developer selection, project proposals, and other significant project milestones. Once the project entitlements are in place, staff will return to the Board for approval of JDA and Ground Lease terms.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Summary of Key ENA Terms
Attachment C - 10K Sites

Prepared by: Nicole Velasquez Avitia, Senior Director - Countywide Planning & Development, (213) 314-8060
Wells Lawson, Deputy Executive Officer - Countywide Planning & Development, (213) 922-7217
Nick Saponara, Executive Officer - Countywide Planning & Development, (213) 922-4313
Holly Rockwell, Senior Executive Officer - Countywide Planning & Development (213) 922-5585

Reviewed by: Ray Sosa, Chief Planning Officer (213) 547-4274



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

JOINT DEVELOPMENT REQUEST FOR QUALIFICATIONS #1 – DEVELOPERS

1.	**Contract Number**: **Joint Development Request for Qualifications – Developers #1**	
2.	**Recommended Vendor**: See Section B. below.	
3.	**Type of Procurement (check one):** ☐ **IFB** ☐ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order** ☒ **Joint Development**	
4.	**Procurement Dates**:	
	A. Issued: August 30, 2023	
	B. Advertised/Publicized: August 31, 2023 – October 11, 2023	
	C. Pre-Submittal Conference: September 18, 2023	
	D. Applications Due: October 11, 2023	
	E. Pre-Qualification Completed: N/A	
	F. Conflict of Interest Form Submitted to Ethics: October 12, 2023	
	G. Protest Period End Date: March 25, 2024	
5.	**Solicitations Picked up/Downloaded**: N/A. The RFQ and application were made available on the Joint Development website. Staff encouraged potential applicants to submit an Interest Form. 194 Interest Forms were received.	**Proposals Received**: 89 (5 non-responsive)
6.	**Contract Administrator**: Nicole V. Avitia	**Telephone Number**: 213-314-8060
7.	**Project Manager**: Nicole V. Avitia	**Telephone Number**: 213-314-8060

A. Procurement Background

This Board Action is to approve adding the qualified developers listed in Section B to the Joint Development (JD) Developer Bench. Board approval of the Developer Bench is subject to resolution of any properly submitted protest.

In order to expedite the completion of JD projects, staff released a Request for Qualifications (RFQ) on August 30, 2023 to identify potential developers based on general qualifications, community development experience, financial capacity and experience, and demonstrated experience as a Community-Based Development Organization (CBDO). In concert with the joint development acceleration strategies adopted by the Metro Board of Directors in April 2023 and with the support of the Chief Executive Officer (CEO), JD staff led this RFQ using specific and well-defined protocols consistent with Metro's Acquisition Policy (AQ-1 and ACQ-2).

If the Board approves creating the Developer Bench, staff will execute a Bench Agreement with the Qualified Developers and issue site-specific Request for Proposals (RFPs) for the joint development of 10K Sites. Only Qualified Developers on the Developer Bench may respond to those site-specific RFPs. The RFPs will require applicants to submit a development plan for each site along with a financial proposal, project team composition, and phasing schedule.

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

- Amendment No. 1, issued on October 4, 2023, clarified deadlines, who would be invited to comment on the template Exclusive Negotiations Agreement (ENA), and provided a revised RFQ Application Form with corrected formatting inconsistencies.

A pre-submittal conference for the RFQ was conducted virtually on September 18, 2023 and was attended by 258 people representing 176 firms. Over 130 questions were submitted by potential applicants and on October 4, 2023, staff issued a Frequently Asked Questions document via email to 6,700 recipients including the Joint Development Developer Opportunities and RFQ interest lists.

89 applications were received on October 11, 2023. Five of those applications were submitted after the deadline and/or were incomplete and therefore considered non-responsive. Metro's staff received one written response on October 25, 2023, to challenge Metro's rejection of their application. Through our review, it was determined that the applicant submitted a late and incomplete application that did not meet our initial threshold review. In accordance with Metro's Protest procedures, the rejection of an application or proposal does not qualify as an action that can be protested. Therefore, the correspondence received did not constitute a formal protest. A written response was emailed to the applicant on December 14, 2023 to explain our findings.

B. Evaluation of Applications

A Proposal Evaluation Team (PET) consisting of staff from Metro Joint Development, Development Review, Program Management, Community Relations, and Office of Equity and Race was convened and conducted an evaluation of the 84 applications received.

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

- Applicant/Principal's Qualifications, Skills, and Experience 45 percent
- Community Development Experience 30 percent
- Financial Capacity/Experience and Compliance 20 percent
- Community-Based Development Organization 5 percent

The evaluation criteria were appropriate and consistent with criteria developed for other, similar Joint Development procurements. Several factors were considered when developing these weights, giving the greatest importance to experience in housing/mixed-use projects, design, transit integration, experience working with public agencies, and community development expertise.

A PET meeting was held on December 14, 2023. JD staff provided an overview of the RFQ including the evaluation criteria and instructions. Given the volume of applications, staff summarized submittal information into one spreadsheet. This spreadsheet along with the evaluation form was provided to the PET on December 19, 2023. The PET submitted their initial scores on January 8, 2024. The PET met on January 18, 2024 and decided that of the 84 applications evaluated, 80 were determined to "meet expectations." The intent of this RFQ is to identify firms that meet a critical threshold of expertise and experience in order to expedite the evaluation of proposals to be submitted in the RFQ phase. Thus, for most of the criteria, the PET scored only whether the firm's response: a) did not meet expectations; b) met expectations; or c) exceeded expectations. Firms that met expectations were deemed to be qualified to respond to a future RFP. The 80 firms within the competitive range are listed below in alphabetical order:

1. A Community of Friends*
2. Abode Communities*
3. Affirmed Housing Group LLC
4. Akin Co.
5. Alliant Strategic Development
6. American Family Housing*
7. Azure Community Development*
8. Baker Tilly US, LLP — Jeff Oviedo & Associates Inc.
9. BRIDGE Housing Corporation
10. Brilliant Corners*
11. California Landmark Group
12. Camden Securities Company
13. Century Affordable Development*
14. Cesar Chavez Foundation*
15. Cityview
16. Civic Enterprise
17. Clifford Beers Housing (Holos Communities)*
18. Coalition for Responsible Community Development*
19. Community Corporation of Santa Monica*
20. Community Development Partners
21. Community HousingWorks
22. Cowley Real Estate Partners
23. CTY Housing
24. Cypress Equity Investments
25. Decro Corporation*
26. Decro-RMG*
27. Develop With Skill
28. DignityMoves*
29. EAH Housing
30. Eden Housing
31. Ethos Project Holdings LP
32. GHK Properties, LLC

33. Hollywood Community Housing Corporation*
34. Innovative Housing Opportunities
35. Jamboree*
36. JPI
37. LA Family Housing*
38. Laing Companies LLC
39. Lendlease Development Inc.
40. Linc Housing Corp*
41. Lincoln Property Company
42. Lowe
43. MacFarlane Partners
44. McCormack Baron Salazar
45. Menorah Housing Foundation*
46. Mercy Housing
47. MSquared
48. National Community Renaissance of California*
49. New Economics for Women*
50. Orion Capital
51. PATH Ventures
52. Praxis Development Group
53. Primestor Development
54. Republic Metropolitan
55. Self-Help Ventures Fund
56. SoLa Impact
57. SRM Development
58. SuperLA
59. The Kelsey
60. The Max Collaborative
61. The Michaels Development Company
62. The Olson Company
63. The People Concern*
64. The Pinyon Group
65. The Related Companies of California
66. The Roberts Group
67. The Urban Coalition
68. The Urban House
69. Thomas Safran & Associates Development
70. Trammell Crow Company
71. Treehouse
72. Ulysses Development Group
73. USA Properties Fund
74. Venice Community Housing*
75. Wakeland Housing
76. Waterford Property Company
77. Weingart Center Association*
78. West Hollywood Community Housing Corporation*

79. Women Organizing Resources, Knowledge and Services (WORKS)*
80. WPH Holdings

* Denotes applicant is a CBDO. As described in the Board Report, applicants who believed they met the established CBDO definition were asked to complete a self-certification form and awarded additional points in RFQ application evaluations if they met the established CBDO definition.

The PET determined that four of the applicants did "not meet expectations" and are not included in staff's recommendation to be added to the Developer Bench. Some of these firms' application narratives failed to demonstrate experience incorporating transit-oriented features into developments, developing adjacent to transit infrastructure, public/private partnerships, and/or implementing comprehensive community engagement strategies. Most of these narratives failed to provide adequate details or specific examples required to be considered in the competitive range. The four firms determined to be outside the competitive range are listed below in alphabetical order:

1. [oo-d-a] studio, inc
2. 1010 Development
3. Center for Pacific Urbanism
4. Keyvan Moradian

Qualifications Summary of Firms within the Competitive Range:

The 80 firms determined to be within the competitive range were chosen based on their experience expeditiously constructing and/or operating housing/mixed-use projects, high-quality project design, transit integration, experience working with public agencies, and/or community development expertise. These firms provided detailed narratives highlighting engagement strategies with significant stakeholder outreach for development projects in Los Angeles County or other diverse communities. Firms also demonstrated financial capacity through experience securing financing for multiple phases of real estate development, including innovative financing strategies.

D. DEOD Summary

Metro strongly encouraged CBDOs that are rooted in the communities in which the 10K Sites are located to respond to the RFQ and conducted targeted outreach to CBDOs to promote the July 2023 Developers Industry Forum discussed in the Board Report. By harnessing the local expertise of CBDOs, Metro can effectuate meaningful community engagement and develop JD projects that include elements that benefit and enhance the surrounding communities. Applicants who met Metro's CBDO definition and/or demonstrated experience successfully creating opportunities for community-based organizations (CBOs), Metro-certified Small/Disadvantaged Business Enterprises (SBE/DBE), Disabled Veterans Business Enterprises (DVBE)

firms and/or local businesses were awarded additional points in the RFQ application evaluations. In future site-specific RFPs, proposals will be awarded additional points in evaluations if a CBDO is the lead developer, or if a non-CBDO has committed to a partnership with a CBDO. Metro will also encourage Qualified Developers to create opportunities to include Metro-certified SBE/DBE/DVBE firms and/or local businesses in their projects, through professional or construction services.

Attachment B

SUMMARY OF KEY ENA TERMS

Below is a summary of key terms and conditions for a template Exclusive Negotiation Agreement (ENA). Any ENA that deviates from or is inconsistent with this summary will require Board approval for execution. For purposes of this document, "Developer" means the Developer selected from the Developer Bench following the issuance of an RFP for the joint development of a 10K Site. "Project" means the housing project proposed by the Developer; and "Project Site" refers to the 10K Site, provided that on some projects, the Project Site may also include adjacent property owned or controlled by the Developer. Metro and Developer may be referred to individually as "Party" or collectively as "Parties" in this summary.

1. **Term**. The initial term of the ENA is twelve (12) months (Term). The Term may be extended by Metro staff in twelve (12) month increments if Developer is making substantial progress toward completing the transaction, not to exceed a total of sixty (60) months.

2. **Right to Terminate**. The ENA may be terminated early by either Party in limited circumstances, including: (i) the transaction is not reasonably likely to be completed; (ii) the Project is infeasible or cannot be financed; (iii) the Project is not likely to be constructed in a reasonable timeframe; (iv) the non-terminating party is in default under the ENA; or (v) certain title issues are present. Additionally, Metro may terminate without cost or penalty if Metro staff determines that the process followed to enter into the ENA or Developer's proposed Project does not comply with the Surplus Land Act.

3. **ENA Administration Fee**. Developer must pay a nonrefundable fee to Metro prior to the ENA's effective date to cover Metro's costs during the Term and to compensate Metro for exclusively negotiating with the Developer. The nonrefundable fee will be $50,000 or more, depending on project size and complexity.

4. **Agreement to Negotiate Exclusively in Good Faith; No Metro Commitment to Any Project or Funding**.
   - The Parties will exclusively negotiate in good faith during the Term. The ENA itself does not establish the terms of a future ground lease, joint development agreement (JDA) or any other Project-related agreements (Project Agreements) necessary to convey and develop the Project Site with the Project.
   - The ENA does not commit Metro to approving the Project, approving other proposed improvements to the Project Site or to entering into any of the Project Agreements. Metro retains absolute sole discretion to request modifications to the Project, to impose mitigation measures, to evaluate Project alternatives (including the no project alternative), and to reject the Project as may be necessary to comply with CEQA.
   - The ENA also does not commit Metro to funding, subsidizing, or otherwise financially contributing to the Project. Metro will retain its full discretion as to approval of the Project contemplated by the ENA.

5. **Documents to be Negotiated; Metro Retained Rights.**
    - The Parties will negotiate key terms for a JDA and form of ground lease (Term Sheet) for consideration by Metro's Board of Directors (Board). The Term Sheet will include the key terms and conditions that will be incorporated into the Project Agreements. Metro must receive Board authorization to execute the Project Agreements and such authorization will not be requested until all of the following have occurred: (i) the Term Sheet and the form of the JDA are agreed upon by the Parties; (ii) Metro staff has determined that all necessary CEQA-related documents have been prepared; and (iii) Metro staff has secured any required approval or concurrence of the Project (or the execution of the Project Agreements) by all applicable governmental or other funding entities.
    - Each Party may decline to enter into any subsequent agreement (including any of the Project Agreements) if the Parties fail to agree upon mutually satisfactory terms. Except as provided in the ENA, neither Party has any duty, obligation, or liability under the ENA if the Parties fail to timely agree upon and execute the Project Agreements.
    - If the Parties proceed with the transaction and the Project Agreements, Metro will retain certain rights with respect to the property to be ground leased (subject to limitations) throughout the life of the Project, as may be required by Federal Transit Administration funding. Those rights include, but are not limited to: (i) the right to install, operate and maintain public transit facilities; (ii) the right to install and maintain informational signage; (iii) the right to utilize sidewalks and common areas for pedestrian access and operations related to transit activities; (iv) inspection rights; and (v) all other rights not expressly granted to Developer in the ground lease.
6. **Schedule of Performance.** The ENA's Schedule of Performance contains key milestones for moving the Project forward. The milestones include, but are not limited to, public outreach requirements, title work, submittal of designs, CEQA compliance, entitlement submittal and Project proforma/financing plan submittal. Subject to a Valid Unavoidable Delay (discussed in Section 17 below), time is of the essence with respect to each Party's obligations under the Schedule of Performance. Failure of a Party to meet the milestones set forth in the Schedule of Performance shall constitute a breach under the ENA.

7. **Environmental Review.** Developer is responsible for all costs associated with CEQA compliance. Developer is responsible for preparing and submitting all Project-related CEQA documents (CEQA Documents) to the governmental agency with legal authority to issue entitlements for the Project (Entitling Authority), subject to Metro staff's advance review and approval. Metro will exercise its independent judgment and analysis in connection with any Project-related environmental reviews and will make its own determination as to what is required for Metro to satisfy the requirements of CEQA. Accordingly, Metro may require Developer to complete alternative CEQA studies and/or an alternative method to comply with CEQA than the Entitling Agency. These costs shall also be borne entirely by Developer.

8. **Project Entitlements.** Developer must prepare and submit all Project-related entitlement applications (Entitlement Applications) to the Entitling Authority, subject to Metro staff's advance review and approval. Developer is responsible for all costs associated with the Entitlement Applications. If Developer abandons an Entitlement Application for any reason, Metro may take over such application and Developer will cooperate with Metro to complete the entitlement process started by Developer. If the Project is not built, Developer will cooperate with Metro to remove any Project-related entitlements and/or encumbrances affecting Metro's property.

9. **Provision of Development Documents.** In addition to the CEQA Documents and the Entitlement Applications, Developer shall prepare at its sole cost and expense, but subject to Metro staff's independent review and judgment, all plans (including schematic design drawings) and other reports, investigations, studies, and related documents with respect to the Project Site, the Project, and Developer's intended use of the Project Site (collectively, Development Documents). In addition to the foregoing, Developer shall include in its contractors' and consultants' contracts, the right of Developer to assign the Development Documents to Metro.

10. **Ethics.** Developer (and Developer team members, as required by Metro Ethics) must remain in full compliance with: (i) Titles 4 (Procurement) and 5 (Ethics) of the Metro Administrative Code (Admin Code); (ii) all applicable provisions of Government Code sections 1090 and 87100 et seq.; and (iii) regulations governing campaign contributions to Board members imposed by Public Utilities Code section 130051.20, Government Code section 84300 et seq., and the Admin Code. Developer must also submit updated ethics declarations as required by Metro.

11. **Coordination.** Developer shall notify Metro regarding substantive meetings with governmental authorities concerning the Project, and Metro may participate in such meetings, at its discretion. The Parties will coordinate with each other and hold progress meetings to ensure compliance with the ENA.

12. **Community Outreach Plan.** Developer will perform community outreach in accordance with a Metro-approved community outreach plan attached to the ENA.

13. **Inspections.** Developer may conduct such due diligence inspections as the Parties deem necessary during the course of the Term to determine the condition of the Project Site and/or the Project's feasibility. Developer's entry onto the Project Site for such inspections will be in accordance with the terms and conditions of a right of entry agreement executed between the Parties. If the Project Site includes Developer-controlled property, Developer will similarly grant Metro with access to such property to conduct inspections.

14. **Title & Survey Review**. The Parties will conduct survey and title review for the Project Site. Specified title issues may be grounds for the ENA's early termination.

15. **Design Review**.
    - The design of the Project shall be at Developer's sole cost and expense.
    - Developer shall prepare and submit to Metro staff the initial set of schematic design drawings for the Project, which represents a Logical Evolution of Developer's conceptual plan. Within this context, "Logical Evolution" means the further development, refinement, or amplification of the conceptual plan that flows logically, naturally, and foreseeably from the conceptual plan, and reflects (among other things) good architectural and engineering design, and complies with the terms of the ENA and all legal requirements. The schematic design drawings must be prepared by a qualified and licensed architect and/or engineer, as applicable.
    - Metro staff shall have the right to review and approve, disapprove, or request changes to the schematic design drawings, Project development schedules, and proposed methods of construction for all Project improvements. During this process, any Metro staff determination regarding possible impacts on Metro's Development Related Concerns (as defined) shall be made in Metro's sole and absolute discretion. Among other things, Metro's Development Related Concerns include: (i) Metro's operations, including its ability to install, inspect, operate, maintain, repair, and replace public transit facilities; (ii) Metro's exercise of rights

retained under the ENA; (iii) public health and safety; and (iv) access to and from Metro's property.

16. **Indemnity & Insurance.**
    - Except for claims arising solely from Metro's gross negligence or willful misconduct, Developer will indemnify, defend (with counsel approved by Metro) and hold harmless Metro and the Metro Parties (as defined) from specified Project-related liability, claims, losses, costs, expenses or damages arising from or caused by Developer and the Developer Parties (as defined).
    - Developer must obtain for itself, and the Developer Parties, insurance in accordance with Metro's requirements.

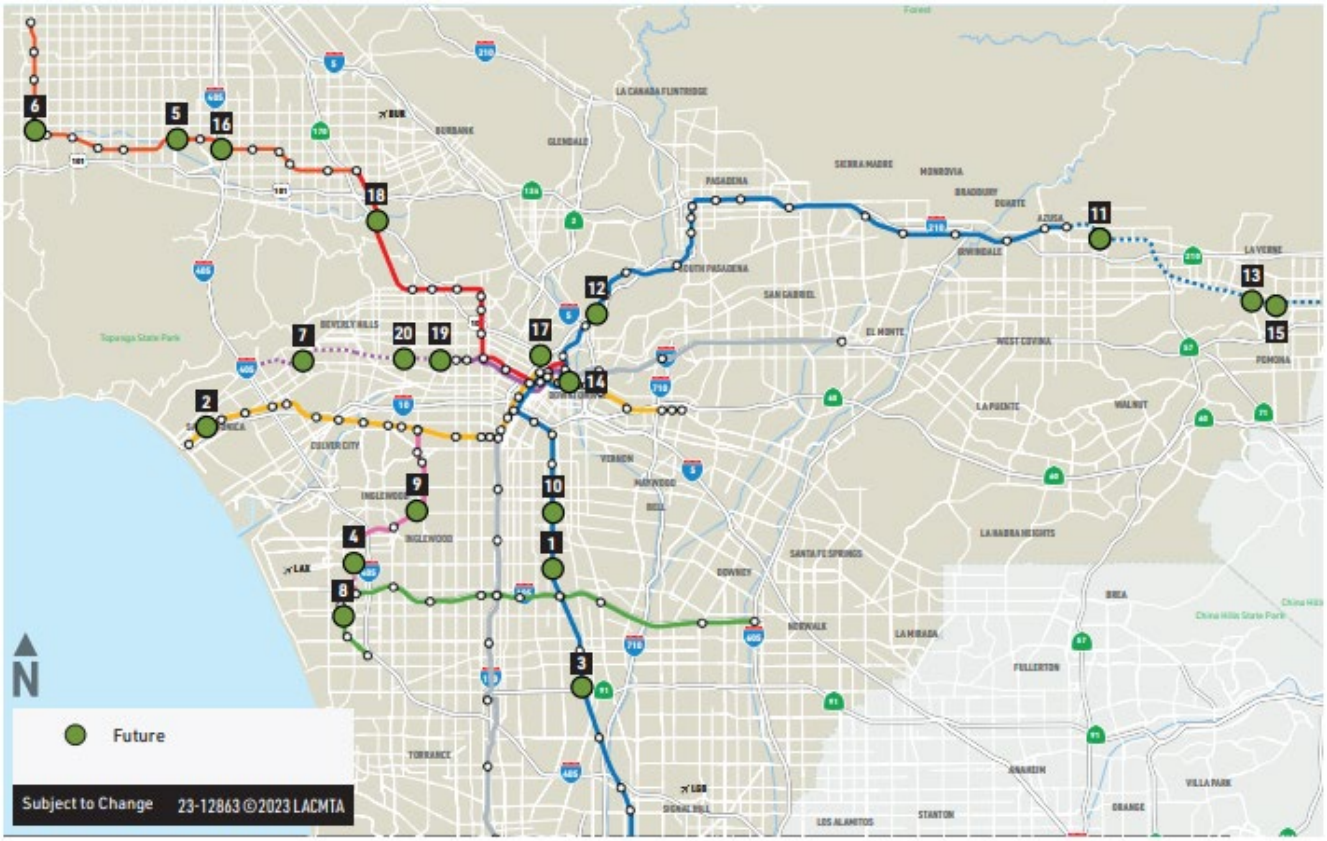
17. **Breach & Default**.
    - A Party is in breach under the ENA if it fails to: (i) perform any obligation, or to comply with any covenant, restriction, term or condition in the ENA; or (ii) meet the milestones set forth in the Schedule of Performance.
    - Subject to limited exceptions, a breach will become a default if the aggrieved Party provides written notice to the Party committing the breach and the breaching Party thereafter fails to cure within a specified time period. The breaching Party can extend its time to cure if there is a "Valid Unavoidable Delay," which is a delay agreed upon by both Parties as being valid and unavoidable, in accordance with a process provided under the ENA (e.g., this may include a force majeure event). Notwithstanding, the deadline to cure a breach may not be extended due to a Valid Unavoidable Delay by more than sixty (60) days; nor may the Term be extended due to a Valid Unavoidable Delay.

18. **Upon Termination of ENA; Limitation on Metro Damages & Remedies**.
    - If the ENA expires or terminates and the Parties have not executed a JDA, then: (i) any rights or interest Developer may have under the ENA shall cease without notice; (ii) any Development Documents will become Metro's personal property; and (iii) Metro may use, develop (alone or with another entity) or dispose of the Project Site as it determines appropriate in its sole discretion.
    - If Metro defaults under the ENA (i.e., fails to perform an obligation as described in Section 17), Metro will pay Developer liquidated damages in an amount equal to not to exceed two hundred and fifty thousand ($250,000.00) (Liquidated Damages Amount). The Liquidated Damages Amount will be Developer's sole and exclusive remedy (inclusive of any attorneys' fees and costs) arising from Metro's default. Upon such a default and Metro's payment of the Liquidated Damages Amount, the ENA will terminate.

19. **Assignment**. Except as otherwise agreed to by Metro staff, Developer may not assign its rights or duties under the ENA to any other person or entity. Notwithstanding, Developer's shareholders, partners, members or other equity holders may transfer, sell, exchange, assign, or divest themselves of any interest they have in Developer so long as a change of Control (as defined) of Developer does not occur.

ATTACHMENT C

10K SITES



Future Sites

1. 103rd St/Watts Towers Station
2. 17th St/SMC Station
3. Artesia Station
4. Aviation/Century Station
5. Balboa/Victory Station
6. Canoga Park Station
7. Century City
8. El Segundo Station
9. Fairview Heights
10. Florence Station
11. Glendora
12. Heritage Square Station
13. La Verne
14. Pickle Works
15. Pomona
16. Sepulveda Station
17. Temple/Beaudry Bus Layover
18. Universal City/Studio City Station
19. Wilshire/Crenshaw Station
20. Wilshire/La Brea Station



We're supporting thriving communities.

Planning and Programming Committee
Legistar File #2023-0751
March 20, 2024

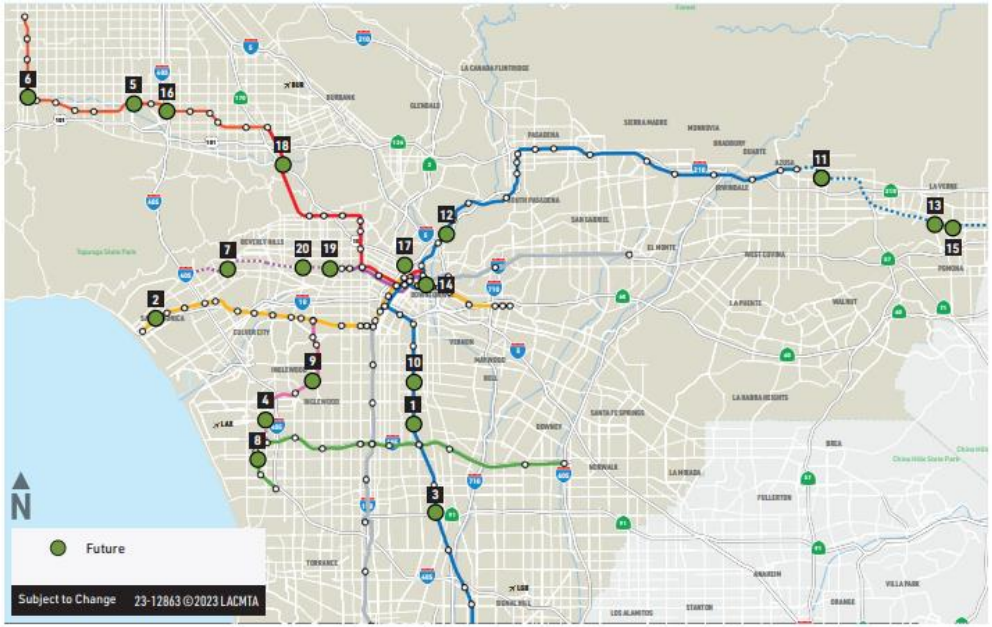
Metro

Recommendations

A. APPROVE the creation of a bench of qualified developers eligible to respond to Requests for Proposals (RFP) for the joint development of the "10K Sites" to be in effect for three years, with the option to extend for two additional one year periods for up to five years total (Attachment A);

B. APPROVE the Summary of Key Terms and Conditions (Attachment B) for 10K Sites' Exclusive Negotiation Agreements (ENAs); and

C. DELEGATE authority to the Chief Executive Officer, or their designee, to execute the ENAs following a competitive RFP process for the joint development of the 10K Sites.



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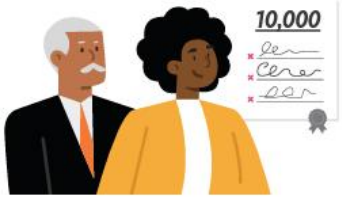
19. Wilshire/Crenshaw Station
20. Wilshire/La Brea Station

Bench Request for Qualifications (RFQ)

Developer Pre-Qualification → **Metro Board Review**





- RFQ aimed to **reduce barriers** to participation in the joint development of the 10K Sites.
- **Selected developers** will be eligible to compete for any of the "10K Sites" via the streamlined Request for Proposals (RFP) process.
- Bench developers may **partner** with one another and respond to RFPs.

Developer Bench RFQ

- **July 2023:** Joint Development Industry Forum with over 160 attendees.
- **August 2023:** RFQ advertised to more than 6,700 interested parties.
- **October 2023:** 84 responsive applications received.
- **Proposal Evaluation Team (PET):** Metro Planning, Program Management, Community Relations, and Office of Equity and Race representatives.
- **PET recommends 80** of the 84 applicants to be on the **Developer Bench**.
- 25 applicants who met established definition of a **community-based development organization (CBDO)** were awarded additional points in RFQ evaluations.

ENA Summary of Key Terms

- Non-binding, limited-term agreement to review proposed design, explore project feasibility, seek project entitlements, conduct community engagement, and negotiate terms.
- Initial 12-month term with extensions in 12-month increments. Not to exceed 60 months.
- $50,000+ ENA fee
- Limits Metro's liability to liquidated damages of no more than $250,000.
- Opportunity to comment on Template ENA provided to all Bench RFQ respondents.
- Future ENAs for 10K Sites must be consistent with the provisions and requirements included in Attachment B - Summary of Key ENA Terms.

Next Steps

- Execute bench agreements with the Qualified Developers.
- Conduct outreach to the 10K communities, which will then inform RFP evaluation criteria for each 10K Site.
- Invite the Developer Bench to respond to site-specific RFPs for 10K Sites **beginning mid-to-late 2024**.
- Complete RFP evaluations and enter into an ENAs with the selected developers.
- Updates on developer selection, project proposals, and other significant milestones will be reported to the Board and public through a dashboard.
- Return to Board after entitlements are in place for approval of terms for Joint Development Agreements (JDAs) and ground leases.

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

File #: 2024-0009, **File Type:** Informational Report **Agenda Number:** 21.

REVISED
CONSTRUCTION COMMITTEE
MARCH 21, 2024

SUBJECT: 2023 CONSTRUCTION MARKET ANALYSIS

ACTION: RECEIVE AND FILE

RECOMMENDATION

A. RECEIVE AND FILE status report on the 2023 Construction Market Analysis.

B. MOTION by Director Krekorian that the Board direct the Chief Executive Officer to implement the goals contained in the Construction Market Analysis and to report back quarterly on how to make achieving the goals more successful as well as adopting meaningful measures to facilitate and expand certification of SBEs/DBEs and increase utilization by general contractors to achieve goals.

ISSUE

The construction market in the Southern California region continues to grow rapidly. Metro alone has a $26.8 billion capital program currently underway, with additional projects in the pipeline. Other major construction programs in the region by Metrolink, Los Angeles World Airports (LAWA), Caltrans, the City of Los Angeles, Los Angeles County, and numerous private sector initiatives are also straining the regional construction market.

A construction market analysis was performed to understand better the factors influencing construction bid prices and Metro's ability to deliver the largest transportation construction program in the country. The report (Attachment A) describes the state of the construction market nationwide, regionally, and locally with insights directly from contractors. In addition, the report discusses the factors that affect Metro's ability to deliver its capital program, including perceptions of Metro as an owner, fluctuating material prices, and a lean labor supply.

BACKGROUND

Every two years, Metro prepares a construction market analysis to assess current economic conditions and the state of the construction industry. The 2023 Construction Market Analysis provides a view of the construction industry and how it may affect Metro's transit and capital program. It looks at market factors and trends within the national, state, and local economies related to construction

cost and bidding trends, the current and future amount of construction activities in the region, and macroeconomic employment trends and skilled labor availability. The 2023 Construction Market Analysis also presents contractor views of the market and Metro, as well as recommendations for the agency to consider as it continues its adaptive strategy to deliver projects successfully.

DISCUSSION

General report conclusions include the following:

- While federal monetary policy is helping to ease inflation, federal and state investment in infrastructure improvement projects is spurring construction activity and applying pressure on an already lean construction workforce.
- Material prices are leveling after experiencing extreme volatility over the past couple of years.
- Contractor feedback to Metro includes praise for the agency's move to collaborative delivery methods and engagement of the construction industry.
- Other themes that emerged from contractor feedback include:
  -
  - Some of the large contractors have made the decision to exit the market.
  - Contractors expressed concern with Metro's long and extended procurement times.
  - Contractors feel that Metro's DBE/SBE goals do not align with current market conditions and/or project scopes of work.
  - Contractors expressed concern with processes to resolve change orders.
- Metro is taking specific steps to be an owner of choice, such as establishing an early intervention team and advancing alternative delivery contract models to infuse opportunities to benefit from collaboration and innovation for its capital program.

A forecast of the projected demand for construction labor was prepared using the expected capital investment by public agencies and the private sector from 2023 through 2028. This demand was compared to the projected construction sector employment prepared by the Employment Development Department. The analysis indicated the total future demand for construction labor will significantly exceed projected employment levels, indicating a growing labor shortage in the greater Los Angeles region over the next five years.

Report Recommendations

The report identified three goals to help Metro fulfill its mission of delivering its capital program within this challenging construction market: Grow the resource pool, be an owner of choice, and estimate more predictable cost and schedule estimates. The following recommendations provide suggestions for how Metro can achieve these goals:

- Continue embracing collaborative delivery methods while engaging with and communicating with the construction industry and incorporating lessons learned as Metro's experience grows.
- Continue to evaluate potential updates to terms and conditions based on changing market conditions to reflect collaborative delivery methods and/or to capture best practices/innovative ideas and concepts for continuous improvement, including an industry input process for developing a more robust approach to risk sharing.

- Continue focused alignment of small/disadvantaged business enterprise requirements with a project's scope and the recently updated Disparity Study when setting goals.
- Continue to build a standard format for the transition from planning to program management and construction.
- Explore expanding the current informal liaison practice between Metro and contractors to resolve issues.
- Continue to work with the industry focusing on apprenticeship programs to grow capacity for current and future projects.
- Simplify procurements to reduce the administrative burden on bidders/proposers.

EQUITY PLATFORM

The analysis aims to highlight the factors influencing construction bid prices and Metro's ability to deliver the transportation construction program. As part of the original analysis, there was a review of the economic impacts, and found it has manifested differently across workers, businesses, and industries, with small businesses in nonessential industries experiencing the most economic distress and women and people of color being disproportionally affected. Metro's project labor agreement, construction careers, and local hiring policies are important to mitigate the impacts on marginalized communities, and support continued focused alignment of small/disadvantaged business enterprise requirements on a project as we work to grow our resource pool, be an owner of choice, and estimate more predictable cost and schedule estimates. These policies assist Equity Focus Communities and offer career opportunities through apprenticeships and pre-apprenticeships.

The 2023 Construction Market Analysis complements the *Measure M Five-Year Comprehensive Assessment and Equity Report* by giving Metro the information it needs to continue delivering and improving connectivity for LA County voters equitably and cost-effectively.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendations support Strategic Plan Goal #1, to expand the transportation network as responsibly and quickly as possible and to make infrastructure and services investments for those with the greatest mobility needs.

NEXT STEPS

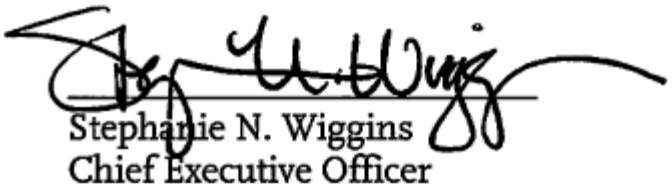
Metro staff will evaluate and implement each of the recommendations, if appropriate. Staff will also continue to develop strategies to best address the factors affecting Metro's ability to successfully deliver projects on time and within budget. Metro will continue monitoring market conditions, construction trends, and bid results to help produce realistic project budgets and cost estimates that align with the construction industry.

ATTACHMENTS

Attachment A - 2023 Construction Market Analysis

Prepared by: Julie Owen, Senior Executive Officer, Project Management Oversight, (213) 922-7313

Reviewed by: Sharon Gookin, Deputy Chief Executive Officer (213) 418-3101



Stephanie N. Wiggins
Chief Executive Officer

Los Angeles County
Metropolitan Transportation Authority

2023 Construction Market Analysis



Metro

March 2024



Thank you to the Association of General Contractors of California and the prime/sub contractors for supporting and participating in this effort to help Metro be the owner of choice.

Metro Acknowledgments

Office of CEO
Program Management
Vendor/Contract Management
Countywide Planning & Development
Diversity and Economic Opportunity Department

Metro®

Prepared by:

Jacobs

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Acronyms and Abbreviations

AGC	Associated General Contractors of America
APE	Annual Program Evaluation
ARTBA	American Road & Transportation Builders Association
BLS	Bureau of Labor Statistics
Board	Metro Board of Directors
BRT	bus rapid transit
Caltrans	California Department of Transportation
CCI	Construction Cost Index
CEQA	California Environmental Quality Act
City	City of Los Angeles
CM/GC	construction manager/general contractor
CPI	Consumer Price Index
DB	design-build
DBE	Disadvantaged Business Enterprise
DOT	Department of Transportation
EDD	Employment Development Department
EIA	U.S. Energy Information Administration
EIT	Early Intervention Team
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTE	full-time equivalent
FY	fiscal year
GDP	gross domestic product
GMP	Guaranteed Maximum Price
HOME	Homeless Outreach, Management, and Engagement
ICE	independent cost estimate
IFB	invitation for bid
IIJA	Infrastructure Investment and Job Act
IRA	Inflation Reduction Act
LA	Los Angeles
LACCD	Los Angeles Community College District
LACEDC	Los Angeles County Economic Development Corporation
LACPW	Los Angeles County Public Works
LADWP	Los Angeles Department of Water and Power
LAEDC	Los Angeles County Economic Development Corporation
LAHSA	Los Angeles Homeless Services Authority
LAWA	Los Angeles World Airports
LAX	Los Angeles International Airport
LPA	locally preferred alternative
MCA	master cooperative agreement
Metro	Los Angeles County Metropolitan Transportation Authority
MWD	Metropolitan Water District of Southern California
NEPA	National Environmental Policy Act of 1969
NTP	notice to proceed
OCTA	Orange County Transportation Authority
OMB	Office of Management and Budget
OST	Office of the Secretary, Department of Transportation
P3	public-private partnership
PATH	People Assisting the Homeless
PDB	progressive design-build
Q	quarter
RCTC	Riverside County Transportation Commission
RFP	request for proposal
RFQ	request for qualifications
SANDAG	San Diego Association of Governments
SBCTA	San Bernardino County Transportation Authority
SBE	Small Business Enterprise
STEM	science, technology, engineering, and math

Executive Summary

Every two years, Los Angeles County Metropolitan Transportation Authority (Metro) prepares a construction market analysis to assess current economic conditions and the state of the construction industry. The 2023 Construction Market Analysis provides a view of the construction industry and how it may affect Metro's capital program. The 2023 Construction Market Analysis also presents contractors' views of the market and Metro.





The analysis includes the following:

1. Identification of economic conditions and trends nationally, statewide, and locally
2. Examination of the state of the construction market
3. Anonymous contractor survey results
4. An assessment of Metro's responses to market conditions
5. Recommendations for how Metro can position itself as the owner of choice in the region

As the agency actively advances the construction of approximately $13 billion for ten megaprojects (over $100 million), Metro is proactively adopting more collaborative and innovative alternative delivery methods to streamline and improve project management. Projects like the G Line Improvements, I-105 ExpressLanes, Link US, and East San Fernando Valley Transit Corridor exemplify Metro's forward-thinking approach and commitment to improving project delivery.

In recognition of the importance of staying ahead of market dynamics, Metro prioritizes understanding current market conditions and future projections. The Construction Market Analysis serves as a strategic tool, enabling Metro to navigate the ever-evolving construction landscape with foresight and precision. By gaining valuable insights into the present and future state of the construction market, Metro can position itself at the forefront of progress, ensuring the successful realization of its mission to enhance transit infrastructure throughout the Los Angeles region.

Economic Conditions

The economy has remained resilient despite inflationary pressures. Nationally, lower inflation is projected in 2024, and correspondingly fewer, federal interest rate hikes, which will help to keep consumer and business demand healthy. However, uncertainty about the economy will remain partly because of international conflicts and the 2024 presidential election. Federal investment from the Infrastructure Investment and Job Act and the Inflation Reduction Act has helped to spur construction across the country.

After several years of budget surplus, the State of California's budget faces a shortfall. In Los Angeles County, Metro leads the effort to strengthen the regional construction sector through its continual investments in public infrastructure. This commitment to public infrastructure development is echoed by key entities such as Los Angeles World Airports, the Los Angeles Community College District, and Los Angeles County, who collectively contribute to the region's flourishing construction sector. However, the local construction sector is vulnerable to a tight labor market because unemployment is low, and the workforce is aging. Figure ES-1 demonstrates key economic indicator trends with data from the past three years, broken down by geography.



Figure ES-1

Key Economic Indicators

		2021	2022	2023
NATIONAL	GDP GROWTH	6%	2%	3%
	UNEMPLOYMENT RATE	5%	4%	4%
	INFLATION RATE	5%	8%	4%
	Key Drivers: *Pause in interest rate changes and three major federal funding investments*			
CALIFORNIA	GDP GROWTH	8%	1%	1%
	UNEMPLOYMENT RATE	7%	4%	4%
	INFLATION RATE	5%	8%	5%
	Key Drivers: *State budget shortfall and declining population*			
LOS ANGELES	GDP GROWTH	8%	1%	1%
	UNEMPLOYMENT RATE	9%	5%	6%
	INFLATION RATE	4%	7%	5%
	Key Drivers: *Multiple labor strikes and second most construction cranes in North America*			

GDP = gross domestic product

Source: Bureau of Economic Analysis (2023), Bureau of Labor Statistics (2023), Los Angeles Economic Development Corporation (2023), California State Budget 2023–2024



State of the Construction Market

Material prices continue to fluctuate but with more minor variations and inflation is driven less by supply chain issues and more by labor market dynamics and geopolitics. Figure ES-2 demonstrates the more significant recent variations, but reduced volatility for lumber and plywood over the past year. A more significant influence on construction is the labor shortage, compounded by an aging workforce and a skills gap. Fewer younger laborers are entering the market; experienced and skilled workers are retiring; and construction has become more technically advanced, requiring a more skilled workforce. Employers have raised wages to attract workers, with the highest wages on the west coast. Figure ES-3 shows the projected labor shortage, which is forecast to grow annually through 2028.

Figure ES-2

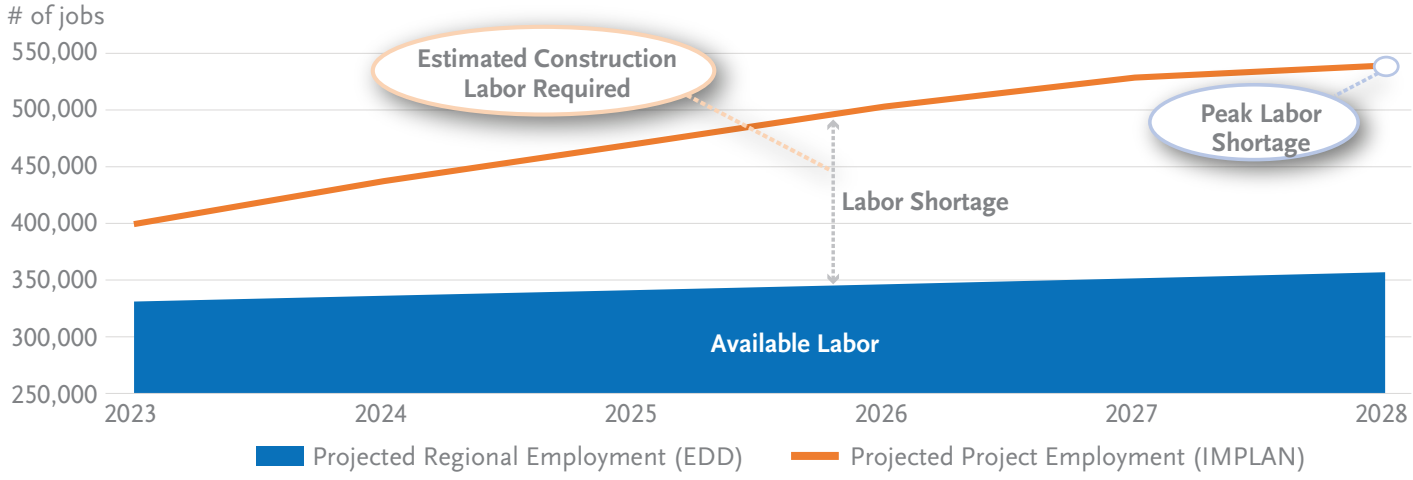
Average Annual % Change in Lumber/Plywood



Source: Bureau of Labor Statistics, WPUSI004011 (2023)

Figure ES-3

Comparison of EDD's Construction Employment Projection and Forecasted Construction Labor Demand (in job years)



Metro's Response to Market Conditions

Adapting to current market conditions, Metro has continued to make changes to its programs and approaches. The agency continues to use collaborative alternative delivery methods, has established an Early Intervention Team to help contain costs and risks, and has approved a new master cooperative agreement with the City of Los Angeles. Other strategies focus on recruiting, process improvements, and revised contract templates.

> **"The demand for our services is evident by our prospect pipeline. We continue to track a slate of prospects that is more than 15 times the size of our current backlog."**
>
> *ENR Top 10 Contractor CEO at most recent earning call (Q3 2023)*

> **"We have a healthy strong order backlog. We can allow ourselves to continue to be selective and go for projects where we see we have a competitive advantage."**
>
> *ENR Top 20 Contractor CEO at most recent earning call (Q3 2023)*

> **"The company is proud to have de-risked our portfolio away from large design-build projects and now moving towards collaborative contracting methods such as construction manager/general contractor (CM/GC) and progressive design-build (PDB)"**
>
> *ENR Top 50 Contractor CEO for May 2023 ENR Interview*

Contractor Surveys

The 2023 Construction Market Analysis includes responses to an anonymous contractor survey that sought opinions on Metro's performance and the latest industry trends and best practices, the results of which are intended to help strengthen Metro's relationships with contractors. Useful themes emerged from the survey responses, with suggestions that address contract terms, risk allocation, and promoting more competition for Metro projects. Survey responses included praise for Metro's movement to collaborative delivery approaches, the agency's timely payment of invoices, and Metro's hiring of recognized industry talent, all of which have elevated the agency's image. Figures ES-4 and ES-5 show results from two noteworthy survey questions (all survey questions are provided in Chapter 4).

Figure ES-4

What do you foresee as the % escalation in the bid costs in the next ten years?

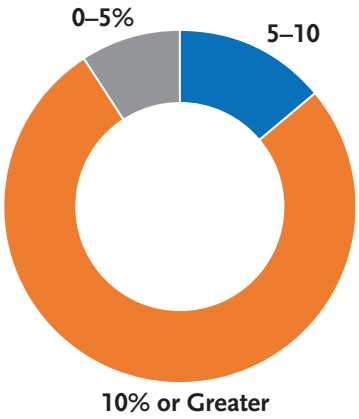


Figure ES-5

Lack of labor will become the bottleneck for delivering projects. Projects will take longer to deliver, increasing risk to the contractors and owners. What is your preferred delivery method(s)?





Recommendations

This 2023 Construction Market Analysis provides Metro with specific recommendations as the agency continues its adaptive strategy to deliver projects successfully. Table ES-1 shows those recommendations.

Table ES-1

Summary of Recommendations

#	RECOMMENDATION	PRIMARY GOAL RECOMMENDATION HELPS TO ACHIEVE	ADDITIONAL GOALS RECOMMENDATION HELPS TO ACHIEVE
1	Continue to embrace collaborative delivery methods while engaging and communicating with the construction industry, and incorporating lessons learned as Metro's experience grows.	Ⓜ	+ $
2	Continue to evaluate potential updates to terms and conditions based on changing market conditions, to reflect collaborative delivery methods, and/or to capture best practices/innovative ideas and concepts for continuous improvement, including an industry input process for developing a more robust approach to risk sharing.	Ⓜ	+ $
3	Continue aligning SBE/DBE requirements with a project's scope and the recently updated Disparity Study when setting goals.	Ⓜ	+ $
4	Continue to build a standard format for the transition from planning to program management and construction.	$	Ⓜ
5	Explore expanding the current informal liaison practice between Metro and contractors to resolve issues.	Ⓜ	+ $
6	Continue to work with the industry, focusing on apprenticeship/readiness programs to grow capacity for current and future projects.		Ⓜ + $
7	Simplify procurements to reduce the administrative burden on bidders/proposers.	Ⓜ	+ $

Grow the resource pool | Ⓜ Be an owner of choice | $ More predictable cost and schedule estimates



CHAPTER 1

Introduction

Since the passage of Measure R, the Los Angeles County Metropolitan Transportation Authority (Metro) has successfully navigated a myriad of challenges to project delivery. These obstacles encompass escalating capital costs, labor shortages, supply chain disruptions due to the pandemic, and inflationary pressures. Nonetheless, Metro has demonstrated competence as it advances the nation's most expansive transit capital program. Metro recently marked significant milestones with the successful opening of both the K Line and Regional Connector Projects, underscoring its capacity to overcome obstacles and deliver results.

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Looking ahead, Metro remains poised to embark on transformative projects within the next 12 to 24 months, including the commencement of construction for the G Line Improvements, I-105 ExpressLanes, and the East San Fernando Valley Transit Corridor. Regional game changing projects, such as the Airport Metro Connector and the Purple Line Extension, are rapidly progressing towards successful completion, underscoring Metro's commitment to enhancing transportation infrastructure and driving positive change throughout the region.

With the recently completed projects and several new alternative delivery projects in preconstruction, Metro is actively assessing current and future market conditions and trends that may positively or negatively influence Metro's ability to deliver the Measure M Expenditure Plan. Figures 1 and 2 highlight the recently completed and active construction projects.

Figure 1

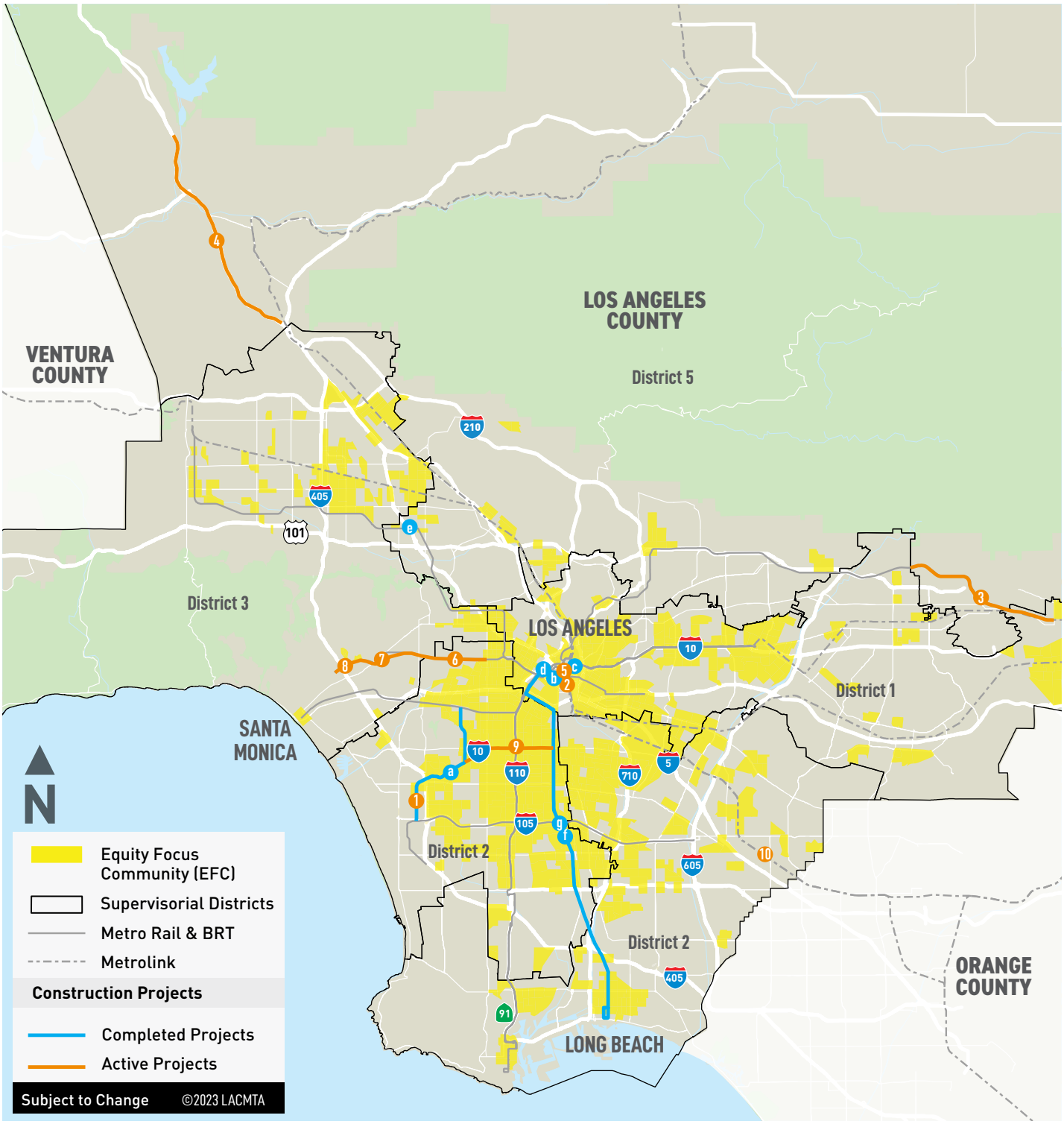
List of Recently Completed and Active Construction Projects

RECENTLY COMPLETED CONSTRUCTION PROJECTS	
a	Crenshaw/LAX Line
b	Eastside Access Improvements
c	Patsaouras Busway Station
d	Regional Connector
e	Soundwall Package 11
f	The New Blue
g	Willowbrook/Rosa Parks Stations

ACTIVE CONSTRUCTION PROJECTS	
1	Airport Metro Connector
2	Division 20 Portal Widening Turnback Facility
3	Foothill Gold Line Phase 2B
4	I-5 North County
5	Metro Center Street Project
6	Purple Line Extension 1
7	Purple Line Extension 2
8	Purple Line Extension 3
9	Rail to Rail Active Transportation Corridor
10	Rosecrans/Marquardt Grade Separation

Figure 2

Map of Projects



Source: Metro

1. What are the purpose and objectives?

This 2023 Construction Market Analysis was prepared to help Metro assess and understand the near- and longer-term conditions it faces while improving and expanding the transportation infrastructure in the Los Angeles region.

The 2023 Construction Market Analysis aims to assess current and future construction market trends. This analysis takes place within the national context of inflation, historic federal investment in infrastructure, and the possibility of a recession. Meanwhile, challenges for owners like Metro persist and evolve, such as labor shortages and fluctuating material costs.

The objectives of the 2023 Construction Market Analysis are to assess and forecast the resource pool, identify trends within the construction market, identify ways for Metro to be a better owner informed by feedback from the contractor community.

The data and recommendations from this report are intended to help Metro achieve the following outcomes:



GROW THE RESOURCE POOL
Grow local SBE/DBE capacity, increase the number of bidders, and be a catalytic influence on skilled labor growth.



BE AN OWNER OF CHOICE
Demonstrate partnership through collaboration, balancing project risk objectives, and aligning contract terms that fit the marketplace and delivery method.



MORE PREDICTABLE COST AND SCHEDULE ESTIMATES
Align with the marketplace regarding risk allocation and process/procedure best practices to more accurately forecast cost, schedule estimates, and contain costs during construction.



2. What is the history of the Construction Market Analysis?

Measure R and M set into motion one of the most extensive infrastructure programs in the country, with expansive goals to improve Los Angeles' complex transportation systems. During this period, market dynamics related to bid prices, commodities, and labor resources have made it more challenging to deliver projects.

In anticipation of the construction needs associated with the Measure M Expenditure Plan, Metro's Program Management Department commissioned the preparation of a construction market analysis to understand the factors influencing construction costs and project delivery.

2013 Construction Market Analysis Report

In 2012, Metro staff noticed a significant upward trend in project bid costs. Metro prepared the first Construction Market Analysis[1] to identify factors that may be related to the increase in bid prices and use that information to develop mitigation strategies.

2015 Construction Market Analysis Report

Meant to be a biennial report, Metro updated the Construction Market Analysis[2] to reflect 2015 factors influencing construction bid prices and Metro's ability to deliver Measure R projects 2018 Construction Market Analysis Report.

2018 Construction Market Analysis

In response to the passage of Measure M, the award of the 2028 Games to Los Angeles, and the escalating costs in the bids submitted for the Foothill Gold Line Phase 2B project, Metro prepared a new Construction Market Analysis.[3]

2020 Construction Market Analysis Report and COVID-19 Addendum

The publication of the 2020 Construction Market Analysis[4] aligned with the onset of the COVID-19 pandemic. The version also included an addendum to provide insights into how the economy and construction market responded to the pandemic early on. This iteration also provided the Metro Board of Directors with a presentation by the Associated General Contractors of America's (AGC's) Chief Economist, Ken Simonson.

2021 Construction Market Analysis Report

With significant federal stimulus packages re-energizing the economy, Metro staff prepared a new Construction Market Analysis to focus on the economic and construction market data.[5]

Construction Market Analysis Updates

At the Metro Board of Directors' request, summary-level information from the Construction Market Analysis was presented to the Board in various forms, such as periodic Board Box updates, program management's quarterly major project status reports at Metro's Construction Committee, and as part of Metro's Annual Program Evaluation. The updates included changes and trends regarding inflation, materials, commodities costs, bid pricing, and labor.

2022 Construction Market Analysis Motion

In response to the February 2022 Construction Market Analysis Update, a motion by Directors James Butts, Fernando Dutra, Ara Najarian, Kathryn Barger, and Janice Hahn was approved by the Metro Board of Directors that directed staff to report back on the following during the Fiscal Year (FY) 2023 Annual Program Evaluation:

> Assess what construction projects can reasonably continue without facing new budget shortfalls before their completion.

> Assess the incremental and cumulative annual fiscal impact on the agency's operations and maintenance budgets that will result from the opening of revenue service of each newly completed capital project.

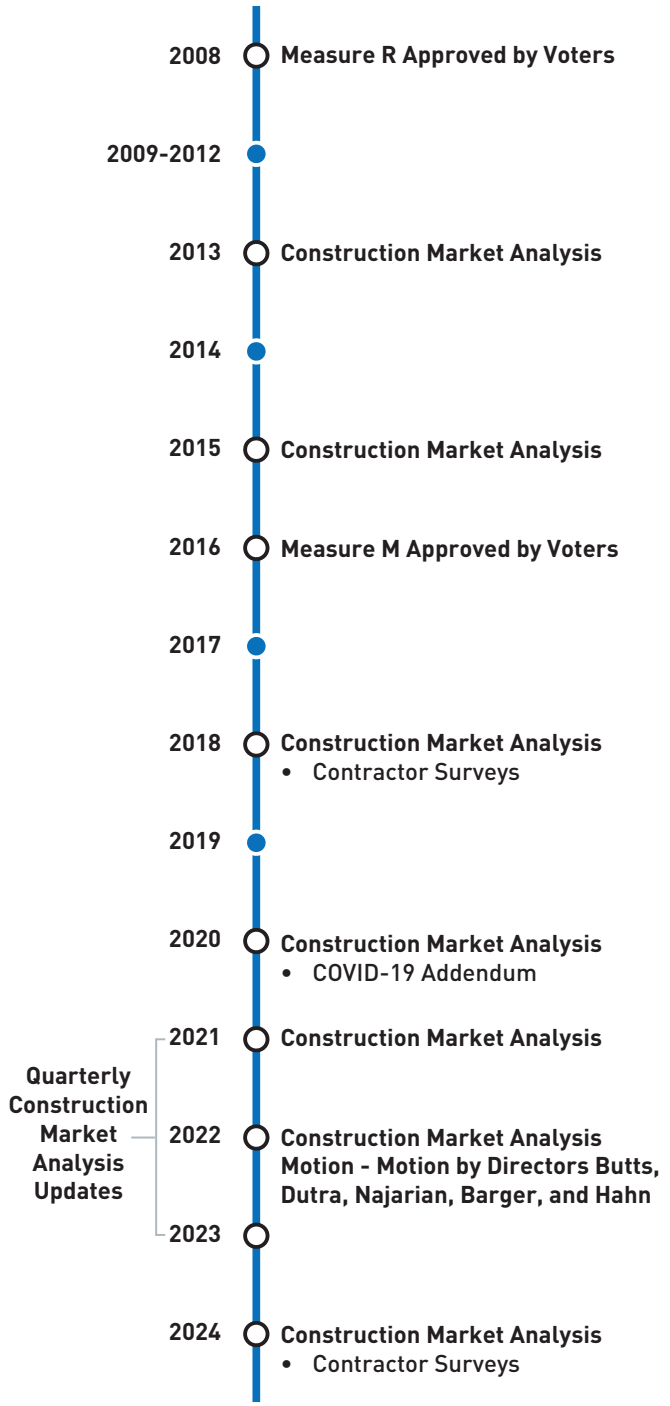
2023 Construction Market Analysis Report

This new version builds on the analysis from prior reports to update Metro on the latest trends and data from the construction market. This report also includes new contractor surveys and interviews and compares the contractor feedback from 5 years ago.

Figure 3 provides a timeline of the previous Metro Construction Market Analysis reports and updates since the passage of Measure M. Metro continues to be proactive and committed to understanding market conditions to provide more predictable cost and schedule estimates for its megaprojects and improve its standing with contractors.

Figure 3

Timeline



What is Inside the Report?

This analysis is organized according to the following themes:

Economic Conditions – What are the economic conditions that Metro faces?

Construction Market – What is the state of the construction market?

Contractor Interviews – How do contractors view the construction market and Metro as an owner?

Metro Assessment – How is Metro doing?

How to Read This Report

Each section of this analysis reviews the data and findings within the context of one of the themes with corresponding questions we aim to answer. The data and findings are presented in narrative and graphic formats. The section wraps up with a conclusion about the findings and key take-aways for Metro.

Big picture question about the market or Metro.

Information and summary of findings and actionable information for Metro.

Data and graphics that extract key information and present it in a useful format.

How this Report was Prepared

This analysis was prepared by Metro's Program Controls Department and Jacobs. Metro data, industry literature, statistical data, and contractor opinions and feedback were used to prepare this evaluation of the construction market. Based on the data and survey collected, trends and forecast conditions were developed for the report.

Sources consulted during the preparation of this analysis include publications from the following construction industry organizations:

> American Road & Transportation Builders Association (ARTBA)

> Associated General Contractors of America (AGC)

> Bureau of Labor Statistics (BLS)

> Dodge Construction Network

> Engineering News-Record (ENR)

> Los Angeles County Economic Development Corporation (LACEDC)

> Sage Policy Group, Inc.

> Southern California Association of Governments (SCAG)

> University of California, Los Angeles (UCLA) Anderson Forecast

The data appearing in this report may not reflect the latest available data from the above sources. The data was compiled and analyzed between September 2023 and November 2023, when the report was prepared.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CHAPTER 2

Economic Conditions

KEY QUESTIONS WE AIM TO ANSWER

1. How are the U.S., California, and Los Angeles County economies doing?
2. What emerging trends may affect Metro?
3. What is the economic outlook?





1. How are the U.S., California, and Los Angeles County economies doing?

In 2023, the economy was resilient and stronger than expected, considering high interest rates, inflation, and the potential for a recession. Many economists are generally optimistic about the national economic outlook for 2024, but several trepidations that existed at the start of 2023 remain today. Interest rates are anticipated to drop in the second half of 2024, which should encourage growth in the construction sector. California is facing a budget deficit and a decline in the labor force, which will likely result in slower economic growth. However, Los Angeles County is well positioned in 2024 to see economic growth because several sectors, such as transportation, information, logistics/warehousing, and arts/entertainment, have a strong outlook and anticipate job growth.

United States

In 2021, the U.S. was generally on the path of economic recovery from the COVID-19 pandemic, with the gross domestic product and employment rebounding to near pre-pandemic levels. This was partly due to major fiscal stimulus packages injecting life into the economy by increasing household incomes and consumption.

Then, in 2022, the convergency of rising prices, supply chain issues, and Russia's invasion of Ukraine resulted in high inflation. The Federal Reserve intervened with a series of interest rate hikes. This monetary policy slowed economic growth and reduced price inflationary pressures.

However, the U.S. economy has remained resilient to the economic headwinds of volatile prices, tightening monetary policies, a decline in the stock market, some of the largest bank failures in U.S. history, and geopolitical conflicts worldwide. For most of 2023, the economy has experienced the deceleration of inflation and consistent job growth.

Since the last Metro Construction Market Analysis in 2021, several legislative packages have been approved that have stimulated the economy and will have a major impact on construction. Figure 4 shows the nearly $1 trillion provided since 2021 from federal legislation that is to be invested in planning, designing, and constructing America's infrastructure. Figure 4 also identifies the amount of federal funding flowing into California and Los Angeles County.

November 2021 - Infrastructure Investment and Job Act (IIJA)

> Authorizes **$1.2 trillion** to repair and rebuild America's infrastructure to address the climate crisis, advance environmental justice, and invest in historically disadvantaged communities.

August 2022 – CHIPS and Science Act (CHIPS)

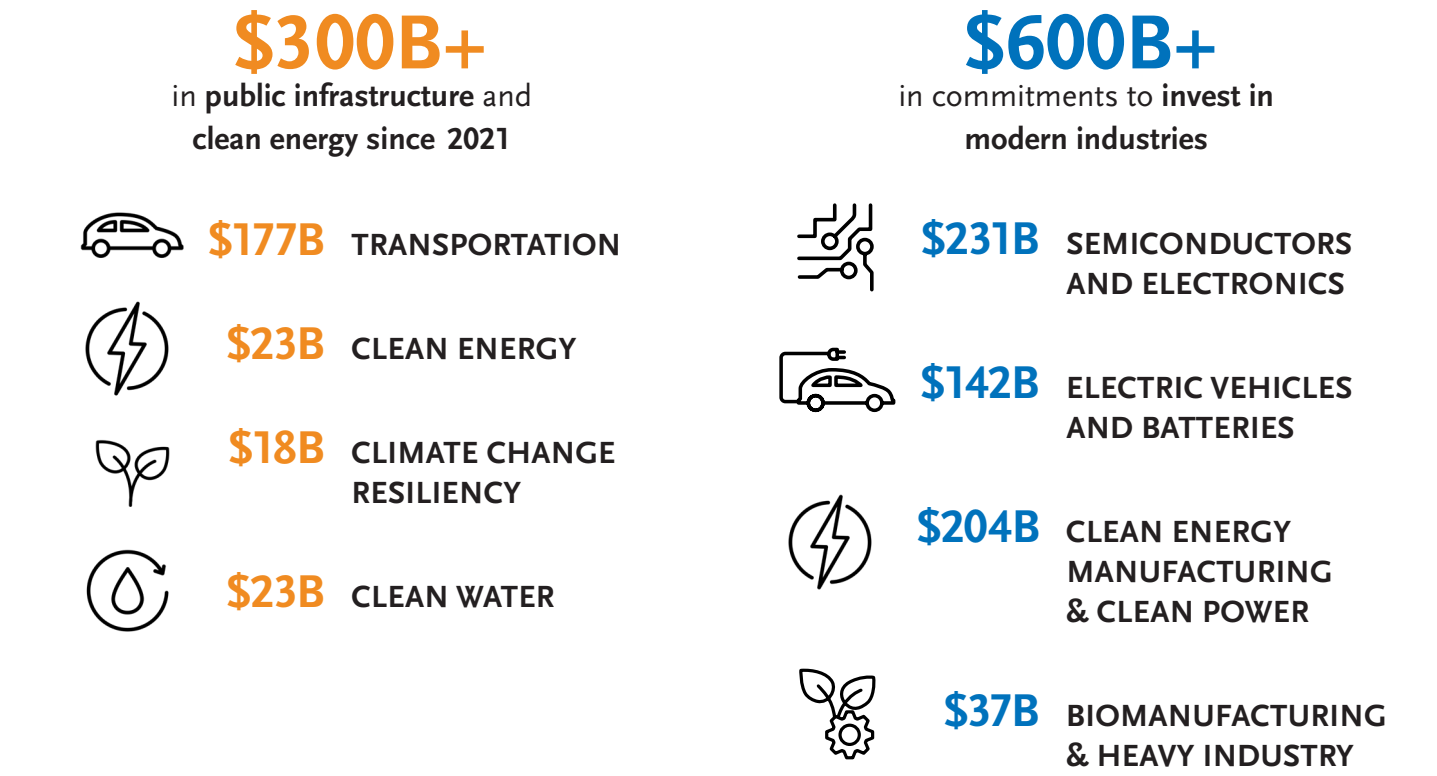
> Authorizes **$52 billion** in subsidies for chip manufacturing on U.S. soil, investment tax credits for manufacturing, and semiconductor research and workforce training.

August 2022 – Inflation Reduction Act (IRA)

> Authorizes **$485 billion** to mitigate inflation and fight climate change.

Figure 4

Impact of IIJA, CHIPS, and IRA on the Construction Industry



FEDERAL DOLLARS FLOWING TO CALIFORNIA

CALIFORNIA

2,048

number of funding awards

5% *percent of US*

$11,804M

total amount of funding

10% *percent of US*

FEDERAL DOLLARS FLOWING TO LOS ANGELES COUNTY

LOS ANGELES COUNTY

197

number of funding awards

9% *percent of CA*

$1,558M

total amount of funding

13% *percent of CA*

FEDERAL TRANSPORTATION FUNDING AWARDED TO LOS ANGELES COUNTY

$38M OST **9** *awards*

$834M FHWA **107** *awards*

$40M FRA **3** *awards*

$114M FTA **6** *awards*

FHWA = Federal Highway Administration
FRA = Federal Railroad Administration
OST = Office of the Secretary, Department of Transportation
FTA = Federal Transit Administration

Source: Invest.gov (2023). Investing in America Map. Retrieved from this link

California

After enjoying several years of budget surplus, the California State Budget 2023–24 states "California faces a downturn in revenues driven by a declining stock market and persistently high inflation in 2022, rising interest rates, and job losses in high-wage sectors—all of which have led to slower revenue growth than previously projected."[6] As a result, the FY 2023 state budget had a $31.7 billion shortfall offset by budget reserves.[7] Solutions included funding reallocations, delayed spending, and nonprojected borrowing from special fund balances.

The budget includes $16.1 billion for new transportation infrastructure programs and projects, an increase of $1.1 billion compared to the 2022 budget. Regarding public transit, the state allocated $4 billion in Transit and Intercity Rail Capital Program funding and $1.1 billion in zero-emission vehicle transit funding. This funding comes with new reporting and accountability requirements for transit agencies.

The employment landscape in California is significantly different than before the pandemic. Some sectors lost jobs, while others gained, and still others saw jobs move out of state due to remote work. Rapid job creation in logistics, technology (professional, technical, and scientific services and information), construction, durable goods manufacturing, and healthcare has numerically offset job losses in other sectors.

California has made significant strides in clearing red tape for new housing development by promoting density and facilitating the construction of accessory dwelling units and affordable housing. The state continues to have a significant housing shortfall and aims to rapidly increase the housing stock to help combat the unaffordability crisis. State officials estimate about 180,000 units need to be built annually to help meet housing demand.[8]

Another important trend to watch is the continuing decline in the state's population. The trend is due to several factors, including an aging population and affordability. The state's aging population will shrink the labor force size as growing numbers of workers retire. Regarding affordability, the state is losing households at all income levels to states such as Texas, where housing costs are lower.

Los Angeles County

The economic conditions in Los Angeles County in 2023 are mixed, with some sectors recovering strongly from the COVID-19 pandemic while others continue to struggle. The housing market remains unaffordable for many residents, and homelessness is a significant problem.

Historically, tourism has been an economic engine for Los Angeles County. However, tourism still has some lingering effects from the pandemic, which has dampened employment in the leisure and hospitality industry and revenue from local sales tax in the region. In 2023, passenger air traffic at LAX increased by 15% from 2022, but is still less than 15% of pre-pandemic levels, with the number of international visitors still sluggish from the lack of tourism from China.[9]

In 2023, pre-pandemic employment levels have been exceeded in several sectors, including construction and professional services. However, a significant amount of underemployment and wage inequality remains in Los Angeles County. Many workers are employed in part-time or low-wage jobs that do not provide adequate income, which has led to several labor union strikes from hotel workers, screenwriters and actors, and city workers.

According to the Los Angeles County Economic Development Corporation, the median household income in Los Angeles County is $70,000.[10] However, this figure masks a great deal of inequality. The top 10% of households earn over $200,000 per year, while the bottom 20% earn less than $30,000 per year.

Figure 5 provides a 3-year comparison of critical national, state, and local economic indicators, such as gross domestic product (GDP) growth rates, unemployment rates, and inflation rates. It also provides key drivers affecting the national, state, and local economies and influencing the construction market.

Figure 5

Key Economic Indicators

		2021	2022	2023
NATIONAL	GDP GROWTH	6%	2%	3%
	UNEMPLOYMENT RATE	5%	4%	4%
	INFLATION RATE	5%	8%	4%



Key Drivers: *Pause in interest rate changes and three major federal funding investments*

		2021	2022	2023
CALIFORNIA	GDP GROWTH	8%	1%	1%
	UNEMPLOYMENT RATE	7%	4%	4%
	INFLATION RATE	5%	8%	5%



Key Drivers: *State budget shortfall and declining population*

		2021	2022	2023
LOS ANGELES	GDP GROWTH	8%	1%	1%
	UNEMPLOYMENT RATE	9%	5%	6%
	INFLATION RATE	4%	7%	5%



Key Drivers: *Multiple labor strikes and second most construction cranes in North America*

GDP = gross domestic product

Source: Bureau of Economic Analysis (2023), Bureau of Labor Statistics (2023), Los Angeles Economic Development Corporation (2023), California State Budget 2023-2024

2. What emerging trends may affect Metro?

Trends that may affect Metro's ability to deliver projects on time and on budget are continuously emerging and evolving in this economic climate of cautious optimism and uncertainty. For instance, nonresidential construction, fueled by public infrastructure projects and technology/manufacturing developments, creates upward pressure on construction materials, labor, and wages. Another example is the regulatory requirements from the recent packages of federal infrastructure investments. Awareness of these trends will be beneficial to advancing Metro's capital program. The following provides more details on example trends that may affect Metro.

Buy America

The White House Office of Management and Budget (OMB) recently (August 2023) issued final guidance to supplement the Build America, Buy America Act (Buy America) and provisions contained in the IIJA. The new guidance, effective October 2023, is intended to be high-level coordinating guidance for federal agencies to use in their direct implementation of Buy America and will affect all entities that have or receive covered awards.

The current market and Buy America Act provisions will likely sap some of the buying power and benefits from federal funding. Some of the provisions and guidance under Buy America that may make it more costly to deliver Metro projects include the following:

> **Rolling Stock:** A minimum of 70% of the cost of components and subcomponents for rolling stock transit vehicles must be produced in the U.S. Final assembly for rolling stock must also occur in the U.S.

> **Construction Materials:** A minimum of 55% of the cost of components must be fabricated domestically and applies to steel, iron, and manufactured products.

Metro staff provided the Board with a *comprehensive report* evaluating the applicable provisions of Buy America in January 2024.



Wage Increases and Worker Happiness

The gap between wage growth and inflation is closing. Historically, the National Average Wage Index, which provides insight into wage growth among American workers as a measure of inflation, has hovered just below 3%. The past two years have seen the index jump to more than 7%.

Public transportation and public works agencies are coping with this tight labor market by implementing cost-of-living adjustments, creating performance incentive programs, and increasing salary and pay bands to stay competitive in the current economy.

According to a new survey from a human resources technology company, the construction industry tops a list of sectors with the happiest workforces.[11] The survey measured the Employee Net Promoter Score at over 1,600 companies, calculating how likely workers were to recommend their organization as a place to work over the last three years. The survey attributes construction workers' happiness to rising wages and plentiful job opportunities. However, employee stress from lack of staffing is anticipated to create discontent among construction workers in the months and years ahead.



3. What is the economic outlook?

The UCLA Anderson Forecast foresees a weak but "no-recession" national economy in 2024, followed by a return to steady-state growth rates in 2025.[12] GDP growth is projected to slow as high interest rates and tighter financial conditions dampen consumer and business demand, slowing interest-sensitive consumption and investment. Credit conditions are projected to begin easing, and GDP is projected to recover to average growth rates of up to 2% through 2026.

Inflation is slowly working its way back down to historical average rates of slightly above 2% for the nation and 3% for California by late 2024. If the projection holds, the Federal Reserve is anticipated to relieve borrowers after nearly a dozen interest rate hikes since March 2022. The UCLA Anderson Forecast anticipates the Federal Reserve will reduce rates in mid-to-late 2024 when there is sufficient deflation in the economy.

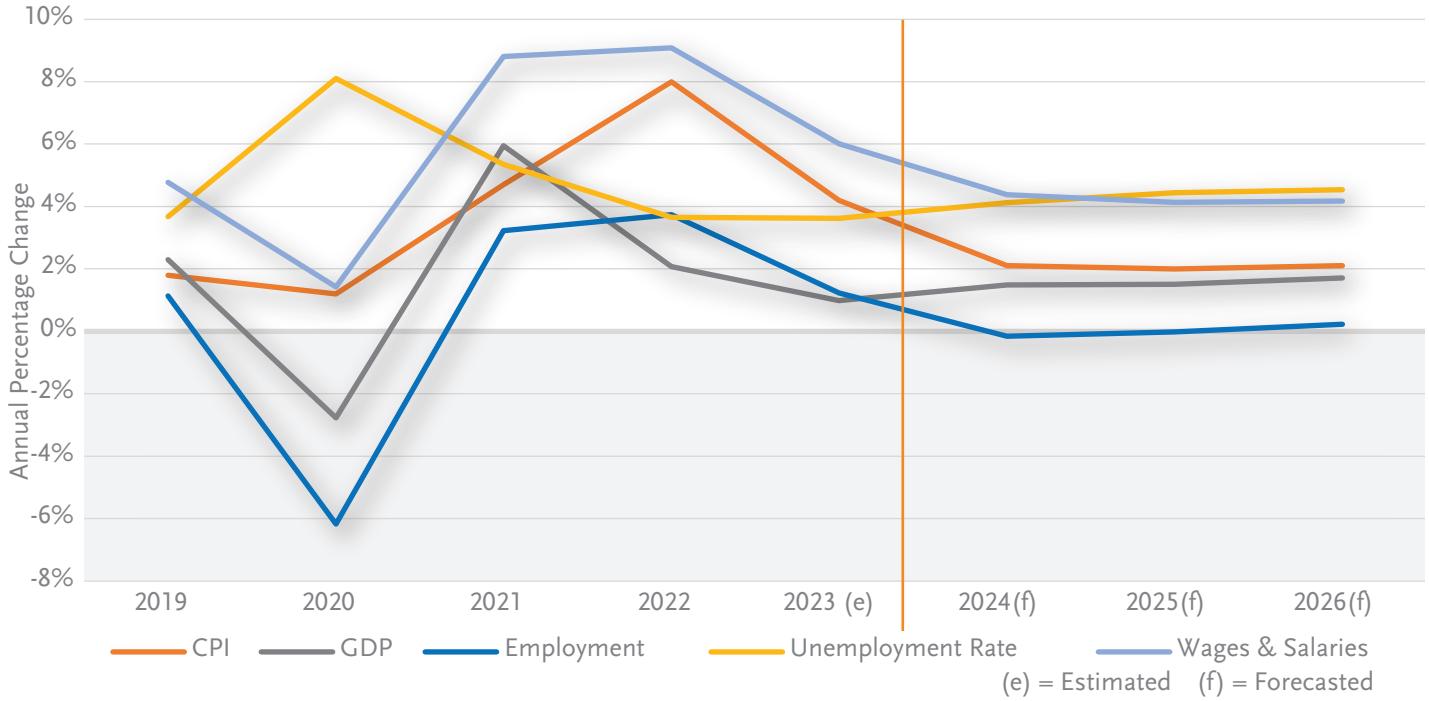
Figure 6 shows the 3-year forecast of critical national economic indicators from the State of California Department of Finance. Inflation (CPI) and GDP are estimated to come down in the future and hover around 2% growth. The unemployment rate is anticipated to increase through 2025 as tight financial conditions soften the labor market, while wages and salaries are likely to decline but remain higher (4% growth) than inflation.[13]

The December 2023 UCLA Anderson Forecast identified potential risks to the economic outlook in 2024: "A protracted government shutdown was averted until 2024 but the possibility still exists, and geopolitical events might upset the current growth pattern. On a more distant horizon, uncertainty about the election in November 2024 might result in significantly weaker business investment and consumer spending. These risks are substantial and bear watching, as they could drive the economy off its current growth path."[14]



Figure 6

Three-Year National Economic Outlook



Source: State of California, Department of Finance (2023)



CHAPTER 3

State of the Construction Market

KEY QUESTIONS WE AIM TO ANSWER

1. What is the level of construction activity?
2. What are the trends in materials prices?
3. What is labor availability and how does it affect construction?
4. What trends are emerging in bid prices?
5. How are contractors responding to market conditions?




VONS
OPEN

1. What is the level of construction activity?

The construction market has endured the difficulties of the last few years, with some sectors faring better than others. Residential construction skyrocketed in 2021 due to people relocating and work-from-home trends. Peak residential construction occurred in June 2021, with a year-over-year increase in construction starts of 34%. However, inflationary pressures have increased costs and high interest rates have tempered residential construction and commercial building. In April 2023, residential construction declined by 15% year over year, but is trending upward more recently.

With the passage of the IIJA, the IRA, and the CHIPS Act, nonresidential construction, specifically infrastructure and manufacturing, has thrived in 2022 and 2023. Currently, nonresidential construction is averaging an 18% increase year by year.[15] Figure 7 shows the annual rate changes for construction activity by residential and nonresidential sectors. More importantly to Metro, Figure 8 identifies an anticipated $200 billion in national transportation infrastructure construction spending.

Figure 7

National Construction Spending Annual Rate Changes - Residential versus Nonresidential



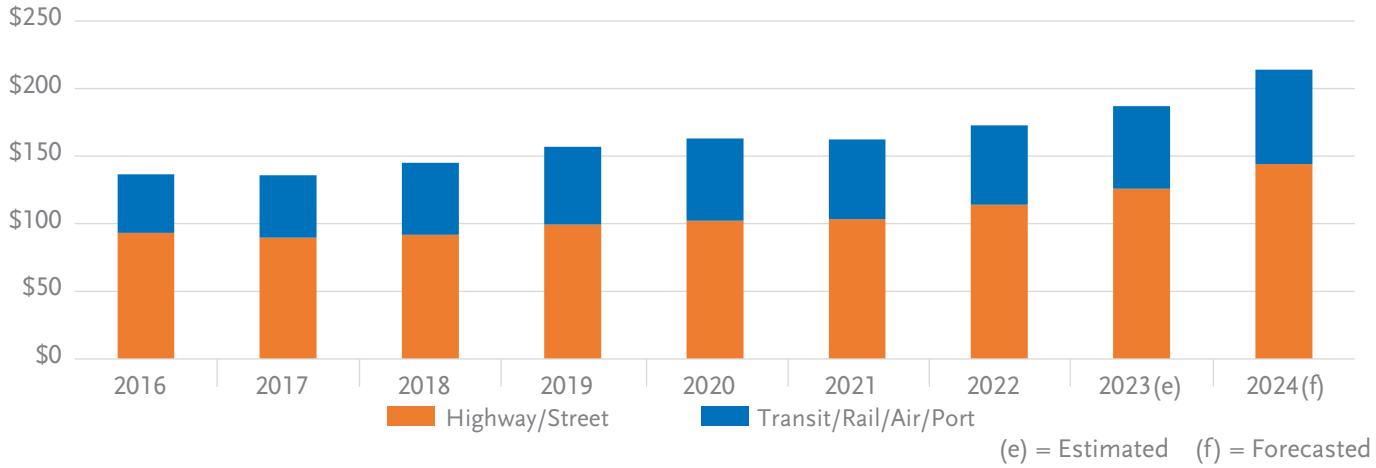
Source: U.S. Census Bureau, Construction Spending (2023)

Nonresidential construction spending is up 18% in 2023.



Figure 8

National Annual Transportation Construction Spending ($ in Billions)



Source: American Road & Transportation Builders Association (2023)

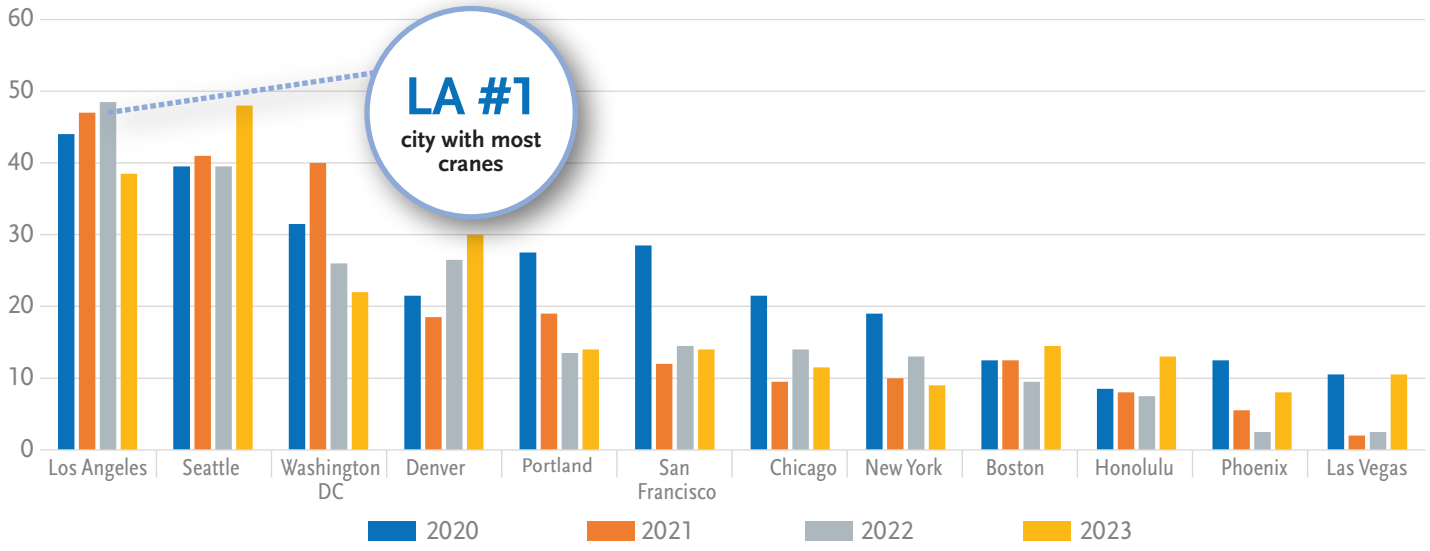
A bellwether indicator of construction activity is the number of fixed cranes on construction sites, which gives a simplified measure of the current state of the construction industry's workload. The crane count for the third quarter of 2023 is shown in Figure 9.

The number of cranes in Los Angeles has declined in the second half of 2023, partly due to the lack of major developments coming online. With the region's low occupancy rates and many residential/mixed-use projects on pause, the tight lender market impacts on construction. Infrastructure projects are steadily increasing in construction-in-place value but focus on roadway and underground projects that do not require cranes.[16]

An uptick in the number of cranes is anticipated with the upcoming terminal work at LAX and Burbank Airport, among other projects.[17]

Figure 9

Annual Average Crane Count by City



Source: RLB (2023)

Metro Leads Local Public Agencies and Nationwide Transit Agencies in Construction Spending

Metro has $13 billion in active construction and $27 billion in its capital program. The size of Metro's program is one of the most extensive public agency capital programs in the state and the US as shown in Figure 10. Metro is at the scale of statewide agencies such as Caltrans and California High-Speed Rail Authority. Figure 11 shows that Metro accounts for approximately 30% of the construction spending by public agencies within Southern California.

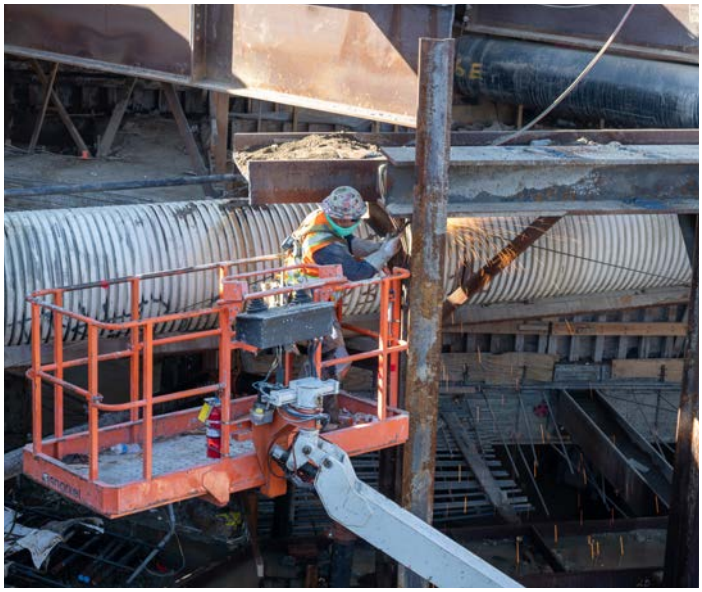
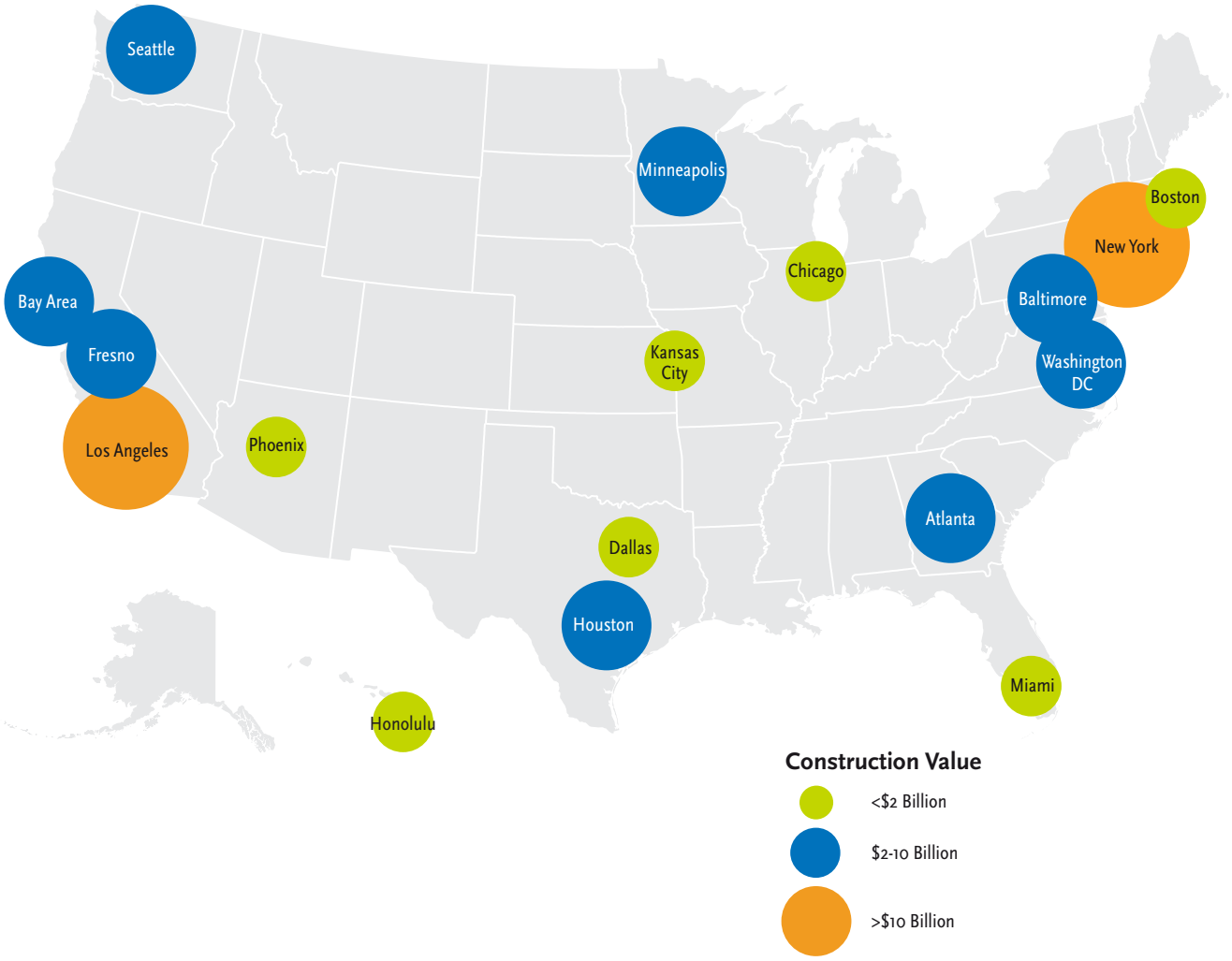


Figure 10

Transit Megaprojects Under Construction by Metropolitan Area



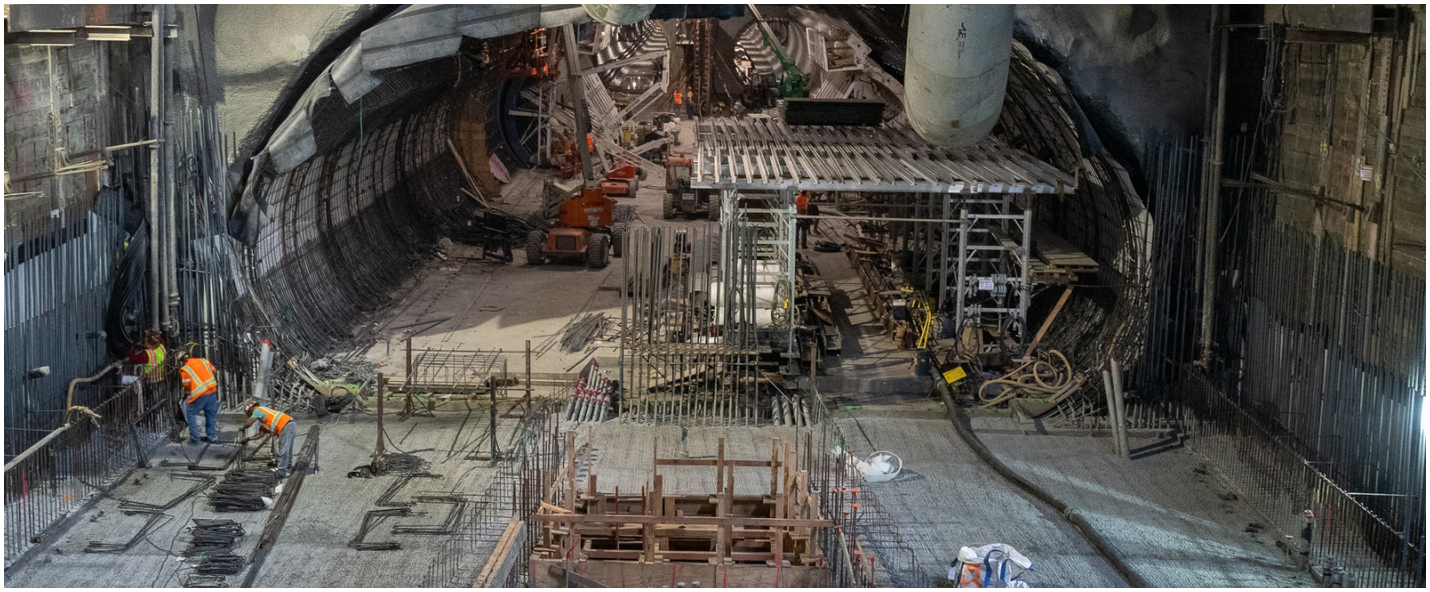
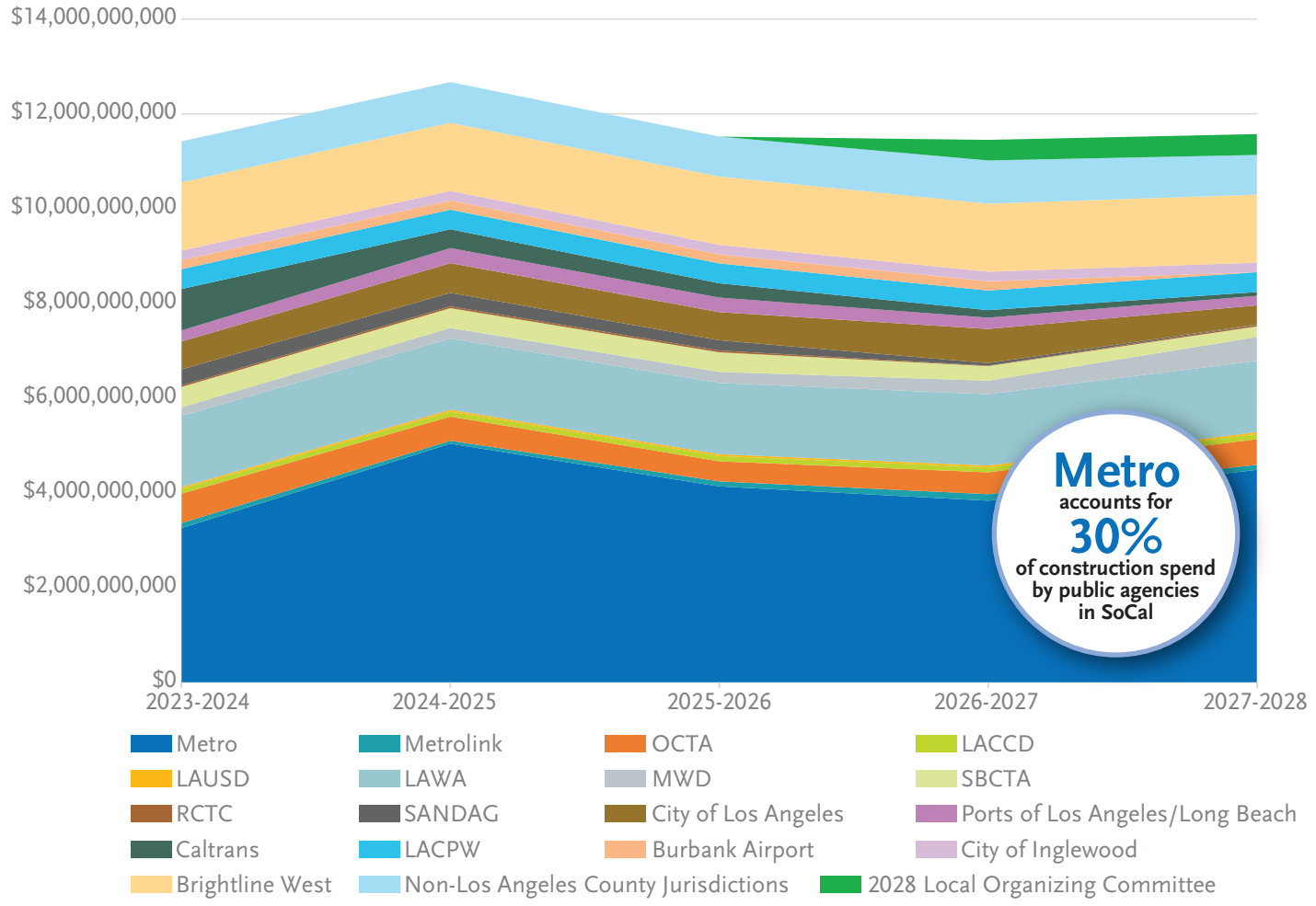


Figure 11

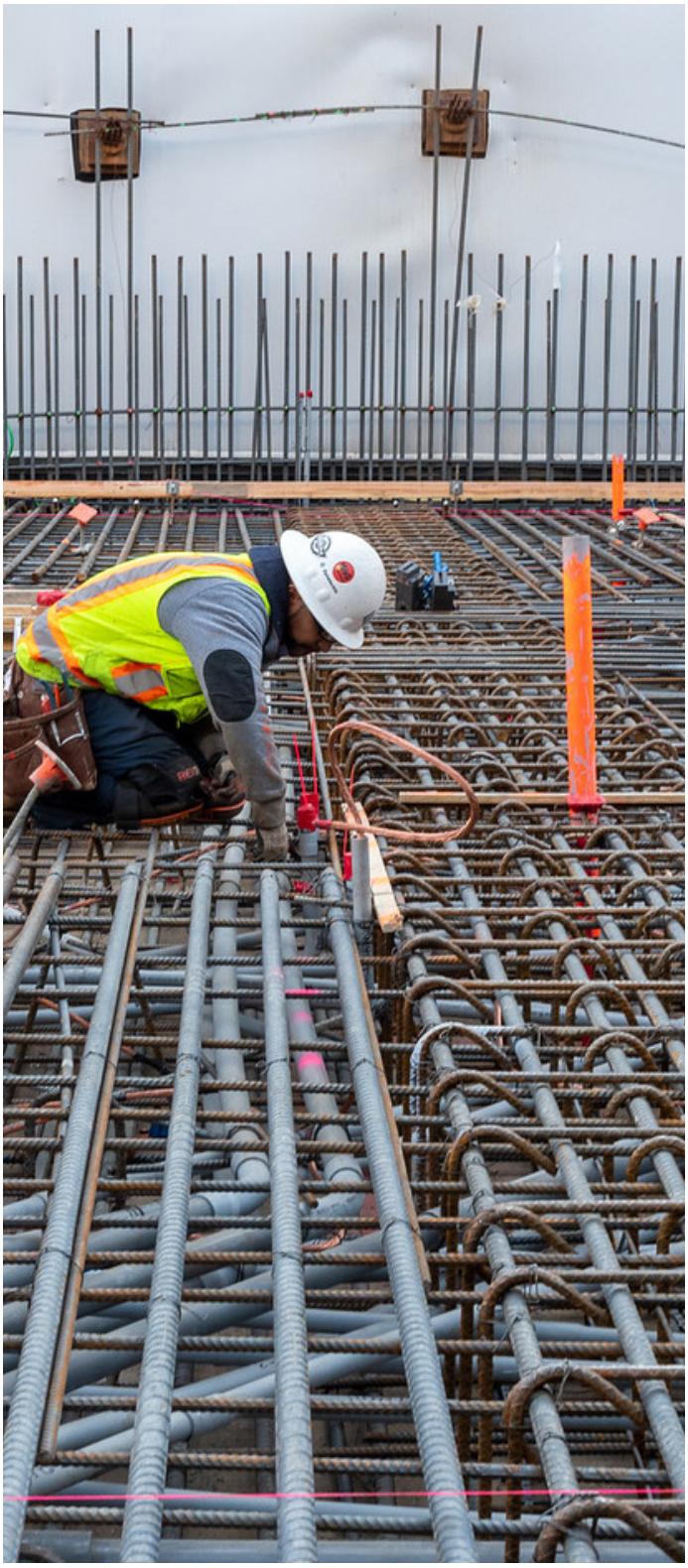
Owners with Major Capital Programs Competing for Labor Resources



2. What are the trends in materials prices?

Material prices have generally stabilized after several years of supply chain issues and increasing costs. During this time, several of the most common construction materials used on infrastructure projects became substantially more expensive, affecting project budgets. Inflationary pressures emerged in late 2020 and early 2021 when production and supply chains were unprepared to handle surging demand from stimulus spending, affecting project budgets. Today, inflation is driven less by supply chain issues and more by structural labor market dynamics and geopolitics. The volatility in key construction materials between 2016, when Measure M was passed, and 2023 is shown in Figures 10 through 15 and reveals some trends.

The following data was compiled and analyzed between September 2023 and November 2023, when the report was prepared. As a result, the following may not reflect the latest available data.




W65

Fuel

Fuel has been subject to cyclical trends (refer to Figure 12), making it challenging to price in construction projects. As an example of the volatile swings, fuel experienced its lowest price in May 2020 and reached historic peak levels in June 2022. After reaching unprecedented prices, fuel prices saw a general decline in 2023, according to the Bureau of Labor Statistics.[18] During this decline, fuel prices experienced some volatility that can be attributed to global and local factors, including the following:[19]

> An increase in the price of crude oil determined by geopolitical events and a global market

> Unanticipated refinery maintenance events causing decreases in supply

> Unusual California spot market transactions caused an outsized effect on gas prices

Fuel prices are anticipated to increase in 2024 due to Organization of Petroleum Exporting Countries (OPEC+) production cuts according to the U.S. Department of Energy's Energy Information Administration (EIA). The EIA also anticipates that historic levels of U.S. production will help keep fuel prices steady in 2025.[20]

Figure 12

Average Annual % Change in Fuel



Source: Bureau of Labor Statistics, WPU057303 (2023)

-19%	10%	4%
percent change in last 12 months	*percent change in last 6 months*	*percent change in last month*

FUTURE (2024 TO 2026)

8%	-1%	0%
2024	*2025*	*2026*



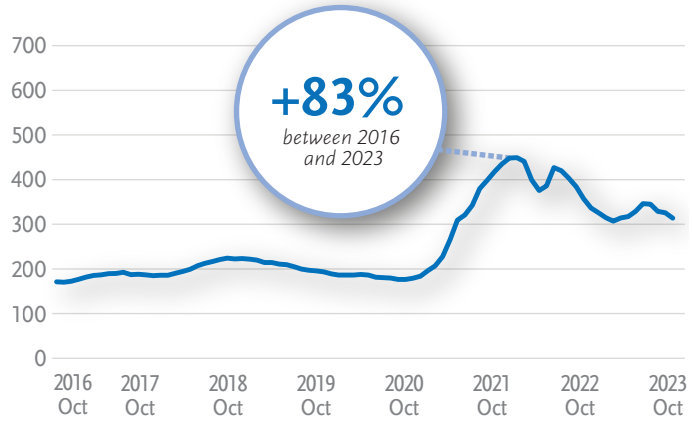
Steel

Policies enacted by the federal government over the past several years subjected imported steel to 25% tariffs. The tariffs were intended to protect some U.S. metal producers but resulted in higher prices for many domestic manufacturers that use steel. In the last three years, several of the country's largest steelmakers (US Steel and Cleveland-Cliffs) shut down some of their older mills and have continued to keep them idle because of the high cost of restarting operations. In late 2021, the steel tariffs were lifted as U.S. steel production rebounded, helping bring down prices in the past year (refer to Figure 13).

According to ENR's cost report for the third quarter of 2023, steel production costs are decreasing as mills ramp up and steel prices outside the U.S. are low. As a result, economists are anticipating that steel prices will continue to decline for the foreseeable future.

Figure 13

Average Annual % Change in Steel



Source: Bureau of Labor Statistics, WPU1017 (2023)

-12%	-1%	-4%
percent change in last 12 months	*percent change in last 6 months*	*percent change in last month*

FUTURE (2024 TO 2026)

-10%	-7%	-3%
2024	*2025*	*2026*



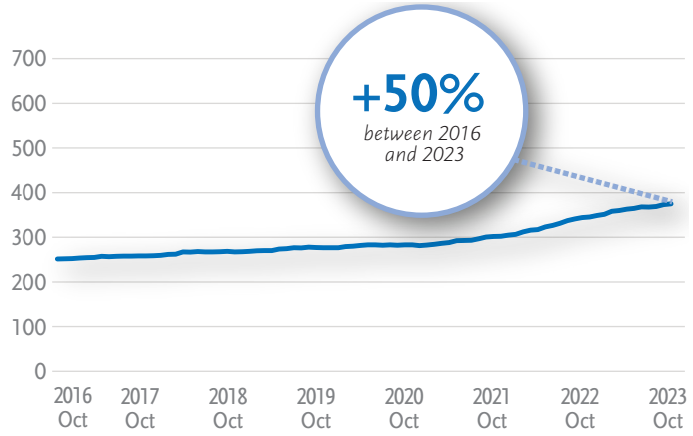
Concrete

Unlike other common materials in infrastructure construction, concrete has not seen the sharp ups and downs (refer to Figure 14). Instead, concrete has steadily increased year after year.[21] The supply of concrete materials in the U.S. is limited and imports have been slow to move.[22] For example, the years-long concrete price increases are partially due to high energy costs and the closure of a large quarry and port in Mexico causing a shortage of cement mix.[23] As a result, many contractors face severe pressure from the lack of concrete availability and high prices.

In 2024, the supply of concrete products will be limited, resulting in higher prices. Price increases beyond 2024 are anticipated to generally be around 2%, according to ENR's latest cost report.[24]

Figure 14

Average Annual % Change in Concrete

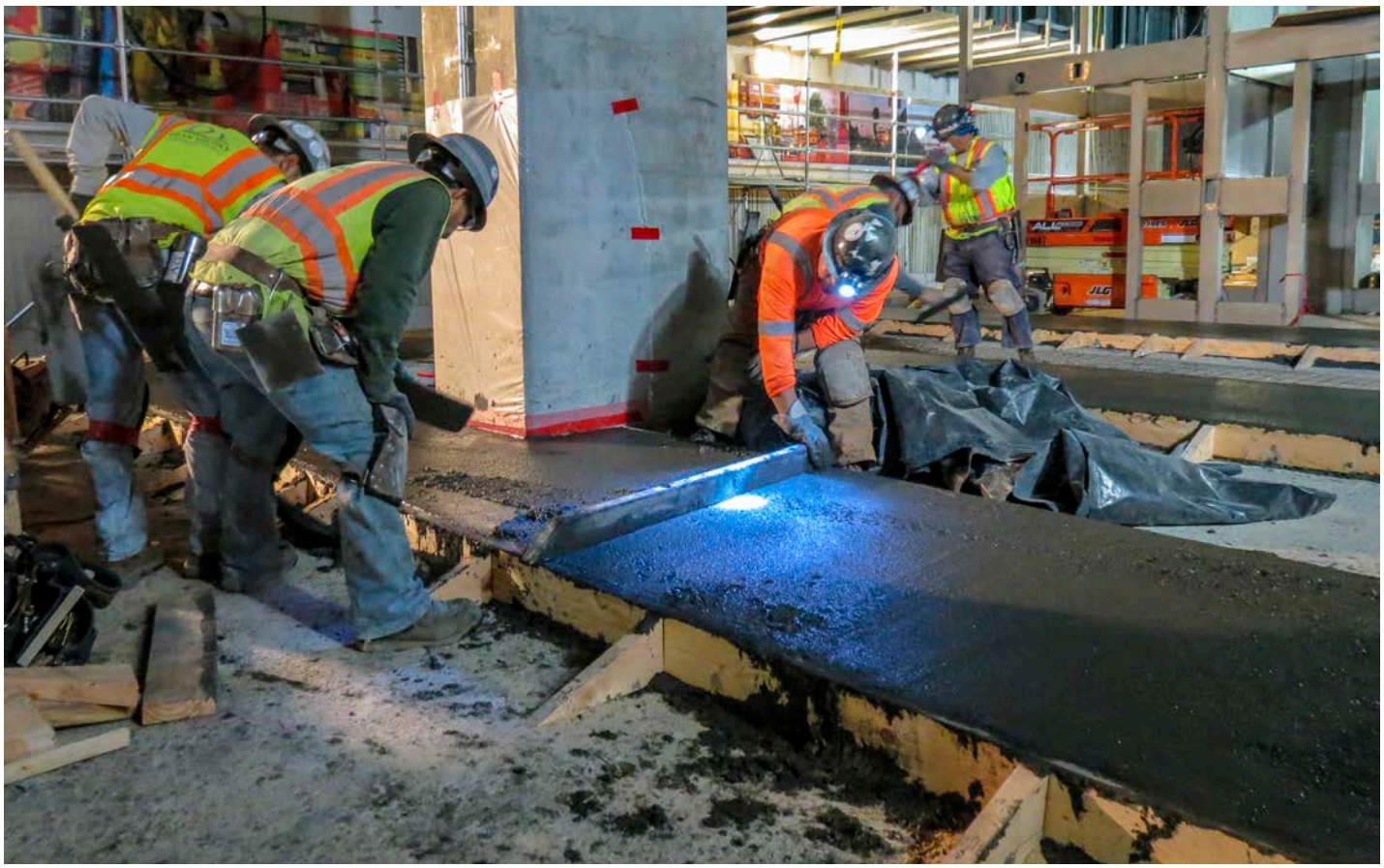


Source: Bureau of Labor Statistics, WPU133 (2023)

9%	3%	1%
percent change in last 12 months	*percent change in last 6 months*	*percent change in last month*

FUTURE (2024 TO 2026)

4%	2%	2%
2024	*2025*	*2026*



Lumber/Plywood

No other commodity has faced as much volatility as lumber/plywood over the past three years (refer to Figure 15). Producers in the U.S. and Canada cut production. However, demand for lumber/plywood experienced a quick V-shape recovery in the summer of 2020 from new housing starts and permits. This resulted in a mismatched supply and demand situation that peaked in the summer of 2021, and prices dramatically declined shortly after.[25] Prices took another sharp turn upward due to the federal government imposing tariffs on Canadian imports. In 2023, prices have steadily declined and are leveling. With the large wildfires in Canada in the summer of 2023, prices may see another upward trend.

Mortgage rates remain high and affect demand for residential construction, typically a key driver for lumber prices. As a result, lumber prices are expected to see steady prices for the foreseeable future.[26]

Figure 15

Average Annual % Change in Lumber/Plywood



Source: Bureau of Labor Statistics, WPUSI004011 (2023)

-14%	-4%	-1%
percent change in last 12 months	*percent change in last 6 months*	*percent change in last month*

FUTURE (2024 TO 2026)

1%	1%	2%
2024	*2025*	*2026*



Asphalt

Historically, asphalt paving has followed oil price trends because it is made from processing crude oil. As a result, asphalt has seen its fair share of volatility over the past few years, as shown in Figure 16.

Asphalt price changes generally lag behind fuel price changes and, therefore, will likely see a short-term decline as a result of previous declines in fuel prices. However, with the current increase in fuel prices, asphalt prices will tick back up beyond 2024 per ENR's cost report.[27]

Figure 16

Average Annual % Change in Asphalt



Source: Bureau of Labor Statistics, WPU058102 (2023)

-26%	20%	0%
percent change in last 12 months	*percent change in last 6 months*	*percent change in last month*

FUTURE (2024 TO 2026)

-1%	3%	2%
2024	*2025*	*2026*



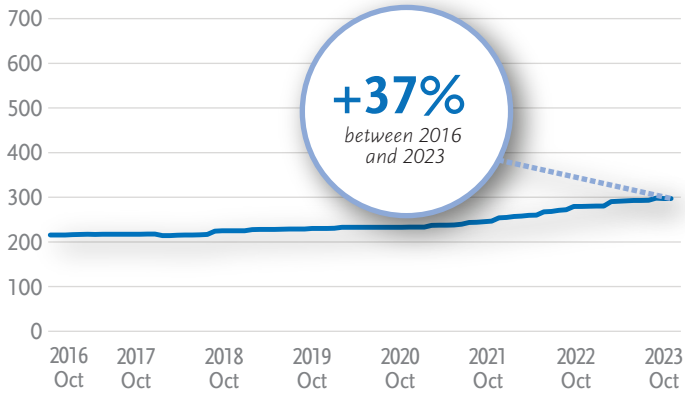
Machinery and Equipment

Contractors struggled with acquiring construction machinery and equipment over the last three years. Many found creative solutions and sources to their purchasing needs. A shortage of critical electronic control chips—found in many models of construction equipment and automobiles—due to supply chain issues was a major driver of the lack of availability of new machines these past years. However, the shortage appears to have been resolved, and major indicators, such as machine age and usage, are normalizing in accordance with historical trends.[28]

Original equipment manufacturers foresee production stability, but prices could remain volatile, while spare parts, labor or maintenance, and operating costs have risen steadily for several categories of machines, according to the latest EquipmentWatch data.[29] It is anticipated that machinery and equipment prices will rise (refer to Figure 17) because contractors extended the useful life of machinery and equipment during the pandemic but are now looking for replacements and bidding up prices, per EquipmentWatch.

Figure 17

Average Annual % Change in Machinery and Equipment

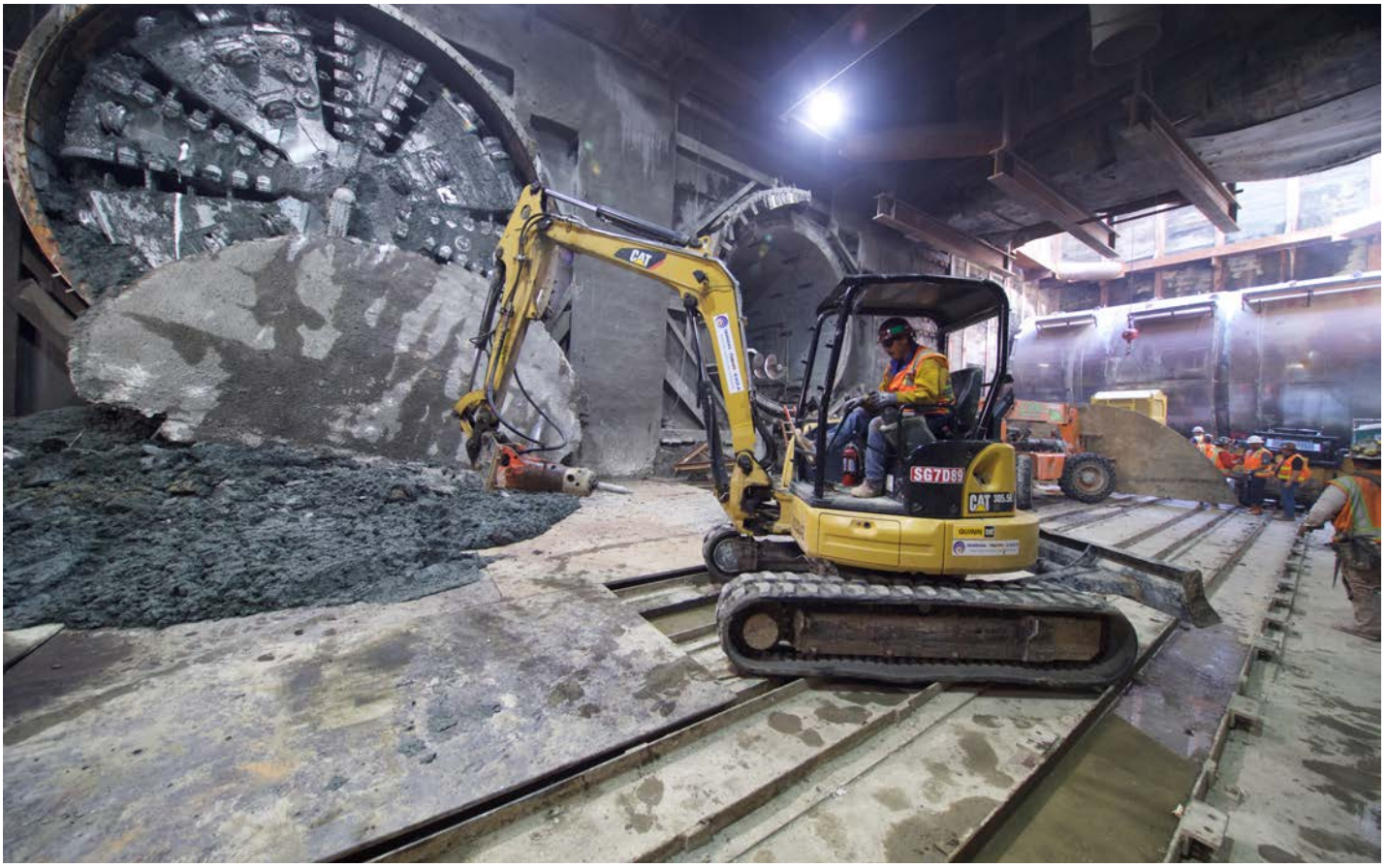


Source: ENR & EquipmentWatch (2023)

6%	2%	0%
percent change in last 12 months	*percent change in last 6 months*	*percent change in last month*

FUTURE (2024 TO 2026)

2%	3%	3%
2024	*2025*	*2026*



3. What is labor availability and how does it affect construction?

The construction industry faced a persistent labor shortage for the past several years. The ongoing labor shortage is due to several factors, such as an aging workforce and skills gap. Many experienced construction workers are retiring, and too few new workers are entering the workforce to keep up with demand. Meanwhile, the construction industry has become more technologically advanced over the last two decades. This requires workers to have new skills and knowledge, yet many do not, contributing to the labor shortage. The labor shortage is also exacerbated by other market trends including competition from other industries, immigration restrictions, and the gig economy.

Employment/Unemployment

With materials costs stabilizing, labor availability has resumed as the biggest challenge for contractors. Construction employment is currently at an all-time high of 8 million, as shown in Figure 18. This represents a cumulative increase of 21% since 2016 according to data published by the BLS.[30]

The construction labor market also hit another milestone in 2023—the lowest unemployment rate since the BLS started tracking. This occurred in April 2023 when it reached 3.4%, more than a half point lower than the national unemployment rate. Historically, construction employment has been three percentage points higher on average, making this a rarity. Since April 2023, the construction unemployment rate increased slightly to 3.8%, matching the national unemployment rate for October 2023, as shown in Figure 19.

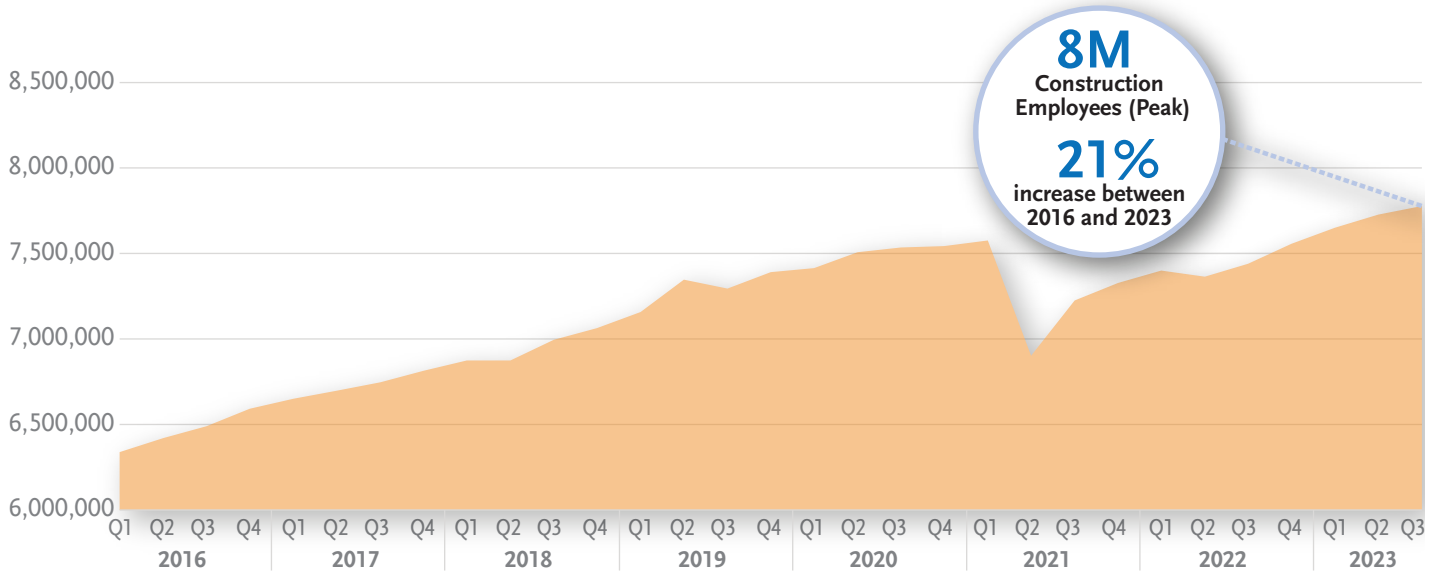
Unemployment Rates for Professional Services at All-Time Lows

Professional services staffing is experiencing unprecedentedly low unemployment. The professional services unemployment rate reached an all-time low of 1.7% in May 2022 and has generally hovered around 2.5% for the last two years.[31] The unemployment rate for professional services shows minimal resources in the market, making it difficult for contractors and owners to hire staff and support resources.

On the owner's side, one effect is that staffing shortages result in increasing durations for preconstruction activities. All increases in preconstruction activity duration and delay to the start of construction will escalate construction cost due to the inflation of year-over-year construction market. On the contractor's side one effect is that professional services staffing shortages result in upward salary pressures, directly affecting construction bid pricing. In both cases, the result is increasing project costs.

Figure 18

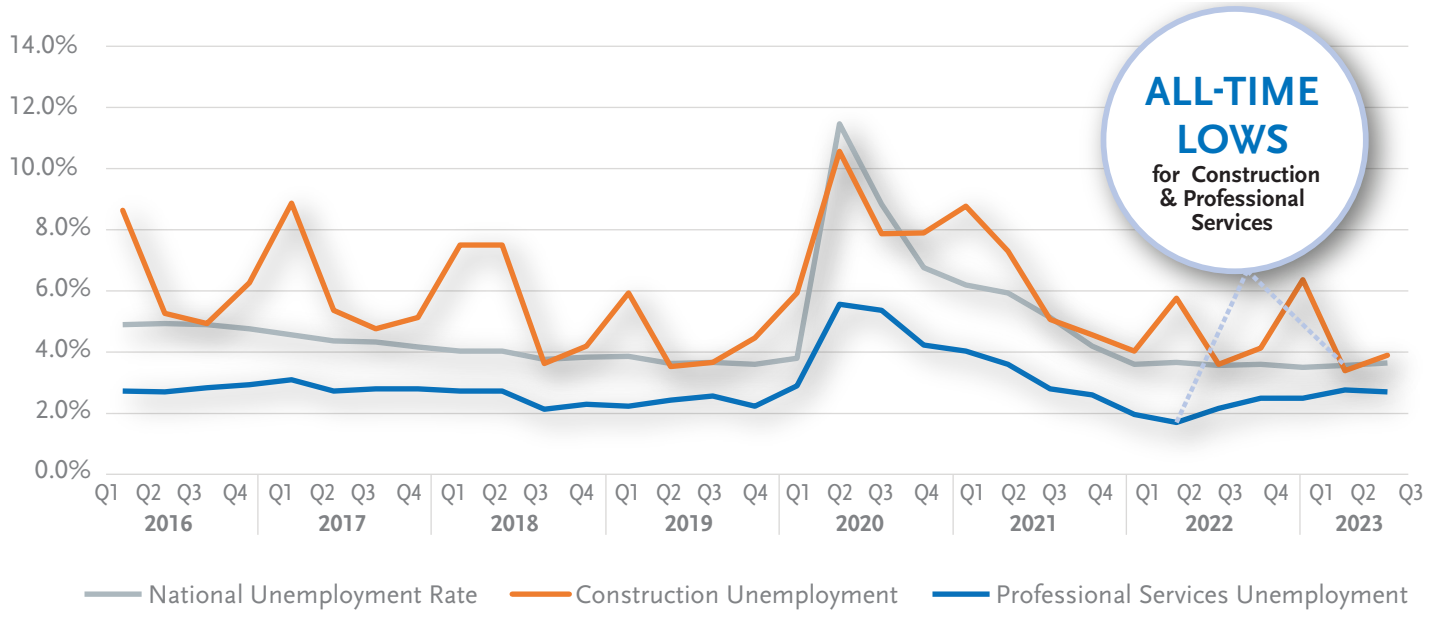
National Construction Employment



Source: Bureau of Labor Statistic, CES2000000001 (2023)

Figure 19

National Unemployment Rates



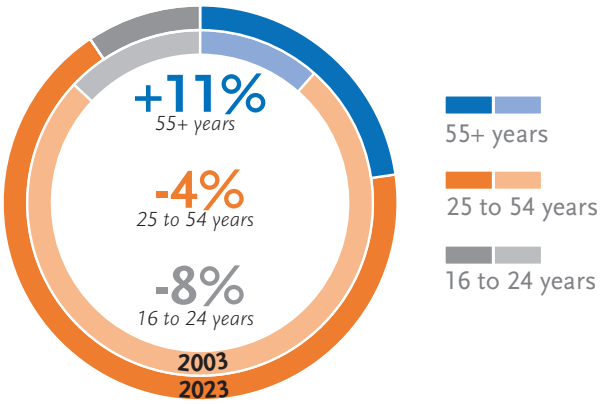
Source: Bureau of Labor Statistics, LNU04032231/LNS14000000/LNU04034219 (2023)

Demographics

With all-time highs for employment and all-time lows for unemployment, the industry is gravely concerned about sustaining current construction demands. Figure 20 looks at the demographics of construction labor over the last 20 years, which shows that the share of construction workers 55 and older has nearly doubled from 12% to 23%.[32] In part, this increase reflects the aging of the population. However, the 16 to 24 age group has declined by 4%, and the 25 to 54 age group has decreased by 8% over the same period.[33] Regarding gender, Figure 21 shows that the construction industry has made only a modest gain of 2% in the last ten years in terms of the share of women in the workforce.[34]

Figure 20

Construction Employment Age – 2003–2023 Comparison



Source: Bureau of Labor Statistics Construction Industry Spotlight (2022)



Figure 21

10-Year Comparison of Women in the Construction Workforce

Men	Women
91% 2013	9% 2013
89% 2023	11% 2023
2% difference	*Change in women participating in the construction workforce*





Openings versus Hirings

For the last two years, job openings have generally outpaced the number of hires, as shown in Figure 22. This indicates a severe shortage of construction labor as a result of high construction activity combined with the historic levels of employment and unemployment rates.

This issue is further reinforced by the results of the AGC 2023 Workforce Survey, as shown in Figure 23. The survey reveals that among firms with openings, 88% are struggling with filling the positions, especially craft labor that requires onsite construction work.[35] This challenge is across the board, with similar results reported by large and small contractors, ones that use exclusively union labor, and others that operate as open-shop employers, and across geographies.

The survey also reveals the main reason the labor shortage is so severe in the construction industry is that most job candidates are not qualified to work in the industry. More than two-thirds of contractors responded that applicants lack the skills to work in construction.[36]

Figure 23

AGC 2023 Workforce Survey – Labor Shortage by the Numbers

88% of contractors are having a **hard time filling craft labor**

68% of contractors find available **candidates are not qualified** and **lack the needed skills**

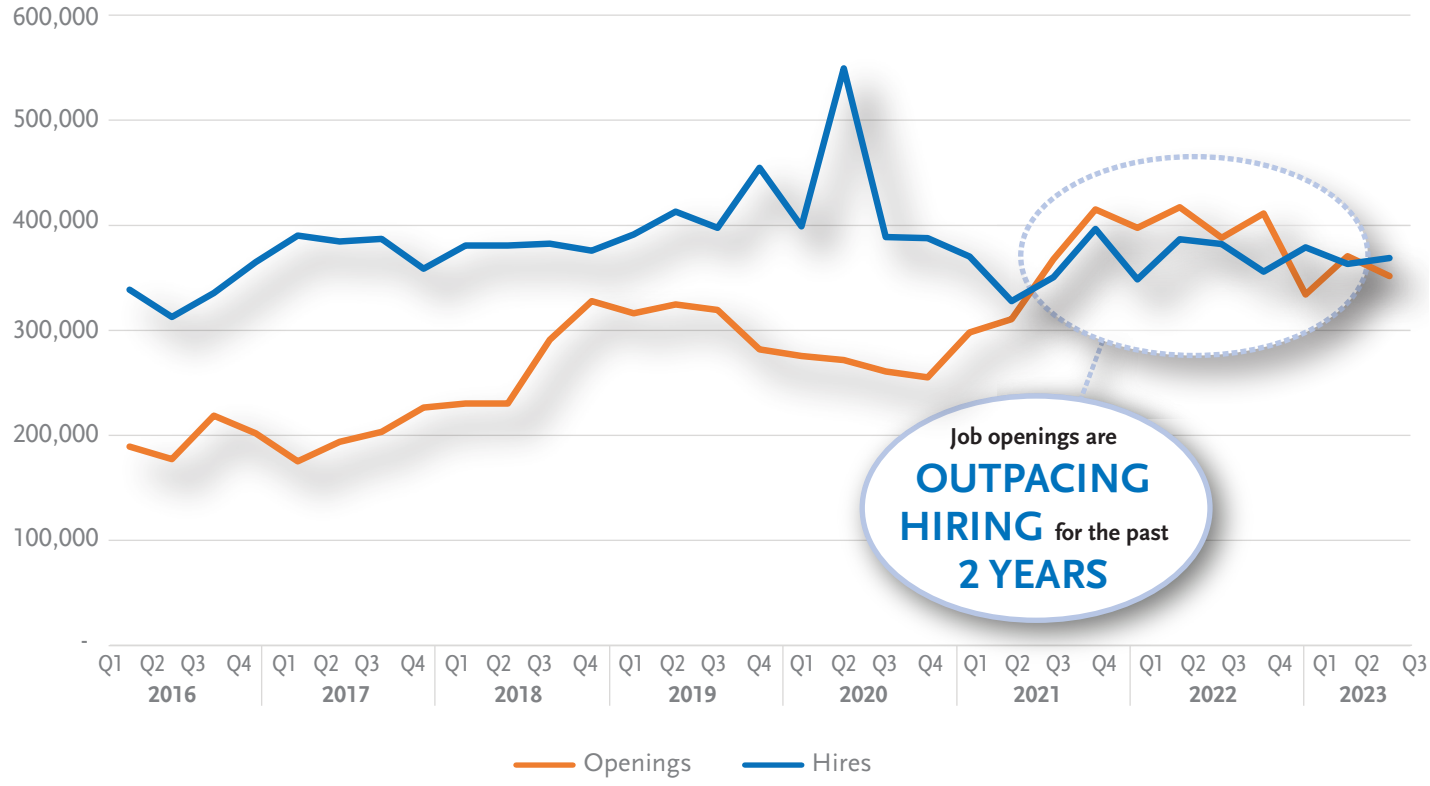
69% of contractors expect to have **additional job opening** in the **next 12 months**

60%+ of contractors have **increase investment** in **online recruitment, and training and professional development**

Source: AGC (2023)

Figure 22

National Construction Job Openings versus Hiring



Source: Bureau of Labor Statistics, Job Openings and Labor Turnover Survey (2023)

Wages

Labor shortages and inflationary pressures continue to push up craftworker wages at rates not seen in decades. Both union and open-shop pay are on the rise, as employers fight to attract and retain workers to meet the high volume of demand. Wage increases are also driven by the cost of living resulting from inflation. Figure 24 shows the national average hourly rates by craftwork and the percentage change in hourly rates between 2022 and 2023.

In 2023, union labor settlements increased wages from 3.6% to 4.5%.[37] The current first-year settlements are on track to equal or surpass the high watermark of 4.6% set in 2008. This upward trend will continue as union settlements are almost always multi-year contracts, and the current increases lag behind demand. The highest wage increases appear to be on the West Coast according to statements from union contractor groups in ENR's 2023 Q3 Cost Report. The report speculates that federal investment demand for megaprojects over the next several years will drive wage increases to above 5% in 2024 and 2025.

Demand for megaprojects fueled by federal investment spending will drive wage increases above 5% in 2024 and 2025.

Figure 24

Hourly Rates by Craftworker

CEMENT MASONS

$29.54
2023 U.S. Average

4.36%
Annual % Change

ELECTRICIANS

$29.54
2023 U.S. Average

4.49%
Annual % Change

EQUIPMENT OPERATORS

$33.90
2023 U.S. Average

4.30%
Annual % Change

LABORERS

$22.81
2023 U.S. Average

4.43%
Annual % Change

IRONWORKS

$31.84
2023 U.S. Average

3.98%
Annual % Change

Source: ENR Q3 Cost Report (2023)




IW
416
W65

4. What trends are emerging in bid prices?

The escalation of bid prices has many negative consequences for owners and contractors. For owners, the escalation of bid prices is making it more expensive to build new projects and repair and maintain existing infrastructure. This could lead to a slowdown in construction activity, as owners may delay, descope, or cancel projects due to the high cost.

For contractors, the escalation of bid prices is making it more difficult to make a profit on projects. This is because contractors are often locked into a fixed-price contract, which means that they cannot pass on the higher costs of materials and labor. This could lead to financial losses for contractors, some contractors going out of business, and contractors increasing future bids to guard against these types of losses.

Cost Indices

The construction industry uses several cost indices to measure inflation in the construction market, or, more simply, the change in cost over time. The year-over-year changes in these cost indices are used to estimate escalation.

In construction, escalation is commonly used in cost estimates to represent anticipated future changes in construction costs. This report looks at the ENR Construction Cost Index (ENR CCI), calculated based on material and labor components and a 20-city national average. ENR's cost indices are highly respected and used by California's Department of General Services to develop the California Construction Cost Index (CA CCI).

Figure 25 compares inflation within construction by using the ENR CCI, CA CCI, and the Consumer Price Index. This compares inflation between the typical basket of consumer goods and construction. The chart reveals that construction inflation is higher than the national average. In California, the indices show that items are generally more expensive than the national average. Another data point from the chart is that construction costs in California have ranged between 10% and 25% higher than the national average since May 2021.

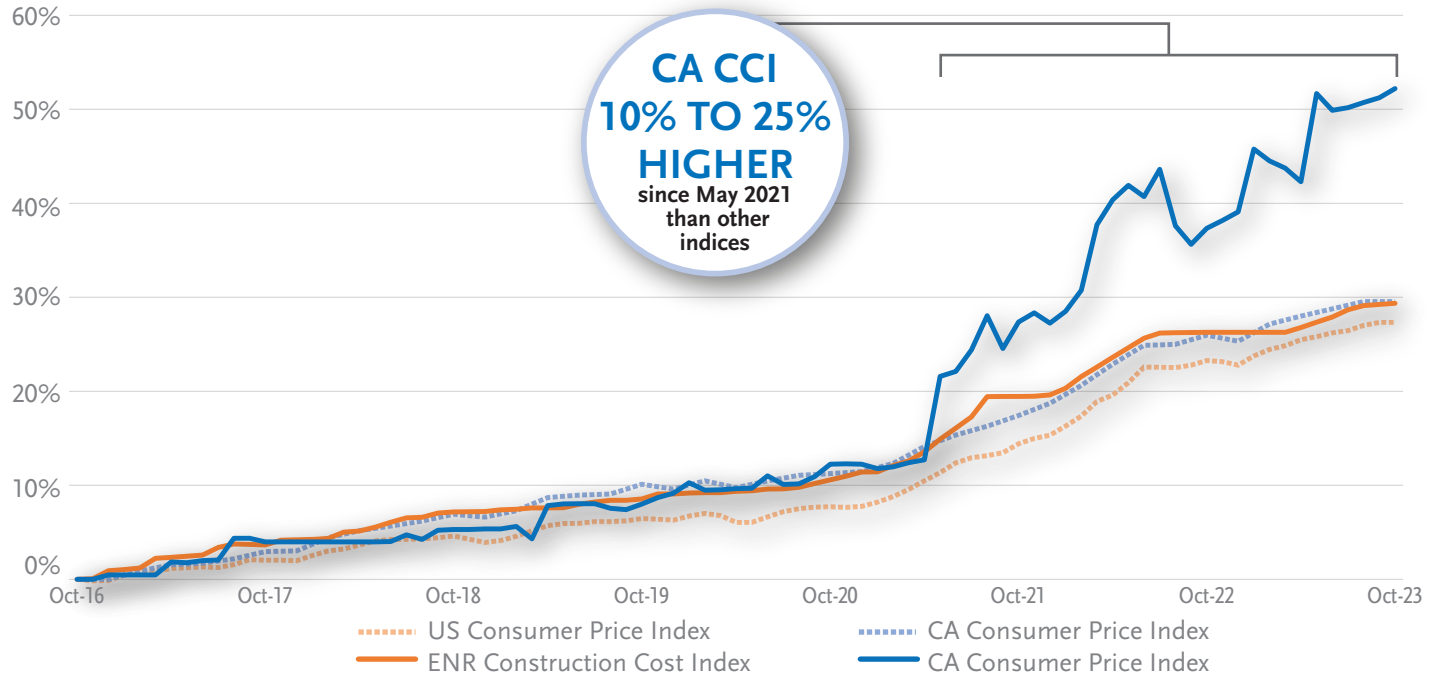
Bid Prices

Increasing construction costs from inflation have caused two periods in the last two years in which construction costs exceeded bid pricing. The first occurrence was in the summer of 2021 and resulted in several spikes in bid prices. Construction costs continued to increase with bid pricing spikes going into 2022. Costs exceeded bid prices again in February 2022, resulting in significant spikes in bid prices over the next several months. In tandem with the leveling of materials prices in 2023, bid prices have also flattened and are dropping slightly (Figure 26).

The escalation of bid prices is having negative consequences. For owners, the escalation of bid prices is making it more expensive to build projects. For contractors, the escalation of bid prices is making it more difficult to make a profit on projects.

Figure 25

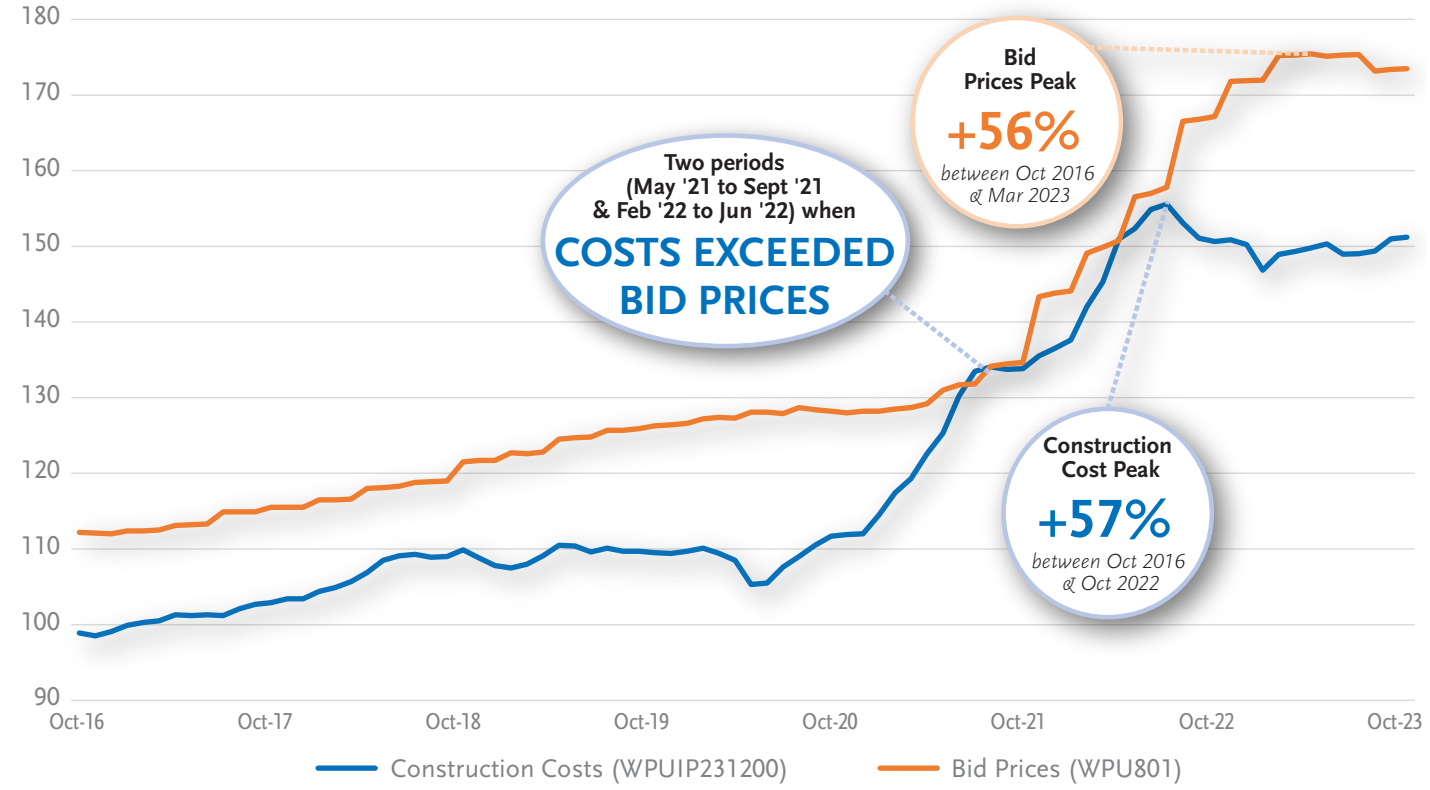
National & California Cumulative Increase in Consumer versus Construction Market Inflation



Source: BLS 2023, ENR 2023

Figure 26

National Construction Costs versus Bid Pricing



Source: BLS 2023

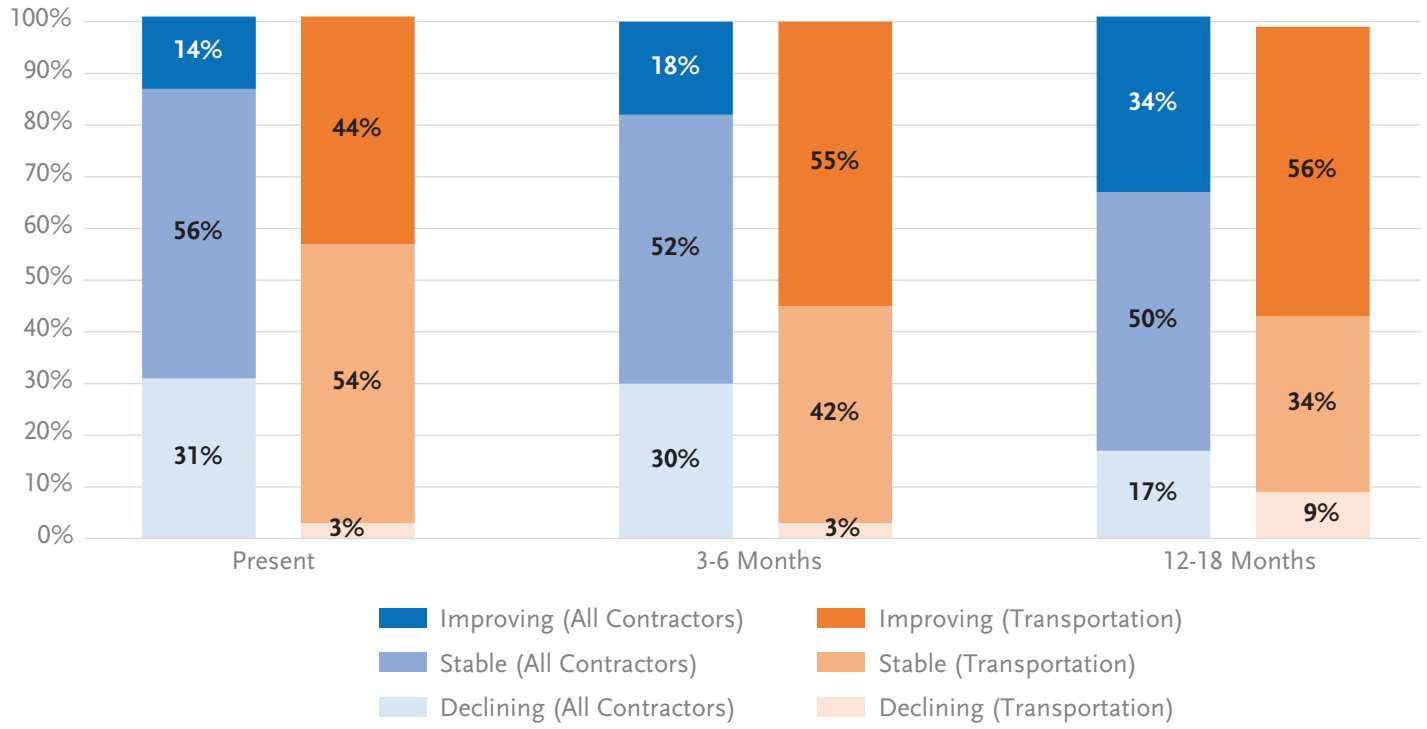
5. How are contractors responding to market conditions?

Confidence in the current construction market is growing among contractors per ENR's 2023 Q3 Cost Report Survey. Contractors generally responded with more positivity, especially in the short-to-medium term. Of our survey respondents, 70% of contractors anticipate a stable or improving market 3 to 6 months from now (10% increase from 2023 Q2). Looking ahead 12 to 18 months from now, 83% of contractors see either a stable or improving market (an increase of 16% from 2023 Q2). Transportation contractors are by far the industry's most optimistic, as shown in Figure 27. In the AGC 2023 Outlook Survey, transportation and bridge/highway were the top 2 of 18 construction sectors, with the highest optimism for the increased value of construction work in the coming years.[38]



Figure 27

2023 Q3 ENR Construction Industry Confidence Index Survey - How do you think the overall construction market is performing currently and will perform in the next 3 to 6 months and 12 to 18 months?



Source: ENR 2023

CHAPTER 4

The Construction Environment: An Inside View

KEY QUESTIONS WE AIM TO ADDRESS

1. Why conduct contractor surveys?
2. What was the process for conducting surveys?
3. What were some of the common themes in the contractor responses?
4. How did the results compare to the previous Construction Market Analysis contractor interviews in 2018?




MUSEUM
MASONRY
CONCEPTS

1. Why conduct contractor surveys?

Contractors are key Metro partners and critical to the success of building out the transportation system as outlined in Measure R and M. To meet the mandate set by Los Angeles County voters, Metro must efficiently deliver projects of all sizes, maximizing the value of taxpayer dollars. Metro benefits from the open and candid feedback received from the contractor community, as it helps in foster effective partnerships and ensures the timely and budget-conscious delivery of high-quality projects.

By surveying contractors for feedback and thoughtfully responding to the information provided, Metro can gain valuable insights, improve delivery performance in the future, and build stronger relationships with contractors. This can lead to a competitive advantage in the marketplace and better outcomes for future projects.

The status of the marketplace often dictates beneficial modifications in delivery methods, revisions to contract terms and conditions, and efficiency in processes. An owner's adaptiveness to the market, and willingness to consider these modifications, is considered by contractors when they evaluate their "go/no-go" decisions on prospective projects. Owners perceived positively in the market will obtain more bids on their projects, with possible cost benefits due to the increased competition.

Benefits of the Contractor Surveys

Engaging contractors in surveys to gather insights on the latest construction market trends and soliciting their feedback yields several advantages, including:

> **Obtaining valuable input on Metro's performance and identifying potential areas for enhancement.** Contractors have a unique perspective on the construction process and can provide valuable insight into how Metro can improve business and delivery for all parties involved. For example, contractors may be able to suggest ways to improve the owner's communication style, delivery strategy, decision-making process, or project management skills.

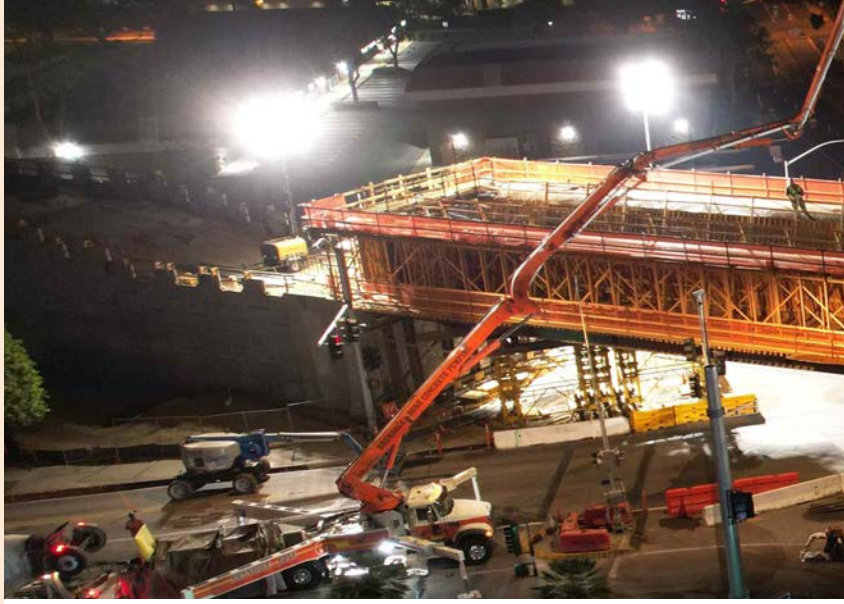
> **Awareness of the latest industry trends and best practices.** The construction industry is constantly evolving, and contractors are often at the forefront of new technologies and techniques. Metro can learn about the latest best practices by surveying contractors and identifying opportunities to improve delivery strategies and construction management.

> **Build stronger relationships with contractors.** By listening, demonstrating interest in feedback and ideas for improvement, and providing thoughtful responses to suggested changes, contractors are more likely to view Metro as a good partner and owner of choice. This can lead to better communication, collaboration, and outcomes on future projects. Owners who are committed to being better owners are more likely to attract top contractors and receive more competition.



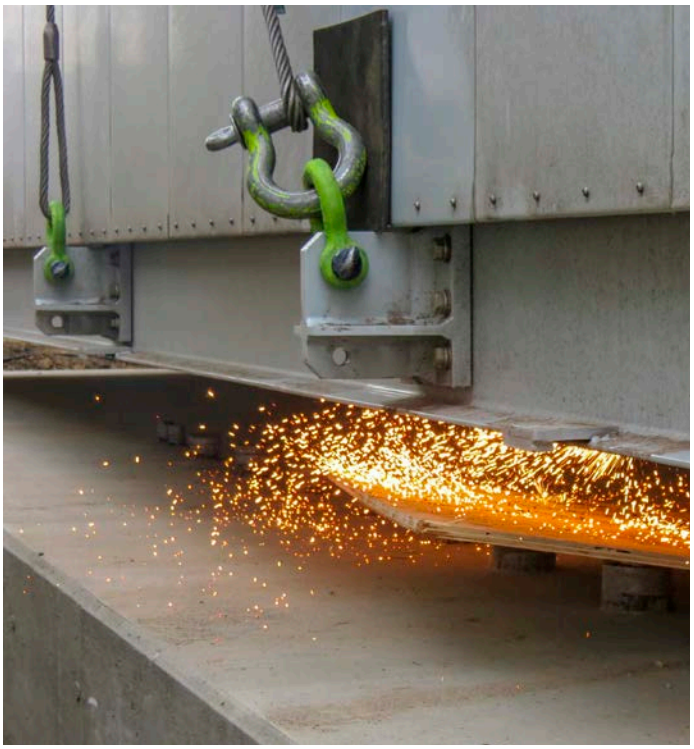
2. What was the process for conducting surveys and interviews?

The survey and interviews are meant to collect input from a broad spectrum of contractors, varying in revenue and employee size, and varying in their history with Metro, capturing feedback from contractors who have worked or are working with Metro, contractors who are trying to do work with Metro, and contractors who are not interested in working with Metro at this time. To do this, Metro conducted two types of anonymous surveys: an online survey and one-on-one interviews via a third party.



AGC Membership Online Survey

For the survey, Metro worked with AGC of California to distribute an online survey to its membership to obtain input on general construction market conditions and improvements an owner could make to address items of concern. The survey consisted of multiple choice, yes/no, and open-ended questions. Questions focused on employment conditions, escalation, Small Business Enterprise (SBE)/Disadvantaged Business Enterprise (DBE) utilization, and recommended improvements an owner could make to address the conditions anticipated for the next 5 to 10 years. The questions were similar to those used during the AGC survey conducted for the 2018 Construction Market Analysis. The results of the 2023 survey are presented later in this chapter.





One-on-One Interviews

For the one-on-one interviews, contractors participated anonymously. The list of contacted contractors consisted of Metro's top 20 prime contractors and top 10 subcontractors based on contract value for the last five years, Metro's top five small business prime contractors, and ENR's top 40 transportation contractors. While some contractors declined to participate, most of the contractors who were contacted participated in the one-on-one interviews and even engaged their top executives to provide feedback.

Although the interviews were a dialogue, a set of questions was used to facilitate the conversation, compare responses between contractors, and identify changes in responses from the 2018 contractor one-on-one interviews. The questions touched on current and future market conditions, bid pricing/escalation, SBE/DBE utilization, labor supply, delivery method preference, and general comments. The questions were intended to spark conversation and solicit ideas on specific items or issues that could be addressed to improve bidder participation, result in better bid prices, and develop better working relationships between Metro and the contractors.

In addition, some questions were specific to contractors not currently working with or have not previously worked with Metro or in the Los Angeles market.



One-on-One Interview and Survey Results

WHO WAS INCLUDED?

77%
Prime Contractors

18%
SubContractors

5%
Other

Bidding Conditions

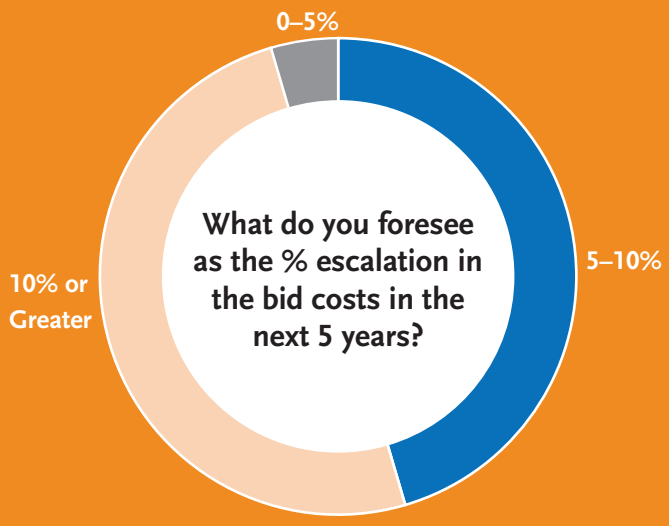
What factors do you see currently affecting bidding conditions and pricing? Do you foresee future issues affecting the market (up or down) in the next 5 years?

" Lack of fundings, shortage of subcontractors, shortage of supplied materials (i.e., concrete) and unfunded projects. These factors will get worse in next 5 years."

" Inflation, skilled employee shortages, labor compliance, global instability, regulatory compliance. All trending toward increased costs."

" Price of fuel, DBE requirements and availability, inflation, lack of escalation protection in contract for long duration projects. These items will continue to impact the market, driving pricing up."

" Bidding conditions will be in an unfortunate place, costs will continue to rise and there will be less work to bid = lower margins. Future issues will impact the market down for the next 2 years; after that it will depend on who is in the White House in 2025."





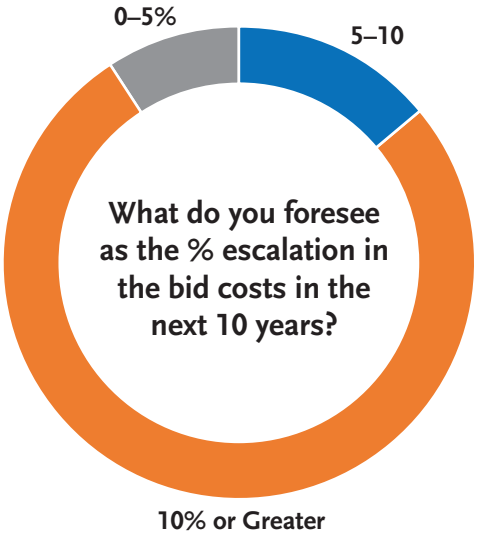
What actions would you recommend that owners take to positively affect bidding conditions and pricing?

" Provide for cost indexing based on the award period. Incentivize owner consultants to get to timely completion and fewest disputes."

" Reduce the DBE/SBE requirements to realistic numbers, create a mechanism to index material pricing."

" Have allowances to cover fuel and material escalation. Make contract language such that changes or claims are not difficult to resolve, and that the contractor does not have to absorb the financial burden and go through a lengthy process to find resolution."

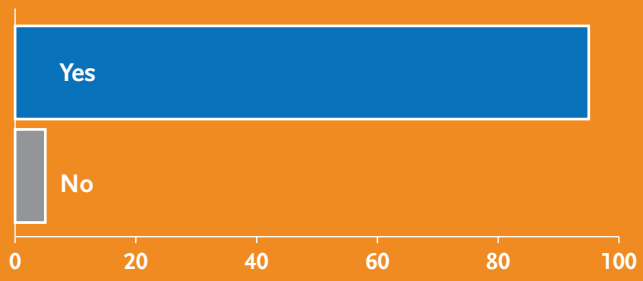
" Provide for escalation protection. Set DBE goals that are achievable without having to add significant premiums to the bid price."





DBE/SBE Utilization

Are you experiencing any issues with meeting DBE/SBE utilization requirements? If YES, what specific issues?



" Most DBEs can only perform small scopes. It is difficult to accumulate enough participation from DBEs on larger projects to meet the goals. Goals should be reduced, not increased."

" We have been able to meet minority goals. Some agencies though, set unrealistic targets that are extremely difficult to meet."

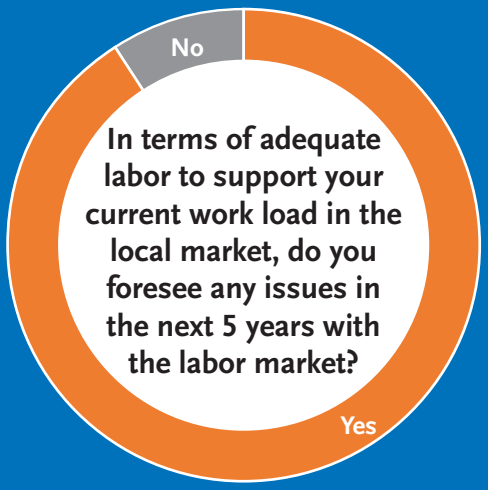
" Not enough firms that meet commercial use function requirements. Agency certifying firms are unqualified."

" Finding qualified contractors, resource constraints, financial stability, goals not lining up with scope of work."





Labor Market



What specific issues do you foresee in the next 5 years with the labor market?

" With the number of forecasted projects and the limited number of people joining the workforce, we are paying over scale wages to retain a competent workforce."

" More labor pool retiring than are entering the industry."

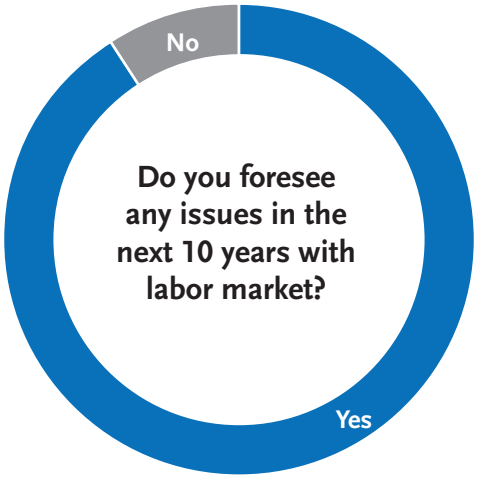
" Continued pressure on trade labor to build all of the work available."

" Project labor agreements and local hire restrictions actually limit how we can recruit employees and generate interest in the industry long term."

Do you foresee any issues in the next 10 years with the labor market? If YES, what specific issues?

" Lack of labor will become the bottleneck for delivering projects. Projects will take longer to deliver, increasing risk to the contractors and owners."

" Schools/colleges have discontinued trade/skilled education programs (blue collar jobs, manufacturing, shop, etc.) in favor of STEM programs."



" If we don't start now recruiting, training, and developing the next generation of construction workers, there will not be enough workers."

" It is anticipated that it will be a challenge to acquire qualified labor resources for all types of work and for DBE/SBE scopes of work, to perform our work safely and with quality. This is due primarily to the volume of construction work in California and in Southern California, which reduces the available qualified labor for all projects."

STEM = science, technology, engineering, and math





Project Delivery

What general recommendations would you make to an owner to improve project delivery?

" Create incentives for all parties to expedite and speed up project delivery. "

" Have interagency buy-in before putting an RFP on the street. Too many times, the various stakeholders do not agree on the design, which causes delays and additional costs during construction."

" Focus on streamlining processes (procurement, controls, operations, etc.) within Metro, in order to expedite the start and finish of projects, as well as improving the efficiency of the system during projects. Notable areas are submittal review periods, utility coordination, coordination with the City of Los Angeles, contract change management, and processing payments to the contractor."

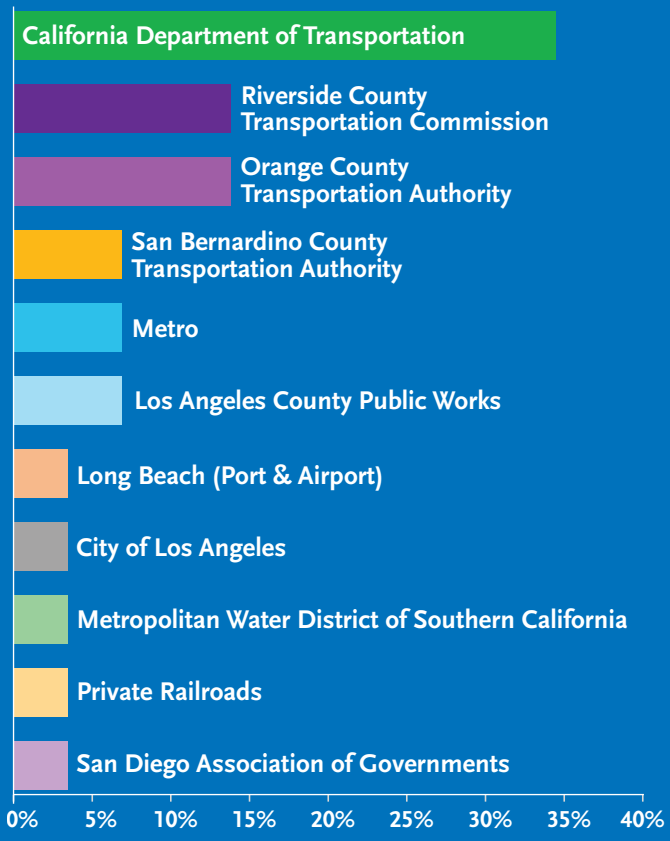
" Take a balanced approach to the project. The contractor, subcontractors, and suppliers need to be profitable to continue to provide services; when an "us/them" mentality is in place the partnership is in jeopardy and no one wins."

Lack of labor will become the bottleneck for delivering projects. Projects will take longer to deliver, increasing risk to the contractors and owners. What is your preferred delivery method(s)?

1. CM/GC
2. Design-Build
3. Design-Bid-Build
4. Public-Private-Partnership (P3)
5. CM at Risk

Owner of Choice

Of all the agencies in Los Angeles, Orange, Riverside, and San Bernardino Counties, which do you prefer to work for and why?



" Orange County. They do not have various internal departments/agencies who hinder the approval process. They employ progressive design-build, limiting risk to contractors and allowing the agency to have greater input in the design. They act in true partnership with their contractors."

" Caltrans, Riverside County. These agencies don't have unreasonable spec or submittal requirements. They are consistent from project to project, and don't push all changes to claims at the end of the project."

" Los Angeles and San Bernardino because that is where a lot of our labor comes from. Also, a lot of projects in these areas go union. We are a signatory to many unions: 11, 12, 300. The labor is also better in these regions."

" Port of Long Beach, Long Beach Airport, Los Angeles County Department of Public Works—they treat contractors fairly."

If there was one thing you could change in Metro to make it the preferred agency to work for, what would that be?

" Consistency in specifications and organization. It is suggested that Metro develop a "Metro" specification that is consistent on all projects. Additionally (similar to Caltrans), we would suggest providing a "Special Provision" with each project to modify the main "Metro" specification, which is utilized to customize the needs for each individual project."

" Reduce the amount of administrative requirements for payment, submittals, change orders, claims, etc."

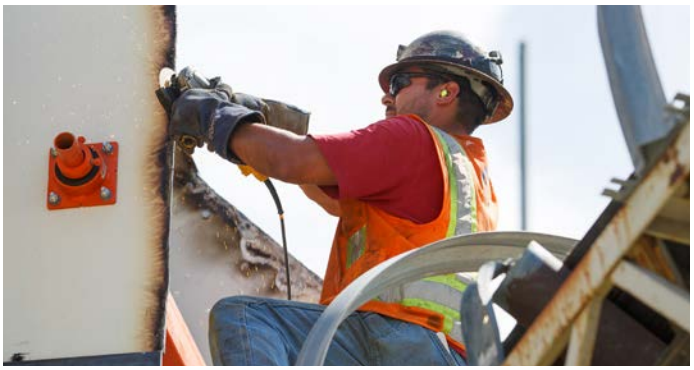
" Improve the tendering process by reducing the submissions required on bid day. Provide more timely payments."

3. What were some of the common themes in the contractor responses?

Based on the responses from the contractor surveys, several common themes emerged. The themes generally focused on areas of improvement for Metro, such as contract terms and conditions, delivery methods, and procurement. Other themes suggested challenges with labor resources and DBE/SBE goals. Several themes also identified areas where Metro is doing well compared to other owners. The following provides details regarding the common themes that emerged in the interviews.

Theme 1: Contractors Prefer Alternative Delivery Methods

The contracting community applauds Metro for moving toward and adapting various alternative delivery methods to improve project delivery. The interviews revealed that contractors prefer alternative delivery methods, such as construction manager/general contractor (CM/GC) or progressive design-build (PDB) on public infrastructure projects. The main reason contractors like alternative delivery methods for public infrastructure is that the risk allocation can be appropriately shared. Public infrastructure megaprojects are inherently complex and risky, with multiple stakeholders, right-of-way challenges, and third-party utilities. However, contractors continue to pursue work across various delivery methods and bid on more traditional delivery methods depending on the risk and owner.



Theme 2: Metro Excels at Engaging the Construction Industry

Contractors recognized Metro's efforts at communicating with the contracting community. Specifically, contractors applauded Metro's Meet the Prime events and viewed these events to be more efficient for primes and sub consultants when compared to events for subconsultants hosted by primes. The contracting community also appreciates Metro's efforts to communicate upcoming opportunities through the Vendor Portal and AGC collaboration. Contractors also complimented Metro for hiring recognized industry talent, which helps improve Metro's reputation as an owner.

Theme 3: Some Large Contractors Have Exited the Market

Due to their constrained resources and an abundance of bid opportunities, contractors are making business decisions not to pursue large, complex, public projects, including Metro's projects. Reasons include significant unshared risk exposure, contract terms and conditions, and contract delivery method. While Metro's efforts to move toward collaborative delivery are acknowledged, contractors emphasized the need for additional considerations to contract terms and conditions related to inflation risk, insurance limits of liability, indemnification, and third-party stakeholders. Contractors expressed an ongoing desire to engage with Metro in providing feedback to address these industry challenges, and some contractors shared that increasing bonding company involvement contributed to these business decisions.

Theme 4: Challenges with Metro's Long and Extended Procurement Times

A theme heard repeatedly from contractors is the burden placed on contractors, key personnel, and subcontractors by long and extended Metro procurement timelines. With the current high demand and low capacity in the marketplace, contractors encourage Metro to select bid winners within a reasonable timeframe. With some contracts imposing liquated damages on substitutions of key staff, Metro's long procurement times make it challenging to retain proposed personnel and subcontractors and make go/no-go decisions on other projects.

Contractors strongly prefer more collaborative delivery methods like CM/GC and PDB.



Theme 5: Metro's DBE/SBE Goals Do Not Seem to Align with Market Conditions and the Project Scope of Work

Contractors expressed concern about the increasing DBE and SBE goals over the past few years. The large volume of work and number of complex megaprojects across the region is putting significant stress on resources. Many contractors believe policymakers are setting requirements that are not aligned with the market conditions and are unfamiliar with the limited availability of technically qualified resources to deliver Metro projects.

Theme 6: Resolving Change Orders is Complex

Several contractors currently working with Metro have concerns with the process for resolving change orders and claims. The contractor interviews revealed too many layers of escalation among those at Metro who do not have the authority to resolve issues, and each level of escalation added time to the resolution. Another issue contractors brought up in the interviews was that when a change order or claim resolution takes an extended period, Metro contracts require payments to subcontractors, regardless of whether Metro has paid the prime contractors, which creates cash flow challenges for the prime contractors. In addition, a contractual lack of allowed markups for primes on subcontractor work translates to a loss of recovery when subcontractors are involved in change orders.

4. How did the results compare to the 2018 contractor survey results?

The contractor surveys for the 2023 Construction Market Analysis provide an opportunity to compare the contractor views offered in the 2018 Construction Market Analysis, the last time contractors were surveyed. The results can show trends and changes in perspectives regarding bidding conditions, DBE/SBE utilization, and the labor market.

The following are observations and trends identified from comparing the results from the 2018 and 2023 Construction Market Analysis contractor survey of AGC of California members:

Bidding Conditions

> 14% increase in the number of contractors who foresee the escalation in bid costs increasing by more than 10% in the next five years.

> 21% increase in the number of contractors who foresee the escalation in bid costs increasing by more than 10% in the next ten years.

DBE/SBE Utilization

> 20% increase in contractors currently experiencing issues in meeting DBE/SBE utilization requirements. Figure 28 shows a timeline of Metro's annual DBE goal and contractor DBE attainment by year between 2018 and 2023 overlaid with the change in the percentage of contractors experiencing issues in meeting DBE utilization requirements based on responses from the 2018 Construction Market Analysis and 2023 Construction Market Analysis.

> No substantial change (less than 3% difference) in response to 5-year DBE/SBE utilization, with the majority continuing to foresee declining utilization.

> No substantial change (less than 3% difference) in response to whether there will be local, available resources to achieve DBE/SBE utilization requirements, with the majority continuing to foresee a lack of local, available DBE/SBE resources.

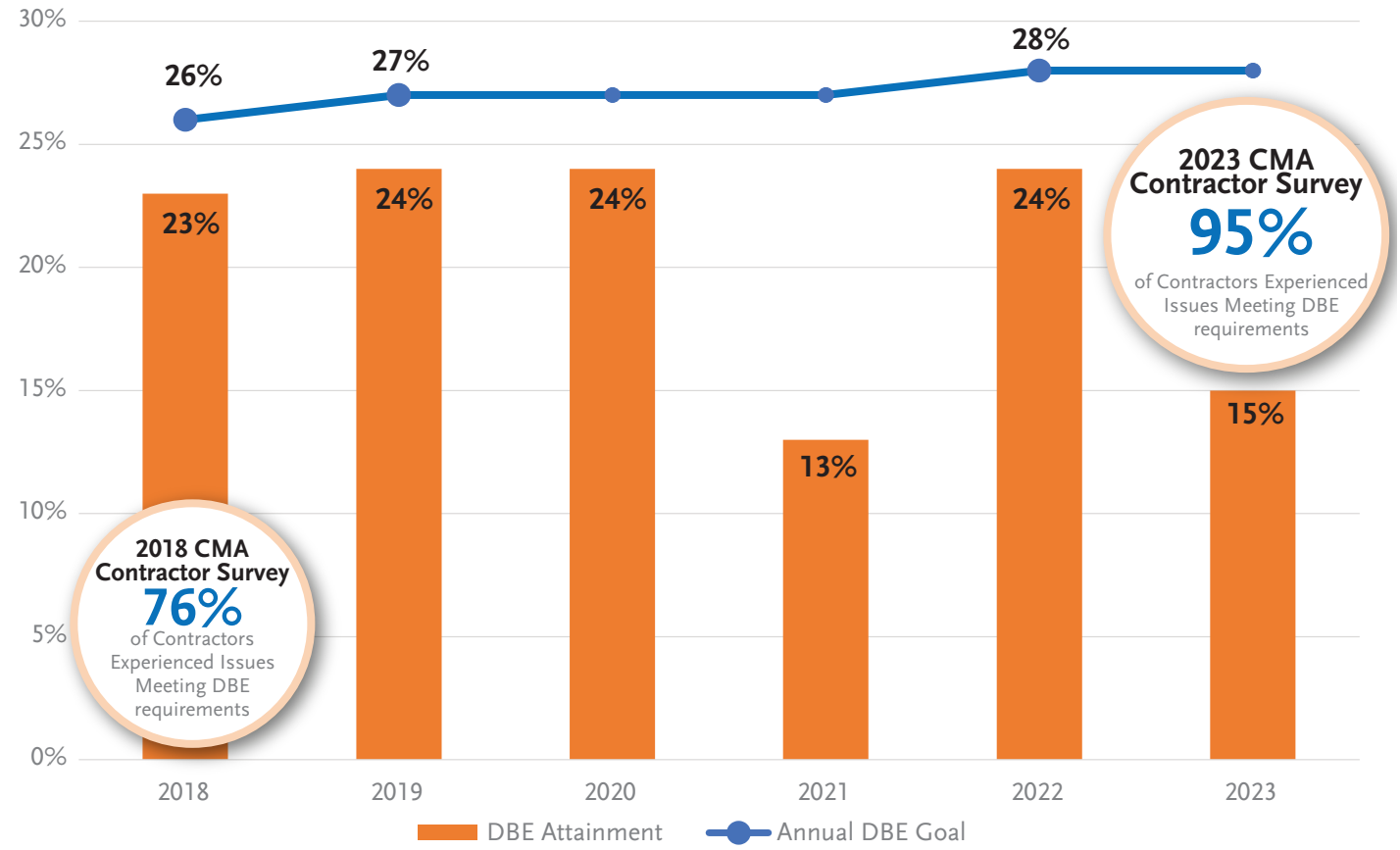
Labor Market

> No substantial change (less than 3% difference) in response to the ability of the local labor market to support the current workload, with the majority continuing to experience issues with finding available labor in the local market.

> 8% increase in contractors who foresee challenges in the local labor market to support upcoming construction projects in the next ten years.

Figure 28

DBE Attainment versus DBE Goal



Source: Metro



CHAPTER 5

Metro's Response to Market Conditions

KEY QUESTIONS WE AIM TO ADDRESS

1. How has Metro performed?
2. Why are Metro project costs increasing?
3. What is Metro doing to improve?





1. How has Metro performed?

Due to market pressures affecting project delivery and Metro's extensive construction program totaling approximately $13 billion, Metro continuously monitors potential scope, schedule, and budget changes to its capital portfolio. Metro continually evolves its program management approach to adapt to changing economic conditions, contractor market conditions, and staff shortages to deliver one of the nation's most ambitious capital programs. The following outlines critical drivers and initiatives related to Metro's actions to market conditions and being an owner of choice.

Metro's Annual Program Grows Every Year

The Annual Program Evaluation (APE) initiative comprehensively evaluates capital projects in the Program Management Department. Given the challenges of managing a multi-billion-dollar capital program, a comprehensive annual review of the risks associated with the program's cost and schedules is presented to the Metro Board of Directors each year. The APE focuses on only those capital projects managed by Program Management with a total project cost greater than $5 million. Since the passage of Measure M, the dollar size of the APE has more than doubled, as shown in Figure 29.

Since the passage of Measure M in 2016, the dollar amount of Metro's Program Management portfolio of projects has grown by nearly 140%.

METRO'S PROGRAM MANAGEMENT PORTFOLIO



10
MEGAPROJECTS
($100M+ *in size)*
in construction



70+
active projects

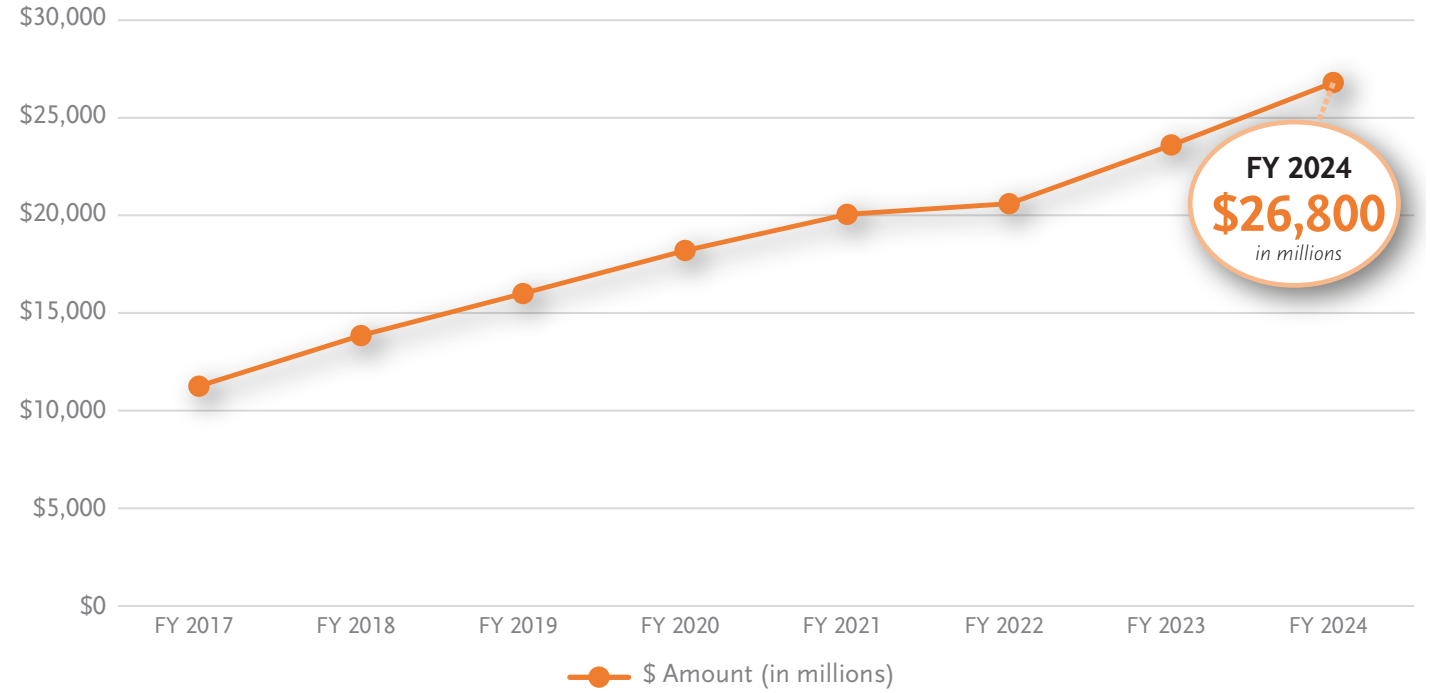


$27B
project costs

Source: Metro FY24 Annual Program Evaluation

Figure 29

Size of Metro's Program Management Portfolio



Source: Metro (2017-2023)



Bid Pricing

Many factors influence the number of bidders and bid pricing on Metro projects, such as the type of project, delivery method, and contractor awareness of projects before of their advertisement. As a result, analyzing the bidding environment for Metro projects is subjective but may reveal potential trends for Metro to be aware of as the agency continues to bid out projects. In reviewing low bids and Metro's independent cost estimate (ICE) of projects of $10 million or more, the following observations were made:

SINCE 2019

> Average of 3.1 bidders per project

> Average bid amounts are typically 14% higher than Metro's ICE

SINCE 2022

> Average of 2.8 bidders per project

> Average bids are trending 25% higher than the Metro ICE

The trends in the number of bidders and average bid amounts suggest Metro needs to attract more bidders (ideally a minimum of four to five bidders) to bring the average bid prices closer to Metro's ICE (ideally within 10% of the ICE). The considerable uptick in the average bid amounts over the Metro ICE suggests Metro is not immune to many of the factors affecting the construction market such as labor shortages and spikes in material prices.

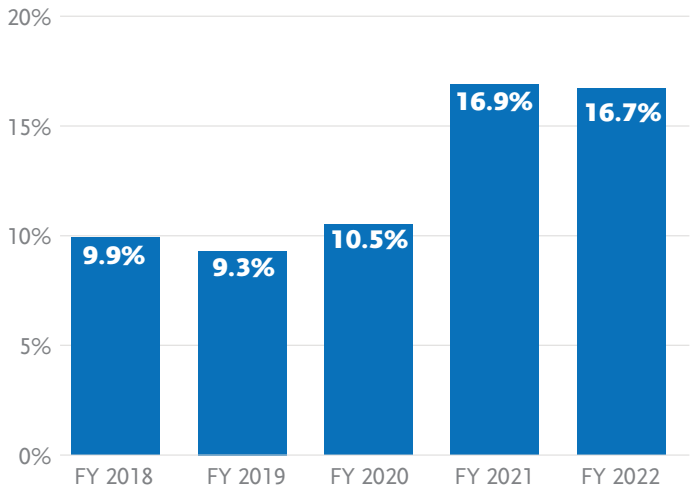
Metro's Staff Shortage

Metro has experienced staffing shortages in this hot labor market, but the agency has also prioritized efforts to remedy these gaps. Metro continues to prioritize staffing office workers, project staff, and other professional services employees to implement the vast scope of work Metro manages. Metro supplements its internal staff with consultants for capacity and specialized support. Metro also continues to evaluate and right-size consultant ratios to provide necessary and qualified resources to deliver Metro's program. Figure 30 shows the vacancy rates for Metro's non-contract full-time employees based on the *Measure M Five-Year Comprehensive Assessment and Equity Report*.



Figure 30

Metro Non-Contract Full-Time Employee Vacancy Rate



Source: Metro 2023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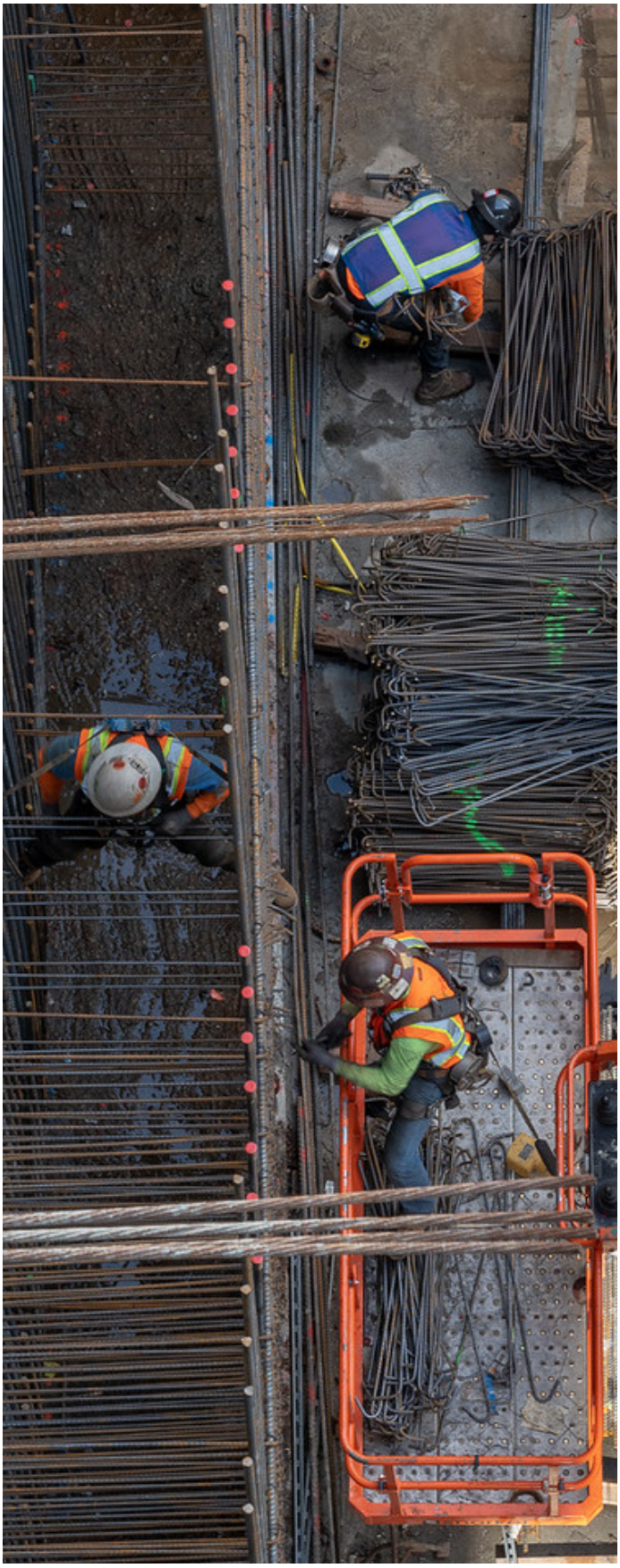
2. Why are Metro project costs increasing?

In addition to the economic conditions and state of the construction market described in the previous sections, transit projects, by their very nature, are highly complex undertakings. These projects are in the heart of the communities they serve, resulting in construction in dense urban settings that complicate construction and generate extensive third-party coordination needs. For these reasons, there has been a considerable increase in the costs of these projects.



Looking beyond some of the key cost drivers like material prices and the labor shortage, there are underlying reasons for transit projects being more and more expensive in recent years. Some of the reasons are summarized in Table 1.

Table 1

Cost Drivers Making Transit Projects More Expensive

COST DRIVER	DESCRIPTION
Environmental Ground Conditions and Cleanup	> Classifications of contaminated materials has become stricter, resulting in more soil that cannot be reused on a project and must be hauled away > Reduction in the number of nearby landfills that accept contaminated material
Third-Party Stakeholders	> Cost of reviews > Schedule of review process > Betterment requests
Communities	> Mitigating disruptions to businesses and residences > Restrictions on work hours > Construction moratoriums
Real Estate Costs	> Cost of real estate in most cities has outpaced general inflation > Time to acquire a critical property can be up to 18 months
Operation Requirements	> As rail systems expand, they become interconnected with the larger network, increasing the importance of reliability of the operation along with new systems needed to achieve that reliability > Results can be more interlockings (crossovers), sidings, and pocket tracks; more extensive signaling to accommodate shorter headways; reverse signaling; more robust power systems; larger maintenance facilities; additional elevators for redundancy; hardened rail; and more
Railroad Interfaces	> Existing rail corridors are often optimal locations for transit projects, but generate challenging coordination needs > Risk, capacity, and profitability to railroads result in stricter requirements for transit projects to share their alignment
Alignments	> Increased vehicular traffic congestion requires more expensive grade separations (aerial or tunnel) > Low-cost traffic engineering innovations with signal priority, lane and street closures, and parking prohibitions are often not allowed, resulting in more expensive, separated alignments
Regulatory Oversight	> Numerous levels of federal, state, and local oversight and regulations are involved to assure the integrity of the project and compliance with regulations > Administration of the regulatory process > Risk that regulators will not approve opening
Utilities	> Corridors are congested with underground and overhead utilities > The third-party utility must often do work > New and larger conduits or moving lines from overhead to underground > Old utilities not correctly marked on documentation

3. What is Metro doing to improve?

Metro is delivering the largest transportation infrastructure program in the country. The Program Management FY 2024 APE reported an FY 2024 program size of nearly $27 billion, a 13% increase from FY 2023. The program has been experiencing construction market pressures from labor shortages, material costs, and market risks. Metro has embarked on the following initiatives and actions to mitigate these risks and improve delivery.

Continuing to Implement Collaborative Alternative Delivery Strategies

Managing the delivery of megaprojects is extremely difficult. In the past, most megaprojects were awarded through low-bid design-bid-build or design-build contracts. Depending on the type and complexities of the projects, these delivery methods can be appropriate, but have a greater risk of cost overruns due to low-bid selections that may not account for the risk uncertainties and complexities of megaprojects. In addition, the pool of contractors willing to bid on these types of delivery methods is diminishing and even securing bonding is difficult, as is evident in the responses from the contractor surveys.

For these reasons, Metro has reassessed its delivery strategy. Several of its construction-ready projects were recently determined to be well suited for alternative delivery methods not previously used by Metro. This includes PDB for the G Line Improvements, East San Fernando Valley Transit Corridor, and CM/GC for the I-105 ExpressLanes.

Metro also made significant progress on the alternative delivery of several major projects: Sepulveda Transit Corridor Pre-Development Agreement, Southeast Gateway Line (formerly West Santa Ana Branch Transit Corridor) CM/GC for high-risk project components, and North Hollywood to Pasadena BRT CM/GC. Metro continues to evaluate the potential for using public-private partnerships as a project delivery method on projects when appropriate. Alternative delivery methods were chosen for these specific projects based on risk and complexity and feedback from the industry. The use of alternative delivery methods for these megaprojects is intended to:

> Improve execution

> Better control costs and reduce change orders

> Engage the builders for early input

> Establish more certainty at key decision points to support accurate establishment of project budgets

As an example of the benefits of collaborative delivery strategies, PDB is already providing cost containment benefits on the G Line Improvements Project. Early contractor input and collaboration on the project scope have flagged costs to be well outside available funding, leading to innovative strategies and scope refinements to bring the project within budget.

Early Intervention Team

The Early Intervention Team (EIT) established a cross-functional team in July 2022. The overarching objectives of the EIT initiative include the following:

> Improving the successful delivery of the capital program, with a focus on cost and schedule containment strategies and clear, shared interdepartmental objectives.

> Considering and complementing existing agency programs.

Key actions undertaken to date by the EIT include the following:

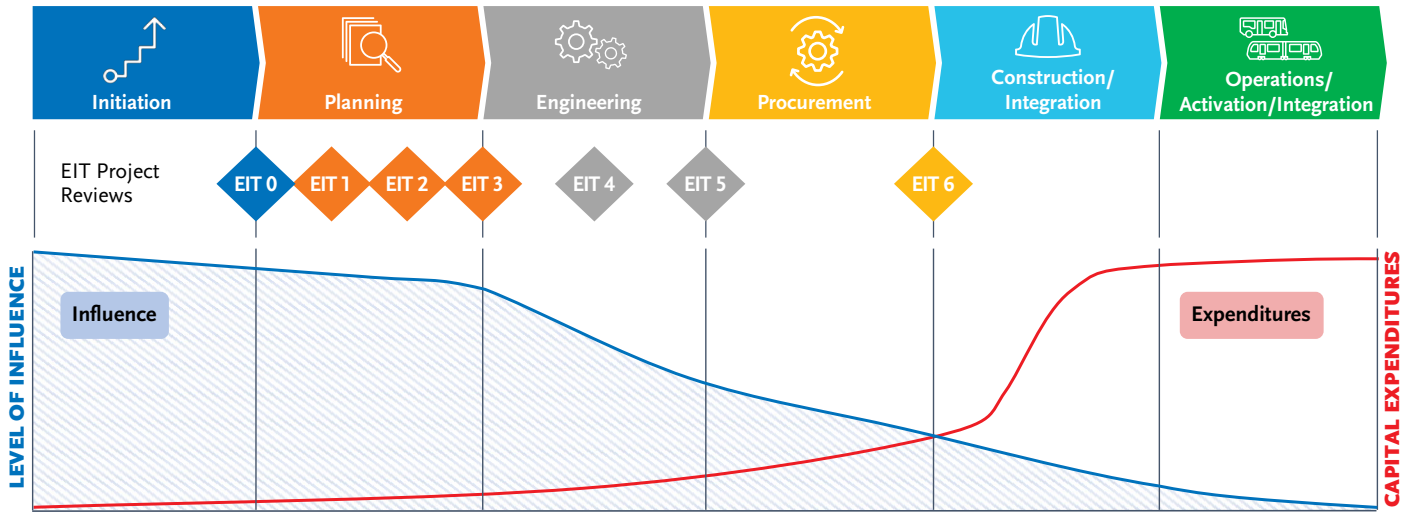
> Assess primary cost drivers and corresponding mitigation actions that must be considered for successful project delivery, including decision points related to funding strategies and delivery models.

> Update project cost estimates, considering significant external market drivers, for use as the basis for future metrics to evaluate the success and progress of agency cost-control efforts.

> Conduct project-focused reviews to align EIT interventions and discussions more quickly with immediate and long-term project needs. Figure 31 identifies the intervention points for EIT Project Reviews that span the project life cycle and are concentrated in the early project phases where there is a greater ability to influence the project outcomes. Figure 32 highlights the intended outcomes for each EIT Project Review by delivery phase.

Figure 31

Project Influence Curve with EIT Project Review Timing



Source: Metro

Figure 32

EIT Project Review Outcomes by Phase

	Initiation	Planning		
EIT Project Reviews	**EIT 0**	**EIT 1**	**EIT 2**	**EIT 3**
	EIT Initial Briefing Pre-Draft	**Pre-Draft Environmental**	**Pre-Final Environmental**	**Pre-Transition to Engineering**
Intended Outcomes	Establish cross-functional executive leadership team to define and agree on intended project benefits from project inception Develop high-level assessment of potential project solutions to deliver on intended project benefits and seek input from a broad set of Metro stakeholders	Confirm a compelling, feasible set of project alternatives to consider, given NEPA/CEQA requirements, project magnitude, potential delivery methods, and the integration with existing infrastructure and communities Ensure robust stakeholder engagement to pressure test project alternative outcomes and likely impact on project benefits	Refine project scope, schedule and cost estimates for LPA[1] Iterate and syndicate list of potential project risks and mitigation strategies Identify actions to advance project delivery to minimize cost and ensure on-time delivery	Ensure smooth project handoff to Engineering team through best practice knowledge transfer across teams Inform viability of project delivery methods being considered, given additional information Monitor project risks and mitigation strategies

CEQA = California Environmental Quality Act
GMP = Guaranteed Maximum Price
IFB = invitation for bid
LPA = locally preferred alternative
NEPA = National Environmental Policy Act of 1969
NTP = notice to proceed
RFP = request for proposal
RFQ = request for qualifications



Engineering		Procurement
EIT 4	**EIT 5**	**EIT 6**
Pre-Final Delivery Method Selection	**Pre-RFP/ IFB Release**	**Pre NTP (for GMP)**
Support the creation of a well-informed final delivery method recommendation, given preliminary engineering impact assessment, schedule and cost estimate, and constructability review across each delivery method being considered Drive continued stakeholder engagement with internal and external stakeholders to ensure clear project scope and agreement prior to selection of the delivery method	Confirm scope with the original project definition team; ensure engineering innovations and preliminary engineering presented in RFQ/RFP[2] aligns with the original project definition and what is supported from prior environmental and funding project reviews Assess project readiness for successful procurement phase by identifying opportunities for improvement	Satisfactory project design to enable successful construction phase Scope, schedule, cost, and potential risks identified and confidently controlled by the project team Define clear roles and responsibilities across critical stakeholders to guide decisionmaking rights, improve collaboration, and strengthen construction performance management and risk mitigation process

Source: Metro



New Master Cooperative Agreement

In 2020, Metro and the City of Los Angeles (City) terminated their master cooperative agreement (MCA) for several reasons, the foremost being that the MCA had aged 20 years and was no longer suited for Metro projects. Following this, Metro and the City engaged in numerous partnering sessions, facilitation meetings, workshops, focus groups, and negotiations to develop a new MCA that addresses lessons learned and will support the delivery of Metro's upcoming program of transportation projects under a range of delivery methods. The following is a summary of key elements included in the new MCA:

> **Governance** - The agreement establishes an MCA Executive Task Force. This standing task force will meet quarterly and will, among other tasks, review lessons learned, opportunities, and challenges, and look ahead to upcoming transportation projects and long-range resource planning. The Executive Task Force will comprise of City department general managers, executive directors of the public works bureaus, assistant general managers and the Metro Deputy Chief Planning Officer or the Deputy Chief Program Management Officer and Chief Planning Officer or the Chief Program Management Officer. Metro and the City will designate a project liaison responsible for facilitating coordination among the parties. The City may also appoint a City Project Liaison on a programmatic basis to coordination of the transportation projects.

> **Issue Resolution** - If not resolved at the project working level, issues will be escalated to the "Level 1 Decision Makers" (Deputy Chief-level for Metro; Assistant General Manager or Deputy Chief Engineer for the City) and then to the "Level 2 Decision Makers" (Chief-level for Metro; General Manager or Chief Engineer for the City). If a dispute is not addressed through the resolution procedures, either party may refer the dispute to the alternative dispute resolution.

> **Early Involvement** - Metro and the City will cooperate and coordinate during the Planning and Advanced Conceptual Engineering Phase, during which Metro and the City will exchange information, participate in coordination meetings, and perform other activities to identify, in a "project definition" document, the scope of rearrangements, the applicable City standards, and other design requirements applicable to those rearrangements for inclusion in the procurement documents released by Metro. The parties will discuss the anticipated project schedule and resourcing needs during this process.

> **Utility Adjustments** - The new MCA sets out procedures for the parties to cooperate and coordinate to identify utility conflicts and ensure utility owners implement the utility adjustments required to address utility conflicts.

> **Design** - Metro will design any rearrangements, although the City may, if Metro requests, perform some level of design work (this is anticipated to be the exception). Metro will comply with the design requirements for rearrangements, including compliance with the defined City standards. The new MCA sets out the procedures for submittal of the designs of rearrangements to the City and the City's review.

> **City Standards** - The City agrees not to adopt any new City standards or amend City standards for the sole purpose of affecting Metro's transportation projects. Subject to exclusions set out in the definition of "betterment," changes to the City standards after the establishment of the project definition of a transportation project will be considered a betterment.

> **Construction** - Metro will be responsible for the construction of any rearrangements. However, Metro may request that the City construct a rearrangement and/or perform additional construction work for a transportation project. The new MCA sets out construction requirements for rearrangements or any other construction work performed in the public right-of-way and procedures for inspecting and accepting of the construction of rearrangements.

> **Betterments** - In accordance with Federal Transit Administration requirements, all betterments will be at the cost of the City. The new MCA sets out the procedure for identifying, reviewing, and approving potential betterments. Metro may refuse betterments incompatible with the transportation project, do not comply with applicable law, or requested after establishing the project definition.

> **Special Permitting Process** - Metro and the City agree on the design and construction requirements for rearrangements of City facilities, agree on the permits that will be waived by the City, and any required City fees applicable to transportation projects.

> **Inspection and Acceptance** - The parties agree all rearrangements performed by Metro or a Metro contractor will be inspected to ensure the work was performed per the approved designs and terms of the MCA.



Continue to Advance Strategic Initiatives

The sheer size of Metro's capital program and aggressive implementation schedule create unprecedented challenges to project delivery. In response to these challenges, Program Management implemented several strategic initiatives to improve project delivery planning, consistency, transparency, and discipline. These strategic initiatives are complementary and performed with the EIT strategic initiatives. Program Management's key initiatives for contracting strategy and cost containment are summarized in Table 2.

Table 2

Metro's Strategic Initiatives to Improve Project Delivery

STRATEGIC INITIATIVES	MITIGATION MEASURES	DESCRIPTION
Organizational Structure	Staff/Consulting Ratio	Recruitment efforts are underway to achieve a balanced ratio of staff and consultants, providing future cost-saving benefits and ensuring the retention of organizational knowledge and experience. Program Management and the Chief People Office are developing a new hiring strategy to recruit industry leaders successfully.
	Continuous Improvement	To improve project delivery, staff have initiated several measures, such as updating the Metro Rail Design Criteria, conducting case studies on change orders, performing root cause analysis, and reassessing contractual and claims avoidance language in master contracts with the assistance of counsel and Vendor Contracts Management.
Streamlined Process	Material Supply Initiatives	Program Management is studying material initiatives addressing price fluctuations.
	CEO Delegated Authority	CEO board-delegated authority is being used to accelerate the contract change process within the life of project budget.
	Stage Gate Reviews	Stage Gate Reviews at key points during project development are conducted with the EIT to provide cross-agency collaboration and cost control as outlined in the EIT status report.
	Update Controls Processes and Contingency	Project control procedures are updated and completed to address alternative delivery and Federal Transit Administration oversight procedures for new cost and schedule contingency targets.
Contract Documents	Alternative Delivery	Staff have delivered new contract templates for use with CM/GC and PDB contracts; developed a guidance manual and training program; completed training for core alternative delivery project staff; and scheduled training for all Program Management staff. A new escalation process has been implemented for change orders.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CHAPTER 6

Economic Forecast

KEY QUESTIONS WE AIM TO ADDRESS

1. What is the level of future capital investment in the region?
2. What is the future demand for construction labor?
3. How do the projected results compare to the previous analysis?





1. What is the level of future capital investment in the region?

The construction market in Southern California continues to experience growing demand from public agencies and the private sector. The increased level of investment in capital projects originated from the combination of an increasingly lucrative residential property market, generous governmental funding assistance, and sales tax from strong consumer demand for goods and services. This has also led to increased demand for a shrinking construction workforce pool.

This analysis evaluates the level of future capital investment in the region to quantify the future demand for construction labor in the region. By comparing the expected labor demand based on future investment with the forecast sector employment, the analysis illustrates the shortage in regional labor to deliver the programmed capital projects in the near term. The Los Angeles County Economic Development Corporation projected an annualized growth rate in gross domestic product in Los Angeles County of 2.3% between 2020 and 2024.[39] In comparison, the construction workforce in Los Angeles County is expected to grow by an annualized growth rate of only 0.9% over the same time. Similarly, Caltrans projected that the construction workforce would grow annually by an average of 0.7% from 2022 to 2024 before contracting by 0.8% annually from 2024 to 2028.[40] From 2020 to 2030, the California Employment Development Department (EDD) projects an annualized growth rate in the construction workforce in the Los Angeles-Long Beach-Glendale Metropolitan Division of 1.3%.[41] These indicators illustrate a critical challenge facing the public and private sector businesses with significant capital investment portfolios: the available construction workforce is not expected to keep up with the market demand for construction services.

Economic indicators illustrate a critical challenge facing the public and private sectors with significant capital investment portfolios: the available construction workforce is not expected to keep up with the market demand for construction services.



Local Agencies and Private Sector Capital Investment

The analysis of the projected construction labor for capital investments in Southern California is based on the programmed capital expenditures by public sector agencies and private sector businesses. The data of projected private sector capital investment are sourced from Dodge Data and Analytics, a data analytics company with insights into the construction sector; the data are organized by residential and nonresidential construction. The capital expenditure information for public agencies was sourced from published annual budgets, capital improvement plans, and internal financial projections. The public sector agencies, providers, and organizations included in the review of capital expenditures are as follows and the total construction spend by these agencies are shown in Figure 33:

> Southern California Regional Rail Authority (Metrolink)

> City of Los Angeles

> County of Los Angeles

> Port of Los Angeles

> Los Angeles County Public Works (LACPW)

> Los Angeles Community College District (LACCD)

> Los Angeles United School District (LAUSD)

> Los Angeles World Airports (LAWA)

> Metro

> Orange County Transportation Authority (OCTA)

> San Bernardino County Transportation Authority (SBCTA)

> County of San Bernardino

> City of San Bernardino

> Riverside County Transportation Commission (RCTC)

> City of Riverside

> San Diego Association of Governments (SANDAG)

> County of San Diego

> Port of Long Beach

> Burbank Airport

> City of Inglewood

> Caltrans

> Brightline West

> Local Organizing Committee for the Olympic and Paralympic Games

> Metropolitan Water District of Southern California (MWD)

The analysis evaluates the labor specifically related to construction expenditures; the expenditures related to design, engineering, planning, administration, or land acquisition were excluded from the compiled cost information. These costs were excluded because of one or more of the following reasons: they could be performed outside of the Southern California area, they would be classified as ongoing operations costs, or they do not generate a significant labor demand. The overview of the value of public sector and private sector construction spending by fiscal year between 2023 and 2028 is shown in Table 3.

Figure 33

Owners with Major Capital Programs Competing for Labor Resources

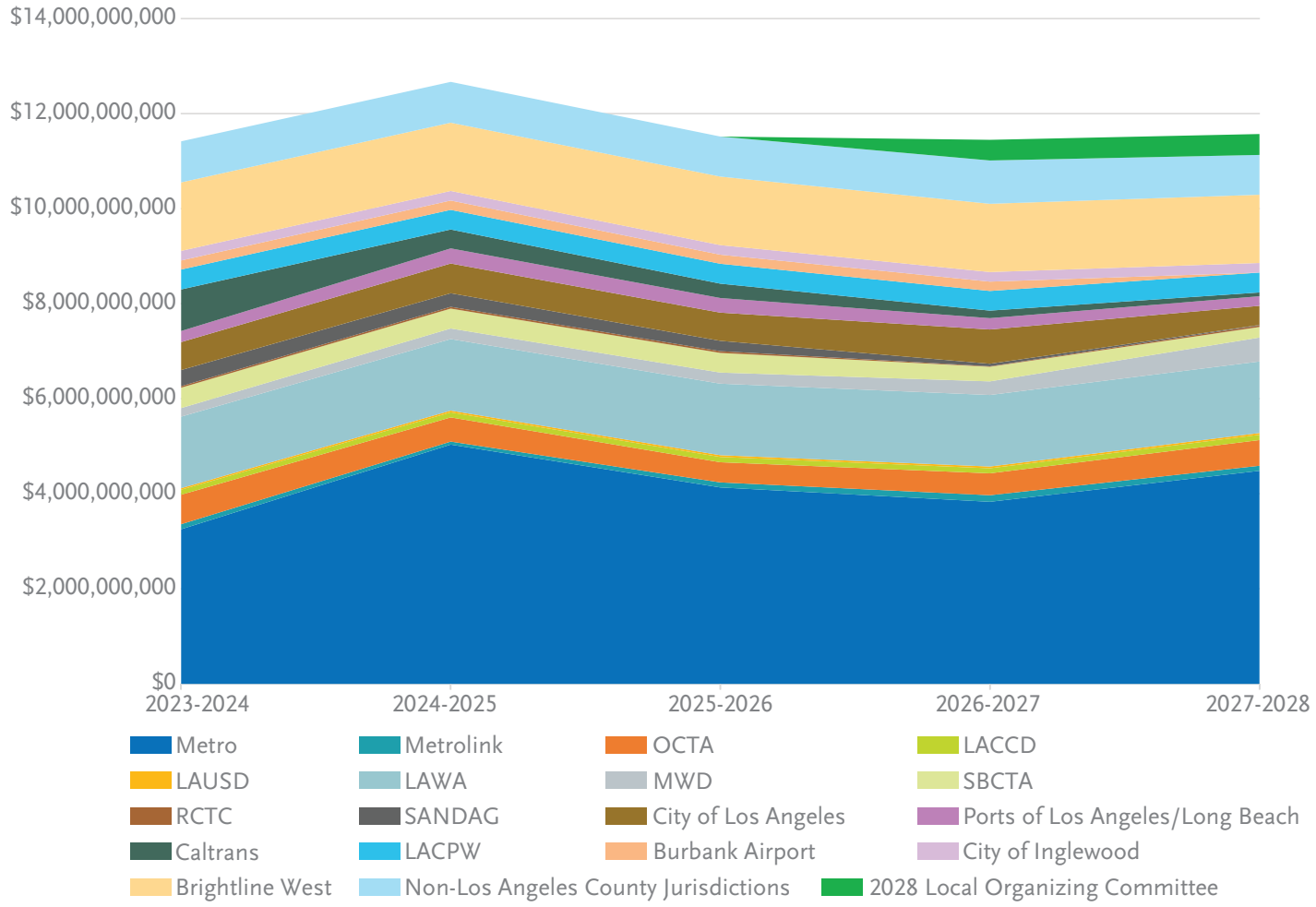


Table 3

Projected Public Sector and Private Sector Construction Spending by Year, Southern California Area (in millions of nominal dollars)

	FY 23–24	FY 24–25	FY 25–26	FY 26–27	FY 27–28
Public Sector[a]	$11,424	$12,676	$11,525	$11,459	$11,578
Private Sector[b]	$52,429	$56,741	$61,993	$66,796	$69,513
Total	**$63,853**	**$69,417**	**$73,518**	**$78,255**	**$81,091**

a Collated from budget and capital improvement programs of the agencies listed in this section.
b Forecast capital expenditures provided by Dodge Data and Analytics, adjusted for total regional market construction activity.

2. What is the future demand for construction labor?

Using the capital expenditures data from the public and private sector markets in Southern California, this analysis calculates an estimated labor demand by year. In principle, using an input-output model, the number of job-years supported by the projected construction spending can be calculated based on labor productivity in the market. For example, if one year of construction labor costs $100,000 in gross construction spending, then $10 million in gross construction spending would support 100 job-years of construction labor; a "job-year" refers to a unit of work completed by a full-time equivalent (FTE) employee in one year. An FTE could be one full-time employee working 2,080 hours, or a combination of part-time employees working 2,080 person-hours. The analysis evaluates the number of job-years estimated to be necessary to complete the programmed projects, based on the total value of construction spending.

Methodology for Economic Impact Analysis

The analysis uses the IMPLAN input-output model to calculate the flow of spending throughout the market, whether by businesses, the supply chain, or households. Input-output models describe how the purchasing between different industries (the inputs) produces each industry's outputs. Input-output models quantify the total economic activity generated by a particular type of spending across industries. For example, new expenditures in the construction sector will cycle through the intermediate steps in the supply chain and generate increased demand for intermediate goods and services ranging from concrete to carpenters. In addition, input-output modeling considers how the additional labor income generated by spending in a particular industry—for example, the salaries earned by carpenters employed by the agency's contractors—will translate into increased consumer spending in the form of household expenditures.

For this analysis, IMPLAN's model was used to calculate economic impacts at the regional level, which encompasses Southern California. The analysis used predefined regional economies for states and counties embedded within the model based on 2021 data. The input-output model tracks cashflows from the planned expenditures for construction activities through the regional market to businesses in the supply chain and employee households. The employment and labor income calculations are based on the composition of labor costs as an input to generate business revenues and the market labor rates for each job position and their applicable industry sector. The expenditure data used for inputs were expressed in nominal dollars; the IMPLAN system can interpret inputs from different dollar-years and perform the conversion to constant dollar-years. For this analysis, all outputs are expressed as the direct impacts of direct spending on a project.

Annual construction spending in the region is estimated to be $64 billion in 2023 and increase to $81 billion in 2028 (an approximately 6% increase per year).

In collaboration with the Metro Countywide Planning and Development team, the results of the IMPLAN analysis were corroborated with the results of the team's 2023 analysis using the REMI input-output model to measure employment impacts of planned capital expenditures by Metro and regional partners through the year 2028. The total construction employment calculated by the IMPLAN and REMI analyses from 2024 to 2028 diverged by less than one percentage point. Additionally, the projected labor employment calculated by the IMPLAN analysis aligned with the forecasted market demand included in the Construction Market Analysis published in 2018.

Results of Economic Impact Analysis

The IMPLAN model generates the projected annual employment from the construction market expenditures as direct, indirect, and induced employment. Direct employment relates to onsite employment by contractors hired by public agencies and private businesses to complete projects. Indirect employment relates to the labor within the supply chain, which includes the businesses providing the materials and services to contractors. In contrast, induced employment relates to the goods and services purchased by households of employees either directly hired or within the supply chain. The projected direct employment from construction activities by public agencies and the private sector in Southern California is shown in Table 4.

Table 4

Projected Direct Employment Related to Construction Projects by Market Sector and Year (in job years)

Project Construction Employment	FY 23–24	FY 24–25	FY 25–26	FY 26–27	FY 27–28
Public Sector Direct Construction Employment	62,893	70,637	68,716	66,731	67,683
Private Sector Direct Construction Employment	355,494	382,973	417,712	449,051	466,186
Total Direct Construction Employment	**418,387**	**453,610**	**486,428**	**515,782**	**533,869**



For comparison, EDD published a long-term projection of the construction workforce by county from 2020 through 2030, which included annual growth rates for industry employment. The employment workforce projection includes the total number of full-time, part-time, and seasonal positions; the employment numbers were converted to full-time equivalents (FTEs) for comparability with the results from the IMPLAN analysis. When paired with the latest annual county-level employment data from the Bureau of Labor Statistics from 2022, the projected construction workforce from EDD can be compared with the projected direct construction jobs demand from the IMPLAN analysis to determine the future labor demand in Southern California for construction activities.

The comparison, shown in Table 5, illustrates a shortage in the availability of construction labor in Southern California in forthcoming years, indicating the need to attract qualified workers from beyond Southern California and from other industries with similar skill sets, such as manufacturing or agriculture.

Figure 34 compares the projected construction industry workforce provided by EDD and the forecast labor demand for construction activities in Southern California through the year 2028.

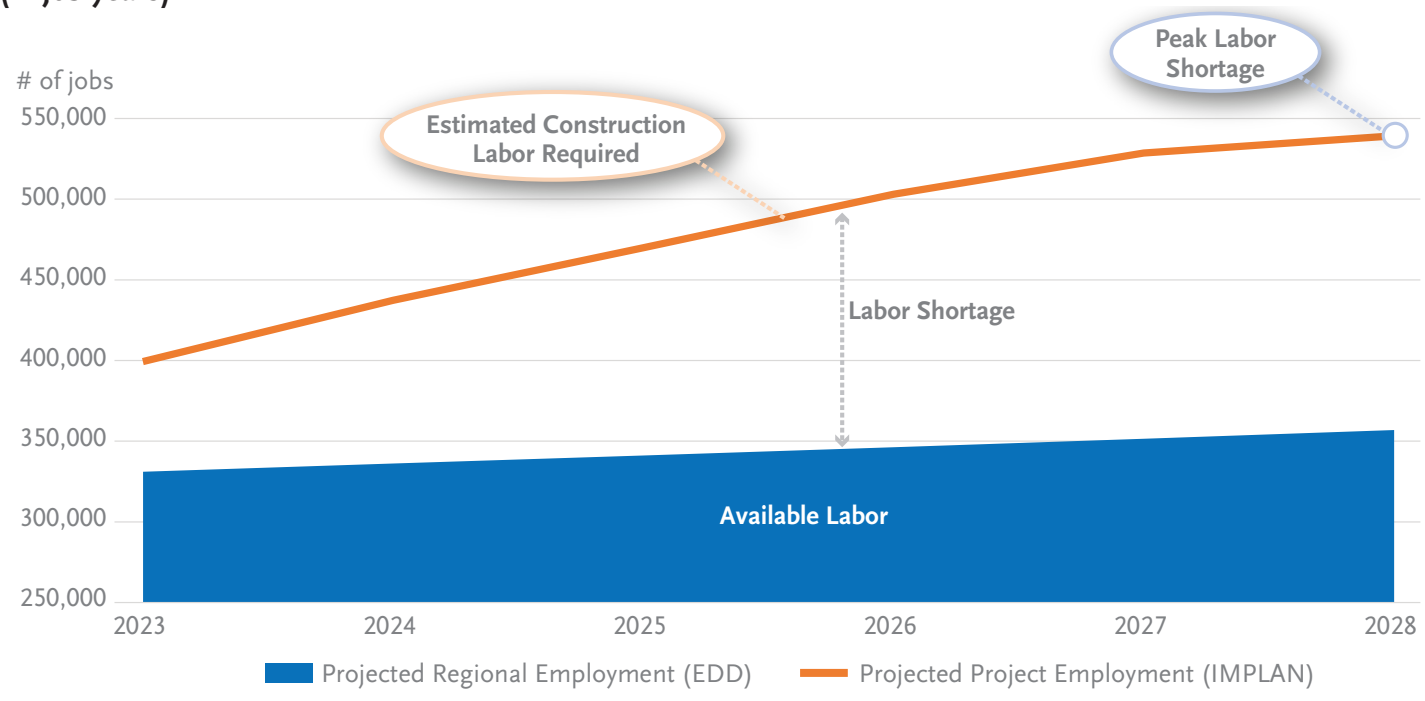
Table 5

Comparison of Construction Sector Employment Projections in Southern California (in job years)

	FY 23–24	FY 24–25	FY 25–26	FY 26–27	FY 27–28
Projected Project Employment Demand (IMPLAN)	418,387	453,610	486,428	515,782	533,869
Projected Regional Employment Workforce (EDD)	333,632	338,659	343,764	348,948	354,211
Labor Market Shortage	**(84,755)**	**(114,951)**	**(142,664)**	**(166,834)**	**(179,658)**

Figure 34

Comparison of EDD's Construction Employment Projection and Forecast Construction Labor Demand (in job years)





CHAPTER 7

Conclusions and Recommendations

KEY QUESTIONS WE AIM TO ANSWER:

1. What are the key takeaways from the report?
2. What are the recommendations for Metro?





1. What are the key takeaways from this report?

This section describes the 2023 Construction Market Analysis findings to help Metro better understand the factors influencing construction bid prices and Metro's ability to deliver one of the country's largest transportation construction programs. The following describes the key takeaways by the five chapters of the report:

- **Economic Conditions**
- **State of the Construction Market**
- **Contractor Surveys**
- **Metro's Response to Market Conditions**
- **Forecast of Construction Market**

Economic Conditions

- Federal monetary policy appears to be working to cool off inflation, resulting in lower interest rates, making it less costly to borrow money to finance projects.
- While the economy may be slowing, federal and state investment in infrastructure will continue to fuel construction activity and spending for the next several years, contributing to the labor shortage.

State of the Construction Market

- Materials prices are leveling after historic increases due to inflation and supply chain distribution.
- Employment numbers are at all-time highs while unemployment rates are at all-time lows, causing contractors to struggle to hire qualified laborers to meet the demand.
- Escalation and bid prices are trending higher and are expected to be 5% to 10% within the next 5 to 10 years due to labor issues and volatility in material prices.

Contractor Surveys

- Contractors prefer more collaborative delivery methods like CM/GC and PDB.
- Contractors would like Metro to revise contract terms to share more project risk, especially contractor exposure to things outside their control such as third-party issues.
- The volume of work results in a scarcity of labor resources that will extend into the future.
- With limitations on resources, contractors are being more selective on the opportunities they pursue.

Metro's Response to Market Conditions

> Due to market pressures affecting project delivery and Metro's growing construction program totaling approximately $13 billion, Metro continually evolves its delivery approach to adapt to changing market conditions to deliver one of the nation's most ambitious capital programs.

> Metro is experiencing higher bids (14% increase in the average bid when compared to the ICE). Metro's focus on evolving management tools, adding collaborative delivery tools, and continuing to engage the contracting community will result in narrowing this gap.

> Metro is implementing best management practices and innovative approaches to address the issues identified in this report, such as the EIT and Strategic Initiatives, including alternative delivery.

> Many factors are affecting the cost of building transit projects beyond Metro's control, like real estate costs, regulatory requirements, and third-party oversight.

Forecast of Construction Market

> Construction activity in the Los Angeles area continues to experience growing demand from public agencies like Metro, LAWA, LACCD, and private development.

> Annual construction spending in the region is estimated to be $64 billion in 2023 and increase to $81 billion in 2028 (an approximately 6% annual increase).

> The construction labor supply is not expected to keep up with the market demand for construction services.

> Based on a comparison of forecast demand for construction labor and the projected construction sector employment prepared by the EDD total future demand for construction labor will significantly exceed projected employment levels through 2028, indicating a potential labor shortage in the greater Los Angeles region over the next five years.



2. What are the recommendations for Metro?

The following ten years will see more construction work than workers and firms available to deliver at a reasonable cost. The 2023 Construction Market Analysis results point to a construction industry that will be challenged to fulfill nationwide public and private construction investments, especially within the transit and highway sectors. Many local agencies are investing in their infrastructure and competing with Metro for construction resources. While Metro's recent initiatives in management practices and innovative development of local talent are solid examples of adaptation to this challenging market, there are additional measures Metro could enact to increase the reliability and cost effectiveness of their project delivery.

The following recommendations provide ideas and suggestions for how Metro can do that, focusing on the three goals identified in this report: grow the resource pool, be an owner of choice, and more predictable costs and schedule estimates. The recommendations are alson summarized in Table 6.

1. **Continue to embrace collaborative delivery methods and engage the contracting community during early project development (it is recommended that the delivery method be fixed between the 10% to 30% level of design), communicate the delivery method well in advance of the solicitation process, and incorporate the lessons learned from initial collaborative delivery Metro projects.**

   > It is important to develop mutual trust, transparency, and collaboration among the parties, including the owner, consultants, contractor, and stakeholders. All parties should be incentivized to work toward project success through efficiency, shared risk, and accountability.

   > Just as crucial as mutual trust, transparency, and collaboration is understanding the chosen delivery model, which often contains variations due to adaptation to the project, funding partner(s), and/or agency needs. Recognizing that the collaborative delivery methods are constantly evolving, industry training is imperative for all project partners and critical for subcontractors and suppliers to align the team with expectations for participation, the allocation of resources for project stages, and validation of the importance of identifying, quantifying, and mitigating project risk during the design and preconstruction services phases. This can occur through value engineering, constructability reviews, and risk element deep dives, which translate into a negotiation strategy based on collaboration, transparency, and partnership principles.

2. **Continue to evaluate potential updates to terms and conditions based on changing market conditions, to reflect collaborative delivery methods, and/or to capture best practices and innovative ideas for continuous improvement, including an industry input process with a focus on a more robust approach to risk sharing (inflation risk, insurance limits of liability, indemnification, third-party, and other project risks). Today's marketplace requires critical thinking regarding terms and conditions that align with Metro's movement toward collaborative project delivery, which balances risk through contract terms and appropriately considers challenges that contractors are facing while balancing the good steward's responsibility.**

3. **Due to the current state of the labor supply, supply chain, and amount of work in the region, Metro should continue aligning the SBE and DBE requirements with the project scope when setting goals.**



4. **Continue to build a standard format for the transition from planning to program management and construction. A transition document between planning and program management is typically used to communicate an understanding of current scope, schedule, budget, funding, environmental mitigation, memoranda of understanding or other agreements, real estate, utility relocations, and/or critical stakeholders' commitments. To the extent possible, these data are often included in the current risk matrix/assessment and provided in an agreed-upon manner for tracking purposes during design development and/or preconstruction activities. To support this, Metro could consider the following actions:**

   > Create a reporting system to monitor the budget and scope of projects from conception (planning) through revenue service (operation). This approach will enable Metro to track better changes in the marketplace that could affect project estimates, evaluate potential market changes during project reviews, and be able to consider that information when reviewing bid/proposal numbers.

   > Engage cost estimators for ICEs during the early phases of the project. Scope, schedule, budget, and funding should be handled the same across the various stages of a project. The scope, schedule, budget, and funding for each project should be revisited annually, and potential updates should be captured through one source of truth (centralized project controls).

5. **Explore expansion of the current informal liaison practice between Metro and contractors to resolve issues. Metro recognizes and has been working to strengthen its position in the local and regional marketplace as an "owner of choice" and an expanded liaison strategy could help achieve this goal. The potential benefits of having an expanded liaison and being the owner of choice include the following:**
   - > Interested contractors and consultants will prioritize resources for Metro capital projects/programs above those of other owners due to an expanded focus on industry engagement, resulting in more interest and better competition.
   - > Metro will stay "in tune" with the marketplace and be promoted as a true partner in the industry.
   - > The liaison would serve as a trusted ambassador for Metro, which is focused on improving relationships within the region and the industry as a whole.

6. **Continue to work with the industry focusing on apprenticeship programs demonstrating the importance of investing now to support future workforce needs.**

7. **Continue to evaluate and implement methods to streamline procurements to reduce the administrative burden on bidders/proposers and increase the pool of interested contractors, subcontractors, and suppliers.**
   - > Change the approach to preparing standard bid forms so that they are administered like Metro's prequalification form. The bid forms could be prepared once, placed on file at Metro, and remain current until there is a change in the information (or updated annually). This administrative function would then be kept separate from the proposal effort, except for confirmation that the forms are on file and current.
   - > Evaluate where the request for proposal process can have fewer forms, to lessen the administrative burden on proposers.



Table 6

Summary of Recommendations

#	RECOMMENDATION	PRIMARY GOAL RECOMMENDATION HELPS TO ACHIEVE	ADDITIONAL GOALS RECOMMENDATION HELPS TO ACHIEVE
1	Continue to embrace collaborative delivery methods while engaging and communicating with the construction industry, and incorporating lessons learned as Metro's experience grows.	Ⓜ	+ $
2	Continue to evaluate potential updates to terms and conditions based on changing market conditions, to reflect collaborative delivery methods, and/or to capture best practices/innovative ideas and concepts for continuous improvement, including an industry input process for developing a more robust approach to risk sharing.	Ⓜ	+ $
3	Continue aligning SBE/DBE requirements with a project's scope and the recently updated Disparity Study when setting goals.	Ⓜ	+ $
4	Continue to build a standard format for the transition from planning to program management and construction.	$	Ⓜ
5	Explore expanding the current informal liaison practice between Metro and contractors to resolve issues.	Ⓜ	+ $
6	Continue to work with the industry, focusing on apprenticeship/readiness programs to grow capacity for current and future projects.		Ⓜ + $
7	Simplify procurements to reduce the administrative burden on bidders/proposers.	Ⓜ	+ $

Grow the resource pool

Ⓜ Be an owner of choice

$ More predictable cost and schedule estimates



Endnotes and Photo Credits





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2023 Construction Market Analysis

Construction Committee

Metro

March 2024

Agenda

- Purpose and Goals
- State of the Construction Market
- Contractor Surveys
- Construction Workforce Forecast
- Metro’s Efforts to Date
- Recommendations



Purpose & Goals of the Construction Market Analysis

> **Why:** Metro delivering massive capital program within the context of:
  - Historic federal investment
  - High inflation
  - Uncertainty in economic/political landscape
  - Construction workforce shortage
  - Highly volatile commodity prices

> **Purpose:**
  - Assess and understand the conditions Metro faces while continuing to improve and expand the transportation infrastructure in the LA region.

GOALS



GROW THE RESOURCE POOL

> Grow local SBE/DBE capacity
> Increase the number of bidders
> Catalytic influence on skilled labor growth

BE AN OWNER OF CHOICE

> Partnership through collaboration
> Balancing risk objectives
> Contract terms that fit marketplace/delivery method



MORE PREDICTABLE COST & SCHEDULE ESTIMATES

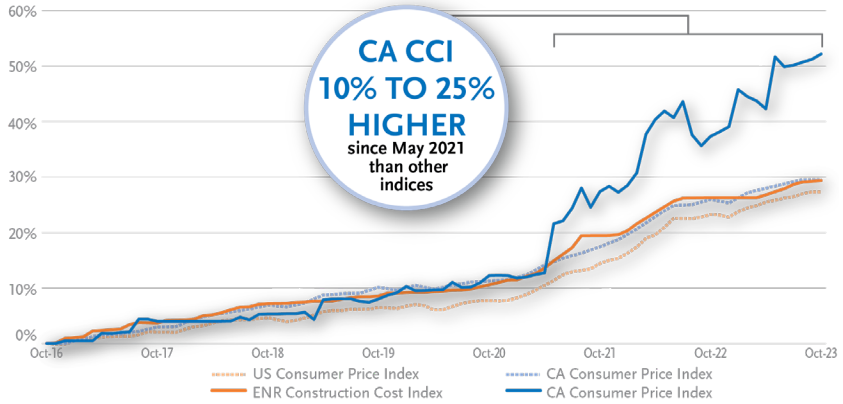
Align with the marketplace regarding:

> Risk allocation and process/procedure
> Best practices to more accurately forecast cost and schedule estimates
> Contain costs during construction.

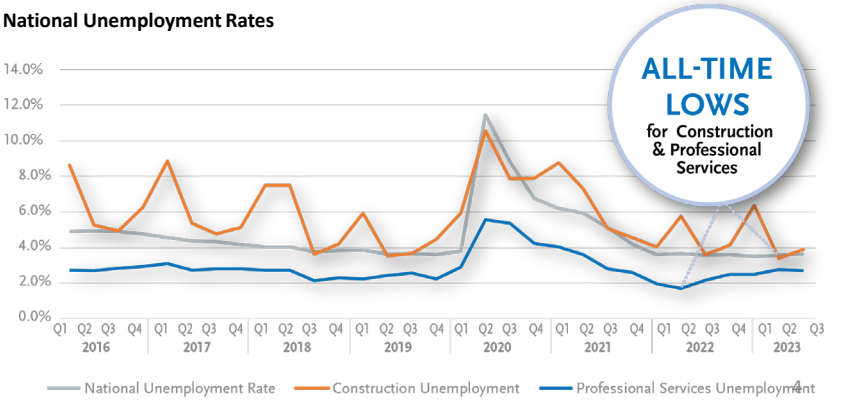
State of the Construction Market

- Unemployment rates for construction & professional services reached all-time lows in 2022 and 2023
- Nonresidential/infrastructure construction spending was up 18% in 2023
- Construction inflation, especially in California, has negatively affected owners & contractors
  - More expensive to build projects
  - More difficult to make a profit
- After years of supply chain issues and increasing costs, material prices have started to stabilize
- Demand for federally funded megaprojects will drive annual wage increases above 5% in the future

National & California Cumulative Increase in Consumer versus Construction Market Inflation



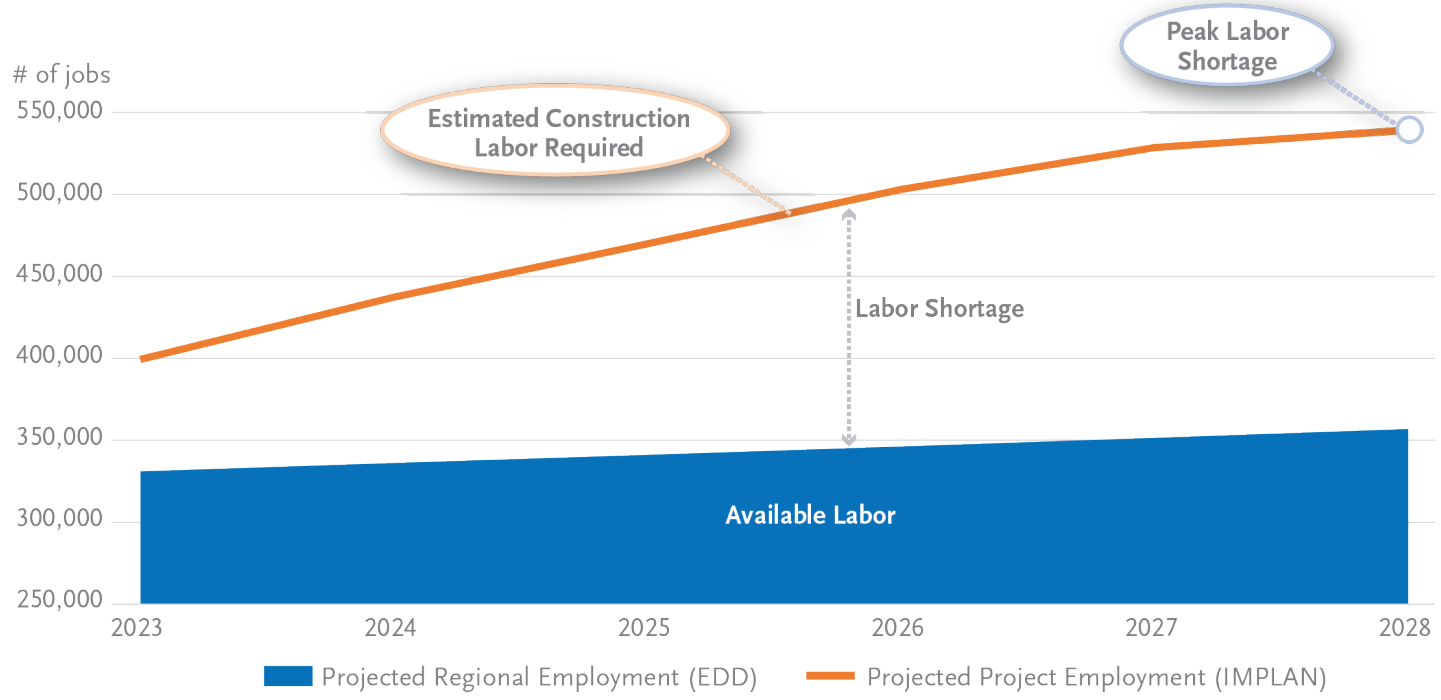
National Unemployment Rates



Source: Bureau of Labor Statistics, LNU04032231/LNS14000000/LNU04034219 (2023)

Construction Activity and Labor Forecast

> Comparison of EDD's Construction Employment Projections in Southern California (in job-years)



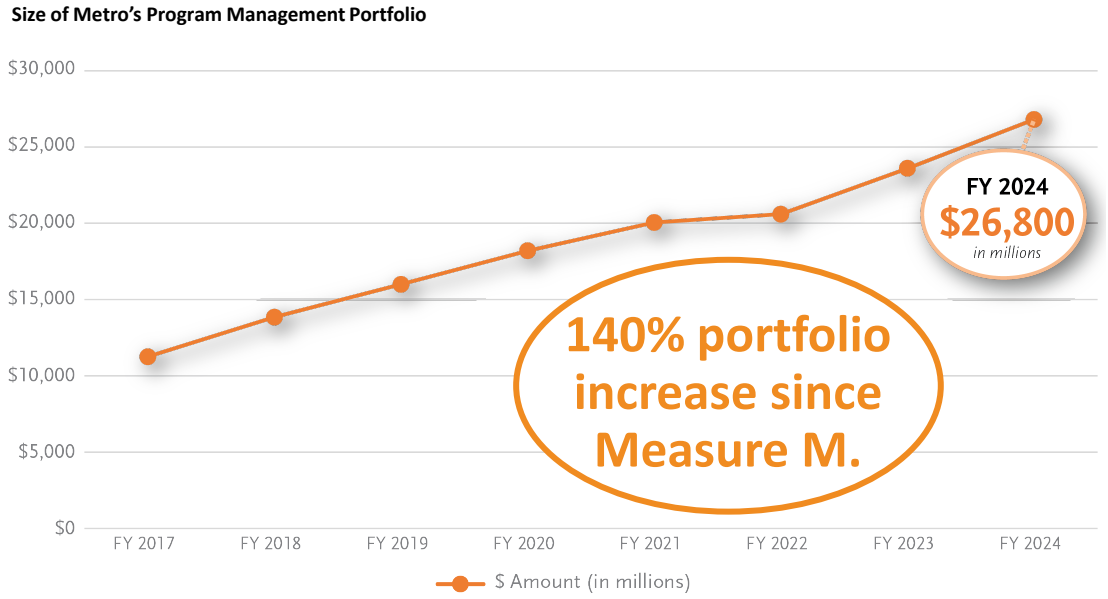
Contractor Survey Feedback to Metro

> One-on-one contractor interviews
  - Range of contractor size and role (prime vs sub)
  - Range of experience working with Metro
> AGC of California online survey
> Themes identified from feedback
  - Preference for collaborative delivery
  - Metro excels at engaging the industry
  - Challenges with contract terms and conditions
  - Challenges with Metro's long procurement times
  - SBE/DBE goals are difficult to attain
  - Resolving change orders is complex



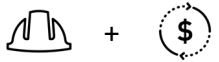
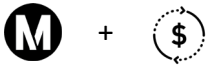
Metro's Efforts to Date

- Provided quarterly Construction Market Analysis updates
- Continue Annual Program Evaluation
- Continue to implement alternative delivery strategies
- Continue to leverage Early Intervention Team
- Implement new Master Cooperative Agreement
- Hired recognized industry talent with strong delivery experience



Source: Metro (2017-2023)

Recommendations / Next Steps

#	Recommendation	Primary Goal Recommendation Helps to Achieve	Secondary Goal Recommendation Helps to Achieve
1	Continue to embrace collaborative delivery methods while engaging with and communicating to the construction industry, and incorporating lessons learned.		
2	Continue to evaluate potential updates to terms and conditions based on changing market conditions, delivery methods, and innovation for continuous improvements.		
3	Continue focused alignment of SBE/DBE requirements with a project's scope and the recently updated Disparity Study when setting goals.		
4	Continue to build a standard format for the transition from planning to program management and construction		
5	Explore an expansion of the current informal liaison practice between Metro and contractors to resolve issues.		
6	Continue to work with the industry with a focus on apprenticeship programs to grow capacity for current and future projects.		
7	Simplify procurements to reduce the administrative burden on bidders/proposers.		

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

Metro

Board Report

File #: 2023-0772, **File Type:** Policy **Agenda Number:**

REGULAR BOARD MEETING
MARCH 28, 2024

SUBJECT: I-605/VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT RESOLUTION OF NECESSITY

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATIONS

CONSIDER:

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

B. ADOPTING the Resolution of Necessity authorizing the commencement of an eminent domain action to acquire the full fee simple interest ("Property") as identified in Attachment A.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

Acquisition of the Property is required for the construction and operation of the I-605/Valley Boulevard Interchange Improvement Project ("Project"). The Property is a vacant piece of land, and its acquisition will not result in residential or business displacements. After testimony and evidence has been received from all interested parties at the hearing, Los Angeles County Metropolitan Transportation Authority ("LACMTA"), by a vote of two-thirds of the Board, must make a determination as to whether to adopt the proposed Resolution of Necessity (Attachment B) to acquire the Property by eminent domain. Attached is evidence submitted by staff that supports the adoption of the resolution and which sets forth the required findings (Attachment A).

BACKGROUND

The I-605 is a major north-south Interstate freeway that accommodates interregional travel and goods movement. The I-605/Valley Boulevard interchange provides access to the City of Industry, a major business, industrial uses, and a distribution hub. This location currently experiences significant congestion and operational deficiencies caused by heavy truck traffic, and higher than statewide average collision rates for comparable facilities as per the latest Caltrans TASAS Selective Accident Retrieval Report. Between January 1, 2016 and December 31, 2018, 1,052 collisions on the I-605 mainline segments and 74 collisions on the freeway ramps were reported. The four high collision rate ramp locations and analysis for the Project are as follows:

- I-605 Southbound On-Ramp from Eastbound Valley Boulevard - 7 collisions occurred resulting in an actual rate reported to be 545% higher than the statewide average.
- I-605 Southbound On-Ramp from Westbound Valley Boulevard -15 collisions occurred resulting in an actual rate reported to be 197% higher than the statewide average.
- I-605 Northbound Loop On-Ramp from Eastbound Valley Boulevard --- 2 accidents occurred resulting in an actual rate reported to be 69% higher than the statewide average.
- I-605 Southbound On-Ramp Segment from Westbound Valley Boulevard -20 collisions occurred resulting in an actual rate reported to be 310% higher than the statewide average.

Over the past 10 years, three incidents resulting in two fatalities and three injuries were reported at the Temple Avenue at-grade railroad crossing in close proximity to the subject interchange. Operational deficiencies are forecasted to increase and exacerbate existing safety and traffic concerns if nothing is done.

The Project is expected to improve the freeway and local interchange/arterial operations and safety, and reduce congestion by providing additional ramp lanes, widening ramp lanes to accommodate large truck wheel paths, providing standard ramp shoulder widths, and improving horizontal stopping sight distances. Also, due to the close proximity to the interchange, 300 feet to the north, on Temple Avenue, the at-grade railroad crossing presents the potential for vehicular, train (freight and passenger), and pedestrian traffic conflicts. The at-grade crossing is a three-track shared use with Union Pacific Railroad and Southern California Regional Rail Authority (Metrolink) trains. The existing condition requires the implementation of various ADA-compliant new pedestrian safety features and facilities (barricades, gates, handrails and fencing) to restrict, channelize, and direct the safe movement of pedestrians and motorists at the crossing and interchange. The Project will require extensive design and signal coordination involving both railroads, Caltrans, Los Angeles County, the California Public Utilities Commission, and the City of Industry.

The Project is designed to enhance safety for all users by reducing the number of times pedestrians cross higher speed on- and off-ramp lanes, reduce congestion by adding an HOV lane, and improve freeway and local interchange operations by consolidating on- and off-ramps. The Project scope includes the following: reconfiguring the freeway on- and off-ramps; reconstructing, repaving, and widening local streets (Valley Boulevard and Temple Avenue); upgrading signals/devices (traffic, railroad, and pedestrian crossing indicator); constructing retaining walls and sound walls; installing new streetlights to improve visibility for safety and security; new signage to direct pedestrians and motorists; and implementing Americans with Disabilities Act (ADA) infrastructure upgrades (curb ramps, sidewalks, and pedestrian pathways); and railroad safety upgrades to improve traffic flow and operations, and reduce the potential for vehicular, train (freight cargo and passenger) and pedestrian conflicts. The Project will not result in any displacement of residents or businesses.

Even though this project was scoped and initiated before the adoption of Metro's Objectives for Multimodal Highway Investment (June 2022), it is consistent with those objectives given that: 1) implementation of the project will not require any displacements; 2) the project supports traffic mobility, enhanced safety, economic vitality and access to opportunity, and; 3) the pedestrian

enhancements will address local needs and create a safer transportation system.

The Project garners strong support from the following:

- San Gabriel Government Council of Governments (SGVCOG),
- Gateway Cities Council of Governments (GCCOG),
- Los Angeles County,
- City of Industry,
- California Department of Transportation (Caltrans),
- California Public Utilities Commission (CPUC),
- Union Pacific Railroad (UPRR), and
- Southern California Regional Rail Authority (Metrolink).

In 2017, LACMTA in collaboration with Caltrans District 7, the Gateway Cities Council of Governments (GCCOG), and SGVCOG agreed to advance the development and implementation of the Project to alleviate the operational deficiencies and improve mobility and safety, consistent with the goals and recommendations for the SR-91/I-605/I-405 Hots Spots Program.

The Board designated $590 million in Measure R funds for the “Hot Spots” congestion relief improvements along the I-605, SR-91 and I-405 corridors in the Gateway Cities subregion. In March 2013, Metro completed a feasibility study of the corridors to identify congestion “Hot Spots” and to develop preliminary improvement concepts. The Project is one of the “Hot Spot” or “Early Action” Projects that was pursued and advanced to improve mobility along the I-605 corridor.

In 2018, the Board approved the contract to complete the environmental and design phases for the Project. In 2021, the Board authorized staff to execute the necessary Third-Party funding agreements to complete the Project.

Acquisition of the Property is required for the construction and operation of the Project. The Property consists of two adjacent and contiguous vacant land parcels, APN 8564-012-003 and 8564-012-004, comprising a total of 0.717 acres, or 31,225 Square Feet.

DISCUSSION

A written offer of Just Compensation to purchase the Property was presented to the Owner of Record (“Owner”) on June 1, 2023 for APN 8564-012-003 and APN 8564-012-004 as required by California Government Code Section 7267.2. The Owner has not accepted the offer of Just Compensation made by the LACMTA, and the parties have not at this time reached a negotiated settlement for the acquisition. Because the Property is necessary for the construction and operation of the Project, staff recommends the acquisition of the Property through eminent domain to obtain possession in order to maintain the Project’s schedule.

In accordance with the provision of the California Eminent Domain law and Section 30503, 30600, 130051.13, 130220.5 and 132610 of the California Public Utilities Code (which authorizes the public acquisition of private property by eminent domain), LACMTA has prepared and mailed notice of this

hearing to the Owners 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 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; (5) that any environmental review of the Project, as may be necessary, pursuant to the California Environmental Quality Act (CEQA) has occurred and (6) whether LACMTA has given the notice(s) and followed the procedures that are a prerequisite to the exercise of the power of eminent domain.

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

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

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

DETERMINATION OF SAFETY IMPACT

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

FINANCIAL IMPACT

The funding for the acquisition of the Property is included in the Fiscal Year 2024 budget under the I-605 Valley Blvd Interchange Project Number 460348, Cost Center 6510, Acquisition of Land Account 53103. NOTE: The overall project also received State TCEP funding in June 2023 $33.57M.

Impact to Budget

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

EQUITY PLATFORM

Throughout the project development process, agency project partners were committed to implementing an engagement process that addressed community needs and achieved equitable outcomes for all roadway users. All agency project partners will continue to support outreach efforts that may include, but are not limited to, community meetings/activities; stakeholder briefings/presentations; round table discussions; multi-lingual mailers/postcards, notices; virtual meetings; website posts and email distribution; and social media, as needed, during the next project phase (construction).

The environmental studies for the Project began in 2019, and the Final Environmental Document was approved by Caltrans under CEQA and NEPA in April 2021. The public engagement process that was part of the environmental review phase of the Project occurred in the summer of 2020.

Notices of the Project and availability of the environmental document were published in English, Spanish and Chinese in La Opinion (6-16-20200; San Gabriel Valley Tribune (6-17-2020) and the Chinese Daily News (6-18-2020).

As part of the project development process, the project team worked with various stakeholders to address their transportation priorities and mobility needs. The project team conducted Native American Consultation, Historic Preservation Consultation and Hazardous Waste Consultation. A public information/public awareness campaign will likely occur during the construction phase of the Project which will be led by the SGVCOG.

According to LA County, ped counts for the area were not available [and none of the other agency stakeholders had this data]. As noted in the background section, the I-605/Valley Blvd interchange currently experiences significant congestion, heavy truck traffic, operational deficiencies, and higher than State average accident rates for comparable facilities. Also, over the past 10 years, three incidents resulting in two fatalities and three injuries were reported at Temple Avenue at grade railroad crossing in close proximity to the I-605/Valley Blvd interchange. The proposed safety and operational improvements as well as the railroad safety upgrades are expected to reduce the number of incidents as well as the potential for vehicular, train (freight and cargo) and pedestrian traffic conflicts.

Based on the traffic and safety data reported for the interchange, all users including the most vulnerable will benefit from the betterments that are being proposed for the Project. Safety features for signalized intersections [including painted/delineated crosswalks, pedestrian crossing indicators (push buttons)}; new lighting for safety and security; ADA compliant pathways and other related infrastructure (curb ramps, sidewalks, driveways, and auto pedestrian signals for the sight and hearing impaired); roadway improvements (newly paved local roads) for rollers and cyclists; and new signage (to direct pedestrians and motorists) is being proposed to support the motorists, pedestrians, cyclists, rollers and non-motorized users traversing through the project area

No other alternative locations for the Project provide greater operational safety, decrease travel time, improve air quality, and provide access to the corridor. This public good will also support the fulfillment of Metro's LA County traffic Improvement Plan under Measure R. An offer for the Property was made in June 2023, based on an appraisal of fair market value. Fair market value is defined as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available." Metro staff has been negotiating with the Owners since June 2023, but agreements have not yet been reached. Approving this action will allow staff to continue negotiations while maintaining the project schedule.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project is consistent with the following Metro Vision 2028 Strategic Plan Goals:
Goal 1: Provide high-quality mobility options that enable people to spend less time traveling by alleviating the current operational deficiencies and improving mobility along the freeway mainline, local interchange and local arterials.

Goal 4: Transform LA County through regional collaboration by partnering with Caltrans, San Gabriel Council of Governments, LA County, City of Industry, Union Pacific Railroads, Metrolink and the California Public Utility Commission to identify needed improvements; and taking the lead in developing and implementing the interchange project.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the recommendations. This is not recommended as it resulting in significant delays and cost increases for the Project Also, as noted in the Background section, this interchange has high average collision rates and therefore remains a safety concern until the Project can be completed.

NEXT STEPS

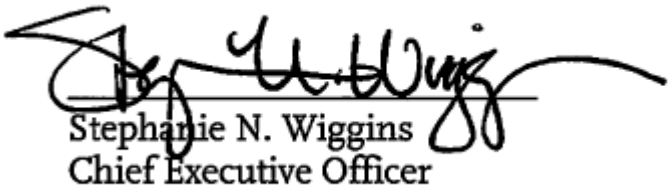
If this action is approved by the Board, LACMTA's condemnation counsel will be instructed to take all steps necessary to commence legal proceedings in a court of competent jurisdiction to acquire the Property by eminent domain and to conclude those proceedings either by settlement or jury trial. Counsel will also be directed to seek and obtain an Order of Prejudgment Possession in accordance with the provisions of the eminent domain law. Staff will continue to negotiate with the property owner with the goal of reaching a voluntary settlement while concurrently continuing the eminent domain process to preserve the project schedule.

ATTACHMENTS

Attachment A - Staff Report
Attachment B - Resolution of Necessity

Prepared by: Craig Justesen, Executive Officer, Real Estate, (213) 922-7051
Holly Rockwell, Senior Executive Officer, Real Estate and Transit-Oriented Communities, (213) 922-5585
Michelle Smith, Executive Officer, Complete Streets and Highways, (213) 547-4368
Avital Barnea, Senior Executive Officer, Multimodal Integrated Planning, (213) 547-4317

Reviewed by: Ray Sosa, Chief Planning Officer, (213) 547-4274



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

STAFF REPORT REGARDING THE NECESSITY FOR THE ACQUISITION OF THE PROPERTY REQUIRED FOR THE I-605/ VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT ("PROJECT")

BACKGROUND

The Property is required by the Los Angeles County Metropolitan Authority ("LACMTA") for the construction and operation of the Project. The parcel addresses, record property owners, purpose of the acquisitions, and nature of the property interests sought to be acquired for the Project are summarized as follows:

Summary Table 1

Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
8564-012-003 8564-012-004	81560	Northwest corner of Valley Boulevard and the I-605 Freeway, LA Puente, CA, 91746	Russel L. Fox and Linda Kay Fox, Trustees of the Fox Family Trust dated July 12, 2001	Construction and operation of the I-605/ Valley Boulevard Interchange Improvement Project	Full Fee Simple Interest

Property Requirements:

Purpose of Acquisitions: Construction and operation of the I-605/ Valley Boulevard Interchange Improvement Project.

Property Interests Sought: Full fee simple interest acquisitions, consisting of two assessor's parcels (8564-012-003 & 8564-012-004) that have a combined land area of 0.717 acres or 31,225 square feet. The Property is located on the northerly side of Valley Boulevard, directly adjacent to the westerly side of Interstate Highway 605, in a portion of the City of Industry. This property is irregularly shaped and is currently vacant with the exception of chain link perimeter fencing. Topography of the site slopes downward from Valley Boulevard and the on-ramp to the I-605 forming a bowl or basin shape and is several feet below the grade of Valley Boulevard and the existing on-ramp. Ingress and egress to and from the freeway has been relinquished in the deed to the State of California. Additionally, Caltrans has restricted abutter's right to Valley Boulevard. The property has no development potential at this time. The acquisition of the Property will not result in displacement or relocation of occupants or personal property.

A written offer of Just Compensation was delivered to the Property Owners by letter dated June 1, 2023, for acquisition of the fee simple interests in APN 8564-012-003 and APN 8564-012-004. The Property Owner has not accepted the offer of Just Compensation.

A. The public interest and necessity require the Project.

The need for the Project is generated by the findings and recommendations resulting from the approved I605/Valley Boulevard Interchange Improvements Project Report and supporting Final Environmental Document, and in accordance with Measure R.

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

1. Improve operational safety;

2. Benefit the surrounding community by decreasing travel time, improving air quality, and enhancing access to the corridor;

3. Support value for money throughout design and construction and cost certainty throughout construction;

4. Support fulfillment of LACMTA's Vision 2028 Strategic Plan Goals and Multimodal Highway Investment Objectives, and the LA County Traffic Improvement Plan authorized under Measure R.

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

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

On October 25, 2018, the Metro Board authorized the Preparation of the Project Approval and Environmental Document (PA&ED) and Plans, Specifications and Estimates (PS&E) for the I-605/Valley Boulevard Interchange Improvements Project (File #2018-0511, Agenda No. 5).

In March 2013, Metro completed a feasibility study of the corridors to identify congestion "Hot Spots" and develop preliminary improvement concepts. The Project was one of the "Hot Spot" Projects advanced for implementation to improve mobility along the I-605 Corridor. The core goals of the Project are to improve mobility and safety and alleviate operational deficiencies, consistent with the goals and recommendations of the SR-91/I-605/I-405 Hot Spots Program. The Project will reconfigure the freeway on-and-off ramps to reduce congestion and improve freeway and local interchange operations and safety.

The Project is included in the Board approved Measure R Multimodal Highway Subregional Program ("Program"). The Project was environmentally cleared by Caltrans in April 2021. Property Interests are required for construction and operation of the Project.

The Project will cause private injury, however, no other alternative locations for the Project provide greater public good with less private injury. Therefore, the Project is planned or

located in the manner that will be most compatible with the greatest public good and the least private injury.

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

C. The Property is necessary for the Project.

The Property is required for construction and operation of the Project.

In the after condition, the existing on-ramp will be abandoned and remain in place to connect with a new maintenance road proposed to be constructed on the subject property in order to provide access to an existing pump station needed to remove highway drainage runoff. Accommodating the new maintenance road (and the associated grading for the road) requires the full acquisition of both Fox parcels.

Alternative locations for the new maintenance road were studied and ruled out because the ingress and egress from Valley Boulevard down to the existing horseshoe on-ramp could not be done safely. The final location for the new maintenance road was determined after extensive coordination with Caltrans, City Industry and LA County. This location will make full use of the new signalized intersection at Valley Boulevard and Temple Avenue that will be installed as part of the Project to improve mobility, traffic operations and safety.

There are no alternatives to this design. Therefore, the Property Interests are necessary for the construction and operation of the project.

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

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

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

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

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

1. Obtained an independent appraisal to determine the fair market value of the Property Interests, which included consideration existing use of the Property, highest and best use of the Property, and impact to the remainder;

2. Reviewed and approved the appraisal, and established the amount it believes to be just compensation;

3. Determined the Owner(s) of the Property by examining the county assessor's record and a preliminary title report;

4. Made a written offer to the Owner(s) for the full amount of just compensation - which was not less than the approved appraised value; and

5. Provided the Owner(s) with a written statement of, and summary of the basis for, the amount established as just compensation with respect to the foregoing offer.

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

E. LACMTA has fulfilled the necessary statutory prerequisites.

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

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

The Project Approval and Environmental Document (PAED) Phase of the project was approved by Caltrans in April 2021. A Negative Declaration/Finding of No Significant Impact (ND/FONSI) was prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), respectively.

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

CONCLUSION

Staff recommends that the Board approve the Resolution of Necessity.

ATTACHMENTS

1 - Legal Description (Exhibit A)
2 - Plat Map (Exhibit B)

LEGAL DESCRIPTION
EXHIBIT A

EXHIBIT A

LEGAL DECRIPTION
Parcel 81560

That portion of the Rancho La Puente as per map recorded in Book 1, Page 43, et seq., of Patents, in the office of the County Recorder of said County, that portion of Lot 2 of Tract No. 3278, as per map recorded in Book 36, Page 41 of Maps, in said office and that portion of Lot “A” of O.T. Bassett’s Subdivision of the Workman Tract in said Rancho La Puente, as per map recorded in Book 59, Page 4 of Miscellaneous Records in said office described as follows:

Beginning at a point in the Northeasterly line of Valley Boulevard, 100 feet wide, shown as Pomona Boulevard on said map of Tract No. 3278, said point being N 53º 08' 31" W, 185.75 feet along said Northeasterly line from the most Southerly corner of said Lot 2; thence Easterly along a non-tangent curve concave Southerly having a radius of 175.10 feet, from a tangent bearing N 58º 34' 55" E, through an angle of 86º 19' 55", an arc distance of 263.68 feet; thence S 35º 05’ 10” E, 170.00 feet; thence S 24º 54' 50" W, 50.00 feet to said Northeasterly line of Valley Boulevard; thence Northwesterly along said Northeasterly line to the point of beginning.

Excepting from that portion of said Rancho La Puente included within the above described parcel of land the “precious metals and ores thereof” as excepted from the partition between John Rowland, Sr. and William Workman in the partition deed recorded in Book 10, Page 39 of Deeds.

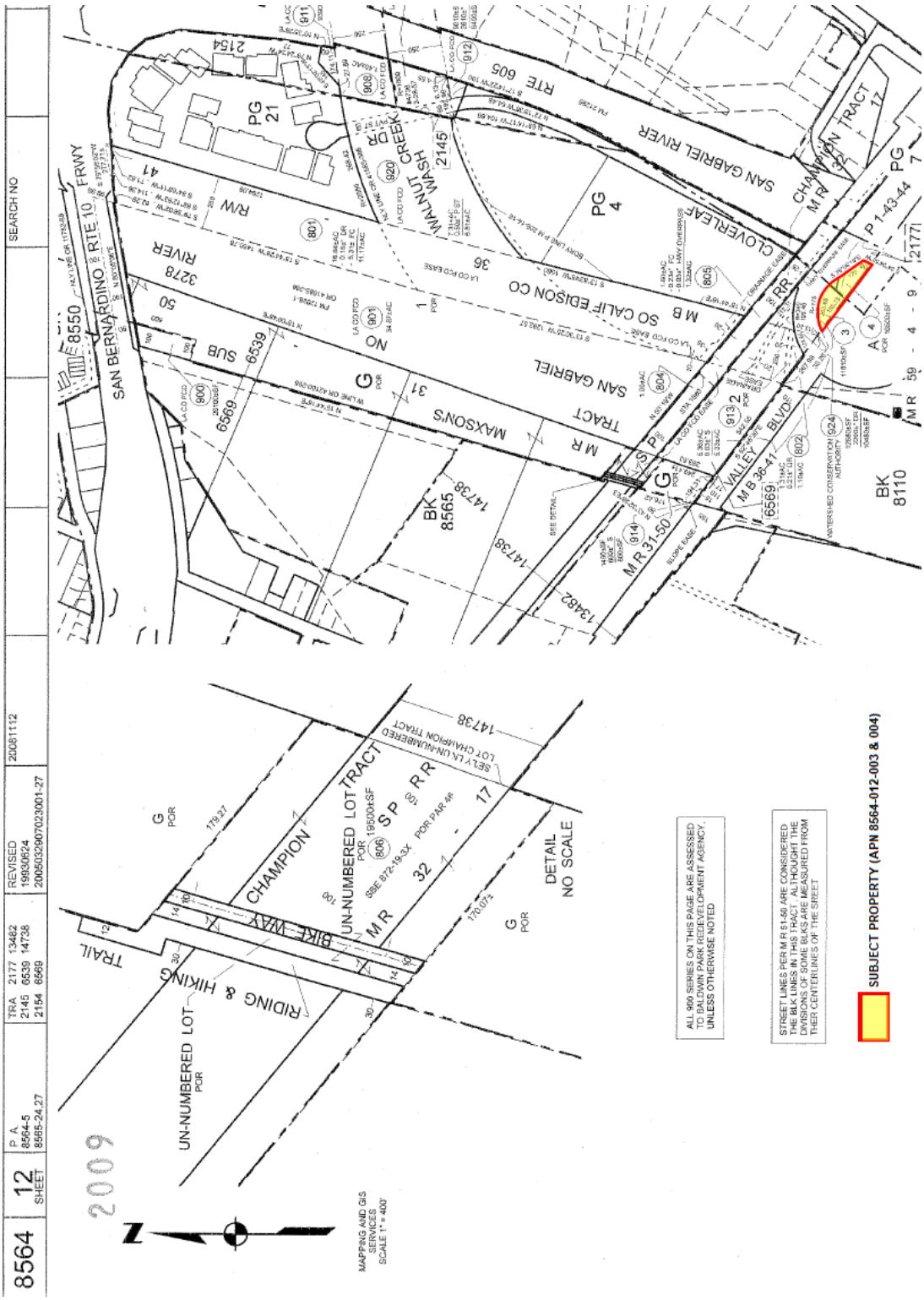
Excepting therefrom all oil, minerals, natural gas, and other hydrocarbons by whatsoever name known that may be within or under the herein conveyed parcel of land, and the rights thereto, together with certain other conditions, as excepted and reserved in Deed No. A4039 to the State of California recorded in Deed D3934, Page 135 of Official Records in said office.

APN: APN 8564-012-003 and 8564-012-004

PLAT MAP
EXHIBIT B

EXHIBIT B

PLAT MAP
Parcel 81560



APN: 8564-012-003 and 8564-012-004

ATTACHMENT B
REVISED

RESOLUTION OF THE
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
DECLARING CERTAIN REAL PROPERTY NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING THE ACQUISITION THEREOF THROUGH THE EXERCISE OF EMINENT DOMAIN
INTERSTATE 605 (I-605) VALLEY BOULEVARD INTERCHANGE IMPROVEMENT PROJECT, ("PROJECT") APN: 8564-012-003 CPN: 81560

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

Section 1.

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

Section 2.

The property described hereinafter are to be taken for public use, namely, for public transportation purposes and all uses necessary, incidental or convenient thereto, and for all public purposes pursuant to the authority conferred upon the Board to acquire property by eminent domain by California Public Utilities Code Sections 30000-33027, inclusive, and particularly Section 30503 and 30600, Sections 130000-132650, inclusive, and particularly Sections 130051.13 and 130220.5, Code of Civil Procedure Sections 1230.010-1273.050, inclusive, and particularly Sections 1240.410, 1240.510 and 1240.610, and Article I, Section 19 of the California Constitution.

Section 3.

The property consist of the acquisition of the full fee simple interest as described more specifically in the legal description Exhibit "A" and depicted in the plat map Exhibit "B" (hereinafter, the "Property ").

The Fee consists of two adjacent and contiguous vacant land parcels, APN 8564-012-003 and 8564-012-004, comprising a total of 0.717 acres, or 31,225 Square Feet.

Section 4.

(a.) The acquisition of the above-described Property is necessary for the development, construction, operation, and maintenance of the I-605/Valley Boulevard Interchange Improvement Project ("Project");

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

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

Section 5.

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

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

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

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

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

Section 6.

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

Section 7.

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

Section 8.

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

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

I, COLLETTE LANGSTON, Board Clerk of the Los Angeles County Metropolitan Transportation Authority, do hereby certify that the foregoing Resolution was duly and regularly adopted by a vote of two-thirds of all the members of the Board of the Metropolitan Transportation Authority at a meeting held on the 26th day of January 2023.

_____ Date: _____

COLLETTE LANGSTON
LACMTA Board Clerk

ATTACHMENTS

Exhibit A – Legal Description

Exhibit B – Plat Map

EXHIBIT “A”

LEGAL DESCRIPTION

That portion of the Rancho La Puente as per map recorded in Book 1, Page 43, et seq., of Patents, in the office of the County Recorder of said County, that portion of Lot 2 of Tract No. 3278, as per map recorded in Book 36, Page 41 of Maps, in said office and that portion of Lot “A” of O.T. Bassett’s Subdivision of the Workman Tract in said Rancho La Puente, as per map recorded in Book 59, Page 4 of Miscellaneous Records in said office described as follows:

Beginning at a point in the Northeasterly line of Valley Boulevard, 100 feet wide, shown as Pomona Boulevard on said map of Tract No. 3278, said point being N 53º 08' 31" W, 185.75 feet along said Northeasterly line from the most Southerly corner of said Lot 2; thence Easterly along a non-tangent curve concave Southerly having a radius of 175.10 feet, from a tangent bearing N 58º 34' 55" E, through an angle of 86º 19' 55", an arc distance of 263.68 feet; thence S 35º 05’ 10” E, 170.00 feet; thence S 24º 54' 50" W, 50.00 feet to said Northeasterly line of Valley Boulevard; thence Northwesterly along said Northeasterly line to the point of beginning.

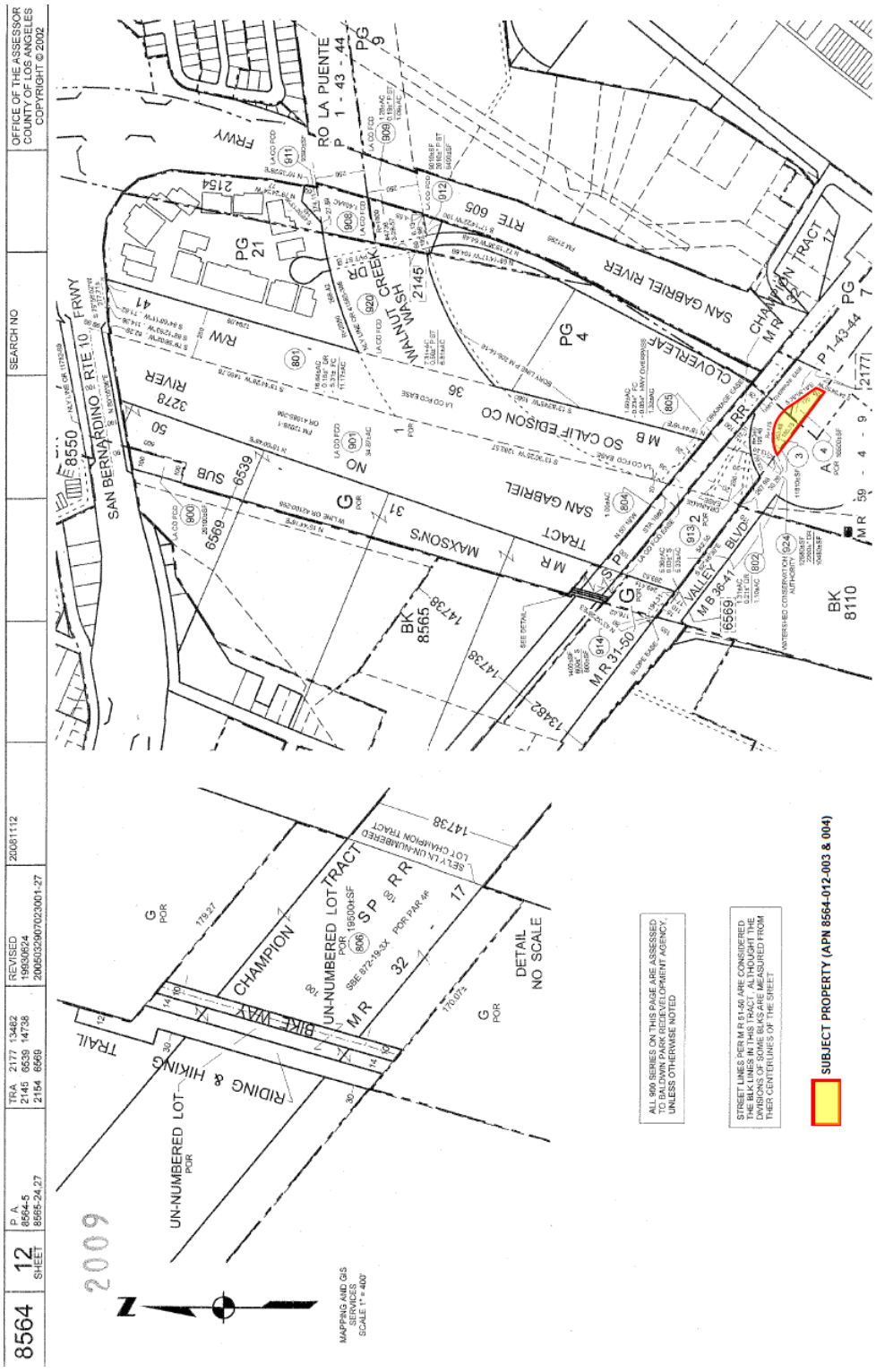
Excepting from that portion of said Rancho La Puente included within the above described parcel of land the “precious metals and ores thereof” as excepted from the partition between John Rowland, Sr. and William Workman in the partition deed recorded in Book 10, Page 39 of Deeds.

Excepting therefrom all oil, minerals, natural gas, and other hydrocarbons by whatsoever name known that may be within or under the herein conveyed parcel of land, and the rights thereto, together with certain other conditions, as excepted and reserved in Deed No. A4039 to the State of California recorded in Deed D3934, Page 135 of Official Records in said office.

APN: APN 8564-012-003 and 8564-012-004

EXHIBIT "B"

PLAT MAP



Hearing to Adopt Resolution of Necessity

I-605/ Valley Boulevard Interchange Improvements

Agenda Item #2023-0772

Metro

Regular Board Meeting
March 28, 2024

Hearing to Adopt Resolution of Necessity
I-605/ Valley Boulevard Interchange Improvement Project

Project:

The Project intends to reduce ramp queueing, alleviate congestion, and enhance motorist, bicyclist, and pedestrian safety at the Interstate 605 (I-605) and Valley Boulevard interchange.

Property Impacts:

Full fee simple acquisition.

Property Locations:

Northwest Corner of the Valley Boulevard & I-605 Fwy, La Puente CA, APN: 8564-012-003
Northwest Corner of the Valley Boulevard & I-605 Fwy, La Puente CA, APN: 8564-012-004

Relocation Impacts:

Project impacts will not create a displacement

Safety Impacts:

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

Metro

Hearing to Adopt Resolution of Necessity.
I-605/ Valley Boulevard Interchange Improvement Project

Four high accident rate ramp locations and analysis were conducted for the Project:

- I-605 Southbound On-Ramp from Valley Boulevard (“horseshoe” on-ramp) prior to merging with the I-605 SB freeway -7 collisions occurred resulting in an actual accident rate reported to be 545% higher than the statewide average.

- I-605 Southbound On-Ramp from Westbound Valley Boulevard (“horseshoe” on-ramp) prior to merging with the I-605 Southbound On-Ramp from Eastbound Valley Boulevard -15 collisions occurred resulting in an actual accident rate reported to be 197% higher than the statewide average.

- I-605 Northbound Loop On-Ramp from Eastbound Valley Boulevard --- 2 accidents occurred resulting in an actual accident rate reported to be 69% higher than the statewide average.

- I-605 Southbound On-Ramp Segment from Westbound Valley Boulevard (“horseshoe” on-ramp) --20 collisions occurred resulting in an actual accident rate reported to be 310% higher than the statewide average.

Metro

SOURCE: 2016-2018 Caltrans TASAS Selective Accident Retrieval Report (TSAR)

Hearing to Adopt Resolution of Necessity.
I-605/ Valley Boulevard Interchange Improvement Project

Assessor's Parcel Number	Project Parcel Number	Parcel Address	Property Owner	Purpose of Acquisition	Property Interest(s) Sought
8564-012-003 8564-012-004	81560	Northwest corner of Valley Boulevard and the I-605 Freeway, LA Puente, CA, 91746	Russel L. Fox and Linda Kay Fox, Trustees of the Fox Family Trust dated July 12, 2001	Construction and operation of the I-605/ Valley Boulevard Interchange Improvement Project	Full Fee Simple

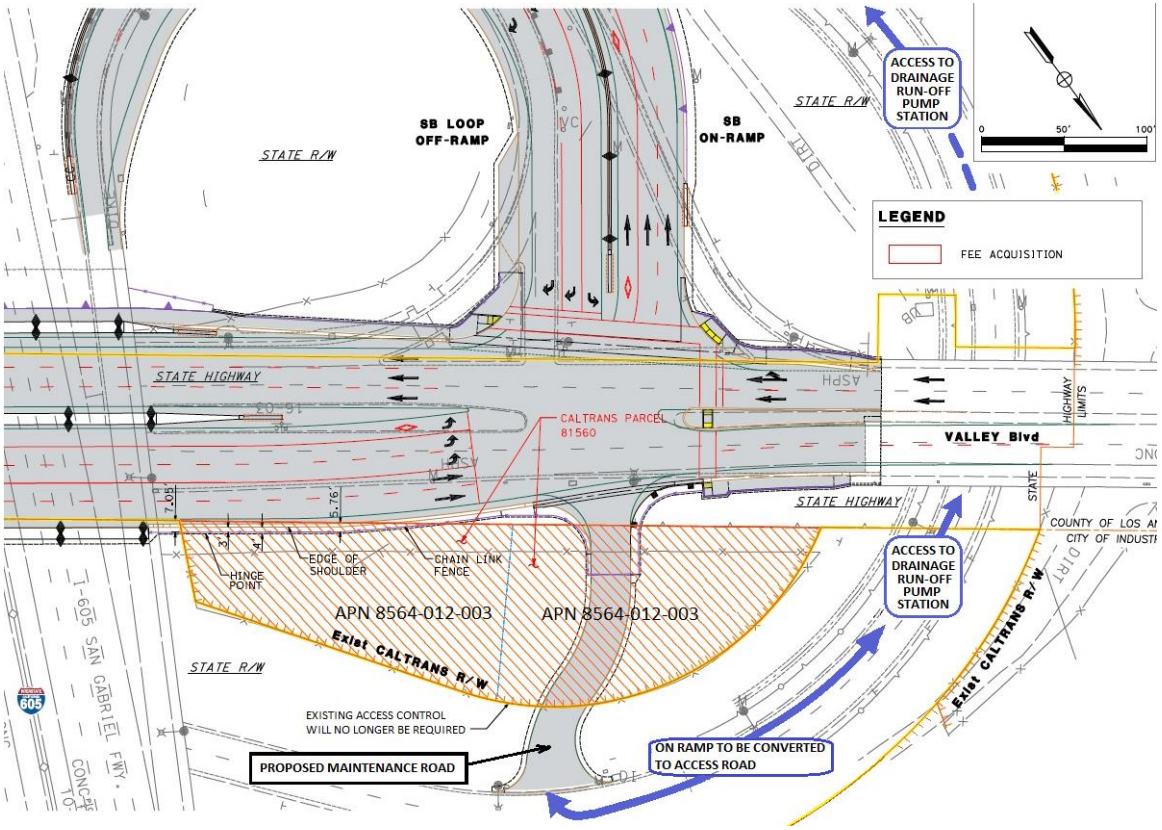
Metro

Hearing to Adopt Resolution of Necessity.
I-605/ Valley Boulevard Interchange Improvement Project

PARCELS OVERVIEW

APN: 8564-012-003

APN: 8564-012-004



Metro

Hearing to Adopt Resolution of Necessity.
I-605/ Valley Boulevard Interchange Improvement Project

Staff recommends the Board make the below findings and adopt the Resolutions of Necessity:

•The public interest and necessity require the proposed Project;

•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;

•The Property sought to be acquired, which has been described herein, is necessary for the proposed Project;

•The offer required by Section 7267.2 of the Government Code has been made to the Owner; and

•Whether the statutory requirements necessary to acquire the property or property interest by eminent domain have been complied with by LACMTA.

Metro

Thank you

Metro

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

Metro

Board Report

File #: 2024-0197, **File Type:** Minutes **Agenda Number:** 2.

REGULAR BOARD MEETING
MARCH 28, 2024

SUBJECT: MINUTES

RECOMMENDATION

APPROVE Minutes of the Regular Board Meeting held February 22, 2024.

powered by Legistar™

[redacted]

February 21, 2023
Regarding: Stop the Gondola

To Whom it May Concern,

I am writing to express my strong opposition to the proposed construction of the Gondola in Los Angeles, particularly its impact on the environment and working-class communities of Olvera Street, Chinatown, Solano Canyon, and Echo Park. As Chief of the San Gabriel Band of Mission Indians Gabrieleno/Tongva, it is my duty to protect and preserve the ancestral and historic lands of our people, and I believe that this project poses a significant threat to our cultural heritage and the well-being of our communities.

First and foremost, the construction of the Gondola, with its first loading station planned for the historic Olvera Street area, will irreversibly damage our ancestral village of Yaagna. This area holds deep cultural significance for our tribe, and any disruption caused by the Gondola will be a direct assault on our heritage and identity.

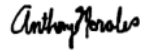
Furthermore, the proposed route of the Gondola will pass through other historical neighborhoods such as El Pueblo, Chinatown, and Solano Canyon, further disrupting the lives of residents and businesses in these communities. These neighborhoods are not only important to the cultural fabric of Los Angeles but also to the livelihoods of the working-class families who call them home.

Additionally, the Gondola will impact the Los Angeles State Park, a site in which our tribe was involved in the original opening and blessing. The construction and operation of the Gondola will disrupt the natural environment and sacred spaces within the park, further eroding our connection to our ancestral lands.

In conclusion, I urge you to reconsider the proposed construction of the Gondola in Los Angeles. The project will not only disrupt the lives of working-class communities and damage historic neighborhoods but also desecrate the ancestral and historic lands of our tribe. As stewards of these lands, it is our responsibility to ensure their preservation for future generations.

Thank you for your attention to this matter.

Sincerely,



Chief Anthony Morales Chairman, San Gabriel Band of Mission Indians

February 22, 2024

Honorable Members of the Los Angeles County Metro Board of Directors
1 Gateway Plaza
Los Angeles, California 90012

Re: Letter in Opposition to Approving the Los Angeles Aerial Rapid Transit Project (LA ART/Gondola) and Certifying the Final Environmental Impact Report (FEIR)

Dear Metro Board Members:

As the LAUSD Board District 2 member, where much of this proposed project would be located, I urge you to vote 'No' on Items 12 and 12.1 on today's agenda and reject approval of the Los Angeles Aerial Rapid Transit (LA ART) Environmental Impact Report (EIR). This project will permanently take away public green space and continue to exacerbate environmental injustices, which impacts LAUSD families who currently have limited green space available. It will dramatically change the nature of the historic park. This is a critical green space in a community that is otherwise park poor. This project would build a massive 98-foot-tall station at the entrance to the park and send bus-size gondola cars just 26-feet over the park every 23 seconds in both directions.

As chair of the Greening Schools and Climate Resilience Committee, I am concerned that this project will undermine LAUSD initiatives to improve air quality, reduce carbon emissions, and ensure California grown plants and trees flourish in the area. LAUSD Green Schools For All Resolution is focused on greening 30% of schools to increase access to green space in addition to the green space currently available to them in our neighborhoods.

During very hot seasons, Chinatown, Lincoln Heights and Downtown LA encounter extreme hot temperatures and lack of shade. Based on this project at least 75 mature trees will need to be removed, which will result in more carbon released into the atmosphere. The EIR does not account for the climate impacts of removing mature trees, and the only mitigation available is planting new trees, which are not guaranteed to flourish. Thus, further removing trees is counterproductive to the plans of the District to add additional tree canopies inside and around impacted areas.

Furthermore, the community engagement for the LA ART project has been deeply flawed. By its very nature as an unsolicited proposal, the process skipped over the crucial step of weighing the merits of a gondola against addressing green equity, any number of other public transit and infrastructure solutions. As a result of being unsolicited and privately funded, the EIR before you today was created with few of the rigorous checks and balances that Angelenos rightfully expect a public agency to employ when advancing a project.

I respectfully urge you to NOT APPROVE the Aerial Rapid Transit Project and to NOT certify the Final Environmental Impact Report. Instead, I welcome you to work with LAUSD Eco-Sustainability Chief Officer, Mr. Christos Chrysilious, to address green equity, air quality and reduction of carbon emissions to improve the quality of life of LAUSD students and their families in the impacted areas of this LA ART project.

Sincerely,



Rocío Rivas, Ph.D.
Board Member

Dear Metro Board of Directors,

We are writing to uplift the demands of the Stop the Gondola coalition by urging the Metro Board to **vote NO against the gondola and reject the certification of the Final Environmental Impact Report**.

The gondola project disappointingly goes against all of LA Metro's Vision 2028 goals and instead is a clear scheme to financially benefit billionaire Frank McCourt at the cost of an increasingly vulnerable working class community. Longtime residents of the area, especially Chinatown, are currently facing the enormous pressures of gentrification, most notably seen with the Hillside Villa tenants, but also in spaces of racial and cultural meaning, such as Dynasty Center. McCourt's gondola project now poses the threat of a years-long construction process that will not only disrupt the lives of residents in the short term but will also bring the near-certain future of additional luxury developments. McCourt's long term plans have yet to be shared, but his plans can be inferred based on his track record. This parallels the history of displacement of Chicanx residents in the Chavez Ravine for the construction of Dodger Stadium.

It is evident that the gondola is a private luxury operation that is designed to benefit the few, rather than operate as a public good. Even if it operates to the capacity that McCourt claims it will, which is all hypothetical at this point, the traffic reduction will be negligible as less than a fifth of the stadium's capacity will be moved for each game and that is even with the most optimistic of estimates. Indeed, given his business interests as the main profiteer of Dodger Stadium parking, we can also assume that McCourt has no desire to reduce traffic in favor of better transit options, as that would cut into his profits.

If Metro is looking for solutions to alleviate game day traffic, there's no need to reinvent the wheel. We urge the Board to instead expand the already existing, significantly more efficient, and free, Dodger Stadium Express by adding more origin points, bus capacity, and priority bus lanes. In addition to its ability to move tens of thousands of people more than McCourt's gondola, the economic benefits of increasing employment of unionized bus drivers will have a much greater impact on the city and its residents without putting more money into a billionaire's pockets while potentially leaving taxpayers to foot the $500 million bill. This move supports transit infrastructure for everyday people, not tourists, and continues to protect Chinatown's working class residents and communities from unaffordable and destructive development, at the same time.

Therefore, we urge the Metro Board to **vote NO against the gondola and reject the certification of the Final Environmental Impact Report** and instead work with the actual community on solutions that will provide high-quality mobility options that are equitably accessible.

Democratic Socialists of America, Los Angeles

Democratic Socialists of America
Los Angeles

[redacted]

February 21, 2024

Honorable Karen Bass, Board Chair
And Members of the Board of Directors
Los Angeles County Metropolitan Transit Authority (Metro) 1 Gateway Plaza
Los Angeles, CA 90012

Dear Board Chair Bass and Metro Directors:

We are writing to express our strong support for the proposal for a zero-emission gondola from Union Station and Dodger Stadium.

Together our organizations represent hundreds of businesses organizations, trade associations, non-profits and thousands of employers in Downtown Los Angeles and throughout Southern California. We believe that access to sustainable, equitable transit options is critically important to our region.

Traffic congestion and the impacts of climate change are some of the most difficult challenges facing Los Angeles. To overcome these, we need bold, innovative solutions. The Los Angeles Aerial Transit Project (LA ART) is just that. It will reduce carbon emissions from traffic to help the City achieve its climate goals; It will promote equity by connecting communities that have been disproportionately impacted by traffic and pollution; And it will improve quality of life by easing local traffic, improving safety, and reducing the need to park in the local community.

LA ART will provide the first permanent transit link to Dodger Stadium, which has the highest attendance out of any stadium in the country and is one of the few without a dedicated transit connection. Offering unmatched views of the city, it is exactly the kind of project we need to get people excited about riding transit again.

As we look to the future, projects that offer sustainable solutions and opportunities for job creation and economic growth are critically important. We need to embrace private investment and encourage innovation to help move our communities forward.

We urge you to approve the Environmental Impact Report for the LA-ART project, which is a critical step towards making this vision a reality. By doing so, you will be helping to create a cleaner, more efficient, and enjoyable transportation system for all of LA County.

Yours sincerely,



Tracy Hernandez
CEO, Los Angeles County Business Federation



Nella McOsker
President & CEO, Central City Association of Los Angeles

Cc:
All Board Members
Stephanie Wiggins, Metro CEO
Zero Emissions Transit (ZET)
Los Angeles Aerial Rapid Transit (LA ART)

[redacted]

February 21, 2024

VIA EMAIL LAART@metro.net; zelmerc@metro.net; boardclerk@metro.net

Office of Board Administration
Los Angeles County Metropolitan
Transportation Authority
Cory Zelmer, Deputy Executive Officer
One Gateway Plaza, Mail Stop 99-3-1
Los Angeles, CA 90012

Re: Agenda Item Nos. 12 and 12.1: Against and Item Needs More Consideration; Metro Board of Directors
Feb. 22, 2024 Regular Board Meeting
Subject: Los Angeles Aerial Rapid Transit Environmental Impact Report

Honorable Metro Board of Directors and Mr. Zelmer:

I. INTRODUCTION.

This firm represents S&R Partners, LLC, a Riboli Family company. The family has been a stakeholder in the immediate vicinity of the proposed Los Angeles Aerial Rapid Transit project ("Gondola Project" or "Project") for more than a century since the founding of the San Antonio Winery in 1917. The family is proud to be a multi-generational contributor to the local and regional economy in Los Angeles. The family is a proud employer of hundreds of local residents, and participates philanthropically and civically with leading community-based nonprofit organizations. The family members who run the business were raised in the community within walking distance to the Historic State Park, Chinatown, Solano Canyon, and Lincoln Heights.

Please keep this office on the list of interested persons to receive timely advance notice of all hearings, votes and determinations related to the proposed Project, its EIR and requested entitlements.

Pursuant to Public Resources Code Section 21167(f), please provide a copy of each and every Notice of Determination issued in connection with the Project.

In addition, we expressly incorporate by reference all concerns and objections, both written and oral, provided by all other commenters on the Project. Pursuant to PRC Section 21167.6(e) and Consolidated Irrig. Dist. v. Superior Court (2012) 205 Cal.App.4th 697, please include all of the linked references cited in each of the comment letters submitted during the administrative process in the administrative record.

This letter augments our February 13, 2024 letters on the Final Environmental Impact Report ("FEIR") for the Project submitted to Metro's Planning and Programming Committee ("Committee") for their consideration along with Agenda Item No. 12 of the February 14, 2024 Committee Meeting.

This letter also presents certain new concerns caused by Metro's publication over the President's Day holiday weekend of the full Board's February 22, 2024 meeting agenda. The agenda includes a motion ("Motion") with a list of new conditions proposed to be added to the Project as part of approval of the Project and its EIR.

II. COMMENTS, QUESTIONS AND OBJECTIONS REGARDING THE BOARD'S FEBRUARY 22, 2024 AGENDA AND PROPOSED MOTION ADDING NEW CONDITIONS.

Although the Motion partly addresses some of the concerns we and other stakeholders and public officials have expressed, we remain apprehensive. "The EIR is . . . intended 'to demonstrate to **an apprehensive citizenry** that the agency has, in fact, analyzed and considered the ecological implications of its action.' [Citations.] Because the EIR must be certified or rejected by public officials, it is a document of accountability. . . . The EIR process protects not only the environment but also informed self-government." Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 392 (emphasis added).

First, the proposed conditions identify critical issues but defer the study, full disclosure, full determination, and implementation of these new conditions to occur after the full Board will have approved the Project and the EIR. "This approach has the process exactly backward and allows [Metro] . . . to travel the legally impermissible

easy road to CEQA compliance." Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs (2001) 91 Cal.App.4th 1344, 1371. This approach also involves unstudied and deferred mitigation.

This inversion of the legally required process is also apparent through the order in which the items of business are presented on the February 22, 2024 agenda. The Motion comes after Agenda Item 12 – which is the Project approval and certification of the EIR. Indeed, the DEIR and the FEIR are not even linked documents in the Board agenda. Will the Board address 12 and 12.1 concurrently, or first approve the Project and certify the EIR before taking up the Motion?

III. THE MOTION RELIES FOR FISCAL ASSURANCES ON A NON-PROFIT WITH NO RESOURCES.

Zero Emissions Transit is a new, unknown entity.

Attachment 1 contains the incorporation documents and "Statement of Information CA NonProfit Corporation" for Zero Emissions Transit ("ZET"). As shown in these documents, Jordan Lang, President of McCourt Partners is the Corporate Secretary for ZET. He is the former President of Aerial Rapid Transit Technologies, which is "donating the LA ART Gondola project to ZET."[1] Metro should be dealing with an entity with a track record and sufficient financial resources when it comes to any agreements regarding this Project, not with a non-profit which is less than two years old, which has no real assets, and no experience developing, operating or maintaining a transit project or any other capital project. An underfunded, inexperienced non-profit can potentially cause blight, harm, damage and other significant environmental impacts, as has been addressed in many stakeholder comments and concerns.

[1] https://www.climateresolve.org/zero-emissions-transit-announces-non-profit-board-that-will-oversee-approval-and-implementation-of-dodger-stadium-gondola/
See also FEIR Topical Response L.

IV. COMMENTS ON AND NEEDED EDITS TO THE MOTION.

The proposed Motion, while perhaps well-intentioned, poses both CEQA compliance and financial concerns. At a minimum, the following edits are needed to the proposed conditions if they are to have any real effect and if they are to reduce the Project's impacts. We request that they also be incorporated into a recirculated Draft EIR for the Project and included in any Mitigation Monitoring and Reporting Program for the Project, as well as be included as conditions of approval for the Project in every contract, lease, agreement and other Project approvals:

The following conditions should be amended; only proposed revised conditions are included:

A. Zero Emissions Transit ~~or~~ and its affiliates, successors or assigns (hereinafter, "ZET") satisfies the following conditions:

> Condition 5: ZET adopts and adheres~~e~~ to an advertising display content policy that is consistent with Metro, City, County, Caltrans, and State Park's respective advertisement policy, in effect at the time of the first Project approval for the Project, including any future updates to such policies that are more restrictive and/or environmentally protective, and will not allow for digital or illuminated signage and where more restrictive, shall abide by the pertinent local jurisdiction's digital display and lighting policies for outdoor advertising signs in effect at the time of the first Project approval for the Project, including any future updates to such policies that are more restrictive and/or environmentally protective; in no case shall the Project be granted more permissive sign rights;
>
> Condition 13: ZET installs, at Metro's request, bike and micro-mobility hubs at each of the Project's stations that offer zero-emissions electrified docks that service personal devices, private micro-mobility share programs, and Metro Bike Share or any future Metro micro-mobility program similar thereto. These hubs shall be in place and

operational prior to the approval of the operating permit for the Project;

Condition 14: ZET only uses renewable energy sources throughout the life of the Project and the purchase of carbon offsets in Los Angeles County, ~~to the extent possible~~ in an amount to be determined prior to the first discretionary approval for the Project, ~~that~~ sufficient to ensure the construction and maintenance of the Project are at least carbon-neutral and verified by a qualified third party;

Condition 17: The Project, ZET and any affiliated entities, successors or assigns ~~does~~ shall not benefit from the use of eminent domain, nor shall eminent domain be used for or in furtherance of the Project in any manner whatsoever. This condition shall apply to the attempted use of eminent domain that could or may seek to acquire any property rights whatsoever, including but not limited to aerial, ground or subsurface. ~~A~~nd, in the case of ZET and any affiliated entities, successors or assigns and/or anyone on behalf of the Project acquiring any form of property rights from a public jurisdiction, ZET and any affiliated entities, successors or assigns and/or anyone on behalf of the Project shall offer compensation to said jurisdiction for at least the fair market value of such property, including air and real property rights, as determined, if needed, by one or more independent third-party evaluators. This condition shall be included in the Mitigation Monitoring and Reporting Program as well as in all leases and other agreements between Metro and ZET and any affiliated entities, successors or assigns.

F. While no such development has been formally proposed, Metro includes as a Project condition and as an overriding clause in any future lease at or near Union Station with ZET for the benefit of the Project, whereas any possible future development at or near the parking lots surrounding Dodger Stadium, regardless of the project applicant, that does not dedicate at least equivalent to twenty-five percent (25%) of all the

developable space, which excludes outdoor open space, to affordable or supportive housing shall automatically and immediately terminate the lease.

V. COMMENTS, QUESTIONS AND OBJECTIONS REGARDING THE BOARD'S FEBRUARY 14, 2024 PLANNING COMMITTEE MEETING.

At its February 14, 2024 meeting, the Committee was asked to consider the following:[2]

1. APPROVING the Los Angeles Aerial Rapid Transit Project ("Project") with Design Option A pursuant to Public Utilities Code (PUC) section 130252;

2. CERTIFYING, in accordance with the California Environmental Quality Act (CEQA), the Final Environmental Impact Report (EIR) if the Board concludes that it satisfies the requirements of CEQA and reflects the Board's independent judgment following CEQA Guidelines section 15090;

3. ADOPTING, in accordance with CEQA, the:

    1. Findings of Fact and Statement of Overriding Considerations setting forth the reasons and benefits of adopting the Final EIR with full knowledge that significant impacts may remain (Attachment A); and

    2. Mitigation Monitoring and Reporting Program (Attachment B);

4. AUTHORIZING the Chief Executive Officer to file a Notice of Determination (Attachment C) with the Los

[2] The Agenda is available at: https://boardagendas.metro.net/event/planning-and-programming-committee-bbc7aa820864/
Video of the February 14, 2024 Planning and Programming Committee meeting is available at: https://metro.granicus.com/player/clip/2951?view_id=2&redirect=true

> Angeles County Clerk and the State of California Clearinghouse.

At the meeting, staff failed to provide the Committee with the appropriate information needed when considering approval of the Project with Design Option A pursuant to Public Utilities Code ("PUC") Section 130252. That information should include: whether or not the Project is consistent with the Regional Transportation Plan; the financing plan for the Project and an analysis of whether the Project is financially viable in the short and long-term; and an analysis of the Project's potential impacts on the Metro system and Metro revenues.

In addition, staff did not explain the import of Metro's potential action as a Lead Agency when certifying an EIR that will be used by Responsible Agencies which have the primary decision-making over the Project.

Furthermore, the Committee failed to take testimony from all of the callers phoning in to provide comments, thereby restricting public participation.

VI. METRO CANNOT APPROVE THE PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 13052.

According to the Agenda, Metro is considering approval of the Project pursuant to PUC Section 130252. That Section states:

> 130252. (a) All plans proposed for the design, construction, and implementation of public mass transit systems or projects, including exclusive public mass transit guideway systems or projects, and federal-aid and state highway projects, shall be submitted to the commission for approval. **No such plan shall be approved unless it conforms to the appropriate adopted regional transportation plan pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code**. (Emphasis Added.)
>
> (b) The commission shall have no approval authority over the projects, plans, and programs determined by the Department of Transportation to be necessary for the safety and maintenance of the state highway system. Such projects, plans, and programs shall

> be developed by the department and, to the extent feasible, be coordinated with the planning of the commission. Plans and programs involving significant rebuilding or rehabilitation of the state highway system, as determined by the department and the commission, shall be developed jointly by the department and the commission.
>
> (c) As used in this section, "plan" means a project description and not the detailed project plans, specifications, and estimates.

Therefore, the Committee had, and the Board has, a duty to consider whether the Project **conforms to the appropriate adopted regional transportation plan**.[3] No such analysis was included in the agenda packet for the Committee or the Board.

As noted in Government Code Section 65080(a): "The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code." That Section of the United States Code specifies in part that:[4]

> (a) POLICY.-It is in the national interest-
>
> (1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight, foster economic growth and development within and between States and urbanized areas better connect housing and employment, and take into consideration resiliency needs while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and
>
> (2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by

[3] Pursuant to California Government Code § 65080.01(d) – ""Consistent" shall have the same meaning as that term is used in Section 134 of Title 23 of the United States Code."

[4] https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title23-section134&num=0&edition=prelim#:~:text=%2DEach%20metropolitan%20planning%20organization%20shall,bus%20operators%2C%20employer%2Dbased%20commuting

metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

(b) DEFINITIONS.- In this section and section 135, the following definitions apply: . . .

(6) TIP.-The term "TIP" means a transportation improvement program developed by a metropolitan planning organization under subsection (j). . . .

(c) GENERAL REQUIREMENTS.-

(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.- To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, **shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State**.

(2) CONTENTS.-The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

(3) PROCESS OF DEVELOPMENT.-The process for developing the plans and TIPs **shall provide for consideration of all modes of transportation** and shall be continuing, cooperative,

and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed. . . .

(i) DEVELOPMENT OF TRANSPORTATION PLAN. . . .

(2) TRANSPORTATION PLAN.-A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and **shall contain, at a minimum**, the following:

(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.-

(i) IN GENERAL.- **An identification of transportation facilities (including major roadways, public transportation facilities, intercity bus facilities, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions**. . .

(G) CAPITAL INVESTMENT AND OTHER STRATEGIES.- Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, provide for multimodal capacity increases based on regional priorities and needs, and reduce the vulnerability of the existing transportation infrastructure to natural disasters.

(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.-**Proposed transportation and transit enhancement activities** including consideration of the role that intercity buses may play in reducing congestion, pollution, and energy consumption in a cost-effective manner and strategies and investments that preserve and enhance intercity bus systems, including systems that are privately owned and operated.

> (j) METROPOLITAN TIP.-
>
> (1) DEVELOPMENT.-
>
> (A) IN GENERAL.-In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area **shall develop a TIP for the metropolitan planning area that-**
>
> **(i) contains projects <u>consistent</u> with the current metropolitan transportation plan**;
>
> (ii) reflects the investment priorities established in the current metropolitan transportation plan; and
>
> (iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2). . . .
>
> (Emphasis Added.)

The proposed Project is not included in the current Regional Transportation Plan ("RTP") or the Federal Transportation Improvement Program ("FTIP"), nor does it address an identified gap in the transit system. The current RTP was adopted on September 3, 2020 and is known as the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy.[5] It is also referred to as Connect SoCal 2020. The current RTP's Technical Reports[6] include the Transportation System – Transit Technical Report[7] and the Projects List.[8] The proposed Project is not identified in the

[5] A copy of the adopted Regional Transportation Plan is available at: https://scag.ca.gov/read-plan-adopted-final-connect-socal-2020

[6] The Technical Reports are available at: https://scag.ca.gov/read-plan-adopted-final-connect-socal-2020

[7] The RTP Transit Technical Report is available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_transit.pdf?1606002122

[8] The RTP Projects list is available at: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal_project-list_1.pdf?1606001744

Transit Technical Report of the current RTP. As noted on page 76 of the RTP's Transit Technical Report:

> **FIXED GUIDEWAY GAP CLOSURES**
>
> The previous 2016 RTP/SCS included as regional initiatives five fixed guideway gap closures, funded by the Plan's innovative financing strategies. These projects are included above and beyond locally funded CTC investments, providing important links in the future transit network. They leverage existing investments to expand the connectivity of the regional rail system and support seamless transferability throughout the network. Three of the projects, the Gold Line Foothill Extension to Montclair, Vermont Corridor, and Metro Green Line Norwalk extension to the Norwalk/Santa Fe Springs Metrolink Station, are now included Metro's Measure M expenditure plan. All of these fixed guideway gap closures, including the Slauson Corridor and Metro Red Line extension to Burbank Airport, are carried forward into Connect SoCal.

The proposed Project is not identified as a gap project. It is not one of the Transit Capital Projects identified for Los Angeles County in Table 10 on page 68 of the current RTP Transit Technical Report as shown in the following screenshot of that page of the Technical Report:

TABLE 10 Selected Transit Capital Projects

County	Project
Los Angeles	Airport Metro Connector
Los Angeles	BRT Connector – Orange/Red Line to Gold Line
Los Angeles	Crenshaw/LAX Transit Corridor
Los Angeles	Historic Los Angeles Streetcar
Los Angeles	East San Fernando Valley Transit Corridor
Los Angeles	Gold Line Eastside Extension Phase 2 to South El Monte
Los Angeles	Gold Line Foothill Extension – Azusa to Claremont
Los Angeles	Green Line Extension to Torrance
Los Angeles	LAX Automated People Mover
Los Angeles	North San Fernando Valley Transit Corridor
Los Angeles	Orange Line BRT Improvements
Los Angeles	Purple Line Westside Subway Extension to La Cienega, Century City, Westwood
Los Angeles	Regional Connector
Los Angeles	Sepulveda Pass Transit Corridor (Phase 2)
Los Angeles	Vermont Transit Corridor
Los Angeles	West Santa Ana Branch Transit Corridor
Los Angeles	Green Line Extension to Norwalk/Santa Fe Springs Metrolink Station
Los Angeles	Red Line Extension to Hollywood Burbank Airport
Los Angeles	Slauson Light Rail – Crenshaw/LAX Transit Corridor to Blue Line

The Project is not on the current RTP Projects List. It is also not identified in the 2023 FTIP of Transit Projects for Los Angeles County.[9]

The Project is also not on the Projects List for the Draft 2024-2050 RTP.[10] It is not identified in the Draft Mobility Technical Report of the Draft RTP.[11] It is also not identified in the Draft Travel and Tourism Technical Report[12] of the Draft RTP, which describes the Dodger Stadium Express on page 24 as part of its discussion of Transportation Programs for Special Events:

> - Dodger Stadium Express (Los Angeles): The Metro Dodgers Stadium Express provides free transport to people traveling to Dodger Stadium on gamedays from Union Station and any of the following stations (Slauson, Manchester, Harbor Freeway, Rosecrans or Harbor Gateway Transit Center) in the Los Angeles South Bay. Union Station is served by many Metro and municipal bus lines, the Metro J Line, and Metro Rail's A, B, and D lines, as well as Metrolink and Amtrak.

The Draft Technical Report also describes access to Olvera Street and Chinatown on page 23:

> - Olvera Street and Chinatown (Los Angeles): Olvera Street and Chinatown are located off the 110, 101, and 10 freeways, and are walking distance from Los Angeles Union Station, which is served by Amtrak, Metrolink, and the Metro B, D (formerly Purple) and L (formerly Gold) lines.

The Project is not identified in Section 4.4 – Future Travel and Event Transportation Planning of the Draft RTP Travel and Tourism Technical Report as one of the projects to address ongoing growth and changes to the travel destinations of the

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[9] See: https://scag.ca.gov/2023-approved-ftip
The 2023 Transit FTIP is available at: https://scag.ca.gov/sites/main/files/file-attachments/23-ftip-transit-amend-23-0121-la.pdf?1704920638

[10] https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-connect-socal-2024-project-list-draft-110223.pdf?1698263410

[11] https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-connect-socal-2024-mobility-draft-110223.pdf?1698348872

[12] https://scag.ca.gov/sites/main/files/file-attachments/23-2987-tr-connect-socal-2024-travel-and-tourism-draft-110223.pdf?1698263422

region on pages 24-25. Page 25 of this Draft RTP Technical Report does discusses the 2028 (Olympic) Games Mobility Concept Plan[13] stating:

> - Los Angeles Metro, 2028 Games Mobility Concept Plan (MCP) (Los Angeles County): Los Angeles Metro, in partnership with Metrolink, Caltrans, the City of LA, LA28, the ports, railroads, LADOT and other local agencies, is developing projects (e.g., mobility hubs, first/last mile efforts, bus only lanes) in advance of the 2028 Olympic Games. To address the transportation needs of the 2028 Summer Olympics, **the Metro Board's Olympics Committee staff developed a list of projects as part of the 2028 Games MCP** that will link competition venues scattered throughout the region via transit and active transportation corridors. The list of projects falls into the following categories: adding capacity at key transit stations and transit system bottlenecks; expanding bus- only lanes on major arterial streets countywide; investments in zero-emission infrastructure; optimizing access to major venues and activity centers; and planning and designing activities for these projects. **Initially a "wish" list of 209 projects, Metro narrowed down the list to 15 projects and programs in June 2023.** Some of the projects in the MCP include regional mobility hubs, transit to first/last mile, Universal Basic Mobility and the Inglewood Transit Coordinator. For mobility hubs, the Olympic-related hubs represent a subset of Metro's larger mobility hubs effort. In 2023, Metro developed designs and implementation strategies for four mobility hubs falling across the different typologies—Central, Venue, Neighborhood/Equity, and Supplemental Bus. Metro plans to provide implementation guidance to local jurisdictions for the other mobility hubs, for example by suggesting grants, stakeholder coordination, and timelines. With respect to planning for first/last mile efforts, Metro has selected 10 corridors to design and plans to work with local

[13] The 2028 Games Mobility Concept Plan is available at: https://metro.legistar.com/LegislationDetail.aspx?ID=5936211&GUID=3DF4A82B-672B-4F4F-96A4-AC041D29CF11&Options=&Search=

> jurisdictions to identify what elements to implement. Through the end of 2023, Metro crafted an implementation plan for these corridors.

Although the LAART Project was included on the 2022 Comprehensive Projects list – the initial wish list of 209 projects[14] – it was not included on the 2022 Prioritized MCP Project List,[15] and it was not included on the June 2023 list of 15 projects.[16]

The Project is therefore not consistent with the current RTP. It is also not consistent with the Draft RTP. Furthermore, although the EIR attempts to argue that the Project is consistent with some of the goals and objectives of the RTP, a number of comments on the DEIR provide substantial evidence that this is not the case (see P700-3, P700-19, P700-44 to 45). The responses to those comments are inadequate and fail to demonstrate that the Project is consistent with the RTP.

Metro, therefore, lacks authority to approve the Project. Since the Project is not consistent with the RTP, Metro must deny the Project.

An RTP consistency analysis should have been done for the Project before Metro initiated preparation of an EIR pursuant to the California Environmental Quality Act ("CEQA") since Metro cannot approve the Project. As noted in our earlier letter, Metro can, however, deny the Project without completing the CEQA process.

VII. METRO IS NOT THE CORRECT LEAD AGENCY FOR THE PROJECT.

The LAART Project is a private Project and Metro has repeatedly stated that Metro has no responsibility for construction or operation of the Project. As noted in the staff presentation to the Committee, this is the first time Metro has acted as Lead Agency for a project other than Metro's own projects.[17] CEQA Guidelines § 15051 specifies that when a project is to be carried out by a nongovernmental person or entity:

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[14] Ibid. Attachment C. Page 5.
[15] Ibid. Attachment A. See also Attachment B June 14, 2023 Report to the Metro Board at: https://boardagendas.metro.net/board-report/2023-0377/
Attachment B available at: https://metro.legistar1.com/metro/attachments/f424b29d-7493-47d1-9137-dfd4e415d703.pdf
And the Mobility Concept Plan for the 2028 Games available at:
https://metro.legistar1.com/metro/attachments/2c887823-6530-4c68-8b2c-65c53c944330.pdf
[16] See: https://metro.legistar1.com/metro/attachments/84309fb8-12b5-451f-91d6-cee752f40314.pdf
[17] Committee Meeting Video at: https://metro.granicus.com/player/clip/2951?view_id=2&redirect=true

15051. CRITERIA FOR IDENTIFYING THE LEAD AGENCY

Where two or more public agencies will be involved with a project, the determination of which agency will be the Lead Agency shall be governed by the following criteria:

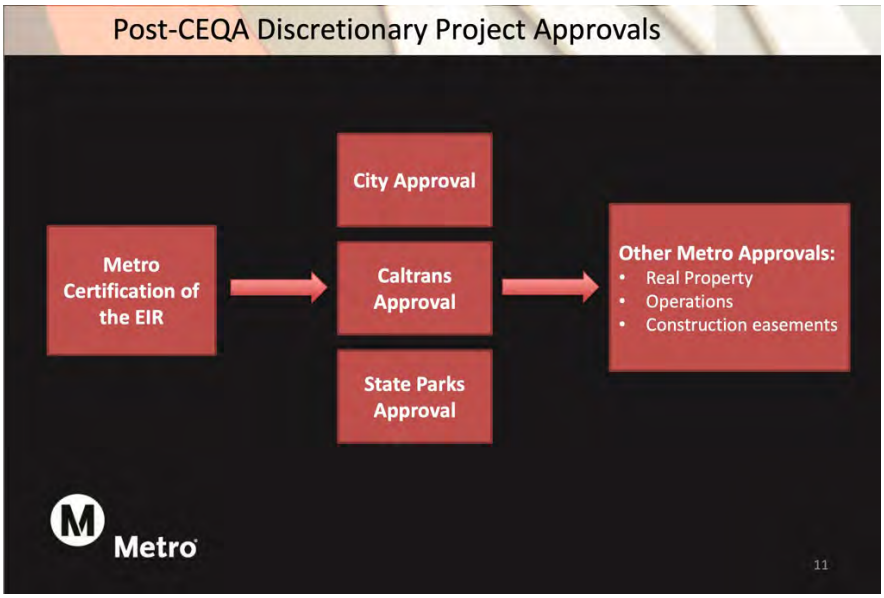
(b) If the project is to be carried out by a nongovernmental person or entity, the Lead Agency shall be the public agency with the greatest responsibility for supervising or approving the project as a whole.

(1) The Lead Agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose such as an air pollution control district or a district which will provide a public service or public utility to the project.

(c) Where more than one public agency equally meets the criteria in subdivision (b), the agency which will act first on the project in question will normally be the lead agency.

Slide 3 of staff's Presentation at the Committee Meeting of February 14, 2024 states: "Metro's approval at this point does not constitute final approval of the project nor does it supersede or eliminate the need for subsequent approvals required by the City of Los Angeles, State Parks Commission, Caltrans, or Metro to construct and operate the proposed Project." As shown in Slide 11 of Metro's Presentation for the February 14, 2024 Committee Meeting, with the exception of approval pursuant to PUC Section 130252 which Metro cannot make, Metro is not the first agency to act on the Project:

At approximately 3:03:50 – 3:04:40.



The City of Los Angeles is the public agency with the greatest responsibility for supervising or approving the project as a whole.[18] This is also clear from the list of needed project approvals (see DEIR page 2-57 to 2-62). Unlike Metro, the City has general governmental powers including land use control, and is not a single or limited purpose agency like Metro. FEIR "Topical Response D – Metro is the Proper Lead Agency for the Project" is thus in error. Commenters on the DEIR are correct. Metro should not be acting as Lead Agency.

It is inappropriate for Metro to act as Lead Agency and to certify the EIR for the Project, since this is a Project that Metro does not have authority to approve. Metro is not the appropriate Lead Agency for the EIR.

VIII. FAILURE TO ANALYZE FEASIBLE ALTERNATIVES IDENTIFIED BY METRO BOARD MEMBERS.

Topical Response H in the Final EIR attempts to justify the range of alternatives considered in the EIR and to address a number of DEIR comments received providing

[18] Committee Meeting Video at: https://metro.granicus.com/player/clip/2951?view_id=2&redirect=true
At approximately 13:50-14:30 and 3:03:50-3:04:40

substantial evidence that the DEIR did not address a reasonable range of alternatives. The validity of these comments is supported by statements made by Metro Director, Supervisor Hilda Solis[19] regarding the lack of clarity regarding the problem the Project is designed to solve, and thus whether the EIR includes the appropriate alternatives.

IX. FAILURE TO MEET METRO'S OBLIGATION AS A LEAD AGENCY.

Even if Metro were the correct Lead Agency, it has failed to meet its obligation as Lead Agency under CEQA because it has failed to prepare an EIR that accurately and completely analyzes the environmental impacts of the Project and feasible alternatives to the Project. It has thus failed to meet the needs of the three most important identified "Responsible Agencies" for the Project: the City of Los Angeles, Caltrans and State Parks. For example, as noted by Metro Director Gloria Roberts, Caltrans District 7 Director, Caltrans will need for the State Historic Preservation Officer ("SHPO") to provide a Finding of No Significant Impact for Caltrans purposes for this Project before Caltrans can consider the Project.[20] The FEIR fails to contain such a determination by SHPO and thus fails to meet the identified needs of Caltrans.

Metro serving as Lead Agency will put the three agencies with land use authority over the Project in a difficult position. CEQA Guidelines Section 15052 specifies the actions available to Responsible Agencies when an EIR is not sufficient for their purposes:

> **15052. SHIFT IN LEAD AGENCY DESIGNATION**
>
> (a) Where a Responsible Agency is called on to grant an approval for a project subject to CEQA **for which another public agency was the appropriate Lead Agency**, **the Responsible Agency shall assume the role of the Lead Agency when any of the following conditions occur**:
>
> (1) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has

[19] Committee Meeting Video at: https://metro.granicus.com/player/clip/2951?view_id=2&redirect=true At approximately 2:57-2:58.

[20] Id. February 14, 2024 Planning and Programming Committee at approximately: 3:10-3:11:10.

expired for a challenge to the action of the appropriate Lead Agency.

(2) The Lead Agency prepared environmental documents for the project, but the following conditions occur:

(A) A subsequent EIR is required pursuant to Section 15162,

(B) The Lead Agency has granted a final approval for the project, and

(C) The statute of limitations for challenging the Lead Agency‘s action under CEQA has expired.

(3) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Sections 15072 or 15082, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.

(b) When a Responsible Agency assumes the duties of a Lead Agency under this section, the time limits applicable to a Lead Agency shall apply to the actions of the agency assuming the Lead Agency duties.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21165, Public Resources Code. (Emphasis added.)

Metro has thus put the three agencies in the position of needing to either challenge the EIR or to assume Lead Agency responsibility for the Project in order to address the inadequate analyses in the EIR for the Project.

X. THE PROJECT DOES NOT QUALIFY AS AN SB44 ENVIRONMENTAL LEADERSHIP FIXED GUIDEWAY PROJECT.

Public Resources Code § 21168.6.9 (a)(1)(A) requires that a fixed guideway project operates at zero emissions in order to qualify as an Environmental Leadership Project. As noted on FEIR page 5.0-12 regarding use of renewable electricity from LADWP's Green Power Program:[21]

> **5.1.11 Greenhouse Gas Emissions**
>
> **GHG-PDF-A**
>
> As described in Sections 2.0, Project Description, and 3.08, Greenhouse Gas Emissions, of the Draft EIR, the proposed Project voluntarily committed to use electricity supplied from LADWP's Green Power Program to further demonstrate the proposed Project's leadership towards sustainable transportation. In response to comments suggesting that this commitment is illusory, an addition to the Draft EIR has been provided for Section 3.08, Greenhouse Gas Emissions, to add this Project commitment as an enforceable Project Design Feature, GHG-PDF-A.

GHG-PDF-A is thus a new mitigation measure designed to ensure that the Project complies with the unsupported assumptions in the DEIR regarding GHG emissions and the use of renewable energy. The DEIR must be corrected to identify GHG emissions with and without this mitigation.

FEIR page 5.0-63 states that DEIR page 3.8-17 is revised to read:

> The Project would obtain power through renewable electricity from LADWP's Green Power Program, as described in GHG-PDF-A. Renewable electricity sources are assumed to have zero

[21] Information on the Green Power Program is available at: https://www.ladwp.com/residential-services/programs-and-rebates-residential/go-green/green-power-green-latm-program
According to page 31 of the LADWP Briefing Book 2022-23 in 2021 35% of LADWP power came from renewable sources (14% solar, 11% wind, 10% geothermal) but 19% came from coal, 6% from large hydro, 26% from natural gas, and 14% from nuclear.
Available at: https://www.ladwp.com/sites/default/files/2023-10/2022-23_Briefing_Book_Online.pdf

> GHG emissions (e.g., the gondola operations would be powered by renewable electricity from LADWP's Green Power Program).

GHG-PDF-A states:

> **GHG-PDF-A: Green Power.** Electrical power for the operation of the proposed Project's aerial gondola system and associated stations, junction, and towers **would** come from renewable resources. The proposed Project shall achieve this **through applying to LADWP's Green Power Program** or other available LADWP (or equivalent) programs that provide renewable electricity. (Emphasis added.)

Without the addition of this additional Project Design Feature, which is essentially a new mitigation measure added in the FEIR, the Project generates greater than zero emissions[22] and does not qualify as an "Environmental Leadership Project." The EIR must therefore be corrected to disclose this and be recirculated for public review and comment before it can be considered by the Metro Board or Responsible Agencies and the mitigation measure must be corrected to read, "**For the entire life of the Project**, electrical power for the operation of the proposed Project's aerial gondola system and associated stations, junction, and towers **and all operations and maintenance activities shall** come from renewable resources." Merely applying to a green power program does not ensure that the applicant will follow through and obtain green power, or obtain it throughout the life of the Project. The mitigation as written is not sufficient to reduce emissions to zero.

More importantly, pursuant to Public Resources Code § 21168.6.9 (a)(1)(E), in order to qualify as an "Environmental Leadership Project" the Project must be "consistent with the applicable regional transportation plan." As documented herein, the Project is not consistent with either the current or Draft RTP. The Project is therefore not an Environmental Leadership Project.

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[22] Information on the Green Power Program is available at: https://www.ladwp.com/residential-services/programs-and-rebates-residential/go-green/green-power-green-latm-program
According to page 31 of the LADWP Briefing Book 2022-23 in 2021 35% of LADWP power came from renewable sources (14% solar, 11% wind, 10% geothermal) but 19% came from coal, 6% from large hydro, 26% from natural gas, and 14% from nuclear.
Available at: https://www.ladwp.com/sites/default/files/2023-10/2022-23_Briefing_Book_Online.pdf

Public Resources Code § 21168.6.9 was enacted as part of SB 44,[23] to streamline transit projects located wholly within the County of Los Angeles, intended to serve the Olympic Games. SB 44 states:

> SECTION 1. The Legislature finds and declares all of the following:
>
> (a) **The County of Los Angeles is the site of the 2028 Summer Olympic and Paralympic Games, and various transportation agencies have adopted goals to increase public transit opportunities within the county as soon as possible**. It is necessary to ensure these public transit options are as sustainable as possible to assist California in meeting its climate change and air quality goals.
>
> (b) In order for California to promote the rapid development of sustainable public transit options, it is the intent of the Legislature that courts take action to quickly resolve actions or proceedings brought pursuant to the California Environmental Quality Act (CEQA) relating to certain environmental leadership transit projects located wholly within the County of Los Angeles or connected to an existing transit project located wholly within the county.
>
> (c) Any existing backlog of civil cases in the Superior Court of California, County of Los Angeles, will not be unduly impacted by prioritizing the resolution of these CEQA actions for all of the following reasons:
>
> (1) **It is the intent of the Legislature that only seven environmental leadership transit projects be subject to expedited resolution pursuant to CEQA**.[24] (Emphasis added.)

So, not only is the Project not included in the current RTP, but it is also not on Metro's 2028 Olympic and Paralympic Games, Games Mobility Executives ("GME")

[23] The text of SB 44 is available at: https://legiscan.com/CA/text/SB44/id/2436321
[24] See also Public Resources Code §21168.6.9(h).

Surface Transportation Priority List,[25] or on the 2022 Prioritized Mobility Concept Plan ("MCP") List.[26] It would therefore be inappropriate to treat the Project as an Environmental Leadership Project for purposes of CEQA, particularly given that only seven project are eligible for this status, which should be reserved for priority Olympics transit projects.

XI. CONTINUING FAILURE TO DEMONSTRATE THAT THE PROJECT IS FINANCIALLY VIABLE.

If Metro did have the power to approve the Project, and if Metro proceeds with consideration of the Project, Metro should ensure that this private Project is financially viable. Although the Committee noted the need for information regarding the financial viability of the Project, it passed consideration of the Project and FEIR on to the Board without requiring the provision of the needed information.[27] This is a violation of Metro's fiduciary duties and represents an inappropriate willingness to engage in uninformed decision-making.

In our February 13, 2024 letter we provided documentation showing that the Project would not be financially viable. We hereby provide additional information demonstrating this.

The Capital costs for the Project are $385-$500 million dollars and the annual operations and maintenance costs would be $8-10 million per year. It should be noted that both capital costs and operating and maintenance costs are in 2021 dollars,[28] not current dollars. Capital cost funding would be through bond financing, which must be paid back to the bond holders, through farebox revenue and naming rights. Assuming a 30-year bond term and an interest rate of 4.5%, this equates to more than $2.5 million per month in bond servicing on a $500 million dollar bond or more than an additional

[25] https://metro.legistar1.com/metro/attachments/84309fb8-12b5-451f-91d6-cee752f40314.pdf
[26] https://metro.legistar1.com/metro/attachments/f424b29d-7493-47d1-9137-dfd4e415d703.pdf

[27] Committee Meeting video available at: https://metro.granicus.com/player/clip/2951?view_id=2&redirect=true Comments of Director Hilda Solis at approximately minutes 2:56-2:58 discussing lack of transparency, lack of funding information and alternatives that should be looked at, comments by Director Najarian at 3:07-3:08, and Committee Action at minutes 3:12-3:14.

[28] FEIR, p. 4.0-1.

$30 million per year, exclusive of bond issuance costs, which must be funded by farebox revenue and naming rights. Bond payments and Project operating and maintenance costs thus equal approximately $40 million dollars per year, which the FEIR indicates will be solely paid for by naming rights (i.e. advertising) and fares.

In our February 13, 2024 letter, we showed that the Project's annual operating and maintenance costs ($8-10 million dollars per year) are similar to the $8.7 million in total fares generated by Metro's entire light rail system alone. The Project is 1.2 miles in length and has three stations. By comparison, Metro's light rail system has 5 lines providing approximately 94.3 miles of service and 100 stations. Fares are thus unlikely to cover operating and maintenance costs.

Table 1 shows Metro's budgeted farebox and advertising revenues for fiscal years (FYs) 2017 to 2024 for the entire Metro system inclusive of bus, heavy rail, light rail, Metrolink, rideshare services, etc. As can be seen from **Table 1**, system farebox revenues were declining even pre-covid, although advertising revenue has remained comparatively stable. Post-pandemic farebox revenues are still less than half pre-pandemic farebox returns.

TABLE 1
METRO FAREBOX AND ADVERTISING REVENUES
(in Millions)

	Farebox	**Advertising**	**Total Farebox + Advertising**
FY 2024 (7/23-7/24)[29]	$146.8 adopted	$27.2 adopted	$174
FY 2023 (7/22-7/23)[30]	$106.0 ($106.5 adopted)	$32.6 adopted	$138.6
FY 2022 (7/21-7/22)[31]	$73.2 adopted	$24.1 adopted	$97.3

[29] Resources Table see: https://budget.metro.net/fy24-adopted-budget-book.html
[30] Resource Table see:
https://ucaedfc7d871ca6f702648369a54.dl.dropboxusercontent.com/cd/0/inline2/CNb7iA8rtdFxP4TLlNhKIhtYRLETltxr9KcWSa4Koym03euK4Vn14UpUAb2a0LwWhNnww0XXm38ZOdtZnzBKobddstsi6t9q1q6sP5kQjAuvrMfcY8TabBCUpNf6murpDVqQVdazr059tzTzWW6Npx90Uc1fHgIWEfvWl61PD_KzHcnoLYRXsVbkcducH-SacGPkesajWHUqo3cGZ9vZ022AabrYuZv-bIBoOKP2QX05VK84rMWDUN95pc2BpqEbXtcx7GXPruH6bOmDxpsqrP6ofaq3XYZpT7b1zOj0fTn2ppfF6QJqkL1YlX9uR4KueGg9EHNclp6uXOsMtUJ1Nj_r4SziGF60IxiHYHtFAcNvA8HaF0-8ZHDHzqmbDC1a7Bs/file#
[31] https://www.dropbox.com/s/avhdm0gll5phdxb/FY22%20Adopted%20Budget.pdf?e=1&raw=1https%3A%2F%2

TABLE 1
METRO FAREBOX AND ADVERTISING REVENUES
(in Millions)

	Farebox	Advertising	Total Farebox + Advertising
FY 2021 (7/20-7/21)[32]	$22.2 (60.3 proposed)	$18.9 (Proposed 23.8)	$41.1
FY 2020 (7/19-7/20)[33]	$284.5 adopted	$25.6 adopted	$310.1
FY 2019 (7/18-7/19)[34]	$302.6 adopted	$24.7 adopted	$327.3
FY 2018 (7/17-7/18)[35]	$302.6 (323.4 adopted)	$25.1 adopted	$327.7
FY 2017 (7/16-7/17)[36]	$323.4 (budget)	$25.1 (budget)	$348.5

Fwww.dropbox.com%2Fhome%2FImages%2FAbout%2FFunding%2FMetro%27s+Budget%3Fpreview%3DFY22+Adopted+Budget.pdf

[32] https://uc3374220bfe08f4884ad82765c2.dl.dropboxusercontent.com/cd/0/inline2/CNaHFFnmBk7UqGntb10yzD467g09d0khTz7_krhVNAeRL583Ug09g0wN1wkQum6JpYe-cLwy7Uwuk9XqOCKKUbLy8RpOxCOU12FoWkZk6TufrLhzDMkhNaTYSe5tlCZIjbwyGf1o7KMFChBRoXpx1ERI63nggd6kkWoNo4tISnfuJRC7buH0SEiiDp0TRzK4vNx7v8xOKzR_6noghg_UGYk24znmASdEIoPrapsCqBz_BeyGF4SWTIiwvAu7aQ2N2gCCLQNJNwj94oFS8SubVgEDV9qKVAS8d8oB0sDCi53aUystc6SY5n1XBQncxYvFm_BfP4jo7M7qrYsUfzquEDb5ojAYpyu67TMkbrsZpT-fEvi2frhpFVg0frlYYACIQEI/file#

[33] https://ucf61baadb85f41d6b28860041fe.dl.dropboxusercontent.com/cd/0/inline2/CNZYjrn7sfamiAWf-QmY0KdJLei-DMtOR_LDrh1bEg7XRvnxJKEKUx7xQx165BVwTXhaEkYccXzCfjcyRVmI3pM_b0TvqIFUDbreXG7Ikl4RpBVPwskM9JbqyZ61uS8U6-lt5z5EdT7eLkNdVc7YsEVWNVbHdmU3kpz8QDqJkH4ljhZ0kQ84nyxSC3kcUtd_jR1Cj5gGMX2dGkdTKITmFMFTHtyYk0rk9GGhTe3x4UIZmYQydN7rjgTwFnbtDvsYo3q44SNxDS5yemMNPR03fzvLChYvEFlNIlBr3npKZt58D85k1Cne-qlQu00lHilI4kWGhXTFGsxqAAsVF4ecYPuXXBtfaOuyRMkqZTCh3CWXTcNU_CKjpUKoL-ER83fN34Q/file#

[34] https://www.dropbox.com/s/cd2yleko69e4zs9/FY19%20Adopted%20Budget.pdf?raw=1

[35] https://uc6049bc9631715735ce4efcb57b.dl.dropboxusercontent.com/cd/0/inline2/CNbI5dbUO_8rRsICCNQBhpkCNIi5rnFwyKbSQW4FG2yLY_rYjX7REz8_-_5oqse0ENb5SCE0Dee5kmF9x_TpaP8PD4Lfw1YhFvd3fAZPZ4xSXKWt1PtAvXSEZ11guW7i4IkLock6lJJOc1hiXW4-mQ3Aw4Z_9sTzZXCbvn9eTLqWhNYbmEgpGNQF0XOhXa-nGd0CZwMuAWiirbmacPQF9-xVD8eIFpAW7U4vAX9x_Srfw-7ZrSSyISiTs9-jZHQqgmuhhY8crndF5q2SNesJyeOS--b4U81o-mpeK3Z08OeqmUdOgnNBNldtKOZFQYqyytzDekexEt2_yaILJ18W2-oQGmT3CUHB46miH4b6xQj38sH9gZQR_as-3ZdjTWFY7Ss/file#

[36] https://uc7776996890854feb49438ad49c.dl.dropboxusercontent.com/cd/0/inline2/CNZVhm_ls6xCVAP1ZH1cL6jWwyC5xpIOwlWtzRcRPcvgNz1W--mDDGuogrfzQGFVFYZxceYZXj1P-Ui8xT5TbVxvqe01hAsedbuymSl8AFQiCWALslwvXSmIoAHv5ArSU419empfOYAi1Mf6tDrsejMOnSYa-iy7RD5HT9OCEN9NKgoJeF4uCJd4356H6HXfpNTFm6TSNotbYk3O2VOxtYvMD1v4JXYnWAFwm1keNdEg2IXQ4m18G6KTaBnnW-mItg3Ueva3tfhbYf-VmU7_Id4DbJ2k8ry9Eo9SRL-C3mHNiLN8Sw7u0VLJf_Mk2SooD21cbQaK4FBkIoexYFfl0FgGL-JFnJ_Tt4TIbK7bvc2kx4CBLphHrWq2txeTfHSDku0/file#

TABLE 1 METRO FAREBOX AND ADVERTISING REVENUES (in Millions)			
	Farebox	**Advertising**	**Total Farebox + Advertising**
Source: https://www.metro.net/about/financebudget/#comprehensive-annual-financial-reports			

The other thing that is clear from **Table 1** is that the Project's annual revenue needs of approximately $40 million dollars per year from advertising and fares represents more than 11% of Metro's FY 2017 farebox plus advertising collections for the entire Metro system, and just under 23% of Metro's FY2024 anticipated farebox plus advertising revenues. This is despite the fact that the proposed Project is only 1.2 miles in length and has only three stations.

So, the Project would need to generate at least as much farebox revenue as the entire Metro light rail system, despite the fact that the Project applicant has represented that, and the Statement of Overriding Considerations assumes that:

- Dodger game patrons will ride free;
- The Project would allow all residents, employees, and businesses located close to the Project to ride the gondola using their Metro fare at no additional cost;
- Under the Community Access Plan, transfers to and from the Metro regional transit system and the Project would be free; and,
- The Community Access Plan would honor Metro's numerous discount fare programs for a variety of needs (i.e., senior fares, student fares, etc.). Residents and employees of businesses located within the communities adjacent to the Project alignment would only pay the rate they pay to ride the Metro system to the Project.

The Project applicant has yet to explain how this will yield farebox revenues equivalent to those of the entire Metro light rail system. As represented, the Project is unlikely to generate the required annual farebox revenue to make the Project financially viable. This is even more so given conditions related to free ridership under consideration via the February 22, 2024 motion.

In order to service Project bond debt, the Project would need to generate advertising revenues on the order of at least $30 million dollars per year. This is more than the advertising revenue generated by Metro's entire advertising program for all but one of the years shown in **Table 1**. Metro's advertising program includes:[37]

- Bus and Rail Media
- Experiential Activations
- Program Sponsorships
- TAP Cards
- Automotive Services and Amenities
- Naming Rights (lines, stations, parking)
- Filming
- Parking Lots and Structures

As shown in this screenshot from page 35 of Metro's FY 2023 Budget, Metro advertising revenue comes primarily from bus advertising, including bus wraps:

Summary of Resources, Expenses & Resulting (Deficit)/Surplus

RESOURCES & EXPENSES ($ IN MILLIONS)	FY22 BUDGET	FY23 ADOPTED TOTAL	BUS	RAIL	TRANSIT COURT	REGIONAL ACTIVITIES
TRANSIT OPERATIONS RESOURCES						
Transit Fares & Other Revenues						
Fares [1]	$ 73.2	$ 106.5	$ 83.5	$ 23.1	$ -	$ -
Advertising	24.1	32.6	27.3	5.2	-	-
Other Revenues [2]	12.3	$11.8	10.3	-	1.6	-
Subtotal Fare & Other Revenues	$ 109.6	$ 150.9	$ 121.1	$ 28.3	$ 1.6	$ -

As noted in this screenshot of Metro's Commercial Sponsorships and Adoption Programs and Assets publication, the bus system assets that generate approximately $27.3 million in annual advertising revenue include 2,300 buses covering a 1,500-mile service area:[38]

[37] Information on Metro's Advertising, Sponsorships & Filming program is available at: https://www.metro.net/about/advertising-sponsorships-filming/
For a full explanation of available commercial sponsorships and adoption programs and assets click on the Programs and Assets button.

[38] Ibid.



Bus-related advertising rates are as follows:[39]

Los Angeles, CA Metro Area Bus Advertising Rates

(Average per display per 4 weeks.)

For more specific pricing, submit Get Free Quote form.

Bus Exterior	Range of $490 - $8,500
Bus Stop Shelter	Range of $1,500 - $3,000
Bus Interior	Range of $35 - $85
Bench	Range of $300 - $500
Double Decker Sightseeing Tour Bus	Range of $20,000 - $35,000

Range of rates depends on the ad size, timing and quantity purchased. Certain minimum purchase requirements apply. Additional discounts may be available based on duration and quantity purchased.

[39] Source - Rates for Bus Advertising: https://www.bluelinemedia.com/bus-advertising/los-angeles-ca

Bus exterior advertising rates in the form of bus wraps are in the following range:[40]

Format	Rate
King	Range of $150 - $950 per display per 4 week period
Kong (Ultra King)	Range of $300 - $1,250 per display per 4 week period
King Kong (Ultra Super King)	Range of $1,000 - $3,000 per display per 4 week period
Full Wrap	Range of $2,500 - $8,500 per display per 4 week period
Tail	Range of $150 - $450 per display per 4 week period
Queen	Range of $150 - $450 per display per 4 week period
Full Back Tail	Range of $550 - $1,250 per display per 4 week period
Double Decker Sightseeing Tour Bus (Hop On/Hop Off)	Range of $20,000 - $35,000 per display per 4 week period
Coach Bus	Range of $20,000 - $35,000 per display per 4 week period

Range of rates depends on timing and market.

Minimum Purchase:

Minimum purchase requirement is $5,000 per market or higher (depending on market), which may be spread over displays and periods. May be reduced in certain cases.

According to the FEIR page 6.0-110, the Project's:

> Sign Concept Plan provides that across the entire proposed Project, including stations, the junction, towers, and cabins, the proposed Project is proposing approximately 61,189 square feet of signage, which would include approximately 59,889 square feet of static

[40] Source: https://www.bluelinemedia.com/bus-advertising/bus-exterior

> signage and approximately 1,300 square feet of digital signage. The digital signage would be limited to the Alameda Station and the Dodger Stadium Station. No digital signage is proposed on the exterior of the cabins.

The EIR for the Project does not appear to disclose the number of gondolas which would operate at one time. Based on calculations we estimate that the gondola system includes a maximum of approximately 31 gondolas.[41] Generously assuming the maximum price for a full wrap of $8,500 for four weeks yields advertising revenues of $102,000 per gondola or $3,162,000 per year for all gondola signage. If there were 60 gondola cabins that would still only yield $6,120,000 per year in advertising revenue, far short of the $30 million needed to service bond debt.

The London cable car system known colloquially as the Dangleway and officially currently as the IFS Cloud Cable Car is a 0.62-mile gondola system which opened in London in June of 2012, approximately a month before the London Olympics, and was built at a total cost of £60 million. It was estimated that it would carry about 2,500 people per hour, or about half the maximum hourly ridership of the proposed Project. Transport of London (TfL) entered into a 10-year £3.6 million per year (or approximately $4.54 million per year) naming rights agreement with Emirates Air Line which ended in 2022.[42] After the naming rights agreement ended TfL struggled to find another company to sponsor London's gondola system.[43] Eventually TfL entered into a two-year agreement with IFS for a fraction of the revenue. According to the Standard, IFS is paying just £420,000 per year (or approximately $529,284 per year) for the naming rights.[44] The Standard noted in a 2022 article that: "the cable car has failed to attract many regular commuters and by September last year had been used for just 13 million journeys over its lifetime, which is equivalent to the number of trips made on the Tube in less than a week."[45] Given that the Project is double the length and double the potential capacity of the Dangleway, Project naming

[41] 5000 passengers per hour/40 passengers per cabin = 125 filled cabins per hour. Each trip equals 7 minutes. One gondola thus makes 4 round trips per hour or 8 one-way trips. 125/4=31.25 gondolas, or 125/8= 17 gondolas.
[42] https://en.wikipedia.org/wiki/London_cable_car
[43] See: https://www.theguardian.com/business/2022/feb/27/london-cut-price-hunt-for-a-cable-car-sponsor-emirates-boris-johnson
[44] The Standard, September 1, 2022, "New sponsor for London's cable care to pay TfL a fraction of previous deal" at: https://www.standard.co.uk/business/business-news/new-sponsor-for-london-s-cable-car-to-pay-tfl-a-fraction-of-previous-deal-b1022381.html
[45] Ibid.

revenues can be estimated at a maximum of $9 million per year and a possible low of $1.05 million per year.

Advertising and naming rights revenue is thus unlikely to generate the amount of revenue needed to service the Project's bonded indebtedness. Furthermore, it is unclear whether a new non-profit will be able to obtain the needed bond financing to cover projected capital costs. According to the FEIR Topical Response L, the Project Sponsor, LA Aerial Rapid Transit Technologies LLC ("LA ARTT LLC"), was originally a subsidiary of Aerial Rapid Transit Technologies LLC ("ARTT LLC"). ARTT LLC has donated LA ARTT LLC and the proposed Project to Zero Emissions Transit ("ZET"). ZET is a nonprofit organization dedicated to supporting zero emissions transportation programs, policies, and projects, such as the proposed Project. Zero Emissions Transit is a subsidiary nonprofit organization formed by Climate Resolve.[46] According to the Franchise Tax Board, Zero Emissions Transit (Entity ID: 5134813) is currently tax exempt under Revenue and Taxation Code §23701(d). That means it is a 501(c)(3) non-profit.[47] Tax exempt bonds for 501(c)(3) charitable organizations are limited to $150 million for non-hospital projects,[48] yet the Project's capital costs are $385-$500 million dollars. It is unclear what other bonds this type of organizations is eligible for,[49] and the rate that will be charged, given that Zero Emission Transit is a new private (rather than public) entity without a track record of constructing, operating or maintaining a private transit system.

There is no evidence in the record that the proposed Project is financially viable. Substantial evidence supports the conclusion that it is not. Given the lack of financial viability and the likelihood the Project will require public resources in the future, the Project should be denied.

---

[46] https://www.climateresolve.org/climate-resolve-takes-a-huge-step-forward-with-dodger-stadium-gondola-project-zero-emissions-transit/
See also:
https://www.climateresolve.org/zero-emissions-transit-announces-non-profit-board-that-will-oversee-approval-and-implementation-of-dodger-stadium-gondola/

[47] https://www.ftb.ca.gov/file/business/types/charities-nonprofits/types-of-exemptions.html#23701d

[48] See IRS publication Tax-Exempt Bonds for 501(c)(3) Charitable Organizations available at:
https://www.irs.gov/pub/irs-pdf/p4077.pdf

[49] See also IRS publication on Tax Exempt Private Activity Bonds at: https://www.irs.gov/pub/irs-pdf/p4078.pdf
And information from the California Infrastructure Bank at: https://cdn.ibank.ca.gov/wp-content/uploads/2022/12/Bonds-Fact-Sheet.pdf

XII. FAILURE TO ANALYZE THE IMPACT OF THE PROJECT ON THE METRO SYSTEM AND METRO REVENUE.

The representation made to Metro that the Project will have no cost to Metro is arguably false. First, the Gondola will compete with and potentially take ridership from the Metro A Line, for ridership between Chinatown and Union Station.

Second, according to the Project Commitments and the Statement of Overriding Considerations transfers to and from the Metro system from the Gondola system would be free. That means that Metro would collect no fares for trips that began on the Gondola system. There is no evidence that Metro has engaged in any kind of fare-sharing agreement negotiations, or any analysis of impacts on Metro fare collection.

Third, the Gondola system will depend on advertising revenues for its financial viability, in the form of naming revenues - which is a fancy way of saying revenues from the system's flying billboards and other advertising opportunities. The Gondola system will thus compete with Metro for advertising revenues and advertisers currently paying for advertising in the form of bus wraps and other Metro advertising may opt instead for a Gondola wraps and Gondola system advertising. This will potentially reduce without-Project Metro advertising revenues. This is the best-case scenario.

More likely is that, in addition to having these impacts on the Metro system, Metro will need to take over the financially non-viable Project at some point. This will further impact Metro, as Metro will need to pick up the annual operating and maintenance costs of the Project, and potentially the cost of the Project's bonded indebtedness. Or, Metro will need to cover the costs of decommissioning and removing an abandoned system.

XIII. CONCLUSION.

While the February 22, 2024 Motion at agenda item No. 12.1 appears helpful, its conditions should be in place and assured before any Project and EIR certification occur. Otherwise, the Motion will fail to ensure that Metro and the public will not pay the costs of this Project, both financially and environmentally.

As we have documented, it appears that the Project has been structured to require Metro to eventually take over the Project and assume its financial burden. The

Motion as written does not fully address this problem. This item should not have been agenized for the full Board until needed information was provided to the Board and the public, and the components of the Motion were made public and the public provided with adequate time to review and comment.

Disclosing the Motion over a holiday weekend and providing less than 3 business days to review does not provide the public with adequate opportunity to review the elements of the Motion. A hearing on the Motion should be held before the Planning and Programming Committee, not just the full Board, to allow the public adequate time to review and comment.

Regardless, the Metro Board must still deny the Project. Metro lacks the power to approve the Project because it does not conform to the RTP. The components of the Motion, which appear designed to address some of the unidentified impacts of the Project, should be provided to the appropriate CEQA Lead Agency for the Project for review and consideration, once approved by the Board.

Even if Metro had the power to approve the Project, the Project's lack of demonstrated financial viability, the evidence that the Project is not financially viable, and the lack of adequate protections in the Motion as written, demands rejection of the Project. The Project has the potential to impact Metro revenues and thus the Metro system, something which is not adequately addressed in the EIR or by the proposed Motion, and which further argues for Project denial.

As was clear from the Committee meeting, the EIR fails to provide needed information to decision-makers, does not include analysis of a range of appropriate alternatives, does not adequately address impacts to the transit system, and fails to adequately assess impacts. Metro should not certify the EIR given the many inadequacies in the document, the burden so doing would place on the three key agencies with Project approval powers, and the burdens so doing would place on the public.

Thank you for your review of and responses to these comments.

Very truly yours,

/s/ Robert P. Silverstein

ROBERT P. SILVERSTEIN
FOR
THE SILVERSTEIN LAW FIRM, APC

Attachment:

1. Incorporation Documents and "Statement of Information CA NonProfit Corporation" for Zero Emissions Transit (ZET)



Jordan Lang

President at McCourt Partners

Los Angeles, California, United States · Contact Info

2K followers · 500+ connections

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As a Chinatown resident and a constituent of Council District #1, I'm 100% in favor of the gondola project. A majority of the community is in favor...

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President
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Apr 2013 - Present · 10 years 11 months

President
Aerial Rapid Transit Technologies
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STATE OF CALIFORNIA
Office of the Secretary of State
STATEMENT OF INFORMATION
CA NONPROFIT CORPORATION

California Secretary of State
1500 11th Street
Sacramento, California 95814
(916) 653-3516

For Office Use Only

-FILED-

File No.: BA20220893392

Date Filed: 9/26/2022

Entity Details

Corporation Name	Zero Emissions Transit
Entity No.	5134813
Formed In	CALIFORNIA

Street Address of California Principal Office of Corporation

Street Address of California Office	525 S HEWITT ST LOS ANGELES, CA 90013

Mailing Address of Corporation

Mailing Address	525 S. HEWITT ST LOS ANGELES, CA 90013
Attention	

Officers

Officer Name	Officer Address	Position(s)
+ Suja Lowenthal	525 S HEWITT ST LOS ANGELES, CA 90013	Chief Executive Officer
+ Felix Aguilar	525 S HEWITT ST LOS ANGELES, CA 90013	Chief Financial Officer
+ Jordan Lang	525 S HEWITT ST LOS ANGELES, CA 90013	Secretary

Additional Officers

Officer Name	Officer Address	Position	Stated Position
None Entered			

Agent for Service of Process

Agent Name	JONATHAN PARFREY
Agent Address	525 S HEWITT ST LOS ANGELES, CA 90013

Email Notifications

Opt-in Email Notifications	No, I do NOT want to receive entity notifications via email. I prefer notifications by USPS mail.

Electronic Signature

☒ By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

Kristen Anderson — Signature

09/26/2022 — Date

B1125-6699 09/26/2022 9:57 AM Received by California Secretary of State

RESTATED ARTICLES of INCORPORATION of
ZERO EMISSIONS TRANSIT
ENTITY #5134813

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File No.: BA20220522196

Date Filed: 7/8/2022

The undersigned certifies that:

1. He is the sole incorporator of Zero Emissions Transit, a California nonprofit corporation.

2. The Articles of Incorporation of this corporation are amended and restated to read as follows:

I.

The name of this corporation is ZERO EMISSIONS TRANSIT.

II.

This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes. The specific purpose of this corporation shall be exclusively to carry out and support the purposes of Climate Resolve, including promoting and supporting zero emissions transportation initiatives and other efforts to mitigate and adapt to changes in weather and climate.

III.

The name and street address in the State of California of this corporation's initial agent for service of process is Jonathan Parfrey, 525 S. Hewitt St., Los Angeles, CA 90013.

IV.

The initial street address of this corporation is 525 S. Hewitt St., Los Angeles, CA 90013.

V.

(a) This corporation is organized and operated exclusively for the charitable purposes set forth in Article II hereof within the meaning of section 501(c)(3) of the Internal Revenue Code.

(b) Notwithstanding any other provision of these Articles, the corporation shall not carry on any other activities not permitted to be carried on (1) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or (2) by a corporation contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code.

(c) No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of, or in opposition to, any candidate for public office.

B0860-7093 07/08/2022 5:00 PM Received by California Secretary of State

VI.

(a) The property of this corporation is irrevocably dedicated to the charitable purposes set forth in Article II hereof. No part of the net income or assets of the organization shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person.

(b) On the dissolution or winding up of the corporation, after paying or adequately providing for the debts, obligations and liabilities of the corporation, the remaining assets of this corporation shall be distributed to Climate Resolve, provided that, at the time of dissolution, it is organized and operated exclusively for charitable purposes and has established its tax exempt status under section 501(c)(3) of the Internal Revenue Code and satisfies the requirements of Revenue and Taxation Code section 214. If Climate Resolve is not so organized at that time, the remaining assets of this corporation shall be distributed to such organization (or organizations) that are organized and operated exclusively for charitable purposes, has established its tax exempt status under section 501(c)(3) of the Internal Revenue Code, and satisfies the requirements of Revenue and Taxation Code section 214.

3. No directors were named in the original Articles.

4. No directors have been elected.

5. The corporation has no members.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of my own knowledge.

Date: 7/8/22

Jonathan Parfrey, Incorporator

B0860-7094 07/08/2022 5:00 PM Received by California Secretary of State

5134813

STATE OF CALIFORNIA
Office of the Secretary of State
ARTICLES OF INCORPORATION
CA NONPROFIT CORPORATION
PUBLIC BENEFIT

California Secretary of State
1500 11th Street
Sacramento, California 95814
(916) 653-3516

For Office Use Only

-FILED-

File No.: 5134813

Date Filed: 6/27/2022

Corporation Name

Corporation Name	Zero Emissions Transit

Initial Street Address of Principal Office of Corporation

Principal Address	525 S. HEWITT ST LOS ANGELES, CA 90013

Initial Mailing Address of Corporation

Mailing Address	525 S. HEWITT ST LOS ANGELES, CA 90013
Attention	

Agent for Service of Process

Agent Name	Jonathan Parfrey
Agent Address	525 S. HEWITT ST LOS ANGELES, CA 90013

Purpose Statement

This corporation is a Nonprofit Public Benefit Corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for: Charitable purposes

Additional Statements

The specific purpose of this corporation is to carry out the purposes of Climate Resolve, including promoting and supporting zero emissions transportation initiatives and other efforts to mitigate and adapt to changes in weather and climate, as well as to carry on other charitable activities associated with this purpose as allowed by law.

This corporation is organized and operated exclusively for the purposes set forth within the meaning of Internal Revenue Code section 501(c)(3).

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

The property of this corporation is irrevocably dedicated to the purposes set forth herein and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person.

Upon the dissolution or winding up of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable, educational and/or religious purposes and which has established its tax-exempt status under Internal Revenue Code section 501(c)(3).

Notwithstanding any of the above statements of purpose and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this corporation.

Additional information and signatures set forth on attached pages, if any, are incorporated herein by reference and made part of these Articles of Incorporation.

Electronic Signature

☒ I declare that I am the person who executed this instrument, which execution is my act and deed.

Jonathan Parfrey *06/27/2022*

B0865-1019 06/27/2022 9:50 AM Received by California Secretary of State

Signature

Date

B0865-1020 06/27/2022 9:50 AM Received by California Secretary of State

LAW OFFICE OF JOHN P. GIVEN
2309 Santa Monica Blvd., #438
Santa Monica, CA 90404
john@johngivenlaw.com
(310) 471-8485

February 21, 2024

By email only to BoardClerk@metro.net and LAART@metro.net

Metro Board of Directors
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012

RE: Los Angeles Aerial Rapid Transit Project
Agenda Item 12 and 12.1
AGAINST

Honorable Chair Bass and Board of Directors:

This letter is submitted on behalf of LA Parks Alliance[1] in response to the Final EIR for the Los Angeles Aerial Rapid Transit Project (the "Project"). LA Parks Alliance submitted extensive comments on the Draft and Final EIR and other comments. Notwithstanding the conditions of approval that have been recently added for your Board's consideration as Agenda Item 12.1, LA Parks Alliance remains firmly opposed to the Project because of the fatally flawed environmental document you are now asked to certify.

LA Parks Alliance respectfully urges the Board to vote no on the certification of the environmental impact for the Project.

I. The Proposed Conditions of Approval Show Dodger Stadium Development is Reasonable Foreseeable.

As discussed at length in earlier letters, the Draft and Final EIR both completely ignore that development of Dodger Stadium is made far more likely as a result of Project approval. While the Final EIR continues to advance the fiction that development at the stadium cannot be considered reasonably foreseeable because there are no current plans for such development, the conditions of approval motion now proposed for the Board's consideration shows that not only is such development reasonably foreseeable, it is now foreseen not only by numerous commenters but also by the Metro board who advance the motion.

Subdivision F of the Motion reads in its entirety:

> While no such development has been formally proposed, Metro includes an overriding clause in any future lease at or near Union Station with ZET for the benefit of the Project, whereas any possible

[1] LA Parks Alliance ("LAPA") was formed in 2019 to protect the integrity of LA State Historic Park. Its members advocate for parks and public spaces. https://www.laparksalliance.org.

> future development at or near the parking lots surrounding Dodger Stadium that does not dedicate at least equivalent to twenty-five percent (25%) of all the developable space, which excludes outdoor open space, to affordable or supportive housing shall automatically and immediately terminate the lease.

A condition of approval that foresees the possibility of development at Dodger Stadium, as this condition does is not consistent with a position that development at the stadium is not reasonably foreseeable. If it were not reasonably foreseeable there could be no such condition, because why would anyone have been able to conceive that such a condition would be necessary?

Likewise, the proposed condition of approval penalizing ZET for not completing the Project before the Olympics suggests that Metro's claim that the Project has no relationship to the 2028 Olympic games, as described repeatedly in the Final EIR's response to DEIR comments, is false.

> If the Project is non-operational or experiences issues during the 2028 Games, ZET will compensate Metro for any and all transportation costs that the Agency would not have incurred but for LAART's non-operation or issues…
> (Motion 12.1, subdivision A(18).)

There could be no reason for Metro to need to be compensated by ZET for non-operation or other issues with the Project during the 2028 Games if Metro was not planning to utilize the Project for the Games, or at least that it was foreseeable that the Project might be utilized for the Games.

These foreseeable uses of the Project, denied by the Draft and Final EIR are clearly foreseeable as evidenced by conditions of approval proposed for the Project.

II. Conclusion

LA Parks Alliance urges the Board to reject the Project and vote no on certification of the environmental impact report.

Sincerely,



John Given

EUNISSES HERNANDEZ
L.A. City Councilmember | District 1

February 22, 2024

Honorable Members of the Los Angeles County Metro Board of Directors
1 Gateway Plaza
Los Angeles, California 90012

Re: Letter in Opposition to approving the Los Angeles Aerial Rapid Transit Project (LA ART/Gondola) and Certifying the Final Environmental Impact Report (FEIR)

Dear Metro Board Members:

As the Councilmember for L.A. City Council District 1, where the majority of this proposed project would be located, I urge you to vote 'No' on Items 12 and 12.1 on today's agenda and reject approval of the Los Angeles Aerial Rapid Transit (LA ART) Environmental Impact Report.

The extensive conditions that need to be placed on the project, outlined in agenda item 12.1, speak more to the serious flaws of this project than its benefits. A project that requires 30 conditions–many of which cannot be enforced by the Metro Board– in order to mitigate environmental impacts, public safety concerns, residential and commercial displacement, and myriad community concerns is a project that clearly need not be advanced. When Metro must detail an unprecedented list of additional checks and balances on the project's progress and create a discrete fund to potentially dismantle the project so we aren't left with another Oceanwide Plaza at Union Station in the middle of the Olympics, neither I, nor my constituents are left with confidence that the many promises embedded in this proposal and committed to by the solicitor will ever actually materialize.

The facts of this proposal remain unchanged: Zero Emissions Transit is a newly created non-profit organization that has no history of building mass transportation projects, no history of funding mass transportation projects and no history of operating mass transportation projects. The co-owner of the parking lots surrounding Dodger Stadium, and original solicitor of the project, has a history of bankrupting the Dodgers themselves.

The community engagement for the LA ART project has been deeply flawed. By its very nature as an unsolicited proposal, the process skipped over the crucial step of weighing the merits of a gondola against any number of other public transit and infrastructure solutions. As a result of being unsolicited and privately funded, the EIR before you today was created with few of the rigorous checks and balances that Angelenos rightfully expect a public agency to employ when advancing a project.

Los Angeles City Hall
200 N. Spring Street, Room 460,
Los Angeles, CA 90012

(213) 473-7001
Councilmember.Hernandez@lacity.org

EUNISSES HERNANDEZ
L.A. City Councilmember | District 1

The Metro Board did not have adequate opportunity to shape the project, and the public did not have adequate opportunity to voice their concerns to the Board until far too late in the process. That the bulk of the required meetings took place largely during the pandemic whilst skipping over numerous communities and stakeholders is a shameful excuse for meeting the public input requirements. As of today, there has still never been a public meeting to hear input from the community on the decision to place a stop at Los Angeles State Historic Park, a long fought for and treasured piece of green space in a community that is in the top 3 percent most disadvantaged in the State (CalEnviroScreen 4.0).

The FEIR is fundamentally flawed and should not be certified. While the flaws are too numerous to account for in this letter, a few examples are that this EIR analysis does not consider the whole of the project inclusive of the development of the stadium parking lots. It is known that the covenant agreement on the parking lots of Dodger Stadium stipulates that the development of a "mass transportation system" will unlock the potential for these lots to be developed. According to CEQA Guidelines 15378, a "project" must be evaluated in its entirety, even when there are indirect changes that may result from the project, including if a lease agreement will be issued as a result of the project, or where the project is consequential to the development of another piece of the project. Punting CEQA analysis to other government agencies required for approving the project is illegal under CEQA guidelines section 15378(c). Third, the EIR states that there is no superior GHG alternative than the Gondola, but it does not evaluate the impacts of vehicles traveling to Union Station or Chinatown to explicitly ride the gondola, thus making this point invalid. Fourth, there are no real alternatives studied in the analysis, including the possibility of zero emission buses deploying from park and ride lots throughout the region or improving bus rapid transit alternatives to the stadium from the region. Finally, the impacts of the project are not adequately evaluated or mitigated, especially on land use, historic and culturally significant resources, tribal resources and visual and noise impacts. For example, the sole mitigation for the land use impacts of the LA ART on LA State Historic Park is to merely, "change the land use."

This is a watershed moment for Los Angeles. We are facing the realities of rapid climate change, a spiraling affordability crisis that is displacing residents and businesses from historic corridors, a dearth of accessible and open green space, and historic disinvestment in our existing transportation infrastructure resulting in a 19 percent rise in pedestrian deaths and 24 percent rise in cyclist deaths in 2022 (LAPD).

We know that these issues are not happenstance, but instead the function of inequities that we have each inherited from policymakers of the past. I implore you to see this as an opportunity to shape a different future.

Los Angeles City Hall
200 N. Spring Street, Room 460,
Los Angeles, CA 90012

(213) 473-7001
Councilmember.Hernandez@lacity.org

EUNISSES HERNANDEZ
L.A. City Councilmember | District 1

Now is not the time to invest public time and energy into privatized transit systems, to sacrifice the fragile ecosystems and green space at Elysian Park and LA State Historic Park, to overlook the thousands of community members from Chinatown, Solano Canyon, Elysian Park and Lincoln Heights who have spoken out against this project, to forgo the will of the voters who overwhelmingly passed Measure M in 2016 and directed Metro to invest its time and money in regional transit solutions, not expensive and privatized pet projects.

I respectfully urge you to not approve the Los Angeles Aerial Rapid Transit Project and to not certify the Final Environmental Impact Report. Instead, I welcome you to work with my office as we undertake a City-led Dodger Stadium traffic analysis that will develop a comprehensive set of solutions guided by robust community engagement.

Thank you for your consideration,

Eunisses Hernandez
Los Angeles Councilmember, 1st District

Los Angeles City Hall
200 N. Spring Street, Room 460,
Los Angeles, CA 90012

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State Office
3655 S Grand Ave, Ste. 250
Los Angeles, CA 90007

P 877-633-9251
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info@calorganize.org

February 21, 2024

Dear Metro Board of Directors,

ACCE is community-based organization in Los Angeles focused on protecting the interests of marginalized communities that have felt the impacts of displacement and environmental injustice. This letter expresses our opposition to Frank McCourt's proposed gondola project from Union Station to Dodger Stadium and our collective ask for the Metro Board to **vote NO against the gondola and reject the certification of the Final Environmental Impact Report.**

From the start, the process leading up to the approval of the environmental impact report has been a complete sham. Not only does the project itself lack complete transparency, but so does LA ART. In the past, Metro and LA ART have used these meetings to promote this ridiculous project rather than engage the community to solicit meaningful input; and they have continually refused to divulge how they will pay for the gondola. We oppose the use of taxpayer dollars to fund a project that will increase the wealth of a few billionaires.

We are also opposed to the adverse effects this project will have on the neighborhoods of El Pueblo/Olvera Street, Chinatown, Solano Canyon, and Echo Park. The gondola does nothing to meet the actual transit needs of the service-poor region that has actually lost bus lines over time. It also repeats the history of the eviction of the Bishop, La Loma, and Palo Verde communities (known as "Chavez Ravine"), proposing to build over working class communities in a housing crisis in order to benefit the Dodger Corporation. This project does not seek to serve the community. It seeks to displace it.

This project also intends to build on the LA State Historic Park, uprooting 81 trees, and flying cabins 26 ft over peoples' heads. This would change the character of the park completely, a vital greenspace for the park-poor community. The ecological value of 81 mature trees is vital to supporting the soil and the endangered bird and bat species in this area. They cannot be easily replanted and replaced. The same can be said of the very people who live in this neighborhood.

Time is of the essence. This project is not what the community asked for and does not contribute to the well-being of residents.

We urge the Metro Board **to NOT certify** the final Environmental Impact Report and to work with their own neighbors to address real transportation concerns with viable projects that actually serve the community's needs, such as safe, clean, and more frequent service and routes for people who depend on buses to get to work, schools, and appointments. If we are to solve the Dodger traffic problem, we should expand and electrify the existing system of the Dodgers Express buses, install protected bus lanes to speed up and prioritize bus travel around the clock—not put $500 million of taxpayer money at risk for this billionaire's profit machine.

Respectfully,
ACCE Los Angeles Leadership.

February 13, 2024

Mr. Cory Zelmer
Deputy Executive Officer
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop 99-22-6
Los Angeles, CA 90012
via email: LAART@metro.net
BoardClerk@Metro.net
jdupontwalker@gmail.com
anajarian@glendaleca.gov
FirstDistrict@bos.lacounty.gov
councilmember.yaroslavsky@lacity.org
ThirdDistrict@bos.lacounty.gov

Re: AGAINST Agenda Item #12 (2-14-2024)

Dear Mr. Zelmer:

The Sierra Club submits this letter to set forth its comments and concerns regarding the Final Environmental Impact Report ("FEIR") prepared for the unsolicited private Gondola Project ("Gondola Project" or "Project") proposed by McCourt Global's Aerial Rapid Transit Technologies LLC ("ARTT") subsidiary. We find many of the FEIR Responses to Comments on critical matters such as the environment, impact on local parks, project financing, eminent domain, culture, and community to be vague, evasive, incomplete, and at worst, misleading, requiring rejection of the project. There are more concerns than we can properly address in one letter; however, we identify some of the most flagrant examples below. The FEIR comment responses have left us with more questions than answers. This incomplete response confirms our fundamental concern that this Project will have an even greater negative impact on the environment and community than originally envisioned. Specifically, our concerns include:

- It's Impact on the Natural Environment: There is significant doubt as to whether the LA ART would alleviate congestion and air pollution, which is the fundamental premise of the FEIR. The UCLA Mobility Lab Study dated October 24, 2022 concludes the gondola will do little to reduce traffic and green-house gas emissions. In particular, the multiple FEIR references to the "5,000 people per hour" gondola capacity are refuted by the UCLA Mobility Lab Study. The FEIR further assumes patrons would use the gondola both before and after events. However, the study indicates that many stadium attendees are unlikely to wait for the gondola following events and will instead use the express bus or ride share services back to LAUS or to other destinations. Moreover, the "5,000 people per hour figure" gondola capacity figure does not reflect non-event day or off-season usage. The UCLA Mobility Lab Study concludes very few people would use the gondola as a form of transportation outside of travel to/from games. The increased traffic to the Chinatown area for people to ride the gondola will also increase air pollution in that neighborhood. Also, noise pollution from the

construction and operation of the gondola will impact the people and wildlife in the area, particularly birds.

- State Historic Park Impacts Will Be Significant: Downplaying the significant impacts on the State Historic Park in the FEIR is an affront to the community's cultural and historical heritage and its heroic and historic efforts to preserve open space in an urban environment for impacted communities. Metro's failure to acknowledge the true extent of the project's impact on this valuable site demonstrates a lack of commitment to preserving our shared history. The Gondola Project would require the removal of over 250 trees in downtown Los Angeles, including 135 trees located within the Los Angeles Historic State Park grounds for the construction and aerial clearance required for the Gondola's operation, should Design Option A be utilized. (FEIR Appendix K, pp. 11-12 of PDF.) Furthermore, up to 1.87 acres of the 32-acre park (6%) would be restricted not only by the station, but by the overhead development and operational rights for the aerial infrastructure, including the cable ropeway, which would be suspended at just 26 feet over the park at its lowest spot. The construction and operation of the Gondola will result in a loss of income associated with events as one of the park's stage sites is below the Gondola's aerial clearance area and would prohibit such activities. Further, disruption to park visitors will occur as Gondola passengers will likely use parking designed for park visitors. The community worked tirelessly for decades to establish the State Historic Park, yet the Gondola Project could destroy it in a matter of years.

- Elysian Park Impacts Will Also Be Significant: Elysian Park is a "dark park," meaning it closes at night to give animals and residents a rest. Should further development occur around Dodger Stadium, as plans appear to point to, the gondola and its 190-foot-tall towers, as well as the development, will be illuminated, display advertising, and have people riding the gondola going to and from the Stadium from 5am until midnight.

- Feasible and Environmentally Superior Alternatives are Improperly Disregarded: The FEIR's dismissal of environmentally superior alternatives is a glaring failure in the evaluation process. Metro's refusal to seriously consider and transparently present alternatives raises questions about the integrity of the decision-making process. The community deserves a thorough exploration of all options, with evidence-backed justifications for the chosen approach. The FEIR dismisses the current use of the free and frequently used Dodger Express, electric buses, and a dedicated lane to bring Dodger Fans to the stadium (FEIR, p. 6.0-91.). Most major Los Angeles venues such as the Hollywood Bowl and the Ford and Greek Theaters use buses effectively and the DEIR admitted that the Express Bus alternative is the Environmentally Superior Alternative (DEIR, pp. 4-76 to 77.). The DEIR admitted that the Express Bus alternative would create no significant adverse effects and it also uses proven technology. The Los Angeles Times reported in October 2023 that Turner Engineering Company ("TENCO"), a transportation consulting and engineering company, has submitted a proposal to Metro which could facilitate setting up a system of transportation management similar to the way the Hollywood Bowl engages in mass transportation of audiences for events there. (https://www.latimes.com/sports/dodgers/story/2023-10-05/dodgers-parking-mass-transportation-dodger-stadium-hollywood-bowl.) The TENCO alternative posted on the Web underscores the feasibility of a bus-based alternative. (See

https://cityscale.turner-engineering.com/). There also hasn't been an analysis of potential traffic mitigation measures for this area in the last 30 years, despite significant development in zero emission transportation technologies.

- Public Land/Private Land & Eminent Domain: The Gondola's path requires use of public and private land and airspace, and the FEIR does not explicitly reject use of condemnation powers over private property. The Gondola Project as presented will likely require the condemnation of private land and airspace. The FEIR's failure to clearly acknowledge that reality undercuts transparency. Eminent domain is an extreme legal tool that directly impacts communities, and the FEIR's failure to clarify the circumstances for its use denies residents the right to a full understanding of the potential consequences. ARTT and Metro must provide a forthright account of its intentions regarding land acquisition. Public commenters inquired about the potential use of eminent domain. (FEIR, p. 6.0-533 to 534; 6.0-1897; 6.0-2250; 6.0-2436; 6.0-2938). The FEIR's responses are evasive, claiming that "[h]ow the Project Sponsor acquires the aerial rights for the proposed Project is beyond the scope of the Draft EIR," and claiming that eminent domain use is speculative. (FEIR, p. 6.0-2259.) However, the Project as designed would require acquisition not only of public land (city streets, roads, freeways, public parks, natural habitats) but of private property (homes and businesses) not within ARTT or Metro's control. Metro claims that it has the power to use eminent domain to secure public rights of way, private land, and air easements (FEIR, p 6.0-534). The failure of Metro and ARTT to explicitly reject the condemnation of private property for the Gondola Project leads us to believe that Metro will use eminent domain to secure rights for this unsolicited private project.

- No Financing Plan: The FEIR presents no meaningful information regarding where $500 million in project development and operating costs will come from, other than taxpayer dollars. The absence of clear project financing information in the FEIR raises serious concerns about the project's financial viability. Without transparent disclosure of alternative funding strategies, it is reasonable to anticipate Taxpayer funds will be used to finance the project. This lack of clarity undermines public trust and exposes the project to potential financial instability. The Project is now estimated to cost as much as $500 million, up from the initial budget of $125 million, an over 300% increase. ARTT promised a financial plan to the Metro Board Executive Committee by September 30, 2022. No such plan was presented, and FEIR Section 4.0 provides slim evidence that financing will be available, or realistic. ARTT provides no information about who will pay for operation and maintenance of the gondola system, including necessary mitigation measures. The sponsorships and farebox revenue suggested in the FEIR is inadequate. Farebox revenue will be low if Dodger fans ride for free. Sponsorship opportunities are likely to be limited to $60 million or less based on similar projects. There is no precedent of farebox and sponsorships coming anywhere close to covering hundreds of millions in gondola construction and operating costs. Additionally, using publicly financed bonds for a privately owned project will unnecessarily burden the taxpaying public. As well, public funds should be used for more beneficial public services and projects that benefit all living creatures. This includes protecting and preserving our natural environment, particularly given the climate crisis.

Our conclusion after reading the FEIR is that the McCourt Global and ARTT's unsolicited privately-owned gondola project burdens the environment and surrounding community. Metro should reject the Gondola Project FEIR and engage the local community in identifying a true public transportation project that benefits the environment and meets the needs of the community.

In addition to the above, the Sierra Club refers to and incorporates by reference herein the substance of the letter of this date submitted by the LA Parks Alliance and the Sierra Club's prior response to the DEIR submitted on January 17, 2023 to the extent that the agency failed to respond adequately to the points raised therein.

Sincerely,

Amanda J. Stemen

Amanda J. Stemen
Parks Committee Chair, Executive Committee Member, Central Group
Angeles Chapter
Sierra Club

Subject: Chinatown Employee, Lincoln Heights Resident, Family Association Member AGAINST the LA ART Gondola, Item #12 (Metro Board 2-22-2024)

February 21, 2024

Dear Metro Board Members,

I am a resident in Lincoln Heights and have been an employee at my sister's hair salon in Chinatown for over 30 years. I am strongly OPPOSED to the LA ART Gondola to Dodger Stadium.

The gondola project would do more harm than good, especially for businesses. The gondola, by design, flies over Chinatown. Instead of bringing more foot traffic directly into Chinatown, it would invite people to travel, often by car, to the gondola stations and then bypass us. If there is development on the Dodger Stadium parking lots, this would further draw business away. Visitors for the gondola would drive to and park in Chinatown, making it more difficult for visitors who actually want to spend time in Chinatown to find parking. Parking would also become more expensive, which will make it difficult for many businesses to survive. Chinatown should not be used as Dodger Stadium's parking lot.

The Broadway Junction is too large for the residential neighborhood where my mother lives. She is over 90 years old, very nervous about the project coming into her neighborhood and always talks to me about it. Allowing the gondola to operate from 6am to midnight every day will be too disruptive and noisy for residents. This is too many hours. The prolonged and heavy noise and vibration during construction would also be extremely harmful to residents' health, especially the many seniors in her neighborhood. The worry alone will make it hard for her to sleep. She would worry every day about when a cabin might drop down. Every day my mother walks to go to Chinatown to go to eat and go to the grocery store, and she would not feel safe walking under the gondola. Allowing a private developer to build such a large and disruptive station in our small residential neighborhood for a tourist attraction seems like an abuse of power. It is too much to impose on residents who just want to live in peace. We already have to deal with Dodgers traffic, the noise of the 110 FWY, and the traffic and parking chaos of Cathedral High School, which hosts many sporting events and tournaments throughout the year. Please do not add this gondola flying over us and the massive Broadway Junction circulating cabins more than 18 hours per day. Please care about the health and safety of the residents in my neighborhood.

Please, I urge the Metro Board members to vote NO on Item #12, the certification of the FEIR for this project. The EIR did not do enough to address our concerns. The FEIR also has too many flaws, and does not consider the impact of development on the Dodger Stadium parking lots. The studies in the FEIR also make many bad and overly optimistic assumptions about ridership. I also have many concerns about funding for this project. I ask Metro to hold LA ART accountable, and withhold certification of the FEIR until there is a real funding plan submitted to Metro -- one with enough detail so that the accuracy of cost estimates and anticipated revenues can be verified by Metro. Residents who would have to live with this project in their neighborhood need more than just LA ART's assurances that the project will be financially viable

and maintained with a sufficient budget. For peace of mind, we need full transparency regarding the project's finances.

Sincerely,

Mei Cai

Mei Cai
Chinatown Employee
Lincoln Heights Resident
Gee Tuck Sam Tuck Family Association Member

From: [redacted]
To: Board Clerk
Cc: LAART; Board Clerk; Karen.bass@lacity.org; tina.backstrom@lacity.org; randall.winston@lacity.org; firstdistrict@bos.lacounty.gov; kmacias@bos.lacounty.gov; wrehman@bos.lacounty.gov; Bfeldman@bos.lacounty.gov; FourthDistrict@bos.lacounty.gov; vgomez@bos.lacounty.gov; lklipp@bos.lacounty.gov; fdutra@cityofwhittier.org; mperez@gatewaycog.org; kathryn@bos.lacounty.gov; dperry@bos.lacounty.gov; jbutts@cityofinglewood.org; mbohlke@sbcglobal.net; jdupontw@aol.com; ThirdDistrict@bos.lacounty.gov; jorenstein@bos.lacounty.gov; paul.Krekorian@lacity.org; doug.mensman@lacity.org; HollyJMitchell@bos.lacounty.gov; LOBrien@bos.lacounty.gov; KShamdasani@bos.lacounty.gov; AYoon@bos.lacounty.gov; rdavis@bos.lacounty.gov; anajarian@glendaleca.gov; vrescalvo@gmail.com; tim.sandoval@pomonaca.gov; councilmember.yaroslavsky@lacity.org; kristen.pawling@lacity.org; jarrett.thompson@lacity.org; Councilmember.hernandez@lacity.org; Ivette.serna@lacity.org; City of Los Angeles; contactCD4@lacity.org; councilmember.padilla@lacity.org; Councilmember.Rodriguez@lacity.org; councilmember.harris-dawson@lacity.org; councilmember.price@lacity.org; cd10@lacity.org; councilmember.park@lacity.org; councilmember.lee@lacity.org; councilmember.soto-martinez@lacity.org; councilmember.kevindeleon@lacity.org; councilmember.mcosker@lacity.org
Subject: Resident AGAINST Item #12 - LA Aerial Rapid Transit FEIR (2/22/2024 Metro Board Meeting) - Noise Analysis
Date: Wednesday, February 21, 2024 3:04:26 PM
Attachments: 3S_Talstation_NEUBAU_Präsentationspläne_Ansicht_Ost-.pdf
Tyrol-partial wall.png
Toulouse_ 3S-cable car for the city - Seilbahnen International.pdf
Toulouse_ 3S-cable_carStation.png
Teleo-Tisseo-Facebook-Station.png

Dear Metro Board,

Please vote AGAINST certification of the FEIR for the LA ART gondola project, Item #12 of Metro's 2/22/2024 board meeting agenda.

I am submitting the attached documents for reference related to the noise analysis. The response to my comments regarding the noise analysis in the FEIR (Topical Response P, P702-18 through -28) and the FEIR Errata (Section B Gondola System Noise Modeling) did not identify the physical differences between the LA ART Gondola stations/junction and the reference station(s) where noise measurements were taken in Tyrol, Austria from the Eisgratbahn gondola to validate the Rossi model. Attached are floor plans and photographs downloaded from Arch Daily: https://www.archdaily.com/869119/3s-eisgratbahn-gondola-lift-at-stubai-glacier-ao-architekten.

Physical differences in the station design may impact the propagation of sound waves outside of the station and the noise estimates using the Rossi model. Since the DEIR did not disclose the name of the reference station, it was not something that I could comment on in the DEIR. Now that I've had a chance to review the FEIR and look at images of the Eisgratbahn stations, it raises additional questions. Are there interior rooms and interior walls in which equipment are housed in either the LA ART gondola or Eisgratbahn gondola stations? The Errata notes that the reference measurements in Tyrol were taken from a location with a clear line to the mechanical components of the gondola station, but does not specify which mechanical components. There are many mechanical components in a gondola station, and some of them, presumably, are noisier than others. Even so, there appears to be a partial exterior wall that reflects a portion of the noise from the station machinery back into the station. (See attached photo with annotation in orange.) Even if it is impossible to "fully enclose" gondola stations and junctions, the differences in not only the interior rooms/walls, and the building envelope or exterior shell of these structures are still very relevant and need to be addressed in the noise analysis. Instead, these differences are completely dismissed in the FEIR when evaluating the estimates of noise and the validation of the Rossi model as it relates to the LA ART project. "In particular, comparable aerial transit systems in other locations demonstrate that such systems can operate safely, efficiently, and in concert with nearby residential and open space uses, including parks and other recreational facilities. Such comparable aerial transit systems include open air stations in residential areas" (FEIR, P702-18). Yet, the FEIR does not provide any examples of these systems.

I have attached an article on the Teleo gondola in Toulouse, France, which is the only 3S gondola in the world used as public transportation. The article is available here: https://www.simagazin.com/en/si-urban-en/toulouse-3s-bahn-fuer-die-grossstadt/. While the station platform, which is at ground level, would be called open-air and free of any walls, the noisy mechanical components appear to be contained inside a boxy building with walls. Are the Teleo's open-air station comparable the LA ART's open-air stations? While LA ART promotes gondolas as proven technology, the use of the almost fully open-air stations like LA ART's directly adjacent to sensitive uses is not proven. It's actually quite atypical and unorthodox.

The 98 ft tall, open-air Broadway Junction is next to small apartment buildings and homes, many of which are over 100 years old, with many seniors in the neighborhood who are sensitive to noise and sleep disturbance. LA ART's other stations are also open-air and very close to sensitive uses including Avila Adobe and LA State Historic Park. This project is proposed to operate continuously, 18 hours per day, from 6am to midnight, plus an additional hour between 5am to 6am for startup. If the gondola will actually be used after concerts, which typically end at 11pm or later, the operating hours would likely be extended into the early AM hours. Little to no information has been provided regarding LA ART's station/junction floorplans and enclosures for mechanical equipment. If you were living next to a 98 ft tall open-air gondola station, wouldn't you want this information?

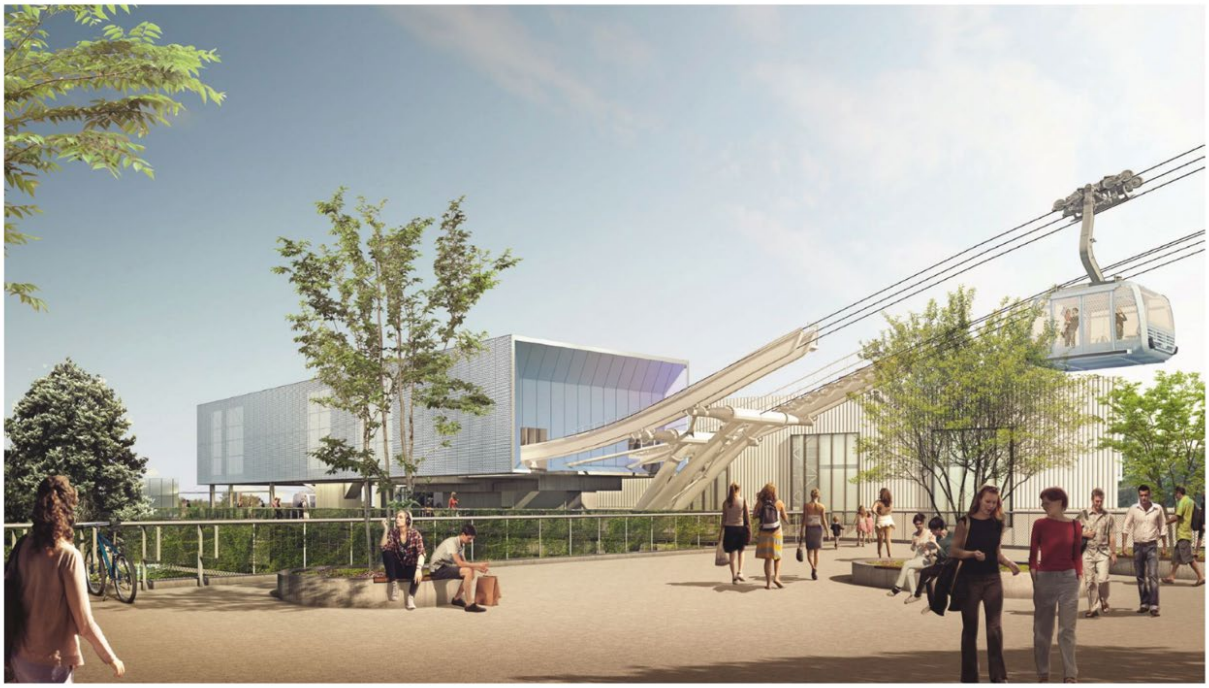
Please do not certify the Final EIR until these issues with the noise analysis are resolved.

How is a private developer being allowed to build this large and disruptive station in a small residential neighborhood? It's not real public transportation. It's a novelty tourist attraction and a luxury amenity serving a sports venue. The neighborhood at the proposed Broadway Junction already has to deal with Dodgers traffic, the noise of the 110 FWY, Downtown LA commuter cut-through traffic, and the daily traffic and parking chaos of Cathedral High School, which also hosts large sporting events and tournaments throughout the year. Please do not add this gondola flying over us and the massive Broadway Junction circulating cabins more than 18 hours per day to the mix. This is too much to dump on residents who just want to live in peace.

Sincerely,

[redacted]
Savoy St. Resident





From summer 2021 the "Téléo" three-cable circulating track (3S) will soar over the „Ville Rose", Toulouse.

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Tisséo
May 4, 2022 ·

🤔/Le saviez-vous ?
🚡 La station Oncopole - Lise [illegible]
prochainement desservie par [illegible]
#Téléo, est construite sur pilot
également découvrir, depuis l'i
cabine, sa toiture végétalisée !
#téléo #toulouse #transports

36

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[redacted]
Bonjour, est-ce qu'il y a
ligne directe de bus, en
et l'Oncopôle ?
1y Like Reply See tra

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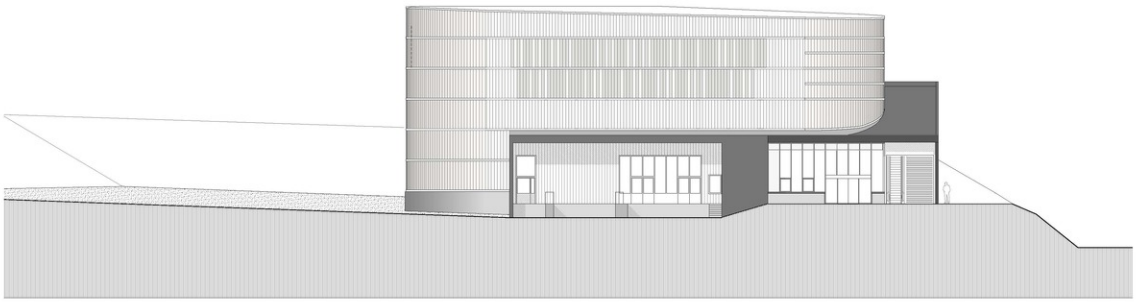

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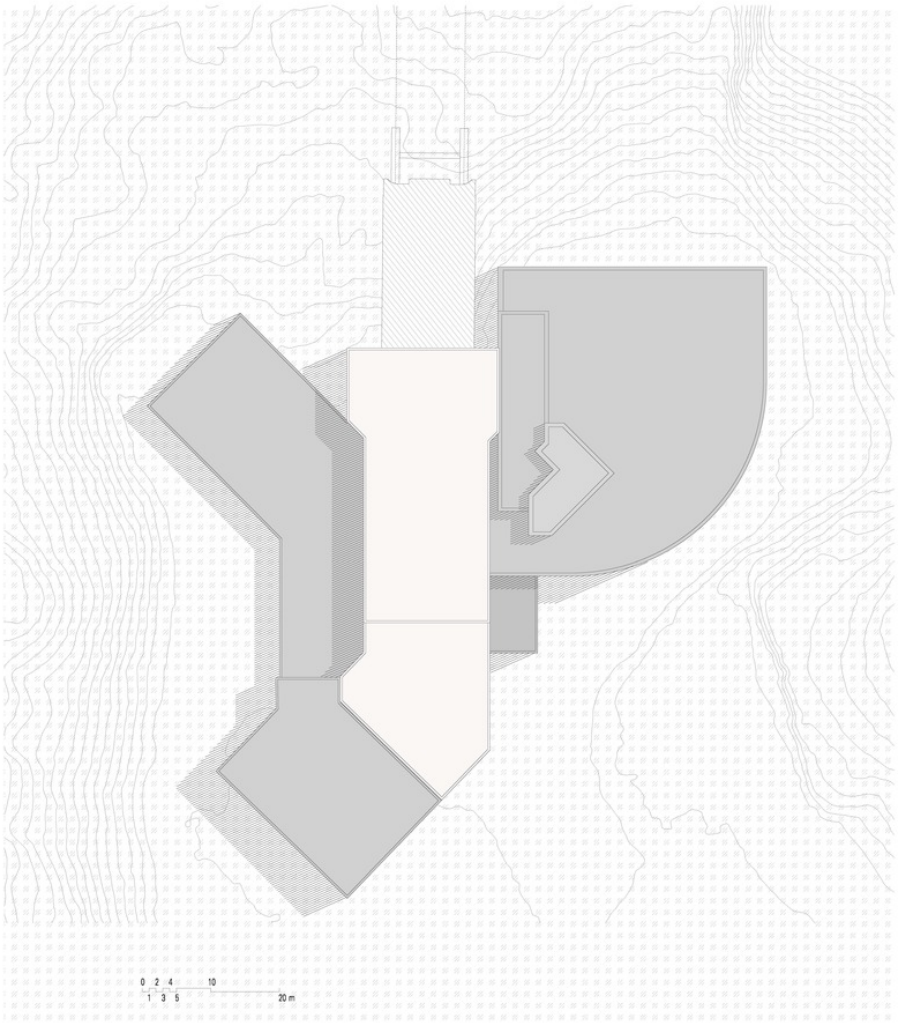
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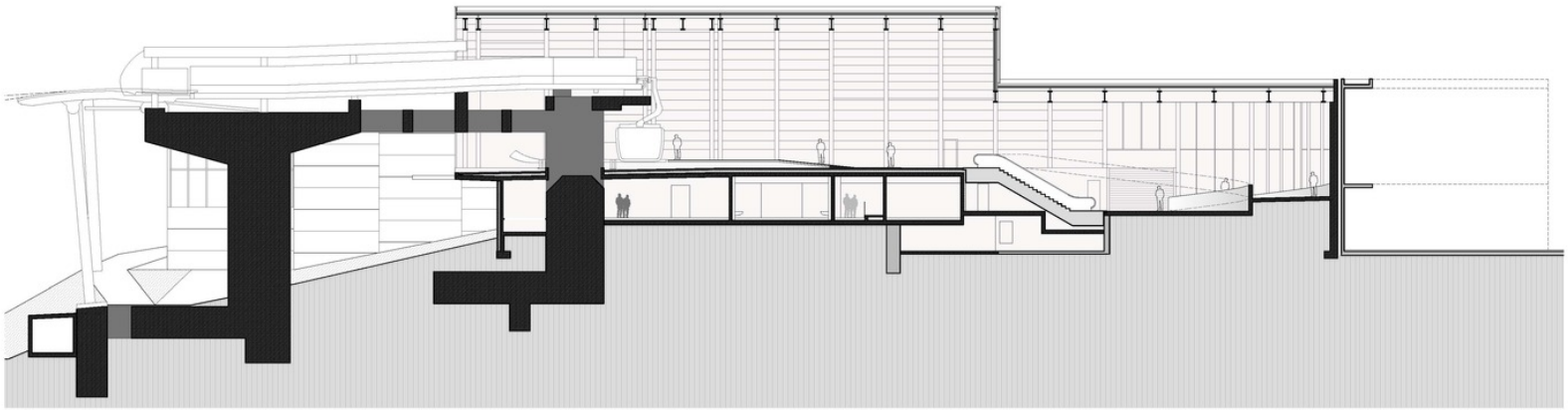

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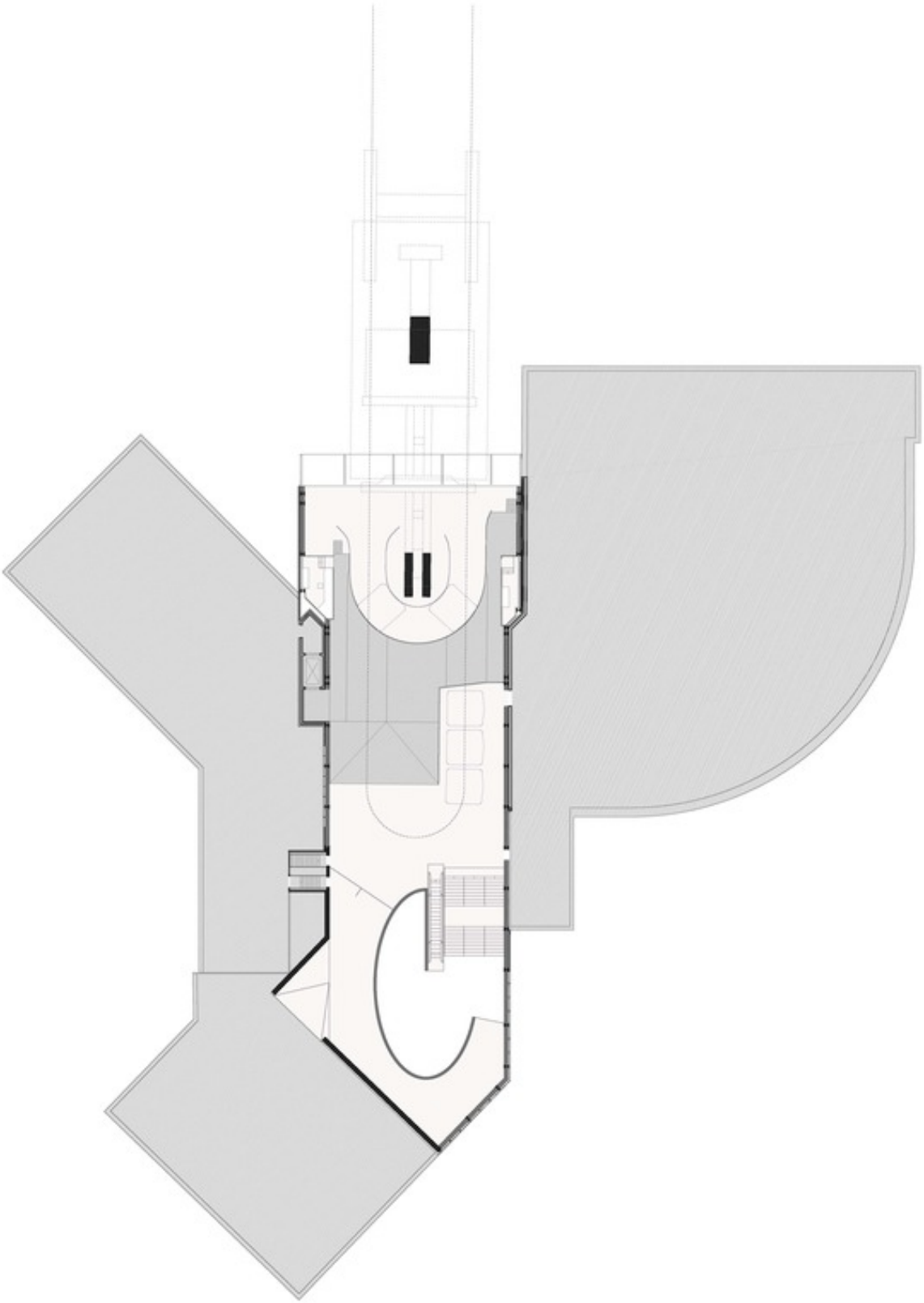

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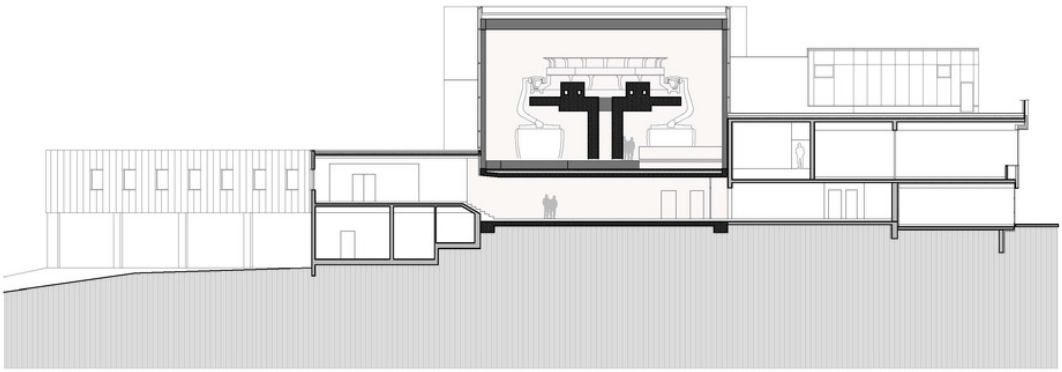

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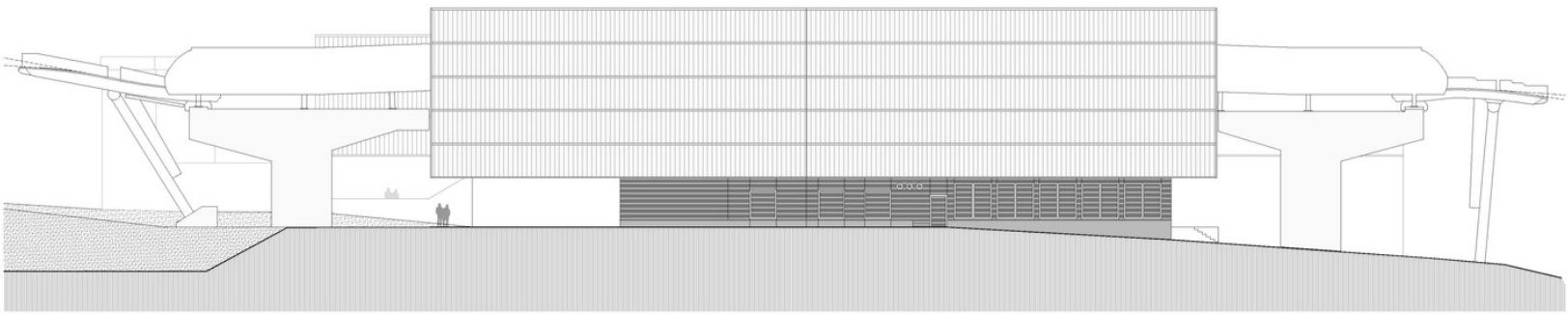

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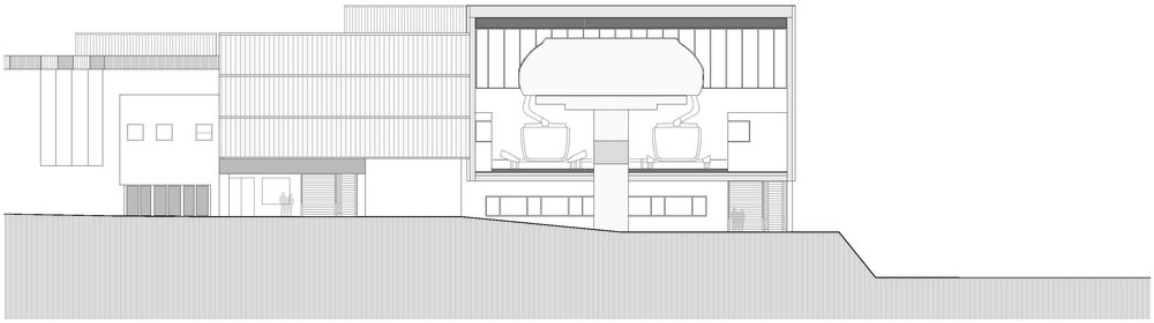

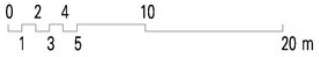
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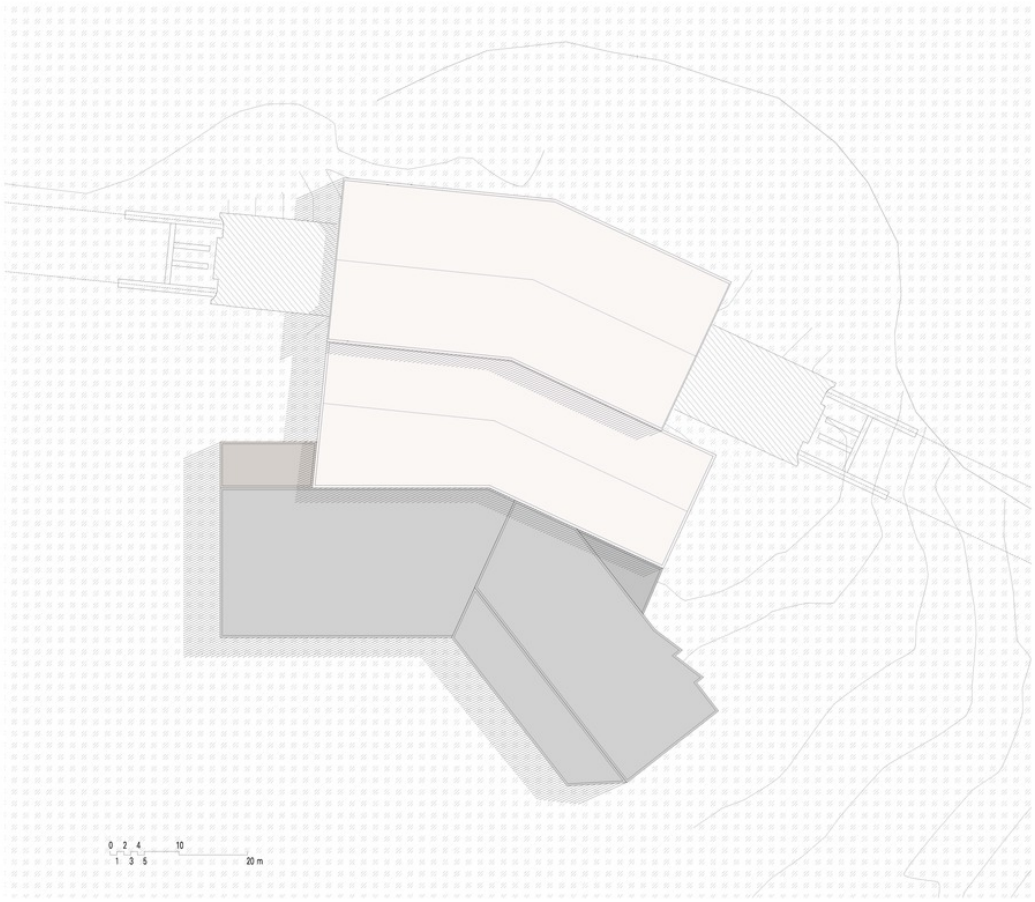
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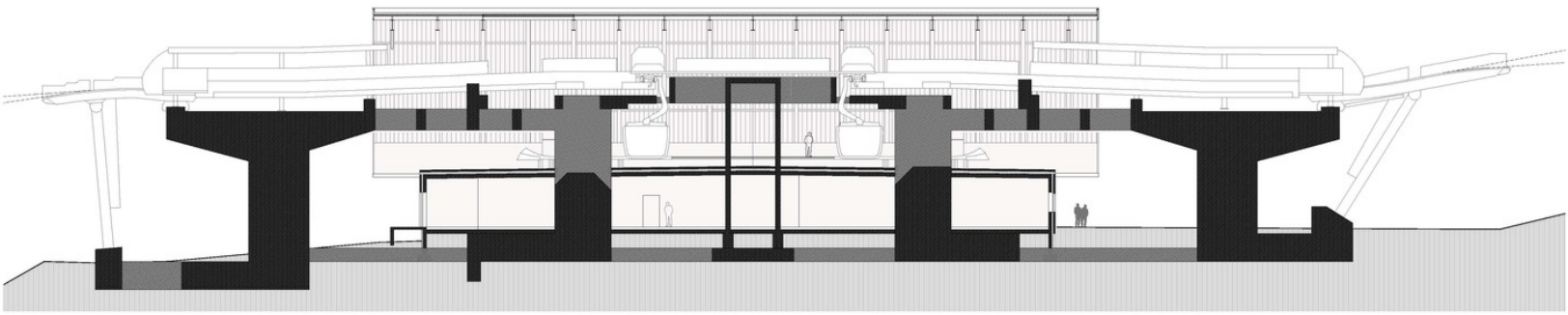

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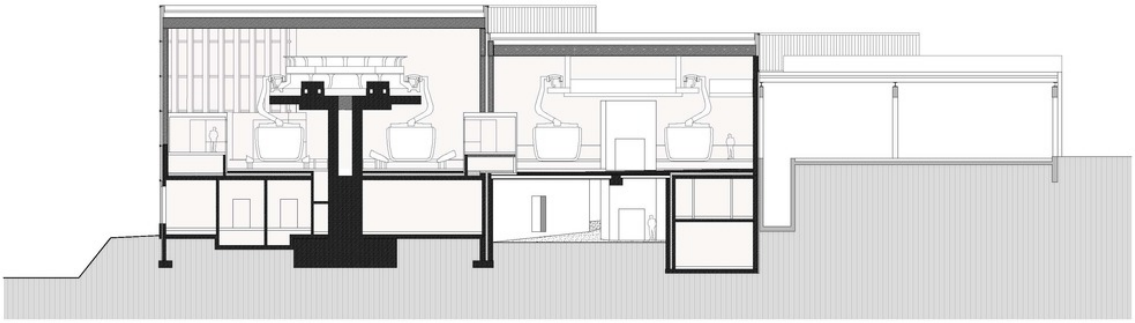

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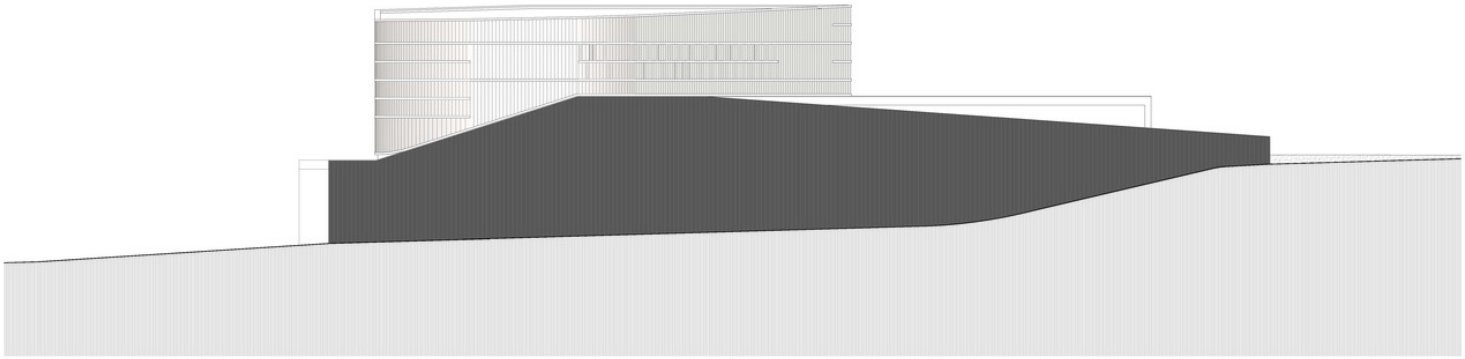

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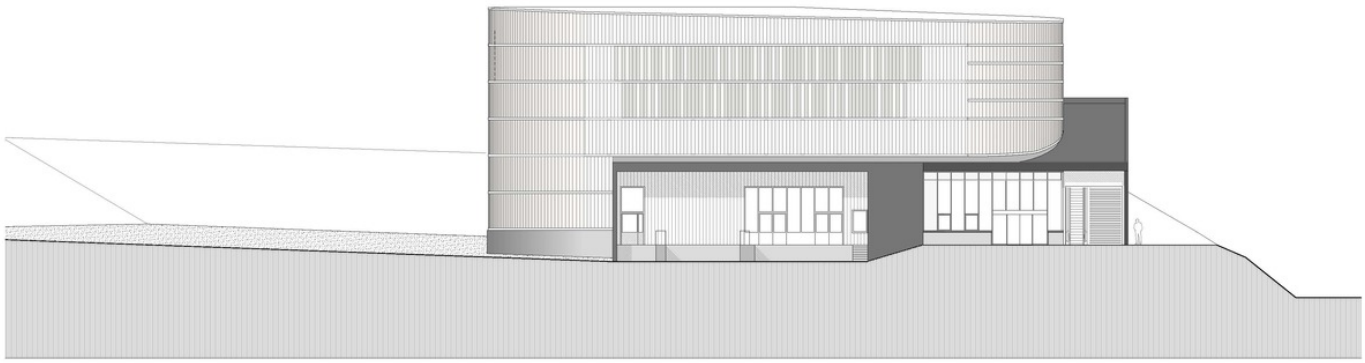

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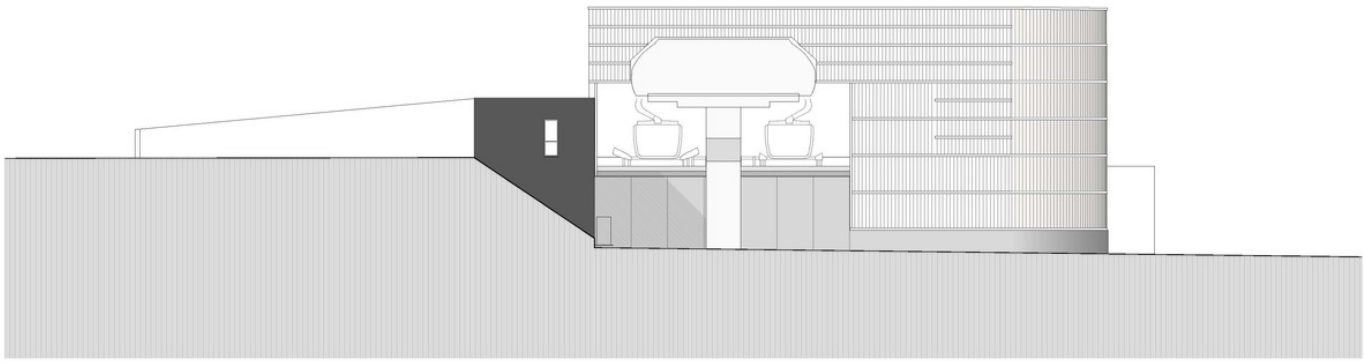

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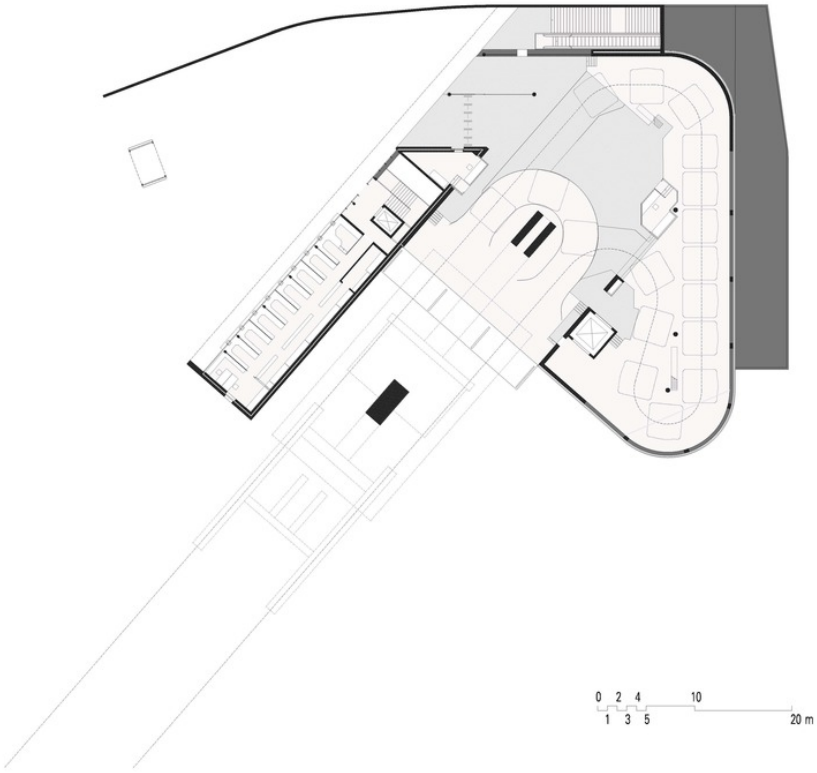
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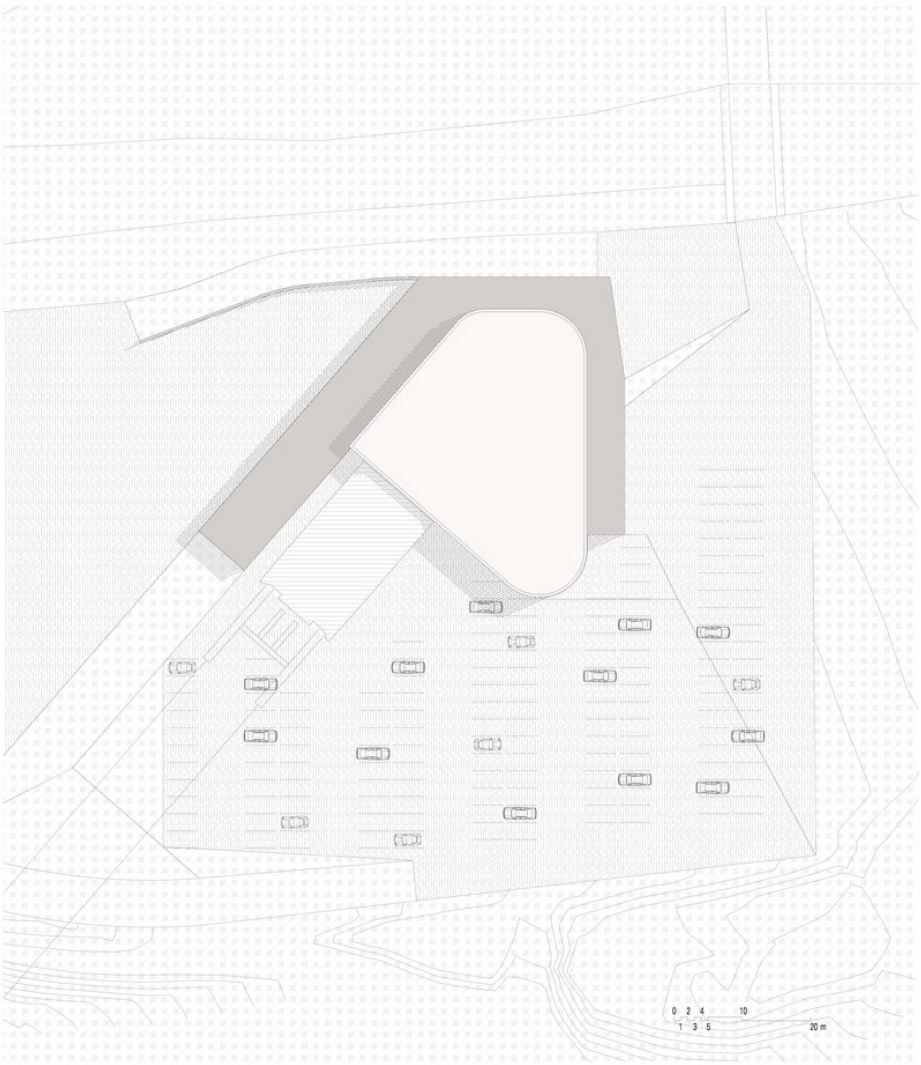
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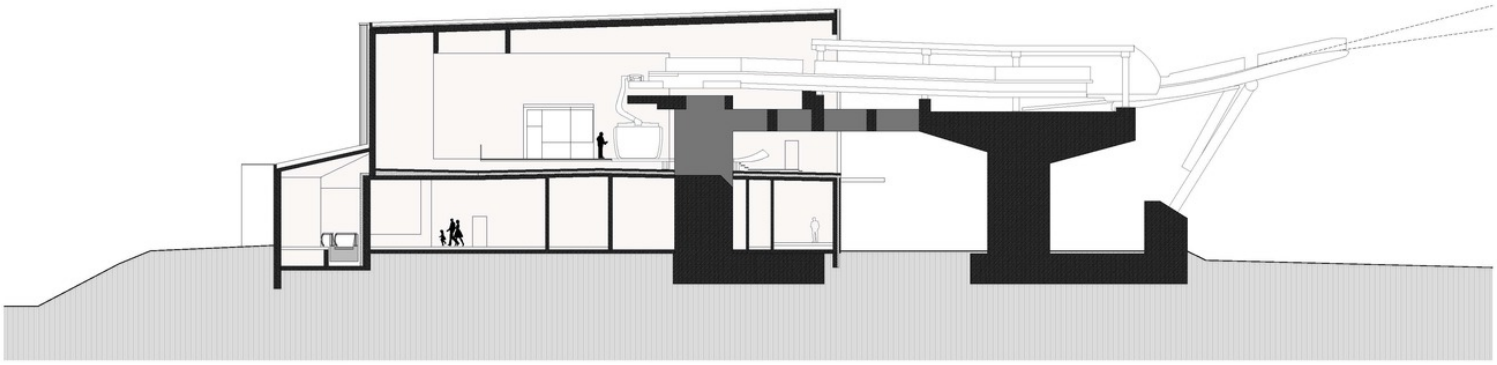

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STUBAIER GLETSCHER

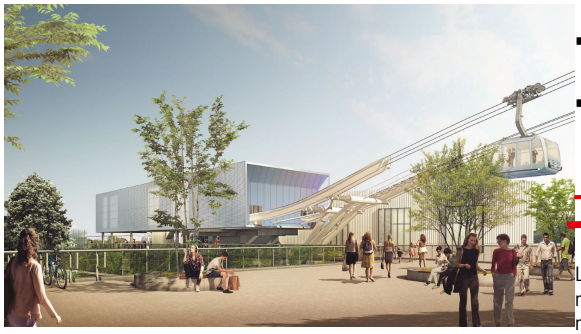





SKIDEPOT


STUBAIER GLETSCHER
EISGRATBAHN





From summer 2021 the "Téléo" three-cable circulating track (3S) will soar over the „Ville Rose", Toulouse.

SI URBAN 2/2020, SI-URBAN, URBAN

TOULOUSE: 3S-CABLE CAR FOR THE CITY

Like many metropolises in France, Toulouse also suffers from heavy traffic. Despite having a good metro network, connections between the lines need to be increased. With a cable car from manufacturer POMA, three major transport hubs will now be opened up to one another.

TAMARA MAIR
21. September 2020

The idea of a cable car that connects both parts of the city in a journey time of ten minutes and therefore saves people a 45-minute journey by car was discussed as early as in 2003. However, the decision was made only 2016, after two changes of leadership in the city government. Now Tisséo Ingénierie is heading the projecting on the behalf of the municipality.

"At POMA, we then won the tender, as we had formed a consortium with regional businesses. Together with local companies Bouygues (Civil works), Séquence (architects), Seti (engineers) and service partners (ALTISERVICE a Pyrenees ski resorts operator), we were able to supply the best offer technically and economically for construction of the cable car as well its maintenance for twenty years," POMA Project Manager P. Laville reports on enquiry by SI Urban.

The order for more than 82 million euro including conception, realisation, support operations and project management. The Maintenance contract for 20 years costs 38 million euros. "The toughest challenge of the construction is undoubtedly the cable route in the urban setting," Laville says. Construction work began in summer 2019 and should be completed in summer 2021.

TÉLÉO TOULOUSE:

Length	***3 km***

Privacy - Terms

Altitude difference	***100 m***
Transport capacity	***1,500 (2,000)***
Stations	***3***
Gondolas	***15 (20)***
Gondola capacity	***34 p.***
Stanchions	***5***
Max. Speed	***27 km/h***
Operating Speed	***20 km/h***
Journey time	***10 min***
Investment costs	***€82 m.***
Maintenance coasts (20 years)	***€38 m.***



ROUTE

The cable car in Toulouse begins at the Oncopole institute and crosses the river Garonne and Pech David Hill to reach Rangueil hospital. The route then runs down to Paul Sabatier University

Project name Téléo

The cable car, named "Téléo" will extend over three kilometres and cross both the river Garonne and Pech David Hill. With the Oncopole institute, Paul Sabatier University and CHU Rangueil hospital, three major transport hubs will now be connected in a journey time of only ten minutes – at the moment, a journey by car takes 45 minutes. With the cable car, a whole cluster will be better integrated into the existing public transport network (metro and bus). Accordingly, up to 8,000 passengers per day are expected on the cable car. The frequency will be up to one cabin every 1:30 in peak hours. Teleo will operate as well as the metro, with the same time range from 05:00 AM to 00:30 PM.

3S system for greater wind stability, comfort and space

The cable car is part of the 2020-2025-2030 Toulouse infrastructure project and designed as a three-cable circulating track (3S), to guarantee high wind stability and therefore reliability. Furthermore, the 3S system requires fewer but higher supports, which minimise the negative scenic, visual and noise impact. "The larger gondolas with wider entrance doors offer greater comfort for all passengers – in particular for hospital patients with limited mobility," says D. Baud-Lavigne, Sales manager for urban cable cars. Moreover, the gondola design from Pininfarina design studio makes the journey a visual experience, especially as the generous panels of glass allow spectacular views.

Initially 15 gondolas, each carrying 34 people, will cross Toulouse. “In a second phase this will be increased to 20 gondolas, which will raise the transport capacity from 1,500 to 2,000 people per hour,” Project Manager P. Laville adds.



CONSTRUCTION

The cable car in Toulouse has been under construction since summer 2019. Photos: POMA

Spacious & integrated stations

With the 3S system, the three stations are designed to be very spacious and have been approved by French architectural association Bâtiments de France as buildings that are perfectly integrated into the surroundings. “One important feature is the integration of the cable car into the public transport network, such as with the university metro station and with the bus station at the oncology institute,” D. Baud-Lavigne emphasises.

The platforms are laid out so that all passengers can board and alight within 1:30 minutes – regardless of whether they are travelling as pedestrians or with bags, suitcases, bicycles, pushchairs or a wheelchair. The speed and transport capacity of the cable car can be adapted to the volume of passengers (peak times versus quieter periods).

Environmentally friendly & safe

However, the 3S cable car will not only make daily life easier for the residents of Toulouse; it will also reduce the ecological footprint of the French city. Thanks to the electric drive, the cable car reduces environmental impact by 30 percent compared with car traffic. Moreover, the 3S technology means only five supports are required, so the soil sealing and impact on the landscape are very low. In comparison: a single-cable circulating track on the same route would need 20 supports.

The cable car is also very sustainable, up to 80 percent will be produced in France due to the french manufacturer POMA.
Furthermore, the cable car in Toulouse will be very quiet. The gondolas themselves have no drive; the motor is located in a single soundproof station. Safety also favours the mode of transport by cable: “As we are crossing a river and built-up areas, we have designed a certified, integrated rescue system with which the gondolas can be moved back the stations in an emergency,” D. Baud-Lavigne concludes. The 3S system is therefore doubtless also of interest for many other cities

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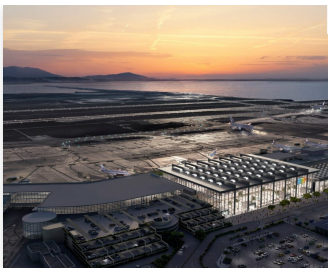

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INTERNATIONALES FACHMAGAZIN FÜR DIE SEILBAHNWIRTSCHAFT UND ALPINES MANAGEMENT & TOURISMUS

Subject: AGAINST Item #12 (Metro Board Meeting 2/22/2024) - LA ART Gondola FEIR

February 21, 2024

Dear Metro Board Members,

This letter is an updated version of a comment letter previously sent to Metro's Planning & Programming Committee on February 14, 2024. (Revisions are in RED.)
****

This gondola project and its Final EIR are a hot mess and should not be approved. The FEIR needs to be sent back for a rewrite. It boggles the mind that Metro would consider approving this project as presented and this public document as-is.

1. The cover page of the EIR tells you all you need to know about the seriousness and veracity of the EIR document. It includes many falsehoods presented as fact.

FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
LOS ANGELES AERIAL RAPID TRANSIT PROJECT
LOS ANGELES, CALIFORNIA

December 2023



State Clearinghouse No. 2020100007

The image on the cover is false. It shows gondola cabins suspended from cables with the Downtown LA skyline immediately behind it, including the skyscrapers of the Downtown core, Cathedral of Our Lady of the Angels, ~~the new Frank Gehry Grand LA development,~~ and Grand Arts HIgh School. It shows the gondola cabins soaring high in front of a line of palm trees, which is on the ridge between Stadium Way and Victor Heights. What is shown in the image on the cover of the FEIR is also on Metro's "Fact Sheet" for the project and LA ART's marketing materials, but it's not where the actual gondola would fly. Not even close. It is a misrepresentation of the views that would be experienced by the tourists whose exorbitant fares would supposedly be one of the two main sources of funding for this project. In actuality, they would be paying exorbitant fares to experience views that are far less impressive, about a half mile to a mile away, on the other side of Dodger Stadium. Whatever the views are, they would supposedly be the main draw for tourists because the project does not contemplate additional development on the parking lots. They would be paying for the privilege of arriving at the Dodger Stadium parking lot when nothing is happening at the stadium. Moreover, the estimate that 915,000 tourists per year would pay to use this system (provided in Appendix N of the DEIR, "Ridership Modeling") is based on the concept that this is a novel system with "unique" views. At best, this image is misleading to the reader of the EIR because it misrepresents the "unique" views that would command $30 to $60 for a 15 minute tour. If this system were built, using this image on any billboards and commercials would be false advertising and likely constitute fraud. How many riders would ask for their money back? The EIR is supposed to be an informational document, not a con artist's marketing brochure.

2. In the response to comments, LA ART claims that the DEIR also serves as a feasibility study (Response P47-6). This assertion has no credibility and must be removed from the Final EIR. Why?
    a. There is still no funding plan and no business case analysis, which are essential for a feasibility analysis. There is no information in the EIR that supports the claim that this project is financially viable and financially sustainable. No estimate for ticket prices has been provided for tourists who are assumed to be providing one of the two main revenue streams to fund this project. The ridership study in the EIR claims that 915,000 tourists would ride the gondola every year and assumes that they will ride the gondola regardless of cost. That's an indefensible assumption.
    b. Section 4.0 in the FEIR is not an actual funding plan. It is a summary. It does not provide any detail about the funding and costs, despite the repeated statements in the response to comments that it provides "detail". These statements in the response to comments are factually incorrect, and need to be removed from the final EIR. There is no breakdown of costs. What is the estimate for insurance? Not enough information is provided to verify the accuracy and completeness of the cost estimates.
    c. None of the math is mathing with this project. It's supposed to cost $500 million to build plus $8 to $10 million per year to operate and maintain each year. (Those figures were provided in Section 4.0 of the Final EIR in 2021 dollars, so expect the final figure to be

much higher.) According to a CityWatch article (https://www.citywatchla.com/la-watchdog/28370-frank-mccourts-gondolas-what-is-his-overall-plan) using the 2021 figures, this would require $55 million per year in revenue to service bonds for the project. The environmental report also clarifies that all of the paying riders are "tourists" and they expect 915,000 tourists per year to ride the gondola when there isn't a Dodgers game or event. If you do the math, that comes out to $60 per ticket for a 14 minute roundtrip ride to visit an empty stadium. They do claim that sponsorships will be the other main source of revenue for this project, but even if they can raise $20 million per year in naming rights and sponsorships, which seems like a stretch, that only brings down the ticket price to $38 for a ride to nowhere. Plus, it seems very risky to rely so heavily on naming rights, when the logistics of this project don't make sense and the project is already considered an environmental injustice to the communities around Dodger Stadium. Who would want to put their branding all over a project that turns out to be an overrated dud and and greenwashing scam?

d. There is no funding plan. The public has been given assurances for years that the project would be privately funded and there would be a funding plan that Metro would review prior to project approval and certification of the EIR. Originally, a funding plan was to be provided much earlier, in September 2021, but that was extended to September 30, 2022. When the September 30, 2022 deadline passed, the next assurance was a funding plan would be provided either prior to or along with the approval of this project and certification of the EIR. But now that is being postponed again.
    i. In a Metro Board Report dated September 15, 2022 (https://boardagendas.metro.net/board-report/2022-0316/): "A Memorandum of Agreement (MOA) between ARTT and Metro was executed in April 2019. Amendments to the MOA were executed in September 2021 and June 2022 to extend the date by which ARTT will submit updated project information, including construction and operating costs and a funding and financing plan, to September 30, 2022."
e. If the EIR serves as a feasibility study, then it is a woefully incomplete and flawed feasibility study that should not be approved. Saying that the EIR also serves as a feasibility study (Response P47-6, P142-3, P702-4, P702-7, P702-100, P702-134, P709-2, P709-6) is not only inaccurate, but it's a deflection. It fails to respond to the DEIR comments pointing out the myriad of unanswered questions about how the project would be operated – answers which are essential to be able to accurately assess the environmental impacts of this project, especially the estimated GHG emissions reductions, VMT reductions, and the transportation analysis as a whole. Some of the most questionable assumptions used in the FEIR to analyze the environmental impacts/benefits of this project include the following:

i. Maximum wait time/queue length to board the gondola of 7 minutes/~~608~~603 people (SeeTopical Response B Regarding Ridership Model/Queue Formation, Section 6.0 in the FEIR).
ii. 68% of riders will use transit for their entire journey, with average journey of 22 miles (DEIR Appendix J, Table 4-14).
iii. The system can run at 100% capacity for a solid 2 hours before and after Dodgers games/events (DEIR Appendix N -Transportation/Ridership Modeling).

These assumptions rely heavily on the ticket reservation system and the management of queues, which has not been explained in any detail.

f. Queuing, passenger flow through the stations, and crowd control have not been evaluated. These are essential to verifying the claims in the EIR about the actual capacity of the system, not just the theoretical capacity based on the maximum number of cabins that can be deployed on the system at any moment in time. Just because you can deploy the cabins doesn't mean that it's physically possible to load each cabin to the maximum capacity. Bottlenecks happen. (~~Balzono~~ Bolzano Italy 3s gondola is an example.) Station design is widely acknowledged by experts in the field to be critical to the achievable capacity of gondola systems: "The width of the station envelope must be wide enough to include the gondola equipment and passenger loading and unloading areas. Sufficient width should be included to accommodate the anticipated passenger flow. If passenger circulation areas are constricted, the overall system capacity can inadvertently be limited." (https://www.translink.ca/-/media/translink/documents/plans-and-projects/rapid-transit/burnaby-mountain-gondola/phase-1-engagement/burnaby-mtn-gondola-3s-memo.pdf) . The feasibility of operating the system at 100% capacity for a solid 2 hours before and after Dodgers games is speculative at best because almost no information has been provided regarding the circulation of passengers within the stations and the procedures for bringing the cabins to a stop for ADA access for both boarding and deboarding.
g. Is Design Option A actually feasible? Much of the description of Design Option A, about the soils and the relocation of major city utilities, suggest otherwise. What is the cost of these utility relocations and would the City pay for them? Are these costs included in the $500 million estimate to build the project? These questions are not answered anywhere in a feasibility study or the EIR.

3. The EIR calls this project "public transportation" (FEIR Topical Response A). Metro cannot approve the EIR and endorse this claim without losing all credibility as a public transit agency. There are several reasons why the gondola is clearly not public transportation:
   a. This system is relying on a ticket reservation system to spread riders out during the 2 hours before and after Dodgers games and events. The ticket reservation system is the

basis of their very bad assumption that there will never be a line longer than 608 people deep. The queue length is a major factor in their wildly optimistic and unrealistic ridership estimates. This ticket reservation system needs to be disclosed and analyzed for feasibility because it will be a determining factor in whether this system is truly open to the public, or whether the gondola operates as a luxury amenity that only a select few can reserve for themselves during periods of peak demand. Would those with season tickets or those who purchase a hotel package or have a luxury suite at Dodger Stadium have early access to reserve their free tickets to bypass the long lines? Metro talks a lot about equity and this project claims to adopt Metro's equity platform. A project that functions mainly as a toy and perk for wealthy VIPs to reserve and to cut in front of people waiting in line is not equitable. If Metro allows a project that is mainly for the benefit of the privileged few to be built over the lower income communities around Dodger Stadium, this would be a tragedy and would permanently undermine Metro's strides towards equity in its transit system.

b. ~~LA ART is proposing a cashless system that requires a smart phone. Public transportation needs to be accessible to the public. Requiring a smart phone creates a fundamental barrier for large numbers of people to access the system.~~

c. At periods outside of peak demand, most of the riders are defined by LAART as "tourists" (FEIR, 5.0-16). When it's not serving a private sports venue, it is serving tourists.This is a tourism project not a transit project. Why should our neighborhoods and public parks be invaded for a private developer's tourism project?

d. Ticket prices have not been estimated for the general public. The high price tag for construction and the plan for the project to be funded primarily through farebox revenue and sponsorships suggest a high price for gondola tickets. Will this really be public transportation if the price for a 2.4 mile round trip ride is $30 or $60? This is not affordable to the public. Again, this sounds more like a niche tourism project. It is ridiculous for Metro to call this public transportation.

e. The only way this is public transportation is if there is a major housing and/or retail/entertainment development on the Dodger Stadium parking lots that would provide a reason for the general public to travel there 365 days per year. If this is the case, then the impacts of the new development need to be evaluated in the EIR. However, if there is a new development, the gondola would offer no spare capacity to serve these other uses when there is an actual event at the Stadium. If housing is built on the parking lots, how would all of the people who live in the new housing developments get home during rush hour when there's a Dodgers game or concert and the gondola system is being "prioritized" for people attending the game or event? By driving? The idea of intensifying and incentivizing housing development near transit is that the people who live there can use transit to get around. That is not possible when you have a limited capacity system that doesn't even meet the need of its primary purpose – to serve a massive sports stadium.

4. Noise study – dismisses criticism of the noisiness of “open air” stations completely. Does not acknowledge any differences between almost all existing gondola systems that are built as buildings with walls and are mostly enclosed, if not “fully enclosed.” Existing gondola systems have rooms where most of the noisy machinery is located, where maintenance staff can walk in and visually inspect the system while it is running. This proposed LA ART system has open air stations with no walls, with moving mechanical components covered in panels. These panels need to be removed for inspection. Either the regular maintenance is in the overnight hours, which will be out in the open and noisy, or the system will have much more down time than is being disclosed in the EIR. The only 3S gondola system in the world that operates as public transit is the Teleo in Toulouse, France, which shuts down for 2 weeks every year for regular maintenance, and this system runs a fraction of the capacity of the proposed LA ART gondola. Rather than address the concerns regarding the noise from open air stations raised in comments, the response in the FEIR dismisses the concern and focuses on the fact that it is impossible to fully enclose a gondola station. This fails to address the concern about the flawed noise modeling, which was based on gondola stations with fundamentally different designs that impact the propagation of sound waves from the stations, and that these differences are not addressed in any way in the noise analysis. The fact that another consultant that has many contracts with Metro conducted a peer review and also failed to acknowledge these clear differences in station design that would impact the noise analysis does not correct the flaws in the noise analysis.

5. Firefighting with water-dropping helicopters. The FEIR dismisses the obstacle that the gondola towers and cables would pose for water-dropping helicopters that frequently operate in the neighborhoods around Radio Hill. The response to the comment in the EIR just says that helicopter pilots are trained to avoid obstacles.

6. Dismisses park and ride use of the Dodger Stadium parking lot that was discussed at an Ad Hoc Olympics meeting (November 16, 2022 Board Report, Ad Hoc Olympics Committee, “MOBILITY LESSONS LEARNED FROM WORLD SPORTS EVENTS“). An event (2022 MLS Cup Final) that used the Dodger Stadium as a park and ride lot was featured in the slide deck presentation regarding lessons learned from previous sporting events, as Metro contemplates the logistics of hosting a so-called “car-free Olympics.” The expansion of Park and Ride use of the Dodger Stadium parking lot property is a foreseeable use that was not evaluated for impacts in the EIR, but needs to be evaluated, especially if the project proponents claim that no development is planned for that parking lot property.

7. Privacy was not evaluated as an impact. EIR states that there is no right to privacy (FEIR Response P702-16) and does not offer any criteria for evaluating when privacy concerns would outweigh tourists being able to look out the cabin windows. The EIR only states that they “can” use privacy glass. Not that they will and does not propose any locations where it could even be used. This is to be determined prior to beginning operations when it will be too late to make significant changes to the project. Is that the precedent Metro wants to set with gondola projects? Does Metro agree that there is no right to privacy for residents with regard to gondolas?

8. No evaluation of impact of the system on our neighborhoods if the project goes bankrupt and is abandoned. There needs to be a surety bond that would guarantee that the project is dismantled at no taxpayer cost if the operators of this project, who have no experience or track record running multimillion dollar transit systems, run out of money. Taxpayers should not have to bail out this project, and residents should not have to live with a blighted, abandoned, unsecured and unmaintained system hanging over their neighborhood. A surety bond is not a novel idea. Edmonton’s gondola proposed one.

9. Who would guarantee a $500 million bond to build this project? It would most likely need to be a public entity.

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Comments regarding the slide deck presentation for the 2/14/2024 meeting:

-No other systems operate at these capacities and headways.
-All other 3S systems operate at lower capacities. None serve a stadium. None are used in applications with high surge capacity. Almost all are located in suburbs or mountain towns where the stations are large and sprawling and at ground level (single story), which avoids the complication of vertical circulation and ADA access.
-The only public transit 3S gondola in the world is in Toulouse, France, and has less than half of LA ART’s capacity with 90 second headways. La Paz Bolivia gondolas top out at 4000 ppd capacity and operate with much smaller cabins, which makes boarding and deboarding much simpler. Another difference is that in La Paz, they are not trying to serve a stadium, and not trying to funnel almost everyone through one station. The fact is that no gondolas in the world serve a stadium. Gondolas

make sense when there is a geographic barrier that prevents roads and buses from serving the transit need, and when there is a slow, steady, and moderate demand for travel. None of these situations applies to Dodger Stadium, which has many multilane roads to the property and surge demand with over 50,000 people trying to get to or leave from the same location within a short period of time.

-Does not serve “Elysian Park.” “Elysian Park” is a euphemism. It serves the Dodger Stadium parking lot. The expanse of asphalt is not truly “Elysian Park,” and the gondola station is at the eastern edge of the parking lot, which is about as far from the recreation areas of Elysian Park as you can get. Elysian Park is a hilly and sprawling public park surrounding the Dodger Stadium property, mostly to the north and west. “Elysian Park” is the euphemism for describing the setting of Dodger Stadium, as is “Chavez Ravine”. People don’t want to talk about the once thriving Mexican-American neighborhoods that were buried to build Dodger Stadium: La Loma, Palo Verde, and Bishop.

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Regardless of Metro's decision on the LAART project, the city of LA needs to do its own traffic study that includes the following alternatives that were not considered in the EIR:

(1) Better pedestrian access with improved sidewalks and new bike lanes;

(2) improvements to the Dodger Stadium Express (DSE) bus lanes, which currently don't extend all the way into the parking lots and are removed post-game

(3) Expansion of the DSE bus system, such as adding direct routes from points throughout LA county using existing and planned bus-only lanes.

All of these options should be have been seriously considered before Metro devoted resources towards implementing a project as extensive as the LAART gondola, especially when the gondola could interfere with these common sense alternatives. We also need to mitigate the impact of rideshare services, which use the neighborhoods around Dodger Stadium as staging areas.

Another reason that the City needs to do a transportation study is to provide an objective evaluation of the gondola project. The transportation study in the EIR included many overly optimistic and questionable assumptions about gondola ridership, including the following:

(1) Assumption that 68% of gondola riders would take transit for their entire journey. This number is based on a Metro survey of Dodger Stadium Express riders in 2014, which was before the widespread use of rideshare services. The survey found that 75% of DSE riders took transit for their entire journey. All LAART did was reduce this number arbitrarily by 10% to estimate the transit use by those accessing the gondola system. Why not reduce that number by 25% or 50%, especially when the gondola is touted as a mode that would attract new people to try transit.

(2) Assumption in that the maximum wait time in line for the gondola is 7 minutes. Supposedly a ticket reservation system would space people out over the 2 hours before and after Dodgers games, but no details are provided about how it would be implemented.
(3) Assumption that the gondola stations can accommodate the crowds at 100% capacity, and that there won't be bottlenecks in queuing that reduce the maximum operating capacity.

With all of these questionable assumptions and unanswered questions, how can we accept at face value LAART's overblown claims about ridership and environmental benefits?

The lack of a real funding plan is also a huge concern for the longterm viability of this project. We should all be concerned about this $500 million project running out of money and being abandoned or needing a taxpayer bailout. Just look at the graffitied towers across the street from Crypto.com Arena. But in the case of the gondola project, it's not only an empty high rise building on private property; it's infrastructure over our streets, parks, and homes that needs constant security and maintenance. The gondola project would be a safety risk for everyone below it, including drivers, pedestrians, park visitors, and residents who shouldn't have to live in fear, wondering if the private operator is cutting corners on maintenance and security due to budget shortfalls.

Metro needs to do its due diligence and not cosign on LAART’s falsehoods and lies.

There are many examples of “aerial transit” projects that start out claiming to be 100% privately funded, go over budget, and then need public funding to be completed. The London gondola and the Portland Aerial Tram are two prime examples. They were also both built to kick start real estate development around the stations.

Metro needs to act responsibly as the oversight agency on this project, rather than co-signing on LAART’s marketing BS that has infected the Final EIR. Pushing forward this greenwashing boondoggle on our communities would be a stain on all board members who vote for it. Please show leadership. Don’t betray and abandon the communities that you claim to serve who would be most impacted by this project, yet see no benefit. Reject the flawed and incomplete EIR. Don’t approve this ill-conceived project. Support the TSM alternative. Furthermore, study expansion of the Dodger Stadium Express with improved bus lanes, electrified buses, and additional satellite pick up and drop off locations throughout LA County.

Sincerely,

[redacted]
Savoy St Resident
90012

DODGERS

Column: As Dodger Stadium gondola votes near, Frank McCourt makes his pitch. So do allies and opponents



A rendering of the proposed gondola from Union Station to Dodger Stadium. (LA Aerial Rapid Transit)



BY BILL SHAIKIN
STAFF WRITER | FOLLOW

FEB. 12, 2024 4 AM PT

Fernando Valenzuela has not thrown a pitch for the Dodgers in 34 years, but he remains beloved in our town, even among fans too young to have seen him play. When the

Dodgers brought their community caravan to Homeboy Industries recently, hundreds of fans of all ages happily lined up to take a picture with Valenzuela.

But just as many fans lined up to take a picture with Father Greg Boyle, the acclaimed founder of Homeboy Industries, which calls itself "the largest gang rehabilitation and re-entry program in the world." For thousands each year leaving prisons and gangs, Homeboy offers jobs, training and social services, including access to dozens of therapists, tutors, and tattoo removal specialists.

Its grand vision includes Hope Village, which would provide transitional and affordable housing along with new spaces for job training, mental health counseling, and substance abuse treatment. The site envisioned for the village sits beneath what would be one of the towers supporting the proposed gondola from Union Station to Dodger Stadium.



DODGERS

Half a billion: That's the latest price for a gondola to Dodger Stadium

Dec. 5, 2023

In 2020, Boyle and California Endowment chief executive Robert Ross co-signed a letter to Metro and the city, opposing the gondola and characterizing it as "a tourist attraction for the benefit of private enterprise."

The gondola, first pitched by former Dodgers owner Frank McCourt six years ago, is scheduled for its first public vote Wednesday.

A Metro committee is set to consider a staff recommendation to advance the project to Metro's board of directors. The project comes with an expected construction cost of up to $500 million and a projected opening in 2028, and with the lure that the gondola would offer free rides to fans while easing congestion and pollution on the oft-clogged approach to the stadium.

A yes vote Wednesday could set the stage for the Metro board to bless the environmental impact report next week, the first in what would be a series of required approvals from an assortment of public agencies.

The Metro board could have voted last month too, which is what a Metro official suggested would happen during a public meeting in December. But proponents don't want to push the vote unless they have the votes, and the votes were not secured last month.

This month?

Los Angeles Mayor Karen Bass chairs the board, and she appoints three of the other 12 voting members. Bass hasn't said how she would vote. When my colleague, Rachel Uranga, asked mayoral press secretary Clara Karger what position Bass has taken on the gondola, Karger said she didn't know and said Bass has been busy dealing with effects of the waves of storms.

Los Angeles County Supervisor Hilda Solis, whose district includes Dodger Stadium and surrounding neighborhoods and who also sits on the Metro board, declined an interview request from Uranga. A spokeswoman instead provided a 77-word, entirely noncommittal statement from Solis.

The only politician to say much of anything about the gondola is City Councilwoman Eunisses Hernandez, whose district also includes the Dodger Stadium area. Hernandez does not sit on the Metro board.

If the Metro board approves the environmental impact report, the city council would have its say, but Hernandez has introduced a motion that would prevent the council from considering the project until the city completes its own study comparing the gondola against alternative means of improving transit to Dodger Stadium, including

expanded bus service from Union Station and the kind of regional park-and-ride service successfully operated at the Hollywood Bowl.

Hernandez told me she also wants to see guarantees — not just promises — that construction and operation of the gondola would be privately funded, so that taxpayers would not be on the hook for even part of the project.



Former Dodgers owner Frank McCourt is shown in Lisbon, Portugal, on Nov. 14, 2023. (Lukas Schulze / Sportsfile via Getty Images)

In addition, although gondola proponents say they are pitching a transit project and nothing more, Hernandez said she wants proponents to be up front about any visions of eventual development of the Dodger Stadium parking lot, co-owned by McCourt.

“In this part of the city, for far too long, too many voices have been left unheard and unprotected,” Hernandez said. “We are not moving this project forward at the cost of community to benefit one person and to enrich one person.”

Does she mean McCourt?

“Yes,” she said.

Have his allies reached out to you?

“Yes,” she said. “With all their might.”

With pro-gondola and anti-gondola forces working to marshal community support, Father Boyle would be a good man to have on your side. Boyle told me he has met recently with McCourt.

Boyle, who wrote in opposition to the gondola four years ago and whose chief executive raised serious concerns in a letter to Metro last year, now says he is “neutral.” His concerns that the gondola would hamper the proposed Hope Village, he said, have been resolved for some time.



OPINION

Opinion: If the Dodger Stadium gondola is only the beginning, what becomes of Elysian Park?

Jan. 24, 2024

So why the meetings with McCourt?

“We didn’t discuss the gondola,” Boyle said. “We’re trying to launch a campaign for this Hope Village, so we want to get a lot of people to help us with that.”

Did McCourt offer to help in exchange for Boyle dropping his opposition to the gondola?

“Fortunately,” Boyle said, “that never came up in the four conversations I had with him.”

Brin Frazier, a spokeswoman for McCourt, did not respond to a message asking which people McCourt had spoken with about the gondola project, or at least how many people.

As various government agencies take their votes on the gondola, Boyle said he would sit this one out.

“My hope is that elected officials will do their job and their due diligence and, if they have issues, they’ll address them,” he said. “That’s on them.

“It’s not a battle that we’re going to fight.”

MORE TO READ

Affordable housing demand could derail Dodger Stadium gondola project

Feb. 17, 2024



Fans of 2 of California’s 5 MLB teams support Steve Garvey. Which ones?

Feb. 2, 2024



Shaikin: How Shohei Ohtani could make the Dodgers the last MLB team to draw 4 million

Feb. 2, 2024





Bill Shaikin

Bill Shaikin, a California Sportswriter of the Year honoree, covers baseball and sports business for the Los Angeles Times.

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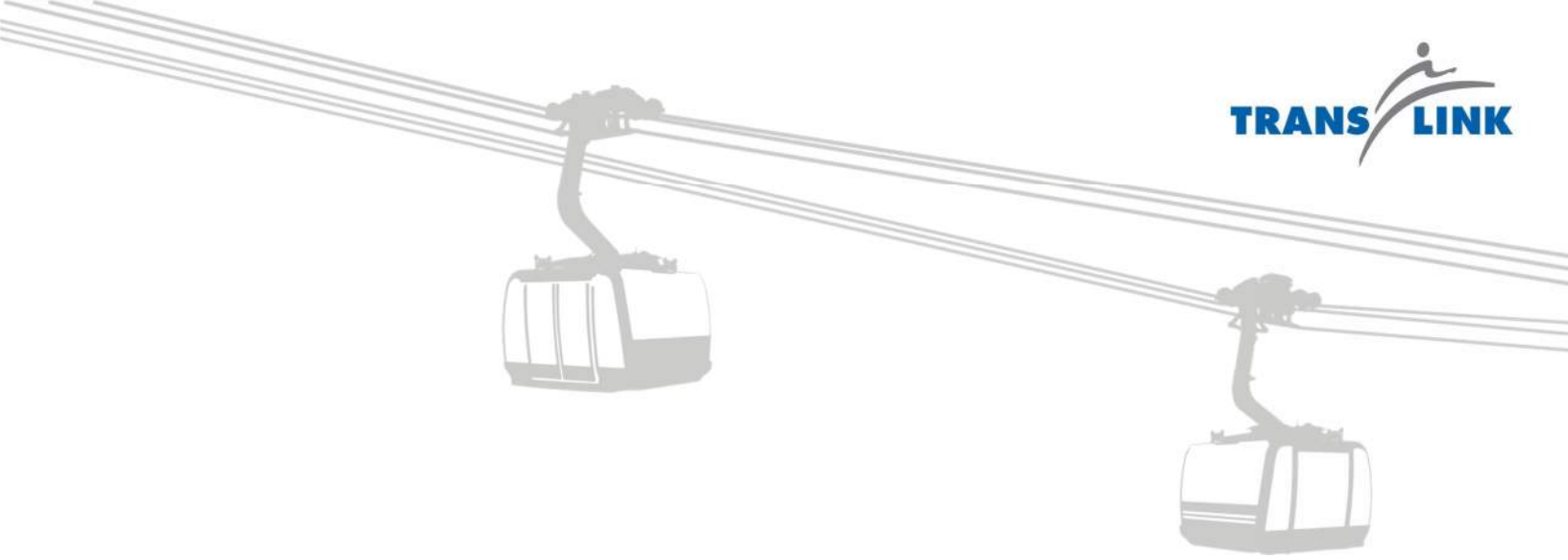
3S Gondola Technology

In Urban Applications

Prepared by Leitner-Poma and SCJ Alliance for TransLink

August 2020

LEITNER POMA CANADA + SCJ ALLIANCE CONSULTING SERVICES TRANSLINK



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8. Cabin Storage, Operations & Maintenance
9. Construction of a 3S Gondola System

What is a 3S Gondola?

A 3S Gondola is a ropeway transportation system. The broad category of ropeway transportation includes both aerial and ground-based technologies. The following lists categorize some of these technologies:

Aerial Systems

- Chair Lifts
- Gondolas
- Tramways

Ground-Based Systems

- Funiculars/Inclined Elevators
- People Movers

A 3S Gondola is a customizable system that provides high-reliability and high-capacity transit service and is well adapted to urban applications. Similar to gondola systems at ski areas, 3S Gondola systems transport passengers comfortably in gondola cabins from station to station. Towers support the system's cables between stations and ensure adequate ground clearance. To allow the gondola system to travel faster, span longer distances and carry larger cabins, 3S Gondola systems are supported by two large fixed cables that function like railroad tracks while a third moving cable propels the cabins.



Image 1 – 3S System in Bolzano, Italy

A 3S Gondola is both a detachable-grip system and a circulating system. These terms and other common 3S Gondola system terms are defined below:

Station: The facility housing the equipment necessary to propel the system and anchor the cables. Stations can be terminals (end stations) or intermediate stations, located at turning points in the alignment or straight sections, and can be passenger boarding stations or pass-through stations. Pass-through stations typically occur at turning points.

Cabin: The vehicle passengers ride from station to station.

Track Ropes/Cables: The large wire rope cables that span from station to station and tower to tower that support the weight of the 3S Gondola cabins. Track ropes are fixed at each end at stations.

Haul Rope/Cable: A continuous and looped wire rope cable that provides propulsion to the cabins. The haul rope wraps around large pulleys called "bull wheels" at the stations. The rope is propelled by a large motor attached to the bull wheel at one or more stations.

Grip: The device that attaches the gondola cabin assembly to the haul rope. On a 3S Gondola system, the grip assembly or carriage has wheels that roll on the track ropes.

Detachable Grip System: A ropeway system that allows the grip to detach from the haul rope in the stations. This feature allows the cabins to travel at a slow speed in the stations and at a higher speed between stations. The advantages of this system are a more comfortable passenger loading/unloading experience and a reduction in the travel time between stations. While the cabins are in stations, the grip assemblies supporting the cabins travel on a track system. By allowing the haul rope to continuously move at a high speed, the cabins traveling between stations do not need to slow down or stop for passengers to board and alight at the stations. The result is higher capacities than can be achieved in non-detachable (fixed) grip systems.

Tower:

A structure located between stations that supports the cables at an elevation necessary to provide suitable clearance. On towers, the track ropes are supported by long, grooved beams called "profile beams" which create a gentle transition for the cables. The haul rope is supported by a series of wheels called "sheaves" that rotate as the haul rope is propelled.



Image 2 – Components of a 3S Gondola System



Image 3 –3S Gondola Tower

3S Gondola System Parameters

Cabin Capacity:	Up to 35 passengers
Travel Speed:	Up to 8 m/s
System Capacity:	Up to 4,000 people per hour per direction
Systems Constructed:	15 worldwide
Systems in Construction:	8
Typical Maximum Wind Speed for Operation:	75+ kph

3S Gondola Systems Around the World	
Constructed Systems	**Systems in Construction**
• Avoriaz, France • Bolzano, Italy • Ischgl, Austria • Kitzbühel, Austria • Koblenz, Germany • Mayrhofen, Austria • Saas Fee, Switzerland • Sapa, Vietnam • Sochi, Russia • Solden, Austria • Stubai Glacier, Austria • Val d'Isere, France • Voss, Norway • Whistler, Canada • Zermatt, Switzerland	• Hunan Province, P.R. China • Jiangxi, P.R. China • Phu Choc, Vietnam • Toulouse, France • Verduchi Russia • Zhuhai, China • Zillertal, Austria

Environmental Conditions

3S Gondola systems are a robust technology, designed for harsh environments. In most weather conditions, 3S Gondola systems can operate safely and with high reliability.

Wind:

The three cable configuration of a 3S Gondola system make the system very robust and safe, especially in windy conditions. Winds blowing parallel to the line have little impact on the system while winds blowing across the line have more impact. Similarly, steady winds have a lesser impact that gusty winds. While it is technically possible to operate in quite strong winds, the ride quality can be reduced as the limit is approached. While this is not a safety concern, passengers may feel unsafe and therefore choose not to ride the system. Slowing the operating speed of the system can aid in ride comfort and is often employed in these conditions. For a 3S system, this level of wind would likely impair or impact most forms of transportation including walking.

3S Gondola systems can be equipped with weather alert systems that keep operators informed of conditions and systems that measure the wind speeds at various locations and automatically alert the operators and slow or stop the system if desired.

Ice:

3S Systems are capable of operating in most icing conditions. In fact, continuing to operate the system is the best way to keep ice from forming on the cables and other mechanical components.

Evaluation of Ropeway Transportation

Ropeway transportation systems have a number of inherent advantages when compared to other urban transit system technologies. They also have some disadvantages. The following table lists some of these issues:

Advantages	Disadvantages
• Proven Technology: over 20,000 ropeway systems worldwide • Quiet • Easily Integrated with Other Transit Technologies • Less than 1 Minute Wait Time • No Schedules or Timetables • Excellent Safety Record • Cost Effective Transit Solution • Low Energy Consumption • Electrically Powered: allows alternative energy sources • No Point-Source Emissions • Small Ground-Level Impacts • Systems Can Integrate Automated Sanitization Systems • Smaller Vehicles Promote Social Distancing	• Possible Loss of Privacy for Properties Below and Adjacent to Alignment: mitigated by automatically tinting windows, window louvers and/or purposeful design of cable car height • A Bend in an Alignment Typically Requires a Station: stations can be minimalistic non-boarding stations to save cost • Some Riders May Have a Fear of Heights: reduced by larger 3S cabins • Travel Speeds are Slower than Light Rail and People Mover Systems: offset by short wait times

Basic Design Principles

3S Gondola systems are a very flexible technology and by their nature they can fly above most of the natural and built environments. The following principals should be considered when planning a system:

- 3S Gondola systems typically follow straight lines. Bends and turns in an alignment typically require stations.
- 3S Gondola systems require some distance to increase and decrease in elevation when leaving a station or tower. Ride quality can suffer if abrupt transitions are implemented. The criteria for 3S Gondola systems is much less restrictive than other transit technologies. The maximum incline a bus, light rail train or people mover system can travel is significantly less.
- Systems can be extended or have additional segments spur-off of existing stations locations, but it is best to plan for possible expansion during the initial project phases.
- The weight of cabins, their equipment and passengers influence the size of system components and impact cost. The addition of amenities in cabins should be minimized where prudent.
- 3S Gondola systems can fly over structures and trees, but adequate clearance is required. Where possible, alignments should be planned to avoid crossing over structures.

Stations

3S Gondola stations are very flexible and can take on many configurations and shapes. The following describes the range of station geometry that is possible for this technology. Photographs of some examples follow this description:

Elevation: The passenger boarding floor elevation must be a fixed distance below the cables, but the floor elevation can range from below ground-level to nearly any elevation above grade. The greater the elevation of the boarding floor level, the more substantial the station structure. Elevated stations can even straddle roadways.

Vertical Circulation: Elevated stations require vertical circulation elements. This can include any combination of stairs, ramps, escalators or elevators. The design of the station should comply with all access and egress requirements. Vertical circulation elements can add significant cost to stations and the station design should consider this fact.

Enclosure: 3S Gondola stations require a minimum amount of enclosure to protect the system equipment, but any additional enclosure is flexible. Some station boarding areas are open to the elements while others are completely enclosed in a building.

Length: The length of the station envelope must be long enough to include the gondola equipment and passenger boarding area, but can be much larger and include additional amenities.

Width: The width of the station envelope must be wide enough to include the gondola equipment and passenger loading and unloading areas. Sufficient width should be included to accommodate the anticipated passenger flow. If passenger circulation areas are constricted, the overall system capacity can inadvertently be limited.

Form: Stations can take on almost any form. Elevated stations can be supported on nearly any number of columns in nearly any configuration. This feature allows for the minimalization of impacts at ground level.

Architecture: Gondola stations are compatible with nearly any architectural style. The minimum requirement is that the equipment is suitably protected. Station architecture can have a significant impact on project cost and can easily represent the majority of project costs.

Construction Impact: Stations are very much like any building structure and their impacts are similar. The flexibility of elevated station structures allows for optimization of ground-level and utility impacts for support columns. During construction, conventional roadway traffic control and safety measures must be implemented.

Construction Phasing Example

One benefit of an elevated, column-supported station is the ability to close 1 to 2 traffic lanes at a time, construct the columns and their foundations in that zone, and then reopen that area to traffic. The following is just one example of a station support structure that minimizes traffic impacts:

- The station is supported by three lines of columns with each line running parallel to the roadway and consisting of 3 to 6 columns. See figures below.
- Two lines of columns are placed in opposite sidewalk areas, outside of sidewalk areas, or in curb bump-outs in parking lanes.
- The third line of columns is placed in a median barrier between traffic lanes near the roadway centerline.
- For this scenario, each line of columns requires only 1 to 3 traffic lanes to be closed for the construction of a line of columns and their foundations. After completion, the traffic lanes can reopen and other lanes can be closed for other construction of other column lines. See Steps 1, 2 and 3 in the figure below.
- Once all columns and foundations are constructed, one half of the traffic lanes can be closed and the platform level can be constructed between two lines of columns. After completion, traffic can be routed under the completed platform and the other platform can constructed over closed traffic lanes. See Steps 4, 5 and 6 in the figure below.
- Once the platform is completed, all traffic can resume and work can be conducted above the roadway with suitable protection and an occasional partial or nighttime closure of the roadway.

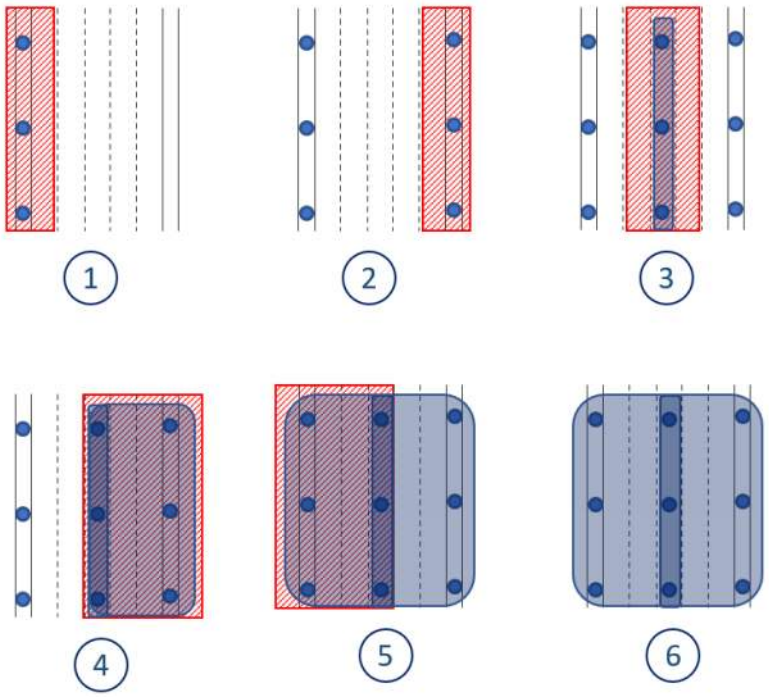


Image 4 – Station Construction Sequencing Example

Example Stations

Example of a minimally enclosed at-grade station.



Image 5 –Caracas, Venezuala

Example of an open-air station with at-grade boarding and only a simple equipment enclosure.



Image 6 – Cabárceno Park, Spain

Example of an elevated station straddling a roadway.



Image 7 – Ankara, Turkey

Example of a low-impact elevation station on steep terrain.



Image 8 – Station Concept Rendering

Example of a minimally enclosed elevated station.



Image 9 – New York City, USA

Example of a minimally enclosed elevated station.



Image 10 – Jackson Hole, USA

Example of a station integrated into a building. The system equipment extends beyond the building while the boarding area is inside the building.



Image 11 – Mexico City, Mexico

Example of an at-grade station with building-type architecture.



Image 12 – Mayrhofen, Austria

Example of an at-grade station with sophisticated architecture.



Image 13 – Kitzbühel, Austria

Example of an elevated station with sophisticated architecture.



Image 14 – Bolzano, Italy

Safety

At times, transit passengers can feel unsafe, especially at night or when a system is operating at low capacity. There are a number of advantages to an aerial gondola system:

- Once passengers are in a cabin and the doors close, they and the other passengers are in a safe space.
- Passengers can request to ride alone or only with people they know at low system usage times.
- In-cabin cameras and intercoms allows passengers to be monitored and request assistance from the operators during their ride.
- Some gondola operators implement woman-only cabins.

Gondola Support Towers

3S Gondola towers can also take on many configurations and shapes. Towers typically implement ladders or stairs for maintenance access. In some cases, construction-type elevators are installed to provide access to the tower top. The following describes the basic styles of towers. Photographs of some examples follow this description:

Lattice: Lattice towers are typically the most cost effective towers to implement and often have very low visual and ground impacts. While the aesthetics of lattice towers may be less interesting, the small structural elements and airy construction often make this tower type nearly disappear when viewed from a distance. Lattice towers typically have four legs and are typically supported by an individual foundation below each leg. The foundations that support this tower type can have very low impacts on the existing environment both during construction and when completed.

Tube: Tube towers are one of the most economical tower types. Consisting of a single, often tapered, vertical tube these towers have a simple yet appealing form. Compared to lattice towers, these towers tend to be more visible from a distance. The foundations for tube towers typically have a larger impact than lattice towers as the impact area is approximately two-times the base diameter.

Custom: Custom towers are often selected to make a statement and increase the aesthetic appeal of the system. These towers can be quite expensive and complicated to implement. While the form of these towers can be varies, making all towers of the same style can reduce the overall project cost. One should assume an impact area of approximately two-times the base area of the tower.

Regardless of tower type, the tower foundations can be designed to only project minimally above grade or to a sufficient elevation to protect the towers from vandalism and climbing. The exposed portion of the foundations can be architecturally treated to improve the appearance.

3S Gondola systems can be installed with Wi-Fi hot spots on towers to provide service to the entire route.

During construction, vehicle access is typically required for the delivery of materials and equipment, but it is possible to fully construct a tower and its foundations without road access by using helicopters and in situ jib cranes. The construction impacts can be very minimal and most sites can be returned to their previous condition following construction. Generally, a laydown area and space for a crane are required during construction. Long term road access is recommended for maintenance activities, but other solutions do exist.



Image 15 – Example of low-impact micropile foundation construction.

Example Towers

Example of a lattice tower with individual foundations.



Image 16 – Jackson Hole, USA

Example of a lattice tower straddling a road.



Image 17 – New York City, USA

Example of a lattice tower with elevated foundations.



Image 18 – Mayrhofen, Austria

Example of a tube tower with a single column.



Image 19 – Medellin, Columbia

Example of a custom tower.

Example of a tube tower with two support columns.
(note extended foundations)



Image 20 – Manizales, Colombia

Example of a custom tower.



Image 21 – Portland, USA



Image 22 – Moscow, Russia

Example of a custom tower with nighttime accent lighting.



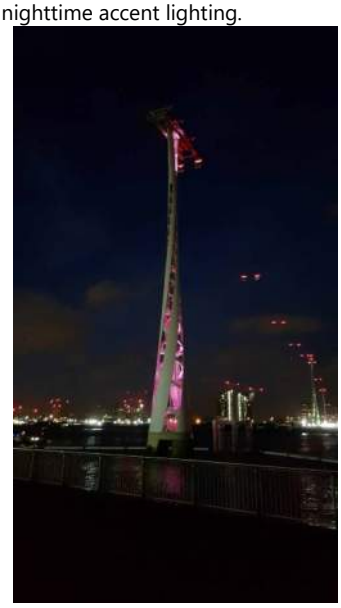


Image 23 – London, UK

3S Gondola Cabins

3S Gondola cabins are sophisticated transit vehicles. The following describes some of their features:

Size: The cabin floor is approximately 3.7m (12 ft) square and the interior height is approximately 2.5 m (8 ft). Cabins are designed to comfortably hold the weight of up to 35 passengers in a number of configurations.

Windows: 3S Gondola cabins have large windows on all sides that create a pleasant viewing experience for riders. The large cabin size is typically sufficient to allow an interior space for passengers preferring not to look out a window.

Doors: The cabins have a pair of doors on one side that slide outward to allow passengers to board and alight. The doors are automatically opened and closed by the system and lock when closed. Passengers do not have the ability to open the doors. There are emergency door releases accessible to trained personnel should the need arise.

Station Interface: Cabins travel at approximately 0.25 m/s (1 fps) in station areas when the doors are open to allow comfortable boarding and alighting. The cabin doors typically remain open for 30 – 45 seconds. The cabin floor is at the same elevation as the station platform. The gap between the cabin and the platform is carefully adjusted to meet all accessibility standards.

Accessibility: 3S Gondola Cabins easily accommodate a variety of mobility devices and passengers utilizing these devices. The slow travel speed of the cabins through the stations allows most mobility device users easy access to this technology without assistance. Most systems provide attendants that can offer assistance when appropriate. If needed, the attendant can slow or stop the system for loading or unloading. If a cabin is slowed or stopped in a station, typically the entire system slows proportionately or stops as the entire system is synchronized. 3S Gondola Systems can be installed with auditory signaling for passengers experiencing vision impairment. In most cases, auditory signaling has been determined to not be necessary for safe boarding and alighting.

Bicyclists:

3S Gondola Cabins can easily accommodate passengers traveling with bicycles. Bicycles can easily be walked into cabins and held by the passenger. If desired, cabins can be outfitted with bike racks on the interior. The interior finishes of cabins can be designed to reduce wear and tear from bicycles. (See the following page for examples)

Manufacture:

The cabins for 3S systems are typically manufactured by one of two European firms, Sigma Cabins and CWA. The cabins undergo significant design efforts and testing prior to going into production. This rigorous process results in extremely safe passenger vehicles. Due to the time and expense required to develop a new cabin design, custom exterior cabin geometry is seldom cost effective.



Image 24 – Sigma 3S Cabin



Image 25 – CWA 3S Cabin



Image 26 – Passengers Loading Cabins



Image 27 – Passengers with Bicycles

While the cabin structure is a fixed product that cannot be efficiently customized for one project, there are many components that can be customized:

Exterior Graphics: Cabins can be customized with graphics and painted to suit the location. Cabins can also have exterior accent lighting which adds flair as the cabins travel through the air.



Image 28 – Examples of Custom Exterior Graphics

Exterior Illumination: 3S Gondola cabins can be outfitted with decorative accent lighting to increase the visual appeal during nighttime operations.



Image 29 – Examples of Exterior Signage

Seating Configuration:

Cabins can be provided with a wide array of seats and nearly any configuration. Configuration can range from 26 fixed seats to zero seats, maximizing the space available for standing passengers. Tip-down seats can also be utilized for some or all seats to increase the space available for both seated and standing passengers depending on needs and preferences. Stanchion poles and grab-straps can be provided for passenger stability. In urban transit applications, most passengers will prefer to stand, especially for short rides. The width of aisles can be adapted to an owner's preference and to meet the required access criteria. The seating layout can be specified by a system owner during the design phase.

See the following page for examples of seating configurations.



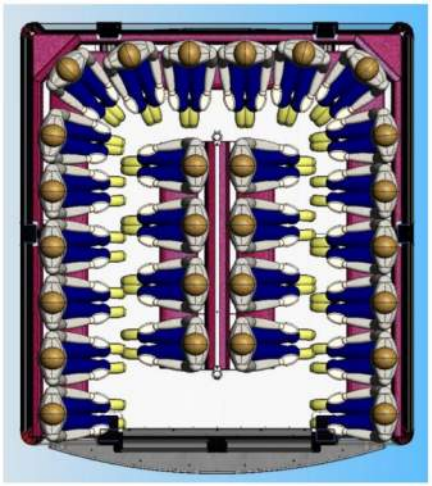
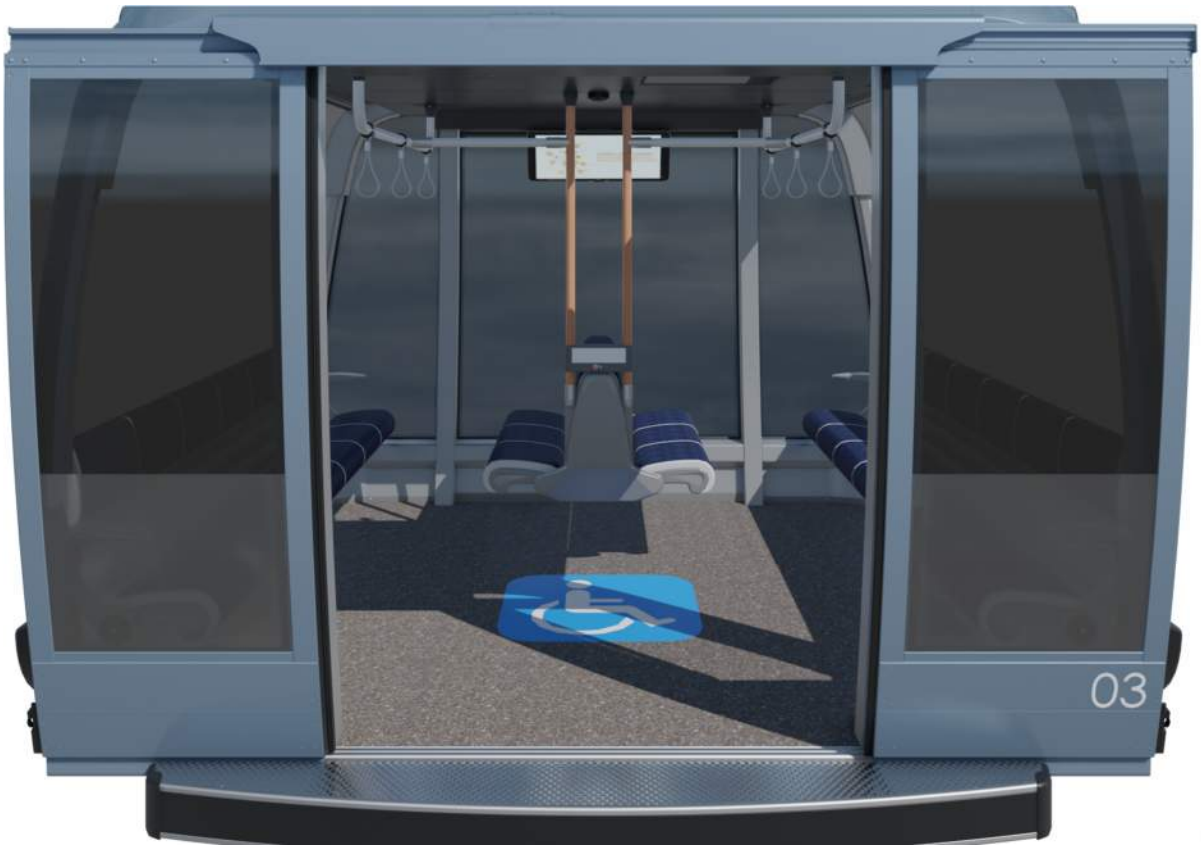


Image 30 – Maximum Seated Passenger Configuration (26 seats)



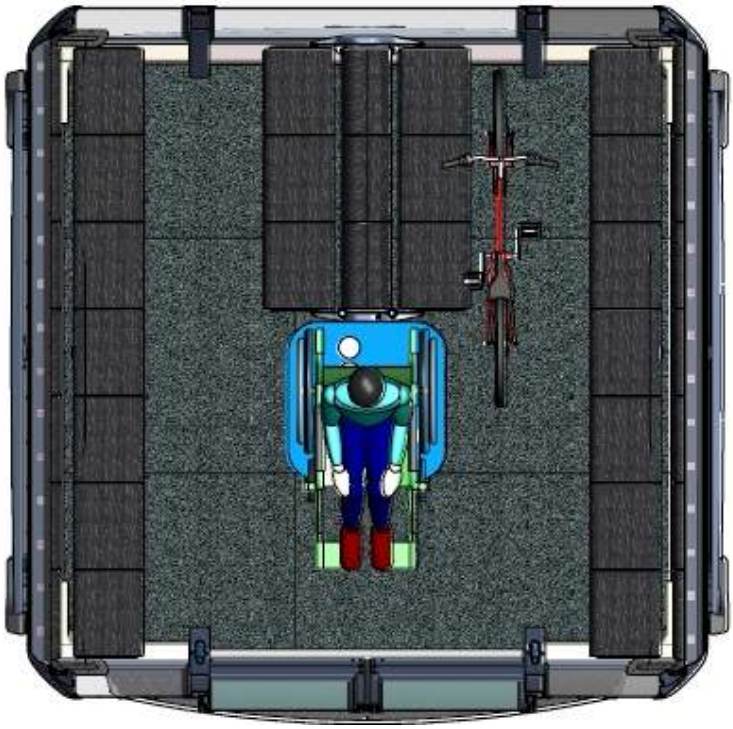


Image 31 – Hybrid Seating Configuration

Interior Lighting:

3S Gondola systems that operate after daylight hours incorporate interior lighting that meets the appropriate standards. Floor lighting is typically used to create a safe space in which to move, but not create a reflection on the interior of the cabin windows.



Image 32 – Examples of Interior Lighting

Signage and Multi-Media:

3S Gondola cabins can be outfitted with fixed signage, replaceable signage media and even digital displays. Fixed signage may include system maps or safety information while replaceable sign media may be used for advertising or event notification. Multi-Media displays can similarly be used to convey this same information as a set of revolving still images or even show videos and current weather or news information.



Image 33 – Example of Interior Multi-Media

Cabin Monitoring:

3S Gondola cabins can include closed-circuit video that can be monitored by the operations staff to promote safety and security. Cameras can be visible to passengers as a deterrent or hidden. Cabins can also have call buttons and intercoms that allow passengers to contact the operations staff.



Image 34 – In-Cabins Call-Button and Intercom



Image 35 – Operator Screen of In-Cabin Video



Image 36 – In-Cabin Camera

Wi-Fi Communications: 3S Gondola systems can provide Wi-Fi to passengers. This is typically implemented by installing Wi-Fi hot spots on towers to provide service to the entire route.

Ventilation: 3S Gondola cabins typically include ventilation systems that either utilize the velocity of the cabins to move fresh air though the cabins or fans to move outside air into the cabins. Cabins typically have passive vents on the opposite side of the cabin to allow air to exit. These systems can be adjusted seasonally to operate when needed and otherwise remain inactive. The inclusion of fans requires in-cabin power (see below). For short travel times, ventilation is usually sufficient for warm seasons. In cold weather, simply being enclosed in a cabin often creates a reasonable environment. Passengers typically must travel at least short distances in the elements to arrive at a gondola station and are therefore both dressed and acclimated to the conditions.

Heating: In some installations, 3S Gondola Cabins have been implemented with heating systems. These systems can blow warm air or heat seats. Adding heat to cabins requires significant power which can be a limiting factor (see below).

Air Conditioning: Some gondola systems have provided air conditioning for the cabins. In moderate climates, systems with short ride times typically use only passive ventilation. Air conditioning also requires significant power which can be difficult to achieve (see below).

Note: Instead of installing heating or air conditioning in cabins, some systems have equipment in the stations to blow conditioned air into the cabins prior to passengers boarding. This typically creates a comfortable ride for short to medium duration trips.

In-Cabin Power:

3S Gondola cabins are technically capable of providing limited power to support ventilation, heating, air conditioning and convenience power (USB or wall outlets). The addition of power in the cabins can be achieved by a number of sources as described below. For systems with short to medium trip times, the added complexity of these systems comes without significant upside. Further, the systems described below can add significant weight to cabins and potentially reduce the passenger carrying capacity as the maximum weight per cabin is a fixed value.

Batteries

Batteries can be added to cabins and placed in the floor, on the roof or under fixed seats. A significant amount of battery power will add a considerable amount of weight. Batteries must be charged while the cabins are off-line and in the cabin storage area. This can occur at night when the system is out of operation, but the fact that the batteries must last a full operational shift make the power they can provide limited. Batteries also have a finite working life and must be replaced occasionally.

Super Capacitors

Super capacitors can be similarly installed in cabins to provide power and have the benefit of faster charging times. It is technically feasible, though challenging, to charge super capacitors while the cabins cycle through the stations. Given the short duration a cabin is in a station traveling at slow speed, the power transfer must happen very quickly. Super capacitors are also heavy and have the potential to reduce passenger capacity.

Solar PV Panels

Photovoltaic solar panels have been installed on gondola cabins to provide small amounts of power for interior wall outlets or USB charging ports. Batteries are generally also required to store the solar power.



Image 37 – Solar Panels Mounted to Cabin Roof

Carriage Power Generation

It is possible to generate power through the interaction of the cabin carriage and the track ropes. A small generator is incorporated in the grip assembly and turned by one of the wheels through contact with the stationary track rope. This system adds complexity to the cabin which requires additional maintenance. Since there are a significant number of cabins on a system, any added cabin maintenance can create sufficient work for one or two full-time staff.



Image 38 – Carriage Power Generation

Gondolas and Privacy

In an urban environment, transit systems must often navigate the available open space. This often brings a transit system in close proximity to existing structures and other properties. Aerial gondola systems are not unique in this fact, but the nature of the systems creates some additional advantages and challenges. The ability of an aerial ropeway system to fly over challenging terrain and infrastructure is a net positive, but owing to their significant height, screening the system is impractical and viewsheds are more impacted. People are typically used to seeing buses and light rail vehicles traveling through a city. The simple fact that a gondola system is different and new may create additional concerns, whether warranted or not. There is often a period of time required for such a system to become accepted in a community. One example of this situation is the Roosevelt Island Tramway. It was originally built as a temporary measure to provide easy access from the Island to Manhattan while the subway below the East River was built. The system met some initial resistance, but ultimately gained favor. After the subway was completed, the tramway removal was rejected by the community as it was the preferred transit technology.

Some of the concerns of property owners and occupants in the vicinity of an aerial gondola are related to gondola passengers either seeing into their buildings through windows and skylights or seeing into a fenced piece of property that is otherwise screened from viewing. There are several mitigation measures that can address these issues:

Profile Design:

One advantage of an aerial ropeway system is that the elevation the cabins travel can vary along the route fairly easily. In some instances increasing the elevation of the system can mitigate privacy concerns. For example, raising a system can prevent the gondola cabins from passing by a building's windows. Alternatively, lowering an alignment may also be beneficial if it reduces the perception of property owners that gondola passengers can see into their spaces.



Image 39 – Gondola Traveling Intentionally High Past a Property

Window Louvers:

The simple addition of louvers on gondola windows can inhibit gondola passengers from seeing out of cabins at specific angles while allowing passengers to see out of cabins at other angles.

Tinting Windows:

Technologically advanced glass can be installed for cabin windows. This system is activated automatically and makes windows opaque by introducing an electric current in the material. With this method, the windows can be selectively tinted at various locations along a route where sensitive areas exist. While effective, this system adds cost to the project.



Image 40 – Window with Tinting Glass

3S Gondola System Noise Sources

3S Gondola Systems are typically much quieter than conventional transit systems like light rail or busses. Due to the vehicles being propelled by a cable, the majority of the machinery and noise sources are concentrated at station locations. Along the route, cabins do not emit noise and at tower locations only minimal sound is produced as the cabins roll over the tower tops. At stations, the majority of the noise created is due to passengers, air conditioning equipment and ancillary equipment like escalators. The sound produced at gondola stations is typically considerably less than the sound produced at bus stops and SkyTrain stations as those transit vehicles produce significant noise from braking systems and engine noise.

The following diagram identifies typical noise sources and estimated sound values:

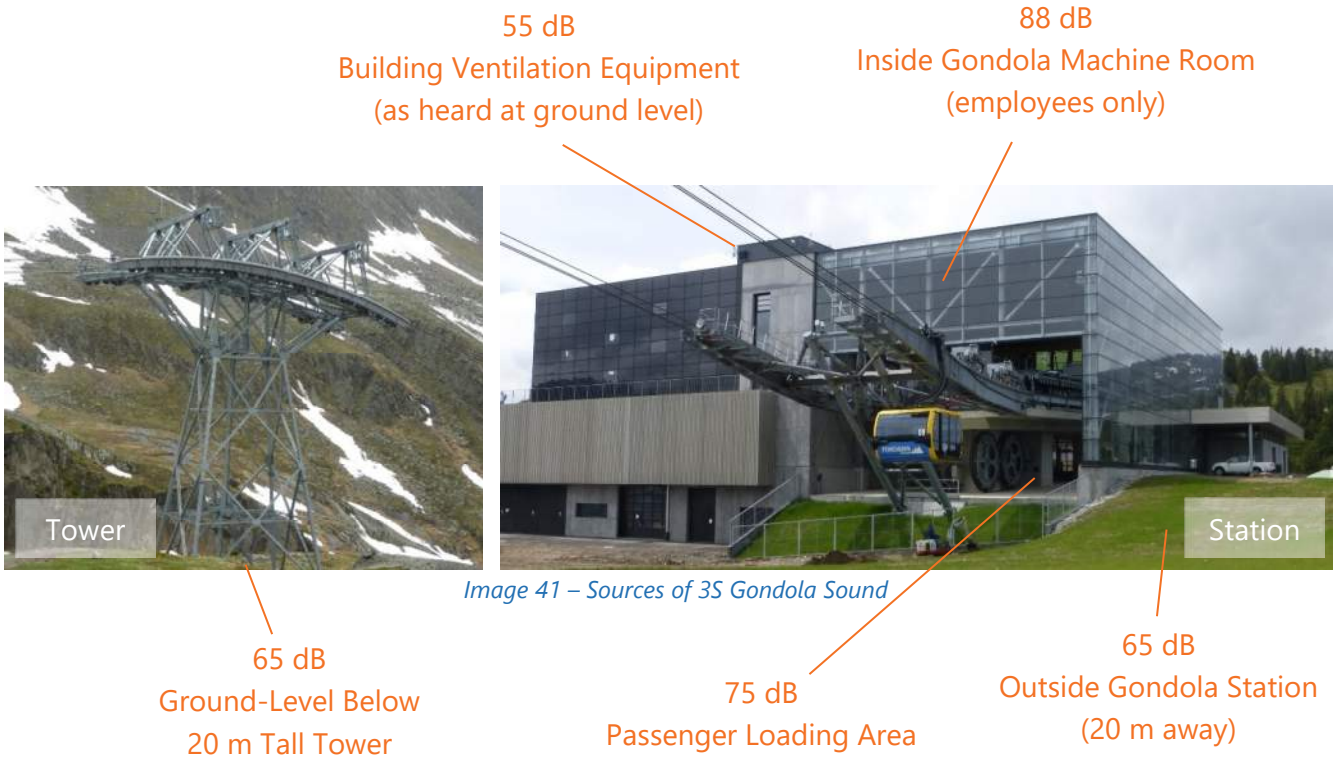


Image 41 – Sources of 3S Gondola Sound

The following common sources of sound have been provided for reference:

Quiet Home – 35 dB
Quiet Library – 40 dB
Office – 45 dB
Soft Music – 50 dB
Dishwasher – 55 dB
Normal Conversation – 60 dB
Washing Machine – 70 dB
Lawnmower – 75 dB
Noisy Restaurant – 85 dB
Car Horn – 100 dB

The following chart estimates the sound intensity at varying distances from a typical 3S Gondola tower with an example height of 110 m. Comparison sources have been provided for reference.

Distance from Tower Base	Sound Intensity
25 m	50 dB (soft music)
175 m	45 dB (office)
340 m	40 dB (library)
625 m	35 dB (quiet home)

Note: The above values have been provided to give a general understanding of sound intensity from a variety of gondola sources. The actual magnitude of sound from these sources is highly variable and dependent on the design of the gondola system and the station enclosures. At distances greater than specified, the sound intensity decreases by 6 dB for a doubling of the distance.

3S Gondola System Safety & Reliability

3S Gondola Systems are a safe form of transit. The fact that gondola systems travel through the air, reduces their interactions with automobiles and other impediments that can hamper other ground-based transportation technologies. Since an aerial transit system travels above ground level, the reliability of the system is obviously very important. Every transit system consists of electrical and mechanical equipment which can malfunction from time to time. A timely return to service depends on:

1) Safety – no major equipment failure, which is mitigated by regular inspections and servicing, for example; and
2) Timing – a timely return to service is a priority, supported by temporary contingency plans for transit (ie bus bridge) while inspections and service take place, for example.

As such, there are a number of features of the 3S Gondola technology that ensure both safety and a prompt return to service.

Proper Maintenance: The first principle of reliable transit operation is a program of well maintained equipment. Maintaining equipment properly according to a defined schedule makes component breakdown unlikely.

Redundant Machinery: 3S Gondola Systems can be implemented with suitable redundant machinery that under only the rarest of circumstances will a delay in a return to service be likely. Some examples include backup motors that can be quickly engaged and backup electrical power in case of an outage.

Integrated Rescue: Through an approach termed "Integrated Rescue", a 3S Gondola system can be one of the most reliable transit technologies in the world. This concept is named as such because it avoids the need for an evacuation or "rescue". It accomplishes superior reliability through careful system design in which a detailed hazard analysis identifies potential points of failure and mitigates the likelihood of a failure. This basically means planning a work-around for any piece of failed equipment such that passengers can be transported in cabins to stations under any circumstance.



Image 42 – Backup Drive



Image 43 – Backup Power Generators

System Evacuation:

The likelihood of a technologically advanced 3S Gondola System failing to operate under its own power is so remote that most systems will never experience a system evacuation. Aerial ropeway systems are strictly regulated and one component of the required operation plan is evacuation. What this typically means for the 3S Gondola technology is the integration of one or more rescue vehicles. Systems are designed so that each point along the route can be reached with a rescue vehicle. A rescue vehicle can be designed to do one of two things:

1. Collect passengers from each cabin and take the passengers to a station or
2. Connect to each cabin and transport the cabins to a station to unload.

Ticketing and Access Control

3S Gondola stations can utilize similar technology as other transit systems for ticketing and access control. Ticketing can be pay per ride or through a pass system. Tickets can be purchased through an electronic vending system or from a cashier. The ticketing system can be independent or integrated with a transit system. Within a station, access control can be provided by turnstiles, attendant verification or through an honor-system with occasional verification by authorities.

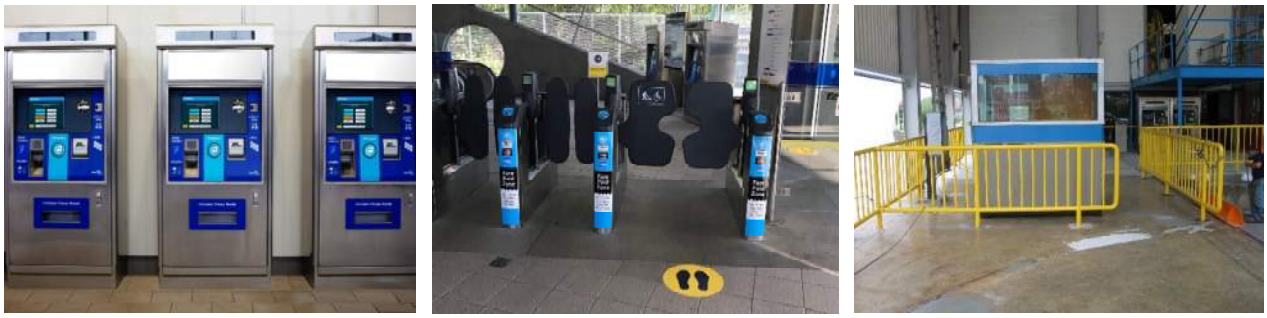


Image 44 – Examples of Access Control and Ticketing

3S Gondola stations can be constructed to easily accommodate passengers traveling by bicycle. Passengers dismount and enter the station by ramp, elevator or stair. It is often left to the passenger to determine the most appropriate route. Within the station additional features can be implemented to improve bike access.

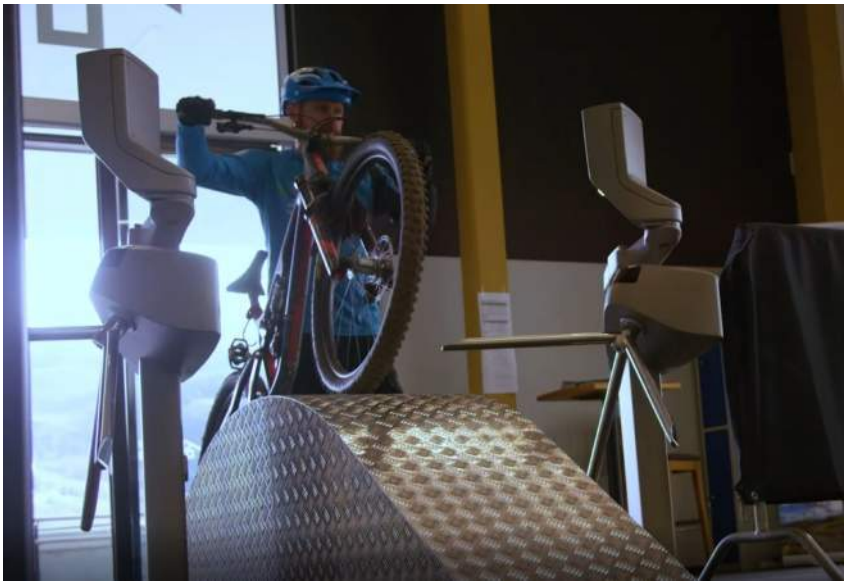


Image 45 – Examples of Bicycle Amenities

3S Gondola Cabin Storage, Operations & Maintenance

A 3S Gondola system is a complex system and an investment. For safe and reliable operations, sufficient staff and suitable facilities are required:

Operations:

3S Gondola Systems operate automatically. Operations staff often utilize video and/or a window to view the loading platform. Many systems also utilize additional staff on the loading platforms to observe and aid passenger loading and unloading. All staff positions have controls to slow and stop the system should anything occur.

Routine Maintenance:

3S Gondola Systems require frequent and routine maintenance to provide safe and reliable service. Each system requires a maintenance facility. Maintenance facilities are typically located at a station.

Most maintenance occurs where the equipment resides. For example, tower machinery is frequently lubricated and station equipment is often maintained in place. Some equipment is removed and taken to the maintenance area. Cabins are maintained in a specific area of the maintenance area. Typically one or more spare cabins are provided such that a full number of cabins remain on line even when cabins are receiving maintenance.

Most system maintenance occurs at night or when the system is scheduled to be out of operation. At scheduled intervals, major maintenance is also required that will impact system operations. This maintenance can be planned at convenient times where ridership is expected to be low.

Cabin Storage:

3S Gondola Systems typically include an indoor storage area for the gondola cabins. When not in operation, cabins are typically removed from the line automatically and stored to reduce exposure and the opportunity for vandalism. The cabin storage area is commonly collocated with the maintenance facility or a station.



Image 46 – Operator Control Panel



Image 47 – Maintenance Area



Image 48 – Cabin Storage Area

Construction of a 3S Gondola System

There are a number of things to consider when examining the local labor and economic impacts of the construction of a 3S Gondola system:

System Equipment: Most gondola electro-mechanical components are produced by the system manufacturer or sourced from specific vendors with whom the gondola supplier has relationships. This ensures reliable installation and operation. There is little opportunity to source the necessary equipment from a Canadian source.

Cabins: All 3S Gondola cabins are manufactured in Europe. There is no opportunity to produce these specialized products in Canada.

Structural Steel: Structural steel is typically the preferred material for tower structures and a portion of the station infrastructure. These components are similar to other structures and can typically be fabricated locally if a project owner stipulates this requirement. The project costs could increase if the structural steel components were produced in Canada as opposed to other areas of the world, even considering transportation costs.

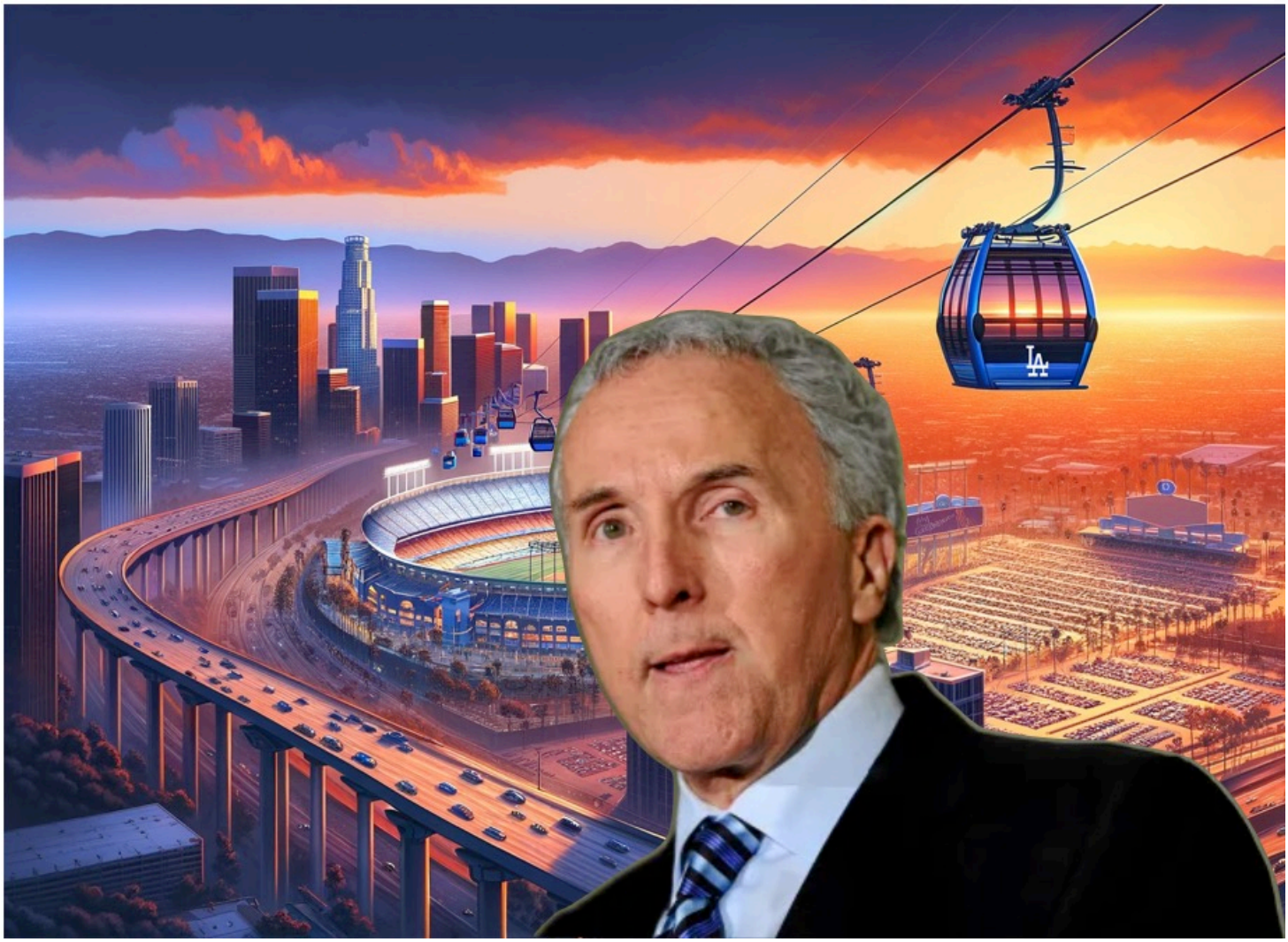
Foundations: The materials and contractor labor required to construct the tower and station foundations is anticipated to be sourced locally in Canada.

Stations: The materials and contractor labor required to construct the station structures is anticipated to be sourced locally in Canada. Additionally, the infrastructure included in the stations (vertical circulation elements, HVAC equipment, lighting, etc.) can all be sourced locally as appropriate.

It is estimated that the implementation of a 1-Section 3S Gondola system would employ approximately 50 local construction workers over the period of one year in addition to the workers required to construct the station buildings. A 2-section system would require approximately two times as many local construction workers.

Frank McCourt's Gondolas: What is His Overall Plan?

JACK HUMPHREVILLE / FEBRUARY 01 2024



Comments

LA WATCHDOG - Frank McCourt, the former owner of the Dodgers a
of the Dodgers parking lot, Climate Resolve, a respected environmer
profit, and Zero Emissions Transit, a newly formed non-profit, are pla
construct and operate the 1.2-mile Los Angeles Aerial Rapid Transit
use gondolas to ferry 5,000 baseball fans an hour from Union Statio
Stadium with an intermediate stop in the Los Angeles Historic State



As part of the approval process, Metro, acting as the lead agency, ha
Environmental Impact Report (at McCourt's expense) that will be pre
Metro Board at an upcoming meeting. Hopefully, the 13 members of
including Mayor Bass who is the Chair and her three appointees, will
and analyzed the 100-page Executive Summary and the impact on th
communities. (See below.)



According to the EIR, the capital cost of the Aerial Rapid Transit syst
to be in the range of $500 million. Operating costs are projected to b
million a year.

Importantly, the sponsors have said that LA-ART will be privately fina
rely on any cash or credit support from Metro or any other public ent
however, will require the operation to generate at least $55 million of
amount necessary to cover operating expenses of $10 million, capit
(principal and interest) of $35 million to service the $500 million of bonds, and a
cushion demanded by the lenders or



To generate this level of revenue will require an extraordinary number of full pay riders (Dodger ticket holders ride for free), not only to visit Dodger Stadium and its many events, but to view the many sponsorships envisioned by the promoters. At best, this level of revenue is problematic.

The real payoff will be the development of the open space at Dodger Stadium, an idea that was proposed by Frank McCourt when he owned the Dodgers and is most likely part of his game plan now that he owns 50% of the open space.

If so, the development of Dodger Stadium adds a level of complexity to the proposed LA-ART that needs to be addressed in an open and transparent manner, including in the EIR.

****

On January 24, local Councilwomen Eunisses Hernandez introduced a motion requesting an updated traffic study for Dodger Stadium. She also requested that the "City Council suspend any action on approving advancements to the LA-ART project contingent upon the results and recommendations of the updated results and recommendations of the updated Dodger Stadium Traffic Assessment." This project also needs to be approved by the City, County, and the State.

This project is expected to reduce traffic on games days and cut the emission harmful greenhouse gases. It has been endorsed by many environmental organizations. It has also generated considerable controversy from residents who will be impacted by the noise and loss of privacy because of five-ton gondolas passing overhead every thirty seconds on game nights. The Friends of Elysian Park

discussed their opposition in a recent Op-Ed column in the Los Angeles Times, If the Dodger Stadium Gondola is Only the Beginning, What Becomes of Elysian Park as has the Neighborhood Council Sustainability Alliance.

(Jack Humphreville writes LA Watchdog for CityWatch. He is the President of the DWP Advocacy Committee, the Budget and DWP representative for the Greater Wilshire Neighborhood Council, and a Neighborhood Council Budget Advocate. He can be reached at: lajack@gmail.com.)

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S [redacted]

12 days ago

Excited for the gondola! Development of Dodger Stadium is legally (and enivornmentally/ethically) necessary - City of LA needs to rezone for 255k new housing units across the city as parts of its October 2024 updated housing element. Dodger Stadium lots, 330 acres of wasted space near the core downtown area of one of the biggest cities in the world, are the obvious spot for thousands, if not tens of thousands, of those new units.

Without the gondola, those future residents of the Stadium lots will be far more likely to own and use cars, and own bigger cars rather than smaller cars - all increasing local pollution.

Gondola is an obvious fix with zero local impact aside from a few poles. No-brainer.

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

Metro

Board Report

File #: 2022-0770, **File Type:** Oral Report / Presentation **Agenda Number:** 6.

2028 OLYMPICS COMMITTEE
NOVEMBER 16, 2022

SUBJECT: MOBILITY LESSONS LEARNED FROM WORLD SPORTS EVENTS

ACTION: RECEIVE ORAL REPORT

RECOMMENDATION

RECEIVE oral report on Mobility Lessons Learned from World Sports Events.

ISSUE

At its September 2022 meeting, Director Solis requested a report back on mobility lessons learned from previous world sports events.

EQUITY PLATFORM

Nearly 90% of the proposed venues in Los Angeles County for the 2028 Games are within Equity Focused Communities (EFCs). The lessons learned offer best practices to enhance mobility during the 2028 Games to keep the region moving and minimize the disruption of quality of life for all Angelenos, especially EFC populations. The lessons learned from this presentation provide insight into how to leverage infrastructure for the Games to create legacy benefits, such as enhanced mobility, accessibility, connectivity, workforce development, and economic opportunity.

Like in previous major events, parking restrictions and road closures at venues may impact high ridership lines during the 2028 Games. Staff is working on preparing demand data to understand the potential impacts of the Games. When data becomes available, Metro can identify and mitigate service impacts to riders along high-ridership lines during the Games. The lessons learned incorporate best practices for reducing the impact on disadvantaged communities and overcoming these mobility challenges, including accessibility parking, transit detours, and implementation of the Games Route Network.

Prepared by: Ernesto Chaves, Interim Senior Executive Officer,
(213) 418-3142

Reviewed by: Seleta Reynolds, Chief, Office of Strategic Innovation (213) 922-4083
Nicole Englund, Chief of Staff (213) 922-7950

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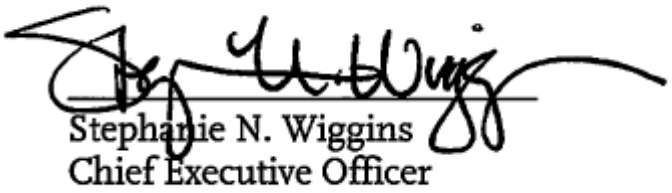


Stephanie N. Wiggins
Chief Executive Officer

Major Events

Lessons Learned



Metro

Agenda

- LA 1984
- London 2012
- Rio 2016
- Super Bowl LVI
- LA Sports Equinox Day (Oct 28, 2018)
- MLS Cup Final & USC Game (Nov 5, 2022)

LA 1984: What's changed?

LA COUNTY	1984	2028 (anticipated)
Population	8M	12M
Employment	3.5M	5M
Average Delay per Vehicle/Commuter	60 hours	120 hours

GAMES

35% more sporting events

2X the amount of athletes

3X the amount of media coverage

Metro

LA 1984: What's changed?

MOBILITY	Miles in 1984	Miles in 2028 (anticipated)
Metro Rail	0	134
Metro BRT	0	74
Metrolink	0	538



LA 1984: Leveraging Strategies for Success

1984 Games

	SPECTATORS	GENERAL PUBLIC
HIGHLY EFFECTIVE	• Transit marketing • Express bus service • Event Scheduling • HOV system	• Encouraged vacations • Reduced non-essential travel
MODERATELY EFFECTIVE	• Dynamic traffic signal system (ATSAC)	• Flexible work schedules • Retimed truck traffic
LEAST EFFECTIVE	• One-way streets • Ramp closures	• Remote working

WHAT IS STILL APPLICABLE AND CAN BE SUCCESSFUL IN THE 2028 Games?

SPECTATORS	GENERAL PUBLIC
• Transit marketing • Express bus service • Dynamic traffic signal system	• Flexible work schedules • Retimed truck traffic • Remote working (proven during the COVID pandemic)

Metro

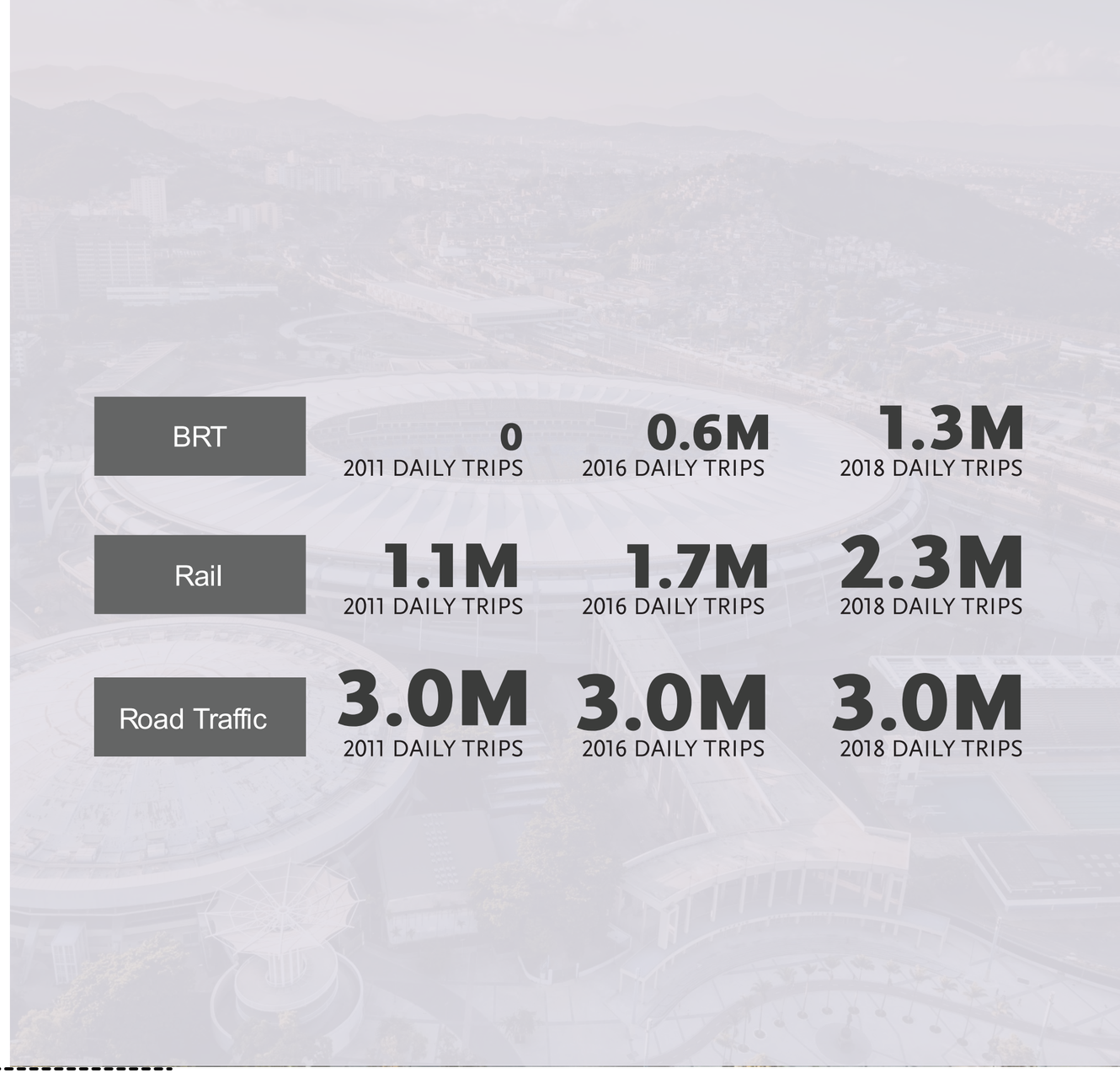
London 2012

- First car-free Games but has significantly more robust public transit system and culture
- UK government established the Olympic Delivery Authority to deliver venues and infrastructure
- London's GRN was highly successful but used local arterials, not freeways like current LA proposal
- London had to coordinate with 40 transit operators, similar coordination effort is needed in LA



Rio 2016

- Focused on building BRT routes
- Used the Games as a catalyst/accelerator to deliver large transit projects
- Used the 2014 World Cup to test and pilot mobility strategies
- Multiple city centers and Games dispersed into four sports parks
- Rio encountered what Los Angeles will encounter:
  - Public health, safety and security issues
  - Construction cost issues
- The Games Route Network used Rio's arterial network; not urban freeways like Los Angeles



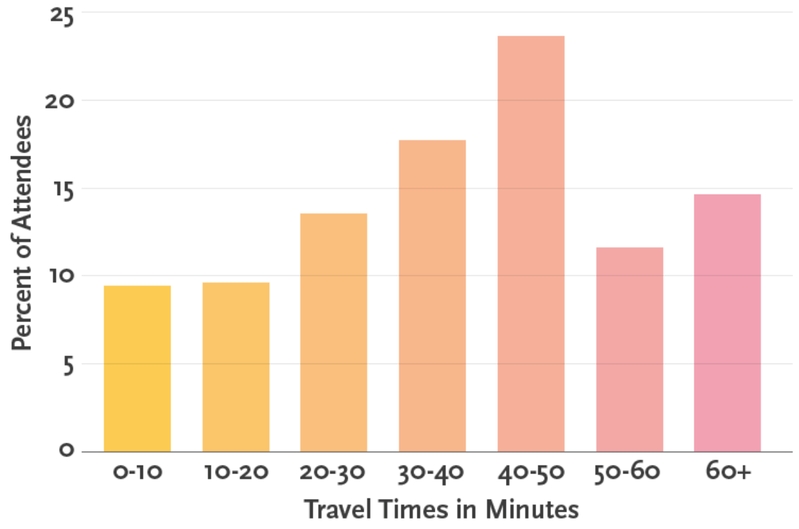
Common Roles & Responsibilities of Metro's Equivalent at other Major Events

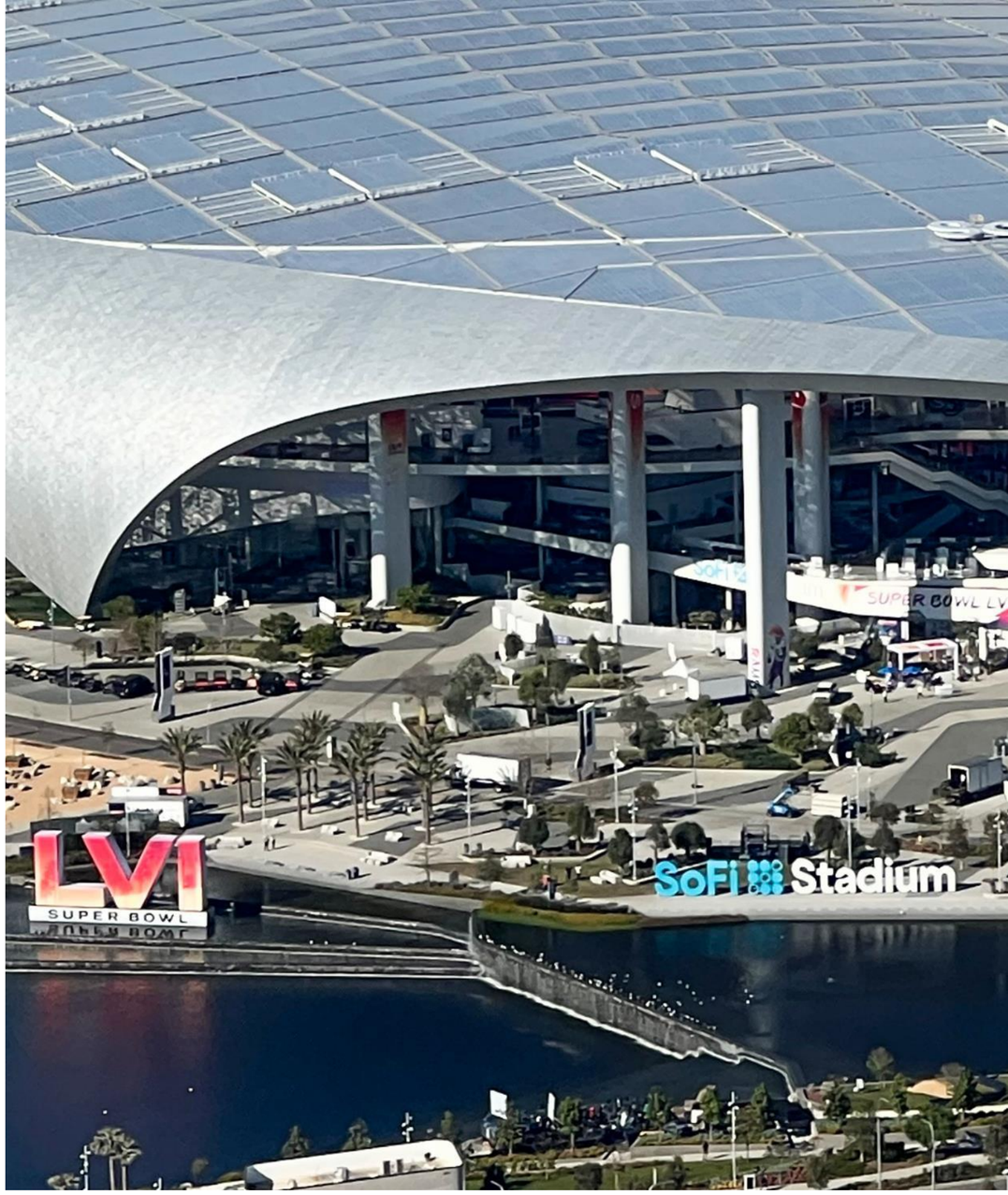
- Created and prioritized needs assessments for essential mobility investments
- Stewarded planning and delivery of mobility projects
- Conducted transportation modeling for demand on transportation systems including Games Route Network (GRN)
- Led TDM marketing, communications, strategies, and program
- Provided mobility services for spectators and general public

Super Bowl LVI

- Of the approximately 75,000 who attended, nearly half came from outside LA County
- Most out-of-town attendees stayed within 5 miles of SoFi Stadium on game day
- Trips within 5 miles that would take about 10 minutes on a regular day tripled to an average of 37 minutes

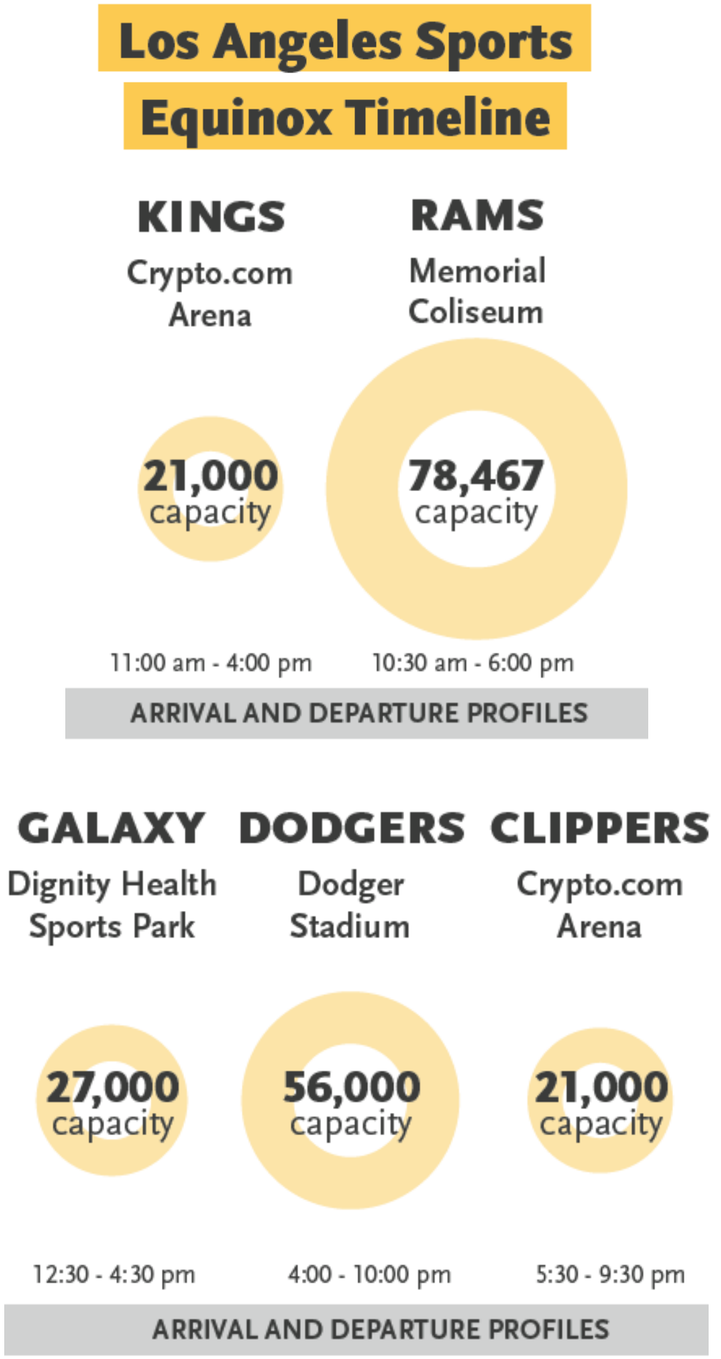
Super Bowl Attendee Travel Times within 5 Miles of SoFi Stadium





LA Sports Equinox Day

- First time all five major men's sports leagues hosted games in LA on the same day
- Provides insight into what a typical 2028 Games event day might be like, including travel patterns and congestion hot spots
- Top 5 most common corridors traveled to get the venues used during the LA Sports Equinox Day:
  - I-110/SR-110 Harbor Freeway
  - I-405 Santa Monica Freeway
  - I-5 Golden State Freeway
  - SR-60 Pomona Freeway
  - SR-91 Gardena Freeway



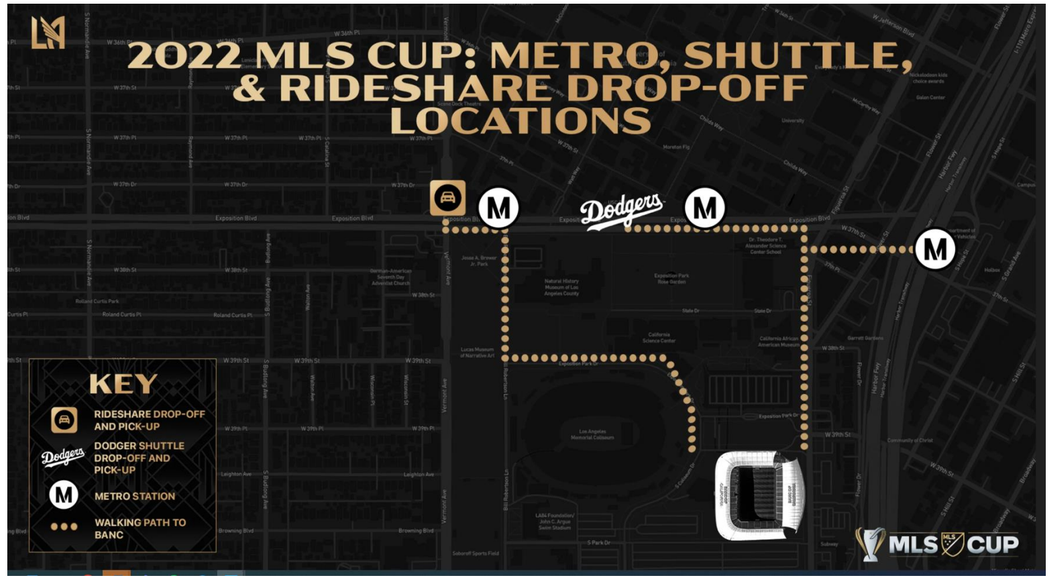
MLS Cup Final and USC Game Day

- MLS Cup Final scheduled for 1pm; USC Game scheduled for 7:30pm – no parking at USC/Expo Park for MLS Game
- *Private shuttle bus service* – provided by MLS from Dodgers Stadium, 9 am to 6 pm; 500 car and 1500 riders used this service.
- *Metro Rail* - E Line Service increased to 10-minute headway, 9AM to 7PM; 8 to 10-minute headway after 7PM w/ 3-car trains
- **3x more ridership compared to a non-event Saturday**
- *Metro Bus*

  – Silver Line service was promoted by Metro and LAFC.

  – Extra standby buses provided 10 am – 7 pm

  – **5x more ridership compared to a non-event Saturday**





Best Practices that Apply to Metro for 2028

- Use the Games as a catalyst to deliver high performing transit for all Angelenos
- Lead TDM program including freight policies
- Lead transportation modeling for demand on transportation systems including Games Route Network (GRN)
- Create integrated ticketing that includes venues and transit
- Implement trip planning applications with first-last mile strategies
- Increase ridership with permanent mode shift by improving customer experience and enhancing the existing network
- Develop a program management approach to deliver MCP prioritized projects
- Create a central, multiagency transportation operations center to manage all transport operations

Skip to main content

Public Record Requests

Metro - Los Angeles County Metropolit...

Request 22-1320 Closed

Dates

Received

October 7, 2022 via web

Staff assigned

Departments

Public Records Requests

Point of contact

Cano

Request

My request pertains to the Los Angeles Aerial Rapid Transit Project.

In a Metro Board Report dated September 15, 2022 (https://boardagendas.metro.net/board-report/2022-0316/), it states, "A Memorandum of Agreement (MOA) between ARTT and Metro was executed in April 2019. Amendments to the MOA were executed in September 2021 and June

2022 to extend the date by which ARTT will submit updated project information, including

construction and operating costs and a funding and financing plan, to September 30, 2022."

I am requesting the documents pertaining to the updated project information submitted per the MOA between ARTT and Metro, including but not limited ...

Show more

Timeline Documents

Request published Public

Request closed Public

We regret to inform you that the records in question are not

available. Metro does not have the items in your request.

Metro's NextRequest (Public Records Tracking System) is maintained in compliance with Metro's records retention policy and records schedule. Requests and attachments will be removed from this system according to Metro's records retention schedule. This is to maintain the consistency and integrity of the records management program, as well as the utility of this system.

If applicable, please note:

- **Email** messages/mailbox files will be deleted **1 Month** after request closure.
- **Videos** are not hosted here. DVDs not retrieved by requestors will be destroyed **2 years** after request closure.
- The **records requests** themselves and any attachments will be deleted **3 Years** after request closure.

If records are made available, please make sure you access/download/pick-up the records as soon as possible. System records will be removed automatically at their expiration periods. Use of this system is not intended to extend or reduce Metro's adopted retention schedule time periods.

You may contact me at canow@metro.net if you have any questions related to this public records request.

Sincerely,

William Cano

RIM Analyst

Records and Information Management

Department assignment Public

Added: Public Records Requests.

Request opened Public

Request received via web

October 7, 2022, 1:39pm by the requester

February 2024 RBM Public Comment – Item 12

From: [redacted]
Sent: Saturday, February 17, 2024 12:01 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Stop Frank McCourts vanity gondola project!

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

Why do we continue to put the interests of one or a few over that of our beautiful community that makes up Los Angeles? Why do the Mayor, board members, council members, and directors continually silence the voices of the community?

Construction of the Gondola is estimated to cost $500 million; however, McCourt has never provided a financial plan. It's unclear whether or not they will use tax dollars, so taxpayers could ultimately foot the bill for its construction or for things like ongoing maintenance and operations. What is Metro's responsibility if there are cost overruns? Will taxpayers foot the bill or will there be an unfinished eyesore in LA's historic neighborhoods?

In addition, research from the UCLA Mobility Lab found that the gondola does little to take cars off the road, it is likely to carry fewer passengers than LA ART claims and many will drive to Union Station to get on. It may make traffic worse in the communities that surround the ballpark.

Los Angeles doesn't need or want Frank McCourt's gondola. The community didn't ask for this project, and opposition continues to grow. It's a waste of time and resources. The proposed gondola is slated to fly 40 ft. over homes in Chinatown, and LA ART has failed to address legitimate concerns about safety and privacy.

Angelenos have different priorities than a gondola. They want safe and affordable public transportation, more affordable housing, and a solution to the homeless crisis. Our public officials should focus on those issues instead of wasting public resources on a gondola nobody wants. A better, easier, and more viable solution is to enhance the existing and popular Dodgers Express with a more robust zero-emission shuttle bus system.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,

[redacted]

From: [redacted]
Sent: Saturday, February 17, 2024 4:05 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Stop Frank McCourts vanity gondola project!

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate. If the LA ART gondola to Dodger Stadium would be 100% privately funded, why do they need to "partner with public agencies to ensure full funding"?

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

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Sincerely,
[redacted]

From: [redacted]
Sent: Saturday, February 17, 2024 9:17 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Stop Frank McCourts vanity gondola project!

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Sincerely,
[redacted]

From: [redacted]
Sent: Saturday, February 17, 2024 9:20 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Re: the Gondola project

Good day,

My husband and I have owned a home over here for over 25 years. Naturally like everyone else, we have seen the traffic here grow exponentially. The streets are more congested due to numerous phone apps such as 'Waze'. Back in the day our dogs played in the street, now people speed by exceeding 40 miles an hour on a one-way Street that has a blind curve.
Especially during Dodger season when we are gridlocked.

But at least Dodger season has a beginning and an end.

Those planning the gondola are also planning a 'CityWalk' type of experience for riders. They would like to take over part of the parking lot at Dodger Stadium and also include some of the land from Barlow Respiratory Hospital.

They would like to create a destination here at Elysian Park and that would be horrendous for traffic, for neighbors, for homeowners and families alike.

Then there would be no break for the homeowners and for the traffic and people the gondola would bring.

Not to mention the safety of having something that large carry riders over your home and your neighborhood.

We still have birds of every kind here, ravens, red-shouldered Hawks and red tail hawks. Owls too.

Not to mention this used to be called Edendale. It was so like the garden of Eden in beauty. A semi-tropic landscape!

Please vote no. I live on Sargent Place, across the street from the park.
Just say no.

Thank you,
[redacted]

From: [redacted]
Sent: Saturday, February 17, 2024 10:06 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Stop Frank McCourts vanity gondola project!

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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The Gondola Exacerbates Housing Crisis in Chinatown:
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola:
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

>>> REAL PUBLIC TRANSIT NOW! <<<
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
Sent: Saturday, February 17, 2024 10:24 PM
To: Board Clerk <BoardClerk@metro.net>
Subject: Stop Frank McCourts vanity gondola project!

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Sincerely,
[redacted]

From: [redacted] on behalf of [redacted]
To: Board Clerk
Subject: "OPPOSE Agenda Item #12 (2-22-2024)"
Date: Sunday, February 18, 2024 6:12:21 AM

"OPPOSE Agenda Item #12 (2-22-2024)”

To whom it may concern.

I oppose the gondola. It will not change the traffic issues for the dodger stadium.

It will help to convert the stadium to an amusement park.

Roger Herman

Professor at UCLA .

Resident of Solano Canyon for 40 Years.

From: [redacted]
Subject: complaint - metro mta
Date: Sunday, February 18, 2024 1:58:01 PM

---

unfortunately i talked to alexander - supervisor at the escalation desk

he wouldn't let me finish speaking

he never answered my question

he was useless

why do you hire retards for your supervisors?

metro please enjoy your undeserved paycheck (how could you not?)

From: [redacted]
To: Board Clerk
Subject: NO to #12 LA ART Gondola
Date: Sunday, February 18, 2024 11:47:43 PM

Hello,

I'm a resident of LA County who uses the Metro system daily for transportation. I commend LA Metro on all the improvements to the system in the past few years, it's made getting around the city much easier & faster. I know a lot of these projects were started in order to prepare the city for the LA2028 games and I'm hopeful it'll all pay off!

However, the project to create a gondola system going into Dodger Stadium is pretty ridiculous for several reasons that I hope have already been brought up to the board.

There's a recent study done by UCLA which suggests the Dodger Stadium Gondola would only decrease traffic by 3%, not nearly worth the investment. As our population and tourism grows, we need to be prioritizing decreasing traffic at all costs. The current improvements to our rail system follows this ideology, the gondola does not.

Similarly, the proposed gondola system would transport passengers at an incredibly slow rate. Assuming the gondola attracts a great amount of tourists as well, this will only slow down transportation to the stadium even more.

It also brings up a multitude of safety concerns. What happens if the gondola gets stuck? What happens if someone goes into the gondola with a weapon to harm people who are now trapped in this gondola? What happens if people try to pry the doors open and jump out? What happens if the 'wire' is weakened and gondolas come crashing down?

The proposed gondola sounds cute in theory but it's drawbacks GREATLY outweigh and presumed benefits, and in my opinion it's just not worth it.

Please end the gondola.

Thank You,
[redacted]

From: [redacted]
To: Board Clerk
Subject: OPPOSE Agenda Item #12 (2-22-2024)
Date: Sunday, February 18, 2024 5:33:18 PM

As a 28 year resident of Echo Park, I firmly and completely reject the notion that a gondola is project is anything other than a bad idea for both the neighborhood and the city of Los Angeles as a whole. Buses work well for The Hollywood Bowl. They can and should work well for connecting Dodger Stadium to the Metro system.
thank you.
[redacted]



here's the legal bit -
The preceding e-mail message (including attachments) contains information that may be confidential, protected by the attorney-client or other applicable privileges, or may constitute non-public information. It is intended to be conveyed only to the designated recipient(s) named above. If you are not an intended recipient, please notify the sender by replying to this message and then delete all copies of it from your computer system. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

From: [redacted]
To: Board Clerk
Subject: OPPOSE Agenda Item #12 (2-22-2024)
Date: Sunday, February 18, 2024 9:55:47 AM

To the Metro Board:

I'm a community member asking you to OPPOSE the LA ART Gondola to Dodger Stadium. This project makes no sense as transit, has inadequate capacity, and does not solve Dodger Stadium's traffic problem like it claims. It would remove 80+ trees at the LA State Historic Park, fly less than 40ft over residents' homes, and contribute to further displacement in our working class neighborhoods. To top it off, this $500 million project still has not funding plan.

Please invest in REAL transit solutions like dedicated bus lanes on game days, more frequent service, and even expanding and electrifying the already existing Dodger Stadium Express.

Thank you,

[redacted]
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Sunday, February 18, 2024 11:53:06 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Real Public Transit Now!
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Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Sunday, February 18, 2024 3:21:02 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Sunday, February 18, 2024 3:49:56 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Sunday, February 18, 2024 5:10:16 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

I am writing to express my disapproval of the proposed Dodger Gondola project. This boondoggle is designed to enrich one person with a history of bankruptcies. It will not solve any parking congestion issues. Just imagine 50000 people queuing to leave Dodger Stadium at the same time. And it will only be used 40 days a year.
Less expensive alternatives would be to expand the Dodger Stadium Express and improve the sidewalks and lighting leaving the stadium.
Please do the taxpayers a huge favor and oppose this nonsense.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Sunday, February 18, 2024 4:06:05 PM

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I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Sunday, February 18, 2024 5:15:39 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

Please oppose the unnecessary and expensive gondola project. It will not solve any traffic congestion on game days or otherwise. It will most certainly leave the taxpayers holding the bag for millions of dollars debt.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Sunday, February 18, 2024 9:50:15 AM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro board meeting on 2/22/24
Date: Monday, February 19, 2024 10:59:15 PM

Hi, my name is Samantha Li and I'm a concerned citizen urging you to OPPOSE the LA ART Gondola to Dodger Stadium and vote NO on the EIR. The EIR is a fatally flawed document and must not be certified. The Community Benefits Agreement (CBA) does nothing to change that. The CBA is a long list of vaguely worded and unenforceable conditions used to justify approval of a project that the community CLEARLY doesn't want. These conditions were not negotiated with the community. They were negotiated on our behalf, without our permission.

As Director Solis stated, there are too many unanswered questions about the project. Now is the time to say a clear and decisive NO to the gondola.
Our communities deserve REAL transit solutions and REAL services, not Frank McCourt's ill-conceived gondola.

From: [redacted]
To: Board Clerk
Subject: Against item 12- LAART EIR - public comment for Metro aboard Meeting or 2/22/24
Date: Monday, February 19, 2024 4:15:22 PM

Hi, my name is [redacted] and I live in Echo Park near Elysian Park and work down town. I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.

I drive past china town and Olvera street, and through Solano Canyon almost daily where traffic is already an issue, especially with tourists and fans driving in for Dodger Games. I regularly run and hike in Elysian park and consider it to be a respite and an absolute treasure here in Los Angeles, and dread the thought of trees and park being taken away for tourists.

In Echo Park we value or community, our neighbors, our nature, our small businesses and the fact that we are not a cookie cutter tourist destination.

This project does not solve Chinatown's and Solano
Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. Vote NO on the gondola. Community over profit!

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk; LAART
Subject: Fund public transportation not private development - Oppose Agenda Item #12 Again the Gondola
Date: Monday, February 19, 2024 2:29:17 PM

Metro and the City of LA is going out of its way to support car infrastructure to the point where it is ruining neighborhoods to put a contraption in the sky instead of building public transit. It is exhausting growing up in LA voting for proposition after proposition to fund public transit, and we get a few subways. We need light rail, we need more bus lanes. We don't need a tourist attraction, we need people to stop using cars.

The Dodger Stadium is a *private* venue. Any transit project should be funded by the owners of Dodger Stadium, and it should not infiltrate neighborhoods, creating light and noise pollution. The streets are for transit.

The City of LA is already dominated by car infrastructure, more than half of the land in LA is for cars, and more than half of that for parking. On top of that, 75% of the land is zoned for single-family housing.

LA needs to invest in transit for all. It needs to start making real changes instead of following the old ways of doing things. That's why we have the worst air pollution, a housing crisis, and inequity.

Fund real transit options. The Gondola is a joke. Stop approving plans in the face of public opposition.

I oppose Agenda Item #12.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 12:12:36 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
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This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 9:46:43 AM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 12:30:08 PM

Dear Metro Board,

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Sincerely,
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From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 12:36:39 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 1:30:45 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

As an LA county resident, there is nothing I want more than high-capacity rapid transit.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 1:32:05 PM

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Sincerely,
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From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 1:46:52 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 3:24:04 PM

Dear Metro Board,

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This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

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No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 3:39:48 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 4:01:48 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 5:06:02 PM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 6:09:30 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

Hello,
I am writing to you as a concerned LA resident. Born and raised in LA, I have been very impressed by the expansion of our public transportation over my lifetime and am very appreciative of your work. However, I urge you all to please reconsider the gondola project, as it puts a large burden on taxpayers for something that amounts to no more than a tourist attraction. Los Angeles' improvements need to be focused on its residents as well as visitors, and this would put a burden on residents that is simply unnecessary.
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I urge you all to reconsider, given these details. Our focus as a city should be reducing increased buses, trains and rail lines, not tourist attractions that will cost us more as a city than they provide in infrastructure.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 8:39:05 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 9:01:43 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 10:50:06 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Monday, February 19, 2024 12:00:35 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Oceanwide tower are a prime example of what happens when private projects don't have secured funding. Don't let the city be left holding the bag on the gondola project. Projects like these always have cost overruns, and it's already slated to cost over half a billion. It would only move 1,500-3,000 per event which is not worth the negative environmental and gentrifying impacts it would have.

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[redacted]

From: [redacted]
To: Board Clerk
Subject: vote yes on the gondola!
Date: Monday, February 19, 2024 10:40:19 PM

Good evening,

I manage a mid-rise apartment complex on Sunset Blvd near Dodger Stadium. Several hours before game time Sunset becomes a gridlocked mess. Please, please, please vote yes on the gondola. It's a 100% electric powered transportation solution which is privately paid for. If it removes even 100 cars on each game day it will be a massive win for our lungs and ears. Please don't listen to the naysayers.



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From: [redacted]
To: Board Clerk
Subject: 2/22 Meeting - Item #12 - NO to Gondola
Date: Tuesday, February 20, 2024 12:51:40 PM

Hi all,

As an Angeleno who loves our city and the Dodgers, I am writing to OPPOSE the proposed gondola.

While it might seem cool to have a gondola, this project will cause more traffic and pollution in the Chinatown and surrounding area.

I would like to see real transit solutions for all people - we need projects that will actually lead to less reliance on personal vehicles. I want to see simple solutions that repurpose the exhorbitant amount od existing roads, empty buildings, and parking lots to be built into 15-minute cities for Angelenos. People do not want to be stuck in traffic and wasting their lives in a car. We want to walk, bike, and use other modes of transit throughout the city as an enjoyable way to live.

Please vote no.

[redacted]

[redacted]

From: [redacted]
To: Board Clerk
Cc: LAART
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Tuesday, February 20, 2024 9:59:51 PM

Dear Metro Board,

Here is a list of *some* recent incidents of gondola systems malfunctioning, gondola cabins crashing to the ground, deaths, and people needing to be rescued from gondola cabins between 2016 and January 2024:

1/9/24 – Gondola cabin plunged 33ft in western Austria injuring 4 passengers
https://news.yahoo.com/cable-car-brought-down-fallen-112020905.html

1/4/24 – Heavenly Resort in Lake Tahoe closes gondola due to mechanical issue
https://www.powder.com/trending-news/heavenly-gondola-update

8/22/23 – 8 people rescued after being trapped for 14 hours in a gondola cabin in Pakistan after one of its cables snapped
https://www.cnn.com/2023/08/22/asia/pakistan-chairlift-rescue-children-intl-hnk/index.html

7/7/23 – 70 people trapped in gondola cabins in Ecuador after mechanical failure
https://www.cbc.ca/news/canada/british-columbia/squamish-gondola-falls-1.5242787

12/12/22 – Gondola cabin at Mont-Sainte-Anne Quebec ski resort falls to the ground
https://unofficialnetworks.com/2022/12/12/gondola-fall-mont-sainte-anne/
2/1/20 – Nearly two dozen passengers injured and required rescue when SAME gondola system comes to an abrupt stop.
https://liftblog.com/2020/02/21/gondola-riders-injured-in-incident-at-mont-sainte-anne/
3/11/20 – Less than 1 month later, same malfunction occurs injuring 1
https://globalnews.ca/news/6662558/mont-sainte-anne-ski-lift-malfunction/

2/23/22 – Gondola cabin falls due to a GUST OF WIND at Sunday River Resort in Maine, injuring 1
https://www.boston.com/news/local-news/2022/02/25/skier-suffers-minor-injuries-when-gondola-cabin-falls-10-feet-at-maine-resort/

1/1/22 – 21 people rescued after being stranded overnight on gondola tourist attraction in New Mexico
https://nypost.com/2022/01/01/21-rescued-after-being-stranded-overnight-on-icy-tram-in-new-mexico/

5/23/21 - **14 people die** when cable breaks and gondola cabin crashes in northern Italy.
https://www.dailymail.co.uk/news/article-9693085/Italian-cable-car-crash-New-footage-shows-moments-leading-disaster.html?ci=244321&si=30808435&ai=9693085

10/20/19 – Gondola cabin in Switzerland detaches from haul rope and falls 60 feet. Operator blames high wind for causing the cabin to collide with the tower before falling.
https://liftblog.com/2019/10/20/cabin-falls-from-a-gondola-in-switzerland/

12/10/18 – Several gondola cabins got hung up on a tower and collided into each other in Kaltenbach, Austria. Believed that high winds played a role in the incident.

https://www.the-ski-guru.com/2018/12/10/gondola-accident-happened-hochzillertal/

12/4/18 – Portland woman injured after a large metal panel fell from the aerial tram and hit her on the head
https://www.wweek.com/news/2018/12/05/a-portland-woman-was-injured-after-a-large-metal-panel-fell-from-the-aerial-tram-and-hit-her-in-the-head/

11/26/18 – Gondola cabin falls from new lift at Copper Mountain, Colorado
https://unofficialnetworks.com/2018/11/26/gondola-cabin-falls-from-new-lift-at-copper-mountain-co/

12/19/17 – Cabin falls off from Squamish's new Sea To Sky gondola attraction
https://dailyhive.com/vancouver/sea-sky-gondola-cabin-falls-testing
8/10/19 – Less than 2 years later, almost all 30 Sea To Sky cabins crashed to the ground after cable was cut in deliberate act of vandalism
https://www.cbc.ca/news/canada/british-columbia/squamish-gondola-falls-1.5242787

6/25/17 – **7 tourists killed** and 100 trapped in India after tree falls on Gulmarg Gondola cabin, causing cable to snap and cabin to fall.
https://www.indiatoday.in/india/story/gulmarg-gondola-cabin-falls-kashmir-tourists-dead-984658-2017-06-25

1/3/16 – 75 people rescued from the Kicking Horse gondola system in Calgary after major power failure disabled system.
https://calgaryherald.com/news/local-news/kicking-horse-gondola-rescue-caught-in-this-dramatic-video

12/13/19 – headline from NY Times: "Cable Car Over Jerusalem? Some See 'Disneyfication' of Holy City".
https://www.nytimes.com/2019/09/13/world/middleeast/jerusalem-cable-cars.html
"Trumpeted by right-wing Israeli leaders as a green solution to the challenges of increased tourism and traffic in and around the Old City, the plan has provoked howls of protest from horrified Israeli preservationists, environmentalists, planners, architects and others who picture an ancient global heritage site turned into a Jewish-themed Epcot."

Please oppose the gondola and do not certify the EIR. This project is a bad idea that nobody asked for.

Sincerely,

[redacted]
Resident of Chinatown

From: [redacted]
To: Board Clerk; LAART
Subject: AGAINST Agenda Item #12 on 2/22/2024
Date: Tuesday, February 20, 2024 11:56:15 AM

Dear Metro Board and Mayor Bass,

Have the goal posts been moved once again? Is this last-minute spurious list of conditions and the Community Benefits Plan without any meaningful oversight or input from the community actually sincere? This EIR, this Metro "care list," and this whole project lack any teeth and will do nothing but enrich profiteer Frank McCourt while bringing more traffic into downtown and the neighborhoods surrounding the stadium.

Anyone who supports this project has either been bought or knows nothing meaningful about it. It's easy to believe the hype, but if you would take the time to see the details you wouldn't be able to ignore the major shortcomings and false promises. I have spoken with many folks in the community who were "for" the gondola until they saw the facts and drawings presented in the EIR. They immediately changed their minds and are now OPPOSED to the gondola.

A fixed-route 1.2 mile gondola ride will not solve any traffic issues. It will not serve the residents in the community. It is not innovative and not suitable for serving a stadium. It is not feasible.

It is greenwashing.
It is ill-conceived.
It is a vanity project.

This so-called "gift" to the city would become a money pit and an embarrassment to YOU if you vote to approve it. We have better options – Metro's latest motion from Directors Solis, Bass, Dupont-Walker, Horvath, and Sandoval even spells it out: The TSM alternative of a fleet of buses (electrified).

Vote NO on the LAART/McCourt gondola project. Stop this sad proposal now.

Sincerely,

[redacted]
Resident living under the proposed route of the gondola in Chinatown and teacher at the historic Neighborhood Music School in Boyle Heights

bit.ly/stopthegondolanow
https://www.stopthegondola.org/petition
https://www.instagram.com/stopthegondola/

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 2/22/2024 Board Meeting
Date: Tuesday, February 20, 2024 11:35:27 AM

Hello -

I am writing to share my opposition to the gondola project slated to be discussed at the board meeting this week. I have concerns about the lack of research behind the claims that this project will reduce traffic and GHG emissions around the stadium. Metro needs third party researchers to investigate the emissions and traffic impacts of this project prior to moving forward with the plan. Additionally, the community concerns about green space being taken away in LA state historic park to accommodate this privately developed project, and the concerns about privacy and noise in the neighborhoods near the project must be addressed prior to the project moving forward.

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - Public Comment
Date: Tuesday, February 20, 2024 9:01:21 AM

Good morning,

I am an LA County constituent and I am against the LA ART Gondola.

It is a publicity stunt that will only benefit the few. I work in homeless services and the real crisis is housing, which the Gondola will make worse. Seniors living in the area will see their rents increased and end up homeless. This is a fact.

There is no benefit to public transit, the environment, or housing. If your goal is to increase the suffering in the community, then the Gondola will accomplish this.

I urge Metro, LA County BoS, and Angelenos to vote NO on the Gondola.

Thank you,

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA Art Gondola 2/22/2024 Board Meeting
Date: Tuesday, February 20, 2024 2:55:12 PM

I urge you to vote NO on the gondola. It's going to impact neighborhoods in a negative way. We need Metro lines around the city to baseball and football venues but not a gondola ride. That is not a solution to traffic.
Thanks, Suzanne Surtees

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA Art Gondola 2/222024 Board Meeting
Date: Tuesday, February 20, 2024 2:51:55 PM

I'm against the gondola. It's not going to help traffic. You should vote NO. We need more Metro subway lines in the city, not a gondola. No public funds for this project.
Judy Rucker

Sent via the Samsung Galaxy S9+, an AT&T 5G Evolution capable smartphone

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Tuesday, February 20, 2024 5:13:50 PM

To Metro Board-

I'm sending this email to let you know that, as an Echo Park resident, I am fully against Item 12. The gondola would be an awful development for the neighborhood and community. Any elected official that supports this will not have my vote or donations going forward.

Thanks,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Tuesday, February 20, 2024 6:51:44 PM

I oppose Item 12: LAART EIR.

The Gondola project threatens historic neighborhoods. Though LA ART has claimed it will help our small businesses by bringing in foot traffic, this is impossible when the gondola flies *over* Chinatown and bypasses our neighborhood. We've had over 40 years of Dodger foot traffic and that alone has not sustained Chinatown. Business owners still have to deal with rising costs of rent and utilities, the changing marketplace with online shopping and shipping. We need real community autonomy, not to be made reliant on a billionaire or a corporation.

A solution I support is to **expand the Dodger Stadium Express**! Every year, Metro fights to just *keep* the Dodger Stadium Express, an already existing Dodger transit system that runs on electric buses. Dodger Stadium has 3x the seating capacity as the Hollywood Bowl and 3x inferior the transit system to support it. If we expanded the Dodger Stadium Express, the community could use it on off-game days. Bus routes and stops can be moved and added as demand shifts. A gondola's cannot.

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Tuesday, February 20, 2024 11:07:49 AM

Hi, my name is David and I work in Downtown LA and frequently visit the LA State Historic Park and the Chinatown area. ***I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.***

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

The second boarding station that could be built on top of the park would remove 250 trees, fly cabins 26 ft over people's heads, and ruin the character and ecology of the beloved park. This park was fought for for over 20 years. The State Park is a vital greenspace to the Chinatown and Dogtown areas. Residents, our park rangers, our farmers market, the kite festival, Art in the Park and other wellness programs are all at risk of loss if the gondola is built.

There are only 80-88 home games in a year and yet the gondola wants to run 365 days. Not only would it cost $500 million to build, but $8-10 million to maintain it every year. (These are LA ART's rough estimates, which they provided in 2021 dollars.) LA ART, Frank McCourt, Zero Emissions Transit, LA Metro, NO ONE has committed to paying for this. This is a huge risk for taxpayers. We need housing, healthcare, and real transit! Not a gondola!

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. ***Vote NO on the gondola.*** Community over profit!

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Tuesday, February 20, 2024 7:07:06 PM

Hello, my name is [redacted] and I live in Glendale (91205). I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.

l am a strong supporter of public transit and a user of the LA Metro services, but this gondola will FAIL to solve any of the issues it claims to. I believe that the loss of over 250 trees, some being incredibly old and the displacement of longtime residents is a huge cost. The gondola is not worth sacrificing LA's best assets—our people and our nature. This is not a real transit solution. Prioritize our community and vote NO on the gondola.

Thanks,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 — LAART EIR — Public Comment for Metro Board Meeting on 2/22/2024
Date: Tuesday, February 20, 2024 2:04:05 PM

Hello,
As someone who was raised in Los Angeles and frequented Chinatown with my family over the years, I strongly oppose this Gondola project.

1. We want REAL traffic solutions: The gondola is designed to push traffic from Dodger Stadium and into surrounding communities. There's no parking plan and the final station takes parking away from Dodger parking lots. People will have to line up and will use Chinatown and Solano Canyon as their parking lot to do so, bringing their car emissions and pollutants with them.
2. This project is an attack on our historic neighborhoods: The first loading station for this project would ruin the historic Olvera Street area, impeding their flow of business during the construction phase, and raising property taxes of local merchants.
3. The unhoused population around this area is in need of housing and services. Gondola construction would mean sweeps in this area which only traumatizes our neighbors and exacerbates homelessness by endlessly pushing people around.
4. This project is a tourist trap and a waste of taxpayer dollars.

- There are only 80-88 home games in a year and yet the gondola wants to run 365 days. Not only would it cost $500 million to build, but $8-10 million to maintain it every year. (These are LA ART's rough estimates, which they provided in 2021 dollars.) LA ART, Frank McCourt, Zero Emissions Transit, LA Metro, NO ONE has committed to paying for this. This is a huge risk for taxpayers. We need housing, healthcare, and real transit! Not a gondola!

Thank you for your consideration,
A concerned Los Angeles resident

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 0 LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Tuesday, February 20, 2024 4:01:43 PM

To Metro Board:

Once again, I am here to leave a comment saying that this gondola serves almost no public value whatsoever. Vote NO on the gondola project. The CBA released changed absolutely nothing. The "conditions" that Mayor Bass issued reveal many loopholes and how unenforceable those conditions are. Not to mention how the Board is free to rescind these conditions in the future. None of these conditions were created with the Chinatown / Dogtown community consulted or in mind.

Where is the funding plan for this project? It is entirely ridiculous and inane that the Board would consider moving forward with this project with absolutely no guarantees that taxpayers will not be footing the bill 10, 15, 20 years down the line. Is this how Metro moves forward with highway expansion projects as well? With so many unanswered questions and lack of accountability and transparency?

We can guarantee that this project does not represent a good return on investment. These millions of dollars are better spent further expanding current Metro services and infrastructure. Truly, I ask, will those on Metro Board even use the gondola more than once? LA has actual issues that need to be addressed and this project serves none of them.

Thank you for your time.

Sincerely,
[redacted]
Lifetime LA Resident

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12- LAART EIR- Public Comment for Metro Board Meeting on 2/22/24
Date: Tuesday, February 20, 2024 1:19:41 PM

Hi,

My name is [redacted] and I'm a resident of Los Angeles urging you to OPPOSE the LA ART Gondola to Dodger Stadium and vote NO on the EIR. The EIR is a fatally flawed document and must not be certified. The Community Benefits Agreement (CBA) does nothing to change that. The CBA is a long list of vaguely worded and unenforceable conditions used to justify approval of a project that the community clearly does not want. These conditions were not negotiated with the community. They were negotiated on our behalf, without our consent or permission.

As Director Solis stated, there are too many unanswered questions about the project. Now is the time to say a clear and decisive NO to the gondola.

Our communities deserve REAL transit solutions and REAL services, not Frank McCourt's ill-conceived gondola.

Thank you for your time.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST item 12
Date: Tuesday, February 20, 2024 8:14:03 AM

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meeting name: Regular Board Meeting
meeting date: 2/22/24
agenda number or item: 12
comments:

Please vote NO on certifying the deeply flawed Final EIR (Environmental Impact Report) presented by LA ART and Metro for the proposed Dodger Stadium Gondola.

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction.

The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola will negatively impact multiple parts of our neighborhood, from the residents, to the small businesses, and to our strained transit system. Please invest in real transit solutions, not this gondola novelty. Vote NO on the gondola.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: February 22, 2024 Metro Board Meeting Public Comment: Item Number 12 Oppose
Date: Tuesday, February 20, 2024 10:22:27 AM

February 22, 2024 Metro Board Meeting Public Comment: Item Number 12 Oppose

Dear Board Members:

I oppose certification of the Final Environmental Impact Report (EIR) for the Gondola project. I am a resident of City Council District 1 and a member of the Democratic Socialists of America- Los Angeles.

I oppose the certification because the Gondola will ruin LA Historic Park, the little green space we have around Chinatown. This project would remove 250 trees, fly cabins 26 ft over people's heads, and ruin the character and ecology of the park.

The Gondola will also fail to provide an actual public transit solution. Instead, it will only create a tourist trap that does not benefit the community's public transit needs. LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system, adding more electric buses, managing the bus lanes better, and improving in-language accessibility to the bus system.

Therefore, I urge the Metro Board to **not** certify the EIR for the Gondola Project.

Thank You,

[redacted]

From: [redacted]
To: Board Clerk
Subject: February 22, 2024 Metro Board Meeting Public Comment: Item Number 12 Oppose
Date: Tuesday, February 20, 2024 7:55:57 PM

February 22, 2024 Metro Board Meeting Public Comment: Item Number 12 Oppose

Dear Board Members:

I oppose certification of the Final Environmental Impact Report (EIR) for the Gondola project. I am a resident of City Council District 13 and a member of the Democratic Socialists of America- Los Angeles. I also live near Dodger's Stadium. I have dealt with the Dodger's stadium traffic many time. Once I even ran out of gas sitting in Dodger's game traffic!! We need a real solution to this problem, and the gondola ain't it.

The Gondola is just a tourist trap that does not benefit the community's public transit needs. LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system, adding more electric buses, managing the bus lanes better, and improving in-language accessibility to the bus system.

Vote NO!! I urge the Metro Board to **not** certify the EIR for the Gondola Project.

Thank You,

[redacted]

From: [redacted]
To: Board Clerk
Subject: From Michael Dawson RE: OPPOSE Agenda Item #12(2-22-2024)
Date: Tuesday, February 20, 2024 3:18:25 PM

As a 40 year resident of Echo Park, I am firmly opposed to the proposed tram way from Union Station to Dodger Stadium. The tramway is a gateway to further development of the Dodger Stadium parking lot rather than an efficient way to bring people to the stadium during the baseball season. Productive use of electric busses and existing right of ways is a more efficient and climate friendly way of getting people in and out of the stadium.

[redacted]

From: [redacted]
To: Board Clerk
Subject: Gondola EIR unsolicited proposal Item #12 2023-0743
Date: Tuesday, February 20, 2024 1:58:51 PM

Dear Metro Board,

Re: LAART EIR unsolicited proposal
Item # 12. 2023-0743
Vote No Certification

I've lived in Echo Park for 29 years.

If Metro wants something shiny to impress the Olympic visitors, Here's what I propose:

> Take back the Dodger parking lot for the City of Los Angeles by Eminent Domain for Pubic Good and right the wrong from 60 years ago when Chavez Ravine was fraudulently taken for corporate use. Install Solar shade structures on the 130 acres and give Chinatown and Echo Park free electricity; make the Dodger night games carbon neutral, and use the income from the parking to fund the new electric park-and ride-buses to the games. That would surely impress the world's cities with our actual, carbon neutral climate solutions. Running machinery though our park, relentlessly most hours of every day, is green washing -- not a green solution.

If that Parking lot becomes used day and night for entertainment, surely the neighborhoods will be further overwhelmed, not less. McCourt has already taken more money than he deserves. We the public taxpayers have already given more than we can. Los Angles has plenty of glitz already. It's time we took care of what we have, our non-glitz.

Say no to the LAART EIR. It just kicks the traffic and parking problems literally down the road--to Chinatown. The daily Hollywood-style City Walk planned would increase our daily traffic to an unsurmountable load for our small neighborhood. We can handle the Dodger traffic for the local games, and the Dodgers are very good at their community outreach; but we cannot handle unrelenting traffic every day and night. Please say no. We don't owe them anything.

Regards and thanks,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Items #12 and #12.1 - AGAINST
Date: Tuesday, February 20, 2024 1:03:43 PM

Hi,

I am writing to express that I am AGAINST the proposed gondola project (LA ART).

Instead of trying to solve problems in getting to Dodgers' stadium with a gondola, investing in existing infrastructure (buses) would be a much better approach . By having the terminal at Union Station, all this does is divert more traffic to that area which is already busy and doesn't need more cars.

The gondola completely disregards the health, privacy, and well-being of residents currently in its path. I love the Dodgers but the Chavez Ravine displacement is such a blemish on LA history and we cannot repeat it! Truly, imagine being in your home and having gondolas full of people passing overhead- how intrusive would that feel?

Thank you for reading and please vote no on this project. It's not right for LA.

Sincerely,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Items #12 and #12.1-- AGAINST
Date: Tuesday, February 20, 2024 9:00:42 AM

Hi,

I am writing to express that I am AGAINST the proposed gondola project (LA ART).

-any difficulty in getting to Dodgers' stadium could be remedied by investing this money into existing infrastructure (busses). By having the terminal at Union Station, all this does is divert more traffic to that area which is already busy and doesn't need more cars.

-the gondola completely disregards the health, privacy, and well-being of residents currently in its path. I love the Dodgers but the Chavez Ravine displacement is such a blemish on LA history and we cannot repeat it! Truly, imagine being in your home and having gondolas full of people passing overhead- how intrusive would that feel?

Thank you for reading and please vote no on this project. It's not right for LA.

[redacted]

From: [redacted]
To: Board Clerk
Subject: LA ART EIR
Date: Tuesday, February 20, 2024 11:50:34 PM

Please vote no on this project. This will not support a healthy community and will be a waste of taxpayer money. Please listen to your constituents in the city of Los Angeles and vote no. Thank you!

From: [redacted]
To: LAART; Board Clerk
Subject: Letter regarding opposition to LA ART
Date: Tuesday, February 20, 2024 8:03:31 AM

Dear Metro Board,

I am writing on behalf of concerned visitors to express opposition to the proposed LA ART privately-owned aerial gondola system between Union Station and Dodger Stadium.

While I support efforts to improve transit access to Dodger Stadium, we have serious concerns about the impacts this project would have on our public parks, neighborhoods, and taxpayers.

Specifically:
• The project would alter the character of Los Angeles State Historic Park, a cherished community green space, by installing gondola towers and cables overhead.
• It requires use of public air rights and land but serves private interests and provides no clear public benefit.
• Nearby neighborhoods may experience increased traffic, parking issues, and threats to pedestrian safety.
• There has been inadequate community engagement and transparency around station locations, tower heights, and other project details.
• There are unanswered questions about long-term costs and who would pay for overruns. This risks passing costs to taxpayers.
• At projected ticket prices up to $30, this is not affordable transit but rather a tourist experience.
• Existing transit like the Dodger Stadium Express provides a proven, zero-emission transit option.

We ask LA Metro to reject this corporate welfare project that risks privatizing public spaces without public input.

Please support community-driven solutions that meet real transit needs without harming our neighborhoods and parks.

Thank you for your consideration.

Sincerely,
[redacted]

Sender notified by
Mailtrack

From: [redacted]
To: Board Clerk
Subject: NO on agenda items 12 and 12.1
Date: Tuesday, February 20, 2024 1:30:22 PM

Hello,
My name is Caroline Kanner. I'm a lifelong angeleno, and an educator who works with kids at Ann Street school, and other young learners around LA State Historic Park. I am writing on behalf of these children and their families and communities when I urge you strongly to **vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium**, which is agenda item #12 and #12.1 on the 2/22/24 Metro Board Meeting agenda.

This project would do nothing to improve the lives of the young learners I work closely with —and in fact would in many ways harm them. From closing down a vital open, public space during construction—a place kids and families count on for their health and wellbeing—to killing trees and intruding on the open sky over my students' homes, this gondola would constrain my students' realities. Furthermore, the gentrification it would usher in would aid in the displacement of so many community members who have long found solace in these neighborhoods.

Please prioritize people's lives, continued existence in the neighborhood, and broad wellbeing over this profiteering scheme but one billionaire.

Thank you for voting **NO on certifying the EIR for the gondola**.

Signed,
[redacted]

--



[redacted]

@clockshopLA
clockshop.org

From: [redacted]
To: Board Clerk
Subject: OPPOSE Agenda Item #12 (2-22-2024)
Date: Tuesday, February 20, 2024 5:08:52 PM

The Gondola planned is unfeasible. Its ultimate purpose is to bring patrons from Union Station to Frank McCourt's future mall. The taxpayer would be left to pay for its maintenance.

[redacted]

From: [redacted]
To: Board Clerk
Subject: OPPOSE Agenda Item #12 (2-22-2024)
Date: Tuesday, February 20, 2024 3:58:16 PM

Hello

I am a homeowner at [redacted] and I would like to register my opposition to the Gondola Project.

Thank you.

[redacted]

From: [redacted]
To: Board Clerk
Subject: OPPOSE Agenda Item #12 (2-22-2024)
Date: Tuesday, February 20, 2024 10:04:19 PM

To The Metro Board:

I am a long time Echo Park resident.
I strongly oppose the Gondola Project.
There has been no clear evidence that it will improve traffic in the area surrounding Dodger stadium. THAT is supposed to be the big selling point. Allegedly less traffic.
Again, no evidence. No research to present. Nada.
I also am disturbed that the metro board is considering handing over public land to a rich guy that essentially bankrupted the Dodger franchise a while back. I live in an area that is impacted by bad decisions made by the folks that have run Dodger stadium. I trust them as far as I can throw them.
In a time when housing is sky high and homelessness is rampant, the city should absolutely not be throwing money at a rich man's pet project that will cause more damage than good. And that money being thrown will be taxpayer money.
And that is the truth.

Stop The Gondola



sent from the Lost City of Atlantis.

From: [redacted]
To: Board Clerk
Subject: Opposition to Item Number 12: Feb 22, 2024 Metro Board Meeting Public Comment
Date: Tuesday, February 20, 2024 8:34:31 PM

Dear Metro board members:

My name is [redacted] and I'm a resident of Highland Park (City Council District 1) and I am writing to express my strong opposition to certifying the EIR for the Gondola project to Dodger Stadium.

As a Dodger and Metro fan, and a regular Metro rider (who takes bus, rail, and Metro Micro) - I believe that the millions of dollars that we'd spend on the gondola project would be much better spent expanding Metro-specific services that benefit *all* Angelenos - like shorter wait times on our bus and train routes.

Our public transit is at its best when it opens up residents and visitors to the incredible things we have to offer around our city - not only bringing them to our baseball stadium (which, let's be clear, is a *private* venue). We already dedicate our public dollars to a shuttle service from Union Station specifically to Dodger Stadium.

Again - I am strongly urging the Metro board NOT to certify the EIR of the Gondola project. Thank you so much for your time

[redacted]

From: [redacted]
To: Board Clerk; LAART
Subject: Please Stop this Gondola Project
Date: Tuesday, February 20, 2024 5:59:59 PM

Hello,

I am 100 % against the proposed gondola project. It's a giveaway of public land to benefit developers.

These small bus-sized cars would fly right over the park, just 26 feet above the ground... constantly, every 23 seconds in each direction.

This just displaces those CO2 and bad emissions into neighborhoods that are already overly impacted by bad air quality.

A terrible idea! I worry what's next - a gondola over Griffith Park?

Let's nix this in the bud.

[redacted]

From: [redacted]
To: Board Clerk
Subject: Proposed Gondola project.
Date: Tuesday, February 20, 2024 4:16:10 PM

Hello,
As residents of Solano Canyon, you might think we would appreciate an alternative access route to Dodger stadium, seeing as the traffic through our neighborhood is pretty awful on game and event days.
However, there are so many problems with this proposal, one of which is that many of us are convinced that this gondola will actually make traffic worse. The Gondola actually appears to be a tourist attraction, which will draw a public year round. Cars will be encouraged to use the stadium to park for a fee and take the gondola down to the Pueblo de L.A. etc.
(So many unknowns and poorly studied ramafications.- Lack of transparency)
For those coming to the stadium, many of them will drive to the union station/puebla area and be looking for parking. Not an improvement.
Also and just as important, the irreparable damage to the quality of the state park.
Appropriation of land that has no business supporting this enormous piece of industrial infrastructure.
Thank you.
[redacted]
Solano Canyon.

Sent from my iPhone

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 9:41:51 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The EIR does not adequately address noise and vibration impacts:

The EIR claims that the most vibration intensive piece of construction equipment that would be used would be a vibratory roller. For a project this large that involves suspension of cars in the air, why was the use of an impact pile driver or a helicopter not evaluated? If there was a reason for omitting these pieces of equipment, it should be included in the EIR or a reference to where it is evaluated in the appendix should be included. Additionally, the EIR states that operational vibration would be less than significant. However, within that impact analysis, the EIR states "some of the equipment within the stations, towers, and junction, such as motors or cable guidance systems, may produce a small amount of vibration during normal operations" but does not offer any reference vibration level or quantitative analysis of operational vibration impacts. You can't just "say" the impacts would be less than significant without actually analyzing the impacts. Operational vibration of such a large project needs to be more thorough than a simple five-sentence qualitative paragraph. At the very least, reference operational vibration levels for gondolas should be included in the qualitative analysis. Finally, Mitigation Measure NOI-A "Community Outreach Construction Notice" (Page 3.13-72) should include an explicit requirement for posting construction notices in multiple languages given that the surrounding community speaks Spanish, Chinese, and Japanese.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 9:35:59 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The obvious way to improve traffic to Dodger Stadium is to dedicate bus lanes and expand the Dodgers Express shuttle. Bus lanes will absolutely cost less than the $500 million gondola. Furthermore, Chinatown does not need to deal with the gentrification that this project will accelarate, the neighborhood needs affordable housing and a grocery store, not a gondola. LA deserves better!

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 9:11:01 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
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Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 9:00:49 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 8:51:27 PM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 8:41:11 PM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 8:18:33 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

A gondola is not a priority for Los Angeles county residents who are being plagued by heavy on the ground and now in the air traffic. A gondola but no sidewalks in some areas? No public bathrooms so there is feces on sidewalks everywhere and that's if a sidewalk even exists.

Seriously, residents have had enough of politicians utilizing our neighborhoods as experiments for elitists who turn our communities that they often don't live in into playgrounds. Enough is enough already! The city/county/FAA has already destroyed neighborhoods with airports on every corner of the county catering to rogue aviation and now again we have a gondola project that does not meet the urgent BASIC infrastructure needs of LA residents. We need way more parks, way more youth and adult rec spaces, we need public bathrooms, wide sidewalks, car free/car light communities and protected bike/bus only lanes. We do not need a gondola for gods sake do the basic minimum first before jumping into all these non essential projects because that's exactly why we have a billion dollar housing development project sitting empty right now in DTLA off of a metro train stop!!!!

Do better or you're FIRED!!!

Best,
How The West Was Saved
htwws.org/we-the-people/

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 5:07:44 PM

Dear Metro Board,

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[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 5:06:49 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

As a resident of Victor Heights and someone who is directly affected by the traffic every-time there is an event or game at Dodger Stadium, I strongly oppose this project. I don't believe that this gondola will improve the community or solve any of the problems it claims to solve. The gondola will only relocate traffic to Chinatown, and speed up the gentrification of the community, and remove resources from the community.

Instead of parking in Dodger Stadium, people will park in the Chinatown and Victor Heights neighborhoods to take the gondola -- the problem of parking during games will be the same, but I'll also have a giant noisy gondola going over my apartment.

The gondola will remove space from LA Historic Park -- a park the community fought for 10 years to have built -- depriving Chinatown of much needed public land and green space. The project will also encourage the financialization and speculation of land in Chinatown, speeding up the gentrification of the community, and displacing working class families and fixed income seniors.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 4:56:19 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 4:10:46 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 3:51:22 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 2:20:33 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 1:55:40 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 1:55:30 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 1:27:50 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 1:26:49 PM

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LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 1:21:42 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

This is such a stupid project. Why are we even having a discussion. Go expand the trains and add protected bike lanes in this city and stop wasting time.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 12:19:04 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

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Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 9:31:19 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

I've long lived in Los Angeles. As the daughter of Asian immigrants, I'm particularly concerned of the displacement and gentrification of generations of families in Chinatown.

In alignment with the community organizers leading the efforts to stop the gondola, I support the following arguments:

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

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There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 7:42:58 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The gondola is the wrong toy for this project. A gondola is best for continuous, low demand for moving people to places difficult to access by vehicle. The Dodger's gondola has neither characteristic & would be a waste while better solutions would be prevented from being implemented.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

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Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

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Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Tuesday, February 20, 2024 9:50:28 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

This is not what the city of Los Angeles needs or wants. This is the project of some millionaire from Boston who cares little about the actual benefit to this city. Time and time again we let people in, and give them the approval for projects that don't need approving, and we see livelihoods, communities, and this city destroyed. I urge you to vote against this project and think harder about what the city of Los Angeles wants. BETTER AND ACCESSIBLE PUBLIC TRANSPORTATION.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

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Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: #12 and #12.1-- - against
Date: Wednesday, February 21, 2024 3:43:10 PM

I am against his Gondola project, since it is yet another development in our city that is using an outdated EIR.

T California Historic Park will be greatly affected in a negative way. The irony is the Historic Park
was created and borne out of an amazing community effort that flew in the face of local developers trying to
sideline communities for their profits by building clearly unneeded warehouses, and the community got together and stopped it,
and our community, while still VERY park-poor, is a little bit better.

The gondola is another example of this. If it weren't, the private owners that benefit from this would have gone through
proper public channels to integrate community interest. Instead they come with another problem wrapped in a solution.
If they were sincere about reducing carbon footprint and congestion on roadways, they would update their EIR and engage
the community instead of forcing this down our throat.

Please show some leadership and see through this swindle.

[redacted]

From: [redacted]
To: Board Clerk
Subject: "AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 8:28:51 AM

My name is [redacted], i am a home owner and bmsmall business owner in 90012.
W I first established myself in Solano Canyon in 1998, I sought public transportation that would go up the hill of Solano Ave and continue past the perimeter of dodger stadium crossing over into Echo Park. I was told that metro saw no demand for ridership in that area to the levels that are required to justify a regular bus route. So it horrifies me that this project the gondola makes assumption that there will be demand for ridership in the area besides the approximately 80 days of dodger home games. so for close to 80% of the year, this proposed gondola will be disturbing our community with invasive structures and obscene costs with no demand for ridership.

Another issue I and others take very seriously is the invasion of our most popular historic monuments such as the green walk in entrance to the **historic state park**, the iconic architecture of **union station** and the balanced opposite view of the zocalo of **olvera street**. What i find most grotesque is the invasion of space around the residences in the apartments and homes along the proposed route.

I am very interested in solutions to the dodger traffic coming and going from games. specifically the alternative solutions that utilizes the walking route from Chinatown to the LA River. Let's consider adding an escalator or some other type of non-invasive measure to take people up to dodger Stadium like perhaps a regular bus route. That would actually monitor the year round demand for ridership in this area. Thank you..

[redacted]

From: [redacted]
To: Board Clerk
Subject: "OPPOSE Agenda Item #12 (2-22-2024)"
Date: Wednesday, February 21, 2024 3:02:40 PM

I am writing to urge you decline permission to construct the gondola connecting Union Station with Dodger Stadium. The idea smells of greed with a capital G. There is no way in which it would help our community. In fact it would negatively impact our neighborhoods and park wildlife. Lights and noise are already close to unbearable on game and event nights. Remember, Elysian Park is our oldest city park with our oldest trees living in the park's arboretum. (Many were planted in 1893, more than 100 years ago.) The park is home to our resident pest exterminators: coyotes and owls, both in need of dark nights to accomplish their tasks. And what about the homes that the gondola would ride over. The metro needs to assess priorities with the existing community being #1. Please say NO. Also, the idea of using the existing parking lot for merchandise kiosks is yet another example of naked greed. NO NO NO. Thank you, [redacted], Echo Park

Stadium%

Sent from my iPad

From: [redacted]
To: Board Clerk
Subject: "OPPOSE Agenda Item #12 (2-22-2024)"
Date: Wednesday, February 21, 2024 3:15:03 PM

I am writing to urge you decline permission to construct the gondola connecting Union Station with Dodger Stadium. The idea smells of greed with a capital G. There is no way in which it would help our community. In fact it would negatively impact our neighborhoods and park wildlife. Lights and noise are already close to unbearable on game and event nights. Remember, Elysian Park is our oldest city park with our oldest trees living in the park's arboretum. (Many were planted in 1893, more than 100 years ago.) The park is home to our resident pest exterminators: coyotes and owls, both in need of dark nights to accomplish their tasks. And what about the homes that the gondola would ride over. The metro needs to assess priorities with the existing community being #1. Please say NO. Also, the idea of using the existing parking lot for merchandise kiosks is yet another example of naked greed. NO NO NO. Thank you, [redacted], Echo Park

Stadium%

Sent from my iPad

From: [redacted]
To: Board Clerk
Subject: "OPPOSE Agenda Item #12 (2-22-2024)"
Date: Wednesday, February 21, 2024 3:02:32 PM

I am writing to urge you decline permission to construct the gondola connecting Union Station with Dodger Stadium. The idea smells of greed with a capital G. There is no way in which it would help our community. In fact it would negatively impact our neighborhoods and park wildlife. Lights and noise are already close to unbearable on game and event nights. Remember, Elysian Park is our oldest city park with our oldest trees living in the park's arboretum. (Many were planted in 1893, more than 100 years ago.) The park is home to our resident pest exterminators: coyotes and owls, both in need of dark quiet nights to accomplish their tasks. And what about the homes that the gondola would ride over? The metro needs to assess priorities with the existing community being #1. Please say NO. Also, the idea of using the existing parking lot for merchandise kiosks is yet another example of naked greed. NO NO NO. Thank you, [redacted], Echo Park

Stadium%

Sent from my iPad

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 3:06:31 PM

I am totally against the gondola at Dodger Stadium project. It will cause a lot more problems than solve anything! Please, please, please do not vote this in!

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 10:09:43 AM

Hello,

I am writing to OPPOSE #12 the LA ART Gondola! PLEASE do not destroy our community's beloved LA State Historic Park for the benefit of a billionaire and a handful of rich passengers!! There are so many reasons this project is detrimental to the community, taxpayers DO NOT WANT THIS THING.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting".
Date: Wednesday, February 21, 2024 10:18:17 AM

I do not support a $300-500 million Metro Gondola project. It is a misuse of funds and will negatively affect Olvera Street, Elysian Park, Los Angeles State Park, and the neighborhood. This will add congestion as people while have to park in our neighborhood.

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 11:19:54 AM

To Whom It May Concern:
I am against the Gondola project and implore you not to approve it because it is not necessary. Why do we build an entertainment Gondola specifically for Dodger games to play about 85 days a year, while turning a blind eye to the suffering of its residents 365 day a year?. Actually there is no traffic jam in Chinatown, because I have lived here for 43 years, so the traffic jam stars from the highway and is caused by Dodger fans; therefore, to ease the traffic congestion, the Gondola should start from the highway, not just the Chinatown this short distance. In additionally, have you ever considered the possibility that an accident from the Gondola might bring unimaginable disaster to the surrounding residents?. Moreover, this Gondola would destroy the culture of Chinatown.
Your consideration and support is highly appreciated.

Best regards
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 11:53:52 AM

As a concerned citizen I beseech the board to **vote no** on item 12.1
PLEASE DO NOT EXPLOIT THE CHINATOWN NEIGHBORHOOD TO ENRICH FRANK McCOURT!

- **GONDOLA IS WRONG TOOL FOR DODGER STADIUM**: Gondola still doesn't make sense as the mode of transit to Dodger Stadium because of inadequate capacity, surge demand, long lines, hours of operation, etc.
- **BENEFITS EXAGGERATED/GREENWASHING**: The gondola is huge unnecessary infrastructure that won't significantly improve traffic and transit access.(UCLA Mobility Lab Study)
- **NOT PUBLIC TRANSPORTATION**: It's a giveaway of our public land and airspace for the benefit of a billionaire developer to take people to a private sports venue.
- **PROTECT OUR NEIGHBORHOODS AND PARKS**: It's highly invasive and harmful to our neighborhoods and our parks. Note: Removes 81 trees at LA State Historic Park, 304 trees throughout the route. (Previous total was 250 trees. Design Option A removes an additional 54 trees.)
- **TOO EXPENSIVE/NO FUNDING PLAN**: $500 million to build, $10 million/year to operate and maintain. There is still no funding plan, which Metro/LAART had promised would be provided before certification of the EIR.
- **GENTRIFICATION/DEVELOPMENT**: This gondola is a key to unlocking development rights on the Dodger Stadium parking lots and a tool for accelerating gentrification throughout the Chinatown neighborhoods.
- **ALTERNATIVES NOT EXPLORED**: There are common sense alternatives that haven't been studied, including bike/ped improvements and expansion and electrification of the Dodger Stadium Express bus system.

Please vote no. Please.

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 2:44:45 PM

As a lifelong community resident, I strongly oppose the building of the misguided gondola to Dodger Stadium.

The flimsy reasons put forward in support of building this bizarre gondola are misguided at best and misleading at worst. This project screams money-grab by an out-of-touch billionaire. Our tax dollars need to be invested in solutions that will fix real problems -- including improving our insufficient transit system that would benefit the entire community, not just those select few who can afford a trip to the stadium.

We need to put community over profit, and instead invest in real, meaningful solutions for our neighborhoods --not this ill-conceived gondola.

[redacted]
Community resident since 1982

From: [redacted]
To: Board Clerk; LAART
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 2:52:11 PM

Hello:

I am firmly against the gondola project. There is no real need for this in Los Angeles and the opacity surrounding the financial plan is very concerning.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 3:21:28 PM

Hi, my name is [redacted], and I work in Northeast LA including the Chinatown area doing environmental education. I urge you to OPPOSE item #12: the LA Art Gondola to Dodger Stadium and vote NO on the EIR. The EIR is a fatally flawed document and must not be certified. The Community Benefits Agreement (CBA) does nothing to change that. The CBA is a long list of vaguely worded and unenforceable conditions used to justify approval of a project that the community clearly doesn't want. These conditions were not negotiated with the community. They were negotiated on our behalf without our permission.

As Director Solis stated, there are too many unanswered questions about the project. Now is the time to say a clear and decisive NO to the gondola.

Our communities deserve REAL transit solutions and REAL services, not Frank McCourt's ill-conceived gondola.

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 10:08:49 AM

Hello!

I am writing to you in advance of the Board meeting on Feb 22 to express my opposition to the Gondola project.

I am a resident in the north part of Echo Park and I walk in Elysian Park every morning. I love having this wonderful relatively undisturbed green space to enjoy.

I also work in climate and sustainability and I am a huge supporter of taking as many cars off the road in Los Angeles as possible. Yet, I am emphatically against the gondola project because it is not a viable solution for the problem it is purportedly trying to solve, for the following reasons:

1. It is not going to reduce the amount of car traffic coming to the stadium. UCLA Mobility Lab study showed that it will only do so by <1%, and that the gondola by design will divert traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

Also, according to previously published studies, somewhere between 18% and 66% of fans tailgate in the Elysian Park for hours before the event. You will not be able to convince them to use the gondola.

2. It will ruin the LA State Historic Park and disturb Elysian Park. This project seeks to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park. Because of tree removal, it will also reduce the amount of GHG emissions that are removed from the atmosphere, thus flying in the face of the city's climate commitments.

3. It will make the housing crisis in Chinatown even worse. Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in the city. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

4. Its funding plan is opaque. I understand that the funding plan for the project has not been made available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate. I don't want this monstrosity being built with my taxpayer dollars when the city has so many other urgent needs.

LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Thank you

[redacted]
LinkedIn

[redacted] —

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024Metro Board Meeting
Date: Wednesday, February 21, 2024 1:45:56 PM

I'm strongly urging a vote against the gondola, an expensive project that provides stadium access for so few people that there's no serious benefit in that regard. Also, it eats up public greenscape and encourages needless development of the stadium parking lot. Thank you for voting no.

- [redacted], mid-city Dodgers fan

Sent with Proton Mail secure email.

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 LA Art Gondola FEIR 2/22/24 LA Metro Board Mtg
Date: Wednesday, February 21, 2024 12:43:28 PM

Please consider this email my strong objection to the approval of this absurd project item #12 of the agenda 2/22/24 by the Metro Board.
As a Dodger fan and a resident of Council District 1, a property tax payer and a regular user of State Historic Park, I cannot stress strongly enough my opposition to this project. It does nothing to relieve seasonal traffic from Dodger Stadium.
This project is an insult to the decades of community activists who fought for State park against private development. It is an attempt by a private developer to defile, Historic State Park for private persona profit. The LA Metro Board must reject this attempt seize and destroy the only public green space serving the residents of Lincoln Heights Boyle Heights, China Town and beyond.
Thank you,
[redacted]

From:	[redacted]
To:	Board Clerk
Cc:	Lisa Hart
Subject:	AGAINST #12--LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date:	Wednesday, February 21, 2024 1:00:41 PM
Attachments:	image.png image.png image.png image.png

I am not a lawyer, and still have a lot to learn about CEQA, but it seems to me that you are going about 12.1 in the wrong order. First, let's find out if it makes sense to proceed at all. Let's take a thorough look at the alternatives. If it turns out (which I think is highly unlikely) that the gondola really makes the most sense of all the possibilities, then Metro, **in partnership with** the community and ZET, can develop a set of conditions/community benefits (to include quantities, of course) to be incorporated **into** the EIR.

If you want everyone to be happy, I think a fair, inclusive process is always a good place to start. Otherwise, you are at risk of perpetuating another Bishop/La Loma/Palo Verde while claiming to do the opposite. What a travesty that would be, and what a legacy that would leave.

[redacted] *(she/her)*
Executive Director
Los Angeles Neighborhood Council Sustainability Alliance
NEIGHBORHOOD COUNCIL SUSTAINABILITY ALLIANCE
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Agenda Item #12
Date: Wednesday, February 21, 2024 2:46:42 PM

Hello:

I am firmly against the gondola project. There is no real need for this in Los Angeles and the opacity surrounding the financial plan is very concerning.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 - LA ART Gondola
Date: Wednesday, February 21, 2024 2:30:20 PM

Hello, Metro Board of Directors:

I'm a Chinatown resident of three years and I ask you to please put a STOP to the LA ART gondola project. It's a project which certain entities are misleadingly referring to as a "better mobility" option for Chinatown and nearby communities. But the facts and research don't support that. Also, Item #12.1 conditions are toothless and unenforceable.

The gondola is huge unnecessary infrastructure that won't significantly improve traffic and transit access.(UCLA Mobility Lab Study) **It's NOT public transportation.** It's a giveaway of our public land and airspace for the benefit of a billionaire developer to take people to a private sports venue.

Mobility infrastructure projects must be designed to serve our community.

Public funds shouldn't be used to invest in a tourist attraction in an historically underrepresented area.

The research doesn't appear to support LA ART's assertions that the project will reduce greenhouse gases and reduce traffic. The Dodger Express bus shuttle program serves event traffic. Board members know this well: Metro's current fleet is the largest clean energy fleet in the nation, AND Metro's website says its entire bus fleet will be electric by 2030. The Dodger Stadium express shuttle utilizes highly sustainable transit infrastructure strategies—**bus lanes, free rides, clean energy vehicles**—that have been proven to work throughout the city and county.

There are common sense alternatives that haven't been studied, including bike/ped improvements and expansion and electrification of the Dodger Stadium Express bus system.

Thank you for your service to our beautiful community!

[redacted]

Sent from my iPhone

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 - LA ART Gondola
Date: Wednesday, February 21, 2024 11:09:16 AM

Hello, Metro Board of Directors:

I've been a Chinatown resident for about three years and I ask you to please help put a STOP to the gondola project. It's a project which certain entities are misleadingly referring to as a "better mobility" option for Chinatown and nearby communities. But the facts and research don't support that, and the EIR mostly falls flat of making a strong case for the project's usefulness to the community.

Mobility infrastructure projects must be designed to serve our community. Public funds shouldn't be used to invest in a tourist attraction in an historically underrepresented area.

The research doesn't appear to support LA ART's assertions that the project will reduce greenhouse gases and reduce traffic. The Dodger Express bus shuttle program serves event traffic. Board members know this well: Metro's current fleet is the largest clean energy fleet in the nation, AND Metro's website says its entire bus fleet will be electric by 2030. The Dodger Stadium express shuttle utilizes highly sustainable transit infrastructure strategies—**bus lanes, free rides, clean energy vehicles**—that have been proven to work throughout the city and county.

Also, the gondola project proposal includes compromising aerial and sight ways around the LA State Historic Park area. Green spaces are critical for a community's well-being. The community worked for 20 years to make the park a reality, and now the gondola project is planning to remove a significant amount of the natural features that the community and city enjoy at the park.

Thank you for your service to our beautiful community!

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 02/22/2024 Board Meeting
Date: Wednesday, February 21, 2024 2:46:50 PM

Hello,

It's no exaggeration to say that the future of all life on Earth depends upon our effective, immediate, and compassionate responses to climate change and environmental destruction. This includes protecting nature through parks and urban green spaces to be shared equally among humans, animals, and plants.

The proposed LA ART EIR (gondola project) is not a good idea, nor is it necessary. This wasteful project would drastically change the surrounding community and ecology for the worse. LA State Historic Park should remain a place designed for citizens of all species. For generations to come, it must be protected from further disruption and destruction.

As a longtime resident of Los Angeles, I am strongly urging the board to vote NO on approval for item #12, the EIR for the gondola project. Do the right thing and be remembered on the side of justice. Spend this money wisely elsewhere.

Thank you,

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 2/22/24 Board Meeting
Date: Wednesday, February 21, 2024 1:07:30 PM

Hello,

I am sharing my deep concerns about the proposed Gondola project, and I strongly disagree with the execution of it.

I have worked on bringing together artists and neighbors for artist projects and free public programs at Los Angeles State Historic Park for two years with Clockshop, an arts and culture organization. While working on this land, I have learned about the immense and varied histories of the park as the original floodplain of the LA River; the site of parts of the Zanja Madre, the first water infrastructure system of our city; the former South Pacific Rail station; the corn field; the community-led campaign in the 90s to save the public land to create a park, and finally the beautiful park we Angelenos love. Through our annual and free Kite Festival program that honors these stories and supports the connection between people and earth to seed stewardship of public lands, we bring over 5,000 attendees to fly kites high, listen to live music, make art, and be in community with each other. Not only are public lands important to conserve and protect, but our airspace as well. With large gondolas swinging only 26 feet above the ground, this project would forever negatively impact the way organizations like Clockshop program at the park, but most importantly, how parkgoers experience this precious park and the park's neighbors' quality of life.

[redacted]
cat

[redacted]

@clockshopLA
clockshop.org
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 2/22/2024 Board Meeting
Date: Wednesday, February 21, 2024 12:48:12 PM

To whom it may concern -

I stand by those who represent community-based organizations from across Los Angeles focused on protecting the interests of marginalized communities that have felt the impacts of displacement and environmental injustice. This letter expresses opposition to Frank McCourt's proposed gondola project from Union Station to Dodger Stadium and our outrage that Metro has planned another set of meetings that will prohibit the public from commenting.

At every turn, this process has been opaque and lacks any meaningful input from the community. The gondola is a private tourist attraction masquerading as public transportation and does not merit the type of support it has received thus far from Metro.

From the start, the process leading up to the approval of the environmental impact report has been a complete sham. Not only does the project itself lack complete transparency, but so does LA ART. In the past, Metro and LA ART have used these meetings to promote this ridiculous project rather than engage the community to solicit meaningful input; and they have continually refused to divulge how they will pay for the gondola. We oppose the use of taxpayer dollars to fund a project that will increase the wealth of a few billionaires.

The importance of community participation in the process cannot be overstated, especially when considering projects that have the potential to permanently alter the landscape and dynamics of our neighborhood. Time is of the essence. This project is not what the community asked for and does not contribute to the well-being of residents.

We urge the Metro Board to **NOT certify** the final Environmental Impact Report and to work with their own neighbors to address real transportation concerns with viable projects that actually serve the community's needs, such as creating and expanding the fleet of zero emissions busses that can service Dodger games, as well as other special events across the LA Metropolitan Area.

Thank you for your attention to this matter. We look forward to collaborating in order to ensure the best interests of our community are taken into account.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 2/22/2024 Board Meeting
Date: Wednesday, February 21, 2024 2:15:23 PM

Although I cannot be at the Board Hearing scheduled for tomorrow, as an LA resident and always-voter, I want to register AN EMPHATIC **NO** to the proposed gondola project.

Public resources given over to private gain? **NO NO NO.**

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 2/22/2024 Board Meeting
Date: Wednesday, February 21, 2024 9:35:05 AM

Hello -

I am **100% AGAINST approving Item 12** on the 2.22 Metro Board agenda, the aerial gondola from the Chinatown area to Dodger Stadium.

The history of building Dodger Stadium in Chavez Ravine is already a black mark in the history of Los Angeles, and permitting this project to proceed would add to that horror.

Don't cave to a private developer who doesn't have the interests of Los Angeles residents at heart.

History is watching. As are we Angelinos.

I'm only sorry I can't take off work to be present in person at tomorrow's hearing. But I'm counting on the Metro Board to take the high road and do what's right for us.

Thank you,

Shawn Sites, 40+ year resident of Los Angeles



From: [redacted]
To: Board Clerk
Subject: Against item #12 LA Art Gondola 2/22/24 Board meeting
Date: Wednesday, February 21, 2024 1:54:36 PM

I am completely OPPOSED to the proposed Gondola project here in LA.
Please, listen to the citizens wishes.
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola- 2/22/2024 Board Meeting
Date: Wednesday, February 21, 2024 11:46:25 AM

Hello,

As a resident of Echo Park, I express my opposition to item #12, as it does not align with the desires or necessities of our community. Taxpayer funds should not be allocated towards enriching millionaires without tangible benefits to our neighborhoods. The proposed project lacks thorough research and threatens to detract from our public park. I urge you to decline item #12 and prioritize the well-being of our community members.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST item #12 LA ART GONDOLA
Date: Wednesday, February 21, 2024 1:32:43 PM

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don’t mess up public land and public parks

a boondoggle for McCourt!

we don’t want the ART GONDOLA!

this is a cover-up for development.

NO NO NO

[redacted]

From: [redacted]
To: Board Clerk
Subject: Against Item #12
Date: Wednesday, February 21, 2024 2:44:44 PM

Hi there,

My name is [redacted] and I am an Assistant Professor of Clinical Occupational Therapy at USC as well as community organizer with Chinatown Community for Equitable Development (CCED). I am writing against Item #12, the Gondola.

Aside from concerns about financial intransparency and mismatch with community needs, I was especially disgusted to hear LAART stating during the meeting last week that they had gone "above and beyond" in providing multi-cultural and multi-lingual outreach about the project.

As an organizer with CCED, I have been conducting on-the-ground outreach consistently for 4 years. My ability to speak Cantonese and Spanish and skills as an occupational therapist have allowed me to build deep trust with community members. Therefore, I knew that LAART was straight-up lying when they stated that they had conducted culturally responsive outreach during the EIR. I knew this because multiple Chinatown small business owners and tenants shared with me that information was not provided to them in the language they are most comfortable with and that they were pressured to sign things without fully informed consent. Most egregiously, community members shared that they were pressured with free dinners to create pro-Gondola videos and images even though that is not their actual position.

This is exploitation of marginalized community members to promote a project that will only further harm and disenfranchisement of the community while lining the pockets of billionaire Frank McCourt. We CANNOT let this project happen. We must do everything we can to stop it at this juncture of history. Otherwise, you are complicit in white supremacy and consolidating power in the hands of the rich.

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 11:02:13 AM
Attachments: logo-dsala_whitebg_transparent.png
DSA-LA Statement in Opposition to Gondola.pdf

Hello,

Please see the attached PDF and the statement below regarding opposition from Democratic Socialists of America, Los Angeles (DSA-LA) to Item 12 - LAART EIR for the February 22, 2024 LA Metro Board Meeting.

Dear Metro Board of Directors,

We are writing to uplift the demands of the Stop the Gondola coalition by urging the Metro Board to **vote NO against the gondola and reject the certification of the Final Environmental Impact Report**.

The gondola project disappointingly goes against all of LA Metro's Vision 2028 goals and instead is a clear scheme to financially benefit billionaire Frank McCourt at the cost of an increasingly vulnerable working class community. Longtime residents of the area, especially Chinatown, are currently facing the enormous pressures of gentrification, most notably seen with the Hillside Villa tenants, but also in spaces of racial and cultural meaning, such as Dynasty Center. McCourt's gondola project now poses the threat of a years-long construction process that will not only disrupt the lives of residents in the short term but will also bring the near-certain future of additional luxury developments. McCourt's long term plans have yet to be shared, but his plans can be inferred based on his track record. This parallels the history of displacement of Chicanx residents in the Chavez Ravine for the construction of Dodger Stadium.

It is evident that the gondola is a private luxury operation that is designed to benefit the few, rather than operate as a public good. Even if it operates to the capacity that McCourt claims it will, which is all hypothetical at this point, the traffic reduction will be negligible as less than a fifth of the stadium's capacity will be moved for each game and that is even with the most optimistic of estimates. Indeed, given his business interests as the main profiteer of Dodger Stadium parking, we can also assume that McCourt has no desire to reduce traffic in favor of better transit options, as that would cut into his profits.

If Metro is looking for solutions to alleviate game day traffic, there's no need to reinvent the wheel. We urge the Board to instead expand the already existing, significantly more efficient, and free, Dodger Stadium Express by adding more origin points, bus capacity, and priority bus lanes. In addition to its ability to move tens of thousands of people more than McCourt's gondola, the economic benefits of increasing employment of unionized bus

drivers will have a much greater impact on the city and its residents without putting more money into a billionaire's pockets while potentially leaving taxpayers to foot the $500 million bill. This move supports transit infrastructure for everyday people, not tourists, and continues to protect Chinatown's working class residents and communities from unaffordable and destructive development, at the same time.

Therefore, we urge the Metro Board to **vote NO against the gondola and reject the certification of the Final Environmental Impact Report** and instead work with the actual community on solutions that will provide high-quality mobility options that are equitably accessible.

Democratic Socialists of America, Los Angeles



--
o.b.o the Steering Committee
Democratic Socialists of America - Los Angeles

From: [redacted]
To: Board Clerk; Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 12:38:49 PM

To the Metro Board Members:

How long will you tolerate Dodger Stadium pushing their parking problems upon their neighbors and surrounding communities, making it difficult to get to one's own home or finding a parking place on one's own street? Now, they think it is the responsibility of Chinatown to solve Dodger Stadium's problems and to be seriously damaged or destroyed in the process.

Dodger Stadium has a parking problem and a traffic flow problem. It does not have a shortage of gondola problem. If LA ART's heart is set upon building a gondola and gondola technology is well advanced, then build one down the center of the freeways. Since they do not want to build a parking garage on top of the hill, then build one next to the freeway and first gondola station. Maybe people will not complain as much.

FIRST THINGS FIRST:

Stop the parking in the neighboring communities by issuing permits for the residents and their visitors, and businesses and their customers. Where practical, block off several streets with a guard who will allow admittance by permit only. Issue expensive parking tickets to those who insist upon parking where it is no longer allowed; but first show mercy since the Dodger fan is not the enemy and their life may be as miserable as that of everyone else.

Separate the bus traffic from the car traffic. The Dodger Stadium Express should have two dedicated bus lanes, one going each direction, and a separate final stop for buses only. When that traffic is flowing better, then Metro will have a better idea how many buses and how much space is needed.

NOT PUBLIC TRANSIT

The gondola is not public transit. Calling it public transit does not make it so. Many car drivers would not put up with the time involved with taking a bus. The first twenty minutes may be spent walking to the bus stop and waiting for a bus that will take you to the start of the bus route you want, which used to start at the stop you are waiting at, before Metro started chopping up the line into smaller pieces so you have to make more connections, and then the bus shows up and you stop complaining to yourself, and instead try to keep your shopping cart out of the way of people with walkers or wheelchairs.

Let us say you wanted to buy some lumber at Home Depot so you could put a shelf up in your apartment. A car driver could buy wood of a length that he is able to carry in his vehicle. A bus rider will buy wood of a length he is able to carry by hand. The car driver will probably saw the wood to the length needed. The bus rider will probably glue some wood together to arrive at the appropriate length. Except, I forgot. The bus rider will be taking the gondola. So the bus rider hauls the lumber to the closest gondola station and gets on the gondola. He gets off the gondola, picks up the lumber, and starts walking and walking and walking. This is not public transit. This is entertainment, at least for those watching.

I will give you two examples of public transit. DASH. Someone may work downtown, shop in the Fashion District, or have jury duty, and still travel around without giving up their parking place. A person just needs to look at a map to find a couple of routes that would be useful and then practice, practice, practice. These are baby steps for car drivers but it works. DASH puts a positive face on public transit because it is cheap and goes places people want to go.

If someone wants to go to Elysian Park, why would they go to Dodger Stadium? If someone is in Elysian Park and

wants to go to the Los Angeles State Historic Park, why do they have to wait for a bridge to be built? If someone wants to go to the center of the State Park, why do they have to walk from Chinatown Station?

You can take DASH to solve you park needs, if the bus existed. It is difficult to access the northern portion of the State Park due to the traffic on Spring Street. Stop signs would help a lot. In the meantime, you could have a DASH bus traveling from the Chinatown Station, northward to the Ranger Station, and turn into the parking lot for the first bus stop. The bus has now turned around and can travel back to the Welcome Pavilion and Chinatown Station. It can continue up Broadway to Solano Avenue, Dodger Stadium, and several stops at Elysian Park, if the bus existed that is. That is public transit. Not a gondola that goes to a place where only a few people need to go.

THERE IS ANOTHER ODD THING ABOUT THIS PROPOSAL:

It is designed to move people to and from a game or special event/concert: the proposed hours of operation do not match up. Is there a special, secret agenda or planned surveillance? Even the concerts may last longer that the gondola is running?

Are we being set-up to accept promises that will never be carried out? Will trees be cut down and not replaced? Will there be no privacy glass if the paying riders complain about not being able to take photographs? What happens it there is not enough money to complete the project or to continue operating it? Will any politician be willing to stop the project all together or will he divert money from transit projects?

The integrity and honesty of the people behind this proposal are highly questionable. Does this need to be investigated or just rejected?

Let's start with rejecting it.

LET DODGER STADIUM DEAL WITH ITS PARKING; IN FACT, INSIST UPON IT.

Dodger Stadium has 16,000 parking spaces and 56,000 seats as far as I am able to determine. There are 30 surface parking lots with various owners. It seems that someone should be able to devise a good solution to the parking problems by using the parking lots, maybe below ground, maybe above, maybe with several entrances and several exits, maybe interconnected. Should all traffic be going in a similar, circular direction? Are electronic signs giving the number of available parking places accurate and do drivers pay attention, or is a young, strong man, saying, "You will park here. Next!" more effective?

With all the decades of experience at designing and building parking lots and parking garages and streets or roadways that interconnect, it is hard to believe that this problem can not be solved. Maybe there needs to be a little more incentive for the lot owners, such as no construction allowed that is not directly related to parking.

It is time that Dodger Stadium grows up and accepts its responsibility to their fans and supporters and treats their neighbors with respect.

ONE MORE THING: DON'T MAKE DEALS. LET THE PROPOSAL STAND ON ITS OWN MERIT.

Remember who your customers are, Metro, the ones that need 24-hour bus service. We need to live in downtown Los Angeles, yet we are often the ones being chased out. Housing near transportation hubs should be low-income and/or "affordable." You are not going to convince a car driver to take a bus because there is a bus stop nearby. But you can make it difficult for a bus rider to go any place at night because he may not be able get home (and don't assume that everyone is able and willing to use a smart phone).

Please find a way to protect Chinatown and also reject this EIR.

A FEW OTHER THOUGHTS REGARDING ENERGY AND THE EIR

How reliable are the promised renewable resources? Is there likely to be any problem obtaining parts for repairs or replacement? Is there any risk to any form of life, plant or animal, due to the technology involved?

Much attention has been placed upon electric vehicles that will need to be charged. In the long run, does it really matter if people arrive by electric car, electric bus, or gondola? But, just in case that the LADWP is not able to consistently supply all the needed power, what do you think is the least important: electric cars needed for jobs, electric buses needed by those who don't have cars, or a gondola for entertainment purposes?

There does not appear to be a discussion of possible health effects from the system due to electrical or magnetic fields, dirty electricity, RF, or other frequencies. It is important that there is no measurable increase in the readings for any frequency. Obtaining approval in install a gondola system should not include the "right" to damage a person's health or cause an early death. Considering that people have different levels of emf-sensitivity, the only safe level is no measurable increase as determined by experienced and knowledgeable building biologists and practitioners who deal with individuals with such sensitives. The risks need to be verified or discounted before and after construction and either periodically or after any maintenance or modification.

Those most at risk are employees; seniors who are already dealing with health problems or have a high toxic load (The Metro @ Chinatown Senior Lofts); all living tissues, both plant and animal (Los Angeles State Historic Park); and those closest to the gondola (Broadway Junction).

Thank you for your consideration.
By the way, I have many more objections than these.

[redacted]
Chinatown Resident

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/24
Date: Wednesday, February 21, 2024 1:07:54 PM

Hi,

My name is Christine and I'm a concerned resident of Los Angeles urging you to OPPOSE the LA ART Gondola to Dodger Stadium and vote NO on the EIR. The EIR is a fatally flawed document and must not be certified. The Community Benefits Agreement (CBA) does absolutely nothing to change that. The CBA is a long list of vaguely worded and unenforceable conditions used to justify approval of a project that the community has been and continues to be very clear in expressing it doesn't want. These conditions were not negotiated with the community, but rather negotiated on the community's behalf, without expressed permission.

As Director Solis stated, there are far too many unanswered questions about the project. Now is the time to listen to what the community is saying and say a clear and decisive NO to the gondola. Our communities deserve REAL and PRODUCTIVE transit solutions and services, not Frank McCourt's ill-conceived gondola.

Thank you for your time on this matter.

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/24
Date: Wednesday, February 21, 2024 2:49:48 PM

Hi, my name is [redacted] and I live/work in Los Angeles. ***I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.***

This just seems absolutely ridiculous and there's no need for this. This just large developers taking advantage of poor communities! And for what??? These people in this community are already struggling and we need to support them and come up with solutions before glazing over their adversities and building some absolute bullshit.

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. ***Vote NO on the gondola.*** Community over profit!

VOTE NO ON THE GONDOLA
VOTE NO ON THE GONDOLA

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 3:20:32 PM

Hello,

My name is [redacted] and I live in Eagle Rock and work in Highland Park. I STRONGLY urge the Metro Board to vote NO on certifying the final EIR for LA ART's Gondola to Dodger Stadium.

This project aims to solve Chinatown's and Solano Canyon's traffic problems but IT WON'T. This project will increase the traffic congestion and add to the already existing traffic issues. It isn't efficient and will cause more traffic because it will act as a tourist attraction as well.

The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working-class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

The gondola will attack the vibrant part of Chinatown and Olvera Street which hold so much history and heritage in them. The gondola would cause the neighborhood, the residents, small businesses, and our dwindling transit system to SUFFER even more than it already is.

With evictions on the rise, climate change causing more flooding, and the job market as dismal as it is, this would cause a huge blow to the people who depend on the city to try and take care of them. Take care of Angelenos and take care of the people by investing in REAL TRANSIT SOLUTIONS, and not this project to satisfy billionaires like Frank McCourt.

We need more transit. Transit systems like the metro bus, train, and micro provide jobs and connect people in LA to other communities across this wonderful county.

PLEASE, I beg you to VOTE NO ON THE GONDOLA. We are suffering enough, we don't need some shiny new toy to make us proud of this city. We need equity, we need access, and we need investments in infrastructure we already have.

This project would take years to be built and years to see impact. If the metro was made free on Dodger gay days, for example, we would see major benefits instantly. Traffic congestion would decrease, more people would carpool, and the people in the neighborhoods could connect better.

VOTE NO. VOTE NO! COMMUNITY OVER PROFIT.

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[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 9:35:21 AM

Dear LA Metro Board Members and LA City Council,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium.

The Gondola would be devastating to the communities it passes 26 feet over. It would bring more traffic, more gentrification, and less privacy. It would also devastate LA State historic park, where I've often ridden my bike and enjoyed the little green space available in the city. It would not provide the services these neighborhoods actually need, let alone the transit they need, while potentially using our tax dollars on a private billionaire's project.

The time, money, and effort could be much better spent on real transit solutions like more service, better bus and bike lanes, and improved language accessibility. Please listen to the community, vote AGAINST the LA ART gondola.

thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 — LAART EIR public comment for Metro Board Meeting on 2/22/24
Date: Wednesday, February 21, 2024 3:18:00 PM

Dear Metro Board Members,

I am writing to encourage you to vote NO on item 12 and decline to certify the final EIR for Frank McCourt's gondola. I want to be clear that the conditions proposed in item 12.1 do not make this project acceptable, and I am asking the board to reject the certification of the EIR altogether.

The Gondola will not relieve traffic. This is plain common sense, and a study by the UCLA Mobility Lab confirms it. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola would ruin the LA State Historic Park, a community treasure. This project wants to put a boarding station on Park land and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

I celebrated my child's birthday at this park. As a family, we've attended the people's kite festival twice, and a live music performance under the full moon at this park. What a terrible shame it would be to ruin beautiful green space (at a premium in our park-poor community) that's enjoyed by the whole community for free, for the sake of a useless novelty eyesore and earsore that mainly tourists would pay to use once and then never again.

It's truly baffling that there's no real funding plan for the gondola available to the public. There is no assurance that the gondola will not use taxpayer money to build this PRIVATE project that is now estimated to cost half a billion dollars (!), 4x the original estimate. And let's be real, we all know the final cost will likely be much more than that.

I am also deeply confused about the feasibility of this project. The major operational problems it's like to face are hugely predictable. It gets really hot in the summer and it's only getting hotter. Between June and October (ie baseball season) there are plenty of days in the 90s, even occasionally triple digits. Are people going to want to sit in an enclosed cabin with windows that won't open? Are the gondola cabins air-conditioned? What if the A/C breaks? What if there's a malfunction and people are trapped in un-air-conditioned cabins with windows that won't open in mid-air? It's not like this is an implausible scenario. Or will the gondola just not run on especially hot days, of which there are many, in particular during baseball season, ostensibly the whole point of this project?

The harms of a gondola would be many, and the benefits to the community non-existent. So why is this project being seriously considered? This project is clearly about further enriching one already rich and powerful person. It's genuinely depressing that we have to spend our time and effort as a community fighting this boondoggle. This Board is full of public officials whose job it is to protect the public from schemes just like this one. Please consider your obligation to your constituents, and do your office credit by voting NO.

Finally, the conditions proposed in item 12.1 are mostly unenforceable lip service to the community's concerns, and they do not make this project acceptable. It's more of the same vague assurances and empty promises we've heard since the beginning of this project. Please just straight-up reject the EIR.

Thank you for your consideration,

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 3:41:54 PM

My name is [redacted], I am from North Hollywood, 91605.

I'm writing to you today to state that I am wholeheartedly against this initiative and urge the board to reconsider approving this project. Based on what I've read and heard from local organizations and neighbors directly affected by this project, this is not for the benefit of the people of Los Angeles. In addition to not having a set funding plan, there is no solid evidence that this will in fact solve traffic on game-days—one can even make the argument that it will worsen traffic and doesn't make sense financially as home games are under 90 days a year.

More importantly, this project will radically change the landscape of our city, which will negatively disrupt our already scarce green spaces, it will ruin the historic Placita Olvera, take away resources from the already neglected areas of Chinatown, it will cause displacement of the people in the surrounding area, and a litany of other problems will be brought on by this project.

Instead of promoting this so-called solution that would, quite frankly, serve more as an overinflated tourist attraction, please consider investing in REAL transit solutions for our community, like expanding the Dodger Express line, creating designated bus lanes, and adding more bus lines to the area. Listen to your constituents: we do not want this and we will use the actions of this board as a factor in our voting choices.

Thank you for your time.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 2:22:30 PM

Hello,
My name is [redacted] and I live in Chinatown. I am writing to urge the Metro Board to OPPOSE and STOP the LA ART Gondola project from moving forward. Voting NO on this project would help protect LA State Historic Park, one of the only green/open sky spaces available to residents of Chinatown, Solano Canyon and adjacent communities. Additionally, voting against the gondola would assist with protecting the aforementioned communities from the inevitable wave of gentrification and displacement that would likely result from this project. Please instead invest in conducting a full updated traffic study of the area and implement viable solutions that actually serve the local community.

Try to do right by the community (the working people who actually depend on your transit)
Thanks

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12- LAART EIR- Public Comment for Meeting 2/22/24
Date: Wednesday, February 21, 2024 3:18:41 PM

Hello,

My name is [redacted]. I live in CD 13 and am strongly opposed to the Gondola Project.

1. Where is the traffic plan? This will only exacerbate the already intense traffic between Echo Park, Solano Canyon, Chinatown, and Downtown on game days and other days alike. These neighborhoods are not a parking lot. And if anything, they deserve more protections for pedestrians. Stop centering cars and profits.

2. This will destroy large parts of historic Los Angeles. Some of our oldest buildings, businesses, and most importantly, some of our eldest residents, in the city will be massively affected by this project. You would be putting forth literal harm, violence, and displacement.

3. We need real traffic solutions. Now. You know what we want. Bike lanes, buses, crosswalks, traffic stops, and more. Listen to the residents, not the developers.

Do better, Metro. Shame on you for even proposing such a harmful development.

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12-LAART EIR - Public Comment for Metro Board Meeting on 2/22/24
Date: Wednesday, February 21, 2024 2:36:44 PM

Hello fellow citizens of Los Angeles County and beyond,

It is with discord, I write to you today asking to end a vicious cycle for once. In high concern for the citizens those most vulnerable to uprooting and the generational trauma that stems from radical corporate development.

My family line is deeply rooted in Palo Verde/Pepper Tree. To those of you who are unfamiliar Palo Verde is where Dodger stadium is today. My great grandparents sealed their marriage in downtown in 1907 by county recorder C.L. Logan. My great greats paved Effie Street the history is both endless and precious. My family were here before Los Angeles was even California. And given the scope of the world let us not shy away from harsh realities. Step out of your bubble, reprogram your mind.

You work for us our tax dollars send your kids to great schools and fund your lifestyles but are you really winning? The people aren't at your mercy the man with the plan is!

Indigenous ton these lands, never forgotten.

Respectfully,
[redacted]

Sent from my iPhone

From: [redacted]
To: Board Clerk
Subject: Agenda Item 12: LA ART Gondola
Date: Wednesday, February 21, 2024 2:40:17 PM

To Whom it May Concern,

If we think billionaire developers have small businesses' best interests in mind, you're not paying attention. Small businesses are shuttering because the rent is too damn high! Entities like billionaire developers with special interests have a huge part in determining market rate rents and the more properties they acquire, the less choice we have in the rental market. If we think this is an investment in a low income community by billionaire developers, remember other low income neighborhoods like Silverlake, Venice, Highland Park, Chavez Ravine that were cash for keys gentrified by private interests. Also have you ever seen the amount of cars that dominate Chinatown on game days? Contrary to the supposed zero emissions allure and estimated popularity, be honest: how many more people do you think will this disneyesque drive into the neighborhood? Logic says traffic and pollution will increase for these communities.

All my best,
[redacted]

From: [redacted]
To: Board Clerk
Cc: emailmartym@gmail.com
Subject: Board Meeting Thursday 2/22/24 - Agenda item #12.2023.0743
Date: Wednesday, February 21, 2024 1:47:46 PM
Importance: High

NO GONDOLA!

An emphatic **NO** on the gondola idea.
At best it will not affect the traffic conditions at Dodger stadium.
It will cause multiple negative issues in the surrounding neighborhoods.
It is not intended to improve traffic anywhere, it is a tool being used so Frank McCort can turn the Dodger stadium parking area into commercial area of high rise offices and buildings = MORE TRAFFIC/CONGESTION.
Don't fall for it.

From a longtime Dodger fan.
Thank you,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Dodgers gondola
Date: Wednesday, February 21, 2024 7:57:20 AM

I am strongly opposed to item #12.1, the plan to put a gondola from Union Station to Dodgers Stadium. I believe there are more rational ways to provide public transport to Dodgers games. This plan would be horribly intrusive for the people living under the route. It would disrupt Elysian park which must retain its peace and tranquility for the people who visit and the wildlife dependent on it.

[redacted]
Echo Park

From: [redacted]
To: Board Clerk
Subject: GONDOLA PROJECT
Date: Wednesday, February 21, 2024 1:58:42 PM

I am writing as a homeowner in Echo Park to state my vehement oppositoion to this project.
There has been no meaningful research showing that this project would reduce traffic or greenhouse emissions.
And more importantly, you have not even bothered to seek any sort of input from the communities surrounding Dodger stadium.
As revealed by the LA Times:

In land use documents filed by the joint venture in 2012 and intended to "facilitate the orderly development" of the Dodger Stadium parking lots, the potential property uses cited include homes, offices, restaurants, shops, entertainment venues, medical and academic buildings, a separate sports facility and a hotel and exhibit hall.

The gondola would become the first step in massive development at Dodger Stadium that would only lead to more traffic and greenhouse emissions.

The communities surrounding Dodger Stadium will not stand for this!

The Gondola cannot and will not be built!

From: [redacted]
To: Board Clerk
Subject: gondola
Date: Wednesday, February 21, 2024 1:52:33 PM

I am completely AGAINST the proposed gondola project. Please listen to the citizens words on this.
Megan Perry Sandoval

From: [redacted]
To: Board Clerk
Subject: I oppose the Gondola Project
Date: Wednesday, February 21, 2024 10:16:41 AM

In no way do 1 support a $300-500 million Metro Gondola project. It is a misuse of funds and will negatively affect Olvera Street, Elysian Park, Los Angeles State Park, and the neighborhood. This will add congestion as people while have to park in our neighborhood.

From: [redacted]
To: Board Clerk
Subject: Item #12 - Item Needs More Consideration - Feb 22 2024 - LA Metro BOD Meeting
Date: Wednesday, February 21, 2024 5:18:11 AM

Hello LA Metro. My name is [redacted] and I'm a resident of Downey who uses public transportation for work everyday. While I rather not use a car to drive to Dodger Stadium for the games, the proposed LA ART gondola design options A-D are the worst options for transit users like me. Instead, please pick **Design Option E** & the **TSM Alternative Option** for the reasons mentioned below (and not Design Options A-D).

While LA ART keeps claiming the system will move 30-40 riders into gondola cabins at 23 seconds consistently, it does not take into account the additional time needed for 30-40 riders exiting the gondola cabin, and the wheelchair riders, baby strollers, or bike riders that need additional accommodation time. This means the projected 5,000 riders per hour per direction is very unlikely. I predict 2,000 riders per hour per direction and the waiting queue will take over 1 hour just to get into a gondola cabin.

Because of this expected long wait time, you can get riders moving faster in less time by using the already existing Dodger Stadium Express buses. And also by building a pedestrian bridge from Dodger Stadium to Bishops Rd (0.15 mile) & another pedestrian bridge from N Broadway to LA State Historic Park (about 150 ft.). This will help people to connect with the already existing sidewalk at the LA State Historic Park that connects to the Chinatown A (Blue) Line Station.

So for the immediate goal, please pick **Design Option E (**Draft EIR, page: 6-40) in order to build a pedestrian bridge connecting LA State Historic Park with N. Broadway. Also please pick the **TSM Alternative Option** (Draft EIR, page: ES-19) to significantly increase the bus frequencies for the Dodger Stadium Express.

Long Term Goal: There needs to be a 0.15 mile pedestrian bridge built to connect Dodger Stadium with Bishops Rd. That way, it can connect with the pedestrian bridge at N Broadway/LA State Historic Park (if Design Option E is picked). And I still hope that LA Metro will come back to propose an underground train station at Dodger Stadium for a possible Southeast Gateway Line extension (connecting Union Station to Dodger Stadium by train).

Thank you for your time.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Item #12 and #12.1
Date: Wednesday, February 21, 2024 2:31:50 PM

Hello,

I am sharing my deep concerns about the proposed Gondola project, and I strongly disagree with the execution of it.

As a longlife resident of Northeast LA, I have seen how projects like the Gondola encroach on the slivers of public land that we have left in this city. My entire life has revolved around these communities, and I have grown up alongside the park spaces that the construction on the Gondola will deeply impact. I have fond memories of both Elysian Park and Los Angeles State Historic Park. I remember Los Angeles State Historic Park before it was a park and just the remnants of an old train depot. I witnessed the intense amounts of community organizing that pushed for the construction of the park in one of the most park-poor communities in the city. I also witnessed how long it took for this park to be constructed, and now when the community is finally able to enjoy it and claim it as their own, here comes another threat by a private development.

Not only are public lands important to conserve and protect, but our airspace as well. With large gondolas swinging only 26 feet above the ground, this project would forever negatively impact the park, but most importantly, how parkgoers experience this precious park and the park's neighbors' quality of life.

The construction of this Gondola is an encroachment on this valuable public space, it will lead to the closure of the park for 2 years or indefinitely and will negatively hinder the communities that surround the park. Please listen to the concerns of your constituents.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Item #12(.1) Public Comment - Stop the Gondola
Date: Wednesday, February 21, 2024 2:11:58 PM

Item #12/12.1

Hi, my name is [redacted], and I am a student at UCLA. I've spent a good amount of time volunteering in Chinatown and getting to know the community there. ***I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.***

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. ***Vote NO on the gondola.*** Community over profit!

From: [redacted]
To: Board Clerk
Subject: Item #12.1 - Item Needs More Consideration - Feb 22 2024 - LA Metro BOD Meeting
Date: Wednesday, February 21, 2024 5:29:41 AM

Hello LA Metro. My name is [redacted] and I'm a resident of Downey who uses public transportation for work everyday. While I appreciate the efforts of several Board of Director members in addressing major concerns coming from the local residents of Chinatown, I do believe the local residents (especially all the Mandarin/Cantonese speakers) have made it crystal clear that they do not want to have a gondola flying over their neighborhoods, apartments, & homes.

While I do like many of the conditions listed regarding improving transportation options: 1) Bus Rapid Transit along Sunset Blvd., 2) Making permanent/expanding the Dodger Stadium Express busses, and 3) Bike and Micro-Mobility Hubs at each of the locations. All these conditions can be done without the approval of the flawed gondola system. **I recommend that LA Metro still approves the 3 mentioned conditions without approving the Gondola project (Design Options A-D**). And I recommend LA Metro picks **Design Option E** & the **TSM Alternative Option**.

I've been learning more about the history of this area and how transportation has been used as an excuse to destroy parts of Chinatown (Union Station site, 101 & 110 FWYs). And the history of Chavez Ravine with its 1,800 families being removing due to being being promised affordable housing, only for the Dodger Stadium to be built instead. I don't want the next chapter of what remains of Chinatown to be another version of these neighborhoods being negatively impacted by a project.

And I am disturbed by the vocal supporters of the gondola project (that are showing up in the meetings) are openly admitting that they are being bribed free Dodgers Tickets, a majority have the same matching black with white gondola image t-shirts (like it's an organized choreograph), and many aren't even going to be feel the negative impacts of this project because they admit they live outside of Chinatown.

Again, I recommend LA Metro picks **Design Option E** & the **TSM Alternative Option** and approves many of the transportation conditions without approving an actually gondola option.

Thank you for your time.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Item 12 Public Comment
Date: Wednesday, February 21, 2024 2:13:24 PM

Hello,

I am writing to express my support for the proposed Gondola project (Item 12). Firstly, it will help in alleviating congestion in the area, easing the commute to Dodgers Stadium for residents and improving overall traffic flow. Additionally, the Gondola will provide convenient access to Dodgers Stadium for families, enhancing the overall experience of attending games and events for both locals and visitors alike. Moreover, the project will be a valuable economic asset for an underserved community. With its potential to attract tourists and travelers from outside the city, the Gondola holds promise as a potential driver of growth for local small businesses.

Thank you so much,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Item 12.1
Date: Wednesday, February 21, 2024 12:10:24 PM

Please do not built the Dodger Stadium gondola!
We are long time Echo Park residents opposed to this crazy idea.

[redacted]

From: [redacted]
To: Board Clerk
Subject: Items #12 and #12.1
Date: Wednesday, February 21, 2024 1:31:50 PM

I am writing to state my **OPPOSITION** to the current plans to build the aerial gondola by LA ART. This project is a complete waste of government resources to fund a project that will not alleviate traffic concerns from Dodger Stadium and will instead cause gentrification, displacement, and more environmental harms to an already underserved and exploited population. As a community member who frequents Chinatown, what the community needs is improvements to public transportation, affordable housing, and support for legacy small businesses. The gondola will not help address any of these issues. Furthermore, this project and its EIR has been haphazardly pushed forward by the city without any meaningful community input or transparency. It highlights again the ways the government support millionaires at the expense of working class minority communities. I urge the metro board members to vote no on this final EIR.

[redacted]

From: [redacted]
To: Board Clerk
Subject: Metro Board, item 12 and 12.1: STOP THE GONDOLA!
Date: Wednesday, February 21, 2024 9:04:42 AM

Hi, my name is [redacted] and ***I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.***

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. ***Vote NO on the gondola.*** Community over profit!

[redacted]

From: [redacted]
To: Board Clerk
Subject: My Comment on Reference Agenda Item #12
Date: Wednesday, February 21, 2024 11:44:48 AM

Hello,
Respectfully, I've voted for some of you to office over the years and I'm asking you to please vote to stop this gondola to Dodger Stadium project now. I'm asking you to be stewards of our public lands and our parks.

I love and care for LA State Historic and I'm asking you to protect it for us. It took a lot of work by many people including elected official to make LA State Historic Park a reality and it's a gem that is only growing and getting better. This gondola will hurt the park and the many people who enjoy it everyday.

As a Dodgers fan I have attend many games every year and I've walked mostly and have driven to the Stadium. I would love wider sidewalks, even better shuttle service not just for me, but for all Angelenos coming to the Stadium. **This gondola is not the solution and I don't consider it public transportation.**

The neighborhoods of Chinatown, El Pueblo and Solano Canyon would be negatively impacted by the Project. Please don't repeat the dark impact that Dodger Stadium had on the families and communities of Bishop, La Loma and Palo Verde. You and us need to stand up for these communities.

Thank you,
A Very Concerned Los Angeles Citizen and Resident
[redacted]

From: [redacted]
To: Board Clerk
Subject: no gondola
Date: Wednesday, February 21, 2024 12:04:13 PM

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please veto this project. there is not clear evidence that traffic to dodger stadium will be reduced.

public park property should not be given to private interests.

access to the park will be restricted for the nearby community.

privacy of residents and park goers is intruded upon

development by mccourt is greedy and is not

where are other proposals?

where is the guarantee that taxpayers will not be contributing to this mccourtproject.

this is rushed and not thought out.

thanks for your time,
[redacted]

Sent from my iPad

From: [redacted]
To: Board Clerk
Subject: No on item 12
Date: Wednesday, February 21, 2024 10:51:43 AM

Hello-

I am a resident of district 1 and I am AGAINST Item #12. Please put this unneeded project to bed so we can all move on to important topics in our city.

Thank you!

From: [redacted]
To: Board Clerk; LAART; Board Clerk; Karen.bass@lacity.org; tina.backstrom@lacity.org; randall.winston@lacity.org; firstdistrict@bos.lacounty.gov; kmacias@bos.lacounty.gov; wrehman@bos.lacounty.gov; Bfeldman@bos.lacounty.gov; FourthDistrict@bos.lacounty.gov; vgomez@bos.lacounty.gov; lklipp@bos.lacounty.gov; fdutra@cityofwhittier.org; mperez@gatewaycog.org; kathryn@bos.lacounty.gov; dperry@bos.lacounty.gov; jbutts@cityofinglewood.org; mbohlke@sbcglobal.net; jdupontw@aol.com; ThirdDistrict@bos.lacounty.gov; jorenstein@bos.lacounty.gov; paul.Krekorian@lacity.org; doug.mensman@lacity.org; HollyJMitchell@bos.lacounty.gov; LOBrien@bos.lacounty.gov; KShamdasani@bos.lacounty.gov; AYoon@bos.lacounty.gov; rdavis@bos.lacounty.gov; anajarian@glendaleca.gov; vrescalvo@gmail.com; tim.sandoval@pomonaca.gov; councilmember.yaroslavsky@lacity.org; kristen.pawling@lacity.org; jarrett.thompson@lacity.org; Councilmember.hernandez@lacity.org; Ivette.serna@lacity.org; Councilmember.Blumenfield@lacity.org; contactCD4@lacity.org; councilmember.padilla@lacity.org; Councilmember.Rodriguez@lacity.org; councilmember.harris-dawson@lacity.org; councilmember.price@lacity.org; cd10@lacity.org; councilmember.park@lacity.org; councilmember.lee@lacity.org; councilmember.soto-martinez@lacity.org; councilmember.kevindeleon@lacity.org; councilmember.mcosker@lacity.org
Subject: Olvera Street Merchant OPPOSED to the LA ART Gondola (attachment has an image)
Date: Wednesday, February 21, 2024 1:26:57 PM

Subject: Public Comment Against Item #12 –

LA Aerial Rapid Transit EIR –

Metro Board Meeting on 2/22/2024

February 20, 2024

Dear Metro Board of Directors,

I am a third generation (almost 95 years) Olvera Street Merchant who is extremely concerned about the impacts that the LA Aerial Rapid Transit (LA ART) Gondola Project would have on the birthplace of our city, El Pueblo de Los Angeles. We urge the Metro Board to **vote NO on the certification of the fatally flawed Final Environmental Impact Report (FEIR).**

The businesses on Olvera Street are family-owned, legacy businesses, many of which have been in continuous operation for generations. Each year, the Olvera Street Merchants, in partnership with El Pueblo Historical Monument, host a variety of traditional events that are free of charge, and open to the public. While we welcome efforts to promote

tourism and visitation to our historic district, this project brings with it far too many risks, and would permanently destroy the historic character of El Pueblo. We believe that the costs of this project far outweigh the assumed benefits.

I. Funding

From the start, the process leading up to the approval of the environmental impact report has been shameful. Not only does the project itself lack transparency, but so does LA ART. LA ART has held few public meetings and disclosed very few details regarding the funding for this project. As of today, LA ART still has not provided an estimate for tourist fares, which would be one of the two main sources of revenue for this project according to the Final EIR. While we understand that the EIR does not require a funding analysis, we do feel it is important to understand the financial viability of a project that would permanently alter the landscape of our historic district. This project has been pitched to the public for years as "100% privately funded" and we oppose the use of taxpayer dollars to fund any part of it, now or in the future. **Moreover, we oppose any increase of our property taxes to support this project, which the businesses on Olvera Street pay directly out of our pockets.** Our businesses, which are still struggling to recover from the COVID-19 pandemic, did not ask for this gondola project, and must not be forced to subsidize it through special assessments, which we have had to pay for other "improvements" in the area. Although gondolas in other parts of the world do serve as public transportation, this project is not that. It's a private developer's luxury toy to take people to a private sports venue.

II. Avila Adobe

The Alameda Station would permanently alter and diminish the historic character of our district, especially the setting within Avila Adobe, the oldest remaining residence in the City of Los Angeles and a California

Historical Landmark. This impact is significant, despite attempts to minimize it in the fatally flawed EIR. Sitting a massive, open-air station, which is expected to funnel up to 5000 people per hour per direction, next to any single-family home should be a clear example of incompatible land and air space use. To put this massive modern station directly adjacent to the Avila Adobe, the oldest residence in the City, is in direct conflict with the main purpose and draw of this tourist attraction and historic landmark on Olvera Street, which is to transport people back in time, so that they can imagine what life was like in Los Angeles in the early 1800's.

III. Construction Impacts

Construction impacts would also be significant and unavoidable according to the final EIR. Construction noise, vibration, and traffic lane closures on Alameda Street would disrupt and hamper tourism business on Olvera Street for at least two years. Who would want to visit this area during that time, and how much would businesses be compensated for this disruption? Furthermore, El Grito Mural would likely sustain damage during construction on the Alameda Station and need to be restored. The mitigation is to protect the mural as much as possible during construction, but to be prepared to make repairs. Also, there is no guarantee that the construction would not put any of our other, over 100 year old, buildings in jeopardy. This would not need to happen if the environmentally superior alternative, expansion of the Dodger Stadium Express bus system is selected.

IV. Parking and Traffic

The gondola project would also shift some of the traffic and parking impacts from the roads leading into Dodger Stadium and redirect them around the gondola stations, especially around the Alameda Station. This project would attract gondola riders to drive to and park at El Pueblo's and Union Staton's parking lots to access the system. The gondola project would shift even more Dodgers traffic into our neighborhoods, bringing along with it the associated air pollution and

emissions. People will be discouraged from coming to Olvera Street if our parking lots are routinely being used as Dodger Stadium's remote parking lots. In addition, there would likely be more drivers converging upon Union Station and El Pueblo to access the gondola than LA ART estimates; the assumption that 68% of gondola riders will take transit or walk/bike for their entire journey is **overly** optimistic and is not backed up by strong evidence.

V. Chavez Ravine 2.0

Our historic district celebrates the birthplace and history of our City. This project, however, repeats the shameful history of the eviction of the Bishop, La Loma, and Palo Verde communities (also known as "Chavez Ravine"), by proposing to build over working class communities in a housing crisis in order to benefit the owners of the parking lots surrounding Dodger Stadium. This project does not serve or benefit the community. It betrays it.

We urge the Metro Board **to NOT certify** the fatally flawed final Environmental Impact Report. The FEIR defers mitigation and trivializes the impacts of this project on our historic district. We encourage Metro to work with us and our neighbors in Chinatown to address real transportation concerns with viable projects that actually serve the communities' needs, such as safe, clean, and more frequent bus and train service. Expand and electrify the existing Dodger Stadium Express bus system, and install protected bus lanes to speed up and prioritize bus travel around the clock. Don't put $500 million of taxpayer money at risk for Frank McCourt's futuristic theme park ride.

Sincerely,

[redacted]

[redacted]

From: [redacted]
To: Board Clerk
Subject: OPPOSE Agenda Item #12 (2-22-2024)
Date: Wednesday, February 21, 2024 11:22:45 AM

Dear Metro Board:

I am a 26 year resident of Echo Park and am writing to express my STRONG OPPOSITION to the Gondola project.

This is a gimmick that seems to be dazzling many in city government, but it will have very limited benefit in terms of impacting traffic congestion to and from Dodger stadium and any environmental issues due to the traffic. What we DO NEED is an electric bus fleet that can be used during baseball season and then deployed elsewhere in the city off season. Buses work for the Hollywood Bowl; they can work here.

But our MAIN CONCERN is that the city is even considering doing business with Frank McCourt, who bankrupted the Dodgers when he owned it and is NOT TO BE TRUSTED!!! His main interest in the gondola is that it will give him a Metro foothold that will then enable him to create a venue at the stadium, as well as expand entertainment and development in the surrounding area. WE DO NOT WANT THIS!!!!

WE NEED AFFORDABLE HOUSING and PARKS, but that that is the LAST thing McCourt is interested in. We DO NOT WANT an 18-hour a day, 365 days a year gondola!!! The Dodgers are already in violation of their CUP (conditional use permit) through noise and traffic congestion. Any expansion into year round use would destroy the neighborhood and Elysian Park. The gondola would also severely impact LA State Historic Park. Both parks are dark parks for the benefit of residents and wildlife. The gondola would be totally disruptive to the parks.

FRANK MCCOURT IS NOT TO BE TRUSTED!!! He will not pay for this. But he will try and wring as much profit from this enterprise as possible.

STOP THE GONDOLA!!!!

THANK YOU!
[redacted]

From: [redacted]
To: Board Clerk
Subject: Opposition to Item Number 12: Feb 22, 2024 Metro Board Meeting Public Comment
Date: Wednesday, February 21, 2024 2:29:23 PM

Dear Metro board members,

My name is [redacted] and I'm a resident of Highland Park (City Council District 1) and I am writing to express my strong opposition to certifying the EIR for the Gondola project to Dodger Stadium.

As a Dodger and Metro fan, and a regular Metro rider (who takes bus, rail, and Metro Micro) - I believe that the millions of dollars that we'd spend on the gondola project would be much better spent expanding Metro-specific services that benefit *all* Angelenos - like shorter wait times on our bus and train routes.

Our public transit is at its best when it opens up residents and visitors to the incredible things we have to offer around our city - not only bringing them to our baseball stadium (which, let's be clear, is a *private* venue). We already dedicate our public dollars to a shuttle service from Union Station specifically to Dodger Stadium.

Again - I am strongly urging the Metro board NOT to certify the EIR of the Gondola project.

Thank you so much for your time

[redacted]

From: [redacted]
To: Board Clerk
Subject: Opposition to Item Number 12: Feb 22, 2024 Metro Board Meeting Public Comment
Date: Wednesday, February 21, 2024 12:30:01 PM

Dear Metro board members:

My name is [redacted] and I'm a resident of Cypress Park (LA City Council District 1) and I am writing to express my **strong opposition** to certifying the EIR for the Gondola project to Dodger Stadium.

As a Dodger and Metro fan, and a regular Metro rider (who takes bus, rail, and Metro Micro) - I believe that the millions of dollars that we'd spend on the gondola project would be much better spent expanding Metro-specific services that benefit *all* Angelenos - like shorter wait times on our bus and train routes.

Our public transit is at its best when it opens up residents and visitors to the incredible things we have to offer around our city - not only bringing them to our baseball stadium (which, let's be clear, is a *private* venue). We already dedicate our public dollars to a shuttle service from Union Station specifically to Dodger Stadium.

Again - I am strongly urging the Metro board **NOT to certify the EIR of the Gondola project.**
Thank you so much for your time

-[redacted]

From: [redacted]
To: Board Clerk
Subject: Public comment for 2/22 Metro Board Meeting
Date: Wednesday, February 21, 2024 2:37:48 PM

Hello,

I am writing to submit public comment for tomorrow's metro board meeting on agenda items 12 and 12.1. I urge the board to vote NO on both items.

My name is Sophia Li, I work in the city of Los Angeles and am a LA County resident urging the Metro board to NOT approve the LA ART Project under Item 12 on the agenda. The gondola will be a massive waste of resources, fail to improve traffic, and ruin Olvera Street and LA State Historic Park, all for a billionaire's pet project.

The notion that transit advocates support the gondola is sneaky PR - I completely support increasing frequency and overall number of bus routes, as well as having dedicated bus lanes to improve transit times for those utilizing public transport.

The gondola will fix none of LA's traffic problems; it will uproot dozens of mature trees that are desperately needed for shade and combating pollution, and it will contribute to further displacement in working class neighborhoods.

Contrary to the proposal of agenda item 12.1, there is no community benefits agreement that can mitigate the harm of this project. It is not a public good and the economic and environmental harm committed by the gondola is not worth even this board's conditional support. Please act in the interest of the public and do not let the LA ART Project move forward, period.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Public comment Item #12/ 12.1 "AGAINST"
Date: Wednesday, February 21, 2024 11:54:00 AM

Board clerk and members,
Please consider voting against the proposed Dodger stadium/LA ART Gondola project

The long list of conditions meant to make the project appear acceptable is not entirely so. The problem is that many of the conditions sound good, but have loopholes or are unenforceable. Others can be easily rolled back by the Metro board in the future. We've seen Metro let LA ART miss deadline after deadline to present a funding plan for this project per their Memorandum of Agreement. Where's the accountability?
What we need is for the Metro Board to say a HARD NO to this project. Vague assurances, empty promises, and lack of transparency have plagued this Dodger gondola project from the start. This needs to end NOW!

ANY PROJECT WITHOUT SUFFICIENT COMMUNITY INPUT, ESPECIALLY ONE THAT **TEARS UP PUBLIC GREEN SPACE** FOR THE **BENEFIT OF AN OUT-OF-TOUCH BILLIONAIRE**, WILL NOT EARN THE COMMUNITY'S SUPPORT- **NOT NOW OR EVER**.

- **FATALLY FLAWED EIR**: Piece mealing, deferred mitigation, did not adequately study alternatives…. The list goes on.
- **GONDOLA IS WRONG TOOL FOR DODGER STADIUM**: Gondola still doesn't make sense as the mode of transit to Dodger Stadium because of inadequate capacity, surge demand, long lines, hours of operation, etc.
- **BENEFITS EXAGGERATED/GREEN WASHING**: The gondola is huge unnecessary infrastructure that won't significantly improve traffic and transit access.(UCLA Mobility Lab Study)
- **NOT PUBLIC TRANSPORTATION**: It's a giveaway of our public land and airspace to for the benefit of a billionaire developer to take people to a private sports venue.
- **PROTECT OUR NEIGHBORHOODS AND PARKS**: It's highly invasive and harmful to our neighborhoods and our parks. Note: Removes 81 trees at LA State Historic Park, 304 trees throughout the route. (Previous total was 250 trees. Design Option A removes an additional 54 trees.)
- **TOO EXPENSIVE/NO FUNDING PLAN**: $500 million to build, $10 million/year to operate and maintain. There is still no funding plan, which Metro/LAART had promised would be provided before certification of the EIR.
- **GENTRIFICATION/DEVELOPMENT**: This gondola is a key to unlocking development rights on the Dodger Stadium parking lots and a tool for accelerating

gentrification throughout our neighborhoods.

- **ALTERNATIVES NOT EXPLORED**: There are common sense alternatives that haven't been studied, including bike/ped improvements and expansion and electrification of the Dodger Stadium Express bus system.

A concerned community member,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Public Comment on item #12.1
Date: Wednesday, February 21, 2024 10:40:37 AM

As a resident of Council District 13 who lives off Sunset Blvd, I would be deeply impacted by this slush fund project that will not ultimately solve the transit issues to Dodger Stadium. I am opposed to the Gondola and hope you vote NO.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Re: Metro Board Meeting Agenda #12: Gondola to Dodgers Stadium
Date: Wednesday, February 21, 2024 11:47:53 AM

Dear Metro Board Members:

Respectfully, I've voted for some of you to office over the years and I'm asking you to please vote to stop this project now. I'm asking you to be stewards of our public lands and our parks.

I love and care for LA State Historic and I'm asking you to protect it for us. It took a lot of work by many people including elected official to make LA State Historic Park a reality and it's a gem that is only growing and getting better. This gondola will hurt the park and the many people who enjoy it everyday.

I'm a life long Dodgers fan and attend many games every year and I've taken the Dodgers shuttle, walked mostly and have ridden my bike to the Stadium. I would love wider sidewalks, even better shuttle service not just for me, but for all Angelenos coming to the Stadium. This gondola is not the solution and I don't consider it public transportation.

Thank you for your time,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Regular Board Meeting 2/22/2024: Agenda Item #12 and #12.1 - AGAINST
Date: Wednesday, February 21, 2024 2:15:25 PM

Good afternoon,

I hope this finds you well. My name is [redacted], and I have worked with the arts and culture organization Clockshop for the past two years on artist projects and free public programs at Los Angeles State Historic Park, such as the People's Kite Festival, which draws thousands of attendees each year. I strongly urge the Metro Board to **vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium**, which is **Agenda Item #12 and #12.1** on the 2/22/24 Metro Planning Committee agenda.

This project has long-standing negative repercussions for the communities in Chinatown and Solano Canyon, for whom Los Angeles State Historic Park is an irreplaceable green space. This project would close the park for two years, destroying 250 trees, including 81 within the park's boundaries. The gondola would fly less than 40 feet above the homes of longtime residents and usher in gentrification and displacement in our working class neighborhoods. It is essential that we protect and conserve public lands in Los Angeles, including our airspace. With large gondolas swinging just a couple dozen feet above the ground, this project would not only negatively impact the way organizations like Clockshop program at the park but also, most importantly, how parkgoers experience this public park and the park's neighbors' quality of life.

Our city, and especially our most vulnerable residents, need real transit solutions. This project only serves to aid the development plans of billionaire Frank McCourt, and it will not provide the traffic solutions it claims to through adding high-impact tourist destinations. The Environmental Impact Report and responses fail to take these impacts seriously. I ask you, as a Board, to actually stand up for the regular people and vulnerable communities in this city, to see the big picture, and to fight for transit solutions that can make a positive impact in this city. Please don't let this project happen on your watch. Vote NO on certifying the EIR for the gondola.

Sincerely,
[redacted]
--



[redacted]

From: [redacted]
To: Board Clerk; LAART; Board Clerk; Karen.bass@lacity.org; tina.backstrom@lacity.org; randall.winston@lacity.org; firstdistrict@bos.lacounty.gov; kmacias@bos.lacounty.gov; wrehman@bos.lacounty.gov; Bfeldman@bos.lacounty.gov; FourthDistrict@bos.lacounty.gov; vgomez@bos.lacounty.gov; lklipp@bos.lacounty.gov; fdutra@cityofwhittier.org; mperez@gatewaycog.org; kathryn@bos.lacounty.gov; dperry@bos.lacounty.gov; jbutts@cityofinglewood.org; mbohlke@sbcglobal.net; jdupontw@aol.com; ThirdDistrict@bos.lacounty.gov; jorenstein@bos.lacounty.gov; paul.Krekorian@lacity.org; doug.mensman@lacity.org; HollyJMitchell@bos.lacounty.gov; LOBrien@bos.lacounty.gov; KShamdasani@bos.lacounty.gov; AYoon@bos.lacounty.gov; rdavis@bos.lacounty.gov; anajarian@glendaleca.gov; vrescalvo@gmail.com; tim.sandoval@pomonaca.gov; councilmember.yaroslavsky@lacity.org; kristen.pawling@lacity.org; jarrett.thompson@lacity.org; Councilmember.hernandez@lacity.org; Ivette.serna@lacity.org; Councilmember.Blumenfield@lacity.org; contactCD4@lacity.org; councilmember.padilla@lacity.org; Councilmember.Rodriquez@lacity.org; councilmember.harris-dawson@lacity.org; councilmember.price@lacity.org; cd10@lacity.org; councilmember.park@lacity.org; councilmember.lee@lacity.org; councilmember.soto-martinez@lacity.org; councilmember.kevindeleon@lacity.org; councilmember.mcosker@lacity.org
Subject: Resident, Chinatown Business Owner, Family Association Member AGAINST the LA ART Gondola, Item #12 (Metro Board 2-22-2024)
Date: Wednesday, February 21, 2024 12:20:40 PM

Subject: Resident, Chinatown Business Owner, Family Association Member AGAINST the LA ART Gondola, Item #12 (Metro Board 2-22-2024)

February 21, 2024

Dear Metro Board Members,

I am a resident by the Broadway Junction and a business owner in Chinatown. My family has owned my home for over 30 years, and I have owned and operated my hair salon in Chinatown with my sister for over 30 years. I am strongly OPPOSED to the LA ART Gondola to Dodger Stadium.

The gondola project would do more harm than good, especially for businesses. The gondola, by design, flies over Chinatown. Instead of bringing more foot traffic directly into Chinatown, it would invite people to travel, often by car, to the gondola stations and then bypass us. If there is development on the Dodger Stadium parking lots, this would further draw business away. Visitors for the gondola would drive to and park in Chinatown, making it more difficult for visitors who actually want to spend time in Chinatown to find parking. Parking would also become more expensive, which will make it difficult for many businesses to survive. Chinatown should not be used as Dodger Stadium's parking lot.

The Broadway Junction is too large for this residential neighborhood. Allowing the gondola to operate from 6am to midnight every day will be too disruptive and noisy for residents. The prolonged and heavy noise and vibration during construction would also be extremely harmful to residents' health, especially the many seniors in my neighborhood including my mother. She would not be able to sleep, and would worry every day about when a cabin might drop down. Every day my mother walks to go to Chinatown, and she would not feel safe walking under the gondola. Privacy is also another problem. The cabins would travel very low over my neighborhood. Just because it doesn't cross directly over my home, doesn't mean that it would not invade my privacy. Allowing a private developer to build such a large and disruptive station in our small residential neighborhood for a tourist attraction seems like an abuse of power. It is too much to impose on residents who just want to live in peace. We already have to deal with Dodgers traffic, the noise of the 110 FWY, and the traffic and parking chaos of Cathedral High School, which hosts many sporting events and tournaments throughout the year. Please do not add this gondola flying over us and the massive Broadway Junction circulating cabins more than 18 hours per day.

Please, I urge the Metro Board members to vote NO on Item #12, the certification of the FEIR for this project. The EIR did not do enough to address our concerns, including privacy impact and noise. The FEIR also has too many flaws, and does not consider the impact of development on the Dodger Stadium parking lots. The studies in the FEIR also make many bad and overly optimistic assumptions about ridership. I also have many concerns about funding for this project. I ask Metro to hold LA ART accountable, and withhold certification of the FEIR until there is a real funding plan submitted to Metro -- one with enough detail so that the accuracy of cost estimates and anticipated revenues can be verified by Metro. Residents who would have to live with this project in their neighborhood need more than just LA ART's assurances that the project will be financially viable and maintained with a sufficient budget. For peace of mind, we need full transparency regarding the project's finances.

Sincerely,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop and PLEASE vote no to the gondola project!
Date: Wednesday, February 21, 2024 2:50:29 PM

Please as an Echo Park resident and to protect our working class neighborhoods - please vote no. #12.1

This is not going to solve a traffic issues. This will ruin this area and this city. Please vote no!

[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:00:36 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:00:54 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:31:59 AM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:33:56 AM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 6:58:53 AM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 7:36:16 AM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 8:20:28 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

My name is Olivia Biera, resident of Solano Canyon for 26 years. When seeking public transit over the hill I have been told by Metro There is no demand for ridership in the area . Esteemed planning committee, besides the 80 days of Dodger home games, the gondola will be an expensive eyesore for the rest of the year. For 500 million dollars it will need to take 50 THOUSAND cars off the road.
Here are some ZERO emission alternative solutions to Dodger traffic that would be more cost effective to the community:
* Add an escalator at Stadium way and lookout drive to take people up to Dodger Stadium from the current walking routes.
* Implement a regular electric bus route that would monitor the year-round demand for ridership in the area.
These solutions would be more cost-effective and less disruptive to the community than a gondola.
I urge you to vote AGAINST the gondola project and instead support alternative solutions that would better serve the needs of the community.

I URGE YOU TO UNDERSTAND THAT THERE ARE NO CIRCUMSTANCES WHERE THIS DESIGN AND GONDOLA ROUTE IS GOOD FOR TRAFFIC OR SURROUNDED COMMUNITIES!

Here is what many people against the Gondola are saying.

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Sincerely,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 8:41:01 AM

Dear Metro Board,

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Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 9:01:34 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
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The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

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[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 9:25:40 AM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 10:04:09 AM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 10:22:38 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

FATALLY FLAWED FEIR: Piecemealing, deferred mitigation, did not adequately study alternatives…. The list goes on.

GONDOLA IS WRONG TOOL FOR DODGER STADIUM: Gondola still doesn't make sense as the mode of transit to Dodger Stadium because of inadequate capacity, surge demand, long lines, hours of operation, etc.

BENEFITS EXAGGERATED/GREENWASHING: The gondola is huge unnecessary infrastructure that won't significantly improve traffic and transit access.(UCLA Mobility Lab Study)

NOT PUBLIC TRANSPORTATION: It's a giveaway of our public land and airspace to for the benefit of a billionaire developer to take people to a private sports venue.

PROTECT OUR NEIGHBORHOODS AND PARKS: It's highly invasive and harmful to our neighborhoods and our parks. Note: Removes 81 trees at LA State Historic Park, 304 trees throughout the route. (Previous total was 250 trees. Design Option A removes an additional 54 trees.)

TOO EXPENSIVE/NO FUNDING PLAN: $500 million to build, $10 million/year to operate and maintain. There is still no funding plan, which Metro/LAART had promised would be provided before certification of the EIR.

GENTRIFICATION/DEVELOPMENT: This gondola is a key to unlocking development rights on the Dodger Stadium parking lots and a tool for accelerating gentrification throughout our neighborhoods.

ALTERNATIVES NOT EXPLORED: There are common sense alternatives that haven't been studied, including bike/ped improvements and expansion and electrification of the Dodger Stadium Express bus system.

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Sincerely,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 10:42:53 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The gondola will only make the traffic problems in and around Dodger Stadium worse. An aerial gondola is not a substitute for large-scale, reliable public transportation. The city of Los Angeles has a responsibility to provide public services that allow its residents and thousands of tourists to safely and affordably access event arenas like Dodger Stadium. The Oakland BART station that takes riders directly to the Oakland Coliseum is a great example of what LA should be trying to emulate.

LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system, creating Bus Rapid Transit lanes throughout Districts 1 and 14 and improving in-language accessibility to the bus system.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:20:35 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

Please please invest in the PEOPLE OF LA, not just the wealthy. We need many things in this city but a gondola is not one of them and here are the many reasons why.

The Gondola Does Not Relieve Traffic
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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:23:01 PM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:24:26 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

This is a terrible idea that has no benefit for the community.
Please do not allow this project to proceed.

It is an eyesore.

It will mar the beautfio historic state park in downtown LA.

It will be problematic for houses & businesses below the gondola line.

My family uses the park regularly. We go to the farmers market there on a weekly basis.

My kids are students at grand arts downtown. We have friends & neighbors who live in the direct community (we are in Highland Park.)

Please say no!

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:45:52 PM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:57:30 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 1:36:04 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The gondola is a useless, disruptive waste of public land proposed by an out of touch, selfish individual, with no regard for the well being of affected LA residents. Please vote against it!
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Sincerely,
[redacted]

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To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:01:10 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:06:43 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:06:52 PM

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:34:30 PM

Dear Metro Board,

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Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:44:55 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

As a lifelong community resident (since 1982), I strongly oppose the building of the misguided gondola to Dodger Stadium.

The flimsy reasons put forward in support of building this bizarre gondola are misguided at best and misleading at worst. This project screams money-grab by an out-of-touch billionaire. Our tax dollars need to be invested in solutions that will fix real problems -- including improving our insufficient transit system that would benefit the entire community, not just those select few who can afford a trip to the stadium.

We need to put community over profit, and instead invest in real, meaningful solutions for our neighborhoods --not this ill-conceived gondola.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:46:40 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

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No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:52:35 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 2:55:05 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:09:02 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:09:36 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

DON'T BUILD THIS GONDOLA! THERE SEEMS TO BE NO INTEREST IN DEVELOPING OR PRESERVING OUR COMMUNITIES! WE WILL NOT STAND FOR ERASURE!

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:19:51 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:25:40 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:31:39 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:31:41 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:41:23 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

Hello, I am writing to you from Chinatown-International District, Seattle, WA where we know all too well the detrimental impact of projects like these. Our communities (poor people of color) are never consulted and need to be when it is these communities who are the most impacted. This vanity project is a misuse of public resources and embarrasses LA on the national stage.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

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Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:47:29 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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The gondola is a huge waste of money and will not help the residents in the area. I urge you actually spend funds on community resources that will help our residents!

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:49:07 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 12:00:25 AM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Cc: Lydia Moreno; Cyril Kuhn; Erik Otsea; Ryan Conder; Nancy De Los Santos Reza; Yvette Grageda
Subject: Stop the gondola
Date: Wednesday, February 21, 2024 12:03:42 PM

We do not believe that the gondola will change the traffic problem at dodger stadium. And we think it is another step to merchandise the stadium and the land around it . We want houses for people not another Disney land

Roger Herman
[redacted]

Sent from my iPhone

From: [redacted]
To: Board Clerk
Subject: Stop the gondola item #12.2
Date: Wednesday, February 21, 2024 1:36:54 PM

Dear Board,

I am opposed to building the gondola. It will not help traffic at all, and will only serve to create more congestion as an attraction/novelty and will ruin the many communities and activities that happen at LASHP. There are much better uses to our tax dollars.

Sincerely,
[redacted]

From: [redacted]
Subject: Stop the Gondola statement
Date: Wednesday, February 21, 2024 2:37:10 PM

Item#12

I am **AGAINST** the gondola EIR

My name is Calvin Lo and I'm an Echo Park resident who at times can be negatively affected by the traffic in and out of Dodger stadium. However I feel the minor inconvenience living around the area during stadium events is not worth this investment in building out a gondola. The whole project feels like a money grab and a gimmick. It will be eyesore over LA historic park that is unnecessary and does nothing to benefit the residents that will be living under the gondola's path.
Please create more bus routes into Dodger stadium instead of this horrible idea.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. ***Vote NO on the gondola.*** Community over profit!

Please do not move forward with this ill conceived terrible idea.

Thank you

[redacted] (Echo Park Resident)

From: [redacted]
To: Board Clerk
Subject: Stop the gondola
Date: Wednesday, February 21, 2024 11:26:26 AM

Hi,

As a long time LA resident, I am writing to strongly oppose the expensive gondola project.

It would contribute to accelerating gentrification in the area and displacement of small businesses and legacy businesses.

The area needs bus lines in the community for the local community, not for tourists.

The $10 million maintenance fees required each year could instead go towards shuttle busses.

Again, I strongly oppose construction of the gondola.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Strong Opposition to Item 12 LA ART EIR
Date: Wednesday, February 21, 2024 3:39:04 PM

Dear Metro Board Members,

My name is [redacted]; I live in the Lincoln Heights community, am an LA State Historic Park user, and have lived in Northeast Los Angeles for nearly 3 decades now. LA Art EIR leaves a lot of questions unanswered, and it's sad to see history repeating itself and leading to the unavoidable destruction of the Chinatown community if the Gondola becomes a reality.

I am one of the many residents who sit in traffic during home Dodger games, yet I would choose this a million times if it means that public land and the lives of many Chinatown residents on the proposed path are not negatively impacted. I believe in investment in communities, but it has to be suitable investments that benefit the existing community and will allow them to thrive in place.

I am of the generation that saw my community gentrify with the Goldline or whatever it is called now. Northeast Los Angeles is not the same. Highland Park has especially lost the cultural identity that made it so inviting to my family and similar families, yet I also see the benefits of the Goldline and how it has connected communities. Gentrification was just the undesirable side effect, but the Goldline is not the only factor in Gentrification machines in the Northeast. Have you all seen the luxury apartments just down the road from William Mean? Have you seen how many of the historic businesses in Chinatown are no longer there? I have noticed because these businesses were places where my family could afford to shop.

If all the investments coming to NELA have, over the years, created so much displacement, unaffordable housing, and, let's just say it, gentrification. I can only imagine what a tourist attraction will do. I believe that Zero-emission projects are needed, but LA Art is not the answer; what about expanding the existing buses from Union Station to Dodger Stadium? Designated bus lanes?

Lastly, I was saddened to hear one of the board members at the 2/14 meeting say, "We only have to approve the EIR; this doesn't mean that the project will be approved." It seems that at the end of the day, your approval of a bad project's EIR will not be in your hands, and let me tell you, it will be. Please uphold the equity standards Metro has publicized and are now at the forefront of their work. Approving the EIR when there are so many unanswered questions is life-threatening to residents of Chinatown because homelessness kills because you are hoping that another body of public servants will kill it is a cowardly move.

Be innovative and put the public good before a tourist attraction that studies clearly show will not significantly diminish traffic or lower emissions. because, as I understand, for the first time in many years since this community was destroyed to create space for the Dodger Stadium, folks are now concerned about pollution that comes from that traffic.

No to the LA Art EIR.

[redacted]

From:	[redacted]
To:	Board Clerk; FirstDistrict@bos.lacounty.gov; Councilmember Hernandez
Cc:	Helen Campbell; Clara Karger; jacqueline.hamilton@lacity.org; Karo; Constance Farrell; Doug Tripp; mayor.helpdesk@lacity.org; Kristen Pawling; Jeff Jacobberger; Hakeem.Parke-Davis@lacity.org; Nate Hayward; Gerald Gubatan; Emma Howard; rachel.uranga@latimes.com; bill.shaikin@latimes.com; Randall Winston; Wiggins, Stephanie; Higueros, Elba; Avila, Debra; Miguel Cabral
Subject:	SUPPORT FOR for the Los Angeles Aeriel Tram - Agend item #12.1. == File #: 2023-0743
Date:	Wednesday, February 21, 2024 2:02:08 PM

Letter of Support for the LA Aerial Tram: *A Chinatown Resident's Perspective*

Dear Mayor Bass, Councilmember Hernandez, and Metro Board Members,

I am writing to express my strong support for the proposed **Los Angeles Aerial Tram from Union Station to Dodger Stadium**. As a resident of Chinatown and a constituent of Council District #1 (and a proud fan of the Los Angeles Dodgers), I firmly believe this project offers significant benefits to our community and the city as a whole.

Community Consensus and Transparency:

I understand there have been concerns about the project, but I want to emphasize that a majority of Chinatown residents I have spoken with support the gondola. There has been extensive community outreach and public discussion for over six years, demonstrating transparent engagement. While last-minute opposition can appear disruptive, it shouldn't overshadow the long-standing community support built through years of discussion.

Holistic Approach to Mobility and Sustainability:

The gondola is not a standalone solution, but a fundamental part of a larger, more holistic approach. I agree that a dignified walking path connecting Union Station to Dodger Stadium and Elysian Park, increased bike infrastructure, and exploring creative mobility options are crucial elements. Addressing traffic congestion and promoting sustainable, active transportation is essential for Chinatown and the entire city.

Understanding the Neighborhood's Needs:

Having witnessed the bumper-to-bumper traffic choking College Street on game days, I believe the gondola will significantly alleviate congestion and improve the neighborhood's livability. Additionally, considering the potential arrival of High-Speed Rail at Union Station, we must proactively plan for future impacts and the gondola's role in managing them.

Beyond the Tram: Collaboration and Addressing Concerns:

I fully endorse your call for further discussion and collaboration. While I cannot attend the upcoming Metro meeting, I want to reiterate my support and offer my perspective.

Moving forward, I encourage open dialogue and a proactive approach. Let's discuss not just the gondola, but also:

- A well-designed, landscaped walking path from Union Station to Dodger Stadium.
- More street trees and a healthier urban canopy and a pedestrian bridge from N. Broadway linking Elysian Park to the California Historic State Park.

- A safe, dignified experience crossing the pedestrian bridge from Yale Street to Stadium Way.
- Tower designs incorporating avian nests (potentially addressing Chinatown's unpleasant rodent nuisance).
- A 100-year plan for the Dodger Stadium parking lots, exploring wilderness preservation, housing, and complete community development.

Building a Sustainable Future for Chinatown:

Instead of solely focusing on immediate concerns, let's paint a picture of Chinatown in 25 years, considering High-Speed Rail and Metro's Link US project. We need strategic planning to address potential displacement and gentrification, ensuring inclusive growth and a thriving community.

Thank you for considering my perspective. I believe collaborative efforts can ensure the Aerial Tram project benefits not just Dodger Stadium access, but also the long-term well-being of Chinatown and the city as a whole.

Truly yours,

[redacted]

P.S. I believe in a Future LA that has a regional system of aeriel trams stretching from City Hall to Union Station to Dodger Stadium to Griffith Park, to the beaches of Santa Monica and Malibu, to Echo Mountain and the San Gabriels. Let's make the transit ride as enjoyable and as uplifting and powerful as possible. Let's make mobility fun again!

Here's a list of 50 of the most exicting aeriel trams/ gondolas/ cable-cars from around the world:
https://www.henryandandrewsguide.com/must-ride-amazing-cable-cars-around-the-world/

Palm Springs made the list! Let's put Los Angeles on the list.

From: [redacted]
To: Board Clerk
Subject: SUPPORT the gondola - a thought experiment reveals all
Date: Wednesday, February 21, 2024 11:02:59 AM

Dearest METRO board members,

Despite vocal, well-meaning opposition, I urge you: see through the noise and **SUPPORT THE GONDOLA**. You will have the merit of evidence and data on your side, and you will have made Los Angeles measurably better for it. Many years down the road, the gondola will be a beloved piece of civic infrastructure.

Too many of my fellow progressives are swept up in easy narratives like "billionaire bad" and "change = gentrification", but in the case of the gondola they are demonstrably *wrong*, and you probably already know this. Every single argument from the opposition is weak or misleading, and their "fact sheet" can be countered in a single sentence: No, it'll cost zero taxpayer dollars, no, they studied expanded bus service to match gondola capacity and it's very infeasible, no, there's zero displacement, and no, there's no plans for an "LA Live". These are masquerades for NIMBYism, and none hold water. But I offer a simple thought experiment that instantly reveals how backwards the opposition is, and how great this gondola could be:

Imagine Dodger Stadium was *only now* being built, and the existing site was just a huge empty field. The city has two options.

Option 1: For the low cost of zero public dollars, build a scenic, silent, zero emissions transit line that can move 10k people an hour linking Union Station to Chinatown, LA Historic Park, and Dodger Stadium, and around the stadium allow a mixed-use development of commercial, green space, and high-density residential, with affordable housing allotments mandated by LA's Transit Oriented Communities incentives.

OR

Option 2: Pave it with 240 acres of asphalt to make a parking lot the size of Chinatown.

The choice here is so obvious. Please. Do the right thing.

Thank you.

[redacted]

From: [redacted]
To: Board Clerk
Subject: The Gondola is not public transportation, and is a waste of money!
Date: Wednesday, February 21, 2024 12:48:58 PM

I'm asking you to please vote to stop this project now. I'm asking you to be stewards of our public lands and our parks.

I love and care for LA State Historic and I'm asking you to protect it for us. It took a lot of work by many people including elected official to make LA State Historic Park a reality and it's a gem that is only growing and getting better. This gondola will hurt the park and the many people who enjoy it everyday.

I'm a life long Dodgers fan and attend many games every year and I've taken the Dodgers shuttle, walked mostly and have ridden my bike to the Stadium. I would love wider sidewalks, even better shuttle service not just for me, but for all Angelenos coming to the Stadium. This gondola is not the solution and I don't consider it public transportation.

Thank you, [redacted]

From: [redacted]
To: Board Clerk
Subject: Vote NO on Item #12
Date: Wednesday, February 21, 2024 3:37:58 PM

Greetings,

I am submitting a public comment on Item #12 urging the Board to vote AGAINST approving the Los Angeles Aerial Rapid Transit Environmental Impact Report. The report lacks a transparent and detailed analysis of the Gondola project's environmental impact and long-term economic and environmental implications for affected communities. The project will also uproot numerous trees from the long fought-for LA Historic Park, significantly impacting a much-needed green space for this specific neighborhood. This is antithetical to the environmentalist framing of the Gondola project that proponents claim it has. Please vote NO to approving the EIR.

Sincerely,

[redacted]

From: [redacted]
To: LAART; Board Clerk
Subject: Public Comment - AGAINST #12 (Metro Board 2-22-2024), LA ART FEIR - TrueBlueLA Article
Date: Wednesday, February 21, 2024 5:02:46 PM
Attachments: The Covenants, Conditions, and Restrictions of Dodger Stadium - True Blue LA.pdf

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Dear Metro Board,

Please vote NO on certification of the FEIR for the LA ART Gondola to Dodger Stadium.

Please find attached an article from TrueblueLA with background on the CC&Rs for the Dodger Stadium property.

Sincerely,

[redacted]

From: [redacted]
To: Board Clerk
Subject: # item 12/ NO
Date: Wednesday, February 21, 2024 4:55:31 PM

I am against the gondola project for Dodger stadium. It plays into a development plan that has not been properly studied and benefits too few, while enriching the rich. Vote NO

Thanks,
[redacted]

From: [redacted]
To: Board Clerk
Subject: # item 12/ NO
Date: Wednesday, February 21, 2024 4:55:19 PM

I am against the gondola project for Dodger stadium. It plays into a development plan that has not been properly studied and benefits too few, while enriching the rich. Vote NO

Thanks,
[redacted]

From: [redacted]
To: Board Clerk; LAART
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 4:49:46 PM

Hello:

I am firmly against the LA ART Gondola project. Please stop wasting time and resources for this ridiculous idea and work on reasonable transit solutions.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting
Date: Wednesday, February 21, 2024 4:41:43 PM

AGAINST #12 - LA ART Gondola FEIR, 2/22/2024 Metro Board Meeting

I would again like to voice and encourage that I am against the Gondola, and would like that to be counted in the meeting tomorrow. Thank you!

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST #12 LA Art Gondola FEIR 2/22/24 LA Metro Board Mtg
Date: Wednesday, February 21, 2024 4:54:06 PM

This McCourt gondola is a complicated silly trojan horse to likely botch create some kind of condo mall that does not add to the community and in fact will be neighborhood destructive. Limited actually ability to move large amounts of people in and out of 54,000 seat sports and entertainment center. McCourt, who bought a Parking Lot that happened to have a legacy ball club on it almost ruined the Dodgers squeezing cash out of them and leaving a shell. Don't let him distract from the evolution of productive growth in the overall DTLA. Rather it will provide McCourt years of stalled construction messes wreaking havoc on the surrounding area. Frank McCourt can't be trusted to be involved with our precious Los Angeles central future.

SIncerely,

[redacted]
AGAINST #12 LA Art Gondola FEIR 2/22/24 LA Metro Board Mtg

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola 2/22/24 Board Meeting
Date: Wednesday, February 21, 2024 4:20:54 PM

I'm against the gondola. I'm for preserving the Los Angeles State Historic Park as is with all its trees and quiet environment. I'm for maintaining Chinatown's community feel. The Metro Dodger Shuttle is a great way to travel to the stadium.

[redacted]

Sent from my iPhone

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 2/22/2024 Board Meeting
Date: Wednesday, February 21, 2024 4:55:17 PM

Please vote no on the gondola. It will destroy communities and some of the only public green space we have in this part of the city. LA State Historic Park should be cherished, not have its trees chopped down. The gondola is not a viable solution to traffic issues as alleged. Please listen to the people who live here.

[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12 LA ART Gondola - 2/22/2024 Board Meeting
Date: Wednesday, February 21, 2024 4:30:43 PM

Hi!

I would like to state that I am AGAINST Item #12 LA ART Gondola. There hasn't been an adequate study on the impact that this Gondola would have. And I do not think that we have enough information to approve it. It will take public dollars since they do not have a clear financing plan.

I live on the east side of LA and do not agree with this.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item #12
Date: Wednesday, February 21, 2024 5:00:32 PM

Writing to express my strong opposition to item #12. A waste of money that could be better spent actually setting up a proper BRT system for Dodger Stadium, amongst many other things for so much cheaper. I cannot believe Metro & this city is taking a gondola seriously, it's almost as bad as the sepulveda monorail.
- Will Sandercock

From: [redacted]
To: Board Clerk
Subject: Against Item #12
Date: Wednesday, February 21, 2024 4:13:29 PM

Hi, my name is [redacted], and I live in Glassell Park. ***I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.***

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually ADD traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in REAL transit solutions, not this billionaire pet project that would only serve Frank McCourt. Voting yes on the gondola is irresponsible and neglectful of the community that the Metro Board serves. ***Vote NO on the gondola.*** Value community over profit!

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 4:18:23 PM

Hello,

My name is [redacted]. I live in Chinatown and I strongly oppose the LA ART gondola. I find it very concerning that Metro has not evaluated alternative transit solutions for Dodger Stadium and Elysian Park. Surely there are more flexible options that wouldn't expose taxpayers to so much financial risk or harm historic neighborhoods.

As a parent in this community I am especially alarmed by how this proposal would degrade LA State Historic Park. Families in this dense urban neighborhood have limited access to green space, and this park is a lifeline for us. The EIR's summary egregiously under-represents the amount of park land that would be altered by the gondola project. They claim that they will affect less than 1% of the park. But this figure only counts a small, arbitrary square for the gondola station footprint instead of the entire station canopy. This is like describing the size of an umbrella by providing the diameter of its handle.

The EIR also inadequately deals with the impact of a 73' foot wide easement and buffer zone underneath the gondola path. Since the gondola cars are flying so low over the park, it is unlikely that any of the over 80 trees being removed could be replanted within that wide zone, leaving it bare and unshaded. When all of the affected park area is accounted for, the amount of park land tied up by this gondola adds up to over 2 acres.

It is completely unacceptable to give up this much precious public green space to benefit a private entertainment venue. It would set a disastrous precedent that could threaten other parks in Los Angeles, including Elysian Park. The Metro board should not approve an EIR that fails to honestly disclose the harms this project would cause, let alone propose any appropriate mitigation. Stop the gondola today.

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 4:30:26 PM

Hi,

My name is [redacted] and I am a community member of Chinatown. I urge you to **OPPOSE** the LA Art Gondola to Dodger Stadium and vote **NO on the EIR**. The EIR is a fatally flawed document and must not be certified. The Community Benefits Agreement (CBA) does nothing to change that. The CBA is a long list of vaguely worded and unenforceable conditions used to justify approval of a project that the community clearly doesn't want. These conditions were not negotiated with the community. They were negotiated on our behalf without our permission.

Dodger stadium itself was an overinvestment that bulldozed over homes and displaced the communities of Bishops, La Loma, and Palo Verde to exist. This project would only be an extension of LA's violent history of displacement to our low-income communities of color.

It is yet another misuse of our collective time, funds, and energy when there are already public transportation and shuttles that bring people specifically to Dodgers Stadium. It is irresponsible to sign away $125 million dollars on this project, not only because Frank McCourt has not shared the funding sources, when we desperately need better public transportation infrastructure. A gondola will not provide that. I and my working class neighbors should not have to wait or travel an hour, two hours for the bus just to get home, to the hospital, a market, etc.

Put $125 million more towards eliminating transit fare, in faster public transit, to station hygiene, to bus shelters and real benches, to affordable and free housing. We need and deserve more than to be an afterthought to a project that would most centrally contribute to our mass displacement.

As Director Solis stated, there are too many unanswered questions about the project. Now is the time to say a clear and decisive NO to the gondola.

Our communities deserve REAL transit solutions and REAL services, not Frank McCourt's ill-conceived gondola.

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/24
Date: Wednesday, February 21, 2024 4:43:27 PM

Hello,

My name is [redacted]. I currently run the LA River Farmers' Market at LA State Historic Park. My family has a small business in Chinatown called J Enterprises that has been open since 1995.

As someone who deeply cares about Chinatown and my community members, I strongly oppose the LA Metro Board moving forward with approving LAART's EIR for the gondola to Dodgers Stadium.

In addition to the many reasons other community members have spoken up about such as a lack of transparency about funding sources, false assumptions made about the gondolas ability to reduce traffic and emissions, private development of public greenspace, and the overall highly invasive nature of the project, I also oppose this project for the following reasons:

1. The proposed Chinatown station location is currently where the LA River Farmers' Market takes place. The farmers' market, funded by the California Department of Parks and Recreation, opened in May 2022 as a collaboration between the LA River State Park Partners, Food Access LA, and Park California as one of LA State Historic Parks many community programs (which would also be significantly affected if access to the park is limited from gondola construction) to address food access issues in Chinatown. Since the closure of Chinatown's last full service grocery store in 2019 due to corporate greed and gentrification, our farmers' market serves as one of the few places Chinatown residents can access California grown produce and locally produced grocery items at affordable prices due to our robust food access and nutrition incentive programs for CalFresh customers. Displacing this market will further exacerbate Chinatown's food access issues as a food desert, and force Chinatown residents, many who are seniors with mobility issues, to travel further and pay more for their groceries. This will also affect the livelihoods of the many local food businesses and California farmers' who participate as vendors at this farmers' market.

2. Since my family has been operating their business in Chinatown for almost 30 years at this point, I can certainly say that Dodger's games have never positively affected the performance of our business. Many customers have complained to us that traffic and lack of parking in Chinatown are the main reasons that prevent them from coming to the shop on Dodger Game days. With no parking or traffic solutions proposed for the vehicle traffic that will enter Chinatown from game attendees planning to take the gondola, I do not see how this project will help our businesses at all, only make our current problems worse.

3. Lastly, there have been no alternatives explored by LA Metro to improve game day traffic and parking issues in the neighborhood surrounding Dodger's Stadium before moving forward with the approval process for the gondola. It makes no logical sense to move forward with the most expensive and invasive solution from the get go when there have been no attempts to make improvements to the shuttle and bus routes to the stadium. There has been little work done to make the sidewalks and walking paths to Dodgers' stadium more accessible. It is extremely irresponsible and disagreeable to expose multiple historically low-income

immigrant communities to the risk of this invasive and environmentally destructive development project without looking into simpler solutions beforehand.

As a food access advocate, relative of a Chinatown small business owner, and invested community member of Chinatown, I strongly oppose this project and the approval of LAART EIR. I will not allow any further predatory development in our neighborhood that puts the health and livelihoods of our community members at risk.

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 - LAART EIR - Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 3:54:32 PM

Hello,

I am writing to voice my opinion as a lifelong LA resident that I am against item 12.

I don't believe this gondola project benefits the community you're planning to build it in. We don't need another expensive development project that contributes to gentrification. This also does nothing to fix the current affordable housing crisis LA is facing.

Please do not move forward with this.

[redacted]

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12 — LAART EIR public comment for Metro Board Meeting on 2/22/24
Date: Wednesday, February 21, 2024 4:30:52 PM

Metro Board Members,

I am writing to encourage you to vote NO on item 12, and decline to certify the final EIR for Frank McCourt's gondola. I want to be clear that the conditions proposed in item 12.1 do not make this project acceptable, and I am asking the board to reject the certification of the EIR altogether.

I frankly find it appalling that the absurd proposal by a single wealthy individual to further enrich himself while ruining one of the great public spaces in our beautiful city has come to this. It should have been dead long ago, but now you have the chance to put this "debate" out of its misery. The Gondola is a terrible idea for many reasons. Let me detail a few:

For starters, the Gondola will not relieve traffic. This is plain common sense. A study by the UCLA Mobility Lab confirms it. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

Second, the Gondola would—as I have already mentioned—ruin the LA State Historic Park, a community treasure. This project wants to put a boarding station on Park land and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting off airspace over the entire park.

I celebrated my child's second birthday at this park. As a family, we've attended the people's kite festival twice, and a live music performance under the full moon at this park, have countless treasured memories here and hope to have countless more. What a terrible shame it would be to ruin beautiful green space (at a premium in our park-poor community) that's enjoyed by the whole community for free, for the sake of a useless novelty eyesore and earsore that mainly tourists would pay to use once and then never again.

Third, it's truly—*truly* baffling that there's no real funding plan for the gondola available to the public. There is no assurance that the gondola will not use taxpayer money to build this PRIVATE project that is now estimated to cost half a billion dollars (!), 4x the original estimate. And let's be real, we all know the final cost will likely be much more than that.

I am also deeply confused about the feasibility of this project. The major operational problems it's like to face are hugely predictable. It gets terribly hot in the summer and it's only getting hotter, summer after summer. Between June and October (also known as baseball season) there are plenty of days in the 90s, even occasionally triple digits. Are people going to want to sit in an enclosed cabin with windows that won't open? Are the gondola cabins air-conditioned? What if the A/C breaks? What if there's a malfunction and people are trapped in un-air-conditioned cabins with windows that won't open in mid-air? It's not like this is an implausible scenario. Or will the gondola just not run on especially hot days, of which there are many, in particular during baseball season, ostensibly the whole point of this project?

The harms of a gondola would be many, and the benefits to the community non-existent. So why is this project being seriously considered? This project is clearly about further enriching one already rich and powerful person. It's genuinely depressing that we have to spend our time and effort as a community fighting this boondoggle. This Board is full of public officials whose job it is to protect the public from schemes just like this one. Please consider your obligation to your constituents, and do your office credit by voting NO.

Finally, the conditions proposed in item 12.1 are mostly unenforceable lip service to the community's concerns, and they do not make this project acceptable. It's more of the same vague assurances and empty promises we've heard since the beginning of this project. Please just straight-up reject the EIR.

Thank you for your consideration,





From: [redacted]
To: Board Clerk
Subject: Against item 12 LA ART GONDOLA- 2/22 board meeting
Date: Wednesday, February 21, 2024 4:58:55 PM

I am writing to ask the board to vote NO on the gondola. This would be a project with tremendous expense, no real gain, and big loss to public space.

[redacted]
Pasadena

Sent from my iPhone

From: [redacted]
To: Board Clerk
Subject: AGAINST ITEM 12 -LAART EIR - public comment for metro board meeting on 2/22/24
Date: Wednesday, February 21, 2024 4:56:46 PM

Hello,

I am a resident in Cypress Park, and I strongly oppose the gondola. It will have major ramifications on the community and public park land, and I don't want to see it built.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Against item 12 LAART EIR- Public comment for metro board meeting on 2/22/2024
Date: Wednesday, February 21, 2024 4:01:14 PM

Hi,
I am an LA native and do not believe that this gondola should exist. I believe it to be harmful to many communities where the gondola would be built. Please do not build this. Please.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST item 12 LAART EIR
Date: Wednesday, February 21, 2024 4:12:48 PM

---

as a life long citizen of los angeles, i do NOT support the gondola plan.

it will create gentrification and tourism in a community with a 55% poverty rate. do NOT approve this with out an effective EIR that details displacement effects.

thank you

sincerely

[redacted]

sent from the starship omaru

From: [redacted]
To: Board Clerk
Subject: Against item 12- LAART EIR
Date: Wednesday, February 21, 2024 4:22:58 PM

Los Angeles has faced a majority of environmental repercussions throughout the years all because of private groups and institutions that prefer to line their pockets with money rather than prioritize the well-being of its community. Instead of building a gondola, the city should invest into environmental projects that will give the city cleaner air and preserve nature. We owe it to future generations to give them a community they feel seen and proud of. If you go forward with this project, then you don't deserve to represent this city and the youth will have no issue voting you out. This city never forgets the wrongs government has done to them.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Against item 12
Date: Wednesday, February 21, 2024 4:03:30 PM

Dear Metro Board,

I am writing to state my opposition against item #12 on the metro planning committee agenda on February 22, 2024.

Hi, my name is [redacted] and I live and work in Council District 1. I am part of the Stop the Gondola Coalition. ***I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.***

This project does not solve Chinatown's and Solano Canyon's traffic problems as it claims and would actually *add* traffic to the area by existing as a tourist attraction. The project's construction would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working-class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

We ask you to consider expanding the Dodgers Express! Every year, Metro fights to keep the Dodgers Express, an already existing Dodger transit system that runs on electric buses. Dodgers Stadium has 3x the seating capacity as Hollywood and 3x inferior the transit system to support it. If we expanded the Dodgers Express, the community could use it on off-game days. Buses can be moved around and change speeds. A gondola cannot.

Best,
[redacted]

From: [redacted]
To: Board Clerk
Subject: AGAINST Item 12-LAART EIR -Public Comment for Metro Board Meeting on 2/22/2024
Date: Wednesday, February 21, 2024 4:51:44 PM

Stop Frank McCourts vanity gondola project!

Dear LA Metro Board Members and LA City Council,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.
Frank McCourt, especially without any real public, community input.

The Gondola is disruptive and rather than spending exorbitant amount of money on a billionaire's transit/pleasure project that only goes 1 mile, we should be using these resources towards reparations for those affected by Dodger's Stadium. Or at least something that contributes to the surrounding communities. These projects are why LA City officials and their departments are the laughing stock of other major cities and around the world. As someone who consistently talks to housing and policy folks in D.C., we are seen as "clown" city. We have LAHD who somehow got evicted from their building and now we're spending a ton of money on an unnecessary transit project. Meanwhile, we have people on the streets and communities/buildings being evicted. Make it make sense.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely, [redacted]

From: [redacted]
To: Board Clerk; LAART
Subject: Agenda Item #12 AGAINST
Date: Wednesday, February 21, 2024 4:16:21 PM

Dear Metro Board,

I strongly urge the Metro Board to reject the proposed Los Angeles Aerial Rapid Transit Project (LA ART), proposed by LA Aerial Rapid Transit Technologies LLC.

The DEIR for the project is fatally flawed. It does not adequately analyze the impact the project will have on birds. What impact will the lighting have? How will the lighting and noise impact the residents of Chinatown who live beneath the gondolas or the Los Angeles State Historic Park?

The DEIR does not not analyze the impacts of the advertising on the gondolas. There is a vague reference to ads on the gondolas and on the structures; however without specifics as to what is proposed, it is impossible to evaluate the impact. Will there be flashing digital ads on the outside of the gondolas? Will there be flashing digital ads with changing messages at the stations? Exactly what is proposed? If they are visible to passing drivers it will be a distracted driving hazard.

I urge you to vote NO on the LA ART project.

Sincerely,

[redacted]

From: [redacted]
To: Board Clerk
Subject: Agenda Items 12 and 12.1 Comments
Date: Wednesday, February 21, 2024 4:49:39 PM

My name is Lucy Truong, and I am AGAINST the constructiin of the gondola. Framing a gondola as public transportation makes little sense when people, many of whom would come from outside LA City, would use the gondola only to get to Dodger Stadium. So although the gondola would not be used everyday, residents will see gondola cables and towers above their homes year-round in perpetuity. It's absurd that a gondola is being framed as a solution to Dodger game-related traffic. The Hollywood Bowl also sits on a hill and provides an extensive shuttle service to bring patrons to the venue. Why is a decision being made on developing a gondola prior to even considering alternative modes of transportation that don't require more construction? Additionally, this project is being framed as a zero emissions mode of transport, but construction will lead to more traffic and residents won't even be able to use the gondola to travel anywhere besides Dodger Stadium. Not everyone in Chinatown or LA watches baseball - imposing such a large construction project on the Chinatown community makes no sense.

Chinatown is already a resource-scarce neighborhood, lacking even a laundromat or full service grocery store. Gentrification has made Chinatown unlivable, driving immigrant residents out. The construction of a gondola would make Chinatown even more unlivable. When my family came to LA County as refugees, they frequently visited Chinatown, but many of the businesses they patronized are now gone. The gondola project would not pass if it was designed to cross through communities in West LA. As many people of color and immigrants know, the City time and time again chooses to raze OUR neighborhoods. This happened for the construction of Union Station and Dodger Stadium. The Council has the choice to stop this legacy of hurting poor immigrant communities. Please REJECT the LA ART gondola project.

Sent via mobile

From: [redacted]
To: Board Clerk
Subject: Item #12 - public written comment
Date: Wednesday, February 21, 2024 4:44:17 PM

I'm writing to vehemently oppose the LART aka Gondola project.

I love and care for LA State Historic and I'm asking you to protect it for us. It took a lot of work by many people including elected official to make LA State Historic Park a reality and it's a gem that is only growing and getting better. This gondola will hurt the park and the many people who enjoy it everyday.

I'm a life long Dodgers fan and attend many games every year and I've taken the Dodgers shuttle, walked mostly and have ridden my bike to the Stadium. I would love wider sidewalks, even better shuttle service not just for me, but for all Angelenos coming to the Stadium. This gondola is not the solution and I don't consider it public transportation.

Neighborhoods of Chinatown, El Pueblo and Solano Canyon would be negatively impacted by the Project. Please don't repeat the dark impact that Dodger Stadium had on the families and communities of Bishop, La Loma and Palo Verde. You and us need to stand up for these communities.

I currently live in Elysian Heights in Echo Park and this Gondola will also negatively impact Elysian Park as well.

I do not trust Frank McCourt's stewardship of our public spaces based on his irresponsible tenure as owner of the Dodgers. I don't trust him or his organization to follow through with any and all of the 31 conditions issued by the Board Chair.

I am a firm believer and supporter of public transportation and forms of transportation that are alternative to private vehicles. However, I don't support this gondola project at all.

I feel very strongly about this issue and will stay engaged on this through the very end, wherever that leads.

From: [redacted]
To: Board Clerk
Subject: Item #12 AGAINST
Date: Wednesday, February 21, 2024 4:09:00 PM

Hello,
I am writing from zip code 90027 to express my feelings against the gondola project. We need trains and transport that go to multiple areas of the city, including Dodger Stadium but this is a pipe dream from a rich developer. Please vote no.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Item #12/12.1
Date: Wednesday, February 21, 2024 4:45:55 PM

Item #12/12.1

Hi, my name is Alyssa Selder and I am a student at UCLA. I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. Vote NO on the gondola. Community over profit!

From: [redacted]
To: Board Clerk
Subject: Item #12/12.1
Date: Wednesday, February 21, 2024 4:41:53 PM

Hi, my name is Reese Martin, and I am a student at UCLA. I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. Vote NO on the gondola. Community over profit!

From: [redacted]
To: Board Clerk
Subject: Item number: 12 and 12.1
Date: Wednesday, February 21, 2024 4:38:42 PM

I would like to comment AGAINST Item 12 and 12.1. I am a longtime Dodgers Fan and find attending baseball games at the stadium with friends to be quite enjoyable. While I think public transportation to and from the Dodgers Stadium sorely needs improvement, the proposed Gondola is an absolutely reprehensible solution. Instead, the gondola would exacerbate existing issues of gentrification, unaffordability, and displacement in the stadium's surrounding neighborhoods.

Here are my concerns: First, as a transportation mode, the gondola would not carry a significant number of Dodger fans up to the stadium to seriously make a dent in transit volume to the stadium. Second, as it seems to be designed for tourists, the "flashy" gondola would continue to invite in luxury business and residential development in the already impacted neighborhoods of Chinatown, Solano Canyon, and more. Third, existing public transit options already exist from Union Station, and the money put towards developing the gondola could be instead be used to invest in existing transit further.

As an educator who teaches classes on labor and social justice, I teach my students about small "d" democracy, which creates a venue for everyday community members in a neighborhood to flag questions or concerns for change. Small "d" democracy is about the telling as much as it is about the listening. The process to build the gondola has been rife with concerns raised by everyday community members over and over again--community who have been highlighting unaddressed questions about the detrimental impact of the gondola. It is baffling to me that Metro wants to create this pony-show-of-a-gondola to benefit outsiders, like tourists and wealthy people, as neither Dodgers fans nor community residents would find this useful to the problems that currently exist in the area. Because of this, I question Metro's ability to actually listen to the feedback it is receiving from its constituency, and to care for its populations with real transit solutions.

Thank you,
[redacted]

From: [redacted]
To: Board Clerk; LAART
Subject: Objections to Proposed "Gondola" Project (Agenda Item #12 on 2/22/24 Board Meeting)
Date: Wednesday, February 21, 2024 4:50:04 PM

[redacted]

Tue, Jan 23, 5:25 PM

to BoardClerk, bcc: Tany

To Whom It May Concern:

I am writing to express my deep disappointment that the City of LA is seriously considering moving forward with the "gondola" project, and, as a current and longtime resident of Los Angeles, I want to take the opportunity to register my strong disapproval of this proposed project both as a concept and in the form of the tentative plans that have been publicly distributed thus far.

The "gondola" itself is clearly not well thought out; if constructed, I do not believe it will genuinely serve the interests of the Greater Los Angeles community; and it seems very likely to place undue and unreasonable burdens upon certain neighborhoods (especially the Chinatown area) while offering very little tangible benefit for anyone else in the city -- except, perhaps, for a few select corporate / billionaire interests who have direct ties to the project.

I hereby respectfully but vigorously voice my objections, and I sincerely hope that the LA City Council will reconsider the wisdom of moving forward with this ill-conceived project.

Sincerely,

[redacted].
(Greater Los Angeles Resident Since 2011)

From: [redacted]
To: Board Clerk
Subject: Opposition to certifying the Environmental Impact Report (EIR)
Date: Wednesday, February 21, 2024 4:46:25 PM

Dear Metro board members:

Good afternoon, my name is [redacted] and I am a resident of Cypress Park (City Council District 1). I wish to voice my firm opposition to certifying the EIR for the Gondola project to Dodger Stadium.

As a Dodger and a regular metro rider, I find that the millions of dollars that would be spend on a single gondola project (that would mostly benefit a select few) would be much better spent expanding Metro-specific services that benefit all Angelenos - like shorter wait times on our bus and train routes. I know it would improve my life and those the lives of people in my community who rely on bus lines and the nearby A line.

Our public transit is at its best when it opens up residents and visitors to the incredible things we have to offer around our city - not only bringing them to our baseball stadium (a private venue). We already dedicate our public dollars to a shuttle service from Union Station specifically to Dodger Stadium. I've ridden it many times, and it's worked out great!

To reiterate so there is no ambiguity —I am strongly urging the Metro board NOT to certify the EIR of the Gondola project. Please… listen to those of us who live in the surrounding neighborhoods and communities. This is not where our transportation investments need to go.

Thank you so much for your time.

[redacted]

From: [redacted]
To: Board Clerk
Subject: Opposition to the Gondola Project
Date: Wednesday, February 21, 2024 4:40:53 PM

Item #12 and #12.1

Hello,

I am a resident of Congressional District 34 and I am *heavily* against the proposed Gondola Project. This is a vanity project that will cost residents of L.A., like me, a lot of unnecessary time, money, and space. I do not look forward to having construction over a historic part of the L.A. city skyline nor having the Gondola after the construction. It will do little to alleviate traffic and instead cause more commotion as it will be a gimmicky mode of transportation for tourists. This furthers gentrification and pollution, two things that L.A. does not need more of. Please consider stopping this project before it goes further.

Thank you,

[redacted]

From: [redacted]
To: Board Clerk
Subject: public comment - AGAINST - item number 12
Date: Wednesday, February 21, 2024 4:10:37 PM

To Whom it May Concern:

I'm writing to express my opposition to the Gondola project. It will not serve the low income Chinatown community and the burden will fall upon LA taxpayers to pay for this project that does not serve the majority of the community. Please do not support this project and instead allocate resources to support the low income communities of LA that do not need the Gondola.

Sincerely,
[redacted]
Member of Chinatown Community of Equitable Development

From: [redacted]
To: Board Clerk
Subject: Public comment for 2/22 Metro Board Meeting
Date: Wednesday, February 21, 2024 4:10:09 PM

Hello,

I am writing to submit public comment for tomorrow's metro board meeting for the following agenda items: #12 and #12.1. I strongly urge the board to vote NO on both items.

My name is Bryant Phan, I work at the Los Angeles Department of Water and Power (LADWP) and I am urging the Metro Board to NOT approve the LA ART Project under Item #12 on the agenda.

As someone who works for the city and has grown up visiting and spending time in LA, and continue to do so to this day, I urge that that the gondola would ruin the area. It impacts so many things such as Chinatown, Olvera Street, and LA State Historic Park - some of the things unique to LA. The gondola takes away from this uniqueness.

Not only will the gondola will be an eyesore. I don't believe that it will have any benefits to the existing traffic. Why don't we add onto existing public transportation to address the issues of traffic rather than some billionaires' private project. The gondola will be a massive waste of time of resources and these can be put to more meaningful efforts to address traffic.

Also as someone who works on large scale projects for the city, I can only imagine the large environmental impacts that this project will have on the city, whether it's during it's construction or operation.

It is not a public good and the economic and environment. Please act in the interest of the public and do not allow the LA ART Project to move forward.

Thank you,
[redacted]
LADWP Employee

From: [redacted]
To: Board Clerk
Subject: Public comment for Item #12 and #12.1 — NO ON GONDOLA
Date: Wednesday, February 21, 2024 4:56:12 PM

To the City Council,

I am a resident of CD #10 and I work in arts and culture in CD #14. I have grown up in Los Angeles and feel that any funds to improve traffic and create vitality in the city would be to improve the public rail line, bus line, and bike and pedestrian infrastructure.

NO GONDOLA. Item #12 and #12.1

I do not want my tax payer money to go to such a project that will disrupt a beautiful skyline unnecessarily. Please improve what we already have ON THE GROUND.

Thank you

[redacted]

From: [redacted]
To: Board Clerk
Subject: Public Comment: AGAINST Item # 12: LOS ANGELES AERIAL RAPID TRANSIT ENVIRONMENTAL IMPACT REPORT
Date: Wednesday, February 21, 2024 4:21:33 PM

AGAINST Item # 12: LOS ANGELES AERIAL RAPID TRANSIT ENVIRONMENTAL IMPACT REPORT

My name is [redacted] and I am against the Los Angeles Aerial Rapid Transit Environmental Impact Report, and the project in general. The proposed project will greatly impact historic and cultural resources including Union Station, El Pueblo, Chinatown, and Los Angeles State Historic Park.

The Los Angeles Plaza Historic District, better known as El Pueblo, is a collection of some of Los Angeles's earliest historic resources dating to 1818. In 1970, the Los Angeles Plaza Park was designated as Historic-Cultural Monument (HCM) #64 and initially listed on the National Register in 1972. As shown in project renderings, the Alameda station with its wires and gondolas would obstruct views from various locations within the historic district. Further, Alameda would go from an open airy corridor to one that compresses passersby below a massive structure that crowds and disrupts the existing relationship between Union Station and El Pueblo.

The various (sighting, proximity, signage, lighting, noise and construction) and cumulative (taken as a whole) impacts to the historic viewshed in the vicinity of the proposed Alameda Station greatly alters the feeling and setting of this historic area. The location and massing of the Alameda Station are highly problematic and detrimental to the overall experience of significant historic places, including Union Station and Los Angeles Plaza Historic District.

Metro Directors Solis, Bass, Dupont-Walker, Horvath, and Sandoval have recently introduced a motion, "Empowering Community Through an Inclusive Community Benefits Agreement," which uplifts important historical and contemporary contexts and community concerns that must be acknowledged when considering this Project approval. I particularly appreciate Directive A, #8 which aims to develop and implement a community impact mitigation plan that addresses a variety of impacts, including visual impacts to Union Station's historic architectural elements. I respectfully request that this mitigation plan also address visual impacts to Los Angeles Plaza Park also known as El Pueblo and that this may include relocation of the Alameda Station to lessen the impacts to these two significant Los Angeles historic places.

I do not support this project as proposed and request Metro suspend all staff time and efforts that move this project forward. Even the time it took to put this presentation together is a gross waste of tax dollars and government resources that could be spent on other projects that benefit public good, not appease wealthy developers and generate tourist revenue.

Thank you,

[redacted]



From: [redacted]
To: Board Clerk
Subject: Public comment: No to aerial rapid transit project
Date: Wednesday, February 21, 2024 4:30:23 PM

Hello,

Im writing in regards to item #12 on February 22's agenda, urging you to vote NO/AGAINST item #12.

We need REAL public transit infrastructure in our beloved city, not a vanity project of a billionaire that will not make a positive impact on traffic, parking, or public transit availability. It will negatively impact the very small amount of green space for my family in the LA State Historic Park, and will make traffic and parking in the area even more congested.

Additionally, when there are only around 64 Dodgers games a year, how in the world is this an effective system when it requires year round maintenance and cost to run it? Bringing back a bus or shuttle system would be a much more impactful way to address traffic during Dodgers games.

Please I implore you to do the right thing for residents of our beautiful city and vote NO on item #12.

Thank you,

[redacted]

Sent from my iPhone

From: [redacted]
To: Board Clerk
Subject: Reject the gondola
Date: Wednesday, February 21, 2024 4:10:06 PM

Hi, my name is [redacted] and I live/work in East LA. I strongly urge the Metro Board to vote NO on certifying the final EIR for LA ART's gondola to Dodger Stadium.

This project does not solve Chinatown's and Solano Canyon's traffic problem as it claims, and would actually *add* traffic to the area by existing as a tourist attraction. The construction of the project would also ruin the historic El Pueblo/Olvera Street area, destroy 250 trees at the LA State Historic Park, fly less than 40 ft over longtime residents' homes, and usher in gentrification and displacement in our working class neighborhoods. The Environmental Impact Report and responses FAIL to take these impacts seriously.

This gondola is an attack on multiple parts of our neighborhood, from the residents, to the small businesses, and to our dwindling transit system. Please invest in *real* transit solutions, not this billionaire pet project that would only serve Frank McCourt. Vote NO on the gondola. Community over profit!

[redacted]

Learn more about our community's vision for the Eastside: www.eastsideleads.org

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From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:56:17 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 4:09:08 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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LA Metro should focus on providing real solutions to our community, such as expanding the already existing Dodgers Express shuttle system (which could actually solve the traffic problem), adding more electric buses, better managing the bus lanes, and improving in-language accessibility to the bus system for monolingual Chinese, Vietnamese, Cambodian, and Spanish-speaking residents.

Set the precedent that you will not allow private interest to play around in our neighborhoods, and when the time comes, vote against the LA ART gondola. Listen to the real needs of the community. We have been silenced for too long.

Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 4:14:47 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

The Gondola Does Not Relieve Traffic
A study by the UCLA Mobility Lab shows that it will only do so by <1%, and that the gondola by design diverts traffic from the stadium area to the Chinatown area. Gondolas are designed for moving a large amount of people over a long amount of time, not for a large amount of people in a 2 hour crunch before a major event.

The Gondola Ruins the LA State Historic Park
This project wants to put a boarding station on the State Park and remove 81 trees, including mature trees whose ecological value cannot be replicated by simply planting new ones. The cabins would fly just 26 ft over peoples' heads, cutting through airspace over the entire park.

The Gondola Exacerbates Housing Crisis in Chinatown
Chinatown is a service-poor region that does not have a full-service grocery store, a hospital, or even a laundromat. It is majority renter, majority Asian and Latinx, and the unhoused population around El Pueblo is at risk of being swept without services should this project see construction, exacerbating homelessness in Los Angeles. This neighborhood is rapidly gentrifying with a multitude of market-rate and luxury developments coming down the pipeline, the gondola being a major one of them.

No Tax Dollars for the $500 Million Gondola
There is still no funding plan for the project available to the public. There is no assurance that the gondola will not use taxpayer money to build this private project while the cost of it is now 4x the original estimate.

Real Public Transit Now!
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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 4:15:22 PM

Dear Metro Board,

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 4:46:52 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

Below are some BIG concerns about this. And seeing as Dodger Stadium displaced over a 1000 Mexican-American folks who lived in Chávez Ravine when it was built in 1962, this reeks of a similar disgusting scent of prioritizing profits over people and communities. THIS MUST STOP. PEOPLE OVER PROFIT.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 4:49:34 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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PS- Hasn't Frank McCourt done enough damage? It's not enough he got to keep the parking lot at Dodger Stadium after he damn near ruined the franchise now you are going to let him potentially damage an amazing historic landmark Union Station to boost his bank accounts and ego even further. Los Angeles' planning commission and City Counsel Members and Mayor need to really pull it together and consider what is best for the city and the people not the millionaires and billionaires. Sorry yes their money buys you seats but we are the ones left holding the bag.

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Sincerely,
[redacted]

From: [redacted]
To: Board Clerk
Subject: Stop Frank McCourts vanity gondola project!
Date: Wednesday, February 21, 2024 3:53:43 PM

Dear Metro Board,

I am writing to urge you to reject the final Environmental Impact Report to the Los Angeles Aerial Rapid Transit Project ("The Gondola") at Dodger Stadium. Metro should have never entered an agreement with a private billionaire, Frank McCourt, especially without any real public, community input.

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Sincerely,
[redacted]

February 2024 RBM General Public Comments

From: [redacted]
Sent: Wednesday, February 14, 2024 2:44 PM
To: Board Clerk <BoardClerk@metro.net>
Cc: Holly J. Mitchell <HollyJMitchell@bos.lacounty.gov>; executiveoffice@bos.lacounty.gov; Gorman, Karen <GORMANK@metro.net>
Subject: Public Comment for Exec Meeting - Metro seems to be deliberately withholding information on the Redondo Beach Pipeline Anomaly

To the Metro Board of Directors and Executive Committee:

1. On October 19, 2023 one of our active local citizens submitted a Public Records Act request to Metro. It was short and requested existing documents regarding Metro's declaration of a pipeline anomaly. The full text of the request is pasted below.

2. Currently, there has no informational response, only emails requesting further delay until at least February 16, 2024. The full text of the most recent delay email is pasted below.

I am rightfully concerned that Metro's 4 month delay is symptomatic of a cover-up of some sort. Existing documents are just that - existing documents and 4 months is excessive. Please step in and require Metro staff to fulfill promptly - although - after 4 months the word "promptly" no longer has any real meaning.

[redacted]

ORIGINAL CITIZEN REQUEST From October 19, 2023

Request

Please provide records from September 1 2023 to current regarding the fuel pipeline anomaly described in Redondo Beach along the rail right-of-way. Please refer to the following for more information on the anomaly.
https://easyreadernews.com/forget-it-jay-its-metro/

CURRENT DELAY RESPONSE FROM METRO until February 16, 2024

A message was sent to you regarding record request #23-1800:

We are still searching for and collecting the requested records from responsive departments. We anticipate this will require another 2 weeks to complete. Therefore, we will be in contact by February 16, 2024 with further information.

From: [redacted]
Sent: Wednesday, February 21, 2024 9:28 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: Please Make Metro's GoPass Program Permanent!

I write in support of making Metro's GoPass Program permanent to continue to fund this successful countywide student transit pass program so that K-14 public school students in LA County–from kindergarten to community college –can easily and freely access our public transit systems. GoPass is key to Metro's ambition to build transit ridership to pre-pandemic levels and beyond. It is central to regional efforts to reduce automobile VMT, regional traffic congestion, and greenhouse gas emissions.

This program provides an immediate and tangible benefit to struggling students–from low-income elementary school children to community college students who juggle school and work. When you give a pass to a student, they ride almost immediately. This is because more than half of households in the U.S. who are experiencing poverty are also experiencing transportation insecurity, and studies show that discounted fare programs for low-income individuals can alleviate poverty, increase social mobility, and improve health by increasing trips, particularly to health care and social services.

It is time to make GoPass a permanent part of Metro's operational planning and budgeting so that all concerned can know they can count on GoPass and plan their curriculum, class schedules, as well as personal and work lives with a GoPass presumption. Approval at the March or April Regular Board meetings is crucial. Eliminating the transportation obstacles for students to get to and from school, internships, and access to cultural sites and museums, among other activities, should be a principal goal for our community.

Thank you,

From: [redacted]
Sent: Wednesday, February 21, 2024 9:54 AM
To: Board Clerk <BoardClerk@metro.net>
Subject: General Public Comment - Feb 22 2024 - LA Metro BOD Meeting

Hello LA Metro. On March 5th 2024, it will be the final Election Day for the Primary election.

I hope LA Metro will continue its tradition of allowing free rides on all buses & trains for the whole day on Election day.

And since this year LA Metro's social media accounts have already committed to having the final Election Day for the General (November 5th) a free rides day, it makes sense to allow for March 5th to be a free rides day too.

Please refer to The Source article for the previous March 2020 last election day free rides day: https://thesource.metro.net/2020/02/20/metro-to-offer-free-rides-on-election-day-march-3/

Thank you.

Sincerely,
[redacted]

Metro

MINUTES

Thursday, February 22, 2024

10:00 AM

Board of Directors - Regular Board Meeting

DIRECTORS PRESENT:
Karen Bass, Chair
Janice Hahn, Vice Chair
Fernando Dutra, 2nd Vice Chair
Kathryn Barger
Jacquelyn Dupont-Walker
Lindsey Horvath
Paul Krekorian
Holly J. Mitchell
Ara J. Najarian
Tim Sandoval
Hilda Solis
Katy Yaroslavsky
Gloria Roberts, non-voting member

Stephanie Wiggins, Chief Executive Officer

CALLED TO ORDER: 10:06 A.M.

ROLL CALL

1. APPROVED Consent Calendar Items: 2, 6, 13, ~~15~~, 17, 18, 19, 20**, 21, and 22.

Consent Calendar items were approved by one motion except for item 15, which was held for separate action.

**Item required 2/3 vote of the Full Board

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	A	A	Y	Y	Y	A	Y	Y	Y	Y	Y

Voting Deviations:
Item 6 – the following Director was conflicted: KRB
Item 6 – the following Director was absent/conflicted: KB
Item 22 – the following Director was absent/conflicted: JB

2. SUBJECT: MINUTES **2024-0125**

APPROVED ON CONSENT CALENDAR Minutes of the Regular Board Meeting held January 25, 2024.

3. SUBJECT: REMARKS BY THE CHAIR **2024-0123**

RECEIVED remarks by the Chair.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
P	P	P	A	P	P	P	P	P	P	P	P	P

4. SUBJECT: REPORT BY THE CHIEF EXECUTIVE OFFICER **2024-0124**

RECEIVED report by the Chief Executive Officer.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
P	P	P	A	P	P	P	P	P	P	P	P	P

****

KB = K. Barger	FD = F. Dutra	HJM = H.J. Mitchell	KY = K. Yaroslavsky
KRB = K.R. Bass	JH = J. Hahn	AJN = A.J. Najarian	
JB = J. Butts	LH = L. Horvath	TS = T. Sandoval	
JDW = J. Dupont Walker	PK = P. Krekorian	HS = H. Solis	

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

6. **SUBJECT: ORACLE HUMAN CAPITAL MANAGEMENT CLOUD SUITE IMPLEMENTATION** **2024-0015**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer (CEO) to:

A. AWARD a 36-month firm fixed price Contract No. PS100859000 to Deloitte Consulting, LLP for the acquisition and implementation of the Oracle Human Capital Management Cloud Suite application and software support services, in the amount of $13,919,723, subject to the resolution of any properly submitted protest(s), if any;

B. APPROVE Contract Modification Authority specific to Contract No. PS100859000 in the amount of $2,783,945, or 20% of the total contract value, to cover the cost of any unforeseen services or license fees that may be necessary to complete this project; and

C. EXECUTE individual contract modifications within the Board-approved contract modification authority.

7. **SUBJECT: PROPOSITION A BONDS** **2023-0740**

ADOPTED a Resolution that authorizes the issuance and sale of up to $230 million in aggregate principal amount of the Proposition A First Tier Senior Sales Tax Revenue Refunding Bonds in one or more series, and taking all other actions necessary in connection with the issuance of the refunding bonds.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y

10. **SUBJECT: UNION STATION PARKING MANAGEMENT SERVICES** **2023-0770**

AUTHORIZED the Chief Executive Officer to:

A. AWARD firm fixed price Contract No. PS109969000 to Metro Auto Parks for Union Station Parking Management Services in the amount of $9,889,702 for a five-year base period, with two, one-year options in the amounts of $2,295,428 and $2,426,518, respectively, for a total amount of $14,611,648, effective April 1, 2024, subject to resolution of any properly submitted protest(s), if any, and;

B. EXECUTE individual contract modifications within the Board approved contract modification authority.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	C	A	Y	C	Y	Y	C	Y	C	Y	C

12. SUBJECT: LOS ANGELES AERIAL RAPID TRANSIT ENVIRONMENTAL IMPACT REPORT 2023-0743

APPROVED:

A. the Los Angeles Aerial Rapid Transit Project ("Project") with Design Option A pursuant to Public Utilities Code (PUC) section 130252;

B. CERTIFYING, in accordance with the California Environmental Quality Act (CEQA), the Final Environmental Impact Report (EIR) if the Board concludes that it satisfies the requirements of CEQA and reflects the Board's independent judgment following CEQA Guidelines section 15090;

C. ADOPTING, in accordance with CEQA, the:

   1. Findings of Fact and Statement of Overriding Considerations setting forth the reasons and benefits of adopting the Final EIR with full knowledge that significant impacts may remain and

   2. Mitigation Monitoring and Reporting Program:

D. AUTHORIZING the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

12.1 SUBJECT: EMPOWERING COMMUNITY THROUGH AN INCLUSIVE COMMUNITY BENEFITS AGREEMENT MOTION 2024-0132

APPROVED Motion by Directors Solis, Bass, Dupont-Walker, Horvath, and Sandoval that the Board approve Item 12's staff recommendations (A) through (D) subject to the following conditions of approval, which shall be satisfied before Los Angeles Aerial Rapid Transit (LAART or Project) construction. The conditions of approval are as follows:

A. Zero Emissions Transit or its affiliates (hereinafter, "ZET") satisfies the following conditions:

   1. ZET fully and in perpetuity indemnify, release from liability, and hold harmless Metro and all other relevant public entities, including but not limited to the County of Los Angeles (County), City of Los Angeles (City), California Department of Transportation (Caltrans), and California Department of Parks and Recreation (State Parks), against any and all loss, cost, or damage of any kind arising out of, in full or in part, the negligence or willful misconduct of ZET in the

(continued on next page)

(Item 12.1 – continued from previous page)

design, planning, permitting, construction, operating, maintenance, dissolution, or other acts done in furtherance of the Project;

2. ZET establishes a financial arrangement, such as an insurance policy or an escrow fund, ensuring that, in the event that ZET becomes unable to construct or operate the Project or is responsible under Directive A(1) above, there are sufficient funds available to dismantle or operate the Project, as deemed appropriate by the Board and make the indemnified parties whole;

3. ZET commits to establishing a Project Labor Agreement (PLA), Labor Peace Agreement, a robust apprenticeship program and workforce pipeline program similar to Metro's Room to Work program, local small business procurement, and local and targeted hiring commitments commensurate with or greater than those of Metro projects;

4. The Project will not benefit from or compete against Metro, the County, City, or any other local jurisdiction within the County for state, federal, or other public funds to design, build, or operate the Project or otherwise fulfill Community Benefits Agreement requirements without the written consent of the competing jurisdiction, the Project will not seek or benefit from direct appropriations, and the Project will not seek or benefit from a bond issuance from Metro, the County, City, or any other local jurisdiction within the County;

5. ZET adopts and adheres to an advertising display content policy that is consistent with Metro, City, County, Caltrans, and State Park's respective advertisement policy, including any future updates to such policies, and will abide by the pertinent local jurisdiction's digital display and lighting policies for outdoor advertising signs;

6. ZET implements a business interruption fund similar to the ones Metro has implemented (see the East San Fernando Valley Light Rail Project) to compensate local small businesses and community-based organizations impacted by the Project's construction;

7. ZET, in perpetuity, sets aside ten percent (10%) of all LAART

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(Item 12.1 – continued from previous page)

marketing opportunities for local Chinatown businesses and community-based organizations and Metro public service announcements and for such marketing opportunities to be offered at cost;

8. ZET, in coordination with and approval from LA Department of Transportation (LADOT), City of Los Angeles Department of Public Works (LADWP), City of Los Angeles Dept of City Planning (DCP), and other relevant jurisdictions, develops and implements a community impact mitigation plan that addresses but is not limited to the following impacts: residential and other privacy concerns, visual and other impacts to parks and greenspaces, visual impacts to Union Station's historic architectural elements, parking, traffic, pedestrian and active transportation safety concerns (including school access improvements), trash, noise and other forms of pollution, and other Project externalities;

9. Post construction, ZET commits to providing sufficient safety and security personnel and resources for the Project and within 1,000 feet of the Project;

10. ZET reimburses any public safety department for specialty equipment or training that is not needed but for such department's need to address the unique safety response needs and hazards presented by an aerial gondola;

11. ZET offers free and unlimited rides for local Chinatown residents and businesses in perpetuity, at all times of operation, which at minimum, includes those residents and businesses within the area bound by the I-110, US-101, and Los Angeles River;

12. ZET develops a ticketing program that is seamlessly integrated with Metro's TAP and payment program;

13. ZET installs, at Metro's request, bike and micro-mobility hubs at each of the Project's stations that offer zero-emissions electrified docks that service personal devices, private micro-mobility share programs, and Metro Bike Share or any future Metro micro-mobility program similar thereto;

14. ZET only uses renewable energy sources and the purchase of carbon offsets in Los Angeles County, to the extent possible, that

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(Item 12.1 – continued from previous page)

ensure the construction and maintenance of the Project are at least carbon-neutral and verified by a qualified third party;

15. ZET implements a tree replacement plan that, at the minimum, replaces trees at a 4:1 replacement ratio and includes a 5-year establishment period;

16. ZET continues monitoring for any future biological impacts from the Project and implements corrective programs, as needed and in accordance with the opinion of an independent expert;

17. The Project does not benefit from the use of eminent domain, and, in the case of ZET acquiring any form of property rights from a public jurisdiction, ZET shall offer compensation to said jurisdiction for at least the fair market value of such property, including air and real property rights, as determined, if needed, by one or more independent third-party evaluators;

18. If the Project is non-operational or experiences issues during the 2028 Games, ZET will compensate Metro for any and all transportation costs that the Agency would not have incurred but for LAART's non-operation or issues; and

19. ZET reimburses Metro for any and all costs incurred by the Agency in support of ZET's efforts to fulfill the conditions of approval outlined in this Motion.

B. ZET develops and commits to a Community Benefits Agreement (CBA) approved by a two-thirds (2/3rds) vote of a Metro-facilitated Community Advisory Committee (CAC) consisting of (i) a representative of each of the City Council and County Supervisorial Districts representing the area bound by the I-10, US-101, and LA River and a representative from the Mayor of Los Angeles, (ii) two appointed stakeholder from each of the elected offices identified in (i) above, and (iii) a non-voting representative from Metro, Caltrans District 7, and Stake Parks. The CAC shall be dissolved within 12 months of its initial meeting but may be extended at the discretion of the Metro Chief Executive Officer (CEO). The CBA shall be proportionate with the Project's total and final cost and shall not include previous commitments. The CAC shall identify projects and programs in and for the community to be benefited by the CBA and

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(Item 12.1 – continued from previous page)

develop an allocation process for the funds, including for allocations to be made after the CAC's dissolution. The CBA shall include, but is not limited to, the following:

1. Care-based solutions that: serve for the most vulnerable, uplift at-risk youth and adults, reduce recidivism, take a proactive care-first approach towards reducing crime, establish skill training and workforce development pipelines to family-sustaining jobs, and build a healthy, vibrant, and affordable community;

2. An anti-displacement fund and implementation plan to support the retention and development of local affordable and senior housing, such as a community land trust, and other social impact projects to improve the quality of life for impacted residents, with a particular focus on historically marginalized and vulnerable populations and considering a reparations program;

3. An anti-displacement fund and implementation plan to support local small and historically marginalized ethnic businesses, such as a commercial land trust, a business resources center, and projects and programs that address the digital divide;

4. An ongoing Chinatown revitalization revolving loan fund to offer low and no-interest loans and forgivable loans to local small businesses, entrepreneurs, and street vendors;

5. A funding and implementation plan to expand and make permanent the Dodger Stadium Express and transition the program to Zero Emissions Vehicles (ZEVs) in advance of the Project and, if needed, during the operation of the Project in the case of the Project's temporary closure or heightened transportation demand for stadium events along the Project corridor. and the addition of multiple, region-wide, park-and-ride locations consistent with the model provided by the Park & Ride Hollywood Bowl shuttle program;

6. A plan to develop street vending and micro-business opportunities near one or more Project terminuses and connect those enterprises with support resources discussed above;

7. A funding and implementation plan, which includes community and stakeholder feedback, to create one or more living and stationary

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(Item 12.1 – continued from previous page)

memorials to Old Chinatown, Chavez Ravine, and the indigenous peoples who previously occupied the surrounding land; and

C. ZET conducts any additional studies requested by the City, Caltrans, Metro, and State Parks in review or furtherance of the Project;

WE FURTHER MOVE that the Board direct:

D. Metro, in coordination with ZET, to provide quarterly updates to the Metro Board on the Project's progress and financing.

E. Metro report back to the Board in 180 days with a preliminary mobility and cost analysis on alternative TSM/TDM mobility improvements, including a Bus Rapid Transit on Sunset Blvd. with a possible event day station near the stadium or system for pedestrian travel on Vin Scully Ave. from Sunset Blvd. to the stadium, Sunset for All, and other mobility projects that could alleviate the traffic caused by major sporting and entertainment events held at Dodger Stadium.

F. While no such development has been formally proposed, Metro includes an overriding clause in any future lease at or near Union Station with ZET for the benefit of the Project, whereas any possible future development at or near the parking lots surrounding Dodger Stadium that does not dedicate at least equivalent to twenty-five percent (25%) of all the developable space, which excludes outdoor open space, to affordable or supportive housing shall automatically and immediately terminate the lease.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
ABS	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y

13. SUBJECT: COPY CENTER EQUIPMENT AND SERVICES **2024-0014**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to execute a five-year, firm-fixed unit rate Contract No. PS110623000 to Canon Solutions America, Inc. to provide copy center equipment and services in a not-to-exceed amount of $1,917,720, effective March 1, 2024, subject to the resolution of protest(s), if any.

15. SUBJECT: SOUTHEAST GATEWAY LINE **2023-0735**

AUTHORIZED the Chief Executive Officer (CEO) to award a cost-plus fixed fee contract, Contract No. AE107133000, for a period of 5 years, with two, 5-year options, to WSP USA, Inc., for Program Management Support Services (PMSS) for the Slauson/A Line to Pioneer segment of the Southeast Gateway Line Project (formerly referred to as the West Santa Ana Branch Transit Corridor) in an amount not to exceed $99,999,105, subject to the resolution of any properly submitted protest(s), if any.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	Y	Y	A	Y	C	Y	Y	Y	Y	C	C	C

17. SUBJECT: CONSULTANT SUPPORT SERVICES FOR EXPRESSLANES OPERATIONS AND PLANNING **2023-0619**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to:

A. AWARD a seven-year firm fixed price Contract No. PS100159000 to HNTB Corporation in the amount of $23,987,498 for consultant support services for ExpressLanes Operations and Planning, subject to resolution of any properly submitted protest(s) if any, and;

B. EXECUTE individual contract modifications within the Board approved contract modification authority.

18. SUBJECT: PURCHASE OF ELECTRIC VEHICLE (EV) CROSSOVERS **2023-0736**

AUTHORIZED ON CONSENT CALENDAR the Chief Executive Officer to award a firm fixed price contract under IFB No. DR113478 with Elite Auto Network, the lowest responsive and responsible bidder for 21 Toyota bZ4X Electric Vehicles (EV) Crossovers for a total of $1,305,792.28 inclusive of sales tax, subject to the resolution of any properly submitted protest(s), if any.

19. SUBJECT: FIRE ALARM AND SUPPRESSION SYSTEM PROJECT **2023-0748**

ESTABLISHED a Life of Project (LOP) Budget of $19,000,000 for the Metro B, D, A Lines, and Division 20 Fire Alarm and Suppression System Project.

20. SUBJECT: P3010 LIGHT RAIL VEHICLE COMPONENT OVERHAUL BATTERY KITS **2023-0758**

APPROVED ON CONSENT CALENDAR BY TWO-THIRDS VOTE OF THE BOARD:

A. AUTHORIZING the Chief Executive Officer to award a 24-month indefinite quantity/indefinite delivery Contract No MA101202000 to Saft America Inc. for the purchase of 235 P3010 Battery Kits for a not-to-exceed amount of $3,513,278 subject to the resolution of any properly submitted protest(s), if any; and

B. FINDING that there is only a single source of procurement for the item(s) set forth in Recommendation A above and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material already in use, as defined under Public Utilities Code Section 130237.

21. SUBJECT: MEMBERSHIP ON METRO'S SAN GABRIEL VALLEY SERVICE COUNCIL **2024-0049**

APPROVED ON CONSENT CALENDAR nominee for membership on Metro's San Gabriel Valley Service Council.

22. SUBJECT: A650 HEAVY RAIL VEHICLE (HRV) REFURBISHMENT **2023-0495**

APPROVED ON CONSENT CALENDAR:

A. the Chief Executive Officer to award a fixed price contract, Contract No. A650-2022 to Woojin IS America for the refurbishment of 74 heavy rail vehicles (HRVs), in the amount of $213,587,543 for 70 base HRVs ($201,221,103), and exercise one contract option for an additional 4 HRVs ($12,366,440), totaling 74 HRVs; subject to the resolution of any properly submitted protest(s); and

B. APPROVING the Life of Project (LOP) budget of $264,662,611.20.

26. SUBJECT: CLOSED SESSION **2024-0127**

A. Conference with Legal Counsel - Existing Litigation - G.C. 54956.9(d)(1)
1.Edgar Cruz v. LACMTA, LASC Case No. 20STCV39995

APPROVED settlement in the amount of $800,000.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y

(continued on next page)

(Item 26 – continued from previous page)

2.Alan Lloyd v. LACMTA, LASC Case No. 19STCV01579

APPROVED settlement in the amount of $625,000.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y

3.Patricia Villalpando v. LACMTA, LASC Case No. 18STCV09580

APPROVED settlement in the amount of $310,000.

JH	FD	KB	JB	JDW	LH	PK	HJM	AJN	TS	HS	KY	KRB
Y	A	Y	A	Y	Y	Y	Y	Y	Y	Y	Y	Y

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

NO REPORT.

C. Conference with Real Estate Negotiator - Government Code 54956.8
Property: 5055 Wilshire Boulevard, Suite 400, Los Angeles, CA
Agency Negotiator: John Black
Negotiating Party: DSG Wilshire, LLC
Under Negotiations: Price and Terms

NO REPORT.

D. Public Employee Performance Evaluation – Government Code Section 54957(b)(1)
Title: Chief Executive Officer, Board Clerk, General Counsel, Inspector General, Chief Ethics Officer

CARRIED OVER to the March Regular Board Meeting.

ADJOURNED AT 3:00 P.M.

Prepared by: Jennifer Avelar
Sr. Administrative Analyst, Board Administration

Collette Langston, Board Clerk

File #: 2023-0756, **File Type:** Plan **Agenda Number:** 7.

AD HOC 2028 OLYMPIC & PARALYMPIC GAMES COMMITTEE
MARCH 20, 2024

SUBJECT: TWENTY-EIGHT BY '28 PROJECT LIST

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

A. RECEIVING AND FILING the Twenty-Eight by '28 progress report, and;

B. APPROVING revisions to the Twenty-Eight by '28 project list (Attachment A).

ISSUE

The purpose of the Twenty-Eight by '28 Initiative is to highlight projects for completion by the 2028 Olympic and Paralympic Games (the 2028 Games). The list approved in January 2018 included Measure R, Measure M, and other projects already slated for completion by 2028, as well as "aspirational" project schedules that propose to be accelerated by 2028 ("aspirational" is defined as a project that has a current delivery date later than 2028). This item is a status report on the pursuit of the Twenty-Eight by '28 Initiative and a recommendation to update the project list by replacing projects that are not able to meet the 2028 Games timeline with projects/programs that align with Metro's 2028 Mobility Concept Plan (MCP) and either have been completed since the Initiative began or can be completed before the 2028 Games. Investments on this list are distributed countywide, demonstrating proactive regional coordination.

BACKGROUND

In anticipation of hosting the 2028 Games, and in response to the Twenty-Eight by '28 Initiative, in January 2018, the Board approved a list of 28 projects for $42.9 billion targeted for delivery by 2028. The Twenty-Eight by '28 Initiative provided staff with a clear vision of the Board's priorities, including establishing and emphasizing four pillar projects. Selected projects addressed regional needs, with a focus on transit solutions that would provide additional connectivity to major sports venues. The list of projects included some already slated for completion by 2028 and several complex mega projects that would require unprecedented acceleration, including a funding gap of $26.2 billion. The success of this initiative depended upon strong advocacy, as well as perfect alignment of funding

opportunities, partnership arrangements, project execution processes, and innovative strategies.

Pursuant to the Measure M Ordinance, project acceleration may only occur if doing so does not delay the delivery of any other project. Accordingly, the 2028 Games presents an opportunity to advocate for accelerated resources, particularly from the state and federal government, to achieve early project delivery of the aspirational schedules and additional projects. By identifying projects with aspirational schedules alongside projects already planned to be delivered by 2028, the Board would be highlighting-but-not-committing those projects for early project delivery.

Through the end of 2019, staff explored options that would deliver the projects faster and reported to the Board regularly on the progress and challenges. Staff diligently assessed and reviewed project needs such as financing, constructability, risks, and potential acceleration strategies. Since that time, construction market pressures, impacts related to the COVID-19 pandemic, and project development challenges (e.g., design changes, and funding assumptions) have continued to challenge delivery schedules. Despite these challenges, Metro has continued to advance several significant projects that support the transportation needs for the 2028 Games, including ongoing efforts related to each of the projects identified in the initial project list.

Using the Twenty-Eight by ’28 Initiative as a baseline, in 2021 Metro initiated work with LA28, Caltrans, Metrolink, the Los Angeles Department of Transportation (LADOT), the City of Los Angeles Mayor’s Office, and the Southern California Association of Governments (SCAG), a group collectively known as the Games Mobility Executives (GME), on a 2028 Mobility Concept Plan (MCP). December 2022, the Board approved the 2022 Mobility Concept Plan (MCP) Prioritized Project List comprising 50 partially funded or unfunded projects/programs, including capital and operational improvements (beyond the ones identified Twenty-Eight by ’28 Initiative) that support Metro’s objective to deliver clean, safe, and reliable public transportation for Games spectators and would also leave a lasting legacy for Angelenos.

Using the 2022 MCP Prioritized Project List as a basis, the GME identified a subset of 15 unfunded or partially funded projects/programs (some of which are bundles of projects) deemed to either serve a specific Games delivery need or be highly beneficial and supportive of the transport strategy for the Games. Since December 2022, the GME has used this Surface Transportation Priority List to jointly advocate for state and federal funding support.

DISCUSSION

Metro has benefited from a focus driven by the establishment of a select group of projects termed ‘Twenty-Eight by ‘28’. The status of each of the projects spans the planning phase, including the environmental approval process and funding strategy, through engineering, construction, and ultimately operations. This report groups projects by phase to convey updated project milestones.

For the current list, three projects are complete and in operation; seven projects are under construction; six projects are in the engineering/final design phase; and 12 projects are in the Planning phase. Ten of the projects on the list have anticipated opening dates after 2028, however, a summary of progress for each of these ten projects is provided in Attachment B.

Proposed Revisions to the 28 by'28 List

With four years and four months to go before the Games, Metro has an opportunity to revisit what is already planned and what is needed for the Games. In doing so, the outcome for Los Angeles County will be a more livable, successful, and equitable region, with projects and programs that will benefit Los Angeles County for generations after they are completed, and the 2028 Games have concluded. In addition, since the launch of the Twenty-Eight by '28 initiative, other global sporting events have been announced for the LA County region: 2026 FIFA World Cup and the 2027 Superbowl so an updated list will also consider these global events.

Staff from Program Management, Operations, Countywide Planning, and the Office of Strategic Innovation evaluated several potential replacements for the ten projects projected to open after 2028. (The Metro Micro program, launched in 2020, was also considered for replacement from the list as it is still in the pilot phase and does not have a nexus for the Games venues). This evaluation included all projects within the 2022 MCP Prioritized Project List, as well as projects that are consistent with the goals of the 2028 MCP and either are completed or can be completed before the 2028 Games. As a result of the evaluation, the following eleven projects are recommended for inclusion in the revised projects list:

Project	**Estimated Completion Date**	**Support to the 2028 Games**
MCP Priority Station Improvements (Union, 7th/Metro, Pico)*	2027	This project (3 stations) provides required maintenance upgrades and improvements to Metro Rail stations near Games venues, with a focus on 7th/Metro Center, Union Station, and Pico stations. This project will also enhance accessibility and customer experience with improved elevator and escalator operations. It will also expand Metro Ambassadors program to enhance the customer experience and offer in-person support to riders.
Eastside Access Improvements	Completed 2023	Improving pedestrian and bicycle access in Little Tokyo and the Arts District, areas served by Metro's A and E lines, will make it easier and safer for our regular riders to get around and, during the Games, will provide more alternatives for spectators to reach venues located near these two rail lines. These improvements will benefit to spectators and the Games workforce traveling to the Grand Park venue and those using Union Station to start or end their rail journeys to their venues.
"New Blue" Improvements to the A - Line	Completed 2019	The A Line will be critical for the 2028 Games, providing access to the Long Beach and downtown LA sports parks. This project improved reliability, speed, and overall customer experience on the A Line.

MCP Mobility Hubs in SFV (Chatsworth, NoHo, Balboa)**	2028	Chatsworth Station will serve as an important mobility hub for spectators and the Games workforce, providing a key interchange point for drivers and vehicle passengers coming from other parts of the region. The North Hollywood Mobility Hub will improve interchange facilities for Games visitors traveling to the Sepulveda Basin sports park and those visitors traveling into LA from accommodation in the San Fernando Valley area. These stations will improve facilities for those travelling by car, transit, and micro-transit as their initial mode of transport on their journeys to venues. The Balboa Station will be a venue mobility hub for the Sepulveda Basin sports park.
Gateway Cities MCP Projects*	2027	With an emphasis on equity, legacy, and the 2028 Games, five specific 2028 Games MCP projects are located within the Gateway Cities subregion. Projects include: 1) a crossover track near the intersection of Anaheim Street and Long Beach Boulevard to improve service reliability for the A Line; 2) a mobility hub at the A Line Willow Station to enhance multimodal connections and improve the customer experience at this key station; 3) bus priority improvement projects along Florence Avenue, Studebaker Road, and Imperial Highway to enhance connectivity between SoFi Stadium, Metro C Line Norwalk Station, and Metrolink Norwalk/Santa Fe Springs Station; and 4) first/last mile improvements near key station locations in Norwalk and Long Beach.
J Line Electrification	2024	This project will support the goal of having sustainable and clean transportation options for Games spectators.
MCP LRT Speed and Reliability Improvements near Washington/Flower**	2027	This project will help increase capacity on the A and E Lines, forming the critical “backbone” of the transit network for spectators and workforce traveling to the busiest 2028 Games venues. These improvements will also provide safer crossings, synchronized rail movements, and better traffic management.
Silver Line Improvement Program	Completed 2020	The project enhanced connectivity, reliability, and customer experience on the Silver (now J) line. The J Line will be a critical connection for spectators coming from the San Gabriel Valley (the El Monte station has been identified as a Central Mobility Hub) and into any of the venues downtown or transit-accessible sports parks in the region.

MCP Bus Only Lane Corridors (Olympic/Venice)*	2027	Bus-only lanes enable fast, frequent, reliable, and accessible bus services that will be used before and after the 2028 Games, encouraging people to use public transit instead of private cars. Olympic Blvd will be one of the most important sections of the GRN, linking the Athletes Village at UCLA with the Downtown LA sports park. Bus-only lanes on Venice Blvd would offer improved journeys and increased capacity for spectators travelling to/from Downtown venues. Both corridors will also encourage mode shift to reduce congestion on the I-10 corridor.
Rosecrans/Marquardt Avenue Grade Separation	2025	The project provides a critical pedestrian and traffic safety improvement along key arterials in Gateway Cities. This project will also improve the efficiency and reliability of the Metrolink Orange County Line, a very important rail service for the Games, as it directly connects the Honda Center in Anaheim to Union Station and destinations in Orange County. Furthermore, this and all other Metrolink lines will be critical and transporting spectators coming from the larger, 5-county region into LA County, where most of the venues are located.
Rail to Rail ATC Segment A	2024	An active transportation connection between the K, J, and A Lines will make it easier and safer for our regular riders to get around and, during the Games, will provide more alternatives for spectators to reach venues located near these rail/BRT lines.

*Project is partially funded

** Project is not funded

Attachment C illustrates the locations of the 11 replacement projects. Two of the projects have already been completed. Several projects from the 2022 MCP Priority List are contained within bundles, including Mobility Hubs in San Fernando Valley and several bus priority corridors improvements in Gateway Cities and Westside Cities. These projects, totaling an estimated $ 400 million, are partially funded, and Metro is concurrently pursuing funding and advancing project development for them. All other projects on the list are fully funded and on track to be delivered by 2028. The revised Twenty-Eight by ’28 project list (Attachment A) totals more than $20 million in transportation investments for LA County.

Additionally, the title of four projects on the Twenty-Eight by ‘28 project list will need to be modified to reflect updates to the project description. Those changes are as follows:

- Gold Line Foothill Extension 2B (to Claremont) - Revise the terminus to Pomona station to reflect current project limits. The Pomona to Montclair segment is not yet funded.
- Vermont Transit Corridor BRT - Focused on delivering the core transit travel time

improvements.

- I-105 Express Lanes -Phase 1(between I-405 and I-110).
- I-405 South Bay Curve Improvements - Revise project title to clarify the scope: The Integrated Corridor Management improvements on I-405, between Manchester Ave. and Rosecrans Blvd. are underway).

The original Twenty-Eight by ‘28 project list laid out an aspiration for Metro's contributions ahead of the 2028 Games. The proposed revisions to the project list align the Twenty-Eight by ’28 initiative with the priorities set forth by the Board in the 2022 MCP Priority Project List and with the GME’s Surface Transportation Priority List. The MCP guides our state and federal advocacy for Games-related funding. The MCP is comprehensive and informed by our ongoing work to plan to host this global event. It remains the north star as we pursue funding collaboratively with our partners in the cities, the county, the region, and the state. Twenty-Eight by '28 focuses on Metro's projects that are a subset of the MCP.

FINANCIAL IMPACT

There is no financial impact associated with this update. Any financial impacts associated with the implementation of currently unfunded MCP projects will be identified when the Board considers approval of the funding/implementation plans.

Impact to Budget
Staff may follow up with any requests in a future separate action.

EQUITY PLATFORM

The qualitative criteria upon which the Twenty-Eight by ’28 List of projects were selected included:

- Supports high-capacity access to key regional activity centers and corridors;
- Provides a vital link in Los Angeles County’s developing high-capacity transit
- network;
- Supports the integration of land use and transportation to accommodate new mixed income housing opportunities in areas to be served by transit, along with economic development opportunities; and
- Eases congestion at existing bottlenecks and congested corridors.

By revising the Twenty-Eight by ‘28 list by replacing projects that could not be delivered by the Games with those aligned with Metro’s 2028 Mobility Concept Plan, which included additional equity metrics and prioritization, Metro aims to deliver tangible improvements that will resonate for generations beyond the Games' conclusion. This thoughtful recalibration, involving collaboration across departments and strategic evaluations, positions Metro to contribute to the success of transport during the 2028 Games and leave a lasting legacy that promotes a more accessible,

connected, and equitable Los Angeles County. As illustrated in Attachment C, ten of the eleven proposed projects are either fully or partially located in Metro's Equity Focus Communities and will have a long lasting impact for current and future generations.

These projects represent a strategic and forward-thinking approach to ensure the success of the Games while concurrently fostering long-term benefits for the diverse communities of Los Angeles County. This reconstitution is not exclusively about timelines; it is a deliberate effort to foster equity by prioritizing projects that enhance accessibility and connectivity for all residents. The inclusion of projects such as the Rail to Rail ATC Segment A and Mobility Hubs across most of the County's subregions demonstrates a commitment to improving public transportation networks, providing residents with reliable and efficient options for commuting and facilitating greater access to education centers, job opportunities, and essential services. Other potential anticipated equity benefits include a reduction in single occupancy vehicle reliance, improved air quality, and reduced household transportation costs. Any needed mitigation strategies are determined and implemented at the project level. Robust community engagement opportunities will be provided as staff continues to develop programs/projects throughout the next four years until the 2028 Games are delivered.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports Strategic Plan Goal #1 - Provide high-quality mobility options that enable people to spend less time traveling. This will be accomplished by planning and delivering multiple capital projects on time and on budget.

NEXT STEPS

Staff will continue to monitor and report back on a regular basis to the Board's Ad Hoc 2028 Olympic and Paralympic Games Committee on the status of the revised Twenty-eight by '28 project list.

ATTACHMENTS

Attachment A - Revised Twenty-Eight by '28 list
Attachment B - Summary of Progress for Projects to be Delivered Beyond 2028
Attachment C - Map of Twenty-Eight by '28 Projects and Proposed Replacements

Prepared by: Julie Owen, Sr. Executive Officer, Program Control (213) 922-7313
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Reviewed by:

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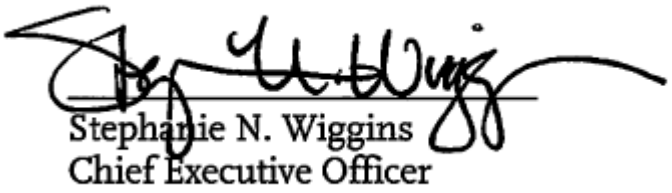


Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A Revised Twenty-Eight by '28 Project List

Project	Current Stage	Subregion (s)
1. "New Blue" Improvements to the A Line	**Operations, opened 2019**	**GC, CC**
2. Silver Line Improvement Program	**Operations, opened 2020**	**SG, CC, SB**
3. Crenshaw/LAX Line	Operations, opened 2022	CC, SB
4. Regional Connector	Operations, opened 2023	CC
5. Eastside Access Improvements	**Operations, opened 2023**	**CC**
6. Airport Metro Connector Station	Construction, target 2024	WC
7. J Line Electrification	**Design, target 2024**	**SG, CC, SB**
8. Rail to Rail, Segment A[a]	**Construction, target 2024**	**CC**
9. North San Fernando Valley BRT	Planning, target 2025	SFV
10. Purple Line Extension, Section 1[b]	Construction, target 2025	WC, CC
11. Gold Line Foothill Ext to Pomona	Construction, target 2025	SG
12. Purple Line Extension, Section 2[c]	Construction, target 2025	WC
13. Rosecrans/Marquardt Grade Sep	**Construction, target 2025**	**GC**
14. New Bus Corridors	Design, target 2026	TBD
15. I-5 North Capacity Enhancements[d]	Construction, target 2026	NC
16. Key DTLA Stations[e]	**Planning, target 2026**	**CC**
17. NoHo to Pasadena BRT	Design, target 2027	SFV, SG
18. LA River Bike Path/Mobility Hub - SFV	Design, target 2027	SFV
19. G Line Travel Time & Safety Features	Design, target 2027	SFV
20. Purple Line Extension, Section 3[f]	Construction, target 2027	WC
21. Mobility Hubs in SFV[g]	**Planning, target 2027**	**SFV**
22. Gateway Cities MCP Projects[eh]	**Construction, target 2027**	**GC**
23. LRT Speed & Reliability Improvements[e,i]	**Planning, target 2027**	**CC**
24. Bus Only Lanes (Olympic/Venice)[e]	**Planning, target 2027**	**WC**
25. I-105 Express Lanes, Segment 1	Design, target 2028	SB, GC
26. SR 57/60 Interchange Improvements	Construction, target 2028	SG
27. Vermont Transit Corridor BRT	Planning, target 2028	CC
28. I-405 Integrated Corridor Management[j]	Design, target 2028	SB

Notes:

Replacement Projects (11 in total) are noted in **bold** letters

a – Active Transportation Corridor
b – Wilshire/Western to Wilshire/La Cienega
c – Wilshire/La Cienega to Century City
d – SR14 Interchange in Santa Clarita to Parker Rd in Castaic
e – Mobility Concept Plan
f – Century City to Westwood/VA Hospital
g – Chatsworth, NoHo, Balboa
h – Willow Station Mobility Hub and Anaheim St. LRT Crossover (A line)/ Bus priority improvements along Florence Avenue, Studebaker Road, and Imperial Highway/First/Lane mile improvements in Long Beach and near Norwalk C Line station.
i – Near Washington/Flower
j – Between Manchester Ave and Rosecrans Blvd

Project Status Summary:
5 or 18% are complete
9 or 32% are in construction
7 or 25% are in design
7 or 25% are in planning

Attachment B

Summary of Progress for Projects to be Delivered Beyond 2028

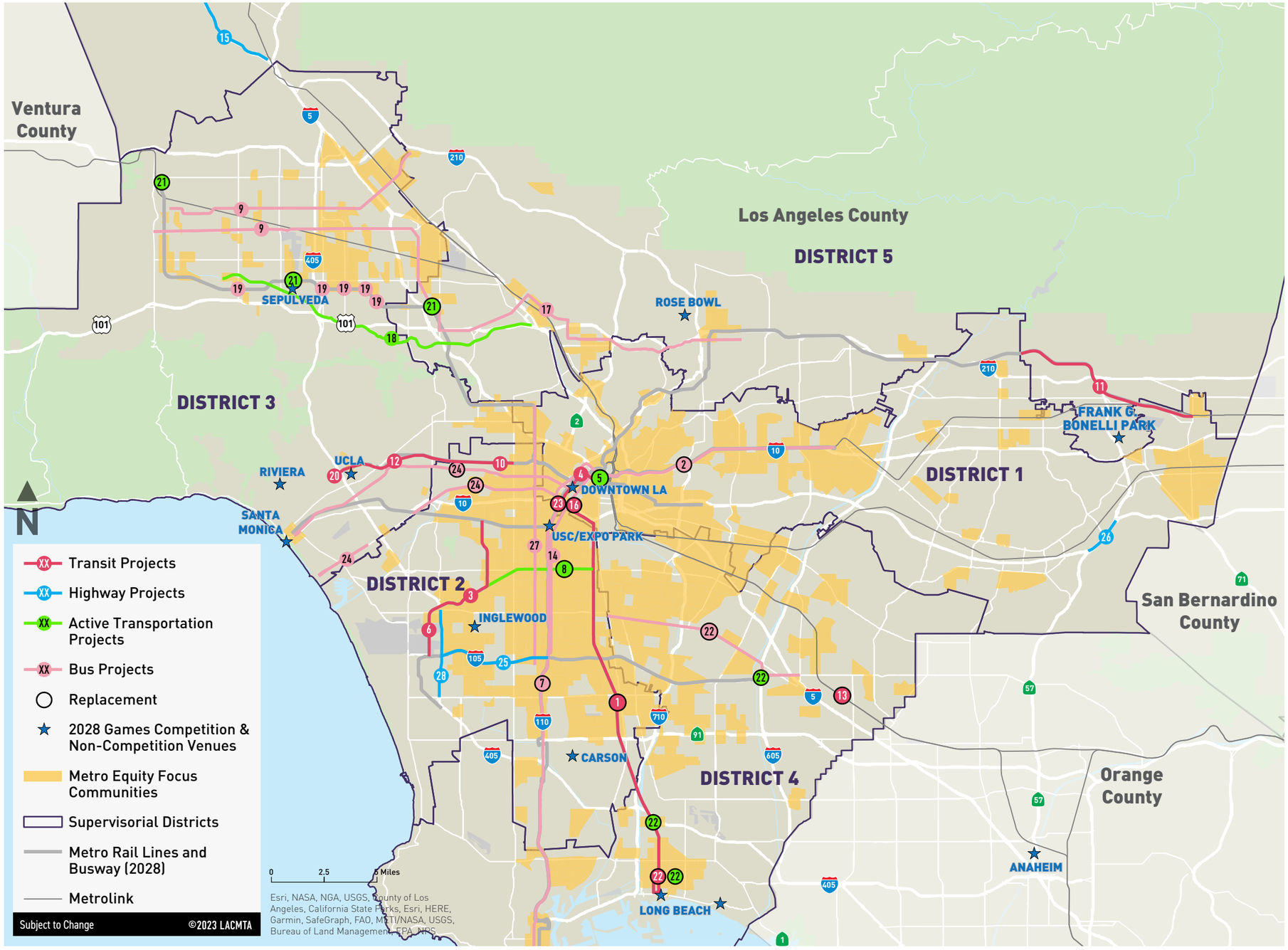
Project		Progress Since 2017	Source
11.	LA River Waterway & System Bike Path	Metro initiated development of the Draft Environmental Impact Report (EIR). Metro's acheivements on this effort include extensive community and stakeholder outreach on the concepts being analyzed. Awareness and participation by third parties include U.S. Army Corps of Engineers, LA County Department of Public Works, the City of Los Angeles DWP and BOE, BNSF and CA High Speed Rail. Master Cooperative Agreements are in development or execution. As Metro continues to study the project, the Metro Board and the community will be updated on cost, schedule and design including the release date of the Draft EIR and public hearings. The level of inter-agency coordination on a complex inter-jurisdicational project such as this would not have occured at this level of development and design without being listed on the 28x2028, which provided the impetus for such early coordination.	Measure M 5-year Comprehensive Assessment and Equity Report
16.	Sepulveda Pass Express Lanes	Project has advanced into the environmental phase and work has been started on the concept of operations, traffic and revenue study, and various traffic modeling tasks. Monthly project meetings are held with Caltrans and the design team to discuss alternatives, engineering plans and outreach. Project Approval & Environmental Document (PAED) in progress. Numerous public meetings have been held and coordination with other transit and planning studies is ongoing. Draft environmental document will be released later this year.	Measure M 5-year Comprehensive Assessment and Equity Report
17.	East San Fernando Valley	In about two years, the Metro Board moved from a draft environmental document to the 2020 certification of the final environmental document and approval of 6.7 miles of light rail with 11 stations, in the median of Van Nuys Boulevard to the intersection of Van Nuys Boulevard and San Fernando Road. Since 2021, Metro successfully advanced design, executed master cooperating agreements, and proceeded with a new alternative delivery mechanism for light rail in Los Angeles, Progressive Design Build. In addition, the project was selected for a first-of-its-kind Capital Improvement Grant, the Expedited Project Delivery grant program. Metro is in the process of executing the full funding grant agreement that would be the first in the nation. Utility relocation, acquisitions and early works packages are underway or in development. Metro's use of new delivery systems was sparked by our efforts to achieve 28x2028 and allowed us to take advantage of new federal grant opportunities.	Measure M 5-year Comprehensive Assessment and Equity Report
19.	I-710 South Corridor Early Action	Metro has worked with Caltrans through a lengthy process to develop the I-710 South Corridor Project, studying multiple project alternatives. In 2021 Metro and Caltrans established the 710 Task Force to re-engage the local impacted communities adjacent to the freeway as well as the stakeholders that depend upon, and are impacted by, the movement of people and goods within the I-710 South Corridor between the Ports of Los Angeles and Long Beach and State Route 60. In 2022 the Board approved a “No Build” alternative and the Task Force has worked to develop an investment plan, which includes multi-modal projects and programs with varying schedules and project budgets, and requiring their own project approval and environmental process before implementation.	Measure M 5-year Comprehensive Assessment and Equity Report
20.	South Bay Light Rail Extension	Project has advanced with release of the Draft EIR in January 2023. BNSF coordination and construction duration and sequencing have been incorporated into the schedule, and costs have been revised for each of the alternatives under environmental analysis, including a "hybrid" alternative. Metro anticipates Board action on the Project and selection of the Locally Prefered Alternative in 2024. This is one of the four "Pillar Projecs," all of which are achieving major project delivery milestones over the next 12 months or so.	Project Team
21.	A and E Line speed and reliability improvements through downtown LA (Washington Wye)	A feasibility study was completed in 2019 for a series of project alternatives, with capital costs ranging from $800-3,000 million. As part of the 2028 Mobility Concept Plan, staff developed a plan for lower-cost, "quick-build" operational improvements that would enhance the speed and reliability of LRT operations in the junction area, including signal controller upgrades, vehicular turn restrictions, and pedestrian safety enhancements. Metro is currently seeking funding for that project.	Measure M 5-year Comprehensive Assessment and Equity Report
22.	I-10 Express Lanes I-605 to San Bernardino Line	Project has advanced into the environmental phase and work has been started on the concept of operations, traffic and revenue study, and various traffic modeling tasks. Monthly project meetings are held with Caltrans and the design team to discuss alternatives, engineering plans and outreach. Project Approval & Environmental Document (PAED) in progress. Draft environmental document will be released later this year.	Project Team

Attachment B

Summary of Progress for Projects to be Delivered Beyond 2028

Project		Progress Since 2017	Source
25.	Sepulveda Transit Corridor	This ambitious program is using a new, innovative approach to deliver a mega project, which when implemented would connect the San Fernando Valley to the Westside of Los Angeles. Metro engaged the private sector and selected two private entities (PDA Teams) to provide designs for alternatives to be considered in the environmental process. If an alternative is selected as the LPA, Metro could elect to move ahead into project development with a PDA Team into a next phase of project development expediting ultimate delivery of the project. Metro initiated the environmental process and completed a scoping period in February 2022. Community outreach meetings were held in fall 2023 to present and receive input on station design and access, and connectivity with neighborhoods and the Metro system. PDA teams continue to refine their designs. Design refinements are being analyzed in technical environmental studies to support the development of the Draft EIR.	Project Team
26.	Gold Line Eastside Extension to Whittier or South El Monte	At the time the Measure M Expenditure Plan was approved by the Board, the project was defined as an extension of the Gold Line (now E Line) from the existing Atlantic Station to either SR-60 to South El Monte (6.9 miles) or Washington Bl to Whittier (9.5 miles). As driven by the 28x2028 Plan, the project is now focused on one alignment to Whittier along Washington with a proposed location of a regional MSF. The LPA was selected in 2023 and a final environmental document will be released in the Spring of 2024. If Board approves, Metro will be well-positioned to submit a request to federalize the project through NEPA and entry into Project Development as part of FTA's Capital Improvement Grant. Metro was also awarded $35 million grant from the State SB 125 program for early engineering of projects pursuing federal grant funding. This is one of the "Pillar" projects.	Measure M 5-year Comprehensive Assessment and Equity Report
27.	South East Gateway (Formerly West Santa Ana Branch)	Originally, Phase 1 of this project was anticipated to be completed by FY 2028 as a 6-mile LRT line that ran from Pioneer Station to the Green Line. The project underwent rigorous environmental review and stakeholder engagement to ensure it was the best fit for the community and environment. The selected LPA alignment for Phase 1 of the project was extended by over seven miles, more than twice the original segment length. The environmental process is planned to conclude this Spring 2024 due to extensive stakeholder engagement including outreach to residents, elected officials, and city staff in 10 local jurisdictions throughout downtown and Southeast LA. The project also interfaced with Union Pacific Railroads (UPRR) and Ports of Los Angeles and Long Beach (“Ports”), requiring additional coordination and studies. The Project is now only proposed as two phases with the first being a 14.8 mile light rail from Artesia/Cerritos to Slauson with the ultimate destination of Union Station as part of a approximate five mile, Phase 2 segment. As a result the expanded Phase 1 project is has been expedited for delivery by 2033-35 instead of 2041-43.	Measure M 5-year Comprehensive Assessment and Equity Report

Map of Twenty-Eight by '28 Projects and Proposed Replacements



RAIL & REGIONAL RAIL

- 1 "New Blue" Improvements to the A Line
- 3 Crenshaw/LAX Line
- 4 Regional Connector
- 6 Airport Metro Connector Station
- 10 Purple Line Extension, Section 1[b]
- 11 Gold Line Foothill Ext to Pomona
- 12 Purple Line Extension, Section 2[c]
- 13 Rosecrans/Marquardt Grade Sep
- 16 Key DTLA Stations[e]
- 20 Purple Line Extension, Section 3[f]
- 22 Gateway Cities MCP Projects (Anaheim St. LRT Crossover)[e,h]
- 23 LRT Speed & Reliability Improvements[e,i]

BUS

- 2 Silver Line Improvement Program
- 7 J Line Electrification
- 9 North San Fernando Valley BRT
- 14 New Bus Corridors
- 17 NoHo to Pasadena BRT
- 19 G Line Travel Time & Safety Features
- 22 Gateway Cities MCP Projects (Florence/Studebaker/Imperial)[e,h]
- 24 Bus Only Lanes (Olympic/Venice)[e]
- 27 Vermont Transit Corridor BRT

ACTIVE TRANSPORTATION & MICROMOBILITY

- 5 Eastside Access Improvements
- 8 Rail to Rail, Segment A[a]
- 18 LA River Bike Path/Mobility Hub - SFV
- 21 Mobility Hubs in SFV[g]
- 22 Gateway Cities MCP Projects (Willow Mobility Hub, Norwalk First/Last Mile, Long Beach First/Last Mile)[e,h]

HIGHWAY

- 15 I-5 North Capacity Enhancements[d]
- 25 I-105 Express Lanes, Segment 1
- 26 SR 57/60 Interchange Improvements
- 28 I-405 Integrated Corridor Management[j]

SUMMARY

a – Active Transportation Corridor
b – Wilshire/Western to Wilshire/La Cienega
c – Wilshire/La Cienega to Century City
d – SR14 Interchange in Santa Clarita to Parker Rd in Castaic
e – Mobility Concept Plan
f – Century City to Westwood/VA Hospital
g – Chatsworth, NoHo, Balboa
h – Gateway Cities MCP Projects (Anaheim St. LRT Crossover, Florence/Studebaker/Imperial Bus, Willow Mobility Hub, Norwalk and Long Beach First/Last Mile)
i – Near Washington/Flower
j – Between Manchester Ave and Rosecrans Blvd

Metro



Twenty-Eight x 2028
Status Report and Proposed Revisions

Metro

March 20, 2024

Background / Issue

- Original list approved in January 2018 included:
  - Measure R, Measure M, and other projects already slated for completion by 2028 and;
  - Aspirational projects (i.e., with accelerated schedules)

- Recommendation to replace projects that are not able to meet 2028 with projects that:
  - Align with 2028 Mobility Concept Plan
  - Can be completed before the 2028 Games
  - Fulfill Board Direction that projects correct past inequities, leave a legacy after the Games are complete, and are necessary to host a successful global event

Metro

Status Report (by numbers) – Original List of 28 Projects

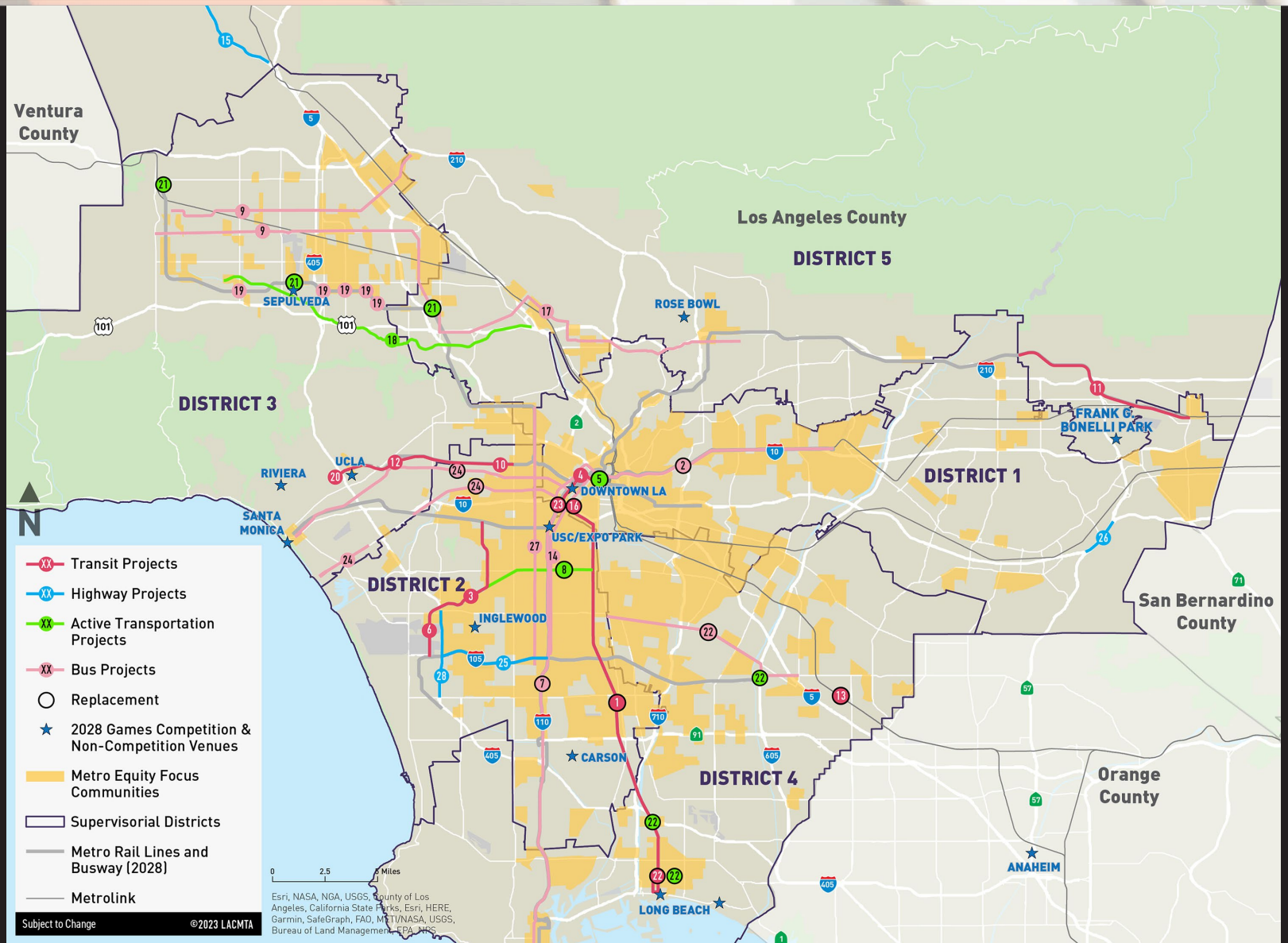
- 3 projects completed
- 7 projects under construction
- 6 projects in Engineering/Final Design
- 12 projects in Planning
- 10 projects anticipated to open after 2028

Metro

Revised Twenty-Eight by `28 Project List

Project	Current Stage	Subregion (s)
1. "New Blue" Improvements to the A Line	Operations, opened 2019	GC, CC
2. Silver Line Improvement Program	Operations, opened 2020	SG, CC, SB
3. Crenshaw/LAX Line	Operations, opened 2022	CC, SB
4. Regional Connector	Operations, opened 2023	CC
5. Eastside Access Improvements	Operations, opened 2023	CC
6. Airport Metro Connector Station	Construction, target 2024	WC
7. J Line Electrification	Design, target 2024	SG, CC, SB
8. Rail to Rail, Segment A	Construction, target 2024	CC
9. North San Fernando Valley BRT	Planning, target 2025	SFV
10. Purple Line Extension, Section 1	Construction, target 2025	WC, CC
11. Gold Line Foothill Ext to Pomona	Construction, target 2025	SG
12. Purple Line Extension, Section 2	Construction, target 2025	WC
13. Rosecrans/Marquardt Grade Sep	Construction, target 2025	GC
14. New Bus Corridors	Design, target 2026	TBD
15. I-5 North Capacity Enhancements	Construction, target 2026	NC
16. Key DTLA Stations	Planning, target 2026	CC
17. NoHo to Pasadena BRT	Design, target 2027	SFV, SG
18. LA River Bike Path/Mobility Hub - SFV	Design, target 2027	SFV
19. G Line Travel Time & Safety Features	Design, target 2027	SFV
20. Purple Line Extension, Section 3	Construction, target 2027	WC
21. Mobility Hubs in SFV	Planning, target 2027	SFV
22. Gateway Cities MCP Projects	Planning, target 2027	GC
23. LRT Speed & Reliability Improvements	Planning, target 2027	CC
24. Bus Only Lanes (Olympic/Venice)	Planning, target 2027	WC
25. I-105 Express Lanes, Segment 1	Design, target 2028	SB, GC
26. SR 57/60 Interchange Improvements	Construction, target 2028	SG
27. Vermont Transit Corridor BRT	Planning, target 2028	CC
28. I-405 Integrated Corridor Management	Design, target 2028	SB

Revised Twenty-Eight x `28 Project List Map



Status Report (by numbers) – Revised List of 28 Projects

- 5 projects completed
- 9 projects under construction
- 7 projects in Engineering/Final Design
- 7 projects in Planning

Metro

Additional Revisions

- Gold Line Foothill Extension 2B (to Claremont) - Revise the terminus to Pomona station to reflect current project limits. The Pomona to Montclair segment is not yet funded.

- Vermont Transit Corridor BRT - Focused on delivering the core transit travel time improvements.

- I-105 Express Lanes -Phase 1(between I-405 and I-110).

- I-405 South Bay Curve Improvements - Revise project title to clarify the scope: The Integrated Corridor Management improvements on I-405, between Manchester Ave. and Rosecrans Blvd. are underway).

Metro

Next Steps

- Continue to pursue funding for unfunded MCP projects - it remains the north star as we pursue funding collaboratively with our partners in the cities, the county, the region, and the state.
- Continue to monitor and report back on a regular basis on the status of the revised Twenty-eight by ’28 project list.

Metro

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

File #: 2024-0047, **File Type:** Contract **Agenda Number:** 8.

FINANCE, BUDGET AND AUDIT COMMITTEE
MARCH 20, 2024

SUBJECT: WORKERS' COMPENSATION MEDICAL BILL REVIEW SERVICES

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 2 to Contract No. PS61721000 with Lien On Me, Inc. for workers' compensation medical bill review services in the amount of $242,303, increasing the not-to-exceed amount of the four-year base term from $2,834,674 to $3,076,977, and exercise the first two-year option in the amount of $2,083,248, revising the total contract amount from $3,076,977 to $5,160,225 and extending the period of performance from July 1, 2024, to June 30, 2026.

ISSUE

Since 2019, Metro's Workers' Compensation division has experienced an increase in the average number of workers' compensation claims filed monthly, resulting in an increase in medical bills received and processed. Approval of the recommendation is required to ensure Metro pays various medical services in accordance with the State of California approved fee schedules and pre-established rates contracted with Preferred Provider Organization (PPO) providers. Additionally, this action authorizes the exercise of the two-year option term to continue providing medical bill review services through June 30, 2026.

BACKGROUND

The review of medical bills is consistent with industry best practice and is one of a variety of techniques government agencies and private entities employ to lower workers' compensation related medical expenditures. Bill review service providers take gross medical billings from physicians, hospitals, pharmacies, and other medical service providers and recommend reductions in conformance with the State of California Fee Schedule and negotiated rates between service providers (PPO contracts). Bill review service providers have custom dedicated software that applies the bill review reduction in accordance with the California Fee Schedule and detects duplicate billings at the line level.

In addition to reviewing bills, bill review service providers have the ability to integrate PPO networks with their bill review system to determine the highest level of savings per line item and maintain the

appropriate software to facilitate submission of California regulatory reporting requirements via Electronic Data Interchange (EDI) with the California Workers' Compensation Information System (WCIS). Bill review vendors represent Metro in legal proceedings involving bill payment disputes with service providers. The review of medical bills is consistent with industry best practices and is one of a variety of techniques to lower medical expenditures.

On October 24, 2019, the Metro Board of Directors awarded the eight-year (inclusive of two, two-year options) firm fixed unit rate Contract No. PS61721000 to Lien On Me, Inc. (LOM) for workers' compensation medical bill review services. Metro's average realized savings through this contract are $2.1 million per month.

DISCUSSION

Increasing the not to exceed amount reflects current medical bills' volume and factors in an increased margin for future contract years. The 2019 RFP estimate of medical bills' volume estimated an average of 2018 data and did not factor in an increase in volume for future years. The contract was based on a 2018 monthly average of 2,902 medical bills; however, recent experience reflects medical bills volume at an average of 3,400 per month. The increase is attributed to a 32% rise in open WC claims inventory from the start of FY21 to FY24. Risk Management has implemented and is actively working to further implement various mitigation strategies to reduce WC claims and costs. Mitigative measures include bolstering Metro's Return to Work program, implementation of Bus Riding Teams by System Security and Law Enforcement, de-escalation training and partnering with Operations to enhance claims investigations. LOM provides excellent services and averages 62% medical expenditure savings. Due to the savings results and excellence in the delivery of services, Metro staff recommends that the first two-year option period be exercised.

DETERMINATION OF SAFETY IMPACT

Approval of this recommendation will not impact the safety of Metro's riders or employees.

FINANCIAL IMPACT

The FY24 Budget includes $2.6 million for the services in Project 100004, PRMA- Workers Compensation (W/C), under Cost Center 0531, Non-Departmental Operations Risk Management.

Since this is a multi-year contract, the Deputy Chief Risk, Safety and Asset Management Officer and the Chief Safety Officer will be responsible for budgeting the cost in future years.

Impact to Budget

The source of funding for this action will come from federal, state and local funding sources that are eligible for bus and rail operations.

EQUITY PLATFORM

The proposed action supports Metro's ability to safely serve the communities and customers who rely on Metro's transportation services and assets by providing workers' compensation medical benefits that allow injured employees to recover from an injury and maintain staffing levels that allow Metro to continue providing services. Lien On Me, Inc., a Small Business Enterprise (SBE) firm, made a 100% SBE commitment for this contract. Based on payments, the project is 94% complete and the current SBE level of participation is 100%, see Attachment C.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goals #1) "Provide high-quality mobility options that enable people to spend less time traveling," and #5) "Provide responsive, accountable, and trustworthy governance within the Metro organization." This Board action supports the efficient delivery of workers' compensation benefits which enables injured employees to quickly recover and resume job functions. The majority of workers' compensation claims are filed by bus operators, and this action facilitates Metro's ability to safely serve the communities and customers who rely on Metro's transportation services.

ALTERNATIVES CONSIDERED

The Board may elect not to approve the recommendation. This option is not recommended as it will result in Metro overpaying for medical treatment costs and foregoing an average monthly savings of $2.1 million in workers' compensation expenditures which is generated through the application of bill review services.

NEXT STEPS

Upon Board approval, staff will execute Modification No. 2 to Contract No. PS61721000 with Lien On Me, Inc. to continue to provide workers' compensation medical bill review services and exercise the two-year option term.

ATTACHMENTS

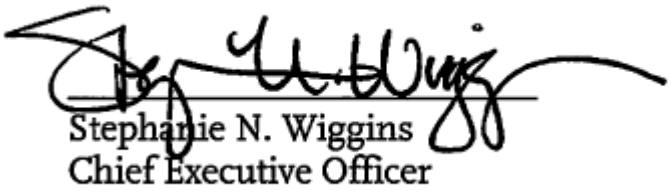
Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

Prepared by: Claudia Castillo del Muro, Executive Officer, Risk Management, (213) 922-4518

Kenneth Hernandez, Deputy Chief Risk, Safety and Asset Management Officer, (213) 922-2990

Carolina Coppolo, Deputy Chief Vendor/Contract Management (Interim), (213) 922-4471

Reviewed by: Gina L. Osborn, Chief Safety Officer, (213) 922-3055



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

WORKERS' COMPENSATION MEDICAL BILL REVIEW SERVICES / PS61721000

1.	**Contract Number**: PS61721000			
2.	**Contractor**: Lien On Me, Inc.			
3.	**Mod. Work Description**: Continue existing services and exercise two-year option.			
4.	**Contract Work Description**: Provide Workers' Compensation medical bill review service.			
5.	**The following data is current as of**: 2/6/24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	10/24/19	**Contract Award Amount:**	$2,576,976
	Notice to Proceed (NTP):	N/A	**Total of Modifications Approved:**	$257,698
	Original Complete Date:	6/30/24	**Pending Modifications (including this action):**	$2,325,551
	Current Est. Complete Date:	6/30/26	**Current Contract Value (with this action):**	$5,160,225
7.	**Contract Administrator**: Marc Margoni		**Telephone Number**: (213) 922-1304	
8.	**Project Manager**: Cathy Yates		**Telephone Number**: (213) 922-4297	

A. Procurement Background

This Board Action is to approve Modification No. 2 to Contract No. PS61721000 to continue providing Workers' Compensation medical bill review services and exercise the two-year option term extending the period of performance from July 1, 2024, to June 30, 2026.

This contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate.

In October 2019, the Board awarded an eight-year (inclusive of two, two-year options) contract to Lien On Me, Inc. to provide workers' compensation medical bill review services.

A total of one modification has been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Price Analysis

The recommended price has been determined to be fair and reasonable based on the firm's fixed unit rates that were established and evaluated as part of the competitive award in October 2019. The unit rates for the option term are 2% higher than the current contract rates. This 2% increase is lower than the current US Bureau of Labor Statistics Employment Cost Index of 4.3%. Therefore, it is in Metro's best interest to exercise the option term.

Proposed Amount	Metro ICE	Recommended Amount
$2,325,551	$2,325,551	$2,325,551

ATTACHMENT B

CONTRACT MODIFICATION/CHANGE ORDER LOG

WORKERS' COMPENSATION MEDICAL BILL REVIEW SERVICES / PS61721000

Mod. No.	Description	Status (approved or pending)	Date	Amount
1	Continue existing services	Approved	2/7/24	$257,698
2	Continue existing services and exercise the two-year option extending the period of performance through June 30, 2026	**Pending**	**Pending**	**$2,325,551**
	Modification Total:			**$2,583,249**
	Original Contract:		**10/24/19**	**$2,576,976**
	Total:			**$5,160,255**

DEOD SUMMARY

WORKERS' COMPENSATION MEDICAL BILL REVIEW SERVICES / PS61721000

A. Small Business Participation

Lien On Me, Inc., a Small Business Enterprise (SBE) firm, made a 100% SBE commitment for this contract. Based on payments, the project is 94% complete and the current SBE level of participation is 100%.

Small Business Commitment	100% SBE	Small Business Participation	100% SBE

	SBE Contractor	% Committed	Current Participation[1]
1.	Lien On Me, Inc. (SBE Prime)	100%	100%
	Total	**100%**	**100%**

[1]Current Participation = Total Actual amount Paid-to-Date to Certified 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 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. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

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

Metro

Board Report

File #: 2024-0164, **File Type:** Agreement **Agenda Number:** 9.

FINANCE, BUDGET AND AUDIT COMMITTEE
MARCH 20, 2024

SUBJECT: LICENSE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR TEMPORARY DEPARTMENT OF PUBLIC HEALTH FACILITIES

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) or their designee, to execute a 33-month license agreement commencing on April 1, 2024, with the County of Los Angeles ("County") for a portion of real property located on parcels numbered (APN) 2350-013-920 and 2350-013-922 ("Property") at a rate of $24,485 per month for a total license amount of $808,005 ("License").

ISSUE

The County will be undergoing renovations of the Department of Public Health ("DPH"), North Hollywood Public Health Center facility located at 5300 Tujunga Ave, Los Angeles, CA 91601 between April 1, 2024 and December 31, 2026. To ensure continuity of services to existing patients and residents in North Hollywood and nearby cities during renovation, the County is seeking to temporarily relocate the North Hollywood Health Center to the Property. Board approval is required as the value of the License exceeds the CEO's delegated authority of $500,000.

BACKGROUND

The Property (see Attachment A), which is 29,500 sq. ft., is part of a parking lot at Metro's North Hollywood Station on Chandler Boulevard between Fair Avenue and Vineland Avenue ("East Lot"). Metro acquired the East Lot in 1991 as part of the Burbank Branch Right of Way - approximately 14 miles of former rail right of way that is now mostly the G Line Busway.

The East Lot was transitioned to overflow parking from a vacant parcel in March 2013 and is part of the Supportive Transit Parking Program (STTP). The STTP controls parking demand at Metro stations through pricing policy and ridership verification, ensuring those using Metro parking resources are transit riders. The East Lot is the furthest parking option in proximity to the station. Once converted to parking, it added an additional 161 parking spaces to the station inventory bringing the station's total capacity to approximately 1100 spaces. Currently, the East Lot is utilized at 2% of its total capacity (three cars per day).

DISCUSSION

The North Hollywood Public Health Center, operated by DPH clinical services division, provides health care services to the public, including immunizations, STD screening and related services. This facility is being demolished and will be replaced by a new facility, the North Hollywood Integrated Health Center, that will house three (3) Los Angeles County departments: the Department of Public Health, Department of Health Services, and Department of Mental Health.

The County is requesting to begin the License on April 1, 2024, so that the County Department of Public Works can begin to configure the Property, with anticipated occupancy and reinstatement of clinical service delivery by the end of May 2024. The temporary site will house four trailers for office and clinic use and provide parking for employees and clients. DPH will continue to provide health care services to the public during the period of renovation, which will be completed by December 2026.

The proposed Licensed area encompasses approximately 87 passenger vehicle parking spaces and 40 motorcycle spaces. The remainder of the East Lot will stay open for transit use and have 74 remaining parking spaces available for transit use. ADA parking spaces are not impacted by use of the Licensed area. The remaining three North Hollywood parking facilities currently have the capacity to absorb any Metro Customers that have been parking in the East Lot.

This temporary use is anticipated to have minimal or no impact on the current parking needs for Metro customers at North Hollywood. Metro will continue to provide baseline services for all transit parking lots managed and owned by Metro, which includes security, ADA accessibility, lighting, and signage.

The Property is adjacent to the proposed North Hollywood Joint Development, “District NoHo” project. District NoHo is anticipated to begin phased construction in late 2024 and would consist of nearly 1500 residential units, 450,000 square feet of office space, 60,000 square feet of retail space, and two acres of publicly accessible open space. Pending consideration by the Metro Board this spring, the phased delivery of the District NoHo blocks would begin in 2024, and each two years an additional phase would begin.

Metro plans to use the Property for replacement transit parking beginning in 2027, which is after the County has terminated their use of the Property.

DETERMINATION OF SAFETY IMPACT

This Board action will have no impact on safety standards for Metro.

FINANCIAL IMPACT

There is no adverse financial impact. All proposed improvements impacting Metro property will be at the sole cost and expense of the County. Metro Real Estate has determined that the License rates are in line with fair market value by applying a land capitalization rate to the estimated land value of

the property that was developed from analysis of recent land commercial land sales within a few miles radius of the Property.

Impact to Budget

This agreement will generate additional revenue, not currently budgeted in FY24 or forecasted in FY25, in the amount of $293,820 annually. This is general fund revenue, which is eligible for bus and rail operating and capital projects.

EQUITY PLATFORM

Currently the DPH provides beneficial health services to the community at their North Hollywood Public Health Center. This regional collaboration between Metro and the County will allow the continuation of DPH services to the North Hollywood community. Additionally, the proposed location will be more centrally located in proximity to the North Hollywood Metro station allowing for easier access for those taking public transit.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goals #3 Enhance communities and lives through mobility and access to opportunity; #4 Transform LA County through regional collaboration and national leadership; and #5 Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board could choose not to move forward with the License. This action is not recommended because there would be a gap in public health services for the North Hollywood community. Further, based on anticipated phasing of the proposed Joint Development project, the property is not needed for replacement parking until 2027.

NEXT STEPS

Upon guidance and approval by the Metro Board of Directors, the License will be finalized and executed by the CEO or their designee after approval as to form by County Counsel.

The Los Angeles County Board of Supervisors has approved a motion that has delegated authority to the Los Angeles Chief Executive Office Real Estate Division to immediately execute the License, upon approval of the Board.

ATTACHMENTS

Attachment A - Property Location

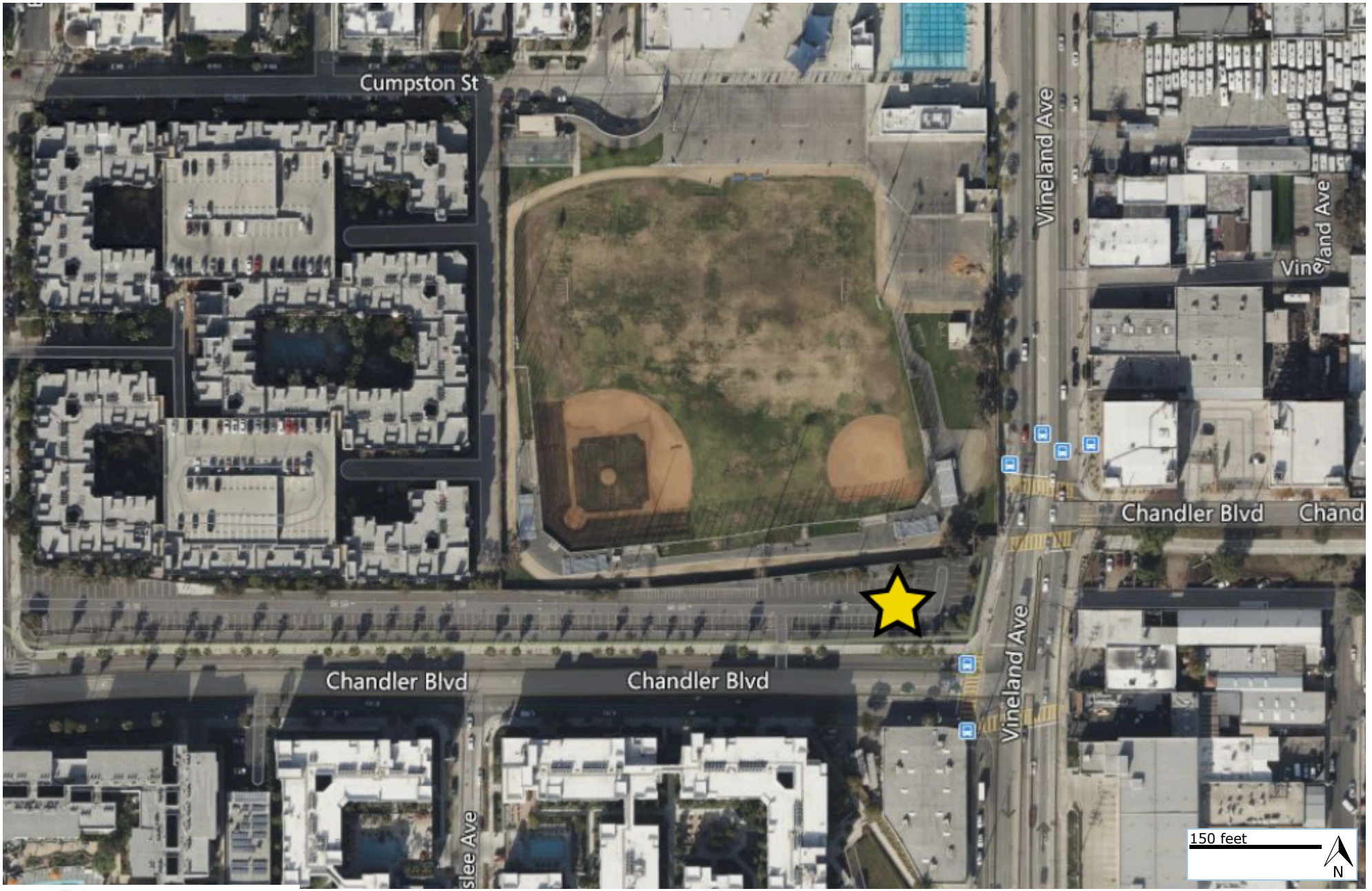
Prepared by: Michael Luna, Sr. Manager, Transportation Planning, Real Estate (213) 922-2332

Diane Dominguez, Director, Real Property Management and Development, (213) 922-5253
Holly Rockwell, Senior Executive Officer, Real Property Management and Development, (213) 547-4325

Reviewed by: Ray Sosa, Chief Planning Officer, (213) 547-4274

Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A - PROPERTY LOCATION



Metro

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LICENSE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR TEMPORARY DEPARTMENT OF PUBLIC HEALTH FACILITIES

File # 2024-0164

Metro

FINANCE, BUDGET AND AUDIT COMMITTEE
MARCH 20, 2024

LICENSE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR TEMPORARY DEPARTMENT OF PUBLIC HEALTH FACILITIES

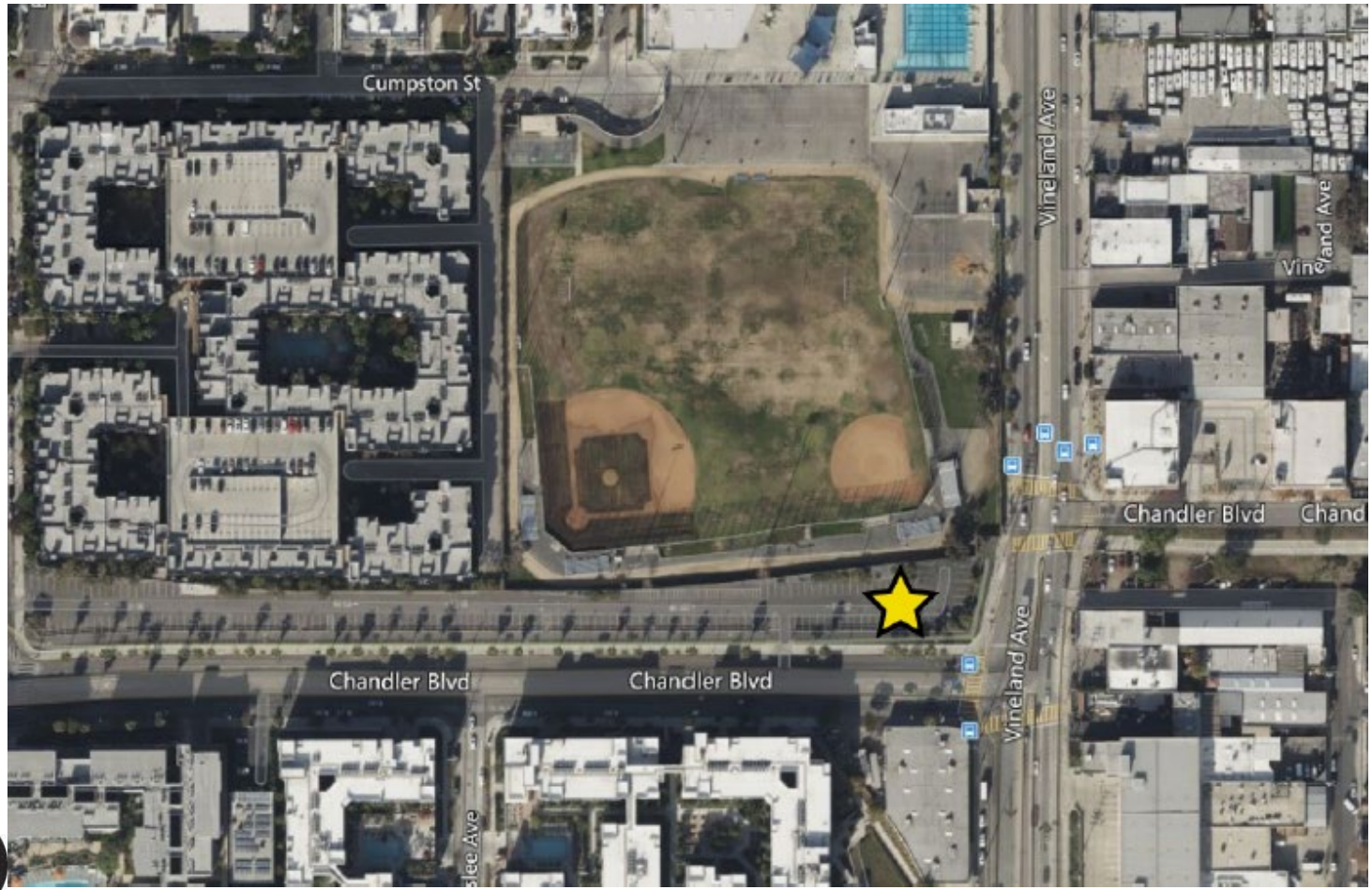
Recommendation:

•AUTHORIZE the Chief Executive Officer (CEO) or their designee to execute a 33-month license agreement commencing on April 1, 2024 with the County of Los Angeles ("County") for a portion of real property located on parcels numbered (APN) 2350-013-920 and 2350-013-922 ("Property") at a rate of $24,485 per month for a total license amount of $808,005.

Metro

LICENSE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR TEMPORARY DEPARTMENT OF PUBLIC HEALTH FACILITIES

Property Location



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LICENSE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR TEMPORARY DEPARTMENT OF PUBLIC HEALTH FACILITIES

Proposed LA County Department of Public Health Site Plan



Metro

LICENSE AGREEMENT WITH THE COUNTY OF LOS ANGELES FOR TEMPORARY DEPARTMENT OF PUBLIC HEALTH FACILITIES

Next Steps:

- The Los Angeles County Board of Supervisors has approved a motion that has delegated authority to the Los Angeles Chief Executive Office Real Estate Division to immediately execute the necessary lease agreement, upon approval of the Metro board.

- Receive approval from Metro Board of Directors to execute license

- CEO or their designee to execute license agreement with the County after approval as to form by County Counsel.

Metro

Thank you

Metro

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

Metro

Board Report

File #: 2024-0081, **File Type:** Policy **Agenda Number:** 10.

FINANCE, BUDGET AND AUDIT COMMITTEE
MARCH 20, 2024

SUBJECT: INVESTMENT POLICY

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

A. ADOPTING the Investment Policy in Attachment A;

B. APPROVING the Financial Institutions Resolution authorizing financial institutions to honor signatures of LACMTA Officials in Attachment B; and

C. DELEGATING to the Treasurer or his/her designees, the authority to invest funds for a one-year period, pursuant to California Government Code ("Code") Section 53607.

ISSUE

Section 53646 of the Code, requires the Board, on an annual basis and at a public meeting, to review and approve the Investment Policy. Section 53607 of the Code requires the Board to delegate investment authority to the Treasurer on an annual basis.

Section 10.8 of the Investment Policy requires that the Treasurer submit the Financial Institutions Resolutions to the Board annually for approval.

BACKGROUND

Metro's investment policy allows for operating funds to be invested consistent with Board approved investment policy guidelines. The policy is updated on an annual basis and was last updated on March 23, 2023.

DISCUSSION

The Board approves the objectives and guidelines that direct the investment of these operating funds. Changes to the Investment Policy have been made to incorporate updates to the California Government Code, to increase diversification, provide more liquidity, and clarify definitions of asset

backed and mortgage-backed securities. A redlined version of Investment Policy Changes is presented as Attachment A.

Financial Institutions require Board authorization to establish custody, trustee, and commercial bank accounts. The Financial Institutions Resolution is presented as Attachment B. The only change is to add "Deputy Chief Financial Officer" to this year's resolution.

To streamline this board report, the following reference materials may be found on the Internet:

Current Investment Policy:

http://www.metro.net/about/financebudget/ <https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.metro.net%2Fabout%2Ffinancebudget%2F&data=05%7C01%7CYANJ%40metro.net%7Cdf8af3eebcd64a89360508db52437486%7Cab57129bdbfd4cacaa77fc74c40364af%7C1%7C0%7C638194221887779499%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=mZPWvHYDFTO38HFcF3J6RJC2dE249cxzHHkD75PFOXI%3D&reserved=0>

California Government Code: Section 53600 to 53609, Section 53646, Section 53652, Section 16429.1 to 16429.4:

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=4.&article=1.

DETERMINATION OF SAFETY IMPACT

This Board Action will not have an impact on safety standards for Metro operations.

FINANCIAL IMPACT

The funds required to update the Investment Policy are included in the FY24 budget in cost center 5210 and project number 610340.

Impact to Budget

The sources of funds budgeted to manage assets in accordance with the Investment Policy are Proposition A, Proposition C, Measure R, Measure M and TDA administration funds. These funds are not eligible for bus and rail operating and capital expenses.

EQUITY PLATFORM

This Board Action will not have any equity impacts or concerns. However, the proposed investment policy provides the guidelines for Metro's internally and externally managed investment portfolios and contains socially responsible considerations. Eight firms are under contract to invest Metro's external portfolio. Five of them are either Small Business, Minority owned, Women owned, or employee-

owned firms The managers must invest in securities that comply with Metro's investment policy and CA Gov't code.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Metro's Investment Policy supports Metro's Vision 2028 Goal#5: Provide responsive, accountable, and trustworthy governance within the Metro Organization.

ALTERNATIVES CONSIDERED

The Investment Policy and California Government Code require an annual review and adoption of the Investment Policy, delegation of investment authority, and approval of the Financial Institutions Resolution. Should the Board elect not to delegate the investment authority annually or approve the policy and resolution, the Board would assume daily responsibility for the investment of working capital funds and the approval of routine administrative actions.

NEXT STEPS

Upon Board approval, staff shall distribute the Investment Policy to external investment managers and broker-dealers. The Investment Policy and Financial Institutions Resolution will be issued to financial institutions with whom Metro engages.

ATTACHMENTS

Attachment A - Investment Policy Redline
Attachment B - Financial Institutions Resolution

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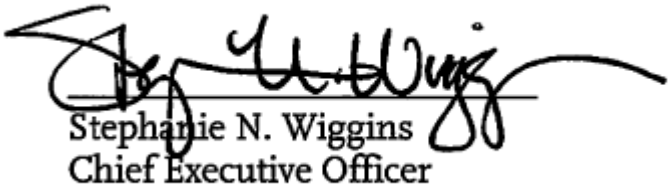

Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

Los Angeles County Metropolitan Transportation Authority

INVESTMENT POLICY

Approved on March 2~~3~~8, 202~~3~~4

INVESTMENT POLICY

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1.0 Policy

It is the policy of the Los Angeles County Metropolitan Transportation Authority (LACMTA) to ensure that the temporarily idle funds of the agency are prudently invested to preserve capital and provide necessary liquidity, while maximizing earnings, and conforming to state and local statues governing the investment of public funds.

This investment policy conforms to the California Government Code ("Code") as well as to customary standards of prudent investment management. Investments may only be made as authorized by the Code, Section 53600 et seq., Sections 16429.1 through 16429.4 and this investment policy. Should the provisions of the Code become more restrictive than those contained herein, such provisions will be considered as immediately incorporated in this investment policy. Changes to the Code that are less restrictive than this investment policy may be adopted by the Board of Directors (Board).

2.0 Scope

2.1 This investment policy sets forth the guidelines for the investment of surplus General, Special Revenue, Capital Projects, Enterprise (excluding cash and investments with fiscal agents), Internal Service, and any new fund created by the Board, unless specifically exempted. Excluded from this investment policy are guidelines for the investment of proceeds related to debt financing, defeased lease transactions, Agency (Deferred Compensation, 401K, and Benefit Assessment District), Other Post Employment Benefit (OPEB) Trust funds and Pension Trust Funds.

2.2 Internal and external portfolio managers may be governed by Portfolio Guidelines that may on an individual basis differ from the total fund guidelines outlined herein. The Treasurer is responsible for monitoring and ensuring that the total funds subject to this investment policy remain in compliance with this investment policy, and shall report to the Board regularly on compliance.

3.0 Investment Objectives

3.1 The primary objectives, in priority order, of investment activities shall be:

A. Safety: Safety of principal is the foremost objective of the investment program. The investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The LACMTA shall seek to ensure that capital losses are avoided whether from institutional default, broker-dealer default, or erosion of market value. Diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

B. Liquidity: The investment portfolio will remain sufficiently liquid to meet all operating requirements that might be reasonably anticipated.

C. Return on Investments: The LACMTA shall manage its funds to maximize the return on investments consistent with the two objectives above, with the goal of exceeding the performance benchmarks (Section 12.0) over a market cycle (typically a three to five year period).

3.2 It is policy to hold investments to maturity. However, a security may be sold prior to its maturity and a capital gain or loss recorded if liquidity needs arise, or in order to improve the quality, or rate of return of the portfolio in response to market conditions and/or LACMTA risk preferences.

Internal and external investment managers shall report such losses to the Treasurer and Chief Financial Officer immediately.

3.3 When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing LACMTA funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent investor acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

3.4 The standard of prudence to be used by investment officials shall be the "prudent investor" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with this investment policy, written portfolio guidelines and procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in the quarterly investment report to the Board, and appropriate action is taken to control adverse developments.

4.0 Delegation of Authority

4.1 The Board shall be the trustee of funds received by the LACMTA. In accordance with Code Section 53607, the Board hereby delegates the authority to invest or reinvest the funds, to sell or exchange securities so purchased and to deposit securities for safekeeping to the Treasurer for a one year period, who thereafter assumes full responsibility for such transactions and shall make a monthly report of those transactions to the Board. Subject to review by the Board, the Board may renew the delegation of authority each year.

4.2 The Treasurer shall establish written procedures for the operation of the investment program consistent with this investment policy, including establishment of appropriate written agreements with financial institutions. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. The Treasurer may engage independent investment managers to assist in the investment of its financial assets.

4.3 No person may engage in an investment transaction except as provided under the terms of this investment policy and the procedures established by the Treasurer.

4.4 Officers and employees involved in the investment process shall be governed by the standards regarding ethical behavior and conflicts of interest established in the Los Angeles County Metropolitan Transportation Authority Ethics Policy and annually shall file a Statement of Economic Disclosure with the Ethics Office.

5.0 Permitted Investments

5.1 All funds which are not required for immediate cash expenditures shall be invested in income producing investments or accounts, in conformance with the provisions and restrictions of this investment policy as defined in Section 5.1A and as specifically authorized by the Code, (Sections 53600, et seq.). Securities held by the LACMTA's custodial bank must be in compliance with Section 5.0 Permitted Investments at the time of purchase.

5.2 In order to reduce overall portfolio risk, investments shall be diversified among security type, maturity, issuer and depository institutions. See Section 5.1A for specific concentration limits by type of investment.

A. Percentage limitations where listed are only applicable at the date of purchase.

B. In calculating per issuer concentration limits commercial paper, bankers' acceptances, medium term notes, asset-backed securities, placement service assisted deposits, and negotiable certificates of deposit shall be included; deposits collateralized per Section 7.3 of this investment policy are excluded from this calculation.

C. Credit requirements listed in this investment policy indicate the minimum credit rating (or its equivalent by any nationally recognized statistical rating organization) required at the time of purchase without regard to modifiers (e.g., +/- or 1,2,3), if any.

5.3 Maturities of individual investments shall be diversified to meet the following objectives:

A. Investment maturities will be first and foremost determined by anticipated cash flow requirements.

B. Where this investment policy does not state a maximum maturity in Section 5.1A, no investment instrument shall be purchased which has a stated maturity of more than five years from the date of settlement, unless the instrument is specifically approved by the Board or is approved by the Board as part of an investment program and such approval must be granted no less than three months prior to the investment. The Board hereby grants express authority for the purchase of new issue securities with a 5 year stated maturity with extended settlement of up to 45 days from date of purchase.

C. The average duration of the externally managed funds subject to this investment policy shall not exceed 150% of the benchmark duration. The weighted average duration of the internal portfolios shall not exceed three (3) years.

5.4 State and local government sponsored Investment Pools and money market mutual funds as authorized by this investment policy are subject to due diligence review prior to investing and on a continual basis as established in Section 5.1A, #11 and #12.

5.5 This investment policy specifically prohibits the investment of any funds subject to this investment policy in the following securities:

A. Derivative securities, defined as any security that derives its value from an underlying instrument, index, or formula, are prohibited. The derivative universe includes, but is not limited to, structured and range notes, securities that could result in zero interest accrual if held to maturity, variable rate, floating rate or inverse floating rate investments, financial futures and options, and mortgage derived interest or principal only strips. Callable or putable securities with no other option features, securities with one interest rate step-up feature, and inflation indexed securities meeting all other requirements of this investment policy are excluded from this prohibition, as are fixed rate mortgage-backed securities and asset-backed securities.

B. Reverse repurchase agreements and securities lending agreements.

C. Securities of fossil fuel companies, tobacco or tobacco-related companies, and companies in support of the production of weapons, military systems, or nuclear power.

6.0 Selection of Depository Institutions, Investment Managers and Broker-Dealers

6.1 To minimize the risk to the overall cash and investment portfolio, prudence and due diligence as outlined below shall be exercised with respect to the selection of Financial Institutions in which funds are deposited or invested. ~~The LACMTA's Financial Advisor (FA) will conduct competitive processes to recommend providers of financial services including commercial banking, investment management, investment measurement and custody services~~.

Commented [YJ1]: Removing FA language as it's no longer applicable.

A. In selecting Depositories pursuant to Code Sections 53630 (et seq.), the credit worthiness, financial stability, and financial history of the institution, as well as the cost and scope of services and interest rates offered shall be considered. No funds will be deposited in an institution unless that institution has an overall rating of not less than "satisfactory" in its most recent evaluation by the appropriate federal financial supervisory agency. The main depository institutions will be selected on a periodic and timely basis.

B. Deposits which are insured pursuant to federal law by the Federal Deposit Insurance Corporation (FDIC), or the National Credit Union Administration (NCUA) may be excluded from the collateralization requirements of Section 7.3 of this investment policy, at the Treasurer's discretion. A written waiver of securitization shall be executed, provided to the Depository Institution, and kept on file in the Treasury Department.

C. The Treasurer shall seek opportunities to deposit funds with disadvantaged business enterprises, provided that those institutions have met the requirements for safety and reliability and provide terms that are competitive with other institutions.

6.2 In selecting external investment managers and brokers, past performance, stability, financial strength, reputation, area of expertise, and willingness and ability to provide the highest investment return at the lowest cost within the parameters of this investment policy and the Code shall be considered. External investment managers must be registered with the Securities and Exchange Commission (SEC) under the Investment Advisor Act of 1940.

6.3 Pursuant to Code Section 53601.5, the LACMTA and its investment managers shall only purchase statutorily authorized investments either from the issuer, from a broker-dealer licensed by the state, as defined in Section 25004 of the Corporations Code, from a member of a federally regulated securities exchange, a national or state-chartered bank, a federal or state association (as defined by Section 5102 of the Financial Code), or from a brokerage firm designated as a primary government dealer by the Federal Reserve Bank.

A. Internal investment manager will only purchase or sell securities from broker-dealers that are Primary Dealers in U.S. Government Securities or are a direct affiliate of a Primary Dealer. Internal investment manager will only purchase securities from broker-dealers who have returned a signed Receipt of Investment Policy and completed the Broker-Dealer Questionnaire, and have been approved by the Treasurer (see Appendices B and C). A current copy of the Broker-Dealer's financial statements will be kept on file in the Treasury Department. Should market conditions limit access to inventory, the Treasurer may approve executing transactions through non-Primary Dealers who meet all of the criteria listed below:

a. The broker dealer must qualify under Securities Exchange Commission rule 15C3-1 (Uniform Net Capital Rule);

b. Must be licensed by the state as a broker/dealer as defined in Section 25004 of the Corporations Code or a member of a federally registered securities exchange (i.e. FINRA, SEC, MSRB);

c. Have been in operation for more than five years; and

d. Have a minimum annual trading volume of $100 billion in money market instruments or $500 billion in U.S. Treasuries and Agencies.

B. In addition to Primary Dealers in U.S. Government Securities and direct affiliates of a Primary Dealer, external investment managers may purchase or sell securities from non-Primary Dealers qualified under U.S. Securities and Exchange Commission Rule 15C3-1, the Uniform Net Capital Rule, and provided that the dealer is a member of the Financial Industry Regulatory Authority. External investment managers shall submit, at least quarterly, a list of the non-Primary Dealers used during the period.

C. External investment managers must certify in writing that they will purchase securities in compliance with this investment policy, LACMTA Procedures, and applicable State and Federal laws.

6.4 Financial institutions and external investment managers conducting investment transactions with or for LACMTA shall sign a Certification of Understanding. The Certification of Understanding (see Appendix A) states that the entity:

A. Has read and is familiar with the Investment Policy and Guidelines as well as applicable Federal and State Law;

B. Meets the requirements as outlined in this investment policy;

C. Agrees to make every reasonable effort to protect the assets from loss;

D. Agrees to notify the LACMTA in writing of any potential conflicts of interest.

Completed certifications shall be filed in the Treasurer's Office. Failure to submit a Certification of Understanding shall result in the withdrawal of all funds held by that financial institution, or investment manager and/or the rescission of any and all authority to act as an agent to purchase or invest funds.

6.5 All broker-dealers who do business with the LACMTA's internal investment managers shall sign a Receipt of Investment Policy. The Receipt of Investment Policy (see Appendix B) states that the broker dealer:

A. Has received, read, and understands this investment policy;

B. Has communicated the requirements of this investment policy to all personnel who may select investment opportunities for presentation.

Failure to submit a Receipt of Investment Policy shall preclude the LACMTA from purchasing or selling securities from such broker-dealer. Completed receipts shall be filed in the Treasurer's Office.

7.0 Custody and Safekeeping of Securities and LACMTA Funds

7.1 A Master Repurchase Agreement must be signed with the bank or dealer before any securities and collateral for repurchase agreements shall be purchased and maintained for the benefit of the LACMTA in the Trust Department or safekeeping department of a bank as established by a written third party safekeeping agreement between the LACMTA and the bank. Specific collateralization levels are defined in Section 5.1A.

7.2 All investment transactions shall be settled "delivery vs. payment", with the exception of deposits, money market mutual fund investments, and Local Agency Investment Fund or other Local Government Investment Pools. Delivery may be physical, via a nationally recognized securities depository such as the Depository Trust Company, or through the Federal Reserve Book Entry system.

7.3 Funds deposited shall be secured by a Depository in compliance with the requirements of Code Section 53652. Such collateralization shall be designated and agreed to in writing.

8.0 Reports and Communications

8.1 The Treasurer is responsible for ensuring compliance with all applicable Local, State, and Federal laws governing the reporting of investments made with public funds. All investment portfolios will be monitored for compliance. Non-compliance issues will be included in the quarterly Board report as stated in Section 8.3 of this investment policy.

8.2 The Treasurer shall annually submit a statement of investment policy to the Board for approval. The existing approved investment policy will remain in effect until the Board approves the recommended statement of investment policy.

8.3 The Treasurer shall render a quarterly cash, investment, and transaction report to the CEO and Board, and quarterly to the Internal Auditor within 45 days following the end of the quarter covered by the report. The report shall include a description of LACMTA's funds, investments, or programs that are under the management of contracted parties, including lending programs. The report shall include as a minimum:

A. Portfolio Holdings by Type of Investment and Issuer

B. Maturity Schedule and Weighted Average Maturity (at market)

C. Weighted Average Yield to Maturity

D. Return on Investments versus Performance Benchmarks on a quarterly basis

E. Par, Book and Market Value of Portfolio for current and prior quarter-end

F. Percentage of the portfolio represented by each investment category

G. Total Interest Earned

H. Total Interest Received

I. A statement of compliance with this investment policy, or notations of non-compliance.

J. At each calendar quarter-end a subsidiary ledger of investments will be submitted with the exception listed in 8.3K.

K. For investments that have been placed in the Local Agency Investment Fund, in Federal Deposit Insurance Corporation-insured accounts in a bank or savings and loan association, in National Credit Union Administration insured accounts in a credit union, in a county investment pool, or in shares of beneficial interest issued by a diversified management company that invest in the securities and obligations as authorized by this investment policy and the Code, the most recent statement received from these institutions may be used in lieu of the information required in 8.3 J.

L. At each calendar quarter-end the report shall include a statement of the ability to meet expenditure requirements for the next six months.

M. A quarterly gain or loss report on the sale or disposition of securities in the portfolio.

8.4 Internal and external investment managers shall monitor investments and market conditions and report on a regular and timely basis to the Treasurer.

A. Internal and external investment managers shall submit monthly reports to the Treasurer, such reports to include all of the information referenced in Section 8.3, items A-J of this investment policy. Portfolios shall be marked-to-market monthly and the comparison between historical cost (or book value) and market value shall be reported as part of this monthly report.

B. Internal and external investment managers shall monitor the ratings of all investments in their portfolios on a continuous basis and report all credit downgrades of portfolio securities to the Treasurer in writing within 24 hours of the event. If an existing investment's rating drops below the minimum allowed for new investments made pursuant to this investment policy, the investment manager shall also make a written recommendation to the Treasurer as to whether this security should be held or sold.

C. External and internal investment managers shall immediately inform the Treasurer, or the Chief Financial Officer in writing of any major adverse market condition changes and/or major portfolio changes. The Chief Financial Officer or the Treasurer shall immediately inform the Board in writing of any such changes.

D. External investment managers shall notify the LACMTA internal managers daily of all trades promptly, via fax or via email.

E. Internal investment managers will maintain a file of all trades.

9.0 Portfolio Guidelines

Portfolio Guidelines are the operating procedures used to implement this investment policy approved by the Board. The Treasurer may impose additional requirements or constraints within the parameters set by this investment policy.

10.0 Internal Control

10.1 The Treasurer shall establish a system of internal controls designed to prevent losses of public funds arising from fraud, employee or third party error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees or agents. Such internal controls shall be approved by the Chief Financial Officer and shall include authorizations and procedures for investment transactions, custody/safekeeping transactions, opening and dosing accounts, wire transfers, and clearly delineate reporting responsibilities.

10.2 Treasury personnel and LACMTA officials with signature authority shall be bonded to protect against possible embezzlement and malfeasance, or at the option of the governing board self-insured.

10.3 Electronic transfer of funds shall be executed upon the authorization of two official signatories.

10.4 Transaction authority shall be separated from accounting and record keeping responsibilities.

10.5 All investment accounts shall be reconciled monthly with custodian reports and broker confirmations by a party that is independent of the investment management function. Discrepancies shall be brought to the attention of the investment manager, the Treasurer and Deputy Executive Officer, Finance in the Treasury Department, the Controller, and if not resolved promptly, to the Chief Financial Officer.

10.6 The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide independent confirmation of compliance with policies and procedures.

10.7 The Treasurer is responsible for the preparation of the cash flow model. The cash flow model shall be updated monthly based upon the actual and projected cash flow.

Annually, the Treasurer shall notify the external investment managers of the cash flow requirements for the next twelve months. The Treasurer shall monitor actual to maximum maturities within the parameters of this investment policy.

10.8 The Treasurer shall annually submit the Financial Institutions Resolution to the Board for approval. The existing resolution will remain in effect until the Board approves the recommended resolution.

11.0 Purchasing Guidelines

11.1 Investment managers shall purchase and sell securities at the price and execution that is most beneficial to the LACMTA. The liquidity requirements shall be analyzed and an interest rate analysis shall be conducted to determine the optimal investment maturities prior to requesting bids or offers. Investments shall be purchased and sold through a competitive bid/offer process. Bids/offers for securities of comparable maturity, credit and liquidity shall be received from at least three financial institutions, if possible.

11.2 Such competitive bids/offers shall be documented on the investment managers' trade documentation. Supporting documentation from the Wall Street Journal, Bloomberg or other financial information system shall be filed with the trade documentation as evidence of general market prices when the purchase or sale was effected.

12.0 Benchmarks

Internal and external investment managers' performance shall be evaluated against the following agreed upon benchmarks. If the investment manager does not meet its benchmark over a market cycle (3 to 5 years), the Treasurer shall determine and set forth in writing reasons why it is in the best interests of the LACMTA to replace or retain the investment manager.

Portfolio	Investment Benchmarks
External Intermediate Duration Portfolios	ICE Bank of America/Merrill Lynch AAA-A 1-5 year Government & Corporate Index (BV10)
External Short Duration Portfolios	ICE BofA one-year US. Treasury Bill Index (GC03)
Internal Short Duration Portfolios	Three month Treasury

Commented [YJ2]: The Investment Manager Bench contract approved on March 2023 added a new external short duration portfolio.

Los Angeles County Metropolitan Transportation Authority
Section 5.1A
Statement of Investment Policy [a]

* The percentage of portfolio authorized is based on market value.

Investment Type	Maximum Maturity	Maximum Allowable Percentage of Portfolio *	Minimum Quality and Other Requirements
Bonds Issued by the LACMTA	5 years [b]	100%	None
U.S. Treasury notes, bonds, bills or certificates of indebtedness or those for which the full faith and credit of the United States are pledged for payment of principal and interest	5 years [b]	100%	None
Registered state warrants or treasury notes or bonds of the other 49 states in addition to California.	5 years [b]	25%	Such obligations must be rated "A1" or better short term; or "AA" or better long term, by a nationally recognized statistical rating organization
Bonds, notes, warrants, or other evidences of indebtedness of any local agency within the State of California	5 years [b]	25%	Such obligations must be rated "A1" or better short term; or "AA" or better long term, by a nationally recognized statistical rating organization
Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government –sponsored enterprises	5 years [b]	100%	None
Bills of exchanges or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers' acceptances	180 days	40% [c]	The issuer's short-term debt must have the highest letter and numerical rating as provided for by a nationally recognized statistical rating organization
Commercial paper or "prime" quality of the highest ranking or of the highest letter and numerical rating as provided for by a nationally recognized statistical rating organization	270 days	40% [d]	See Footnote e
Negotiable certificates of deposits issued by a nationally or state-chartered bank or a state or federal savings and loan association, a state or federal credit union, or by a state licensed branch of a foreign bank, or a federally licensed branch of a foreign bank.	5 years [b]	30% [c]	See Footnote f

Placement Service Assisted Deposits	5 years [b]	30% [c]	See Footnote g
Investments in repurchase agreements	90 days	20%	Limited to no more than 90 days. See Footnote h
United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation or Inter-American Development Bank.	5 years [b]	30% [c]	Maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. Investments shall be rated "AA" or better by a nationally recognized statistical rating organization and shall not exceed 30% of the portfolio.
Medium-term notes issued by corporations organized and operating within the United States, or by depository institutions licensed by the United States or any state and operating within the United States	5 years [b]	30% [d]	Must be rated "A" or better by a nationally recognized statistical rating organization. If rated by more than one rating agency, both ratings must meet the minimum credit standards.
Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission, as authorized by Code Section 53601	Not applicable	20% [c]	See Footnote i
State of California Local Agency Investment fund (LAIF) Code Section 16429.1 through 16429.4 or other Local Government Investment Pool (LGIP) established by public California entities pursuant to Section 53684	Not applicable	Set by LAIF and LGIP	See Footnote j
Asset-backed Securities	5 years [b]	~~15~~20% combined with mortgage-backed securities	See Footnote k
Mortgage-backed Securities	5 years [b]	~~15~~20% combined with asset-backed securities	See Footnote l

Commented [JY3]: Increase the combined ABS and MBS holdings from 15% to 20% allowed by the code but bring up the credit rating from AA allowed by the code to AAA (ratings shown as Footnote k and l).

Footnotes for Section 5.1A Statement of Investment Policy	
a	Sources: California Government Code Sections 16429.1, 53601, 53601.8, 53635 and 53638
b	Maximum maturity of five (5) years unless a longer maturity is approved by Board of Directors, either specifically or as part of an investment program, at least three (3) months prior to the settlement. New issue securities with a stated 5 year maturity can be purchased in the primary market with extended settlements of up to 45 days from the date of settlement.
c	Limited to no more than 10% of the portfolio in any one issuer (i.e. bankers' acceptances, negotiable certificates of deposit, and money market funds)
d	Limited to no more than 10% of the portfolio in the commercial paper and the medium-term notes of any one issuer.
e	Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical rating organization. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (1) or (2): (1) The entity meets the following criteria: Is organized and operating in the United States as a general corporation; Has total assets in excess of five hundred million dollars ($500,000,000); Has debt other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by a nationally recognized statistical rating organization. (2) The entity meets the following criteria: Is organized within the United States as a special purpose corporation, trust, or limited liability company; Has program-wide credit enhancements including, but not limited to, overcollateralization, letters of credit, or a surety bond; Has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical rating organization.
f	The legislative body of the local agency, the treasurer or other official of the local agency having custody of the money are prohibited from investing in negotiable certificates of deposit of a state or federal credit union if a member of the legislative body or any other specified city officer or employee also serves on the board of directors or certain committees of that credit union
g	Investments in placement services assisted deposits is authorized under Sections 53601.8, 53635.8, and 53601 (i) of the California Government Code.
h	Repurchase agreements shall be executed through Primary Broker-Dealers. The repurchase agreement must be covered by a master repurchase agreement. Repurchase agreements shall be collateralized at all times. Collateral shall be limited to obligations of the United States and Federal Agencies with an initial margin of at least 102% of the value of the investment, and shall be in compliance if brought back up to 102% no later than the next business day. Collateral shall be delivered to a third party custodian in all cases. Collateral for term repurchase agreements shall be valued daily by the LACMTA's investment manager (for internal funds) or external investment manager. Investments in repurchase agreements shall be in compliance if the value of the underlying securities is brought back up to 102% no later than the next business day. The LACMTA shall obtain a first lien and security interest in all collateral
i	

	Companies must have either 1) the highest ranking or the highest letter and numerical rating provided by not less than two of the nationally recognized statistical rating organizations, or (2) retained an investment advisor registered or exempt with the Securities and-Exchange Commission, with no less than five years experience investing in the securities and obligations authorized by California Government Code $53601 a-k inclusive and m-o inclusive and with assets under management in excess of five hundred million dollars ($500,000,000). The purchase price may not include any commissions charged by these companies
j	Maximum investment per individual pool limited to the amount for LAIF as set by the State Treasurer's Office. Limit does not include funds required by law, ordinance, or statute to be invested in pool. Each pool must be evaluated and approved by the Treasurer, as to credit worthiness, security, and conformity to state and local laws. An evaluation should cover, but is not limited to establishing, a description of who may invest in the program, how often, what size deposit and withdrawal; the pool's eligible investment securities, obtaining a written statement of investment policy and objectives, a description of interest calculations and how it is distributed; how gains and losses are treated; a description of how the securities are safeguarded and how often the securities are priced and the program audited. A schedule for receiving statements and portfolio listings. A fee schedule, when and how fees are assessed
k	Limited to senior class securities with stated maturities of no more than 5 years. Further limited to securities rated in a rating category of "AAA" or its equivalent or better as provided for by a nationally recognized statistical rating organization. Further limited to fixed rate, publicly offered, generic credit card, automobile receivables, and equipment receivables only. Deal size must be at least $250 million, and tranche size must be at least $25 million
l	Pass-Through securities: ~~Limited to Government Agency or Government Sponsored issuers~~, fixed rate, stated maturity no more than 5 years. CMOS: Limited to Government Agency or Government Sponsored Issuers and Planned Amortization Classes (PAC) only. Securities eligible for investment under this category shall be rated "AAA" or its equivalent or better by a nationally recognized statistical rating organization. The following are prohibited: ARMS, floaters, interest or principal (IOs, POs), Targeted Amortization Classes, companion, subordinated, collateral classes, or zero accrual structures

Commented [JY4]: ABS rating moved up from AA to AAA

Commented [YJ5]: MBS rating moved up from AA to AAA; Delete "Limited to Government Agency or Government Sponsored issuers" to comply with CA Gov't Code 53601 (o).

APPENDIX A

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

CERTIFICATION OF UNDERSTANDING

The Los Angeles County Metropolitan Transportation Authority (LACMTA) Investment Policy as approved by the Board of Directors requires that all Financial Institutions and Investment Managers' conducting investment transactions with or for LACMTA sign a Certification of Understanding acknowledging that:

1. *You have read and are familiar with the LACMTA's Investment Policy as well as applicable Federal and State laws.*
2. *You meet the requirements as outlined in Investment Policy.*
3. *You agree to make every reasonable effort to protect the assets from loss.*
4. *You agree to notify the LACMTA in writing of any potential conflicts of interest.*
5. *You agree to notify the LACMTA in writing of any changes in personnel with decision-making authority over funds within 24 hours of such event.*

Failure to submit a Certification of Understanding shall result in the withdrawal of all funds held by the financial institution or investment manager and the immediate revocation of any rights to act as an agent of the LACMTA for the purchase of securities or investment of funds on behalf of LACMTA.

The Board of Directors is committed to the goals of the Community Reinvestment Act (CRA). As part of the certification process for depository institutions, it is requested that you remit evidence of your most recent CRA rating.

SIGNED: _____ DATE: _____
Print Name and Title _____

After reading and signing this Certification of Understanding please return with *any* supporting documentation to:

LACMTA
Treasury Department
Attention: Treasurer
One Gateway Plaza
Los Angeles, CA 90012-2932

LACMTA use only:
Approved: _____ Disapproved: _____ Date: _____
Signature: _____
LACMTA Treasurer

APPENDIX B

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

BROKER-DEALER RECEIPT OF INVESTMENT POLICY

We are in receipt of the Los Angeles County Metropolitan Transportation Authority's (LACMTA) Investment Policy.

We have read the policy and understand the provisions and guidelines of the policy. All salespersons covering LACMTA's account will be made aware of this policy and will be directed to give consideration to its provisions and constraints in selecting investment opportunities to present to LACMTA.

Signed_____ _____
Name Name

_____ _____
Title Title

_____
Firm Name

_____ _____
Date Date

After reading and signing this Receipt of Investment Policy, please return with supporting documentation to:

LACMTA
Treasury Department
Attention: Treasurer
One Gateway Plaza
Los Angeles, CA 90012-2932

LACMTA use only:
Approved: _____ Disapproved: _____ Date: _____
Signature: _____
LACMTA Treasurer

APPENDIX C

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

BROKER/DEALER QUESTIONNAIRE

1. Name of Firm_____

2. Address_____ _____
   (Local) (National Headquarters)

   _____ _____

   _____ _____

3. Telephone No. ( ) _____ Telephone No. ( ) _____
   (Local) (National Headquarters)

4. Primary Representative Manager/Partner-in-Charge

   Name_____ Name_____
   Title_____ Title_____
   Telephone No._____ Telephone No._____
   No. of Yrs. in Institutional Sales____ No. of Yrs. in Institutional Sales_____
   Number of Years with Firm_____ Number of Years with Firm_____

5. Are you a Primary Dealer in U.S. Government Securities? [ ] YES [ ] NO

   If NO, Is the parent company or its subsidiary a Primary Dealer in U.S. Government Securities? Provide proof of certification.
   [ ] YES [ ] NO

   Please explain your firm's relationship to the Primary Dealer below:
   _____

   Please provide proof certification from the National Association of Securities Dealer.

6. Are you a Broker instead of Dealer, i.e., you DO NOT own positions of Securities?
   [ ] YES [ ] NO

7. What is the net capitalization of your Firm? _____

8. What is the date of your Firm's fiscal year-end? _____

9. Is your Firm owned by a Holding Company? If so, what is its name and net capitalization?
_____

10. Please provide your Wiring and Delivery Instructions.
_____

11. Which of the following instruments are offered regularly by your local desk?

[ ] T-Bills [ ] Treasury Notes/Bonds [ ] Discount Notes [ ] NCD's
[ ] Agencies (specify) _____ _____ _____
[ ] BA's (Domestic) [ ] BA's (Foreign) [ ] Commercial Paper
[ ] Med-Term Notes [ ] Repurchase Agreements

12. Does your Firm specialize in any of the instruments listed above?
_____

13. Please identify your comparable government agency clients in the LACMTA's geographical area.

Entity	Contact Person	Telephone No.	Client Since

14. What reports, confirmations, and other documentation would LACMTA receive? Please include samples of research reports or market information that your firm regularly provides to government agency clients.

15. What precautions are taken by your Firm to protect the interests of the public when dealing with government agencies as investors?
_____
_____

16. Have you or your Firm been censored, sanctioned or disciplined by a Regulatory State or Federal Agency for improper or fraudulent activities, related to the sale of securities within the past five years? [ ] YES [ ] NO

17. If yes, please explain
_____

18. Please provide your most recent audited financial statements within 120 days of your fiscal year-end.

19. Please indicate the current licenses of the LACMTA representatives:

Agent: _____ License or registration: _____

APPENDIX D

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

INVESTMENT POLICY GLOSSARY

ASKED: The price at which securities are offered from a seller.

ASSET--BACKED SECURITY (ABS): ABS is a debt instrument collateralized or backed by consumer receivables such as automobile loans, credit card receivables and equipment receivables;

Commented [YJ6]: Add ABS definition

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BANKERS' ACCEPTANCE (BA): Time drafts which a bank "accepts" as its financial responsibility as part of a trade finance process. These short-term notes are sold at a discount, and are obligations of the drawer (or issuer - the bank's trade finance client) as well as the bank. Once accepted, the bank is irrevocably obligated to pay the BA upon maturity if the drawer does not.

BID: The price offered by a buyer of securities.

BOOK VALUE: The original cost of the investment, plus accrued interest and amortization of any premium or discount.

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable (marketable or transferable).

COLLATERAL: Securities, evidence of deposit, or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public moneys.

COMMERCIAL PAPER (CP): Unsecured promissory notes issued by companies and government entities at a discount. Commercial paper is negotiable, although it is typically held to maturity. The maximum maturity is 270 days, with most CP issued for terms of less than 30 days.

CUSTODY or SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DELIVERY VERSUS PAYMENT: Delivery of securities with a simultaneous exchange of money for the securities.

FEDERAL AGENCIES AND U.S. GOVERNMENT SPONSORED ENTERPRISES (AGENCIES): U.S. Government related organizations, the largest of which are government financial intermediaries assisting specific credit markets (housing, agriculture). They include:

- Federal Home Loan Banks (FHLB)
- Federal Home Loan Mortgage Corporation (FHLMC or "Freddie Mac")
- Federal National Mortgage Association (FNMA or "Fannie Mae")

- Federal Farm Credit Banks (FFCB)
- Tennessee Valley Authority (TVA)

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase/reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MEDIUM TERM NOTES (MTN): Interest bearing, continuously offered debt, issued in the 9 month to ten year maturity range. Deposit notes, like Certificates of Deposit, actually represent an interest bearing deposit at a bank or other depository institution.

MORTGAGE--BACKED SUCURITY (MBS) is a bond or security that reflects an interest in a pool of real estate loans as the underlying collateral.

Commented [YJ7]: Add MBS definition

OFFER: The price asked by a seller of securities.

PAR VALUE: The face value, or principal amount payable at maturity.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York, and are subject to its informal oversight.

QUALIFIED INSTITUTIONAL BUYER (QIB); Defined in SEC 144A as a class of investors that can be conclusively assumed to be sophisticated and in little need of the protection afforded by the Securities Act's Registration Provisions. They must own and invest on a discretionary basis at least 100 million in securities of issuers that are not affiliated with such a qualified institutional buyer. This includes any institutional investors included in the accredited investor definition, provided they satisfy the $100 million threshold.

REPURCHASE AGREEMENT (RP OR REPO): A purchase of securities under a simultaneous agreement to sell these securities back at a fixed price on some future date. This is in essence a collateralized investment, whereby the security "buyer" in effect lends the "seller" money for the period of the agreement, and the difference between the purchase price and sale price determining the earnings. Dealers use RP extensively to finance their positions.

SECURITIES & EXCHANGE COMMISSION (SEC): An agency created by Congress to protect investors in securities transactions by administering securities legislation.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY NOTES AND BONDS: Long-term U.S. Treasury securities having initial maturities of 2 to 30 years.

YIELD: The rate of annual income return on an investment, expressed as a percentage.

YIELD TO MATURITY (YTM): The rate of return earned on an investment considering all cash flows and timing factors: interest earnings, discounts, and premiums above par.

ATTACHEMENT B

FINANCIAL INSTITUTIONS RESOLUTION

RESOLVED, that any financial institutions, including all banks and their correspondent banks doing business with the Los Angeles County Metropolitan Transportation Authority (LACMTA), are hereby authorized, requested and directed to honor all checks, drafts, wires, or other orders for payment of money drawn in the LACMTA's name on its account(s) (including those drawn on the individual order of any person or persons whose names appear thereon as a signer or signers thereof) when bearing the original and/or facsimile signature of the Chair; Chief Executive Officer; Chief Financial Officer; Deputy Chief Financial Officer; Treasurer; Deputy Executive Officer, Finance in Treasury Department; or Assistant Treasurer (collectively, LACMTA Officials). LACMTA Officials are the only representatives empowered to open, close or authorize changes to accounts on behalf of LACMTA. LACMTA Officials may designate individuals as Official Signatories for financial accounts. The duties of Official Signatories shall be limited to check signing, wire or fund transfers, balance reporting and/or monitoring of bank processes.

And, those financial institutions, including correspondent banks, currently doing business with LACMTA shall be entitled to honor and charge LACMTA for all such checks, drafts, wires, or other orders for the payment of money, regardless of by whom or by what means when the actual or facsimile signature or signatures resemble the specimens filed with those financial institutions by the Secretary or other officer of LACMTA.

CERTIFICATION

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

Dated: _____ _____

Board Clerk

(SEAL)

Item #10

Investment Policy

Finance, Budget and Audit Committee
March 20, 2024

Metro

Investment Policy

Recommendation:

- Adopt the Investment Policy;
- Approve the Financial Institutions Resolution; and
- Delegate to the Treasurer the authority to invest funds for a one-year period.

Metro

Investment Policy

Changes to the Investment Policy have been made to:

- Incorporate updates to the California Government Code
- Define Asset-backed securities and Mortgage-backed securities
- Add a new short duration portfolio (implemented to encourage SBE participation) and its benchmark
- Remove reference to the use of a financial advisor as it is no longer applicable

Metro

Investment Policy

Next Steps:

- Upon Board approval, staff shall distribute the Investment Policy to external investment managers and broker-dealers.
- The Investment Policy and Financial Institutions Resolution will be issued to financial institutions with whom Metro engages.

Metro

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

File #: 2023-0300, **File Type:** Agreement **Agenda Number:** 13.

PLANNING AND PROGRAMMING COMMITTEE
MARCH 20, 2024

SUBJECT: DIGITAL BILLBOARD DEVELOPMENT AGREEMENT WITH THE CITY OF EL MONTE

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer, or their designee, to execute a 30-year development agreement with the City of El Monte ("City") and AllVision ("AV") to construct, own, and operate a digital billboard on Metro property adjacent to Division 9 at 3449 Santa Anita Avenue, El Monte ("Project") (Attachment A);

B. CONSIDERING, in accordance with the California Environmental Quality Act (CEQA), the environmental effects of the Project as shown in the Mitigated Negative Declaration ("MND") prepared by the City of El Monte (Attachment B);

C. ADOPTING, in accordance with CEQA, the four mitigation measures incorporated in the MND to reduce the impacts of the Project to a less than significant level;

D. FINDING, in accordance with CEQA, that the four mitigation measures would avoid or mitigate the effects of the Project to a point where no significant effect on the environment would occur, and there is no substantial evidence that the Project, as mitigated, would have a significant effect on the environment; and

E. AUTHORIZING the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

ISSUE

Metro and AV have negotiated a Development Agreement with the City to construct, own, and operate two digital billboard displays on Metro's property adjacent to Division 9 at 3449 Santa Anita Avenue, El Monte ("Property"). See Attachment C for the Location and Site Plan. Over the past seven years, the City has taken a series of actions to allow for digital billboards and, in 2019, approved the Metro Property as a location for construction and operations of a digital billboard.

Approval of the Development Agreement requires board approval as both the 30-year term and the $15 million value of the Agreement exceed the delegated authority of the CEO, which is no more than five years or $500,000.

BACKGROUND

In January 2010, the Metro board approved awarding a License to Manage Billboard Advertising on Metro-Owned Property with AV. In August 2016 and April 2020, the Board approved extensions of the agreement. The current Board-approved extension requires entitlement, construction and commencement of billboard operations to be completed prior to 2028. Under the agreement, AV is responsible for the following:

1. Site Development,
2. Securing entitlements from local jurisdictions for the installation and operation of outdoor advertising signs and
3. Soliciting and managing outdoor advertising sales companies to provide revenue generation at Metro-owned and approved locations.

On July 18, 2017, the El Monte City Council adopted an ordinance that provided for a Freeway Billboard Overlay Zone that would allow for the construction and operation of digital billboards in seven areas. On December 17, 2019, the City approved an MND for a Freeway Billboard Overlay Zone (Attachment B) that incorporated three additional areas, including the Metro Property. On November 15, 2022, the City passed Resolution 3017 (Attachment D), which approved the Development Agreement with Metro and AV.

On August 23, 2023, Caltrans issued an Outdoor Advertising Permit to operate the billboard on Metro's property.

DISCUSSION

The proposed location for the billboard is next to the 1-10 Freeway right-of-way. The proposed installation site (further shown in Attachment C) is compatible with the uses and structures on the site and surrounding area. It will not affect onsite access or circulation. The nearest structures are one-story structures used for bus maintenance and storage. Traveling westbound, the billboard will be located in an area after vehicles entering the freeway from Santa Anita Avenue have already merged with travel lanes. The next exit is more than one-half (1/2) mile away. Therefore, the proposed billboard will not create traffic or safety problems. The billboard base will be outside the Metro fenced area for bus maintenance and parking. Therefore, it will not affect any onsite parking or landscaping required by the Zoning Code.

The proposed sign includes two 48-foot-wide by 14-foot-tall digital displays with the overall height being 75 feet above grade, which is well below the 90 feet allowed in the City. Caltrans approval was needed to approve landscape declassification. The Caltrans permit is administrative, and AV will apply for full entitlement.

California Environmental Quality Act (CEQA)

The City, as the Lead Agency, prepared an Initial Study and a MND. Metro is a Responsible Agency for the purpose of CEQA. A responsible agency complies with CEQA by considering the environmental document prepared by the Lead Agency and by reaching conclusions on whether and how to approve the Project.

Before deciding on the Project, Metro must consider its environmental effects, as shown in the MND. The MND reviewed all possible environmental impacts that could result from the construction and ongoing operation of an electronic billboard at Metro Division 9. The Project, prior to mitigation, could have potentially significant negative effects on the environment and cultural resources (as noted below). However, the following mitigation measures in the MND will avoid or mitigate these impacts to no significant effect on the environment:

1. Aesthetics - The billboard shall comply with the El Monte Municipal Code, which provides minimum display time, level and type of lighting, etc.
2. Cultural Resources - AV shall obtain the services of a qualified Native American Monitor during construction-related ground disturbance activities. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.
3. Cultural Resources - Before any grading activity on site, AV shall retain a qualified paleontologist. The paleontologist shall be approved by the City's Community and Economic Development Director and shall be on-site during grading at depths of six feet or more.
4. Hazards and Hazardous Materials - The billboard shall not be installed on a site that is identified as contaminated in any hazardous site database that is maintained by the California Environmental Protection Agency or the United States Environmental Protection Agency.

With these mitigation measures, there is no substantial evidence that the Project may have a significant effect on the environment or cultural resources. Furthermore, the proposed billboard will meet all requirements of the City and Caltrans. Therefore, no further environmental analysis is required.

Development Agreement

The Development Agreement is a tri-party agreement between the City, Metro, and AV. The City is the governing authority that adopted the ordinance to construct and operate the billboard on Metro property. Metro is the owner of the Property and will also be the owner of the digital sign structure once it has been installed. AV will handle the following core responsibilities:

- Secure building and electrical permits from the City.
- Finance and construct the sign structure on Metro property.
- Operate and manage the sign structure.
- Manage the solicitation and management of the outdoor advertising sales company.

Key terms of the Development Agreement include:

- The term of the agreement is for 30 years, commencing when the billboard is constructed and operational.

- AV will front all construction costs, which will be reimbursed from the billboard revenues over the first five years of operation.

- Over the term, the percentage of the revenue received from the selected outdoor advertising company will be paid to the City according to the following schedule:

Year	City Minimum Guaranteed*	City Share
1 - 10	$80,000	10%
11 - 20	$100,000	15%
21 - 30	$125,000	20%

*City will receive the greater of the Guaranteed Minimum or the City Share annually.

- Metro will retain all revenue over the City's share, less AV's operating costs and management fee.

- The City shall have the right to place public service announcements at no cost, not to exceed 5% of the total display time.

- Active members of the El Monte - South El Monte Chamber of Commerce are allowed a 10% discount on advertising rates.

- On both sides of the billboard, AV will install and maintain a sign reading "City of El Monte" in a design approved by the City.

All advertising content will comply with Metro advertising standards. Metro will be able to utilize the billboard for public messaging for every one out of eight segments (eight seconds each) and have immediate access to emergency messaging.

DETERMINATION OF SAFETY IMPACT

The digital billboard will enhance public safety by displaying Metro transit messages and emergency alerts. The displays will be adequately designed for structural support and meet all federal, state, and local design codes.

FINANCIAL IMPACT

The Project will generate additional revenue for public transportation purposes. No Metro capital or operating expenditure is required as AV is responsible for the upfront costs of the CEQA process and will then be reimbursed for those costs from future billboard revenues.

The total revenue for Metro is estimated to be $15 million over the 30-year term and is recognized as advertising income. With projected Year 1 income of $1 million, it is highly unlikely that Metro will ever pay out of pocket to ensure the City's guaranteed payment. However, in the unlikely event that the annual advertising revenue falls below $80,000 in any year, Metro would be responsible for paying the City to make up the difference. The revenue generated is eligible for bus and rail operations.

Impact to Budget
There is no impact on the Budget.

EQUITY PLATFORM

The revenue generated will be eligible for all bus and rail operations and capital improvements, including first-last mile improvements throughout Los Angeles County. The use of the funds will be programmed annually through the Metro budget process, which includes evaluation through the Metro Budget Equity Assessment Tool (MBEAT) and EFC Budget Assessment. Metro's messaging on the billboard will be multi-lingual and provide information about Metro programs, including LIFE and GoPass.
Metro will also have access to immediate messaging in the event of an emergency.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Project will yield enhanced communication and support, supporting the following Metro Vision 2028 Plan Goals:

- Goal 1 - Provide high-quality mobility options that enable people to spend less time traveling;
- Goal 3 - Enhance communities and lives through mobility and access to opportunity;
- Goal 4 - Transform LA County through regional collaboration and national leadership; and
- Goal 5 - Provide responsive, accountable, and trustworthy governance within the Metro organization.

ALTERNATIVES CONSIDERED

The Board could choose not to approve the Development Agreement. This is not recommended as the digital sign will display Metro transit messages and safety alerts and is expected to generate a minimum of $15 million in added revenues to Metro over the term of the Development Agreement.

NEXT STEPS

Execute the Development Agreement and submit the building and electrical permit application to the

City.

ATTACHMENTS

Attachment A - Development Agreement between the City of El Monte, All Vision LLC, and Los Angeles Metropolitan Transportation Authority
Attachment B - Initial Study and Mitigated Negative Declaration for the Freeway Billboard Overlay Zone Municipal Code Amendment
Attachment C - Location and Site Plan
Attachment D - City of El Monte Ordinance No. 3017

Prepared by: John Beck, Manager, Transportation Planning Real Property & Asset Management, (213) 922-4435
Holly Rockwell, Senior Executive Officer, Real Estate and Transit Oriented Communities (213) 547-4325
Reviewed by: Ray Sosa, Chief Planning Officer, (213) 547-4274

Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

Development Agreement between the City of El Monte, All Vision LLC and Los Angeles Metropolitan Transportation Authority

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
City of El Monte
c/o City Clerk
11333 Valley Blvd.
El Monte, CA 91731

[Exempt From Recording Fee Per Gov. Code §6103]

(Space Above Line for Recorder's Use)

DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF EL MONTE
AND
ALL VISION LLC
AND
LOS ANGELES METROPOLITAN TRANSPORTATION AUTHORITY

[Exempt From Recording Fee Per Gov. Code §6103]

DEVELOPMENT AGREEMENT BETWEEN THE CITY OF EL MONTE AND ALL VISION LLC

AND LOS ANGELES METROPOLITAN TRANSPORTATION AUTHORITY

This Development Agreement (hereinafter "**Agreement**") is entered into this _____ day of _____, 2023 (hereinafter the "**Effective Date**"), by and between the City of El Monte (hereinafter "**City**"), All Vision LLC, a Delaware limited liability company ("**All Vision**") and the Los Angeles County Metropolitan Transportation Authority, a California public entity ("**Owner**" or "**Metro**") (All Vision and Metro are hereinafter sometimes collectively referred to as the "**Developer**").

RECITALS

This Development Agreement is predicated upon the following facts:

A. The Development Agreement Act (Government Code section 65864 *et seq.*) authorizes cities to enter into binding development agreements with persons having a legal or equitable interest in real property for the development of such property, all for the purposes of strengthening the public planning process, encouraging private participation and comprehensive planning and identifying the economic costs of such development.

B. Owner is the owner of certain real property located adjacent to and on the southerly side of the west-bound lanes of the Interstate 10 Freeway at 3349 Santa Anita Avenue, in the City of El Monte, also known as the "Metro Transportation Site" on Santa Anita Avenue (APN: 8578-020-908), as more specifically described in Exhibit "A" attached hereto and incorporated herein (the "**Site**").

C. Developer desires to install on the Site a new double-sided 14 x 48-foot digital display which is oriented toward the Interstate 10 Freeway, as more particularly described in the Scope of Development attached hereto as Exhibit "B" and as depicted in the Site Plan attached hereto as Exhibit "C" and incorporated herein (the "**New Digital Billboard**" or the "**Project**").

D. Pursuant to that certain Second Amended and Restated Revenue Services Contract between Developer and Owner ("**Owner Agreement**"), Developer has an interest in developing the New Digital Billboard.

E. Developer and City recognize that Owner has a legal or equitable interest in the Site and Developer, as Owner's agent, also has an interest in the Project, and is qualified to enter into this Agreement in accordance with the Development Agreement Act.

F. In anticipation of the implementation of the Project, the Developer has made or will make application to the City (in its governmental capacity) for certain approvals, entitlements, findings, and permits required for the implementation of the Project,

including, a sign use permit, and an application for a development agreement for the Project under the Development Agreement Act.

G. To mitigate the impact of the installation of the New Digital Billboard and in consideration of the City's agreement to enter into this Agreement with Developer and grant the approvals sought by Developer for the New Digital Billboard, Developer will pay the City an annual Public Benefit Contribution (as such terms are defined below), for the consideration to the City to enter into this Agreement and to mitigate the impact of the installation of the New Digital Billboard and for the Owner (through the Developer as the Owner's agent) to reimburse the City its Project costs.

H. The Site is located within the City's Billboard Overlay Zone Area No. 3, on property that is zoned Specific Plan Gateway (SP-1) with a General Plan Land Use Classification of "Gateway Specific Plan." Developer and the City agree that a development agreement should be approved and adopted to memorialize the property expectations of the City and Developer, as more particularly described herein.

I. Owner's Board considered this Agreement at its duly noticed public meeting of November 1, 2022, and adopted Resolution No. 10399, approving the Agreement.

J. The City Council has specifically considered the Project's environmental impacts and public benefits and approved the Project in compliance with the requirements of the California Environmental Quality Act ("**CEQA**").

K. This Agreement eliminates uncertainty in planning and provides for the orderly implementation of the Project in a manner consistent with the City's zoning regulations and the General Plan.

L. On October 11, 2022, at a duly noticed public hearing, the Planning Commission adopted Resolution No. 3644, recommending the City Council approve Design Review No. 18-22 for the aesthetics and recommending the City Council approve this Agreement (Development Agreement No. 18-22) for the terms and conditions of the New Digital Billboard.

M. On November 1, 2022, the City Council found that, as a result of the Project, the City's Development Approvals and this Agreement, substantial public benefits will accrue to the public and that it is in the best public interest of the City and its residents, to adopt this Agreement. This Agreement and the proposed Development (as hereinafter defined) will achieve a number of City objectives, including but not limited to utilizing the Site for a revenue-generating use.

N. On November 1, 2022, the City Council, at a duly noticed hearing to consider the approval of this Agreement, considered the proposal, heard testimony, and introduced Ordinance No. 3017, which Ordinance approves this Agreement.

O. On November 15, 2022, the City Council held the second reading on, and adopted Ordinance No. 3017, thereby approving this Agreement.

P. The City finds and determines that all actions required of the City precedent to approval of this Agreement by Ordinance No. 3017 of the City Council have been duly and regularly taken.

NOW, THEREFORE, pursuant to the authority contained in the Development Agreement Act, as it applies to the City, and in consideration of the above recitals and of the mutual covenants hereinafter contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. DEFINITIONS AND EXHIBITS.

1.1 **Definitions.** This Agreement uses a number of terms having specific meanings, as defined below. These specially defined terms are distinguished by having the initial letter capitalized, when used in the Agreement. In addition to the terms defined in the Recitals above, the defined terms include the following:

1.1.1 "**Additional Revenue**" means revenue received from a third-party for use of the support structure of the New Digital Billboard for the installation of Telecommunications Facilities.

1.1.2 "**Agreement**" means this Development Agreement and all attachments and exhibits hereto.

1.1.3 "**Anniversary Date**" is the annual reoccurrence of the Commencement Date.

1.1.4 "**City**" means the City of El Monte, a California municipal corporation.

1.1.5 "**City Council**" means the City Council of the City.

1.1.6 "**City Fees**" means all fees and charges required by City that are customarily and uniformly applied to all construction or development related activity including, but not limited to, fees for land use applications, building permit applications, building permits, grading permits, hauling permits, encroachment permits, demolition permits, lot line adjustments, street vacations, inspections, certificates of occupancy and plan check.

1.1.7 "**Commencement Date**" means the date that is five (5) business days after the satisfaction of the Completion Requirements.

1.1.8 "**Completion Requirements**" means (i) issuance of all Development Approvals, Final Permits and/or compliance with all requirements under applicable laws required to operate the New Digital Billboard and the expiration of all applicable challenge periods related to the foregoing without the filing of any challenge or appeal (or if a challenge or appeal has been filed, such challenge or appeal has been resolved on terms reasonably satisfactory to Developer), as evidenced by written notice thereof from Developer to the City, and (ii) completion of construction of the New Digital Billboard, such that Developer can immediately commence operation of the New Digital Billboard (as

determined by Developer in its reasonable discretion) for the display of third party advertising, as evidenced by written notice thereof from Developer to the City.

1.1.9 "**Developer**" means the Los Angeles County Metropolitan Transportation Authority, a public entity, and its successor and assigns and All Vision LLC, a Delaware limited liability company duly existing and operating, and its successors and assigns.

1.1.10 "**Developer Fee**" is the fee to be paid to the City pursuant to Section 3.7 below, which Developer Fee shall be paid in addition to the payment of the City Fees and Processing Fee.

1.1.11 "**Development**" means the installation of a New Digital Billboard on the Site and underground utilities connecting Southern California Edison's electrical source to the New Digital Billboard, as well as any other improvements to the Site for the purpose of completing the structures, improvements and facilities comprising the Project.

1.1.12 "**Development Agreement Act**" means Article 2.5 of Chapter 4 of Division 1 of Title 7 (Sections 65864 through 65869.5) of the California Government Code, as the same may be amended or re-codified from time to time.

1.1.13 "**Development Approvals**" means any and all permits, licenses, consents, rights and privileges that are prerequisites to construct and operate the New Digital Billboard, and that are approved or issued by the City in connection with the Project on or before the Effective Date, including, without limitation, this Agreement and the following entitlements: the Resolution No. 3644 approved by the Planning Commission on October 11, 2022, and adoption by the City Council of Ordinance No. 3017 on November 15, 2022, as further described at Section 4.3 herein.

1.1.14 "**Effective Date**" means the date inserted into the preamble of this Agreement, which is thirty (30) days following (a) app00roval of this Agreement by ordinance of the City Council, provided this Agreement is signed by Developer and the City, (b) the Development Approvals have been approved; and (c) expiration of all applicable challenge periods without the filing of any challenge or appeal (or if a challenge or appeal has been filed, such challenge or appeal has been resolved on terms reasonably satisfactory to Developer) related to the Development Approvals and CEQA.

1.1.15 "**Final Permits**" shall mean all necessary/required permits and inspections by all governmental and utility agencies, including any permits and approvals required by the California Department of Transportation, to construct and operate the New Digital Billboard and related improvements, which are signed and dated by the City, as applicable. Final Permits do not include the Development Approvals.

1.1.16 Intentionally Omitted.

1.1.17 "**Land Use Regulations**" means all ordinances, resolutions, codes, rules, regulations and official policies of the City, including, but not limited to, the City's General Plan, Municipal Code and Zoning Code, which govern development and use of the Site, including, without limitation, the permitted use of land, the density or intensity of

use, subdivision requirements, the maximum height and size of the New Digital Billboard, and the design, improvement and construction standards and specifications applicable to the Development or the Site which are in full force and effect as of the Effective Date of this Agreement, subject to the terms of this Agreement. Land Use Regulations shall also include the federal National Pollutant Discharge Elimination System ("NPDES") regulations and approvals from the California Department of Transportation Outdoor Advertising Division, to the extent applicable.

1.1.18 "**Lease**" means the lease, license, or contract as the case may be, for the Site between Owner, as landlord or licensor (or similar term), and Developer, as tenant or licensee (or similar term), as set forth in the Owner Agreement or any written lease agreement entered into between Owner and Developer pursuant thereto. In the event that Developer is subsequently granted an easement over the Site for purposes of developing and operating outdoor advertising structures thereon, which easement supersedes Developer's license or leasehold interest therein, all references to herein "Lease" or Developer's leasehold interest shall be deemed to refer Developer's easement over the Site.

1.1.19 "**Mortgagee**" means a mortgagee of a mortgage, a beneficiary under a deed of trust or any other security-device, a lender or each of their respective successors and assigns.

1.1.20 "**Official Records**" means the official Records of Los Angeles County, California.

1.1.21 "**Owner Agreement**" means that certain Second Amended and Restated Revenue Services Contract dated as of June 29, 2017, entered into between Owner and Developer, as amended, governing, among other things, use and development of the Site for outdoor advertising purposes.

1.1.22 "**Processing Fee**" is the fee which is in addition to the payment of City Fees or customary building plan check or building permit fees, and is intended to reimburse the City for fees and costs incurred in connection with City's review, evaluation, and analysis pertaining to the New Digital Billboard, including, but not limited to, legal and consultant fees and feasibility analysis incurred by the City in negotiation and preparation of this Agreement, in the amount of $25,000.

1.1.23 "**Project**" means the New Digital Billboard as described in Exhibit "B" consistent with the Development Approvals and the Final Permits.

1.1.24 "**Public Benefit Contribution**" means the payment from Developer to City pursuant to Section 3.3 of this Agreement, which payment may be used by the City for various public projects and programs.

1.1.25 "**Site**" refers to the real property described in Recital B and more specifically described on Exhibit "A" attached hereto and incorporated herein.

1.1.26 "**Scope of Development**" means the Scope of Development attached hereto as Exhibit "B" and incorporated herein.

1.1.27 "**Subsequent Land Use Regulations**" means any Land Use Regulations adopted and effective after the Effective Date of this Agreement which govern development and use of the Site and Project.

1.1.28 "**Subsequent Development Approvals**" means any Development Approvals issued subsequent to the Effective Date in connection with the Project.

1.1.29 "**Telecommunications Facilities**" means an antenna or wireless communication device, infrastructure and related equipment for telecommunications, cellular or wi-fi service, surveillance or other video equipment provided by a duly approved and licensed telecommunications service provider.

1.1.30 "**Term**" shall have the meaning provided in Section 2.4, unless earlier terminated as provided in this Agreement.

1.1.31 "**Term Year**" shall mean each 12-month period during the Term of this Agreement commencing on the Commencement Date and on each Anniversary Date thereafter.

1.2 **Exhibits.** The following documents are attached to, and by this reference made a part of, this Agreement: Exhibit "A" (Legal Description of Site), Exhibit "B" (Scope of Development), and Exhibit "C" (Site Plan and Elevations).

2. GENERAL PROVISIONS.

2.1. **Application of Agreement.** This Agreement shall apply to the development and use of the Project carried out on the Site. The Project shall be developed and operated in accordance with the Development Approvals and this Agreement.

2.2. **Binding Effect of Agreement.** From and following the Effective Date, actions by the City and Developer with respect to the Development, including actions by the City on applications for Subsequent Development Approvals affecting the Site, shall be subject to the terms and provisions of this Agreement, provided, however, that nothing in this Agreement shall be deemed or construed: (i) to modify or amend the Owner Agreement or any Lease entered into pursuant thereto, or any of Developer's obligations thereunder, or to bind or restrict Owner with respect to its ownership or operation of the Site except as expressly set forth herein with respect to the Development, or (ii) to impose any obligation whatsoever on Owner with respect to the Development, except as expressly set forth in this Agreement.

2.3. **Interest in Site.** The City and Developer acknowledge and agree that Metro is the Owner of the Site and that All Vision is the agent of Owner and thus both are qualified to enter into and be a party to this Agreement. The City and Developer acknowledge and agree that Developer has a legal or equitable interest in the Site and thus is qualified to enter into and be a party to this Agreement under the Development Agreement Act. Additionally, prior to the execution of this Agreement, Developer has allowed the City to view a redacted copy of the Owner Agreement which demonstrates that All Vision has a leasehold or license or equitable interest in the Site, which interest

shall be maintained for the entire Term of this Agreement. If All Vision's leasehold or license interest is prematurely and legally terminated by Owner in conformance with the Owner Agreement (other than upon the conveyance of an easement to Developer), then All Vision shall have no further obligations under Section 3(a) of the Scope of Development attached hereto as Exhibit "B", relative to the maintenance of landscaping on the Site, except as provided under Section 6.1. Additionally, if All Vision's leasehold or license interest is prematurely terminated for any reason (other than upon the conveyance of an easement to All Vision), then All Vision shall have no further obligations under this Agreement for the Site, except as provided under Section 6.1.

2.4. **Term of Agreement.** Unless earlier terminated as provided in this Agreement, this Agreement shall commence on the Commencement Date and continue in full force and effect until the date that is thirty (30) years after the Commencement Date (the "**Term**"). Notwithstanding any provision in this Agreement to the contrary, the Term of this Agreement shall automatically expire upon (i) the expiration or earlier termination of the Lease (other than upon the conveyance of an easement to Developer), or (ii) the permanent removal of the New Digital Billboard constructed pursuant to the terms hereof, other than its removal for reconstruction, repair or replacement. Within thirty (30) days after the termination of this Agreement, the parties shall execute a written cancellation of this Agreement which shall be recorded in the Official Records pursuant to Section 9.1 below. If this Agreement is not extended or renewed as set forth herein, then any party may, at its option, elect for Developer to remove the digital displays and restore the portion of the Site affected by the New Digital Billboard to its pre-billboard condition, except the columns can be cut off one (1) foot below grade.

3. DEVELOPER OBLIGATIONS-PUBLIC BENEFIT.

3.1. **Processing Fee**. Upon submission of this Agreement for approval by the City, Developer paid to the City a one-time non-refundable Processing Fee in the amount of Twenty-Five Thousand and No/100 Dollars ($25,000.00) to reimburse the City for its costs in processing this Agreement, including costs for outside consultants and staff time.

3.2. **City Fees**. Developer shall pay all City Fees for the development of the Project at the rate and amount in effect at the time the fee is required to be paid by City in accordance with the planning permit process upon submittal and building permit process.

3.3. **Public Benefit Contribution.** In consideration for the rights and benefits to Developer under this Agreement, from and after the Commencement Date, Developer shall pay to the City an annual Public Benefit Contribution in an amount equal to the greater of (i) the applicable "**Minimum Annual Guaranteed Payment**" as specified in the table below, or (ii) the "**Annual Percentage Payment**" calculated in accordance with Section 3.3.2 below.

Year	Minimum Guaranteed Payment	Quarterly Installment	Percentage Payment
1-10	$80,000	$20,000	10%
11-20	$100,000	$25,000	15%
21-30	$125,000	$31,250	20%

3.3.1. ***Payment of the Public Benefit Contribution.*** From and after the Commencement Date, the Minimum Guaranteed Payment shall be paid to the City on or before the first (1st) day of each calendar quarter in four (4) equal installments as set forth in the table above. Quarterly installments for the calendar quarter in which the Commencement Date occurs as well as the calendar quarter in which the Term expires shall be prorated based upon a ninety (90) day quarter. Within forty-five (45) days after the end of each Term Year, Developer shall calculate the Annual Percentage Payment in accordance with Section 3.3.2 below and shall deliver a payment to the City in an amount equal to the positive difference, if any, between the Annual Percentage Payment and Minimum Guaranteed Payment for such Term Year; provided that no further payment shall be required if the Minimum Guaranteed Payment is greater than the Annual Percentage Payment for such Term Year.

3.3.2. ***Calculation of Annual Percentage Payment.*** For purposes of this Section 3.3, "**Annual Revenue**" shall be defined as (A) all revenues realized and actually received by Developer from the sale of third-party advertising on the New Digital Billboard, less (B) agency fees, broker commissions or other fees paid for marketing the New Digital Billboard to advertisers and selling advertising space thereon to third-party advertisers (in an amount not to exceed 16.67% percent). The Annual Percentage Payment for each Term Year shall be an amount equal to (i) the Annual Revenue for such Term Year multiplied by (ii) the Applicable Percentage for such Term Year as set forth in the table above less (iii) the Minimum Annual Guaranteed Payment. Additional Revenue shall not be included within Annual Revenue for purposes of calculating the Annual Percentage Payment nor credited against the amount of any such Annual Percentage Payment.

3.3.3. ***Audit of Annual Revenue.*** Developer shall maintain and make available for City's review and audit, all contracts, leases, invoices, and other records that are relevant to the accurate determination of Annual Revenue. The City may conduct an audit annually consistent with the Commencement Date of this Agreement. City shall be entitled once each year of the Term to inspect, examine, copy and audit Developer's books, records and cash receipts as related to Annual Revenue. If the audit shows that there is a deficiency in the determination of Annual Revenue or payment of the Annual Percentage Payment, then Developer shall immediately upon notice pay any such deficiency to City. If the audit shows that there is an overstatement in the determination of Annual Revenue or payment of the Annual Percentage Payment, then City shall immediately upon notice pay Developer any overpayment City received. Developer may offset future payments of the Public Benefit Contribution for any overpayments that are not repaid by City. City shall pay the costs of the **audit** unless the audit shows that Developer understated Annual Revenue by more than three percent (3%), in which case Developer shall pay the City's costs of the audit.

3.4. **Community Benefits.** Developer shall also provide the following community benefits during the entire Term of this Agreement.

3.4.1. ***City's Use of the Billboard.*** During the entire Term of this Agreement, Developer shall permit the City to place public service announcements in the current rotation of display images on either side of the New Digital Billboard spread out evenly during a 24 hour day at no cost to the City but subject to availability of space; provided that in no event shall the City be entitled to any use of display images on the New Digital Billboard in excess of five percent (5%) of the total available display time on either face of the New Digital Billboard during any given Term Year. The City shall be responsible for providing Developer with approved advertising copy and shall also be responsible for any costs associated with providing Developer with artwork in acceptable format per Developer's specifications. City's use is subject to the following conditions and parameters: (1) a copy must be submitted to Developer at least five (5) days before the proposed display date and will be subject to Developer's standard advertising copy rejection and removal policies, which allow Developer, in its sole discretion, to approve or disapprove copy and remove copy once posted or displayed, and (2) the City's use of allocated display time for a particular Term Year must be utilized during such Term Year (i.e., no advertisement rights shall accumulate or carryover to the following Term Year). Nothing herein shall give the City the right to sell, barter, trade, or otherwise transfer such advertising rights to any third-person or entity; the same shall be utilized by the City only for its own governmental purposes. The advertising rights available to the City are not assignable, in whole or in part, and any such assignment by the City shall be void ab initio.

3.4.2. ***Public Safety Alerts.*** The New Digital Billboard shall be connected into and utilized in connection with the Amber Alert communications network established by the U.S. Department of Justice. Developer shall further cooperate with the City, Caltrans, the Federal Emergency Management Agency and any other federal or state emergency management or public safety authority to display public health and safety emergency alerts in the event of natural disasters or other emergency events at no cost to the City or other applicable agency or authority.

3.4.3. ***Discount Advertising.*** Developer shall offer a ten percent (10%) discount off its applicable rates for display of advertising on the New Digital Billboard to any current, active member of the El Monte - South El Monte Chamber of Commerce holding a City-issued business license and with a home office located in the City of El Monte.

3.4.4. ***City Signage***. Developer shall install and maintain on both sides of the New Digital Billboard above the display panel a sign reading "City of El Monte." The design of such sign shall be approved by the City.

3.5. **Restrictions on Use.** Developer shall not utilize any of the displays on the New Digital Billboard to advertise or communicate political matter, tobacco including e-cigarettes and vaping, marijuana, hashish, "strip clubs," adult entertainment businesses, sexually oriented materials, or use sexually oriented images, or use sexually oriented language. Further, Developer shall not utilize any of the displays on the New Digital

Billboard to advertise or communicate any matter that may be prohibited by State or Federal law and any City ordinance existing as of the Effective Date of this Agreement, or as may be amended or implemented from time-to-time after the Effective Date and equally-applicable to all billboard displays by any duly and valid City ordinance. The New Digital Billboard shall at all times be constructed and operated in a manner consistent with the Outdoor Advertising Act of the State of California (Business & Professions Code sections 5200 *et seq.*) and other applicable State and Federal laws and regulations.

3.6. **City's Rights to Use the Site.** The City shall have the right to access and install Telecommunications Facilities on the Site that the City deems necessary for the health, safety and welfare of the public, upon prior written notice and approval from Owner, not to be unreasonably withheld. The City shall be responsible for all of the installation and operating costs of its Telecommunications Facilities, and the City's Telecommunications Facilities shall be installed and operated in a manner that does not interfere with or negatively impact visibility or operation of the New Digital Billboard in any manner, including, without limitation, the amount of advertising revenue received by Developer from the operation of the New Digital Billboard or the amount of Additional Revenue derived therefrom. The City shall indemnify, defend and hold harmless Developer and its members, partners, shareholders, officers, directors, employees and affiliates (collectively, the "**Developer Parties**") from and against any and all claims, lawsuits, actions, proceedings, judgments, losses, costs, claims (including reasonable sums paid in settlement of claims), reasonable attorneys' fees, consultant and expert fees, penalties, damages and liabilities (collectively, "**Claims**") arising from or related to the installation, operation or use of the Telecommunications Facilities installed on the Site by or on behalf of the City, and from the City's use of the New Digital Billboard (as detailed in Section 3.4.1 above), except to the extent that such Claims arise from the active negligence or willful misconduct of any of the Developer Parties.

3.7. **Developer Fee.** Upon issuance of the State ODA Permit, as required under Exhibit "B", Section 6(g) as a Condition of Approval, Developer shall deliver a one-time payment to the City of a Developer Fee in the amount of One Hundred Thousand Dollars ($100,000) as further consideration for the rights and benefits provided to the Project hereunder.

3.8. **Fixed Facility Fee.** Should Developer enter into any agreement for the installation of Telecommunications Facilities on the support structure of the New Digital Billboard (other than the Telecommunications Facilities installed by the City pursuant to Section 3.6 above), Developer shall pay to the City an annual fixed facility fee equal to Fifteen Percent (15%) of the total amount of Additional Revenue collected by Developer from the use of the Telecommunications Facilities. The City shall have the right upon request to review and audit the Additional Revenue received by Developer for a period of thirty (30) days after the date on which such Additional Revenue was received. The fixed facility fee shall be due and payable forty-five (45) days after the end of each Term Year. Notwithstanding the foregoing or anything to the contrary set forth in this Agreement, any Telecommunications Facilities installed by Developer or Owner, or their agents, to be used as a part of the Owner's Transportation Communication Network (TCN) Program shall not be subject to the payment of any fee by either Developer or Owner.

4. DEVELOPMENT AND IMPLEMENTATION OF THE DEVELOPMENT.

4.1. **Rights to Develop.** Subject to provisions of this Agreement, which shall be approved by the Board of Directors of Owner prior to execution of the Agreement and within ninety (90) days of the City Council's approval of the Agreement (which time-period can be extended by mutual agreement of the parties), Developer shall have the right to develop the Site in accordance with, and to the extent of, the Development Approvals, the existing Land Use Regulations, this Agreement and in compliance with all laws, regulations, rules and requirements of all governmental authorities with jurisdiction over the Project.

4.2. **Effect of Agreement on Land Use Regulations.** Except as otherwise provided under the terms of this Agreement, the rules, regulations and official policies governing permitted uses of the Site, the density and intensity of use of the structures on the Site, the maximum height and size of proposed structures on the Site, and the design, improvement and construction standards and specifications applicable to the Site, shall be as set forth in the Land Use Regulations which are in full force and effect as of the Effective Date of this Agreement, subject to the terms of this Agreement.

4.3. **Development Approvals.** Developer shall, at its own expense and before commencement of demolition, construction or development of any structures or other work of improvement upon the Site, secure or cause to be secured the Development Approvals, a Conditional Use Permit and building permit(s) from the City, and any and all permits and approvals which may be required by any other governmental agency or utility affected by such construction, development or work to be performed by Developer pursuant to the Scope of Development; provided, however, that the City acknowledges that the City's Planning Commission and City Council have approved an Initial Study/Negative Declaration for the Project, thus complying with, and satisfying the requirements of CEQA. Not by way of limiting the foregoing, in developing and constructing the Development, Developer shall comply with all: (1) applicable development standards in the City's Municipal Code that were in effect at the time the Agreement and Conditional Use Permit were approved by the City's Planning Commission, (2) applicable NPDES requirements pertaining to the Development, and (3) applicable building codes that were in effect at the time this Agreement and the Conditional Use Permit were approved by the City's Planning Commission, except as may be permitted through approved variances and modifications. Developer shall pay all normal and customary fees and charges applicable to such permits, and any fees and charges hereafter imposed by the City in connection with the Development which are standard and uniformly applied to similar projects in the City. Nothing contained in this Agreement shall be deemed to impose any obligation on Owner with respect to the Development Approvals or the Development, all of which obligations of Owner shall be governed by the terms of the Owner Agreement. Without limiting the foregoing, the City shall take such actions as may be reasonably required to enable Developer to obtain any Final Permits, including without limitation, providing notice of default to a developer or lessee of any City-owned property adjacent to the Site in order to facilitate removal of any outdoor advertising displays or structures located on any City-owned property adjacent to the Site.

4.4. **Timing of Development.**

4.4.1. The parties acknowledge that Developer cannot at this time predict when or if the Property will be developed. Such decisions depend upon numerous factors that are not within the control of Developer. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465 (the "**Pardee Case**") that the failure of the parties therein to provide for the timing of development resulted in a later adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' intent to cure that deficiency by acknowledging and providing that, except as otherwise provided in this Agreement, Developer shall have the right to develop the Project consistent with the Development Approvals in such order and at such rate and at such times as Developer deems appropriate within the exercise of its sole and subjective business judgment during the Term of this Agreement. This provision shall be broadly construed to provide Developer the greatest amount of time and flexibility (in light of the *Pardee* Case and any other similar or distinguishing cases) as necessary or appropriate to permit Developer to complete the development of the Project irrespective of later-adopted rules, regulations or initiatives that would otherwise restrict Developer's time to complete the Project.

4.4.2. Developer shall commence construction of the New Digital Billboard on the Site within ninety (90) calendar days following: (a) Developer's receipt of a building permit from the City for construction of the New Digital Billboard and related improvements, (b) the issuance of all Development Approvals and Final Permits for construction of the New Digital Billboard and related improvements and (c) the expiration of all applicable challenge periods related to the foregoing without the filing of any challenge or appeal (or if a challenge or appeal has been filed, such challenge or appeal has been resolved on terms reasonably satisfactory to Developer). In the event that Developer fails to meet the schedule for commencement of construction of the New Digital Billboard set forth above, then after compliance with Section 5.3, either party hereto may terminate this Agreement by delivering written notice to the other party, and, in the event of such termination, neither party shall have any further obligation hereunder. However, if circumstances within the scope of Section 9.10 delay the commencement of construction or completion of construction of the New Digital Billboard, then such delays shall not constitute grounds for any termination rights found within this Agreement and the timeline to commence or complete the relevant task shall be extended in the manner set forth in Section 9.10. Notwithstanding the above, Developer shall, at all times, comply with all other obligations set forth in this Agreement regarding the construction or improvement of the New Digital Billboard. Developer shall also maintain the New Digital Billboard at all times during the Term in accordance with the maintenance provisions set forth in Section 3 of the Scope of Development, attached as Exhibit "B" herein.

4.5. **Changes and Amendments.** Developer may determine that changes to the Development Approvals are appropriate and desirable. In the event Developer makes such a determination, Developer may apply in writing for an amendment to the Development Approvals to effectuate such change(s). The parties acknowledge that the City shall be permitted to use its inherent land use authority in deciding whether to approve or deny any such amendment request; provided, however, that in exercising the

foregoing reasonable discretion, the City shall not apply a standard different than that used in evaluating requests of other developers. Accordingly, under no circumstance shall the City be obligated in any manner to approve any amendment to the Development Approvals. The City Manager shall be authorized to approve any non-substantive amendment to the Development Approvals without processing an amendment to this Agreement. All other amendments shall require the approval of the City Council. Nothing herein shall cause Developer to be in default if it upgrades the digital displays installed pursuant to this Agreement during the Term of this Agreement to incorporate newer technology; provided Developer shall secure all applicable ministerial permits to do so and such upgrade is consistent with the dimensions and standards for the displays, as provided under this Agreement, Land Use Regulations and Subsequent Land Use Regulations.

4.6. **Reservation of Authority.**

4.6.1. ***Limitations, Reservations and Exceptions***. Notwithstanding any other provision of this Agreement, the following Subsequent Land Use Regulations shall apply to the Development:

(a) Processing fees and charges of every kind and nature imposed by the City to cover the estimated actual costs to the City of processing applications for Subsequent Development Approvals.

(b) Procedural regulations consistent with this Agreement relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure. Notwithstanding the foregoing, if such change materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

(c) Changes adopted by the International Conference of Building Officials, or other similar body, as part of the then most current versions of the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, or National Electrical Code, as adopted by the City as Subsequent Land Use Regulations, if adopted prior to the issuance of a building permit for development of the New Digital Billboard. Notwithstanding the foregoing, if such change materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

(d) Regulations that are not in conflict with the Development Approvals or this Agreement.

(e) Regulations that are in conflict with the Development Approvals or this Agreement, provided Developer has given written consent to the application of such regulations to the Development.

(f) Applicable federal, state, county and multi-jurisdictional laws and regulations which the City is required to enforce against the Site or the Development, and that do not have an exception for existing signs or legal nonconforming uses.

4.6.2. ***Future Discretion of the City.*** This Agreement shall not prevent the City from denying or conditionally approving any application for a Subsequent Development Approval on the basis of the Land Use Regulations.

4.6.3. ***Modification or Suspension by Federal, State, County, or Multi-Jurisdictional Law.*** In the event that applicable federal, state, county or multi-jurisdictional laws or regulations, enacted after the Effective Date of this Agreement, prevent or preclude compliance with one or more of the provisions of this Agreement, and there is no exception for the legal nonconforming use under applicable federal, state, county or multi-jurisdictional laws or regulations, such provisions of this Agreement shall be modified or suspended as may be necessary to comply with such federal, state, county or multi-jurisdictional laws or regulations, and this Agreement shall remain in full force and effect to the extent it is not inconsistent with such laws or regulations and to the extent such laws or regulations do not render such remaining provision impractical to enforce. Notwithstanding the foregoing, if such change materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

4.7. **Regulation by Other Public Agencies.** It is acknowledged by the parties that other public agencies not subject to control by the City may possess authority to regulate aspects of the Development as contemplated herein, and this Agreement does not limit the authority of such other public agencies. Developer acknowledges and represents that, in addition to the Land Use Regulations, Developer shall, at all times, comply with all applicable federal, state and local laws and regulations applicable to the Development and that do not have an exception for a legal nonconforming use. To the extent such other public agencies preclude development or maintenance of the Development and do not have an exception for a legal nonconforming use, Developer shall not be further obligated under this Agreement except as provided in Section 6.1. Notwithstanding the foregoing, if such action by another public agency materially changes Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

4.8. **Public Improvements.** Notwithstanding any provision herein to the contrary, the City shall retain the right to condition any Subsequent Development Approvals on the requirement that Developer pay subsequently required development fees, and/or construct certain subsequently required public infrastructure ("**Exactions**") at such time as the City shall determine, subject to the following conditions:

4.8.1. The payment or construction must be to alleviate an impact caused by the Development or be of benefit to the Development;

4.8.2. The timing of the Exaction should be reasonably related to the development of the Development and said public improvements shall be phased to be

commensurate with the logical progression of the development of the Development, as well as the reasonable needs of the public;

4.8.3. It is understood, however, that if the there is a material increase in cost to Developer, or such action by the City otherwise materially impacts Developer or its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

4.9. **Fees, Taxes and Assessments.** During the Term of this Agreement, the City shall not, without the prior written consent of Developer, impose any additional fees, taxes or assessments on all or any portion of the Development, except such fees, taxes and assessments as are described in or required by this Agreement and/or the Development Approvals. However, this Agreement shall not prohibit the application of fees, taxes or assessments upon the Site only and not on the New Digital Billboard or Developer directly, except as follows:

4.9.1. Developer shall be obligated to pay those fees, taxes or City assessments and any increases in same which exist as of the Effective Date and applicable to the Development or are included in the Development Approvals;

4.9.2. Developer shall be obligated to pay any fees or taxes, and increases thereof, imposed on a City-wide basis such as, but not limited to, business license fees or taxes or utility taxes applicable to the Development;

4.9.3. Developer shall be obligated to pay all fees applicable to any permit applications as charged by the City at the time such application(s) are filed by Developer;

4.9.4. Developer shall be obligated to pay any fees imposed pursuant to any Uniform Code that exist when the permit applications are filed by Developer or that exist when Developer applies for any Subsequent Development Approvals.

4.10. **Changes.** Notwithstanding anything to the contrary herein, if there is a change in such fees as compared to those fees in effect as of the Effective Date, or if any additional fees are charged and such additional or increased fees materially change Developer's costs or otherwise materially impacts its performance hereunder, Developer may terminate this Agreement upon ninety (90) days prior written notice to the City.

5. REVIEW FOR COMPLIANCE.

5.1. **Review.** In compliance with the Development Agreement Act, the City Council shall have the right to review at its sole cost and expense the Developer's good faith compliance with the terms of this Agreement at least every twelve (12) months during the Term ("**Review**") and City Council may, in its sole and absolute discretion and at its sole cost and expense, order a Review at any time. No failure on the part of the City to conduct or complete any Review as provided herein shall have any impact on the validity of this Agreement. Developer shall cooperate with the City in the conduct of any such Review.

5.2. **City Rights of Access.** Subject to the City's execution of a permit to enter the Site in a form reasonably acceptable to Owner, the City and its officers, employees, agents and contractors shall have the right, at their sole risk and expense, to enter the Site without interfering with any right-of-way, and at all reasonable times with as little interference as possible, for the purpose of conducting the Review under this Section 5 or inspection, construction, reconstruction, relocation, maintenance, repair or service of any public improvements or public facilities located on the Site. Any damage or injury to the Site or to the improvements constructed thereon (including, without limitation, the New Digital Billboard) resulting from such entry shall be promptly repaired at the sole expense of the City. Notwithstanding the foregoing or any other provision in this Agreement (including without limitation Section 5.1 above) to the contrary, the City shall have no right whatsoever to enter the Site unless and until the City executes and delivers to Owner a permit to enter in a form reasonably acceptable to Owner (except that this provision is not intended to interfere with the City's police powers to address any nuisance, dangerous condition, or other condition pursuant to the City's ordinances). Notwithstanding anything to the contrary herein, in no event will the City's representatives ever climb up the pole of the New Digital Billboard during any inspection[1].

5.3. **Procedure.** Each party shall have a reasonable opportunity to assert matters which it believes have not been undertaken in accordance with this Agreement, to explain the basis for such assertion, and to receive from the other party(ies) a justification of its position on such matters. If, on the basis of the parties' review of any terms of this Agreement, a party concludes that the other party(ies) has not complied in good faith with the terms of this Agreement, then such party may issue a written "**Notice of Non-Compliance**" specifying the grounds therefore and all facts demonstrating such non-compliance. The party receiving a Notice of Non-Compliance shall have thirty (30) days to cure or remedy the non-compliance identified in the Notice of Non-Compliance, but if such cure or remedy is not reasonably capable of being cured or remedied within such thirty (30) day period, then the party receiving a Notice of Non-Compliance shall commence to cure or remedy the non-compliance within such thirty (30) day period and thereafter diligently and in good faith prosecute such cure or remedy to completion. If the party receiving the Notice of Non-Compliance does not believe it is out of compliance and contests the Notice of Non-Compliance, it shall do so by responding in writing to said Notice of Non-Compliance within thirty (30) days after receipt of the Notice of Non-Compliance. If the response to the Notice of Non-Compliance has not been received in the office of the party alleging the non-compliance within the prescribed time period, the Notice of Non-Compliance shall be conclusively presumed to be valid. If a Notice of Non-Compliance is contested, the parties shall, for a period of not less than fifteen (15) days following receipt of the response, seek to arrive at a mutually acceptable resolution of the matter(s) occasioning the Notice of Non-Compliance. In the event that a cure or remedy is not timely completed, the party alleging the non-compliance may thereupon pursue the remedies provided in Section 6; provided, however, that if the Notice of Non-Compliance is contested and the parties are not able to arrive at a mutually acceptable resolution of the matter(s) by the end of the fifteen (15) day period, then either party shall have the right to seek a judicial determination of such contested matter. Neither party hereto shall

[1] Subject to review and comment by Metro's Board prior to execution of this Agreement.

be deemed in breach if the reason for non-compliance is due to "force majeure" as defined in, and subject to the provisions of, Section 9.10.

5.4. **Certificate of Agreement Compliance.** If, at the conclusion of any Review, Developer is found to be in compliance with this Agreement, the City shall, upon request by Developer, issue within ten (10) days of receipt of the request, a written confirmation ("**Certificate**") to Developer stating that, after the most recent Review, and based upon the information known or made known to the City Manager and the City Council, that (1) this Agreement remains in effect, and (2) Developer is in compliance. The Certificate shall be in recordable form if requested by Developer and shall contain information necessary to communicate constructive record notice of the finding of compliance. Developer may record the Certificate with the County Recorder. Additionally, Developer may, at any time, request from the City a Certificate stating, in addition to the foregoing, which specific obligations under this Agreement have been fully satisfied with respect to the Site and City shall respond within ten (10) days of receipt of the request. If the City fails to respond to a Developer's request pursuant to this Section 5.4, the Developer is presumed to be in compliance with this Agreement or any obligation that is the subject of the Developer's request.

6. DEFAULT AND REMEDIES.

6.1. Termination of Agreement.

6.1.1. ***Termination of Agreement for Material Default of Developer.*** The City, in its discretion, may terminate this Agreement (a) if Developer fails to make the Public Benefit Contribution within fifteen (15) days after the due date, or (b) for any material failure of Developer to perform any material duty or obligation of Developer hereunder or to comply in good faith with the terms of this Agreement (hereinafter referred to as "***default***" or "***breach***"); provided, however, the City may terminate this Agreement pursuant to subsection (b) above only after following the procedures set forth in Section 5.3. In the event of a termination by the City under this Section 6.1.1, Developer acknowledges and agrees that the City may retain any portion of the Public Benefit Contribution paid up to the date of termination and Developer shall pay the prorated amount of the Public Benefit Contribution within sixty (60) days after the date of termination and removal of the New Digital Billboard that equates to the percentage of time elapsed in the year of the Term at the time of termination.

6.1.2. ***Termination of Agreement for Material Default of City.*** Developer, in its discretion, may terminate this Agreement for any material failure of the City to perform any material duty or obligation of the City hereunder or to comply in good faith with the terms of this Agreement; provided, however, Developer may terminate this Agreement pursuant to this Section only after following the procedures set forth in Section 5.3.

6.1.3. ***Termination of Agreement Without Default.*** Developer may terminate this Agreement upon the occurrence of any of the following: (1) if, despite Developer's good faith efforts, Developer is unable to secure the Development Approvals

and/or the necessary permits (including all Final Permits) and/or comply with requirements under applicable laws as necessary to effectuate the Development, or (2) any governmental agency has concluded a taking or regulatory taking of any material portion of the Site and/or the Development, or (3) the Lease is terminated, or (4) Developer is unable to profitably operate the Development or (5) if the advertising value of the New Digital Billboard is materially diminished for any reason, including, without limitation, a diversion or reduction of vehicular traffic or (6) the view of the New Digital Billboard becomes entirely or partially obstructed or impaired or (7) any other circumstance or event pursuant to which termination is permitted by Developer under this Agreement, or (8) if this Agreement and the development of the Project is not approved by the Board of Directors of Owner prior to execution of this Agreement within ninety (90) days of the City Council's approval of the Agreement (which time-period may be extended by mutual agreement of the parties). In the event of a termination by Developer under this Section 6.1.3, Developer acknowledges and agrees that the City may retain any portion of the Public Benefit Contribution paid up to the date of termination. If this Agreement is terminated pursuant to subsections (1) or (8) of this Section 6.1.3, then this Agreement shall terminate immediately and Developer shall not be required to make any payment set forth herein and this Agreement shall be of no further force and effect.

6.1.4. ***Rights and Duties Following Termination.*** Upon the termination of this Agreement, no party shall have any further right or obligation hereunder.

7. INSURANCE, INDEMNIFICATION AND WAIVERS.

7.1. Insurance.

7.1.1. *Types of Insurance.*

(a) *Liability Insurance*. On or prior to the Effective Date and until completion of the Term, Developer shall, at its sole cost and expense, keep or cause to be kept in force for Developer general liability insurance against claims and liabilities for bodily injury, death or property arising out of or in connection with Developer's activities on the Site under this Agreement and for claims and liabilities covered by the indemnification provisions of Section 7.2. Such insurance shall name the City as an additional insured and shall have the following limits: (i) at least Two Million Dollars ($2,000,000) for bodily injury or death to any one person, (ii) at least Four Million Dollars ($4,000,000) for any one accident or occurrence, and (iii) at least One Million Dollars ($1,000,000) for property damage. Within seven (7) days after written request from the City, Developer shall also furnish or cause to be furnished to the City evidence that any contractors with whom Developer has contracted for the performance of any work under this Agreement for which Developer is responsible maintains the same coverage required of Developer.

(b) *Worker's Compensation*. Within seven (7) days after written request from the City, Developer shall also furnish or cause to be furnished to the City evidence that any contractor with whom Developer has contracted for the performance of any work under this Agreement for which Developer is responsible hereunder carries worker's compensation insurance as required by law.

(c) *Insurance Policy Form, Sufficiency, Content and Insurer.* All insurance required by express provisions hereof shall be carried only by responsible insurance companies qualified to do business by California with an AM Best Rating of no less than "A". All such policies shall be non-assignable and shall contain language, to the extent obtainable, to the effect that (i) the insurer waives the right of subrogation against the City and against the City's agents and representatives except as provided in this Section; (ii) the policies are primary and noncontributing with any insurance that may be carried by the City, but only with respect to the liabilities assumed by Developer under this Agreement; and (iii) the policies cannot be canceled or materially changed except after written notice by the insurer to the City or the City's designated representative as expeditiously as the insurance company agrees to provide such notice. Developer shall furnish the City with certificates evidencing the insurance required to be procured by the terms of this Agreement on or prior to the Effective Date.

7.1.2. ***Failure to Maintain Insurance.*** If Developer fails or refuses to procure or maintain insurance as required hereby or fails or refuses to furnish the City with required proof that the insurance has been procured and is in force and paid for, the City, after complying with the requirements of Section 5.3, may view such failure or refusal to be a default hereunder.

7.2. **Indemnification.**

7.2.1. ***General.*** To the extent of its liability coverage required under Section 7.1.1(a) above, Developer shall indemnify the City and its officers, employees, attorneys, consultants and agents (collectively, "***City-Related Parties***") against, and will hold and save each of the City-Related Parties harmless from, any and all actions, suits, claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions, or liabilities (herein "***claims or liabilities***") that may be claimed or asserted against any City-Related Parties by any person, firm, or entity to the extent arising out of or materially connected with (i) the negligent work, operations, or activities of Developer, its agents, employees, subcontractors, or invitees, hereunder, upon the Site or (ii) the City's approval of this Agreement or any Development Approvals or Subsequent Development Approvals pursuant hereto or (iii) the performance of any obligations of the City hereunder.

(a) Developer will defend any action or actions filed in connection with any such claims or liabilities covered by the indemnification provisions herein and will pay all costs and expenses, including reasonable legal costs and attorneys' fees incurred in connection therewith, which attorneys will be the attorneys hired by the insurance company where insurance coverage applies, or by Developer.

(b) Developer will promptly pay any judgment rendered against any City-Related Party for any such claims or liabilities subject to Developer's indemnification obligations as set forth in Section 7.2.1 above.

7.2.2. ***Exceptions.*** The foregoing indemnity shall not include claims or liabilities arising from the negligence or willful misconduct of the City, or its officers, agents or employees who are directly responsible to the City.

7.2.3. ***Additional Coverage.*** Without limiting the generality of the foregoing, Developer's indemnity obligation shall include any liability arising by reason of:

(a) Any accident or other occurrence in or on the Site causing injury to any person or property whatsoever to the extent caused by Developer;

(b) Any failure of Developer to comply with performance of all of the provisions of this Agreement;

(c) Any harm, delays, injuries or other damages incurred by any party as a result of any subsurface conditions on the Site caused solely by Developer, including but not limited to, the presence of buried debris, hazardous materials, hydrocarbons, or any form of soil contamination.

7.2.4. ***Loss and Damage.*** Except as set forth below, the City shall not be liable for any damage to property of Developer, nor for the loss of or damage to any property of Developer by theft or otherwise. The foregoing sentence shall not apply (i) to the extent the City or its agents, employees, subcontractors, invitees or representatives causes such injury or damage when accessing the Site, or (ii) under the circumstances set forth in Section 7.2.2 above.

7.2.5. ***Period of Indemnification.*** The obligations for indemnity under this Section 7.2 shall begin upon the Effective Date and shall survive expiration of the Term of this Agreement (unless earlier terminated prior to commencement of construction of the New Digital Billboard) for the period of two (2) years. Developer's indemnification obligations as set forth in Section 7.2.1 shall terminate concurrently with termination of this Agreement for any reason pursuant to Section 6.1 above prior to commencement of construction.

7.3. **Waiver of Subrogation.** Developer and the City mutually agree that neither shall make any claim against, nor seek to recover from the other party(ies) or its agents, servants, or employees, for any loss or damage to Developer or the City or to any person or property relating to this Agreement, except as specifically provided hereunder, which include but is not limited to a claim or liability to the extent arising from the negligence or willful misconduct of the City or Developer, as the case may be, or their respective officers, agents, or employees who are directly responsible to the City and Developer, as the case may be.

8. **MORTGAGEE PROTECTION.** The parties hereto agree that this Agreement shall not prevent or limit Developer, in any manner, at Developer's sole discretion, from encumbering Developer's interest in the Site or any portion thereof or the Development or any improvement on the Site thereon by any mortgage, deed of trust or other security device securing financing with respect to the Site. The City acknowledges that the lenders providing such financing may require certain Agreement interpretations and modifications and the City agrees upon request, from time to time, to meet with Developer or Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. Subject to compliance with applicable laws, the City will not unreasonably withhold its consent to any such requested

interpretation or modification, provided the City determines such interpretation or modification is consistent with the intent and purposes of this Agreement. Upon reasonable approval by the City Attorney, the City authorizes the City Manager to execute any Notices of Consent to Assignment on behalf of the City or similar financial documentation. Any Mortgagee of the Site shall be entitled to the following rights and privileges.

8.1. Neither entering into this Agreement nor a breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any mortgage on the Development of the Site or any mortgage of the Site made in good faith and for value, unless otherwise required by law.

8.2. The Mortgagee of any mortgage or deed of trust encumbering the Development of the Site or any mortgage or deed of trust encumbering the Site, or any part thereof, which Mortgagee has submitted a request in writing to the City in the manner specified herein for giving notices, shall be entitled to receive written notification from the City of any default by Developer in the performance of Developer's obligations under this Agreement.

8.3. If the City timely receives a request from a Mortgagee requesting a copy of any Notice of Non-Compliance given to Developer under the terms of this Agreement, the City shall make a good faith effort to provide a copy of that Notice of Non-Compliance to the Mortgagee within ten (10) days of sending the Notice of Non-Compliance to Developer. The Mortgagee shall have the right, but not the obligation, to cure the non-compliance during the period that is the longer of (i) the remaining cure period allowed such party under this Agreement, or (ii) sixty (60) days.

8.4. Any Mortgagee who comes into possession of the Development or the Site, or any part thereof, pursuant to foreclosure of the mortgage or deed of trust, or deed in lieu of such foreclosure, shall take the Development or the Site, or part thereof, subject to the terms of this Agreement. Notwithstanding any other provision of this Agreement to the contrary, no Mortgagee shall have an obligation or duty under this Agreement to perform any of Developer's obligations or other affirmative covenants of Developer hereunder, or to guarantee such performance; except that (i) to the extent that any covenant to be performed by Developer is a condition precedent to the performance of a covenant by the City, the performance thereof shall continue to be a condition precedent to the City's performance hereunder, and (ii) in the event any Mortgagee seeks to develop or use any portion of the Development or the Site acquired by such Mortgagee by foreclosure, deed of trust, or deed in lieu of foreclosure, such Mortgagee shall strictly comply with all of the terms, conditions and requirements of this Agreement and the Development Approvals applicable to the Development or the Site or such part thereof so acquired by the Mortgagee.

9. MISCELLANEOUS PROVISIONS.

9.1. **Recordation of Agreement.** This Agreement shall be recorded in the Official Records of the Los Angeles County Recorder within ten (10) days of execution,

as required by Government Code Section 65868.5. Amendments approved by the parties, and any cancellation, shall be similarly recorded.

9.2. **Entire Agreement.** This Agreement sets forth and contains the entire understanding and agreement of the parties with respect to the subject matter set forth herein, and there are no oral or written representations, understandings or ancillary covenants, undertakings or agreements which are not contained or expressly referred to herein. No testimony or evidence of any such representations, understandings or covenants shall be admissible in any proceeding of any kind or nature to interpret or determine the terms or conditions of this Agreement.

9.3. **Severability.** If any term, provision, covenant or condition of this Agreement shall be determined invalid, void or unenforceable, then that term, provision, covenant or condition of this Agreement shall be stricken and the remaining portion of this Agreement shall remain valid and enforceable if that stricken term, provision, covenant or condition is not material to the main purpose of this Agreement, which is to allow the Development to be permitted and operated and to provide the Public Benefit Contribution Fee to the City; otherwise, this Agreement shall terminate in its entirety, unless the parties otherwise agree in writing, which agreement shall not be unreasonably withheld.

9.4. **Interpretation and Governing Law.** This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the laws of the State of California. This Agreement shall be construed as a whole according to its fair language and common meaning, to achieve the objectives and purposes of the parties hereto. The rule of construction, to the effect that ambiguities are to be resolved against the drafting party or in favor of the non-drafting party, shall not be employed in interpreting this Agreement, all parties having been represented by counsel in the negotiation and preparation hereof.

9.5. **Section Headings.** All section headings and subheadings are inserted for convenience only and shall not affect any construction or interpretation of this Agreement.

9.6. **Singular and Plural.** As used herein, the singular of any word includes the plural.

9.7. **Time of Essence.** Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

9.8. **Waiver.** Failure of a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

9.9. **No Third-Party Beneficiaries.** This Agreement is made and entered into for the sole protection and benefit for the parties and Owner and their respective

successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

9.10. **Force Majeure.** Notwithstanding any provision to the contrary herein, neither party shall be deemed to be in default where failure or delay in performance of any of its obligations under this Agreement is caused by earthquakes, other acts of God, pandemic, epidemic, fires, rains, winds, wars, terrorism, riots or similar hostilities, strikes and other labor difficulties beyond the party's control (including the party's employment force), government actions and regulations (other than those of the City), court actions (such as restraining orders or injunctions), any delay or breach in performance of Owner's obligations under the Owner Agreement or any other causes beyond the party's reasonable control. If any such events shall occur during the term of this Agreement then the time for performance shall be extended for the duration of each such event, provided that the Term of this Agreement shall not be extended under any circumstances for more than five (5) years beyond the date it would have otherwise expired, and further provided that if such delay is longer than six (6) months, Developer may terminate this Agreement upon written notice to the City and the City shall return to Developer any portion of the Public Benefit Contribution Fee paid for any period after the effective date of such termination.

9.11. **Mutual Covenants.** The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

9.12. **Counterparts.** This Agreement may be executed by the parties in counterparts, which counterparts shall be construed together and have the same effect as if all of the parties had executed the same instrument.

9.13. **Litigation.** Any action at law or in equity arising under this Agreement or brought by any party hereto for the purpose of enforcing, construing or determining the validity of any provision of this Agreement shall be filed and tried in the Superior Court of the County of Los Angeles, State of California, or such other appropriate court in said county. Service of process on the City shall be made in accordance with California law. Service of process on Developer shall be made in any manner permitted by California law and shall be effective whether served inside or outside California. In the event of any action between the City and Developer seeking enforcement of any of the terms and conditions to this Agreement, the prevailing party in such action shall be awarded, in addition to such relief to which such party is entitled under this Agreement, its reasonable litigation costs and expenses, including without limitation, its expert witness fees and reasonable attorneys' fees. In any award to the City of its costs and expenses under this Section, Developer hereby represents and warrants that All Vision shall be solely responsible for paying the entire award.

9.14. **Covenant Not to Sue.** The parties to this Agreement, and each of them, agree that this Agreement and each term hereof are legal, valid, binding, and enforceable. The parties to this Agreement, and each of them, hereby covenant and agree that each of them will not commence, maintain, or prosecute any claim, demand, cause of action, suit, or other proceeding against any other party to this Agreement, in law or in equity,

which is based on an allegation, or assert in any such action, that this Agreement or any term hereof is void, invalid, or unenforceable.

9.15. **Development as a Private Undertaking.** It is specifically understood and agreed by and between the parties hereto that the Development is a private development, that as between City and Developer, neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between the City and Developer is that of a government entity regulating the development of property, on the one hand, and the holder of a legal or equitable interest in such property on the other hand. The City agrees that by its approval of, and entering into, this Agreement, that it is not taking any action which would transform this private development into a "public works" development, and that nothing herein shall be interpreted to convey upon Developer any benefit which would transform Developer's private development into a public works project, it being understood that this Agreement is entered into by the City and Developer upon the exchange of consideration described in this Agreement, including the Recitals to this Agreement which are incorporated into this Agreement and made a part hereof, and that the City is receiving by and through this Agreement the full measure of benefit in exchange for the burdens placed on Developer by this Agreement.

9.16. **Further Actions and Instruments.** Each of the parties shall cooperate with and provide reasonable assistance to the other to the extent contemplated hereunder in the performance of all obligations under this Agreement and the satisfaction of the conditions of this Agreement. Upon the request of a party at any time, the other party(ies) shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary under the terms of this Agreement to carry out the intent and to fulfill the provisions of this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

9.17. **Eminent Domain.** No provision of this Agreement shall be construed to limit or restrict the exercise by the City of its power of eminent domain or Developer's right to seek and collect just compensation or any other remedy available to it.

9.18. **Amendments in Writing/Cooperation.** This Agreement may be amended only by written consent of all parties specifically approving the amendment (which approval shall not be unreasonably withheld, conditioned or delayed) and in accordance with the Government Code provisions for the amendment of development agreements. The parties shall cooperate in good faith with respect to any amendment proposed in order to clarify the intent and application of this Agreement and shall treat any such proposal on its own merits, and not as a basis for the introduction of unrelated matters. Minor, non-material modifications may be approved on behalf of the City by the City Manager upon reasonable approval by the City Attorney.

9.19. **Assignment.** Except with respect to Permitted Assignments (as defined below), Developer shall not transfer or assign its rights and obligations under this Agreement (collectively, an "**Assignment**") to any person or entity without the prior approval of the City, which approval shall not be unreasonably withheld, conditioned or delayed. Notwithstanding the foregoing, the Permitted Assignments shall not be deemed an "Assignment" for the purposes of this Agreement and shall not require the prior approval of the City; provided that, (a) Developer shall notify the City in writing of such proposed Permitted Assignment at least thirty (30) days prior to the effective date of any proposed assignment or transfer, (b) Developer and such assignee shall enter into a written assignment and assumption agreement, executed in recordable form, pursuant to which such assignee shall agree to assume all duties and obligations of Developer under this Agreement remaining to be performed from and after the date of such assignment. For purposes of this Agreement, "**Permitted Assignment**" shall mean (i) a transfer or assignment to any person or entity in connection with a transfer or assignment of all of Developer's interest in the Lease or the Owner Agreement, (ii) a transfer or assignment to a corporation, limited liability company or partnership in which Developer, individually or collectively, hold a voting and financial interest in excess of fifty percent (50%), (iii) a transfer or assignment to a member of Developer, (iv) a transfer or assignment to a trust or other estate planning entity formed for the benefit of Developer's immediate family members (spouse and children), and (v) a transfer or assignment of this Agreement by Developer to Owner.

9.20. **Corporate Authority.** The person(s) executing this Agreement on behalf of each of the parties hereto represent and warrant that (i) such party, if not an individual, is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other agreement to which such party is bound.

9.21. **Notices.** All notices under this Agreement shall be effective when delivered by United States Postal Service mail, registered or certified, postage prepaid return receipt requested or nationally recognized overnight courier, and addressed to the respective parties as set forth below, or to such other address as either party may from time to time designate in writing by providing notice to the other party:

If to the City:
City of El Monte
11333 Valley Blvd.
El Monte, CA 91731
Attn: City Manager

If to Developer:
The Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Mail Stop: 99-22-9
Los Angeles, CA 90012
Attn: Executive Officer, Real Estate

All Vision LLC
c/o All Vision LLC
125 Park Avenue, 25th Floor
New York, NY 10017
Attn: Greg Smith, CEO

With a copy to: All Vision LLC
c/o All Vision LLC
125 Park Avenue, 25th Floor
New York, NY 10017
Attn: General Counsel

9.22. **Nonliability of City Officials.** No officer, official, member, employee, agent, or representatives of the City shall be liable for any amounts due hereunder, and no judgment or execution thereon entered in any action hereon shall be personally enforced against any such officer, official, member, employee, agent, or representative.

9.23. **No Brokers.** The City and Developer each represent and warrant to the other that it has not employed any broker and/or finder to represent its interest in this transaction. Each party agrees to indemnify and hold the other free and harmless from and against any and all liability, loss, cost, or expense (including court costs and reasonable attorneys' fees) in any manner connected with a claim asserted by any individual or entity for any commission or finder's fee in connection with this Agreement or arising out of agreements by the indemnifying party to pay any commission or finder's fee.

9.24. **No Amendment of Owner Agreement or Lease.** Nothing contained in this Agreement shall be deemed to amend or modify any of the terms or provisions of the Lease or Owner Agreement. Nothing contained in this Agreement shall constitute or be deemed to constitute a limit on any of Developer's obligations under the Owner Agreement or the Lease, or any of Owner's rights or remedies against Developer under the Owner Agreement or the Lease.

9.25. **Right of Owner to Assume Agreement.** This Agreement is entered into by Developer on Owner's behalf as Owner's agent pursuant to the Owner Agreement. Owner has the right at any time to assume all of the rights and obligations of Developer under this Agreement upon written notice to the City. This Agreement shall remain in full force and effect, notwithstanding Owner's assumption rights.

(SIGNATURES ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first set forth above.

CITY:

CITY OF EL MONTE
a California municipal corporation

By: _____
Jessica Ancona
Mayor

DEVELOPER:

THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY, a public entity

APPROVED AS TO FORM
DAWYN R. HARRISON
County Counsel

By: _____
Its: _____

By: _____
Deputy County Counsel

ALL VISION LLC
a Delaware limited liability company

By: _____
Its: _____

CALIFORNIA ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

On January 26, 2023 (*Date*) before me, Karina Casas, Notary Public (*Here Insert Name and Title of the Officer*),

personally appeared Jessica Noemi Ancona (*Name of Signer*),

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

KARINA CASAS
Comm. #2320752
Notary Public · California
Los Angeles County
Comm. Expires Feb 8, 2024

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (*Signature of Notary Public*)

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Development Agreement between the City of El Monte and All Vision LLC

Document Date: January 26, 2023 Number of Pages: 35

Signer(s) Other Than Named Above: No other signers

Capacity(ies) Claimed by Signer(s)

Signer's Name: Jessica Noemi Ancona
■ Corporate Officer – Title(s): _____
■ Partner – ■ Limited ■ General
■ Individual ■ Attorney in Fact
■ Trustee ■ Guardian or Conservator
■ Other: _____
Signer is Representing: City of El Monte
Mayor

Signer's Name: _____
■ Corporate Officer – Title(s): _____
■ Partner – ■ Limited ■ General
■ Individual ■ Attorney in Fact
■ Trustee ■ Guardian or Conservator
■ Other: _____
Signer is Representing: _____

©2019 National Notary Association

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, _____, before me, _____
(here insert name and title of the officer)

personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Seal)
Signature

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, _____, before me, _____
(here insert name and title of the officer)

personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Seal)
Signature

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF _____

On _____, _____, before me, _____
(here insert name and title of the officer)

personally appeared _____

_____

_____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Seal)
Signature

EXHIBIT "A"

LEGAL DESCRIPTION OF SITE

All that certain real property located in the City of El Monte, County of Los Angeles, State of California more particularly described as follows:

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF EL MONTE IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF SECTION 21, TOWNSHIP 1 SOUTH, RANGE 11 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF SAID WESTERLY LINE OF SAID TRACT 883, WITH THE SOUTHERLY LINE OF THE NORTHERLY 25.00 FEET OF THE SOUTHERLY 151.80 FEET OF LOT 2 OF SAID TRACT;
THENCE WESTERLY SOUTH 89°00'09" WEST, 67.62 FEET;
THENCE AT RIGHT ANGLES TO SAID COURSE SOUTH 00°59'51" EAST, 5.12 FEET;
THENCE AT RIGHT ANGLES TO LAST SAID COURSE SOUTH 89°00'09" WEST, 696.16 FEET TO THE WESTERLY LINE OF SAID SECTION 21;
THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DECREE UNDER THE LAND TITLE ACT, DESCRIBED AS NUMBER 3452, IN THE DECREE ENTERED DECEMBER 20, 1917;
THENCE EASTERLY ALONG SAID NORTHERLY LINE OF SAID DECREE TO THE SOUTHWESTERLY CORNER OF SAID TRACT 883;
THENCE IN A GENERAL NORTHERLY DIRECTION ALONG SAID WESTERLY LINE OF SAID TRACT TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND LYING WITHIN THE FOLLOWING DESCRIBED LINES:

BEGINNING AT THE INTERSECTION OF SAID NORTHERLY LINE OF THE LAND DESCRIBED IN SAID DECREE WITH THE WESTERLY LINE OF SAID SECTION 21;
THENCE ALONG SAID NORTHERLY LINE SOUTH 81°09'47" EAST, 695.18 FEET TO THE SOUTH WESTERLY CORNER OF SAID TRACT 883;
THENCE NORTH 71°26'35" WEST, 246.23 FEET;
THENCE NORTH 64°46'59" WEST, 290.73 FEET;
THENCE NORTH 62°00'01" WEST, 216.67 FEET TO A POINT IN SAID WESTERLY LINE, DISTANT THEREON NORTH 0°14'39" WEST, 197.14 FEET FROM SAID POINT OF BEGINNING;
THENCE ALONG SAID WESTERLY LINE SOUTH 0°14'39" EAST, 197.14 FEET TO SAID POINT OF BEGINNING.

APN: **8578-020-908**

EXHIBIT "B"

SCOPE OF DEVELOPMENT

Developer and the City agree that the Development shall be undertaken in accordance with the terms of the Agreement, which include the following:

1. The Development. Developer shall install the New Digital Billboard on the Site in accordance with the terms of this Agreement. The New Digital Billboard consists of one (1) 65-foot tall, "bulletin" size V-Shaped freeway-oriented billboard with a total of two (2) digital displays (each display measuring 14' x 48' within the billboard frame) adjacent to the Interstate 10 Freeway. Before the issuance of final inspection of the Final Permits, Developer shall underground all utilities necessary for the New Digital Billboard and the Site shall be maintained in accordance with the conditions at Section 3 below.

2. Building Fees. Developer shall pay all applicable City building fees at the time that the building permit is issued for the installation of the New Digital Billboard.

3. Maintenance and Access. Developer, for itself and its successors and assigns, hereby covenants and agrees to be responsible for the following:

(a) Maintenance and repair of the New Digital Billboard (where authorized pursuant to the Agreement, and including but not limited to, the displays installed thereon, and all related on-site improvements and, if applicable, easements and rights-of-way, at its sole cost and expense), including, without limitation, landscaping, poles, lighting, signs and walls (as they relate to the Development) to be kept in good repair, free of graffiti, rubbish, debris and other hazards to persons using the same, and in accordance with all applicable laws, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction over the Site. Such maintenance and repair shall include, but not be limited to, the following: (i) the care and replacement of all shrubbery, plantings, and other landscaping or the painted backing in a healthy condition if damaged by the Developer; and (ii) the repair, replacement and repainting of the New Digital Billboard's structures and displays as necessary to maintain such billboards in good condition and repair.

(b) Maintenance of the New Digital Billboard in such a manner as to avoid the reasonable determination of a duly authorized official of the City that a public nuisance has been created by the absence of adequate maintenance of the Development such as to be detrimental to the public health, safety or general welfare, or that such a condition of deterioration or disrepair causes appreciable harm or is materially detrimental to property or improvements within three hundred (300) feet of the Site.

(c) If more than ten percent (10%) of the display is not operational, the entire display shall be turned off and remain black until the display is repaired.

4. Other Rights of the City. In the event of any violation or threatened violation of any of the provisions of this Exhibit "B", then in addition to, but not in lieu of, any of the rights or remedies the City may have to enforce the provisions of the Agreement, the City

shall have the right, after complying with Section 5.2 and Section 5.3 of the Agreement, to enforce the provisions hereof by undertaking any maintenance or repairs required by Developer under Section 3 above (subject to the execution of a permit to enter in form reasonably acceptable to Owner) and charging Developer for any actual out-of-pocket maintenance costs incurred in performing same.

5. No City Liability. The granting of a right of enforcement to the City does not create a mandatory duty on the part of the City to enforce any provision of the Agreement. The failure of the City to enforce the Agreement shall not give rise to a cause of action on the part of any person. No officer or employee of the City shall be personally liable to Developer, its successors, transferees or assigns, for any default or breach by the City under the Agreement.

6. Conditions of Approval. The following additional conditions shall apply to the installation of the New Digital Billboard and, where stated, landscaping adjacent to New Digital Billboard, which billboard and landscaping or painted backing adjacent to the billboard, respectively, shall conform to all applicable provisions of the Development Approvals and the following conditions, in a manner subject to the approval of the Director of Planning or his or her designee:

(a) A building permit will be required, and structural calculations shall be prepared by a licensed civil engineer and approved by the City.

(b) The Billboard shall be located in the portion of the Site shown on Exhibit "C" and shall be of the dimensions described in Section 1, above.

(c) Except to the extent a variance is granted by the City, the size of each sign display of the New Digital Billboard shall not exceed the dimensions set forth in the Ordinance, and shall not exceed the maximum height set forth in the Ordinance, including all extensions, and shall be spaced at intervals from any other billboard on the same side of the freeway and measured parallel to the freeway as set forth in the Ordinance and depicted in the Site Plan attached hereto as Exhibit "C" approved by the City as part of the Development Approvals.

(d) Plans and specifications for the proposed installation of the New Digital Billboard shall be submitted to the City Planning and Building Departments for plan check and approval prior to the issuance of building permits. Plans and specifications for the proposed installation of the undergrounding of all utilities, shall be submitted to the City Planning and Building Departments for plan check and approval prior to the issuance of electrical permits.

(e) Prior to the approval of the final inspection, all applicable conditions of approval and all mandatory improvements shall be completed to the reasonable satisfaction of the City.

(f) Developer shall maintain the New Digital Billboard and use thereof in full compliance with all applicable codes, standards, policies and regulations imposed by the City, county, state or federal agencies with jurisdiction over the facilities.

(g) Developer shall, at all times, comply with the terms of the approval for the New Digital Billboard from the California Department of Transportation Outdoor Advertising Division, including obtaining a State ODA Permit and shall maintain acceptable clearance between proposed billboards and Southern California Edison distribution lines.

(h) Developer shall pay any and all applicable fees due to any public agency prior to the final issuance of the applicable building or electrical permits.

(i) The activities proposed in the Agreement shall be conducted completely upon the Site and shall not use or encroach on any public right-of-way.

(j) Developer shall ensure that all access to the New Digital Billboard is kept restricted to the general public to the extent permitted under local laws and by the Development Approvals.

(k) If any portion of the landscaping or painted backing installed adjacent to the New Digital Billboard is damaged by the Development or becomes damaged, unhealthy or otherwise in need of replacement, as determined by the City's Director of Planning or his or her designee, Developer shall ensure that the replacement is accomplished within fourteen (14) days of notification by the City, unless such time is extended by the City's Director of Planning or his or her designee if Developer shows special circumstances requiring more time to accomplish such replacement. Developer or Owner may trim such landscaping so as not to block the billboards or with the reasonable consent of the Director of Planning, the Developer at the Developer's own cost, may remove and relocate any landscaping.

(l) Developer shall comply with all necessary federal National Pollutant Discharge Elimination System (NPDES) requirements pertaining to the proposed use, to the extent applicable.

(m) All graffiti shall be adequately and completely removed or painted over within twenty-four (24) hours following notice to Developer of such graffiti being affixed on the Development.

(n) Prior to final sign-off of the building permit for the New Digital Billboard, the applicable landscaping or painted backing shall be installed at the Site.

(o) Developer shall comply with State law regarding the limitation of light or glare or such other standards as adopted by the Outdoor Advertising Association of America, Inc. (OAAA), including but not limited to, the 0.3 foot-candles limitation over ambient light levels at a distance of 250 feet, and ensuring additional flexibility in reducing such maximum light level standard given the lighting environment and the obligation to have automatic diming capabilities. Upon any reasonable complaint by City Manager or his or her designee, Developer shall perform a brightness measurement and display using OAAA standards and provide City with the results of same within five (5) days of City's complaint.

EXHIBIT "C"

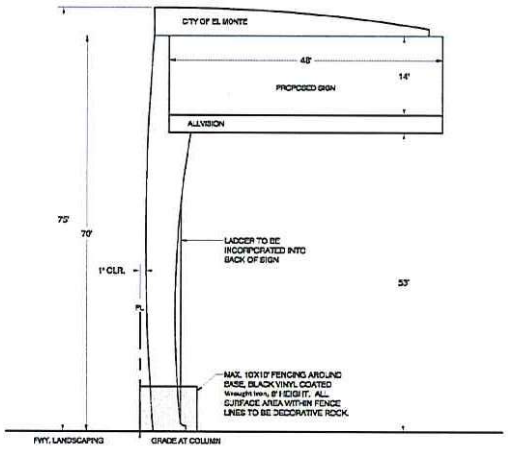
SITE PLAN AND ELEVATIONS

[See Attached]

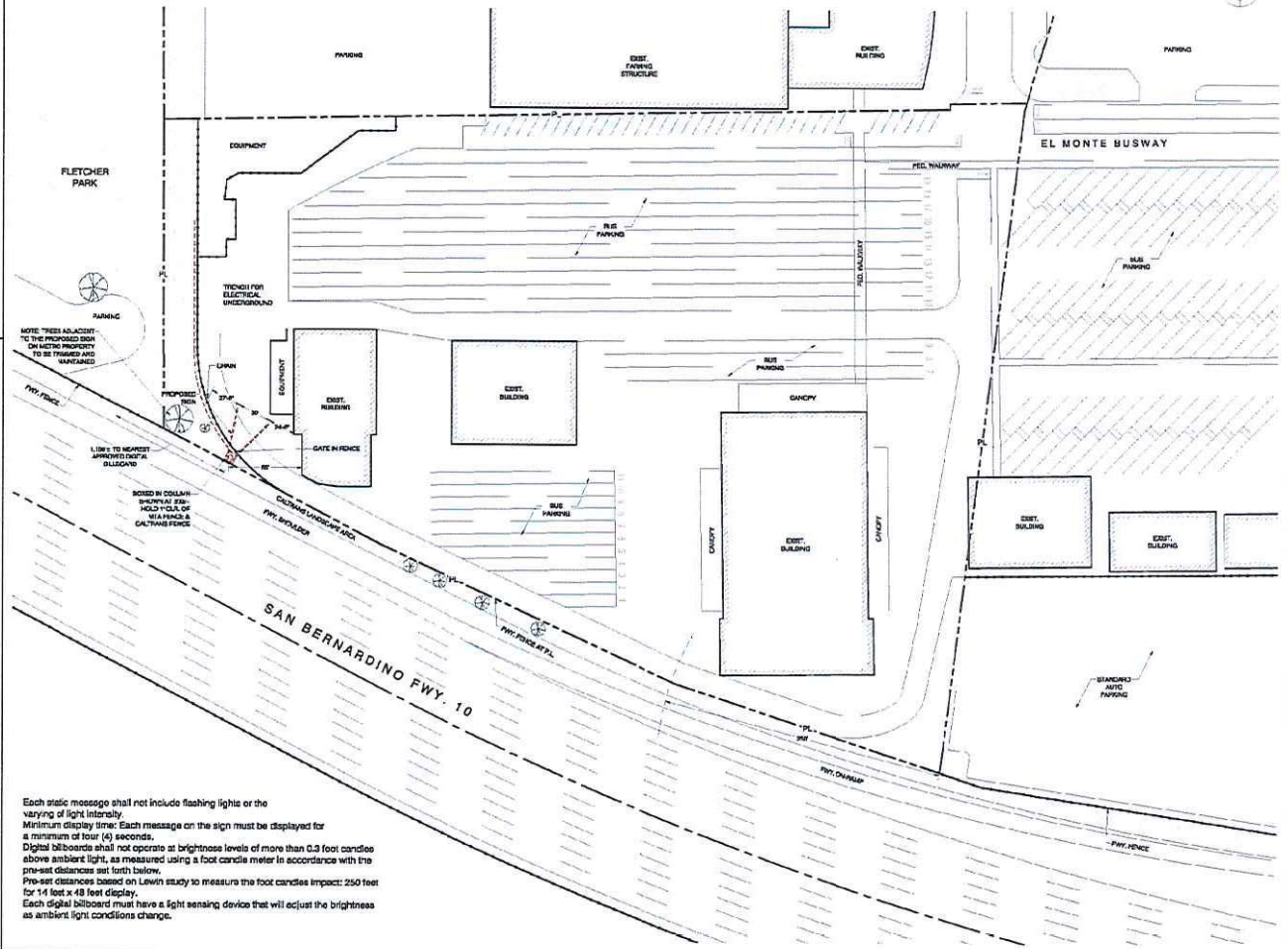
Vicinity Map:
Not to Scale



Elevation Looking Northwest:
1" = 10'



Overall Site Plan:
1" = 50'



Each static message shall not include flashing lights or the varying of light intensity.
Minimum display time: Each message on the sign must be displayed for a minimum of four (4) seconds.
Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter in accordance with the pre-set distances set forth below.
Pre-set distances based on Lewin study to measure the foot candles impact: 250 feet for 14 feet x 48 feet display.
Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.

PROJECT	ELECTRICAL	COPYRIGHT	ENGINEER / CONTRACTOR	APPLICANT	DATE			
LACMTA site (address not available) APN: 8578-020-908	T.B.D.	Design concept & drawing ©2022 by All Vision LLC Unauthorized use or reproduction prohibited.	T.B.D.		Revisions:	1.5.22 1.10.22 5.17.22 7.11.22 8.23.22 8.26.22	Drawn by: Approved by: Scale: Sheet No.	PH AG As Noted 1 OF 1 SITE PLAN

ATTACHMENT B

Initial Study and Mitigated Negative Declaration for the Freeway Billboard Overlay Zone Municipal Code Amendment

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FREEWAY BILLBOARD OVERLAY ZONE MUNICIPAL CODE AMENDMENT

(AN AMENDMENT TO PORTIONS OF TITLE 17 [ZONING] OF THE EL MONTE MUNICIPAL CODE TO ALLOW FOR THE EXPANSION OF THE FREEWAY BILLBOARD OVERLAY ZONE)

LEAD AGENCY:

CITY OF EL MONTE
11333 VALLEY BOULEVARD
EL MONTE, CALIFORNIA 91731

REPORT PREPARED BY:

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 S. HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CALIFORNIA 91745

OCTOBER 9, 2019

ELMT 032

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Freeway Billboard Overlay Zone Municipal Code Amendment.

PROJECT LOCATION: The proposed expansion of the Freeway Billboard Overlay Zone involves the addition of three new areas (referred to as Areas 8 through 10) to the Freeway Billboard Overlay Zone, which currently includes seven locations located along portions of the I-10 Freeway Corridor within the City of El Monte.

CITY AND COUNTY: El Monte, Los Angeles County.

PROJECT: The proposed project is an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone. The proposed expansion of the Freeway Billboard Overlay Zone involves the addition of three new areas (referred to as Areas 8 through 10) to the Freeway Billboard Overlay Zone, which currently includes seven locations located along portions of the I-10 Freeway Corridor within the City of El Monte. The Municipal Code will also be amended to allow the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (the installation of billboards is currently not permitted within 250 feet of residential zones). The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

FINDINGS: The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant adverse unmitigable impacts. For this reason, the City of El Monte determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The environmental analysis is provided in the attached Initial Study prepared for the proposed project. The project is also described in greater detail in the attached Initial Study.

_____ _____

Signature Date
City of El Monte Community and Economic Development Department

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SECTION 1 INTRODUCTION

1.1 PURPOSE OF THIS INITIAL STUDY

This Initial Study analyzes the environmental impacts associated with the adoption and subsequent implementation of the proposed amendment to the Municipal Code and zone change. The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone. The proposed expansion of the Freeway Billboard Overlay Zone involves the addition of three new areas (referred to as Areas 8 through 10) to the Freeway Billboard Overlay Zone, which currently includes seven locations located along portions of the I-10 Freeway Corridor within the City of El Monte. The Municipal Code will also be amended to allow the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (the installation of billboards is currently not permitted within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial.* This zone change and general plan amendment will permit the installation of billboards within this portion of Area 8 since billboards are only permitted within industrial or commercial zones.[1]

The City of El Monte is the designated *Lead Agency* and is also the project proponent. The City will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.[2] As part of the proposed project's environmental review, the City of El Monte has authorized the preparation of this Initial Study.[3] The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of El Monte with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

[1] California Department of Transportation. *Outdoor Advertising Permit Requirements.*

[2] California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

[3] Ibid. (CEQA Guidelines) §15050.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of El Monte, in its capacity as the Lead Agency. The City determined, as part of this Initial Study's preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.[4] One key Responsible Agency for this project is the California Department of Transportation (Caltrans). This Initial Study and the *Notice of Intent to Adopt a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. A 30-day public review period will be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.[5] Questions and/or comments should be submitted to the following contact person:

Betty Donavanik, Director of Community and Economic Development
City of El Monte Department of Community and Economic Development
11333 Valley Boulevard
El Monte, California 91731
(626) 580-2056
bdonavanik@elmonteca.gov

1.2 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction,* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 Project Description,* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 Environmental Analysis,* includes an analysis of potential impacts associated with the construction (billboard installation) and the subsequent operation of the proposed project.
- *Section 4 - Conclusions,* summarizes the findings of the analysis.
- *Section 5 - References,* identifies the sources used in the preparation of this Initial Study.

1.3 INITIAL STUDY CHECKLIST

The environmental analysis provided in Section 3 of this Initial Study indicates that the proposed project will not result in any potentially significant impacts on the environment. For this reason, the City of El Monte determined that a Mitigated Negative Declaration is the appropriate CEQA document for the proposed project. The findings of this Initial Study are summarized in Table 1-1, provided on the following pages.

[4] California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

[5] Ibid. *Chapter 2.6, Section 2109(b).* 2000.

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.1 AESTHETICS.				
A. Would the project have a substantial adverse effect on a scenic vista?			X	
B. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
C. In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point)? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
SECTION 3.2 AGRICULTURE & FORESTRY RESOURCES				
A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?				X
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				X
C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				X
E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?				X
SECTION 3.3 AIR QUALITY				
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?				X
B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			X	
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.4 BIOLOGICAL RESOURCES				
A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				**X**
B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				**X**
C. Would the project have a substantial adverse effect on state or **f**ederally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				**X**
D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				**X**
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			**X**	
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				**X**
SECTION 3.5 CULTURAL RESOURCES				
A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines?				**X**
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?			**X**	
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			**X**	
SECTION 3.6 ENERGY				
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?			**X**	
B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				**X**

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.7 GEOLOGY & SOILS				
A. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or, landslides?			X	
B. Would the project result in substantial soil erosion or the loss of topsoil?			X	
C Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2012), creating substantial direct or indirect risks to life or property?			X	
E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
SECTION 3.8 GREENHOUSE GAS EMISSIONS				
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases?				X
SECTION 3.9 HAZARDS & HAZARDOUS MATERIALS				
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			**X**	
E. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				**X**
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			**X**	
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				**X**
SECTION 3.10 HYDROLOGY & WATER QUALITY				
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?				**X**
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				**X**
C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows?				**X**
D. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?				**X**
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				**X**
SECTION 3.11 LAND USE & PLANNING				
A. Would the project physically divide an established community?				**X**
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			**X**	

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.12 MINERAL RESOURCES				
A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				**X**
B. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				**X**
SECTION 3.13 NOISE				
A. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			**X**	
B. Would the project result in generation of excessive groundborne vibration or groundborne noise levels?			**X**	
C. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				**X**
SECTION 3.14 POPULATION & HOUSING				
A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				**X**
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				**X**
SECTION 3.15 PUBLIC SERVICES				
A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *fire protection?*				**X**
B. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *police protection?*			**X**	

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
C. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *schools?*				**X**
D. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *parks?*				**X**
E. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *other public facilities?*				**X**
SECTION 3.16 RECREATION				
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				**X**
B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				**X**
SECTION 3.17 TRANSPORTATION				
A. Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				**X**
B. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)?				**X**
C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			**X**	
D. Would the project result in inadequate emergency access?			**X**	

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.18 TRIBAL CULTURAL RESOURCES				
A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?		**X**		
B. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe.			**X**	
SECTION 3.19 UTILITIES & SERVICE SYSTEMS				
A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				**X**
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				**X**
C. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				**X**
D. Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				**X**
E. Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				**X**
SECTION 3.20 WILDFIRE				
A. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				**X**

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
B. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				**X**
C. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				**X**
D. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				**X**
SECTION 3.21 MANDATORY FINDINGS OF SIGNIFICANCE				
A. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				**X**
B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				**X**
C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				**X**

SECTION 2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

This Initial Study analyzes the environmental impacts associated with the adoption and subsequent implementation of the proposed amendment to the Municipal Code and zone change. The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone. The proposed expansion of the Freeway Billboard Overlay Zone involves the addition of three new areas (referred to as Areas 8 through 10) to the Freeway Billboard Overlay Zone, which currently includes seven locations located along portions of the I-10 Freeway Corridor within the City of El Monte. The Municipal Code will also be amended to allow the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (the installation of billboards is currently not permitted within 250 feet of residential zones). The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial.* This zone change and general plan amendment will permit the installation of billboards within this portion of Area 8 since billboards are only permitted within industrial or commercial zones.[6]

2.2 PROJECT LOCATION AND SETTING

The current Freeway Billboard Overlay Zone currently applies to seven areas (referred to as Areas 1 through 7) located along the San Bernardino (I-10) Freeway within the corporate boundaries of the City of El Monte. The proposed expansion of the Freeway Billboard Overlay Zone involves the addition of three new areas (referred to as Areas 8 through 10) to the Freeway Billboard Overlay Zone. These three additional areas will also be located along portions of the Interstate 10 (I-10) Freeway Corridor and California State Route 19 (SR 19, or Rosemead Boulevard, originally SR 164) within the City of El Monte.

The City of El Monte is located in the San Gabriel Valley approximately 13 miles east of downtown Los Angeles. El Monte is bounded on the north by Arcadia and Temple City; on the west by Rosemead; on the east by Irwindale, Baldwin Park, City of Industry, and unincorporated areas; and on the south by South El Monte. Regional access to El Monte is possible from two area freeways: the San Bernardino Freeway (I-10), which traverses the center portion of the City in an east-west orientation; and, the San Gabriel River Freeway (I-605), which extends along the City's east side in a north-south orientation.[7] Exhibit 2-1 indicates the location of the City of El Monte in a regional context.

The current Freeway Billboard Overlay Zone is located along portions of the San Bernardino (I-10) Freeway. Several on-premise and off-premise billboards and signs are currently located within the Freeway Billboard Overlay Zone.[8] A location map of the City, in relationship to surrounding communities

[6] California Department of Transportation. *Outdoor Advertising Permit Requirements.*

[7] Google Earth. Website accessed August 1, 2019.

[8] Off-premise displays, or billboards, advertise off-site products and businesses. On-premise signs advertise on-site business.

and freeways and including the location of the Freeway Billboard Overlay Zone, is provided in Exhibit 2-2. A larger scale map of the Freeway Billboard Overlay Zone is provided in Exhibit 2-3. The portions that constitute the Freeway Billboard Overlay Zone are located within 660 feet of the I-10 Freeway right-of-way, which is the regulatory area that Caltrans has on off-premise displays (billboards). The proposed new areas of the Freeway Billboard Overlay Zone (Areas 8 through 10) are summarized below and are shown in Exhibits 2-4 through 2-6. The land use and environmental setting of the new proposed Freeway Billboard Overlay Zone areas are summarized below.

- *Area 8*. This area extends laterally for approximately 775 feet and is located directly south of the I-10 Freeway. This portion encompasses the area south of the I-10 Freeway and Asher Street, along the east and west sides of Meeker Avenue, west of Peck Road. This portion is zoned *R-3 (Medium-Density Multiple-Family Dwelling), C-3 (General Commercial),* and *C-4 (Heavy Commercial)*. Industrial uses and commercial uses are located within this area. There are no existing billboards located within this area. Area 8 is shown in Exhibit 2-4.
- *Area 9*. This new area is located approximately 0.28 miles south of the I-10 Freeway along the east and west sides of SR 19 (Rosemead Boulevard). This portion is zoned *O-P (Office Professional)*. Office uses are located within this portion. There is one static billboard located in the northern portion of this area. Area 9 is shown in Exhibit 2-5.
- *Area 10*. This area is triangular in shape and is located directly south of the I-10 Freeway and Stockham Place and extends laterally 950 feet west from Cogswell Road. This portion is zoned *M-1 (Light Manufacturing)*. Located within this area are industrial and residential uses. There are no existing billboards located in this area. Area 10 is shown in Exhibit 2-6.

2.3 PROJECT DESCRIPTION

This Initial Study analyzes the environmental impacts associated with the adoption and subsequent implementation of the proposed amendment to the Municipal Code and zone change. The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone. The proposed expansion of the Freeway Billboard Overlay Zone involves the addition of three new areas (referred to as Areas 8 through 10) to the Freeway Billboard Overlay Zone, which currently includes seven locations located along portions of the I-10 Freeway Corridor within the City of El Monte. The Municipal Code will also be amended to allow the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (the installation of billboards is currently not permitted within 250 feet of residential zones). The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial.* This zone change and general plan amendment will permit the installation of billboards within this portion of Area 8 since billboards are only permitted within industrial or commercial zones.[9]

[9] California Department of Transportation. *Outdoor Advertising Permit Requirements.*

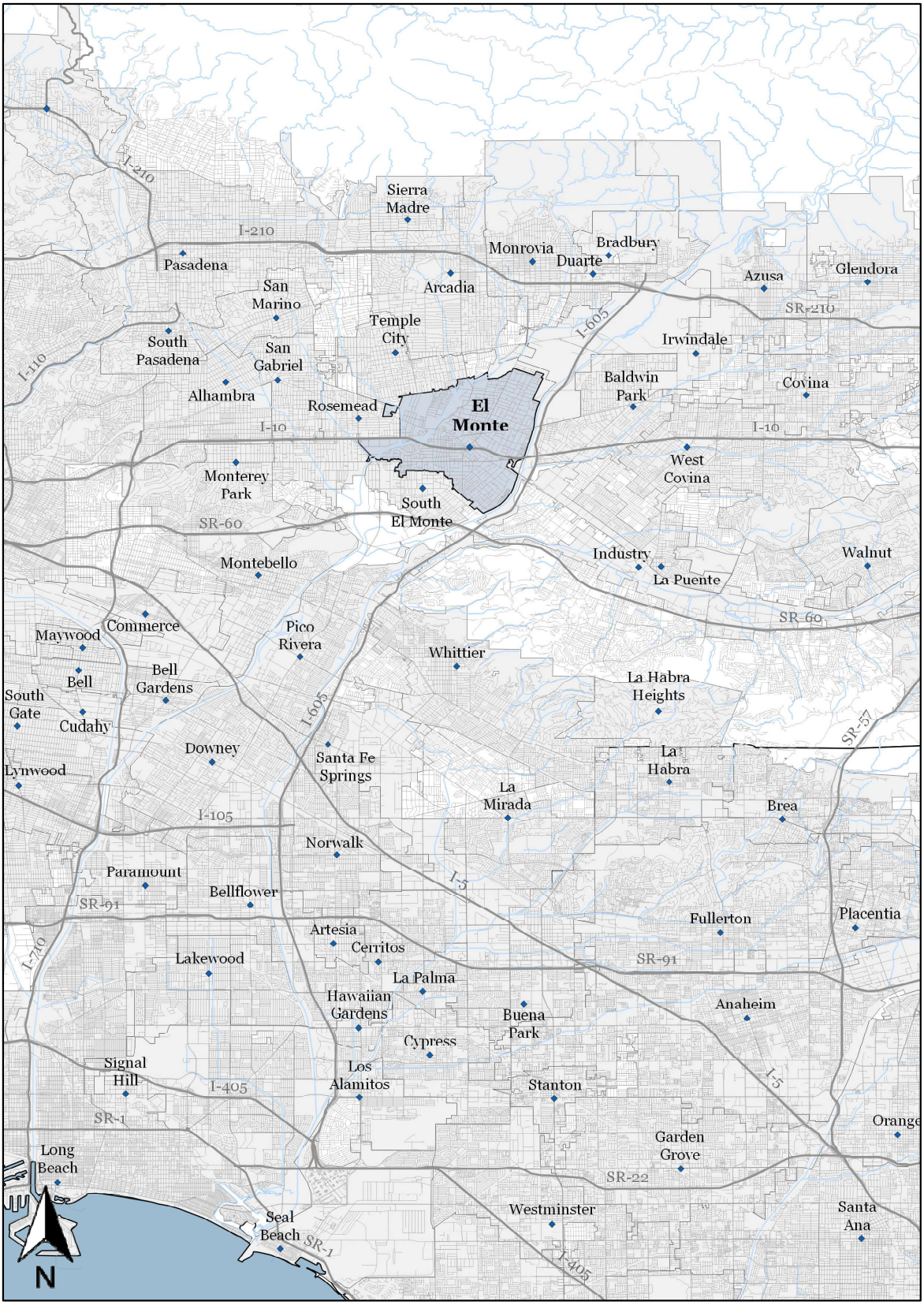

EXHIBIT 2-1
REGIONAL MAP
SOURCE: QUANTUM GIS

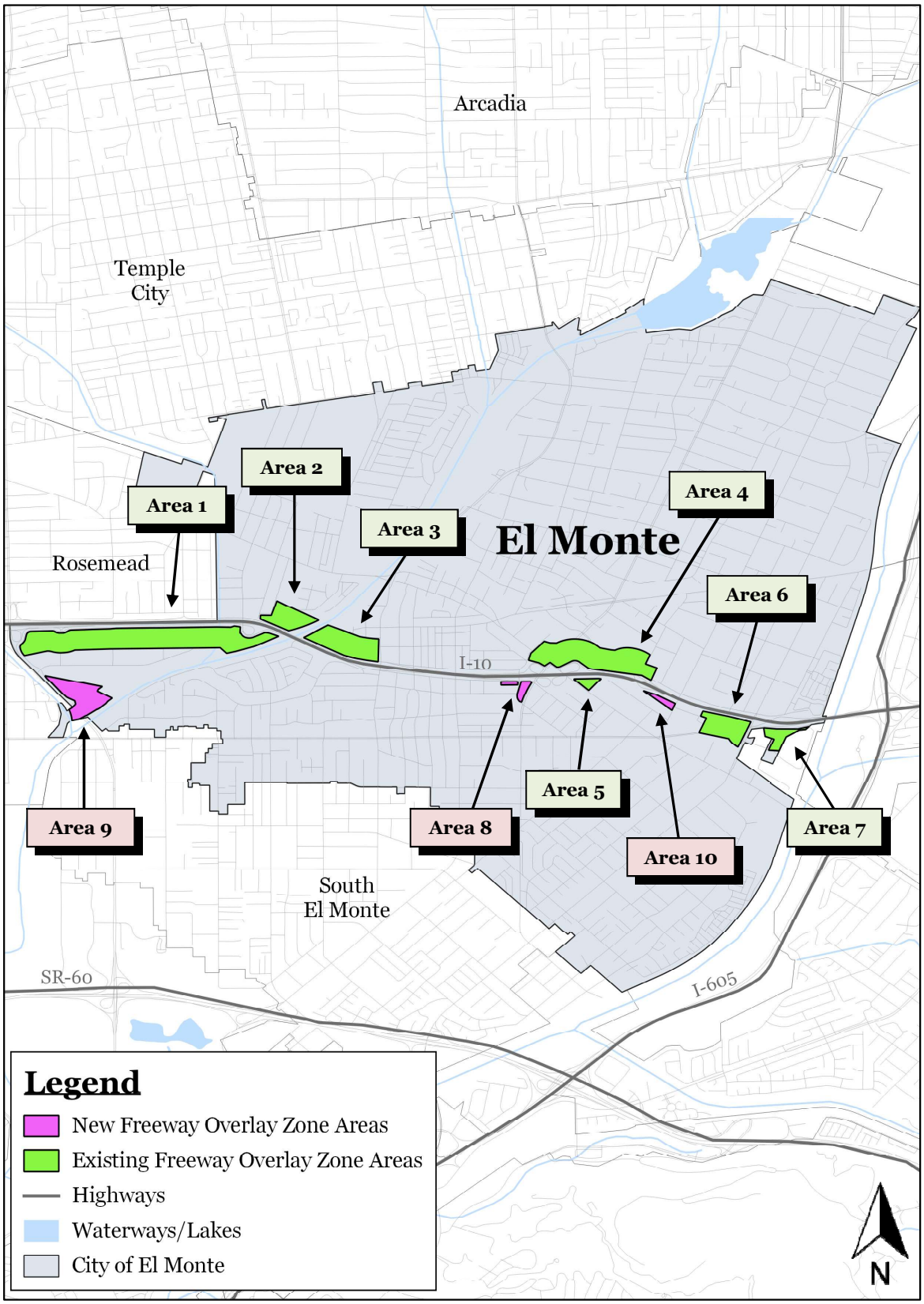

EXHIBIT 2-2
FREEWAY BILLBOARD OVERLAY ZONE AREAS
SOURCE: QUANTUM GIS

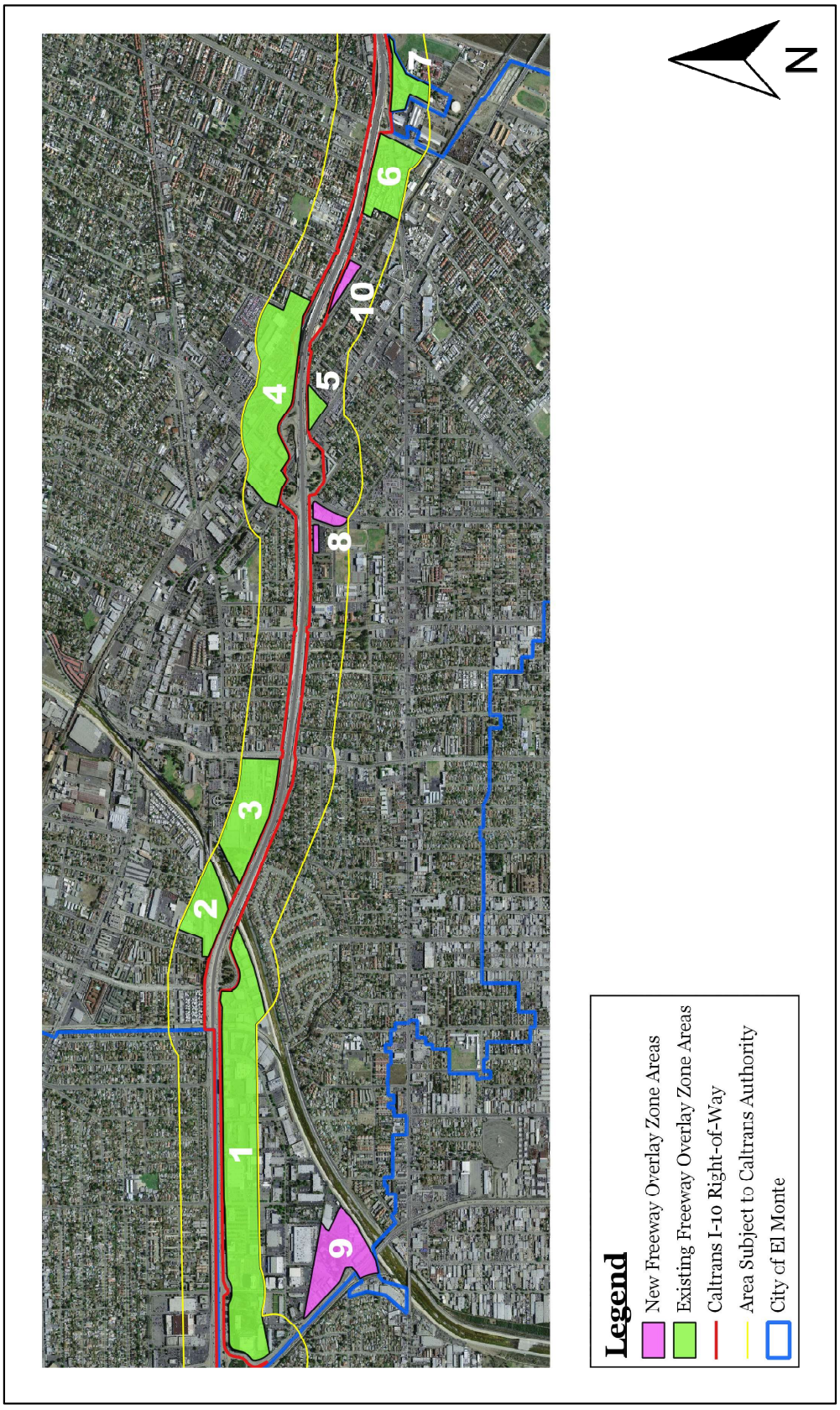

EXHIBIT 2-3
FREEWAY BILLBOARD OVERLAY ZONE MAP
SOURCE: CITY OF EL MONTE



EXHIBIT 2-4
AERIAL PHOTOGRAPH OF FREEWAY BILLBOARD OVERLAY ZONE AREA 8
SOURCE: GOOGLE EARTH



EXHIBIT 2-5
AERIAL PHOTOGRAPH OF FREEWAY BILLBOARD OVERLAY ZONE AREA 9
SOURCE: GOOGLE EARTH

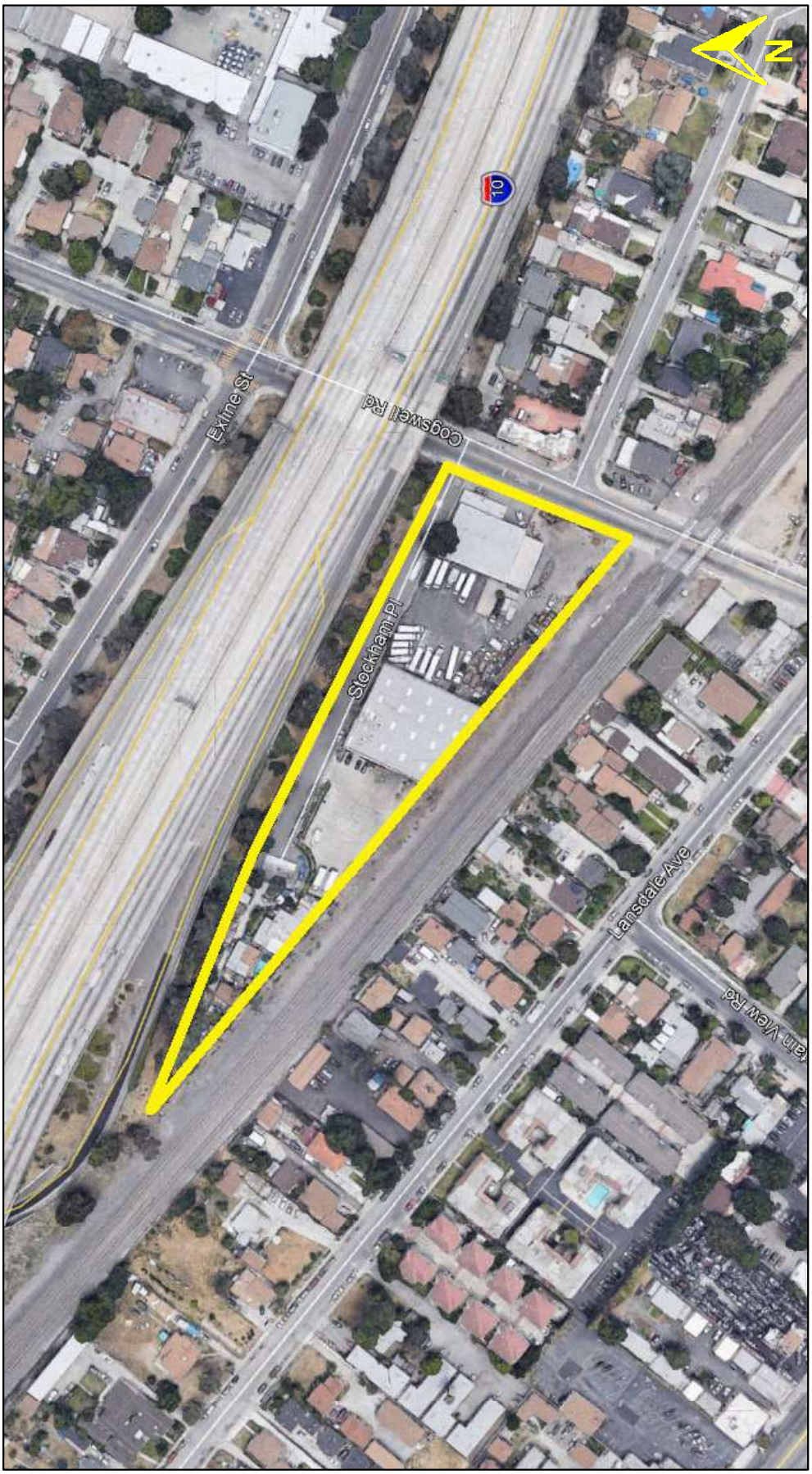

EXHIBIT 2-6
AERIAL PHOTOGRAPH OF FREEWAY BILLBOARD OVERLAY ZONE AREA 10
SOURCE: GOOGLE EARTH

2.3.1 REGULATORY BACKGROUND (CALTRANS AND THE CITY OF EL MONTE)

The Federal Highway Beautification Act of 1965 (23 U.S.C. 131) governs advertising signage located along the interstate highway system (the San Bernardino Freeway [I-10] is an Interstate Highway). The Act is enforced by the Federal Highway Administration (FHWA), and as part of its enforcement effort the FHWA has entered into agreements regarding the Act with State departments of transportation. The California Department of Transportation (Caltrans) is involved in the control of "off-premise" displays along Interstate Highways, including the I-10 Freeway, SR 19 and other highways.[10]

The FHWA has entered into written agreements with Caltrans: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. The agreements generally provide that the State will control the construction and installation of all outdoor advertising signs, displays, and devices within 660 feet of the interstate highway right-of-way (ROW). The agreements provide that such signs shall be erected only in commercial or industrial zones and these signs are subject to the following restrictions:

- No signs shall imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;
- No signs shall be erected on rocks or other natural features;
- Signs [faces] shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim, and supports;
- Signs located on the same side of the freeway must be separated by at least 500 feet; and,
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that may obstruct or impair the vision of any driver.

Caltrans requires applicants for new outdoor digital and static signs to demonstrate that the owner of the parcel consents to the placement sign, that the parcel on which the sign would be located is zoned commercial or industrial, and that local building permits are obtained and complied with. The Outdoor Advertising Act contains a number of provisions relating to the construction, installation and operation of digital and static signs:

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (§5401);
- No sign shall display any statements or words of an obscene, indecent, or immoral character (§5402);[11]

[10] California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et. seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.) Caltrans enforces the law and regulations.

[11] This Section (5402) states the following: "Obscenity, indecency, or immorality No person shall display or cause or permit to be displayed upon any advertising structure or sign, any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent or immoral character."

- No digital sign shall display flashing, intermittent, or moving light or lights (§5403[h]);

- Signs are restricted from areas within 300 feet of an intersection of highways or of highway and railroad ROWs; and,

- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard or 1,000 feet of another message center display, on the same side of the highway (§5405 of the Outdoor Advertising Act).

Section 21466.5 prohibits the placing of any light source "…of any color of such brilliance as to impair the vision of drivers upon the highway." Specific standards for measuring light sources are indicated in this section. The restrictions may be enforced by Caltrans, the California Highway Patrol, or local authorities.

Off-premise displays (billboards) are prohibited by Caltrans within landscaped freeways without entering into a relocation agreement with the State. Caltrans has designated two segments of the I-10 Freeway within the City of El Monte as a Landscaped Freeway. Landscaped freeway is defined as follows:

(a) Landscaped Freeway means a section or sections of a freeway that is now, or hereafter may be, improved by the planting at least on one side or on the median of the freeway right-of-way of lawns, trees, shrubs, flowers, or other ornamental vegetation requiring reasonable maintenance.
(b) Planting for the purpose of soil erosion control; traffic safety requirements, including light screening; reduction of fire hazards; covering soundwalls or fences; or traffic noise abatement shall not change the character of a freeway to a landscaped freeway.
(c) Notwithstanding subdivision (a), if an agreement to relocate advertising displays from within one area of a city or county to an area adjacent to a freeway right-of-way has been entered into between a city or county and the owner of an advertising display, then a "landscaped freeway" shall not include the median of a freeway right-of-way.[12]

2.3.2 EXISTING MUNICIPAL CODE AND THE PROPOSED AMENDMENTS

The City of El Monte adopted Ordinance No. 2522 in the year 2000 to prohibit the installation of new billboards in all zones throughout the City, resulting in the establishment of numerous existing billboards in the City as legal nonconforming billboards. The City adopted Ordinance No. 3473 in the year 2017 to allow for the installation or relocation of billboards within seven specified geographic areas within the Freeway Billboard Overlay Zone (referred to as Areas 1 through 7). As part of the proposed amendment, the City will provide additional opportunities for the installation of new and relocated billboards with the expansion of the Freeway Billboard Overlay Zone to three additional areas (referred to as Areas 8 through 10).

[12] California Department of Transportation. *Outdoor Advertising Act, Business and Professions Code*. Section 5216 Landscaped Freeway.

The existing municipal code text and the proposed changes are provided below and on the following pages. The new text is shown using underlining while the deleted text is shown using ~~strikeout~~.

Section 17.88.020 (Establishment of Freeway Overlay Zone) of Chapter 17.88 [Freeway Overlay Zone (Billboards)] of the El Monte Municipal Code is hereby amended to read as follows:

17.88.020 – Establishment of Freeway Overlay Zone.

A new Freeway Overlay Zone for the establishment of new and relocated billboards is hereby established as shown on the approved Freeway Overlay Zone map approved by the City Council on _____ ___, 2017 ~~and attached hereto as Exhibit "A"~~.

The Freeway Overlay Zone map was amended to include three new areas and is hereby established as shown on the approved Freeway Overlay Zone map approved by the City Council on _____, _____, 2019 and attached hereto as Exhibit "A".

Subdivision H.9 of Section 17.88.030 (General Requirements) of Chapter 17.88 [Freeway Overlay Zone (Billboards)] of the El Monte Municipal Code is hereby amended to read as follows:

9. All billboards shall be placed at least two hundred fifty (250) feet from any residentially zoned property. Specifically from properties zoned R-1A/B/C (One-Family Dwelling), R-2 (Low-Density Multiple-Family Dwelling), R-3 (Medium-Density Multiple-Family Dwelling) and R-4 (High-Density Multiple-Family Dwelling). The measurement shall be from the closest edge of the billboard to the closest edge of the residential zone. Billboards may be placed within 250 feet of a residentially zoned property if it can be demonstrated by the positioning of the digital panels that there is no significant light intrusion, to be determined by the Community and Economic Development Director.

2.3.3 PROPOSED REZONING FOR AREA 8

The proposed project involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial).* The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial.* This zone change and general plan amendment will permit the installation of billboards within this portion of Area 8 since billboards are only permitted within industrial or commercial zones.[13]

2.3.4 BILLBOARD INSTALLATION CHARACTERISTICS

The materials used in the construction of static or digital billboards are manufactured off-site. The billboard components would be transported to the individual sites where they would be assembled. The billboard installation would be subject to the City of El Monte building code requirements that

[13] California Department of Transportation. *Outdoor Advertising Permit Requirements.*

limits the hours of construction within a residential area to 6:00 AM to 7:00 PM, Monday through Friday, and 8:00 AM to 7:00 PM, Saturday and Sunday. The typical duration of a static or digital billboard installation occurs over a six-day period and includes the following:

- *Day One:* The footings for the static or digital billboard structure are completed. The estimated column depth for the billboard support is approximately 25 feet deep. In addition to the drilling rig, the construction team uses a skip loader (bucket truck), dump truck for soil export, and water truck as needed to water down dust. Any excavated areas are required to be fully covered.

- *Day Two:* The construction crew first installs the sign column and then pours the concrete. The crew utilizes a crane truck, a flatbed truck (to carry in the pre-fabricated columns), and a concrete truck. A fast-setting concrete is utilized, allowing the concrete to cure overnight.

- *Day Three:* The crew erects the sign supports and the signs. For this billboard installation activity, a crane truck is utilized, and a flatbed truck is required to transport the billboard structure and sign faces.

- *Day Four:* On day four, the electrical connections are installed.

- *Day Five:* On day five, the crew completes any other necessary tasks to complete the billboard structure and clean up the project site.

- *Day Six:* Any necessary landscaping repairs and improvements occur on day six.

2.4 PROJECT OBJECTIVES

The objectives that the City of El Monte seeks to accomplish as part of the proposed project's implementation include the following:

- To ensure that the amendment to the Freeway Billboard Overlay Zone is in conformance with the City of El Monte General Plan and Zoning Ordinance; and,

- To effectively mitigate any potentially significant adverse environmental impacts associated with the installation and subsequent operation of any future billboards.

2.5 DISCRETIONARY APPROVALS

A Discretionary Approval is an action taken by a government agency (for this project, the government agency is the City of El Monte) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- The adoption of the proposed amendment to the Municipal Code. The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and for the installation of billboards within 250 feet of residential zones;

- The adoption of a zone change at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*; and,

- The approval of the Mitigated Negative Declaration.

Individual requests for billboards will be further evaluated on a case-by-case basis. The following discretionary approvals are required for the installation of any future billboards:

- The approval of a *Development Agreement* for billboard installation or relocation;

- The approval of a *Design Review* for the installation of a new billboard or rehabilitation of an existing billboard;

- The approval of a *Sign Permit* for billboard installation or relocation; and,

- The approval of a *Building Permit* for billboard installation or relocation.

Other permits required for any future billboard installation or relocation will include, but may not be limited to, building permits and permits for new utility connections.

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SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);
Agricultural &Forestry Resources (Section 3.2);
Air Quality (Section 3.3);
Biological Resources (Section 3.4);
Cultural Resources (Section 3.5);
Energy (Section 3.6)
Geology & Soils (Section 3.6);
Greenhouse Gas Emissions; (Section 3.8);
Hazards & Hazardous Materials (Section 3.9);
Hydrology & Water Quality (Section 3.10);
Land Use & Planning (Section 3.11);
Mineral Resources (Section 3.12);
Noise (Section 3.13);
Population & Housing (Section 3.14);
Public Services (Section 3.15);
Recreation (Section 3.16);
Transportation (Section 3.17);
Tribal Cultural Resources (Section 3.18);
Utilities (Section 3.19);
Wildfire (Section 3.20); and,
Mandatory Findings of Significance (Section 3.21).

The environmental analysis included in this section reflects the Initial Study Checklist format used by the City of El Monte in its environmental review process (refer to Section 1.3 herein). Under each issue area, an analysis of impacts is provided in the form of questions and answers. The analysis then provides a response to the individual questions. For the evaluation of potential impacts, questions are stated and an answer is provided according to the analysis undertaken as part of this Initial Study's preparation. To each question, there are four possible responses:

- *No Impact.* The proposed project *will not* have any measurable environmental impact on the environment.

- *Less Than Significant Impact.* The proposed project *may have* the potential for affecting the environment, although these impacts will be below levels or thresholds that the City of El Monte or other responsible agencies consider to be significant.

- *Less Than Significant Impact with Mitigation.* The proposed project *may have* the potential to generate impacts that will have a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of mitigation measures.

- *Potentially Significant Impact.* The proposed project may result in environmental impacts that are significant.

This Initial Study will assist the City of El Monte in making a determination as to whether there is a potential for significant adverse impacts on the environment associated with the implementation of the proposed project.

3.1 AESTHETICS

3.1.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse aesthetic impact if it results in any of the following:

- A substantial adverse effect on a scenic vista;
- Substantial damage to scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway;
- In non-urbanized areas, a substantial degradation to the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point); in an urbanized area, a conflict with the applicable zoning and other regulations governing scenic quality; or,
- A new source of substantial light or glare which would adversely affect day or nighttime views in the area.

3.1.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect on a scenic vista? ● Less than Significant Impact.*

The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and to allow for the installation of billboards within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

The dominant physiographic features in the area that are considered to be viewsheds include the Puente Hills, located approximately three miles to the south of the I-10 Freeway, and the San Gabriel Mountains, located approximately six miles to the north of the I-10 Freeway.[14] There are no protected views in the vicinity of the I-10 Freeway and SR-19 (Rosemead Boulevard). The Freeway Billboard Overlay Zone Ordinance standards, as they relate to billboards, are outlined in Table 3-1.

Areas 8 through 10, and therefore any future billboard installation sites, consist of areas that are located in the midst of urban development, adjacent to the I-10 Freeway and SR 19. As indicated in Table 3-1, no billboard will exceed 75 feet in height, measured from the finished grade of the freeway travel lane closest

[14] Blodgett Baylosis Environmental Planning. Site Survey was completed on August 8, 2019.

Table 3-1
Summary of the Proposed Development Standards
Related to Billboard Appearance and Design

Standard	Description of Standard
Number of Sign Faces.	Billboards cannot be used to support more than two advertising structures with each one facing in different directions.
Advertising Structure Dimensions.	The entire portion of an advertising structure that comprises the active display face (digital or static) of an advertising structure shall not be more than 60 feet in width and 25 feet in height, excluding border, trim, and supports.
Maximum Height.	No billboard, inclusive of supporting structures, shall exceed seventy-five (75) feet in height, measured from the finished grade of the freeway travel lane closest to the sign to the uppermost point of the sign, except as may be approved for good cause as demonstrated by the applicant and determined in the sole discretion of the City.
Utilities.	All utilities for each billboard shall be underground.
Face Orientation.	No billboard shall have more than one face (display surface) oriented in the same vertical plane.
Other Minimum Clearance.	Billboards projecting over a driveway or driving aisle shall have a minimum clearance of sixteen (16) feet between the lowest point of the sign and the driveway grade. Billboards projecting over a pedestrian walkway shall have a minimum clearance of twelve (12) feet between the lowest point of the sign and the walkway grade.
Screening.	All new billboard structures shall be free of any visible bracing, angle iron, guy wires, cable, and/or similar supporting elements. All exposed portions of billboards, including backs, sides, structural support members and support poles, shall be screened to the satisfaction of the Community and Economic Development Director.
Brightness Levels.	Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter in accordance with the pre-set distances set forth below. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following ratios of face size dimensions to points of measurement distances: • 12' x 25'; 150' • 10'6" x 36'; 200' • 14' x 48'; 250' • 20' x 60' or 25' x 48'; 350' Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.
Image Displays.	Each static message shall not include flashing lights or the varying of light intensity. Each message on the sign must be displayed for a minimum of four seconds. No billboard shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and for roadways.
Distance Between Billboards	The minimum distance between two (2) or more billboards placed within the Freeway Billboard Overlay Zone or between billboards and the freeway right-of-way shall be the same as the minimum distance and separation criteria established by the California Department of Transportation.* All distances shall be measured from the vertical centerline of each billboard face.

Source: City of El Monte.
*Currently, the minimum required distance between digital billboards is 1,000 feet; between billboards adjacent to the I-10 freeway is 500 feet for static billboard signs; between all billboards adjacent to primary highways that are not freeways, such as Rosemead Boulevard, is 100 feet.

to the sign to the uppermost point of the sign. The maximum dimensions shall not be more than 60 feet in width and 25 feet in height, excluding border, trim, and supports. Any future billboards will be similar to, and in conformance with, the existing billboards located within the City.

Views of the San Gabriel Mountains and the Puente Hills are currently partially and intermittently obscured by existing development along both sides of the I-10 Freeway. All future billboards will be taller than the buildings that surround them and will therefore not have a sign face that will obstruct views from the buildings. The billboards will not be in the line-of-sight in between the occupants of the buildings and any potentially visible viewsheds. In addition, the billboard poles will not present a large enough surface area to cause an obstruction of views. Therefore, any future billboards would not substantially obscure views of the San Gabriel Mountains and the Puente Hills and as a result, the proposed project would result in less than significant impacts.

B. *Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ● No Impact.*

The Federal Highway Beautification Act of 1965 (23 U.S.C. 131) governs advertising signage located along the interstate highway system (the San Bernardino Freeway [I-10] is an Interstate Highway). Caltrans is involved in the control of "off-premise" displays along the I-10 Freeway, SR 19 and other highways.[15] The agreements provide that such signs shall be erected only in commercial or industrial zones and these signs are subject to the following Caltrans and FHWA requirements:

- No signs are permitted to imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;
- No signs shall be erected on rocks or other natural features;
- Signs [faces] shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim, and supports;
- Static signs located on the same side of the freeway must be separated by at least 500 feet and digital signs located on the same side of the freeway must be separated by at least 1,000 feet; and,
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that may obstruct or impair the vision of any driver.

There are neither rock outcroppings nor historic buildings located on-site of the proposed installation areas.[16] The installation of any future billboards will not result in any impact on protected trees or Heritage trees. Any necessary tree removal or modification will be required to adhere to the regulations listed within Chapter 14.03 of the El Monte Municipal Code (Tree Protection and Preservation). These

[15] The FHWA has entered into written agreements with Caltrans: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs, displays, and devices within 660 feet of the interstate highway right-of-way (ROW). California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et. seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.) Caltrans enforces the law and regulations.

[16] California Department of Transportation. *Officially Designated State Scenic Highways*. http://www.dot.ca.gov/hq/LandArch/scenic /schwy.htm.

impacts are discussed further in Section 3.4, Biological Resources, E. Furthermore, there are no Designated State Scenic Highways located within the City of El Monte. A search of the California Office of Historic Preservation online list of California Historical Landmarks yielded two State-designated landmarks in the City: California Register of Historical Resources No. 975 - El Monte First Southern California Settlement by Immigrants from the United States, and California Point of Historical Interest No. LAN-047 – Old El Monte Jail, Pioneer Park, which are both located near the southwestern corner of Valley Boulevard and Santa Anita Avenue, and over 660 feet north of the I-10 Freeway and therefore outside of the potential range for billboard placement.[17] As a result, no impacts on scenic resources will result from the proposed project.

C. *In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point)? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ● Less than Significant Impact.*

The aesthetic character of each new proposed area of the Freeway Billboard Overlay Zone (Areas 8 through 10) is summarized below.

- *Area 8.* This area extends laterally for approximately 775 feet and is located directly south of the I-10 Freeway. This portion encompasses the area south of the I-10 Freeway and Asher Street, along the east and west sides of Meeker Avenue, west of Peck Road. This portion is zoned *R-3 (Medium-Density Multiple-Family Dwelling), C-3 (General Commercial),* and *C-4 (Heavy Commercial).* Industrial uses and commercial uses are located within this area. There are no existing billboards located within this area.

- *Area 9.* This new area is located approximately 0.28 miles south of the I-10 Freeway along the east and west sides of SR 19 (Rosemead Boulevard). This area is roughly triangular in shape. This portion is zoned *O-P (Office Professional).* Office uses are located within this portion. There is one static billboard located in the northern portion of this area.

- *Area 10.* This area is triangular in shape and is located directly south of the I-10 Freeway and Stockham Place and extends laterally 950 feet west from Cogswell Road. This portion is zoned *M-1 (Light Manufacturing).* Located within this area are industrial and residential uses. There are no existing billboards located in this area.

All existing buildings and landscaping features would be retained with the proposed project. New landscaping will be required to replace loss of any existing landscaping. City staff will review all future proposed billboard designs as part of the approval process, and design parameters would be imposed by the City. All billboards would be required to be consistent with applicable design provisions and Comprehensive Design Guidelines provided in the City's zoning code. As previously mentioned in Subsection A, there are no protected views in the vicinity of the City and the City does not contain any

[17] California Office of Historic Preservation. *California Historical Resources.* http://ohp.parks.ca.gov/ListedResources. Website accessed August 2, 2019.

scenic vistas. Adherence to the required standard conditions will reduce potential impacts to levels that are less than significant.

D. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ● Less than Significant Impact.*

The primary area of concern is the potential for light and glare impacts resulting from digital billboards that would affect drivers traveling along I-10 and SR-19. To ensure that new lighting does not interfere with adjacent traffic, all future billboards will be required to comply with the following requirements included in Chapter 17.88, Freeway Overlay Zone (Billboards), of the El Monte Municipal Code:[18]

Each static message shall not include flashing lights or the varying of light intensity.

Minimum display time. Each message on the sign must be displayed for a minimum of four (4) seconds.

Each digital billboard shall be designed and required to freeze the display in one static position, display a full black screen, or turn off, in the event of a malfunction.

No billboard shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and for roadways.

Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter in accordance with the pre-set distances set forth below.

Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following ratios of face size dimensions to points of measurement distances:

- *12' x 25'; 150'*
- *10'6" x 36'; 200'*
- *14' x 48'; 250'*
- *20' x 60' or 25' x 48'; 350'*

Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.

In addition, each billboard is required to comply with all applicable Federal, State, and local laws and regulations, including, but not limited to, the Highway Beautification Act of 1965 (23 U.S.C. 131), the California Outdoor Advertising Act and the California Vehicle Code.

[18] El Monte, City of. *Municipal Code.* Title 17 Zoning, Chapter 17.88 Freeway Overlay Zone (Billboards), Section 17.88.030 General Requirements.

As previously mentioned, the proposed project will involve an amendment to the Municipal Code to allow for the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (billboards are currently not allowed within 250 feet of residential zones). The amendment to the Municipal Code states that billboards may be placed within 250 feet of a residentially zoned property if it can be demonstrated by the positioning of the digital panels that there is no significant light intrusion, to be determined by the Community and Economic Development Director. Therefore, each billboard will be considered on a case-by-case basis.

Furthermore, the proposed zone change and general plan amendment for Area 8 will change the residentially-zoned portion of Area 8 to a commercial zone. Future digital billboards will feature light-emitting diode ("LED") displays. As opposed to incandescent signs, LED signs are highly directional, which is an advantage in an urban setting since the light can be directed more precisely to the intended audience. Further, obstructions such as trees would further reduce overall ambient light increases. In addition to obstructions, any existing light within the area will further diminish any light increase. As a result, any nearby residential uses will not be significantly impacted by the introduction of any digital billboards and conformance to the aforementioned Municipal Code requirements will reduce the potential light and glare impacts to levels that are less than significant.

3.1.3 MITIGATION MEASURES

The analysis of aesthetics indicated that less than significant impacts on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.2 AGRICULTURE & FORESTRY RESOURCES

3.2.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant impact on agriculture and forestry resources if it results in any of the following:

- The conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses;

- A conflict with existing zoning for agricultural uses, or a Williamson Act Contract;

- A conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g));

- The loss of forest land or conversion of forest land to a non-forest use; or,

- Changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use.

3.2.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses? ● No Impact.*

No agricultural activities are located within the City of El Monte or within Areas 8 through 10 nor does the City of El Monte General Plan provide for any agricultural land uses.[19] In addition, no agriculture zones exist within the City's zoning code nor do any other zoning designations in the City's zoning code permit agricultural uses. Areas 8 through 10 are located within properties that are zoned for urban development.

Area 8 is zoned *R-3 (Medium-Density Multiple-Family Dwelling), C-3 (General Commercial),* and *C-4 (Heavy Commercial* and has General Plan land use designations of *Medium Density Residential* and *General Commercial.* Area 9 is zoned *O-P (Office Professional)* and has a General Plan land use designation of *Office Professional*. Area 10 is zoned M-1 (Light Manufacturing) and has a General Plan land use designation of *Industrial/Business Park*. The proposed project involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned for residential uses and is proposed to be changed to a commercial zone. The environmental settings of the Freeway Billboard Overlay Zone areas are summarized in the Section 3.1.2.C, in Table 3-1. As a result, no conversion of farmland soils will result from the proposed project's implementation.

[19] City of El Monte. *El Monte General Plan Land Use Element*.

B. *Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract? ● No Impact.*

As indicated previously, Areas 8 through 10 and the adjacent properties are not being used for agricultural purposes. The City's applicable General Plan and Zoning designations for the Freeway Billboard Overlay Zone areas do not permit farming or agricultural land uses. According to the State Department of Conservation, Division of Land Resource Protection, Areas 8 through 10 are not subject to a Williamson Act Contract.[20] As a result, no impacts on existing or future Williamson Act Contracts would occur.

C. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? ● No Impact.*

According to the California Public Resources Code, "forest land" is land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. "Timberland" is defined as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. "Timberland production zone" or "TPZ" means an area which has been zoned and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses.[21]

The City of El Monte and Areas 8 through 10 are located in the midst of a larger urban area and no forest lands are located within the City. The City of El Monte General Plan and the El Monte Zoning Code do not provide for any forest land preservation. As a result, no impacts on forest land or timber resources will result upon the proposed project's implementation.

D. *Would the project result in the loss of forest land or conversion of forest land to a non-forest use? ● No Impact.*

No forest lands are found within the City of El Monte nor does the City of El Monte General Plan or zoning code provide for any forest land protection. As indicated previously, Areas 8 through 10 and the surrounding properties are currently developed in urban uses.[22] As a result, no impacts will occur with the adoption of the proposed project.

[20] California Department of Conservation. *State of California Williamson Act Contract Land*. ftp://ftp.consrv.ca.gov.

[21] California Public Resources Code. Sections 12220(g), 4526 and 51104(g).

[22] Blodgett Baylosis Environmental Planning. Site Survey was completed on August 8, 2019.

E. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use? ● No Impact.*

No farmland or forest lands are located in the City or within any of the Freeway Billboard Overlay Zone areas. As a result, the proposed project will not involve the conversion of any existing farmland or forest area to urban uses and, as a result, no impacts will occur.

3.2.3 MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no significant adverse impacts on these resources would occur as part of the proposed project and no mitigation is required.

3.3 AIR QUALITY

3.3.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project will be deemed to have a significant adverse environmental impact on air quality, if it results in any of the following:

- A conflict with or an obstruction of the implementation of the applicable air quality plan;
- A cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard;
- The exposure of sensitive receptors to substantial pollutant concentrations; or,
- Other emissions adversely affecting a substantial number of people.

Air quality impacts may occur during the installation or operation phase of a project, and may come from stationary (e.g., industrial processes, generators), mobile (e.g., automobiles, trucks), or area (e.g., residential water heaters) sources. The South Coast Air Quality Management District (SCAQMD) is the main regulatory authority in the region (the South Coast Air Basin, which includes the City of El Monte) with regard to air quality issues. In April 1993, the SCAQMD adopted a CEQA Air Quality Handbook that provides guidance for the CEQA analysis of potential air quality impacts of new projects.

The SCAQMD has established quantitative thresholds for short-term (construction/billboard installation) emissions and long-term (operational) emissions for the following criteria pollutants:

- *Ozone* (O_3) is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon monoxide* (CO) is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust.
- *Nitrogen dioxide* (NO_2) is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO_2 is formed when nitric oxide (a pollutant from burning processes) combines with oxygen.
- *Sulfur dioxide* (SO_2) is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms and difficulty in breathing for children.
- *PM_{10} and $PM_{2.5}$* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation.

Projects in the South Coast Air Basin (Basin) generating construction-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA:

- 75 pounds per day of reactive organic compounds;
- 100 pounds per day of nitrogen dioxide;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM_{10};
- 55 pounds per day of $PM_{2.5}$; or,
- 150 pounds per day of sulfur oxides.

A project would have a significant effect on air quality if any of the following operational emissions thresholds for criteria pollutants are exceeded:

- 55 pounds per day of reactive organic compounds;
- 55 pounds per day of nitrogen dioxide;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM_{10};
- 55 pounds per day of $PM_{2.5}$; or,
- 150 pounds per day of sulfur oxides.

3.3.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with or obstruct implementation of the applicable air quality plan? ● No Impact.*

The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and to allow for the installation of billboards within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

The City is located within the South Coast Air Basin (Basin), which covers a 6,600 square-mile area within all of Orange County, the non-desert portions of Los Angeles County, Riverside County, and San Bernardino County. Measures to improve regional air quality are outlined in the SCAQMD's Air Quality Management Plan (AQMP). The most recent 2016 AQMP was adopted in March 2017 and was jointly prepared with the California Air Resources Board (CARB) and the Southern California Association of Governments (SCAG).[23]

[23] South Coast Air Quality Management District. *Final 2016 Air Quality Plan.* Adopted March 2017.

The AQMP will help the SCAQMD maintain focus on the air quality impacts of major projects associated with goods movement, land use, energy efficiency, and other key areas of growth. Key elements of the 2016 AQMP include enhancements to existing programs to meet the 24-hour $PM_{2.5}$ federal health standard and a proposed plan of action to reduce ground-level ozone. The primary criteria pollutants that remain non-attainment in the local area include $PM_{2.5}$ and ozone. Specific criteria for determining a project's conformity with the AQMP is defined in Section 12.3 of the SCAQMD's CEQA Air Quality Handbook. The Air Quality Handbook refers to the following criteria as a means to determine a project's conformity with the AQMP:[24]

- *Consistency Criteria 1* refers to a proposed project's potential for resulting in an increase in the frequency or severity of an existing air quality violation or its potential for contributing to the continuation of an existing air quality violation.

- *Consistency Criteria 2* refers to a proposed project's potential for exceeding the assumptions included in the AQMP or other regional growth projections relevant to the AQMP's implementation.

In terms of Criteria 1, the long-term (operational) airborne emissions associated with the operation of future billboards will be below levels that the SCAQMD considers to be a significant impact (refer to the analysis included in the next section where the long-term stationary and mobile emissions for the installation of the billboards are summarized in Table 3-3). Operational emissions will be limited to off-site stationary emissions associated with electrical power generation and routine maintenance. The installation of the billboards will also conform to Consistency Criteria 2 since it will not affect any regional population, housing, and employment projections prepared for the City because the billboards will not result in an increase in population and employment, or a need for housing.

The City's General Plan includes Air Quality sections within the Public Health and Safety Element, and the Health and Wellness Element. In these sections, the following policies related to air quality are identified:[25]

- *Goal PHS-3 (Public Health and Safety):* Clean and healthful air through the implementation of responsive land use practices, enhancement to the natural landscape, pollution reduction strategies, and cooperation with regional agencies.
    - *PHS-3.1, Land Use:* As a condition for siting or expanding operations in El Monte, require air pollution emitters to evaluate and fully mitigate the impacts of their operations on schools, homes, medical facilities, child care centers, and other sensitive receptors.
    - *PHS-3.2, Sensitive Receptors:* Utilize CARB recommendations to evaluate the siting of dry cleaners, chrome platers, large gas stations, freeways, and other high pollutant sources near residences, health care facilities, schools, and other sensitive land uses.
    - *PHS-3.3, Community Forest:* As prescribed in the Parks and Recreation Element, enhance the City's community forest by planting trees along all roadways as a means to help filter air pollutants, clean the air, and provide other health benefits to the community.

[24] South Coast Air Quality Management District. *CEQA Air Quality Handbook.* April 1993.

[25] City of El Monte. *Vision El Monte General Plan.* June 2011.

- *PHS-3.4, Transportation:* Encourage alternative modes of travel to work and school by maximizing transit service, purchasing alternative fuel vehicles, completing all sidewalks, and creating a network of multiuse trails and bicycle paths.
- *PHS-3.6, Health Risk Assessment:* Require that projects for new industries or expansion of industries that produce air pollutants conduct a health risk assessment and establish appropriate mitigation prior to approval of new construction, rehabilitation, or expansion permits.

- *Goal HW-12 (Health and Wellness):* Land use patterns reduce driving, enhance air quality, and improve respiratory health.
  - *HW-12.1, Walking, Cycling, and Transit Use:* Promote land use patterns that reduce driving rates and promote walking, cycling and transit use.
  - *HW-12.2, Truck Routes:* Discourage locating truck routes on primarily residential streets.
  - *HW-12.5, Air Pollution Mitigation:* Use landscaping, ventilation systems, double paned windows, or other mitigation measures to achieve healthy indoor air quality and noise levels in sensitive land uses.
  - *HW-12.8, Air Quality Policies:* Support policies that reduce emissions of pollutants from stationary and mobile sources such as industrial facilities, motor vehicles and trains.

The proposed project will not prohibit or preclude the policies outlined above relating to air quality and greenhouse gas emissions. Based on the findings made above, no violation of an air quality plan will occur.

B. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? ● Less than Significant Impact.*

Areas 8 through 10 and the entire City are located in a non-attainment area for ozone and particulates; therefore, the installation of the billboards will be required to comply with the requirements of SCAQMD Rule 403, Fugitive Dust, which requires the implementation of Best Available Control Measures (BACM) for all fugitive dust sources, and the 2016 AQMP, which identifies BACMs and Best Available Control Technologies (BACT) for area sources and point sources, respectively. According to SCAQMD Rule 403, Fugitive Dust, all unpaved demolition and construction areas shall be regularly watered up to three times per day during excavation, grading, and construction as required (depending on temperature, soil moisture, wind, etc.). Watering could reduce fugitive dust by as much as 55 percent. Rule 403 also requires that temporary dust covers be used on any piles of excavated or imported earth to reduce wind-blown dust. In addition, all clearing, earthmoving, or excavation activities must be discontinued during periods of high winds (i.e. greater than 15 mph), so as to prevent excessive amounts of fugitive dust. Finally, the contractors must comply with other SCAQMD regulations governing equipment idling and emissions controls. The aforementioned SCAQMD regulations are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD.

The typical duration of a static or digital billboard installation occurs over a six-day period. The analysis of daily construction/billboard installation and operational emissions was prepared utilizing the

California Emissions Estimator Model (CalEEMod V.2016.3.2). The air quality emissions model assumed the installation and operation of one billboard since the new potential billboards will not be constructed simultaneously and will not be located adjacent to each other (the minimum required distance between digital billboards is 1,000 feet; between all billboards adjacent to the I-10 freeway is 500 feet; between all billboards adjacent to primary highways that are not freeways, such as Rosemead Boulevard, is 100 feet).

The assumptions regarding the billboard installation phases and the length of construction/billboard installation followed those identified in Section 2.4.2. As shown in Table 3-2, daily construction emissions are not anticipated to exceed the SCAQMD significance thresholds.

Table 3-2
Estimated Daily Construction Emissions

Construction Phase	ROG	NO_x	CO	SO_2	PM_{10}	$PM_{2.5}$
Demolition (on-site)	0.87	7.87	7.62	0.01	0.47	0.45
Demolition (off-site)	0.05	0.03	0.41	1.15e-3	0.11	0.03
Total Demolition Phase	**0.92**	**7.90**	**8.03**	**0.01**	**0.58**	**0.48**
Site Preparation (on-site)	0.69	8.43	4.09	9.74e-3	0.34	0.31
Site Preparation (off-site)	0.02	0.02	0.20	5.70e-4	0.06	0.02
Total Site Preparation	**0.71**	**8.45**	**4.29**	**0.01**	**0.40**	**0.33**
Grading (on-site)	0.87	7.87	7.62	0.01	1.22	0.86
Grading (off-site)	0.05	0.03	0.41	1.15e-3	0.11	0.03
Total Grading	**0.92**	**7.90**	**8.03**	**0.01**	**1.33**	**0.89**
Building Construction (on-site)	0.86	8.85	7.39	0.01	0.52	0.48
Building Construction (off-site)	0.00	0.00	0.00	0.00	0.00	0.00
Total Building Construction	**0.86**	**8.85**	**7.39**	**0.01**	**0.52**	**0.48**
Paving (on-site)	0.77	7.23	7.11	0.01	0.40	0.37
Paving (off-site)	0.08	0.05	0.74	2.07e-3	0.20	0.05
Total Paving	**0.85**	**7.28**	**7.85**	**0.01**	**0.60**	**0.42**
Architectural Coatings (on-site)	0.71	1.68	1.83	2.97e-3	0.11	0.11
Architectural Coatings (off-site)	0.00	0.00	0.00	0.00	0.00	0.00
Total Architectural Coatings	**0.71**	**1.68**	**1.83**	**2.97e-3**	**0.11**	**0.11**
Maximum Daily Emissions	**0.92**	**8.85**	**8.03**	**0.01**	**1.33**	**0.89**
Daily Thresholds	**75**	**100**	**550**	**150**	**150**	**55**

Source: CalEEMod V.2016.3.2

The short-term construction emissions will be limited to those emissions generated during the billboard installation. The billboard support structure, sign face, and the ancillary equipment are manufactured off-site and will be assembled at the installation sites. The estimated daily construction emissions (shown

in Table 3-2) assume compliance with the following applicable SCAQMD rules and regulations for the control of fugitive dust and architectural coating emissions:

- Excessive fugitive dust emissions shall be controlled by regular watering or other dust preventive measures using the applicable procedures outlined in the SCAQMD's Rules and Regulations.

- Ozone precursor emissions from construction equipment vehicles shall be controlled by maintaining equipment engines in good condition and in proper tune.

- All trucks associated with the billboard installation activities shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

- The project shall comply with SCAQMD Rule 402 that limits the generation of airborne pollutants that would cause injury, detriment, or result in a nuisance.

Long-term emissions refer to those air quality impacts that will occur once the development is operational and that will continue over the operational life of the project. The analysis of long-term operational impacts also used the CalEEMod V. 2016.3.2 computer model. Table 3-3 depicts the estimated operational emissions generated by the proposed project.

Table 3-3
Estimated Operational Emissions in lbs/day

Emission Source	ROG	NO_2	CO	SO_2	PM_{10}	$PM_{2.5}$
Area-wide (lbs/day)	2.24e-3	0.00	1.00e-4	0.00	0.00	0.00
Energy (lbs/day)	0.00	0.00	0.00	0.00	0.00	0.00
Mobile (lbs/day)	0.00	0.00	0.00	0.00	0.00	0.00
Total (lbs/day)	**2.24e-3**	**0.00**	**1.00e-4**	**0.00**	**0.00**	**0.00**
Daily Thresholds	**55**	**55**	**550**	**150**	**150**	**55**

Source: CalEEMod V.2016.3.2

As indicated in Table 3-3, the projected long-term emissions are below thresholds considered to represent a significant adverse impact. Therefore, the operation of the billboards will not contribute to an existing air quality violation. With the implementation of the standard construction-related SCAQMD rules and regulations, the impacts will be less than significant.

C. *Would the project expose sensitive receptors to substantial pollutant concentrations? ● Less than Significant Impact.*

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality and typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate. These population groups are generally more sensitive to poor air quality.

As previously mentioned, the proposed project will involve an amendment to the Municipal Code to allow for the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (billboards are currently not allowed within 250 feet of residential zones). The amendment to the Municipal Code states that billboards may be placed within 250 feet of a residentially zoned property if it can be demonstrated by the positioning of the digital panels that there is no significant light intrusion, to be determined by the Community and Economic Development Director. Therefore, each billboard will be considered on a case-by-case basis. Furthermore, the proposed zone change and general plan amendment for Area 8 will change the residentially-zoned portion of Area 8 to a commercial zone.

In addition, the short-term impacts related to the installation of any of the potential static or digital billboards will not result in significant emissions (refer to the Tables 3-2 and 3-3 in the previous section and the CalEEMod worksheets in Appendix A). The trips generated as a result of the future billboards will not be significant enough to result in a carbon monoxide "hot-spot" that could lead to an exceedance of the State's one-hour or eight-hour carbon monoxide standards. An intersection's level of service (LOS) would need to degrade to a LOS F for the congestion to be great enough to result in the creation of a CO hot-spot.[26] As previously mentioned, operational vehicle trips will be limited to those associated with routine billboard maintenance; therefore, mobile emissions will be minimal (refer to Table 3-3). Since the proposed project will not result in any significant net increase in traffic generation, no change in the existing LOS for any area intersections will occur.

Furthermore, fugitive dust emission, which is responsible for PM_{10} and $PM_{2.5}$ emissions, will further be reduced through the implementation of SCAQMD regulations related to fugitive dust generation and other construction-related emissions.[27] These SCAQMD regulations are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD. As a result, less than significant impacts will occur.

D. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? ● Less than Significant Impact.*

The SCAQMD has identified those land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants, composting activities, refineries, landfills, and businesses involved in fiberglass molding. The proposed project will not result in the generation of any odors. Furthermore, construction truck drivers must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel powered vehicles to less than five minutes.[28] In addition, the project's contractors must adhere to SCAQMD Rule 403 regulations, which significantly reduce the generation of fugitive dust. As a result, less than significant impacts will occur.

[26] South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. 2004 (as amended).

[27] South Coast Air Quality Management District. *Rule 403, Fugitive Dust*. As Amended June 3, 2005.

[28] California, State of. *California Code of Regulations, Title 13, Section 2485 Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling*.

3.3.3 MITIGATION MEASURES

The future billboards' construction/installation and operational emissions are not considered to represent a significant adverse impact. As a result, no mitigation is required.

3.4 BIOLOGICAL RESOURCES

3.4.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on biological resources if it results in any of the following:

- A substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;

- A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;

- A substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- A substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or the impedance of the use of native wildlife nursery sites;

- A conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or,

- A conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

3.4.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ● No Impact.*

Areas 8 through 10 and the surrounding areas are fully developed. No native or natural habitats are located within Areas 8 through 10 or within the surrounding area.[29] Animal life within the area consists of species commonly found in an urban area. All existing buildings and landscaping features would be retained. The EIR prepared for the City's 2011 General Plan does not identify any protected species within Areas 8 through 10.[30] However, the El Monte General Plan Background Report noted several occurrences of threatened or endangered species as late as 1987. There are no recent occurrences. There

[29] Blodgett Baylosis Environmental Planning. Site Survey was completed on August 8, 2019.

[30] City of El Monte. *Vision El Monte General Plan.* June 2011.

are no other local or regional plans, policies, or regulations that identify candidate, sensitive or special status species except those identified by the California Department of Fish and Wildlife.

A review of the California Department of Fish and Wildlife California Natural Biodiversity Database (CNDDB) Bios Viewer for the El Monte Quadrangle indicated that there are nine federally- or State-recognized threatened or endangered species located within the El Monte Quadrangle.[31] The majority of these threatened or endangered species are not likely to be found on-site due to the lack of suitable habitat. These species include:

- The *coastal California gnatcatcher* is a bird species not likely to be found within Areas 8 through 10 due to the lack of coastal sage scrub, the species primary habitat.[32]
- The *least Bell's vireo* is not likely to be found within Areas 8 through 10 due to the lack of riparian habitat. Furthermore, the majority of the bird species live in San Diego County.[33]
- The *Santa Ana sucker* is a fish species that will not be found within Areas 8 through 10 because the nearest body of water (Rio Hondo Channel) is located one-quarter mile to the east.[34]
- The *bank swallow* is a bird species not likely to be found within Areas 8 through 10 due to the lack of riparian habitat.[35]
- The *willow flycatcher* is a bird species not likely to be found within Areas 8 through 10 due to the lack of marsh, brushy fields, and willow thickets, the species primary habitat.[36]
- The *southwestern Willow flycatcher* is a bird species not likely to be found within Areas 8 through 10 due to the lack of dense riparian habitat.[37]
- The *western yellow-billed cuckoo* is an insect-eating bird not likely to be found within Areas 8 through 10 due to the lack of riparian woodland habitat.[38]
- The *light-footed Ridgway's rail* is a bird species not likely to be found within Areas 8 through 10 due to the lack of coastal salt marshes and lagoons.[39]
- The *Swainson's hawk* is not likely to be found within Areas 8 through 10 due to the lack of plains and farmland.[40]

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[31] California Department of Fish and Wildlife. Bios Viewer. https://map.dfg.ca.gov/bios/?tool=cnddbQuick.

[32] Center for Biological Diversity. *Coastal California Gnatcatcher.* http://www.biologicaldiversity.org/species/birds/coastal_California_gnatcatcher/.

[33] California Partners in Flight Riparian Bird Conservation Plan. *Least Bell's Vireo (Vireo bellii pusillus).* http://www.prbo.org/calpif/htmldocs/species/riparian/least_bell_vireo.htm.

[34] Blodgett Baylosis Environmental Planning. Survey was completed on August 8, 2019.

[35] Audubon. *Bank Swallow (Riparia riparia).* https://www.audubon.org/guia-de-aves/ave/bank-swallow.

[36] Audubon. *Willow Flycatcher (Empidonax traillii).* http://birds.audubon.org/birds/willow-flycatcher.

[37] United State Geological Survey. *Southwestern Willow Flycatcher Habitat.* http://sbsc.wr.usgs.gov/cprs/research/projects/swwf/wiflhab.asp.

[38] US Fish and Wildlife Service. *Sacramento Fish and Wildlife Office, Public Advisory.* http://www.fws.gov/sacramento/outreach/Public-Advisories/WesternYellow-BilledCuckoo/outreach_PA_Western-Yellow-Billed-Cuckoo.htm.

[39] U.S. Fish & Wildlife Service, San Diego Bay. *Light-footed Ridgway's Rail.* https://www.fws.gov/refuge/san_diego_bay/wildlife_and_habitat/Light-footed_Ridgways_Rail.html.

[40] Audubon. *Swainson's Hawk (Buteo swainsoni).* http://www.audubon.org/field-guide/bird/swainsons-hawk.

The proposed project will have no impact on the aforementioned species because Areas 8 through 10 are located in the midst of an urban area. Areas 8 through 10 and the surrounding areas are not conducive to the survival of the aforementioned species due to the lack of suitable habitat. As a result, no impacts on any candidate, sensitive, or special status species will result upon the installation of any billboards.

B. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ● No Impact.*

Areas 8 through 10 and surrounding areas are largely developed. There are no local or regional plans, policies, or regulations that identify any riparian habitat or other sensitive natural community at or near Areas 8 through 10, nor does the California Department of Fish and Wildlife identify any such habitat. A review of the U.S. Fish and Wildlife Service National Wetlands Inventory, Wetlands Mapper confirmed that there are no wetlands or riparian habitat present within Areas 8 through 10 and the City of El Monte (refer to Exhibit 3-1). This conclusion is also supported by the field survey of Areas 8 through 10 and the surrounding area.[41] The nearest wetlands to the City of El Monte are found along the San Gabriel River, adjacent to the eastern and southeastern portion of the City.[42] As a result, no impacts on natural or riparian habitats will result from the proposed project's implementation.

C. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ● No Impact.*

As previously mentioned, Areas 8 through 10 are located in the midst of an urbanized setting and no wetlands are located within the City, but various wetlands are located adjacent to the City. However, the installation or relocation of any billboards will be limited to the installation sites and will not affect any wetlands. As a result, no impacts will occur.

D. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? ● No Impact.*

There are no areas of natural open space or areas of significant biological value within or adjacent to Areas 8 through 10. In addition, there are no bodies of water that could provide a habitat for migratory birds. The Rio Hondo Channel extends through the City of El Monte and along the southeast border of proposed Area 9. As indicated on the National Wetlands Inventory, the Rio Hondo Channel is classified as a Riverine but does not serve as a wetland in the City of El Monte.[43] Therefore, any future static or digital billboards will not infringe upon any bodies of water or habitats. The individual Freeway Billboard Overlay Zone areas do not function as a migratory corridor for the movement of native or migratory animals. Constant disturbance (noise and vibration) from vehicles traveling on the adjacent roadways

[41] Blodgett Baylosis Environmental Planning. Survey was completed on August 8, 2019.

[42] U.S. Fish and Wildlife Service. National Wetlands Inventory – V2. https://www.fws.gov/Wetlands/data/Mapper.html. Website accessed August 9, 2019.

[43] Ibid.

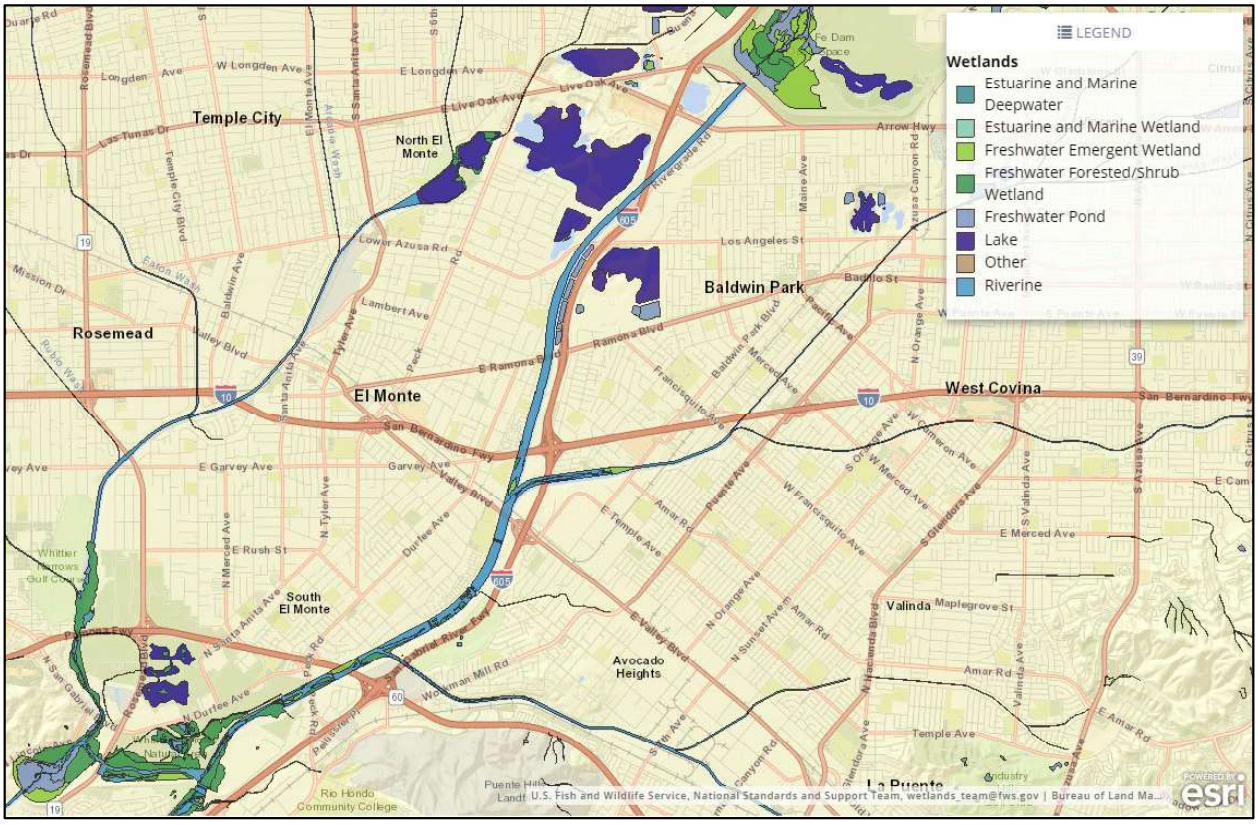

EXHIBIT 3-1
WETLANDS MAP
SOURCE: NATIONAL WETLANDS INVENTORY

further limit the installation sites' utility as a migration corridor. As a result, the proposed project will not affect wildlife migration in the area or otherwise impede the use of native wildlife nursery sites. As a result, no impacts are anticipated.

E. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ● Less than Significant Impact.*

Chapter 14.03 of the El Monte Municipal Code "Tree Protection and Preservation" provides rules and regulations regarding the tampering, removal, maintenance, and protection of trees.[44] Each individual proposed billboard installation or relocation will require a review for approval by the City. In addition, there are no other local policies or ordinances protecting other biological resources. As a result, the installation or relocation of any billboards within Areas 8 through 10 is not in conflict with any local policies or ordinances protecting biological resources. For this reason, the potential impacts are less than significant.

F. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ● No Impact.*

Areas 8 through 10 are not located within areas governed by a habitat conservation or community conservation plan. As a result, no impacts on local, regional or State habitat conservation plans will result from the proposed project's implementation.

3.4.3 MITIGATION MEASURES

The analysis indicated that the installation or relocation of any billboards would not result in any significant adverse impacts on biological resources. As a result, no mitigation measures are required.

[44] El Monte, City of. *El Monte Tree Protection and Preservation Ordinance*. http://www.elmonteca.gov/LinkClick.aspx?fileticket=mDNuyrd4rhE%3D&tabid=306.

3.5 CULTURAL RESOURCES

3.5.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project will have a significant adverse impact on cultural resources if it results in any of the following:

- A substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines;
- A substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines;
- The disturbance of any human remains, including those interred outside of dedicated cemeteries.

3.5.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 of the CEQA Guidelines? ● No Impact.*

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a property's significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Specific criteria include the following:

- Districts, sites, buildings, structures, and objects that are associated with the lives of significant persons in or past;
- Districts, sites, buildings, structures, and objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- Districts, sites, buildings, structures, and objects that have yielded or may be likely to yield, information important in history or prehistory.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;

- Districts, sites, buildings, structures, and objects that are associated with events that have made a significant contribution to the broad patterns of our history;

- A building or structure removed from its original location that is significant for architectural value, or which is the surviving structure is associated with a historic person or event;

- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;

- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;

- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;

- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,

- A property achieving significance within the past 50 years if it is of exceptional importance.[45]

The State has established *California Historical Landmarks* that include sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. *California Points of Historical Interest* have a similar definition, except they are deemed of local significance. A search of the California Office of Historic Preservation online list of California Historical Landmarks yielded the following State-designated landmarks in the City:[46]

- *California Register of Historical Resources No. 975 - El Monte First Southern California Settlement by Immigrants from the United States*. This settlement was located on the banks of the San Gabriel River and played a significant role in California's early pioneer history. The settlement was initially an encampment along the Old Spanish Trail and was an extension of the trail from Missouri to Santa Fe. This historical site is located at Santa Fe Trail Historical Park, near the southwest corner of Valley Boulevard and Santa Anita Avenue.

- *California Point of Historical Interest No. LAN-047 – Old El Monte Jail, Pioneer Park*. The El Monte Jail was constructed by William Dodson and donated to the town in 1880. The original jail was a one room wooden structure and was utilized as a jail until 1922. This historical site is

[45] U. S. Department of the Interior, National Park Service. National Register of Historic Places. http://nrhp.focus.nps.gov. 2010.

[46] California Department of Parks and Recreation. *California Historical Resources*. http://ohp.parks.ca.gov/ListedResources. Website accessed August 13, 2019.

located at Pioneer Park, also near the southwest corner of Valley Boulevard and Santa Anita Avenue.

Areas 8 through 10 are not located in areas that meet any of the National or State criteria and are not listed on the National or State Historic Register.[47] In addition, the City's General Plan has not identified the areas as being historically significant. The installation or relocation of any billboards will be limited to the installation sites and will not affect any existing resources listed on any historical register or those identified as being eligible for listing on a historical register. Based on the analysis provided herein, no impacts will occur.

B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines? ● Less than Significant Impact.*

The greater Los Angeles Basin was previously inhabited by the Gabrieleño people, named after the San Gabriel Mission. The Gabrieleño tribe has lived in this region for around 7,000 years.[48] Prior to Spanish contact, approximately 5,000 Gabrieleño people lived in villages throughout the Los Angeles Basin.[49] Villages were typically located near major rivers such as the San Gabriel, Rio Hondo, or Los Angeles Rivers. No significant archaeological sites are likely to be discovered during excavation activities due to the previous disturbance and the limited degree of excavation that will be required to install the proposed pylon footings and infrastructure connections. Although Areas 8 through 10 have been subject to disturbance to accommodate the existing buildings, the areas could potentially be situated in an area of high archaeological significance. As a result, a mitigation measure is provided in Section 3.18 (Tribal Cultural Resources) to ensure that a tribal representative is present during construction-related ground-disturbing activities. In the event that the tribal representative identifies an archeological resource on-site during ground-disturbing activities, Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA will apply in terms of the identification of significant archaeological resources and their salvage.[50] The California Office of Historic Preservation states that avoidance and preservation in place are the preferable forms of mitigation for archeological sites. When avoidance is infeasible, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center.[51] If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.[52] Adherence to the abovementioned regulations will reduce potential impacts to levels that are less than significant.

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[47] U. S. Department of the Interior, National Park Service. *National Register of Historic Places*. http://focus.nps.gov/nrhp. Website accessed August 13, 2019. Secondary Source: California Department of Parks and Recreation. *California Historical Resources*. http://ohp.parks.ca.gov/ListedResources. Website accessed August 13, 2019.

[48] Tongva People of Sunland-Tujunga. *Introduction*. http://www.lausd.k12.ca.us/Verdugo_HS/classes/multimedia/intro.html.

[49] Rancho Santa Ana Botanical Garden. *Tongva Village Site*. http://www.rsabg.org/component/k2/item/453-tongva-village-site.

[50] California, State of. *Title 14. California Code of Regulations. Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act*. as Amended 1998 (CEQA Guidelines). §15064.5.

[51] Ibid. §15126.4.

[52] Curation would involve the selection, organization and looking after of archeological items in a collection or exhibition.

C. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries? ● Less than Significant Impact.*

There are no cemeteries located within or adjacent to Areas 8 through 10. The installation process is unlikely to uncover human remains due to the limited excavation that is to be performed in the designated sites. Notwithstanding, in the unlikely event that remains are uncovered by construction crews, all excavation activities shall be halted and the El Monte Police Department (EMPD) will be contacted (the EMPD will then contact the Los Angeles County Coroner). In addition, a mitigation measure is provided in Section 3.18 (Tribal Cultural Resources) to ensure that a tribal representative is present during construction-related ground-disturbing activities. As a result, billboard installation activities are not anticipated to impact any interred human remains and the impacts are considered to be less than significant.

3.5.3 MITIGATION MEASURES

The analysis of potential cultural resources impacts indicated that Areas 8 through 10 are situated in an area of high archaeological significance. A mitigation measure is provided in Section 3.18 (Tribal Cultural Resources) to ensure that a tribal representative is present during construction-related ground-disturbing activities.

3.6 ENERGY

3.6.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on the environment if it results in the following:

- A potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation; or,

- A conflict with or obstruction of a State or local plan for renewable energy or energy efficiency.

3.6.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? ● Less than Significant Impact.*

A number of variables will affect the potential power consumption of a digital billboard including sign face size, resolution (how close pixels are spaced, also referred to as the diode density), how many LEDs (light emitting diodes) are in each pixel, the color capabilities of the board (tri-color or full color), the image being displayed and the time of day (day-time operation requires more power than night-time operation, as the lit image must compete with the brightness of the sun). The average annual energy consumption for LED billboards in the Los Angeles region is 61,032 kilowatt hours ("kWh"). For purposes of comparison, a typical single family home in the U.S. will consume 11,040 kWh annually.[53] Future billboards would use electrical energy and would be constructed pursuant to current electrical codes, including Title 24 of the State Building Code. In addition, the City's Municipal Code contains the following requirements in order to prevent excessive light and energy consumption:[54]

> *Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter in accordance with the pre-set distances set forth below.*
>
> *Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following ratios of face size dimensions to points of measurement distances:*
>
> - *12' x 25'; 150'*
> - *10'6" x 36'; 200'*
> - *14' x 48'; 250'*
> - *20' x 60' or 25' x 48'; 350'*

[53] Young, Gregory. *The Basics of Digital Signage and Energy Consumption.* http://www.scenic.org/storage/documents/EXCERPT_The_Basics_of_Digital_Signage_and_Energy_Consumption.pdf.

[54] El Monte, City of. *Municipal Code*. Title 17 Zoning, Chapter 17.88 Freeway Overlay Zone (Billboards), Section 17.88.030 General Requirements (I.3.c-e).

Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.

The installation of billboards will not result in excessive energy consumption because the materials used in the construction of billboards are manufactured off-site and each sign will be installed over a six-day period. The off-site manufacturing of the billboards is not subject to this environmental analysis because it is not directly part of the on-site billboard installation. The manufacturing of the billboards and other construction materials are done off-site and their manufacturing processes are not subject to this CEQA analysis. Therefore, the proposed project will not result in wasteful, inefficient, or unnecessary consumption of energy during installation or operation and the impacts are considered to be less than significant.

B. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ● No Impact.*

The California Public Utilities Commission prepared an updated Energy Efficiency Strategic Plan in 2011 with the goal of promoting energy efficiency and a reduction in greenhouse gases (GHG). Assembly Bill 1109, which was adopted in 2007, also serves as a framework for lighting efficiency. This bill requires the State Energy Resources Conservation and Development Commission to adopt minimum energy efficiency standards structured to reduce average statewide electrical energy consumption by not less than 50 percent from the 2007 levels for indoor residential lighting and not less than 25 percent from the 2007 levels for indoor commercial and outdoor lighting by 2018. As indicated in the previous subsection, the project will not result in wasteful, inefficient, or unnecessary consumption of energy during installation or operation. Therefore, the proposed project will not conflict with or obstruct the state's goal of promoting energy and lighting efficiency and no impacts will occur.

3.6.3 MITIGATION MEASURES

The analysis determined that the proposed project will not result in significant impacts related to energy and mitigation measures are not required.

3.7 GEOLOGY & SOILS

3.7.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on the environment if it results in any of the following:

- Substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or, landslides;

- Substantial soil erosion or the loss of topsoil;

- Location of the project on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;

- Location of the project on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2012), creating substantial direct or indirect risks to life or property;

- The project having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or,

- The direct or indirect destruction of a unique paleontological resource or site or unique geologic feature.

3.7.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or, landslides? ● Less than Significant Impact.*

Rupture of a known earthquake fault:

The City is located in a seismically active region (refer to Exhibit 3-2). Many major and minor local faults traverse the entire Southern California region, posing a threat to millions of residents, including those who reside in the City. Major earthquake faults in the Los Angeles County area include the San Andreas Fault Zone, the Sierra Madre Fault Zone, the Newport-Inglewood Fault, the Norwalk Fault, and the Whittier Fault. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on

the surface trace of active faults.[55] A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of Conservation website. The City of El Monte is not on the list.[56] The City is located between the Whittier Fault and the Sierra Madre Fault. However, Areas 8 through 10 are not located within the fault zones of the Whittier Fault and the Raymond/Duarte/Sierra Madre Faults (refer to Exhibit 3-2). Any future billboards will continue to be exposed to potential ground-shaking in the event of an earthquake. The degree of ground-shaking is dependent on the location of the earthquake epicenter, the earthquake's intensity, and a number of other variables. For the project area, the degree of impact will not be significantly different from that anticipated for the surrounding areas. In addition, all future billboards will be subject to all applicable City and state building regulations, including the California Building Code to ensure that potential impacts are less than significant.

Strong seismic ground shaking:

As previously mentioned, the City is not on the list of cities subject to the Alquist-Priolo Earthquake Fault Zones and Areas 8 through 10 are not located within the fault zones of the Whittier Fault and the Raymond/Duarte/Sierra Madre Faults (refer to Exhibit 3-2).[57] In addition, all future billboards will be subject to all applicable City and state building regulations, including the California Building Code to ensure that potential impacts are less than significant.

Seismic-related ground failure, including liquefaction, or landslides:

Liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. Essentially, liquefaction is the process by which the ground soil loses strength due to an increase in water pressure following seismic activity.[58] According to the California Department of Conservation, California Geologic Survey, the entire City of El Monte is located within a potential liquefaction hazard zone (refer to Exhibit 3-2).[59] Areas 8 through 10 are not subject to the risk of landslides (refer to Exhibit 3-2).

The State Seismic Hazards Mapping Act requires the preparation of a geotechnical report for most new development projects that are located in areas that may be subject to seismic hazards. However, the Seismic Hazards Mapping Act and the Alquist-Priolo Earthquake Fault Zoning Act define projects that are exempt from any investigation requirements. The exemption applies to structures of Group

[55] California Department of Conservation. *What is the Alquist-Priolo Act.* http://www.conservation.ca.gov/cgs/rghm/ap/Pages/main.aspx.

[56] California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.* http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx.

[57] Ibid.

[58] U.S. Geological Survey. *About Liquefaction.* http://geomaps.wr.usgs.gov/sfgeo/liquefaction/aboutliq.html.

[59] California Department of Conservation. *Regulatory Maps.* http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

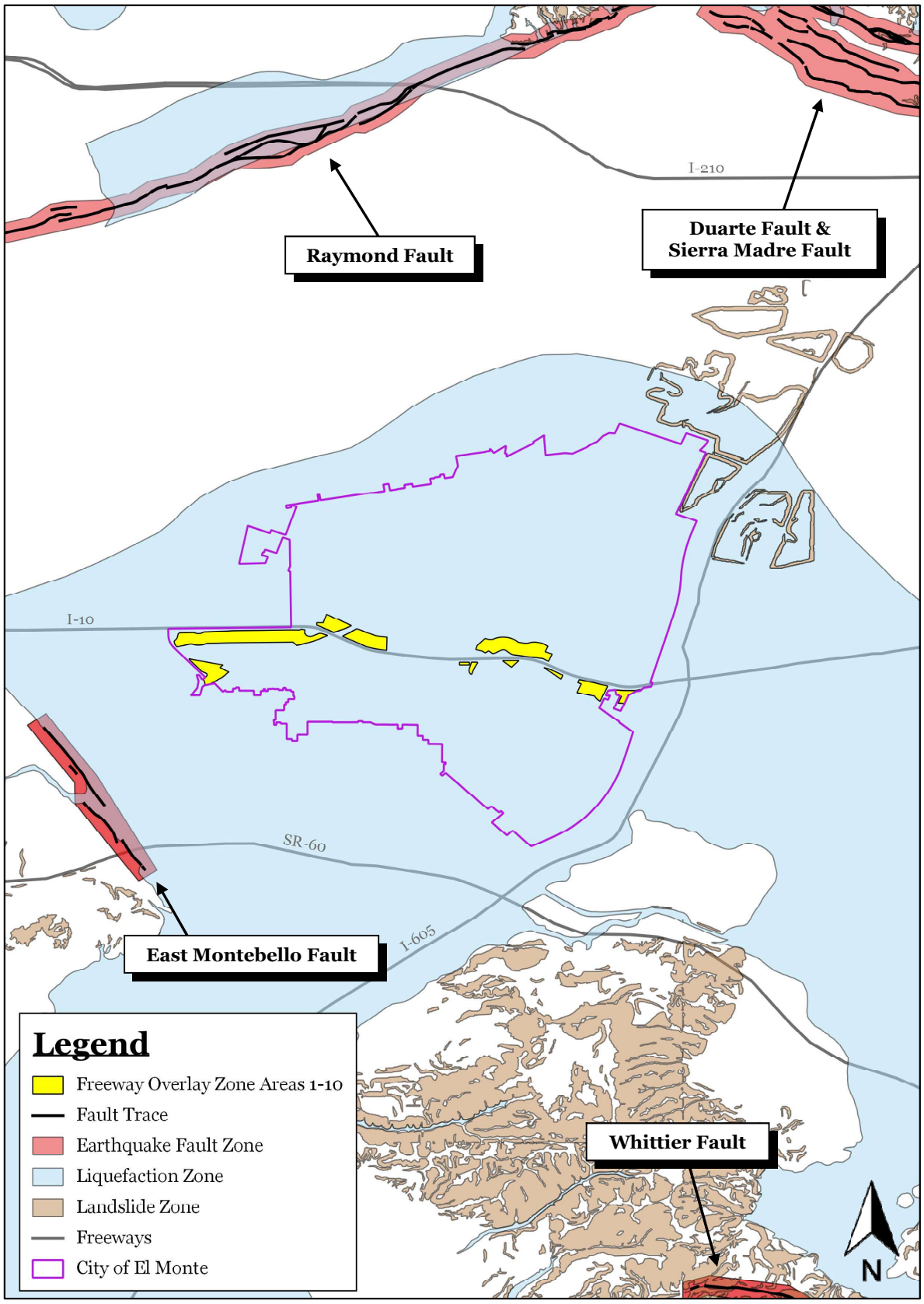

EXHIBIT 3-2
GEOLOGIC HAZARDS MAP
SOURCE: UNITED STATES GEOLOGICAL SURVEY

> U occupancy, which includes buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy. Buildings and structures within Group U include, but are not limited to, private garages, carports, retaining walls, fences, and cell phone towers.[60]

Billboards are not specifically mentioned in this exception; however, cell towers are included in this classification. Billboards may be categorized with cell towers for the purpose of geotechnical analysis because billboards and cell towers are both vertical structures that are not habitable and are powered by electricity. All new future billboards will be subject to all applicable City and state building regulations, including the California Building Code to ensure that potential impacts are less than significant. As a result, the potential impacts in regards to ground shaking, liquefaction, and landslides are less than significant.

B. *Would the project result in substantial soil erosion or the loss of topsoil? ● Less than Significant Impact.*

Given the developed character of Areas 8 through 10 and the limited area of disturbance, no impacts related to expansive soil erosion or loss of topsoil are anticipated. According to the soil maps prepared for Los Angeles County by the United States Department of Agriculture, the City of El Monte is underlain by the Hanford Soils Association. Soils of the Hanford association have a slight erosion hazard; however, current development and the placement of landscaping have reduced the soil's erosion risk.[61] In addition, limited excavation will be required for the installation of the pylon footings and infrastructure connections. Furthermore, each individual billboard will only occupy a maximum of 100 square feet of land area and will not present a runoff or erosion risk because the billboards will not introduce significant impermeable land cover to any of the installation sites.[62] As a result, the impacts are expected to be less than significant.

C. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ● Less than Significant Impact.*

Lateral spreading is a phenomenon that is characterized by the horizontal, or lateral, movement of the ground. Lateral spreading could be liquefaction-induced or can be the result of excess moisture within the underlying soils. As previously mentioned, the entire City of El Monte is located within a potential liquefaction hazard zone (refer to Exhibit 3-2).[63] As previously mentioned, the entire City is underlain with soils of the Hanford Association. Hanford soils are described as being used almost exclusively for residential and industrial development, as evident by the current level of urbanization present within the project site and surrounding areas.

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[60] California Building Standards Commission. *2016 California Residential Code*. California Code of Regulations Title 24 Building Standards Code, Part 2.5 California Residential Code, Chapter 1 Scope and Application, Section 1.1.3.1.2 Utility and Miscellaneous Group U.

[61] United States Department of Agriculture Soil Conservation Service. *Report and General Soils Map Los Angeles County, California*. Revised 1969.

[62] United States Department of Agriculture. *Web Soil Survey*. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Website accessed August 13, 2019.

[63] California Department of Conservation. *Regulatory Maps*. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps.

Subsidence occurs via soil shrinkage and is triggered by a significant reduction in an underlying groundwater table, thus causing the earth on top to sink. Shrinking and swelling is influenced by the amount of clay present in the underlying soils. The installation sites are underlain by soils of various soil associations, which have various levels of clay.

As previously mentioned, billboards would be considered exempt from requiring a geotechnical report. All new future billboards will be subject to all applicable City and state building regulations, including the California Building Code to ensure that potential impacts are less than significant. Therefore, less than significant impacts related to unstable soils are expected.

D. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (2012), creating substantial direct or indirect risks to life or property? ● Less than Significant Impact.*

As previously mentioned, the entire City is underlain with soils of the Hanford Association. Hanford soils are described as being used almost exclusively for residential and industrial development, as evident by the current level of urbanization present within the project site and surrounding areas. As previously mentioned, billboards would be considered exempt from requiring a geotechnical report. In addition, future billboards will be subject to all applicable City and state building regulations, including the California Building Code to ensure that potential impacts are less than significant. Therefore, less than significant impacts related to expansive soils are expected.

E. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ● No Impact.*

No septic tanks will be used in conjunction with any future billboards. As a result, no impacts associated with the use of septic tanks or alternative wastewater disposal systems will occur as part of the billboard installations or relocations.

F. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ● Less than Significant Impact with Mitigation.*

The likelihood of the discovery of paleontological resources or site or unique geologic features is considered to be low given the extensive ground disturbance that has occurred throughout the City. In addition, the limited excavation (25 feet) for the new support columns and the infrastructure connections are not likely to encounter any resources.

The upper sediments that underlie the project area consist of younger Quaternary Alluvium, which have a low paleontological sensitivity. These younger sediments, however, overlie Older Quaternary Alluvium which is considered to be sensitive.[64] The likelihood of the discovery of paleontological materials will increase where the excavations will extend into the Older Quaternary Alluvium. In the event that intact paleontological resources are located within the project site, ground-disturbing activities associated with billboard installation activities have the potential for destroying a unique paleontological resource or site.

[64] Los Angeles, City of. *L.A. CEQA Thresholds Guide. Section D.1 Paleontological Resources.* http://www.environmentla.org/programs/Thresholds/D-Cultural.

In the absence of mitigation, the potential damage to paleontological resources or sites during billboard installation would be a potentially significant impact. Therefore, the following mitigation is required:

- Prior to commencement of any grading activity on site, the Applicant shall retain a qualified paleontologist, subject to the review and approval of the City's Community and Economic Development Director, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.

With the above mitigation, the potential impacts will be reduced to levels that are less than significant.

3.7.3 MITIGATION MEASURES

In the absence of mitigation, the potential damage to paleontological resources or sites during billboard installation would be a potentially significant impact. Therefore, the following mitigation is required:

Mitigation Measure No. 1 (Geology & Soils). Prior to commencement of any grading activity on site, the Applicant shall retain a qualified paleontologist, subject to the review and approval of the City's Community and Economic Development Director, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.

3.8 GREENHOUSE GAS EMISSIONS

3.8.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on greenhouse gas emissions if it results in any of the following:

- The generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or,

- A conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases.

3.8.2 ENVIRONMENTAL ANALYSIS

A. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ● Less than Significant Impact.*

The State of California requires CEQA documents include an evaluation of greenhouse gas ("GHG") emissions or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler. The passage of Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, established the California target to achieve reductions in GHG to 1990 GHG emission levels by the year 2020.[65] Future billboards will utilize minimal amounts of electricity and, as a result, off-site stationary emissions will be minimal.

The SCAQMD has established a single quantified threshold of 10,000 metric tons of CO_2E ($MTCO_2E$) per year for new development.[66] Carbon dioxide equivalent, or CO_2E, is a term that is used for describing different greenhouses gases in a common and collective unit. Table 3-4 summarizes annual greenhouse gas emissions from installation and operation of an individual billboard. Installation emissions include construction emissions and mobile emissions. Long-term (operational) emissions include mobile emissions from maintenance vehicles and off-site emissions for electricity generation. As indicated in Section 3.6, Energy, A, future billboards will not result in wasteful, inefficient, or unnecessary consumption of energy during installation or operation. Table 3-4 summarizes annual GHG (CO_2E) emissions from the operation of the billboards.

[65] California, State of. OPR Technical Advisory – *CEQA and Climate Change: Addressing Climate Change through the California Environmental Quality Act (CEQA) Review.* June 19, 2008.

[66] SCAQMD. *Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group Meeting #15.* https://planning.lacity.org/eir/8150Sunset/References/4.E.%20Greenhouse%20Gas%20Emissions/GHG.39_SCAQMD%20GHG%20Meeting%2015.pdf.

Table 3-4
Greenhouse Gas Emissions Inventory

Source	GHG Emissions (lbs/day)			
	CO_2	CH_4	N_2O	CO_2E
Construction Phase – Max Daily Emissions	1,261.68	0.36	0.00	1,267.18
Total Construction Emissions ($MTCO_2E$)				**208.05 $MTCO_2E$ per year**
Long-term Area Emissions	2.20e-4	0.00	0.00	2.30e-4
Long-term Energy Emissions	0.00	0.00	0.00	0.00
Long-term Mobile Emissions	0.00	0.00	0.00	0.00
Total Long-term Emissions ($MTCO_2E$)				**3.80e-5 $MTCO_2E$ per year**
Thresholds of Significance				**10,000 $MTCO_2E$ per year**

Source: CalEEMod.

As indicated in Table 3-4, the CO_2E total for the project is a negligible amount of CO_2E per day. Since the project's operational emissions will be below the quantified threshold of significance, the potential impacts are considered to be less than significant.

B. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? ● No Impact.*

AB 32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28 percent reduction in "business as usual" GHG emissions for the entire State. The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. As a result, no significant adverse impacts related to a potential conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases are anticipated.

The City of El Monte does not have an adopted Climate Action Plan. However, the City's General Plan includes Air Quality sections within the Public Health and Safety Element, and the Health and Wellness Element. In these sections, the following policies related to air quality and greenhouse gasses are identified:[67]

- *Goal PHS-3 (Public Health and Safety):* Clean and healthful air through the implementation of responsive land use practices, enhancement to the natural landscape, pollution reduction strategies, and cooperation with regional agencies.
    - *PHS-3.1, Land Use:* As a condition for siting or expanding operations in El Monte, require air pollution emitters to evaluate and fully mitigate the impacts of their operations on schools, homes, medical facilities, child care centers, and other sensitive receptors.

[67] City of El Monte. *Vision El Monte General Plan.* http://elmonteca.gov/LinkClick.aspx?fileticket=lynL7WlS6f4%3d&tabid=101. June 2011.

- *PHS-3.2, Sensitive Receptors:* Utilize CARB recommendations to evaluate the siting of dry cleaners, chrome platers, large gas stations, freeways, and other high pollutant sources near residences, health care facilities, schools, and other sensitive land uses.
- *PHS-3.3, Community Forest:* As prescribed in the Parks and Recreation Element, enhance the City's community forest by planting trees along all roadways as a means to help filter air pollutants, clean the air, and provide other health benefits to the community.
- *PHS-3.4, Transportation:* Encourage alternative modes of travel to work and school by maximizing transit service, purchasing alternative fuel vehicles, completing all sidewalks, and creating a network of multiuse trails and bicycle paths.
- *PHS-3.6, Health Risk Assessment:* Require that projects for new industries or expansion of industries that produce air pollutants conduct a health risk assessment and establish appropriate mitigation prior to approval of new construction, rehabilitation, or expansion permits.

- *Goal HW-12 (Health and Wellness):* Land use patterns reduce driving, enhance air quality, and improve respiratory health.
  - *HW-12.1, Walking, Cycling, and Transit Use:* Promote land use patterns that reduce driving rates and promote walking, cycling and transit use.
  - *HW-12.2, Truck Routes:* Discourage locating truck routes on primarily residential streets.
  - *HW-12.5, Air Pollution Mitigation:* Use landscaping, ventilation systems, double paned windows, or other mitigation measures to achieve healthy indoor air quality and noise levels in sensitive land uses.
  - *HW-12.8, Air Quality Policies:* Support policies that reduce emissions of pollutants from stationary and mobile sources such as industrial facilities, motor vehicles and trains.

The proposed project will not involve or require any variance from the aforementioned policies. Furthermore, the proposed project will not involve or require any other variance from the adopted plan, policy, or regulation governing GHG emissions. As indicated previously, the installation and subsequent operation of static or digital billboards will result in the generation of a limited amount of emissions that will be below the SCAQMD's thresholds (refer to Table 3-4). The only operational emissions will involve vehicle trips made by maintenance vehicles and off-site emissions for electricity generation to power the billboards. In order to reduce the consumption of electricity, LED display digital billboards will be utilized. As indicated in Section 3.6, Energy, A, the billboards will not result in wasteful, inefficient, or unnecessary consumption of energy during installation or operation. As a result, no impacts will occur.

3.8.3 MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.9 HAZARDS & HAZARDOUS MATERIALS

3.9.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on risk of upset and human health if it results in any of the following:

- The creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- The creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- The emission of hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- The location of the project on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, the creation of a significant hazard to the public or the environment;
- A safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport;
- The impairment of the implementation of or the physical interference with an adopted emergency response plan or emergency evacuation plan; or,
- The exposure of people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

3.9.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ● No Impact.*

The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and to allow for the installation of billboards within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

Once in operation, any new billboards will not require the transport, use, or disposal of hazardous materials beyond what is typically used for installation and routine maintenance. Therefore, no impacts will result upon project implementation.

B. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ● Less than Significant Impact with Mitigation.*

The United States Environmental Protection Agency's multi-system search Envirofacts was consulted and it was determined that several sites were identified within proposed Areas 8 and 9.[68] The types of uses associated with the hazardous materials include, but are not limited to, auto repair uses, industrial manufacturing uses and plumbing uses. Since several potentially hazardous sites were identified within proposed Areas 8 and 9, the following mitigation is required:

- Billboards must not be installed over sites that are identified as contaminated under any hazardous site database that is maintained by the California Environmental Protection Agency or the United States Environmental Protection Agency.

The above mitigation measure will ensure that ongoing remediation of contaminated sites continues and that the contamination is not disturbed and further spread.

C. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ● No Impact.*

El Monte Christian Academy, Colombia School, El Monte High School are located within one-quarter mile of proposed Area 8; Agape Montessori School is located within one-quarter mile of proposed Area 9; and, Baker Elementary School is located within one-quarter mile of proposed Area 10. The installation and operation of any static or digital billboards will not involve any emissions of hazardous substances or the handling of any hazardous or acutely hazardous materials, substances, or waste. The installation and operation of any static or digital billboards will also not involve any changes to the surrounding environment which could result in the release of hazardous materials. As a result, no impacts will occur.

D. *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ● Less than Significant Impact.*

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List, maintained by the California Department of Toxic Substances Control. One Cortese site is located in the City of El Monte and it is the San Gabriel Groundwater Basin.[69] The San Gabriel Valley has been under environmental investigation since 1979 when groundwater contaminated with volatile organic compounds (VOCs) was first identified. The groundwater contamination resulted

[68] United States Environmental Protection Agency. *Envirofacts-Multisystem Search*. https://www3.epa.gov/enviro/?CFID=59839&CFTOKEN=30600241.

[69] California Department of Toxic Substances Control. *DTSC's Hazardous Waste and Substances Site List – Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

from the historic use and improper handling and disposal of chlorinated solvents (such as tetrachloroethene (PCE) and trichloroethene (TCE)) and other chemicals (other VOCs, 1,4-dioxane, perchlorate, NDMA). USEPA believes that the contamination initially stemmed from an increase in industrial activity during World War II, followed by rapid post-war industrial.

In May 1984, USEPA listed four broad areas of regional-scale groundwater contamination within the Basin on the National Priorities List (NPL) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Since listing the San Gabriel Valley Superfund Sites, USEPA has been working to address the groundwater contamination on a regional scale through installation and operation of groundwater extraction systems that control the contaminant migration. Extracted groundwater is treated to safe levels and, if feasible, is reused for drinking water supply. Although the groundwater cleanup activities started in the 1990's, and progress has been made, the groundwater contamination in the San Gabriel Valley is extensive and will require multiple decades to remediate. Therefore, no site-specific impacts will occur upon the implementation of the proposed project because the contamination is regional and under remediation. Furthermore, the proposed project will not require deep excavation for the billboard footings (25 feet) and will not have the potential to disturb any contaminated groundwater, which reaches a depth of 150 feet to 350 feet.

The excavation required for the sign supports will not extend into the contaminated aquifer. The estimated column depth for the billboard support will be approximately 25 feet deep and the contaminated groundwater reaches a depth of 150 feet to 350 feet. During grading and excavation for the sign footings and utility connections, the contractor(s) will be familiar with the identification, handing, removal, and disposal of contaminated soils. Should contaminated soils be encountered during the sign's installation, all pertinent protocols must be followed in the proper handling and disposal of any contaminated soils. Furthermore, adherence to the mitigation measure provided in Section 3.8.2.B will reduce potential impacts to levels that are less than significant. Adherence to the aforementioned regulations will result in a less than significant impact.

E. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ● No Impact.*

Areas 8 through 10 are not located within an airport land use plan. However, the I-10 Freeway is located 0.87 miles south of the San Gabriel Valley Airport. Future billboards will not introduce a structure that will interfere with the approach and take off of airplanes utilizing the airport. The runway protection zones for approaches and takeoffs are 1,000 feet and these runway protection zones do not extend to the project site. As a result, the proposed project's implementation would not present a safety hazard to aircraft and/or airport operations at a public use airport. Therefore, no impacts will occur.

F. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ● Less than Significant Impact.*

At no time during billboard installation or maintenance will adjacent streets be completely closed to traffic. The individual billboard installation plans must identify specific provisions for the regulation of construction vehicle access to the billboard site during installation as a means to provide continued

through-access and prevent street blockage or queuing. If any of the billboard installations require partial or full street closures, the contractor will be required to follow the proper protocol pursuant to the California Manual on Uniform Traffic Control Devices (MUTCD) as it relates to temporary and intermittent street closures.[70] As a result, less than significant impacts are associated with the installation or relocation of any billboards.

G. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? ● No Impact.*

The City of El Monte is urbanized and the majority of the parcels are developed. There are no areas of native vegetation found within Areas 8 through 10 or in the surrounding areas that could provide a fuel source for a wildfire. As a result, there are no impacts associated with potential wildfires from off-site locations.

3.9.3 MITIGATION MEASURES

The environmental analysis determined that various contaminated sites, as listed by the California Environmental Protection Agency and the United States Environmental Protection Agency, are located within the proposed Freeway Billboard Overlay Zone. In order to ensure that ongoing remediation of contaminated sites continues and that the contamination is not disturbed and further spread, the following mitigation measure is required:

Mitigation Measure No. 2 (Hazards & Hazardous Materials). Billboards must not be installed over sites that are identified as contaminated under any hazardous site database that is maintained by the California Environmental Protection Agency or the United States Environmental Protection Agency.

[70] California Department of Transportation (Caltrans). California Manual on Uniform Traffic Control Devices. 2014, as revised March 2018.

3.10 HYDROLOGY & WATER QUALITY

3.10.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse environmental impact on water resources or water quality if it results in any of the following:

- A violation of any water quality standards or waste discharge requirements or an otherwise substantial degradation of surface or groundwater quality;

- A substantial decrease of groundwater supplies or a substantial interference with groundwater recharge such that the project may impede sustainable groundwater management of the basin;

- A substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows;

- The risk of release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones; or,

- A conflict with or an obstruction of implementation of a water quality control plan or sustainable groundwater management plan.

3.10.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?* ● *No Impact.*

The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and to allow for the installation of billboards within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

The nearest naturally-occurring bodies of water to any of the existing or potential billboard sites are the Rio Hondo Channel and the San Gabriel River, which are both channelized. In the event of a relocation or installation, the billboard structure components will be transported to the individual installation sites where they are to be assembled. The typical duration of a billboard installation would occur over a six-day period. The estimated column depth for the billboard support would be approximately 25 feet deep.

Any excavated areas will be fully covered. The construction crew would first install the sign column and then pour the concrete for the sign column. Fast-setting concrete would be utilized, allowing the concrete to cure overnight.

According to the soil maps prepared for Los Angeles County by the United States Department of Agriculture, the City of El Monte is underlain by the Hanford Soils Association. Soils of the Hanford association have a slight erosion hazard; however, current development and the placement of landscaping have reduced the soil's erosion risk.[71] In the absence of mitigation, new impervious surfaces (buildings, internal driveways, parking areas, etc.) that would be constructed may result in the generation of urban pollutants. However, limited excavation will be required for the installation of the pylon footings and infrastructure connections. Furthermore, each individual billboard will only occupy a maximum of 100 square feet of land area and will not present a runoff or erosion risk because the billboards will not introduce significant impermeable land cover to any of the installation sites.[72] Overall, the proposed project will not involve any physical features or activities that would lead to erosion or the contamination of stormwater runoff. As a result, no impacts will occur.

B. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ● No Impact.*

A search was conducted through the Regional Water Quality Control Board's on-line database Geotracker to identify the presence of any natural underground water wells within Areas 8 through 10. The search yielded negative results for existing or abandoned wells.[73] Therefore, excavation activities are not anticipated to encounter and deplete groundwater supplies from any underlying aquifer.

The City of El Monte and the surrounding cities are underlain by the Central groundwater basin. Groundwater resources in the Central Basin consists of a body of shallow, unconfined and semi-perched water on the upper part of the alluvial deposits; the principal body of fresh groundwater within the Recent and Pleistocene deposits; and salt water under the freshwater resources. Water-bearing deposits are unconsolidated and semi-consolidated alluvial sediments that hold water and allow water to pass through, and are referred to as aquifers. Non-water-bearing deposits are consolidated rocks and ground layers which provide limited water and form the boundaries between aquifers. According to the United States Environmental Protection Agency, the average depth to the bottom of the shallow groundwater zone is approximately 150 feet below ground surface (bgs).[74] The excavation required for the sign supports will not extend into the groundwater basin. The estimated column depth for the billboard support will be approximately 25 feet deep. The excavation required for utility connections and pylons that will support the signs will not be deep enough to interfere with local groundwater supplies. In addition, the

[71] United States Department of Agriculture Soil Conservation Service. *Report and General Soils Map Los Angeles County, California*. Revised 1969.

[72] United States Department of Agriculture. *Web Soil Survey*. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Website accessed August 16, 2019.

[73] Geotracker GAMA. http://geotracker.waterboards.ca.gov/gama/gamamap/public/default.asp. Website accessed August 16, 2019.

[74] United States Environmental Protection Agency (USEPA). San Gabriel Valley (Area 1) El Monte, South El Monte, Whittier Narrows. https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/cadf7f8d48234c98882574260073d787/e06c87d4a19ae069882576030004ab90!OpenDocument.

installation of billboards will not involve any water consumption and no net change in area-wide water consumption will occur. As a result, no impacts are anticipated to result from the installation or relocation of billboards.

C. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows? ● No Impact.*

As previously mentioned, the billboards will require limited excavation for installation. No natural drainage or riparian areas exist within the existing or potential billboard sites. The nearest naturally occurring bodies of water to any of the existing or potential billboard sites are the Rio Hondo Channel and the San Gabriel River, which are both channelized. The billboards will be restricted to the designated sites and will not alter the course of the Rio Hondo Channel or the San Gabriel River.[75]

Each individual billboard will only occupy approximately 100 square feet of land area and therefore will not cause a significant increase in impermeable surfaces so as to significantly alter the existing drainage pattern, increase the risk of erosion or siltation, or increase the rate or amount of runoff within of any area within the City. No significant change in the amount of surface runoff volumes within the project site is anticipated due to the nature and extent of the existing surfaces and of the billboards. As a result, no impacts will occur.

D. *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? ● No Impact.*

According to the Los Angeles County Department of Public Works, the City of El Monte is not located within a designated 100-year flood hazard area, as defined by the Federal Emergency Management Agency (FEMA).[76] According to the Federal Emergency Management Agency (FEMA) flood insurance map obtained from the Los Angeles County Department of Public Works, the existing and potential billboard sites are located in Zone X. This flood zone has an annual probability of flooding of less than 0.2 percent and represents areas outside the 500-year flood plain. Thus, sites located in Zone X are not located within a 100-year flood plain.

The potential installation sites will not be exposed to a tsunami since the City is located approximately 23 miles inland from the Pacific Ocean. There are no hillsides located in the area that would result in mudslides. A seiche refers to an occasional and sudden oscillation of the water within a lake, bay, estuary, or other surface water body that may be caused by an earthquake. There are no surface water bodies located in the immediate area of Areas 8 through 10 that would result in a seiche. A seiche in the Rio

[75] Google Earth. Website accessed August 16, 2019.

[76] Los Angeles County Department of Public Works. *Flood Zone Determination Website.* http://dpw.lacounty.gov/wmd/floodzone/.

Hondo Channel, which extends along the southeast border of proposed Area 9, is not likely to happen due to the current level of channelization. As a result, no impacts are anticipated.

E. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ● No Impact.*

The installation of future billboards will result in minimal ground disturbance. The footprint of the pylon billboard support structures will be minimal (100 square feet) and will not lead to a substantial amount of impervious surfaces. In addition, the billboards will not utilize any materials or equipment that could lead to surface water pollution. Finally, the project contractors must adhere to all pertinent best management practices during the installation. As a result, adoption of the Municipal Code Amendment will not result in a conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan and no impacts will occur.

3.10.3 MITIGATION MEASURES

As indicated previously, hydrological characteristics will not substantially change due to the limited excavation and limited land area the individual billboards will occupy. As a result, no mitigation is required.

3.11 LAND USE & PLANNING

3.11.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant impact on land use and development if it results in any of the following:

- The physical division of an established community; or,

- A significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

3.11.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide an established community? • No Impact.*

The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and to allow for the installation of billboards within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. The land use and environmental setting of the new proposed Freeway Billboard Overlay Zone areas are summarized below.

- *Area 8*. This area extends laterally for approximately 775 feet and is located directly south of the I-10 Freeway. This portion encompasses the area south of the I-10 Freeway and Asher Street, along the east and west sides of Meeker Avenue, west of Peck Road. This portion is zoned *R-3 (Medium-Density Multiple-Family Dwelling), C-3 (General Commercial),* and *C-4 (Heavy Commercial)*. Industrial uses and commercial uses are located within this area. There are no existing billboards located within this area.

- *Area 9*. This new area is located approximately 0.28 miles south of the I-10 Freeway along the east and west sides of Rosemead Boulevard (SR-19). This area is roughly triangular in shape. This portion is zoned *O-P (Office Professional)*. Office uses are located within this portion. There are no existing billboards located within this area.

- *Area 10*. This area is triangular in shape and is located directly south of the I-10 Freeway and Stockham Place and0 extends laterally 950 feet west from Cogswell Road. This portion is zoned *M-1 (Light Manufacturing)*. Located within this area are industrial uses and residential uses. There are no existing billboards located in this area.

All future billboards will be compatible to their respective zoning and General Plan land use designations (refer to Exhibits 3-3 through 3-8 for the Zoning and General Plan land use maps). An *R-3 (Medium-Density Multiple-Family Dwelling)* zone is located within Zone 8. The proposed zone change and general plan amendment for Area 8 will change the residentially-zoned portion of Area 8 to a commercial zone. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a

general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial.*

Each billboard will only occupy 100 square feet of land area. The billboard installation will not involve the permanent closure of any existing roadways or otherwise result in the division of an established residential neighborhood. Due to the nature of the project and its minimal land coverage, the project will not lead to any division of an existing established neighborhood and no impacts will occur.

B. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ● Less than Significant Impact.*

Area 8 is zoned *R-3 (Medium-Density Multiple-Family Dwelling), C-3 (General Commercial),* and *C-4 (Heavy Commercial* and has General Plan land use designations of *Medium Density Residential* and *General Commercial.* Area 9 is zoned *O-P (Office Professional)* and has a General Plan land use designation of *Office Professional.* Area 10 is zoned M-1 (Light Manufacturing) and has a General Plan land use designation of *Industrial/Business Park.* Refer to Exhibits 3-3 through 3-8 for the Zoning and General Plan land use maps

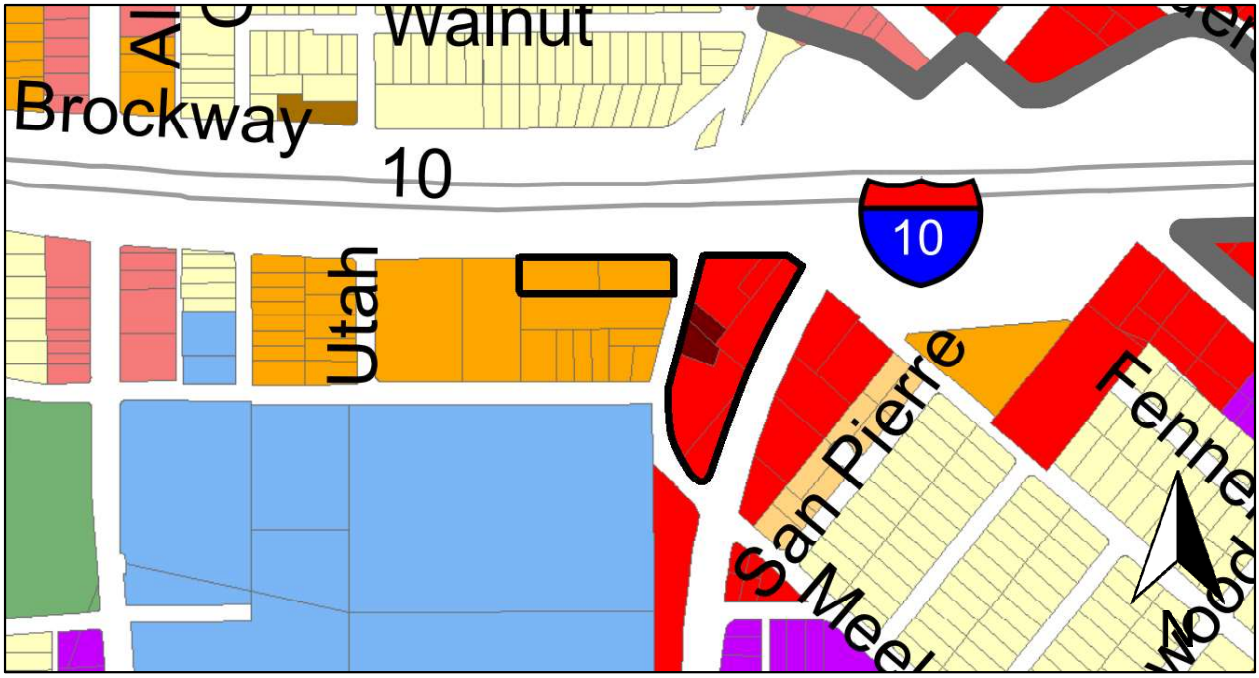
As previously mentioned, all future billboards will be compatible to their respective zoning and General Plan land use designations (refer to Exhibits 3-3 through 3-8 for the Zoning and General Plan land use maps). The proposed project will involve an amendment to the Municipal Code to allow for the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (billboards are currently not allowed within 250 feet of residential zones). The amendment to the Municipal Code states that billboards may be placed within 250 feet of a residentially zoned property if it can be demonstrated by the positioning of the digital panels that there is no significant light intrusion, to be determined by the Community and Economic Development Director. Therefore, each billboard will be considered on a case-by-case basis. In addition, the following requirements are listed within the Municipal Code:

- Billboards projecting over a driveway or driving aisle shall have a minimum clearance of sixteen (16) feet between the lowest point of the sign and the driveway grade. Billboards shall comply with any California Department of Transportation requirements for placement and operation. No part of any billboard shall cross onto an adjacent property.

- Billboards projecting over a pedestrian walkway shall have a minimum clearance of twelve (12) feet between the lowest point of the sign and the walkway grade.

- All billboards not projecting over drive areas or pedestrian walkways shall have a minimum clearance of twelve (12) feet between the lowest point of the billboard and ground level.

Because the amendment is not project- or site-specific, the proposed project will not significantly conflict with any land use plan, policy, or regulation and less than significant impacts will occur.



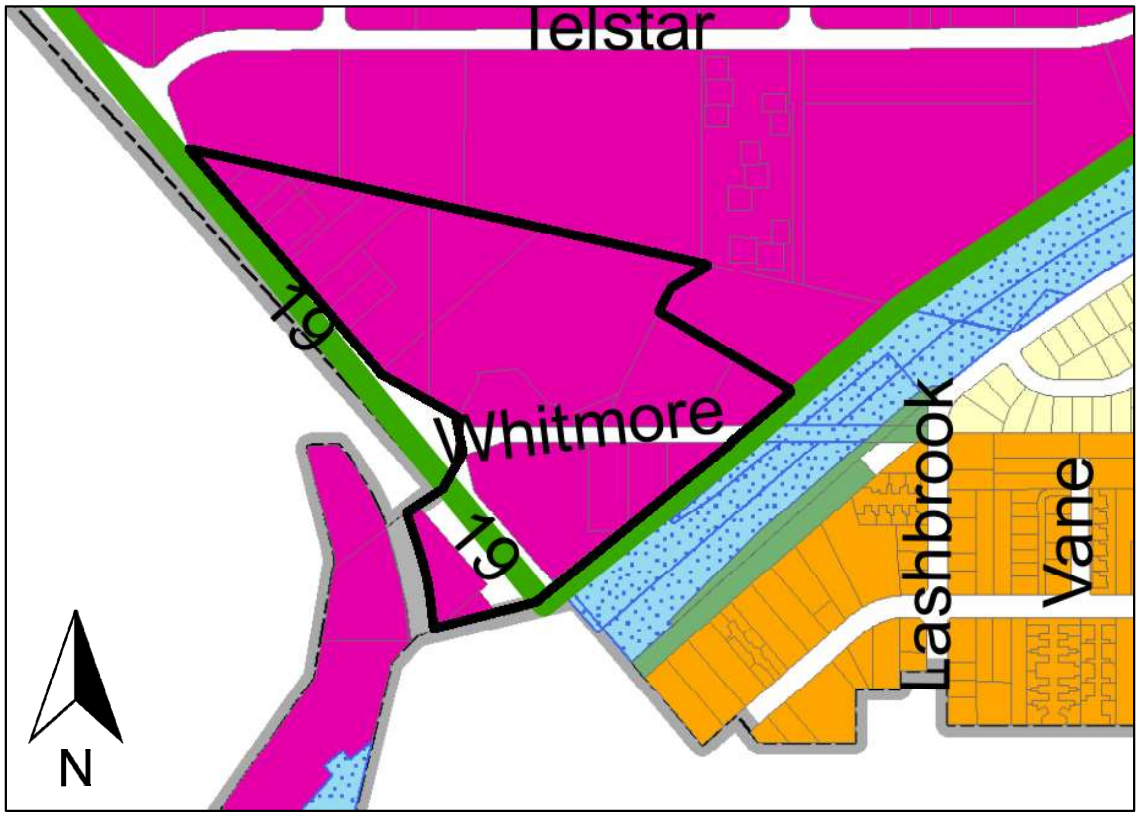
City Zoning

- R-1A - Single Family Residential
- R-1B - Single Family Residential
- R-1C - Single Family Residential
- R-2 - Low-Density Multiple-Family
- R-3 - Medium-Density Multiple-Family
- R-4 - High-Density Multiple-Family
- RMP - Residential Mobilehome Park
- MMU - Mixed/Multiuse
- C-0 - Professional Office
- C-1 - Limited Commercial
- C-2 - Retail Commercial
- C-3 - General Commercial
- C-4 - Heavy Commercial
- M-1 - Light Manufacturing
- M-2 - General Manufacturing
- OP - Office Professional
- OS - Open Space
- PF - Public Facility
- SP-1 - Gateway
- SP-2 - Mountain View
- SP-3 - Flair Spectrum
- SP-4 - Downtown
- Airport
- Railroad
- Transitway
- Drainage/River

Overlay Zones

- Billboards
- Medicinal-only Cannabis
- Rurban Homes (RHOD)

EXHIBIT 3-3
ZONING MAP, AREA 8
Source: City of El Monte



City Zoning

- R-1A - Single Family Residential
- R-1B - Single Family Residential
- R-1C - Single Family Residential
- R-2 - Low-Density Multiple-Family
- R-3 - Medium-Density Multiple-Family
- R-4 - High-Density Multiple-Family
- RMP - Residential Mobilehome Park
- MMU - Mixed/Multiuse
- C-0 - Professional Office
- C-1 - Limited Commercial
- C-2 - Retail Commercial
- C-3 - General Commercial
- C-4 - Heavy Commercial
- M-1 - Light Manufacturing
- M-2 - General Manufacturing
- OP - Office Professional
- OS - Open Space
- PF - Public Facility
- SP-1 - Gateway
- SP-2 - Mountain View
- SP-3 - Flair Spectrum
- SP-4 - Downtown
- Airport
- Railroad
- Transitway
- Drainage/River

Overlay Zones

- Billboards
- Medicinal-only Cannabis
- Rurban Homes (RHOD)

EXHIBIT 3-4
ZONING MAP, AREA 9
Source: City of El Monte

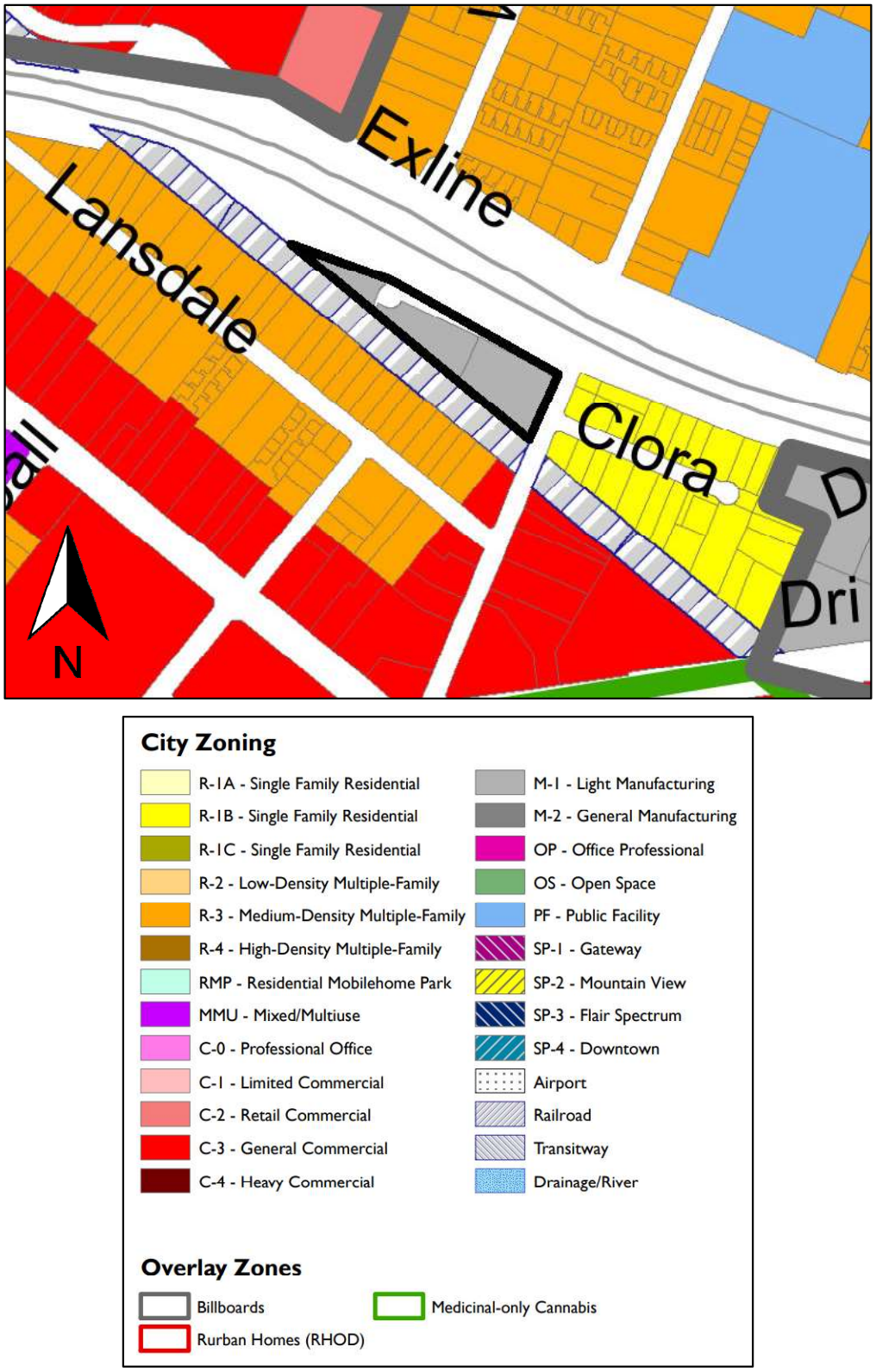
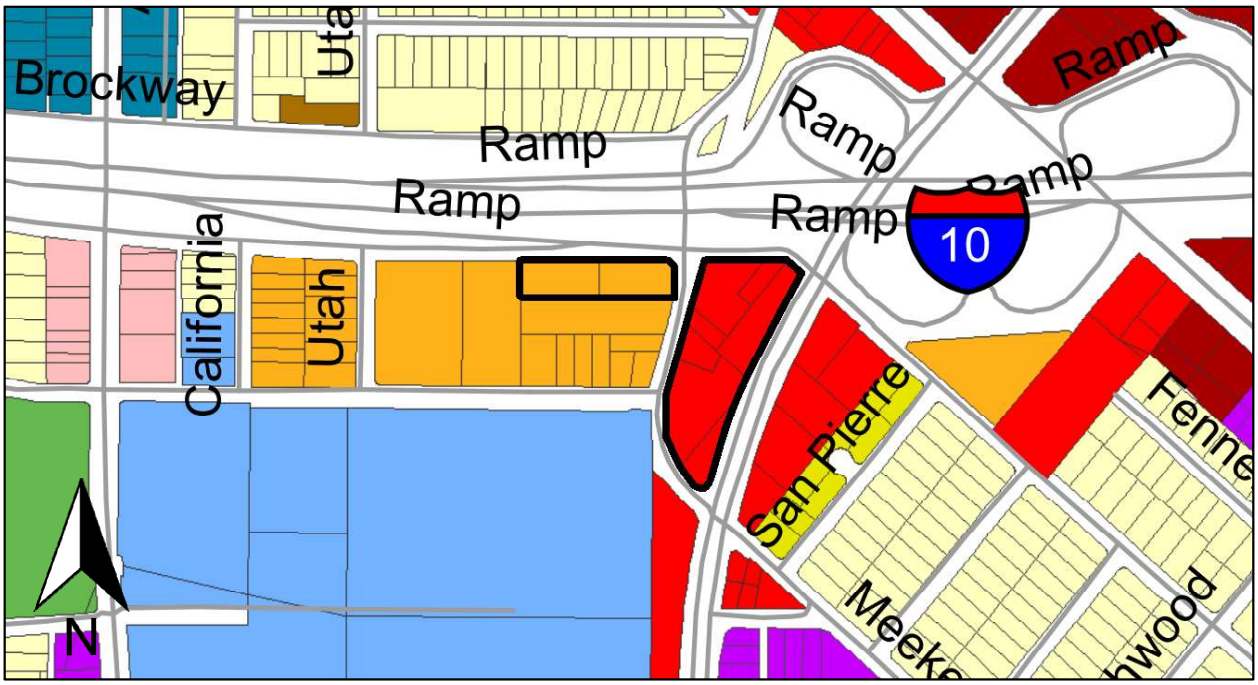


EXHIBIT 3-5
ZONING MAP, AREA 10
Source: City of El Monte



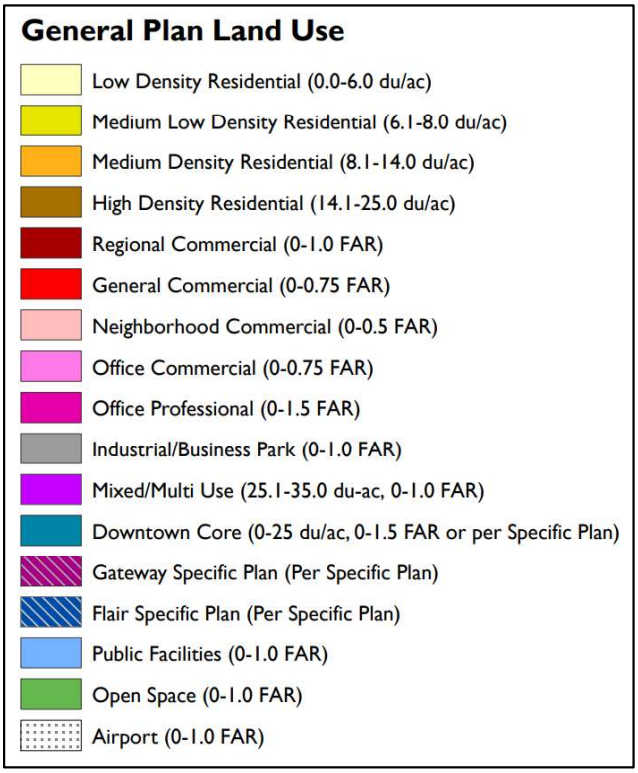
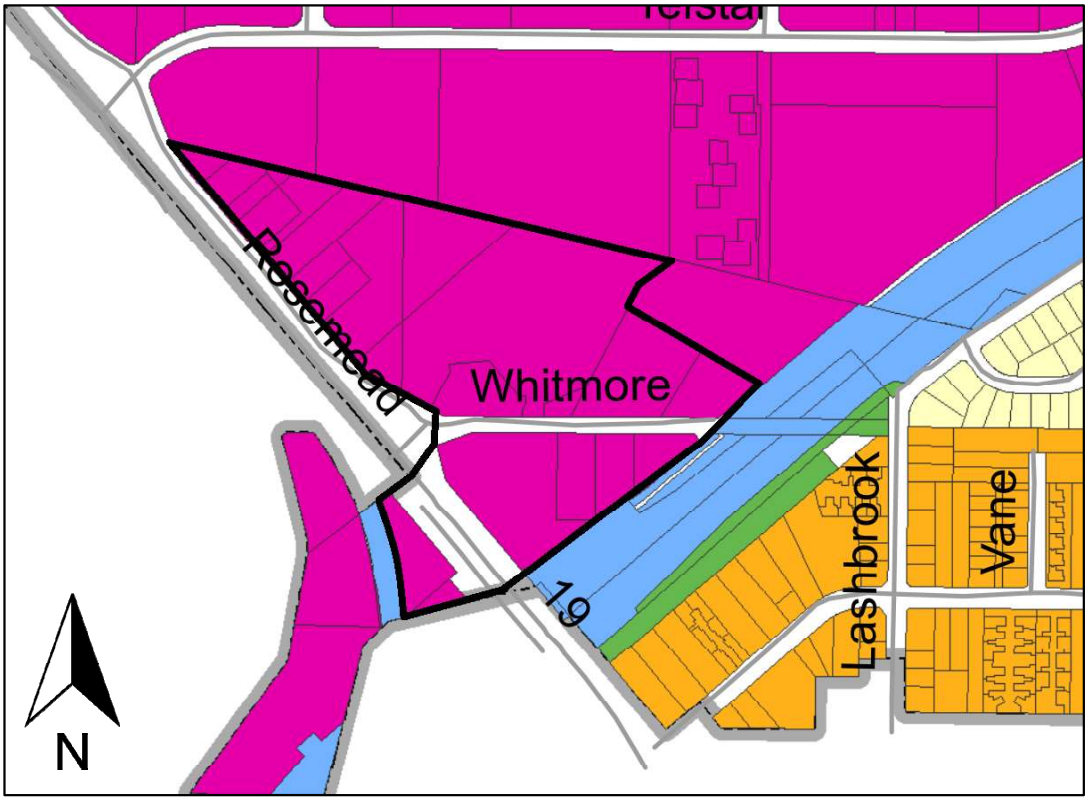


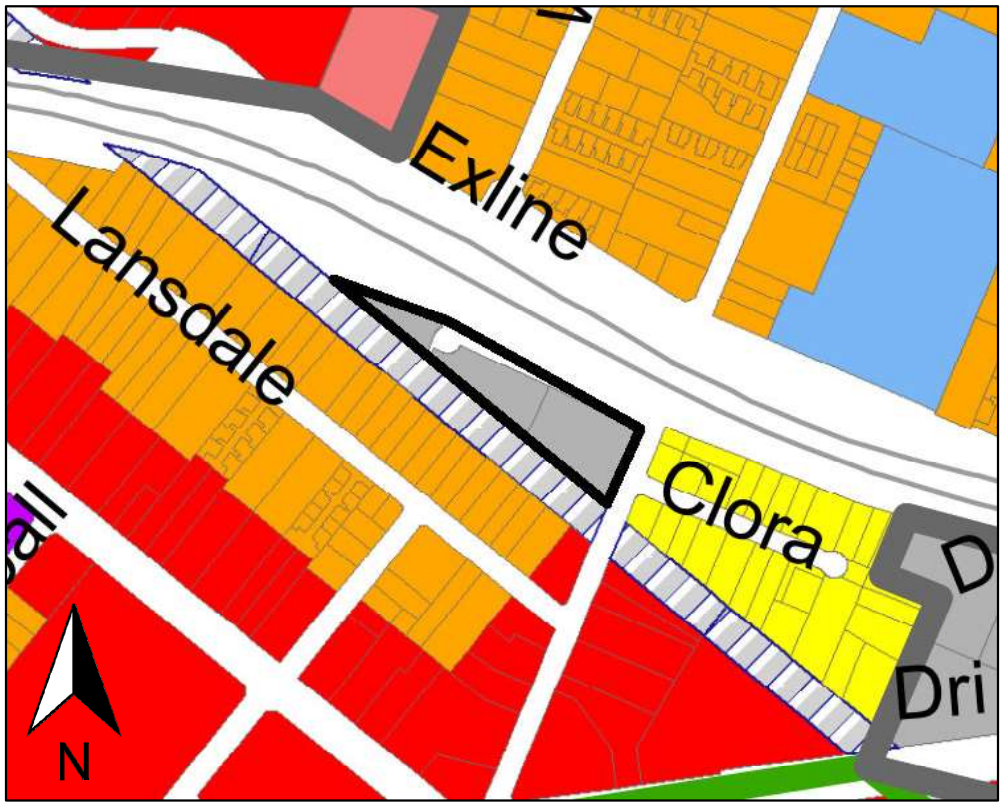
EXHIBIT 3-6
GENERAL PLAN MAP, AREA 8
Source: City of El Monte



General Plan Land Use

- Low Density Residential (0.0-6.0 du/ac)
- Medium Low Density Residential (6.1-8.0 du/ac)
- Medium Density Residential (8.1-14.0 du/ac)
- High Density Residential (14.1-25.0 du/ac)
- Regional Commercial (0-1.0 FAR)
- General Commercial (0-0.75 FAR)
- Neighborhood Commercial (0-0.5 FAR)
- Office Commercial (0-0.75 FAR)
- Office Professional (0-1.5 FAR)
- Industrial/Business Park (0-1.0 FAR)
- Mixed/Multi Use (25.1-35.0 du-ac, 0-1.0 FAR)
- Downtown Core (0-25 du/ac, 0-1.5 FAR or per Specific Plan)
- Gateway Specific Plan (Per Specific Plan)
- Flair Specific Plan (Per Specific Plan)
- Public Facilities (0-1.0 FAR)
- Open Space (0-1.0 FAR)
- Airport (0-1.0 FAR)

EXHIBIT 3-7
GENERAL PLAN MAP, AREA 9
Source: City of El Monte



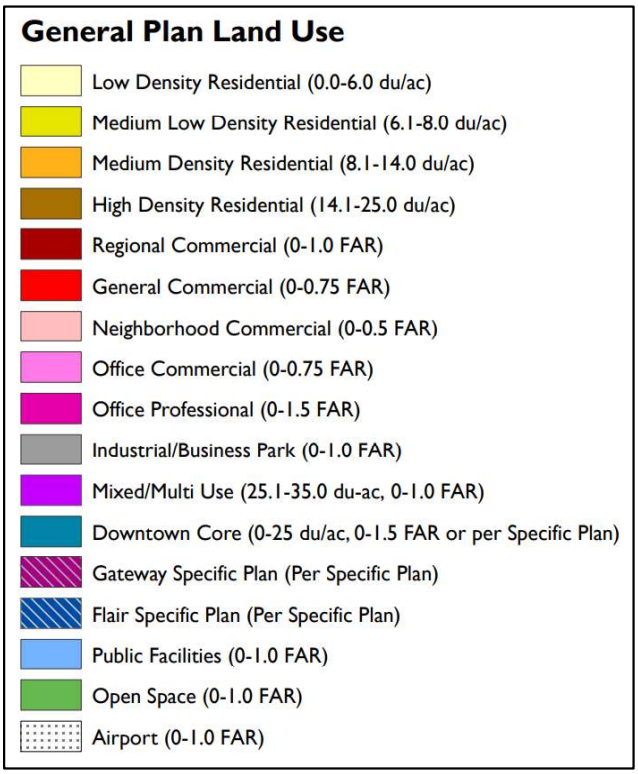


EXHIBIT 3-8
GENERAL PLAN MAP, AREA 10
Source: City of El Monte

3.11.3 MITIGATION MEASURES

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.

3.12 MINERAL RESOURCES

3.12.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on energy and mineral resources if it results in any of the following:

- The loss of availability of a known mineral resource that would be of value to the region and the residents of the State; or,

- The loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

3.12.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ● No Impact.*

There are no oil wells located within or near Areas 8 through 10. The California Geological Survey Mineral Resources Project provides information regarding mineral resources (metals, rare-earth elements, clays, limestone, gypsum, salt and dimension stone, and construction aggregate) and classifies lands throughout the State that contain regionally significant mineral resources. This classification is mandated by the Surface Mining and Reclamation Act (SMARA). The SMARA requires all cities to incorporate in their General Plans mapped designations approved by the State Mining and Geology Board. The State Geologist classifies mineral resource areas into Mineral Resource Zones (MRZs), Scientific Resource Zones (SZ), or Identified Resource Areas (IRAs).

The City of El Monte is located within the San Gabriel Production-Consumption Region. The northeastern portion of the City is identified as containing significant mineral deposits and is designated as a MRZ-2 zone. However, no County of Los Angeles-designated Mineral Resource Zones are located in El Monte. El Monte is completely urbanized and does not contain mining uses, nor does the City have land designated for mineral, aggregate, or sand production.[77] Areas 8 through 10 are not located within a mineral resource zone nor are they located in an area with active mineral extraction activities. Furthermore, there are no oil wells located within Areas 8 through 10.[78] As a result, no impacts on existing mineral resources would result from the implementation of the proposed project.

B. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ● No Impact.*

As mentioned in the previous section, no existing or former wells are located within Areas 8 through 10 and the areas do not involve active mineral extraction activities. Additionally, the resources and materials

[77] City of El Monte (and Planning Center). *General Plan and Zoning Code Update and EIR Existing Conditions Report.* May 24, 2006.

[78] California Department of Conservation. http://maps.conservation.ca.gov/doggr/index.html#close. Website accessed August 19, 2019.

that will be utilized for the installation of the billboards will not include any materials that are considered rare or unique. Thus, the proposed project will not result in any impacts on mineral resources in the region.

3.12.3 MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

3.13 NOISE

3.13.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant impact on the environment if it results in any of the following:

- The generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;

- The generation of excessive groundborne vibration or groundborne noise levels; or,

- The exposure of people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

3.13.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ● Less than Significant Impact.*

The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and to allow for the installation of billboards within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial).* The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial.*

The installation of the static or digital billboards will result in short-term (construction-related) noise impacts during the six-day installation period, though these noise impacts will be minimal. Construction-related noise impacts will not be significant since the signs will be located in the vicinity of the I-10 Freeway, thus drowning out any construction-related noise due to high ambient noise levels. As mentioned in Section 3.10.2.A, the billboards will be compatible to their respective zoning and General Plan land use designations. Furthermore, the billboard support structure, sign face, and the ancillary equipment are manufactured off-site and will be assembled at the installation sites. The limited duration of billboard installation activities and the City's construction-related noise control requirements will reduce the potential impacts to levels that are less than significant.

The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB

or less are not generally perceptible to persons with average hearing abilities.[79] Noise levels that are associated with common, everyday activities are illustrated in Exhibit 3-9.

The ambient noise environments within Areas 8 through 10 are dominated by high ambient vehicle noise emanating from the I-10 Freeway and SR 19 (Rosemead Boulevard), and noise typically associated with the adjacent uses, which include industrial, commercial, park and residential uses. Upon billboard installation, noise will not be generated from the operation of the static and digital billboards. The City has set the following additional provisions applicable to certain special noise sources:[80]

> *It is unlawful for any person within the city to operate power construction tools or equipment in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area, except between the hours of six a.m. and seven p.m. Monday through Friday or between the hours of eight a.m. and seven p.m. on Saturday and Sunday.*

The abovementioned provisions related to construction will apply to the installation of the billboards. A change in traffic noise levels of between 3.0 dBA and 5.0 dBA is generally considered to be the limit where the change in the ambient noise levels may be perceived by persons with normal hearing. It typically requires a doubling of traffic volumes to register a perceptible change (increase) in traffic noise. As indicated in Section 3.17 (Transportation), there will not be any change in the traffic distribution over that which presently exists. The only vehicle trips that will be generated will be those necessary for installation over the six-day period for each billboard and those necessary for periodic maintenance. Therefore, the projected traffic generation will not result in a doubling of traffic volumes. As a result, the billboards will result in less than significant impacts.

B. *Would the project result in generation of excessive groundborne vibration or groundborne noise levels? ● Less than Significant Impact.*

Once in operation, the billboards will not raise groundborne noise levels. No mobile (traffic-related) noise or stationary noise will result from the operation of the billboards. However, slight increases in groundborne noise levels could occur during the six-day billboard installation phase. The increase in noise during the billboard installation phase will be difficult to distinguish due to the high ambient vehicle noise levels that will be present in Areas 8 through 10. The limited duration of billboard installation activities and the City's construction-related noise control requirements will reduce the potential impacts to levels that are less than significant. As a result, the impacts will be less than significant.

[79] Bugliarello, et. al. *The Impact of Noise Pollution,* Chapter 127, 1975.

[80] El Monte, City of. *Municipal Code*. Title 8 Health and Safety, Chapter 8.36 Noise Control, 8.36.050 Special Noise Sources.

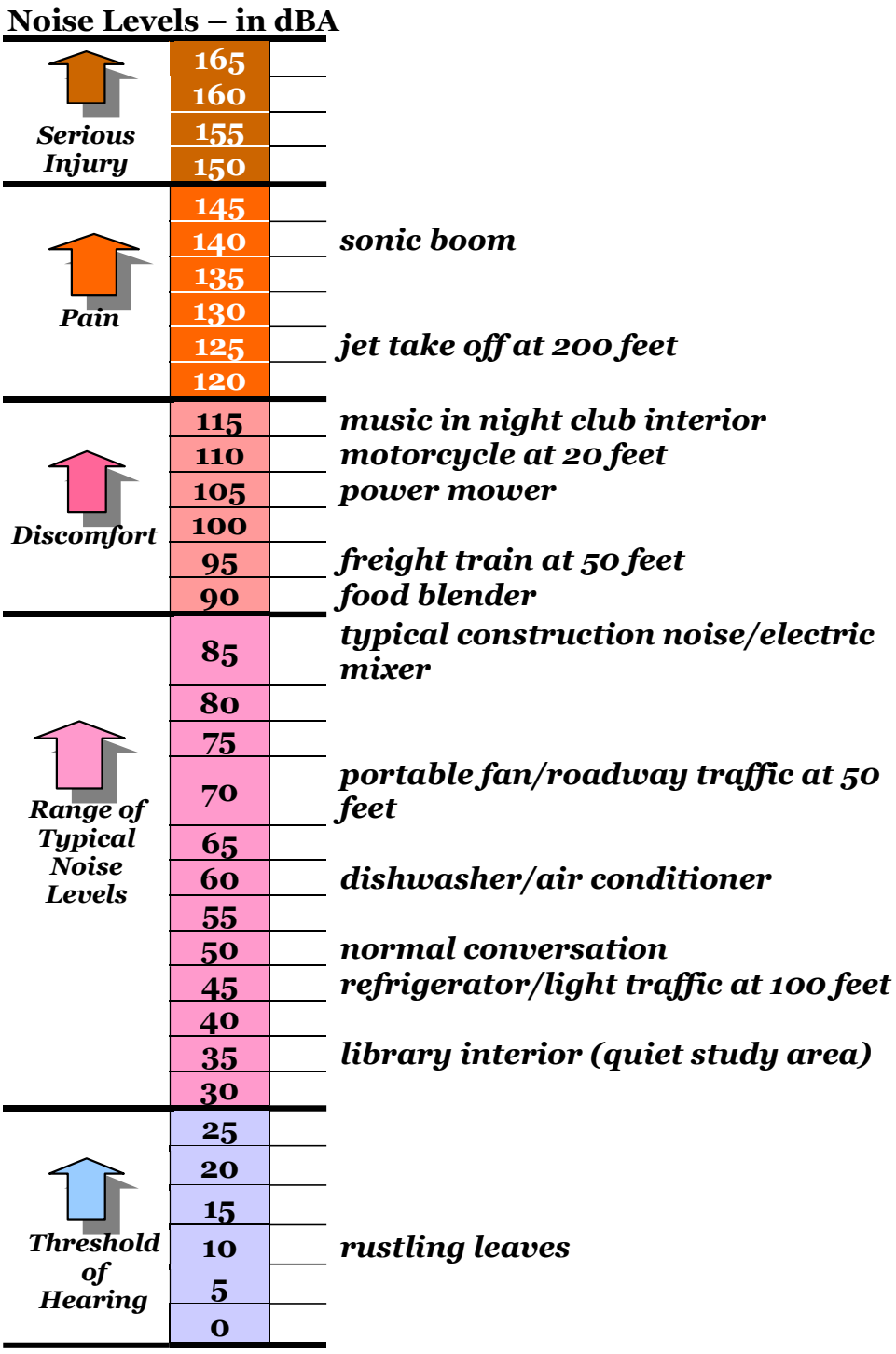


EXHIBIT 3-9
TYPICAL NOISE SOURCES AND LOUDNESS SCALE

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

C. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ● No Impact.*

The existing and potential billboard sites are not located within an airport land use plan. However, the I-10 Freeway is located 0.87 miles south of the San Gabriel Valley Airport. The airport will not be a source of excessive noise levels to people because the billboard structures are stand-alone structures which will only require people for a six-day installation period and for periodic maintenance. The San Gabriel Valley Airport provides services for general civilian aviation, which are exclusive of scheduled passenger airlines. The majority of aircraft that utilize the San Gabriel Valley Airport are small civilian single engine airplanes, which are not a significant source of noise as compared to larger aircraft, such as turbo prop and turbo jet planes, which make up a very small percentage of airport's based aircraft.[81] As a result, the proposed project will not expose people residing or working in the project area to excessive noise levels related to airport uses.

3.13.3 MITIGATION MEASURES

The analysis of potential noise impacts indicated that no significant adverse impacts would result from the proposed project's installation and operation. As a result, no mitigation measures are required.

[81] Los Angeles County Department of Public Works, Los Angeles County Airports. *Operational Data.* https://dpw.lacounty.gov/avi/airports/BrackettFieldOperational.aspx.

3.14 POPULATION & HOUSING

3.14.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant impact on housing and population if it results in any of the following:

- A substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); or,

- The displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

3.14.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ● No Impact.*

Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- New development in an area presently undeveloped and economic factors which may influence development;
- Extension of roadways and other transportation facilities;
- Extension of infrastructure and other improvements;
- Major off-site public projects (treatment plants, etc.);
- The removal of housing requiring replacement housing elsewhere;
- Additional population growth leading to increased demand for goods and services; and,
- Short-term growth-inducing impacts related to the project's construction.

An *R-3 (Medium-Density Multiple-Family Dwelling)* zone is located within Zone 8. The proposed zone change and general plan amendment for Area 8 will change the residentially-zoned portion of Area 8 to a commercial zone. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

The adoption of the proposed project would involve the installation of static or digital billboards within Areas 8 through 10. The billboards will not result in any direct or indirect population growth for the El Monte area since the billboards will not create housing or employment. The billboard structures are stand-alone structures which will only require outside employees for the six-day installation period and

for periodic maintenance. Furthermore, the new billboards are not considered an extension of infrastructure which could induce population growth. As a result, no housing or population impacts will occur.

B. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? ● No Impact.*

As previously mentioned, each individual billboard will only occupy a maximum of 100 square feet of land area and will not replace any existing uses within the City. As a result, no housing units will be displaced as a result of the proposed project's implementation and no impacts will occur.

3.14.3 MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation.

3.15 PUBLIC SERVICES

3.15.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on public services if it results in any of the following:

- Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *fire protection*;

- Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *police protection;*

- Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *schools;*

- Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *parks*; or,

- Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for *other public facilities.*

3.15.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?* ● *No Impact.*

The City of El Monte contracts with the Los Angeles County Fire Department (LACFD) for fire protection and emergency services. Response time county-wide is under five minutes.[82] The billboards are stand-alone structures which will not be habitable and will not result in an incremental increase in

[82] County of Los Angeles Fire Department. www.fire.lacounty.gov/HometownFireStations/HometownFireStations.asp.

demand for fire protection services. As a result, no impacts on the LACFD will result from the proposed project's implementation.

B. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection? ● Less than Significant Impact.*

Law enforcement services are provided by the City of El Monte Police Department. The billboards will neither increase police response times nor place a strain on existing or future police resources. However, there is a possibility for graffiti. The following requirements are listed within the City's Municipal Code and will be included as conditions of approval to the entitlements for the signs:[83]

- Walls or screens at the base of the billboard shall not create a hazard to public safety or provide an attractive nuisance and shall be continually maintained free from graffiti.

The above requirement will be enforced by the City with assistance from the City of El Monte Police Department. As a result, less than significant impacts on law enforcement services will result from the proposed project's implementation.

C. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools? ● No Impact.*

The proposed project will not involve any development and/or uses that could potentially affect school enrollments. The proposed project will not result in an increase in population and therefore will not create an incremental demand for school services. As a result, no impacts on school services will result from the proposed project's implementation.

D. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks? ● No Impact.*

The proposed project will not cause local population growth which could potentially overwhelm the local recreational facilities. As a result, no impacts on parks will result from the proposed project's implementation.

[83] El Monte, City of. *Municipal Code.* Title 17 Zoning, Chapter 17.88 Freeway Overlay Zone (Billboards), Section 17.88.030 General Requirements (I.3.c-e).

E. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities? ● No Impact.*

No new governmental services will be needed due to the nature of the project. Furthermore, the billboards will not be expected to have any impact on existing governmental services. As a result, no impacts are anticipated.

3.15.3 MITIGATION MEASURES

The analysis of public service impacts indicated that no significant adverse impacts are anticipated and no mitigation is required with the implementation of the proposed project.

3.16 RECREATION

3.16.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on the environment if it results in any of the following:

- An increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or,

- The inclusion of recreational facilities or the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

3.16.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ● No Impact.*

The proposed project will not cause local population growth which could potentially overwhelm the local recreational facilities. As a result, no impacts on parks will result from the proposed project's implementation.

B. *Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ● No Impact.*

The proposed project would not result in any development that would potentially increase the demand for recreational facilities and services. In addition, the project will not include recreational facilities or require the construction or expansion of recreational facilities. As a result, no impacts are anticipated.

3.16.3 MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.17 TRANSPORTATION

3.17.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project will have a significant adverse impact on traffic and circulation if it results in any of the following:

- A conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- A conflict or inconsistency with CEQA Guidelines Section 15064.3 subdivision (b);
- A substantial increase in hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or,
- Inadequate emergency access.

3.17.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? ● No Impact.*

The proposed project involves an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone and to allow for the installation of billboards within 250 feet of residential zones. The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Area 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

The implementation of the proposed project will not affect the performance of existing transit, roadway, bicycle and pedestrian facilities. Given the nature of the proposed project, there will not be any change in the traffic distribution over that which presently exists. The only vehicle trips that will be generated will be those necessary for installation over a six-day period and those necessary for periodic maintenance. As a result, no change in the operating levels of service at the area intersections is anticipated to result as part of the proposed project's implementation and no impacts will occur.

B. *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? ● No Impact.*

According to CEQA Guidelines Section 15064.3 subdivision (b)(1), vehicle miles traveled (VMT) exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact. Due to the nature of the proposed project, there will not be any change

in the traffic distribution over that which presently exists. The only vehicle trips that will be generated will be those necessary for installation over a six-day period for each billboard and those necessary for periodic maintenance.

CEQA Guidelines Section 15064.3 subdivision (b)(2) focuses on impacts that result from certain transportation projects. The proposed project involves an amendment to the Municipal Code and a zone change and is not a transportation project.

CEQA Guidelines Section 15064.3 subdivision (b)(3) and (b)(4) focuses on the evaluation of a project's VMT. As previously mentioned in Subsection A, there will not be any change in the traffic circulation over that which presently exists. The only vehicle trips that will be generated will be those necessary for installation over a six-day period for each billboard and those necessary for periodic maintenance. As a result, the proposed project will not result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines and no impacts will occur.

C. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ● Less than Significant Impact.*

The new billboards will not require the construction of new roadways, thus eliminating the impacts related to sharp curves or dangerous intersections. The existing configuration of the existing roadways located adjacent to the signs will not change. The Federal Highway Beautification Act of 1965 (23 U.S.C. 131) governs advertising signage located along the interstate highway system (the San Bernardino Freeway [I-10] is an Interstate Highway). Caltrans is involved in the control of "off-premise" displays along the I-10 Freeway, SR 19 and other highways.[84] The agreements provide that such signs shall be erected only in commercial or industrial zones and these signs are subject to the following restrictions:

- No signs shall imitate or resemble any official traffic sign, signal or device, nor shall signs obstruct or interfere with official signs;
- Signs located on the same side of the freeway must be separated by at least 500 feet; and,
- Signs shall not include flashing, intermittent or moving lights, and shall not emit light that may obstruct or impair the vision of any driver.

The Outdoor Advertising Act contains a number of provisions relating to the construction, installation and operation of static or digital billboards:

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (§5401);

[84] The FHWA has entered into written agreements with Caltrans: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs, displays, and devices within 660 feet of the interstate highway right-of-way (ROW). California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et. seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.) Caltrans enforces the law and regulations.

- No sign shall display any statements or words of an obscene, indecent, or immoral character (§5402);

- No sign shall display flashing, intermittent, or moving light or lights (§5403[h]);

- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard or 1,000 feet of another message center display, on the same side of the highway (§5405).

Section 21466.5 prohibits the placing of any light source "…of any color of such brilliance as to impair the vision of drivers upon the highway." Specific standards for measuring light sources are indicated in this section. The restrictions may be enforced by Caltrans, the California Highway Patrol, or local authorities. These requirements will reduce the potential impacts to levels that are less than significant.

D. *Would the project result in inadequate emergency access? ● Less than Significant Impact.*

The proposed project would not affect emergency access to any adjacent parcels. As previously mentioned in Section 3.9.2.F, at no time during billboard installation or maintenance will adjacent streets be completely closed to traffic. The individual billboard installation plans must identify specific provisions for the regulation of construction vehicle access to the billboard site during billboard installation as a means to provide continued through-access and prevent street blockage or queuing. If any of the billboard installations require partial or full street closures, the contractor will be required to follow the proper protocol pursuant to the California Manual on Uniform Traffic Control Devices (MUTCD) as it relates to temporary and intermittent street closures.[85] As a result, less than significant impacts are associated with the installation or relocation of any billboards.

3.17.3 MITIGATION MEASURES

The analysis of potential impacts related to traffic and circulation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

[85] California Department of Transportation (Caltrans). California Manual on Uniform Traffic Control Devices. 2014, as revised March 2018.

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on tribal cultural resources if it results in any of the following:

- A substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k); or,

- A substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

3.18.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)? ● Less than Significant Impact with Mitigation.*

A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

The billboards would be located within an urbanized area of the City that has been disturbed due to past development and there is a limited likelihood that artifacts will be encountered. The drilling for the billboard support will be 25 feet. In addition, Areas 8 through 10 are not located within areas that are typically associated with habitation sites, foraging areas, ceremonial sites, or burials. However, the entire City of El Monte is located within the cultural area that was formerly occupied by the Gabrieleño-Kizh. Formal Native American consultation was provided in accordance with AB-52 and it was determined that Areas 8 through 10 are located in areas of high archaeological significance. Although Areas 8 through 10 have been subject to disturbance to accommodate the surrounding existing buildings, Areas 8 through 10 are situated in an area of high archaeological significance. As a result, the following mitigation is required:

- The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the installation sites. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.

Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA will apply in terms of the identification of significant archaeological resources and their salvage. Adherence to the abovementioned mitigation measure will reduce potential impacts to levels that are less than significant.

B. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the Lead Agency shall consider the significance of the resource to a California Native American tribe. ● Less than Significant Impact.*

As previously mentioned, the entire City of El Monte is located within the cultural area that was formally occupied by the Gabrielino-Kizh and it was determined that Areas 8 through 10 are situated in an area of high archaeological significance.

The billboards would be located within an urbanized area of the City that has been disturbed due to past development and there is a limited likelihood that artifacts will be encountered. The drilling for the billboard support will be 25 feet. In addition, Areas 8 through 10 are not located within areas that are typically associated with habitation sites, foraging areas, ceremonial sites, or burials. Although Areas 8 through 10 have been subject to disturbance to accommodate the surrounding existing buildings, a mitigation measure was provided in the previous subsection. With the implementation of this mitigation measure, tribal cultural impacts will be reduced to levels that are considered to be less than significant.

3.18.3 MITIGATION MEASURES

Although Areas 8 through 10 have been subject to disturbance to accommodate the surrounding buildings, Areas 8 through 10 are situated in an area of high archaeological significance. As a result, the following mitigation is required:

> *Mitigation Measure No. 3 (Tribal Cultural Resources).* The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the installation sites. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.

3.19 UTILITIES

3.19.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact on utilities if it results in any of the following:

- The requirement or relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;

- Insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;

- A determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;

- The generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals;

- Incompliance with Federal, State, and local management and reduction statutes and regulations related to solid waste.

3.19.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? ● No Impact.*

The proposed project involves a Municipal Code Amendment and a zone change relating to billboard uses. Due to the nature of the proposed project, future billboards will not require water, wastewater treatment, stormwater drainage, natural gas or telecommunication facilities. As previously mentioned in Section 3.6 (Energy), the installation of the billboards will not result in excessive energy consumption because the materials used in the construction of billboards are manufactured off-site and each billboard will be installed over a six-day period. The billboards will require electrical connections but will not require the relocation or construction of new or expanded electric power facilities and no impacts will result.

B. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? ● No Impact.*

The installation and operation of future billboards will not involve any uses or activities that would result in the consumption of any water. The installation of the billboards will not require the installation of landscaping and therefore will not require water for landscaping. As a result, no impacts will occur.

C. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ● No Impact.*

The proposed project will not involve any uses or activities that would result in the generation of wastewater. As a result, no impacts will occur.

D. *Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ● No Impact.*

The proposed project will not involve any uses or activities that would result in the generation of solid waste. As a result, no impacts will occur.

E. *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? ● No Impact.*

The proposed project will not involve any uses or activities that would result in the generation of solid waste. As a result, no impacts will occur.

3.19.3 MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

3.20.1 THRESHOLDS OF SIGNIFICANCE

According to the City of El Monte, acting as Lead Agency, a project may be deemed to have a significant adverse impact if it results in any of the following located in or near State responsibility areas or lands classified as very high fire hazard severity zones:

- If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, a substantial impairment of an adopted emergency response plan or emergency evacuation plan;

- If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, the exacerbation of wildfire risks due to slope, prevailing winds, and other factors, and thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;

- If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, the requirement of the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment would the project; or,

- If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

3.20.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?* ● *No Impact.*

The proposed project involves a Municipal Code Amendment and a zone change relating to billboard uses. As previously mentioned in Section 3.9.2.F, at no time during billboard installation or maintenance will adjacent streets be completely closed to traffic. The individual billboard installation plans must identify specific provisions for the regulation of construction vehicle access to the billboard site during billboard installation as a means to provide continued through-access and prevent street blockage or queuing. If any of the billboard installations require partial or full street closures, the contractor will be required to follow the proper protocol pursuant to the California Manual on Uniform Traffic Control Devices (MUTCD) as it relates to temporary and intermittent street closures.[86] Furthermore, the

[86] California Department of Transportation (Caltrans). California Manual on Uniform Traffic Control Devices. 2014, as revised March 2018.

installation sites are located within an urbanized area and no areas prone to wildfires are located near the installation sites. As a result, no impacts will occur.

B. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ● No Impact.*

There is no risk from wildfire within Areas 8 through 10 or the surrounding area given the distance from any area that may be at risk of a wildfire event. In addition, the billboards will not change the nature of their respective installation sites. As a result, no impacts will occur.

C. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? ● No Impact.*

The future billboards will not change the nature of their respective installation sites. There is no risk from wildfire within Areas 8 through 10 or the surrounding area given the distance from any area that may be at risk of a wildfire event. As a result, no impacts will occur.

D. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? ● No Impact.*

There is no risk from wildfire within Areas 8 through 10 or the surrounding area given the distance from any area that may be at risk of a wildfire event. In addition, the surrounding areas are level. As a result, no impacts will occur.

3.20.3 MITIGATION MEASURES

The analysis of wildfires impacts indicated that no impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable. The proposed project is relatively small and the attendant environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.
- The proposed project *will not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

SECTION 4 CONCLUSIONS

4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.
- A Mitigation Reporting and Monitoring Program *will be* required.

4.2 MITIGATION MONITORING

In addition, pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to the approval of a Mitigated Negative Declaration, which relates to the Mitigation Monitoring Program. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180 and in compliance with the requirements of the Public Resources Code. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the City of El Monte can make the following additional findings:

- A mitigation monitoring and reporting program will be required; and,
- An accountable enforcement agency or monitoring agency shall be identified for the mitigation measures adopted as part of the decision-maker's final determination.

Mitigation measures have been recommended as a means to reduce or eliminate potential adverse environmental impacts to insignificant levels. AB-3180 requires that a monitoring and reporting program be adopted for the recommended mitigation measures.

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SECTION 5 REFERENCES

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5.2 REFERENCES

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MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM
INITIAL STUDY & MITIGATED NEGATIVE DECLARATION
FREEWAY BILLBOARD OVERLAY ZONE MUNICIPAL CODE AMENDMENT ● CITY OF EL MONTE

MITIGATION MONITORING AND REPORTING PROGRAM

FREEWAY BILLBOARD OVERLAY ZONE MUNICIPAL CODE AMENDMENT

(AN AMENDMENT TO PORTIONS OF TITLE 17 [ZONING] OF THE EL MONTE MUNICIPAL CODE TO ALLOW FOR THE EXPANSION OF THE FREEWAY BILLBOARD OVERLAY ZONE)

LEAD AGENCY:

CITY OF EL MONTE
11333 VALLEY BOULEVARD
EL MONTE, CALIFORNIA 91731

REPORT PREPARED BY:

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OCTOBER 9, 2019

ELMT 032

MITIGATION MONITORING AND REPORTING PROGRAM
INITIAL STUDY & MITIGATED NEGATIVE DECLARATION
FREEWAY BILLBOARD OVERLAY ZONE MUNICIPAL CODE AMENDMENT ● CITY OF EL MONTE

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1. OVERVIEW OF THE PROJECT

The proposed project is an amendment to portions of Title 17 (Zoning) of the El Monte Municipal Code to allow for the expansion of the Freeway Billboard Overlay Zone. The proposed expansion of the Freeway Billboard Overlay Zone involves the addition of three new areas (referred to as Areas 8 through 10) to the Freeway Billboard Overlay Zone, which currently includes seven locations located along portions of the I-10 Freeway Corridor within the City of El Monte. The Municipal Code will also be amended to allow the installation of billboards within 250 feet of residential zones at the discretion of the Community and Economic Development Director (the installation of billboards is currently not permitted within 250 feet of residential zones). The proposed project also involves a zone change and a general plan amendment at Area 8. A portion of Area 8 is zoned as *R-3 (Medium-Density Multiple-Family Dwelling)* and this zoning designation is proposed to be changed to *C-3 (General Commercial)*. The same portion of Areas 8 has a general plan land use designation of *Medium Density Residential* and this general plan land use designation is proposed to be changed to *General Commercial*.

2. FINDINGS OF THE ENVIRONMENTAL ASSESSMENT

The attached Initial Study prepared for the proposed project indicated that the proposed project will not result in significant environmental impacts upon implementation of the required mitigation measures. The following Mandatory Findings of Significance can be made as set forth in Section 15065 of the CEQA Guidelines, as amended, based on the results of this environmental assessment:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

3. FINDINGS RELATED TO MITIGATION MONITORING

Section 21081(a) of the Public Resources Code states that findings must be adopted by the decision-makers coincidental to the approval of a Mitigated Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the following additional findings may be made:

- A mitigation monitoring and reporting program will be required;
- Site plans and/or building plans, submitted for approval by the responsible monitoring agency, shall include the required standard conditions; and,
- An accountable enforcement agency or monitoring agency shall be identified for the mitigations adopted as part of the decision-maker's final determination.

4. MITIGATION MEASURES

In the absence of mitigation, the potential damage to paleontological resources or sites during billboard installation would be a potentially significant impact. Therefore, the following mitigation is required:

Mitigation Measure No. 1 (Geology & Soils). Prior to commencement of any grading activity on site, the Applicant shall retain a qualified paleontologist, subject to the review and approval of the City's Community and Economic Development Director, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.

The environmental analysis determined that various contaminated sites, as listed by the California Environmental Protection Agency and the United States Environmental Protection Agency, are located within the proposed Freeway Billboard Overlay Zone. In order to ensure that ongoing remediation of contaminated sites continues and that the contamination is not disturbed and further spread, the following mitigation measure is required:

Mitigation Measure No. 2 (Hazards & Hazardous Materials). Billboards must not be installed over sites that are identified as contaminated under any hazardous site database that is maintained by the California Environmental Protection Agency or the United States Environmental Protection Agency.

Although Areas 8 through 10 have been subject to disturbance to accommodate the surrounding buildings, Areas 8 through 10 are situated in an area of high archaeological significance. As a result, the following mitigation is required:

Mitigation Measure No. 3 (Tribal Cultural Resources). The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the installation sites. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.

5. MITIGATION MONITORING

The monitoring and reporting on the implementation of these measures, including the period for implementation, monitoring agency, and the monitoring action, are identified in Table 1.

TABLE 1
MITIGATION-MONITORING PROGRAM

Measure	Enforcement Agency	Monitoring Phase	Verification
Mitigation Measure No. 1 (Geology & Soils). Prior to commencement of any grading activity on site, the Applicant shall retain a qualified paleontologist, subject to the review and approval of the City's Community and Economic Development Director, or designee. The qualified paleontologist shall be on-site during grading and other significant ground disturbance activities that impact Pleistocene alluvial deposits, which could occur at depths below six feet. The monitoring shall apply to the areas of the site where excavation shall extend at depths of six feet or more.	Community and Economic Development Director, City Engineer and the Chief Building Official ● *(The City is responsible for implementation)*	*Prior to the start of any construction-related activities.* ● Mitigation ends when ground disturbance is completed or otherwise noted by the appointed paleontologist.	Date: Name & Title:
Mitigation Measure No. 2 (Hazards & Hazardous Materials). Billboards must not be installed over sites that are identified as contaminated under any hazardous site database that is maintained by the California Environmental Protection Agency or the United States Environmental Protection Agency.	Community and Economic Development Director, City Engineer ● *(The City is responsible for implementation)*	*Prior to the start of any construction-related activities.* ● Mitigation ends when construction is complete.	Date: Name & Title:
Mitigation Measure No. 3 (Tribal Cultural Resources). The project Applicant will be required to obtain the services of a qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the installation sites. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground-disturbing activities.	Community and Economic Development Director ● *(The City is responsible for implementation)*	*Prior to the start of any construction-related activities.* ● Mitigation ends when ground disturbance is completed or otherwise noted by the appointed Native American Monitor(s).	Date: Name & Title:

APPENDIX A – AIR QUALITY WORKSHEETS

El Monte Billboard Ordinance Amendment

South Coast AQMD Air District, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Industrial	1.00	User Defined Unit	0.00	100.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	31
Climate Zone	9			**Operational Year**	2020
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	702.44	**CH4 Intensity (lb/MWhr)**	0.029	**N2O Intensity (lb/MWhr)**	0.006

1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use - 100 square feet per billboard

Construction Phase - one day per phase

Energy Use - average annual energy consumption for digital billboard

Vehicle Trips - Maintenance once per week

Energy Mitigation -

El Monte Billboard Ordinance Amendment - South Coast AQMD Air District, Summer

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	0.00	2.00
tblConstructionPhase	NumDays	0.00	2.00
tblConstructionPhase	NumDays	0.00	2.00
tblConstructionPhase	NumDays	0.00	2.00
tblConstructionPhase	NumDays	0.00	2.00
tblConstructionPhase	NumDays	0.00	2.00
tblConstructionPhase	PhaseEndDate	12/31/2019	1/21/2020
tblConstructionPhase	PhaseEndDate	12/31/2019	1/14/2020
tblConstructionPhase	PhaseEndDate	12/31/2019	1/2/2020
tblConstructionPhase	PhaseEndDate	12/31/2019	1/9/2020
tblConstructionPhase	PhaseEndDate	12/31/2019	1/16/2020
tblConstructionPhase	PhaseEndDate	12/31/2019	1/7/2020
tblConstructionPhase	PhaseStartDate	1/1/2020	1/20/2020
tblConstructionPhase	PhaseStartDate	1/1/2020	1/13/2020
tblConstructionPhase	PhaseStartDate	1/1/2020	1/8/2020
tblConstructionPhase	PhaseStartDate	1/1/2020	1/15/2020
tblConstructionPhase	PhaseStartDate	1/1/2020	1/6/2020
tblEnergyUse	LightingElect	0.00	61,032.00
tblGrading	AcresOfGrading	1.00	0.00
tblLandUse	LandUseSquareFeet	0.00	100.00
tblLandUse	LotAcreage	0.00	2.2957e-003
tblVehicleTrips	ST_TR	0.00	0.14
tblVehicleTrips	SU_TR	0.00	0.14
tblVehicleTrips	WD_TR	0.00	0.14

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	0.9126	8.8523	8.0314	0.0133	0.8645	0.5224	1.3326	0.4434	0.4806	0.8899	0.0000	1,261.6770	1,261.6770	0.3567	0.0000	1,267.1818
Maximum	**0.9126**	**8.8523**	**8.0314**	**0.0133**	**0.8645**	**0.5224**	**1.3326**	**0.4434**	**0.4806**	**0.8899**	**0.0000**	**1,261.6770**	**1,261.6770**	**0.3567**	**0.0000**	**1,267.1818**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2020	0.9126	8.8523	8.0314	0.0133	0.8645	0.5224	1.3326	0.4434	0.4806	0.8899	0.0000	1,261.6770	1,261.6770	0.3567	0.0000	1,267.1818
Maximum	**0.9126**	**8.8523**	**8.0314**	**0.0133**	**0.8645**	**0.5224**	**1.3326**	**0.4434**	**0.4806**	**0.8899**	**0.0000**	**1,261.6770**	**1,261.6770**	**0.3567**	**0.0000**	**1,267.1818**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.2400e-003	0.0000	1.0000e-004	0.0000		0.0000	0.0000		0.0000	0.0000		2.2000e-004	2.2000e-004	0.0000		2.3000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**2.2400e-003**	**0.0000**	**1.0000e-004**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**2.2000e-004**	**2.2000e-004**	**0.0000**	**0.0000**	**2.3000e-004**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	2.2400e-003	0.0000	1.0000e-004	0.0000		0.0000	0.0000		0.0000	0.0000		2.2000e-004	2.2000e-004	0.0000		2.3000e-004
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**2.2400e-003**	**0.0000**	**1.0000e-004**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**2.2000e-004**	**2.2000e-004**	**0.0000**	**0.0000**	**2.3000e-004**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2020	1/2/2020	5	2	
2	Site Preparatior	Site Preparation	1/6/2020	1/7/2020	5	2	
3	Grading	Grading	1/8/2020	1/9/2020	5	2	
4	Building Construction	Building Construction	1/13/2020	1/14/2020	5	2	
5	Paving	Paving	1/15/2020	1/16/2020	5	2	
6	Architectural Coating	Architectural Coating	1/20/2020	1/21/2020	5	2	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 150; Non-Residential Outdoor: 50; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

El Monte Billboard Ordinance Amendment - South Coast AQMD Air District, Summer

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Architectural Coating	Air Compressors	1	6.00	78	0.48
Paving	Cement and Mortar Mixers	4	6.00	9	0.56
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Grading	Concrete/Industrial Saws	1	8.00	81	0.73
Building Construction	Cranes	1	4.00	231	0.29
Building Construction	Forklifts	2	6.00	89	0.20
Site Preparation	Graders	1	8.00	187	0.41
Paving	Pavers	1	7.00	130	0.42
Paving	Rollers	1	7.00	80	0.38
Demolition	Rubber Tired Dozers	1	1.00	247	0.40
Grading	Rubber Tired Dozers	1	1.00	247	0.40
Building Construction	Tractors/Loaders/Backhoes	2	8.00	97	0.37
Demolition	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Grading	Tractors/Loaders/Backhoes	2	6.00	97	0.37
Paving	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	4	10.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	2	5.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	4	10.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	5	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	7	18.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.8674	7.8729	7.6226	0.0120		0.4672	0.4672		0.4457	0.4457		1,147.2352	1,147.2352	0.2169		1,152.6578
Total	**0.8674**	**7.8729**	**7.6226**	**0.0120**		**0.4672**	**0.4672**		**0.4457**	**0.4457**		**1,147.2352**	**1,147.2352**	**0.2169**		**1,152.6578**

3.2 Demolition - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0452	0.0304	0.4088	1.1500e-003	0.1118	8.5000e-004	0.1126	0.0296	7.8000e-004	0.0304		114.4418	114.4418	3.2900e-003		114.5240
Total	**0.0452**	**0.0304**	**0.4088**	**1.1500e-003**	**0.1118**	**8.5000e-004**	**0.1126**	**0.0296**	**7.8000e-004**	**0.0304**		**114.4418**	**114.4418**	**3.2900e-003**		**114.5240**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.8674	7.8729	7.6226	0.0120		0.4672	0.4672		0.4457	0.4457	0.0000	1,147.2352	1,147.2352	0.2169		1,152.6578
Total	**0.8674**	**7.8729**	**7.6226**	**0.0120**		**0.4672**	**0.4672**		**0.4457**	**0.4457**	**0.0000**	**1,147.2352**	**1,147.2352**	**0.2169**		**1,152.6578**

3.2 Demolition - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0452	0.0304	0.4088	1.1500e-003	0.1118	8.5000e-004	0.1126	0.0296	7.8000e-004	0.0304		114.4418	114.4418	3.2900e-003		114.5240
Total	**0.0452**	**0.0304**	**0.4088**	**1.1500e-003**	**0.1118**	**8.5000e-004**	**0.1126**	**0.0296**	**7.8000e-004**	**0.0304**		**114.4418**	**114.4418**	**3.2900e-003**		**114.5240**

3.3 Site Preparation - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			0.0000			0.0000
Off-Road	0.6853	8.4307	4.0942	9.7400e-003		0.3353	0.3353		0.3085	0.3085		943.4872	943.4872	0.3051		951.1158
Total	**0.6853**	**8.4307**	**4.0942**	**9.7400e-003**	**0.0000**	**0.3353**	**0.3353**	**0.0000**	**0.3085**	**0.3085**		**943.4872**	**943.4872**	**0.3051**		**951.1158**

3.3 Site Preparation - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0226	0.0152	0.2044	5.7000e-004	0.0559	4.2000e-004	0.0563	0.0148	3.9000e-004	0.0152		57.2209	57.2209	1.6500e-003		57.2620
Total	**0.0226**	**0.0152**	**0.2044**	**5.7000e-004**	**0.0559**	**4.2000e-004**	**0.0563**	**0.0148**	**3.9000e-004**	**0.0152**		**57.2209**	**57.2209**	**1.6500e-003**		**57.2620**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.0000	0.0000	0.0000	0.0000	0.0000	0.0000			0.0000			0.0000
Off-Road	0.6853	8.4307	4.0942	9.7400e-003		0.3353	0.3353		0.3085	0.3085	0.0000	943.4872	943.4872	0.3051		951.1158
Total	**0.6853**	**8.4307**	**4.0942**	**9.7400e-003**	**0.0000**	**0.3353**	**0.3353**	**0.0000**	**0.3085**	**0.3085**	**0.0000**	**943.4872**	**943.4872**	**0.3051**		**951.1158**

3.3 Site Preparation - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0226	0.0152	0.2044	5.7000e-004	0.0559	4.2000e-004	0.0563	0.0148	3.9000e-004	0.0152		57.2209	57.2209	1.6500e-003		57.2620
Total	**0.0226**	**0.0152**	**0.2044**	**5.7000e-004**	**0.0559**	**4.2000e-004**	**0.0563**	**0.0148**	**3.9000e-004**	**0.0152**		**57.2209**	**57.2209**	**1.6500e-003**		**57.2620**

3.4 Grading - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.7528	0.0000	0.7528	0.4138	0.0000	0.4138			0.0000			0.0000
Off-Road	0.8674	7.8729	7.6226	0.0120		0.4672	0.4672		0.4457	0.4457		1,147.2352	1,147.2352	0.2169		1,152.6578
Total	**0.8674**	**7.8729**	**7.6226**	**0.0120**	**0.7528**	**0.4672**	**1.2200**	**0.4138**	**0.4457**	**0.8595**		**1,147.2352**	**1,147.2352**	**0.2169**		**1,152.6578**

3.4 Grading - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0452	0.0304	0.4088	1.1500e-003	0.1118	8.5000e-004	0.1126	0.0296	7.8000e-004	0.0304		114.4418	114.4418	3.2900e-003		114.5240
Total	**0.0452**	**0.0304**	**0.4088**	**1.1500e-003**	**0.1118**	**8.5000e-004**	**0.1126**	**0.0296**	**7.8000e-004**	**0.0304**		**114.4418**	**114.4418**	**3.2900e-003**		**114.5240**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.7528	0.0000	0.7528	0.4138	0.0000	0.4138			0.0000			0.0000
Off-Road	0.8674	7.8729	7.6226	0.0120		0.4672	0.4672		0.4457	0.4457	0.0000	1,147.2352	1,147.2352	0.2159		1,152.6578
Total	**0.8674**	**7.8729**	**7.6226**	**0.0120**	**0.7528**	**0.4672**	**1.2200**	**0.4138**	**0.4457**	**0.8595**	**0.0000**	**1,147.2352**	**1,147.2352**	**0.2159**		**1,152.6578**

3.4 Grading - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0452	0.0304	0.4088	1.1500e-003	0.1118	8.5000e-004	0.1126	0.0296	7.8000e-004	0.0304		114.4418	114.4418	3.2900e-003		114.5240
Total	**0.0452**	**0.0304**	**0.4088**	**1.1500e-003**	**0.1118**	**8.5000e-004**	**0.1126**	**0.0296**	**7.8000e-004**	**0.0304**		**114.4418**	**114.4418**	**3.2900e-003**		**114.5240**

3.5 Building Construction - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.8617	8.8523	7.3875	0.0114		0.5224	0.5224		0.4806	0.4806		1,102.9781	1,102.9781	0.3567		1,111.8962
Total	**0.8617**	**8.8523**	**7.3875**	**0.0114**		**0.5224**	**0.5224**		**0.4806**	**0.4806**		**1,102.9781**	**1,102.9781**	**0.3567**		**1,111.8962**

3.5 Building Construction - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**		**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.8617	8.8523	7.3875	0.0114		0.5224	0.5224		0.4806	0.4806	0.0000	1,102.9781	1,102.9781	0.3567		1,111.8962
Total	**0.8617**	**8.8523**	**7.3875**	**0.0114**		**0.5224**	**0.5224**		**0.4806**	**0.4806**	**0.0000**	**1,102.9781**	**1,102.9781**	**0.3567**		**1,111.8962**

3.5 Building Construction - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**		**0.0000**

3.6 Paving - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7716	7.2266	7.1128	0.0113		0.3950	0.3950		0.3669	0.3669		1,035.3926	1,035.3926	0.3016		1,042.9323
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.7716**	**7.2266**	**7.1128**	**0.0113**		**0.3950**	**0.3950**		**0.3669**	**0.3669**		**1,035.3926**	**1,035.3926**	**0.3016**		**1,042.9323**

3.6 Paving - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0814	0.0547	0.7359	2.0700e-003	0.2012	1.5300e-003	0.2027	0.0534	1.4100e-003	0.0548		205.9951	205.9951	5.9200e-003		206.1432
Total	**0.0814**	**0.0547**	**0.7359**	**2.0700e-003**	**0.2012**	**1.5300e-003**	**0.2027**	**0.0534**	**1.4100e-003**	**0.0548**		**205.9951**	**205.9951**	**5.9200e-003**		**206.1432**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.7716	7.2266	7.1128	0.0113		0.3950	0.3950		0.3669	0.3669	0.0000	1,035.3926	1,035.3926	0.3016		1,042.9323
Paving	0.0000					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**0.7716**	**7.2266**	**7.1128**	**0.0113**		**0.3950**	**0.3950**		**0.3669**	**0.3669**	**0.0000**	**1,035.3926**	**1,035.3926**	**0.3016**		**1,042.9323**

3.6 Paving - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0814	0.0547	0.7359	2.0700e-003	0.2012	1.5300e-003	0.2027	0.0534	1.4100e-003	0.0548		205.9951	205.9951	5.9200e-003		206.1432
Total	**0.0814**	**0.0547**	**0.7359**	**2.0700e-003**	**0.2012**	**1.5300e-003**	**0.2027**	**0.0534**	**1.4100e-003**	**0.0548**		**205.9951**	**205.9951**	**5.9200e-003**		**206.1432**

3.7 Architectural Coating - 2020

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	0.4635					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2422	1.6838	1.8314	2.9700e-003		0.1109	0.1109		0.1109	0.1109		281.4481	281.4481	0.0218		281.9928
Total	**0.7057**	**1.6838**	**1.8314**	**2.9700e-003**		**0.1109**	**0.1109**		**0.1109**	**0.1109**		**281.4481**	**281.4481**	**0.0218**		**281.9928**

3.7 Architectural Coating - 2020

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**		**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	0.4635					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2422	1.6838	1.8314	2.9700e-003		0.1109	0.1109		0.1109	0.1109	0.0000	281.4481	281.4481	0.0218		281.9928
Total	**0.7057**	**1.6838**	**1.8314**	**2.9700e-003**		**0.1109**	**0.1109**		**0.1109**	**0.1109**	**0.0000**	**281.4481**	**281.4481**	**0.0218**		**281.9928**

3.7 Architectural Coating - 2020

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**		**0.0000**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000		0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Industrial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Industrial	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Industrial	0.547828	0.043645	0.199892	0.122290	0.016774	0.005862	0.020637	0.032653	0.002037	0.001944	0.004777	0.000705	0.000956

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Install High Efficiency Lighting

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
User Defined Industrial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.2400e-003	0.0000	1.0000e-004	0.0000		0.0000	0.0000		0.0000	0.0000		2.2000e-004	2.2000e-004	0.0000		2.3000e-004
Unmitigated	2.2400e-003	0.0000	1.0000e-004	0.0000		0.0000	0.0000		0.0000	0.0000		2.2000e-004	2.2000e-004	0.0000		2.3000e-004

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	2.5000e-004					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	1.9800e-003					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	1.0000e-005	0.0000	1.0000e-004	0.0000		0.0000	0.0000		0.0000	0.0000		2.2000e-004	2.2000e-004	0.0000		2.3000e-004
Total	**2.2400e-003**	**0.0000**	**1.0000e-004**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**2.2000e-004**	**2.2000e-004**	**0.0000**		**2.3000e-004**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	2.5000e-004					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	1.9800e-003					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	1.0000e-005	0.0000	1.0000e-004	0.0000		0.0000	0.0000		0.0000	0.0000		2.2000e-004	2.2000e-004	0.0000		2.3000e-004
Total	**2.2400e-003**	**0.0000**	**1.0000e-004**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**2.2000e-004**	**2.2000e-004**	**0.0000**		**2.3000e-004**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

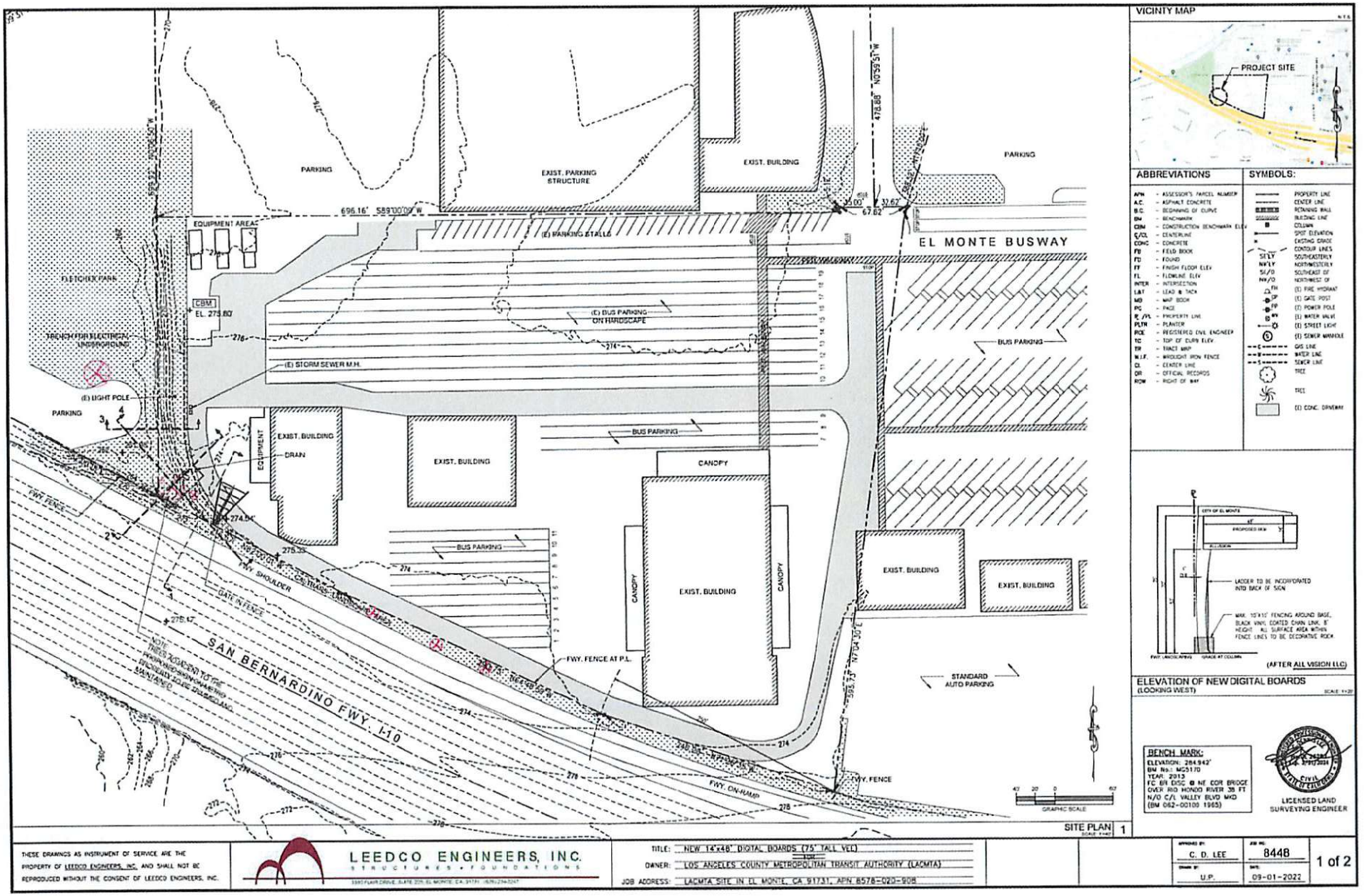
User Defined Equipment

Equipment Type	Number

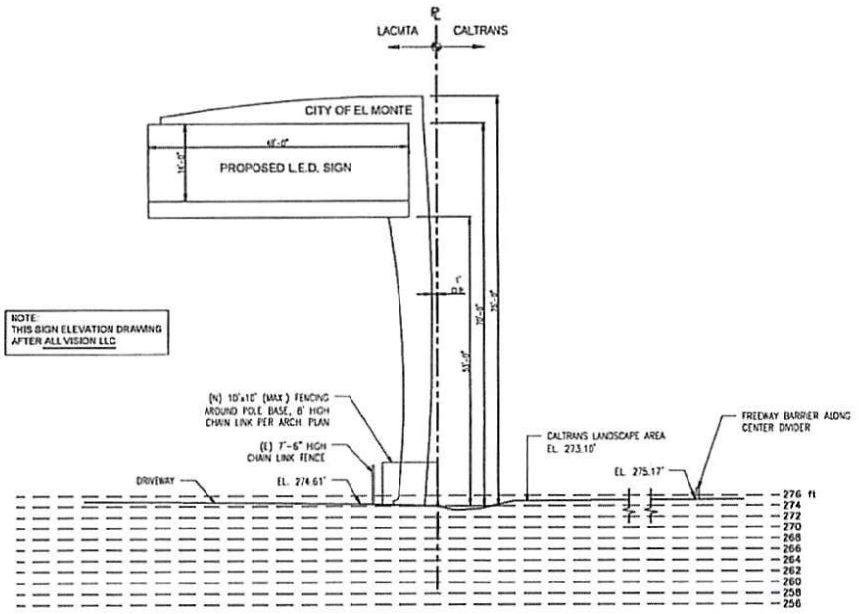
11.0 Vegetation

ATTACHMENT C - Location and Site Plan

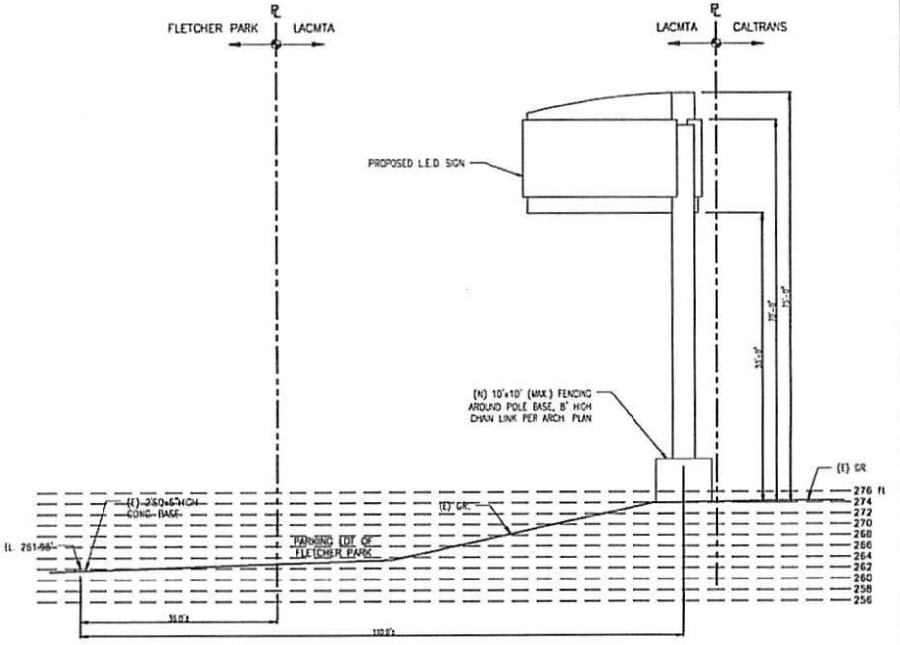

Board Location Division 9
Legend
Board Location Division 9
El Monte Transit Center
Fletcher Fetch Park
Metro Division 9
Lighting Manufacturing
Arden D
Santa Fe Dr
Rio Hondo
The Exchange At Gateway
MTA
El Monte Transit Center
Metro Division 9
Metro Division 9
Fletcher Fetch Park
Fletcher Park
10
Board Location Division 9
San Bernardino Fwy
Brockway St
Santa Anita Ave
Templo Bethel El Monte
Google Earth
Image Landsat / Copernicus
ATTACHMENT B1 AERIAL
N
900 ft



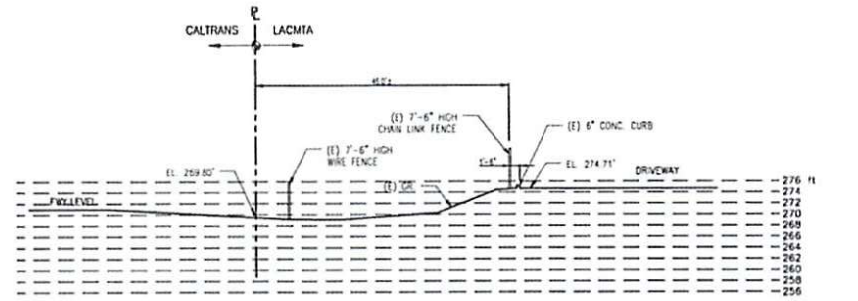
ATTACHMENT B2 PLAN VIEW



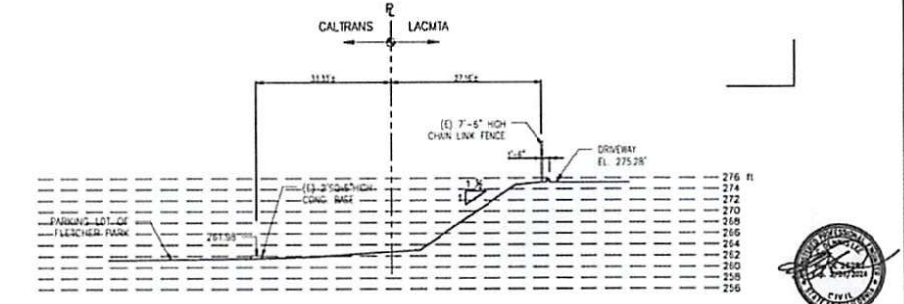
SECTION 1



SECTION 4



SECTION 2



SECTION 3

LICENSED LAND
SURVEYING ENGINEER

THESE DRAWINGS AS INSTRUMENT OF SERVICE ARE THE PROPERTY OF LEEDCO ENGINEERS, INC. AND SHALL NOT BE REPRODUCED WITHOUT THE CONSENT OF LEEDCO ENGINEERS, INC.

LEEDCO ENGINEERS, INC.
STRUCTURES • FOUNDATIONS

TITLE: NEW 14'x48" DIGITAL BOARDS (75' TALL VEC)
OWNER: LOS ANGELES COUNTY METROPOLITAN TRANSIT AUTHORITY (LACMTA)
JOB ADDRESS: LACMTA SITE IN EL MONTE, CA 91731, APN 8578-020-908

C. D. LEE	8448	2 of 2	
U.P.	09-01-2022		

ATTACHMENT B3 ELEVATION

ORDINANCE NO. 3017

AN ORDINANCE OF THE CITY OF EL MONTE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 06-22 BETWEEN THE CITY OF EL MONTE AND ALL VISION, **LLC, TO CONSTRUCT A DIGITAL BOARD BILLBOARD AT 3449 SANTA ANITA AVENUE IN AREA NO. 3 OF THE CITY'S BILLBOARD OVERLAY ZONE**

WHEREAS, on July 18, 2017, the El Monte City Council (the "City Council") adopted Ordinance No. 2914, establishing El Monte Municipal Code (EMMC) Chapter 17.88 - Freeway Overlay Zone (the •overlay Zone") and seven (7) overlay areas in which billboards would be allowed; and

WHEREAS, on December 17, 2019, the City Council adopted Ordinance No. 2961, adding an additional three (3} overlay areas, for a total of ten (10) areas; and

WHEREAS, on July 20, 2022, Kevin Donavan of All Vision, LLC (the "Applicant"} submitted an application for Design Review No. 18-22 and Development Agreement No. 06-22, to construct a digital billboard (the "Proposed Project"); and

WHEREAS, the digital billboard will be located at 3449 Santa Anita Avenue (Assessor Parcel No. 8581-034-001), El Monte, California (the "Subject Property"), Area No. 3 of the Overlay Zone; and

WHEREAS, the requests were made pursuant to the requirements of Chapters 17.122 (Design and Minor Review) and 17.129 (Development Agreements) of the El Monte Municipal Code (EMMC); and

WHEREAS, the full Development Agreement is attached to this Ordinance as Exhibit A; and

WHEREAS, on October 11, 2022, the El Monte Planning Commission (the "Planning Commission") held a full and fair public hearing and adopted Resolution No. 3644, recommending the City Council approve Design Review No. 18-22 for the billboard's aesthetics and recommending the City Council approve Development Agreement No. 06-22 for the terms and regulations of the billboard; and

WHEREAS, on November 1, 2022, the City Council held a full and fair public hearing to consider the First Reading of this Ordinance to approve Development Agreement No. 06-22; and

WHEREAS, notices of the Planning Commission and City Council public hearings were placed in a local newspaper and mailed to all property owners in accordance with the EMMC, and all interested persons were given full opportunity to be heard and present evidence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL **MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1 - RECITALS. The recitals above are true and correct and incorporated herein by reference;

SECTION 2 - GENERAL **PLAN.** The 2011 General Plan land use designation for the Subject Property is "Gateway Specific Plan." The General Plan does not specifically identify digital billboards as a potential revenue source. However, there are other areas of the General Plan that discuss the need for new revenue sources to implement City policies and support programs. Therefore, the proposed digital billboard is consistent with the General Plan.

SECTION 3 - ZONING. The Subject Property is located within the SP-1 (Gateway Specific Plan) zone. The surrounding zoning and land uses of the adjacent properties are as follows:

- North: SP-1; El Monte Bus Station and associated parking areas
- East: SP-1; Vacant lot used for vehicle parking
- South: Freeway ROW; 1-10 Freeway
- West: SP-1; Fletcher Park

SECTION 4 - ENVIRONMENTAL. In accordance with the criteria and authority contained in the California Environmental Quality Act. (CEQA) of 1970 and the CEQA Guidelines as amended, an Initial Study and Mitigated Negative Declaration (IS/MND) was circulated from April 7, 2017 to May 8, 2017 to establish the Freeway Overlay Zone. On July 18, 2017, the City Council adopted Ordinance No. 2914 approving the Freeway Overlay Zone. A total of four (4) mitigation measures were incorporated in the MND to reduce the impacts of any future billboards to a "Less Than Significant' level. These mitigation measures have been incorporated in Exhibit A, Conditions of Approval, of City Council Resolution No. 10399, approving Design Review No. 18-22. Therefore, no further environmental analysis is required.

SECTION 5 - DEVELOPMENT AGREEMENT FINDINGS. Pursuant to EMMC Section 17.129.090, the City Council approves Development Agreement No. 06-22, based upon the following findings:

A. The Development Agreement will not be detrimental to the public health, safety or welfare or injurious to the City;

Finding of Fact:
The Proposed Project. and Development Agreement contain all requisite provisions set forth therein. In addition, the Proposed Project. and Development Agreement will not be detrimental to the health, safety, and general welfare through the enforcement and implementation of Conditions of Approval and mitigation measures. Further, prior to the issuance of City development permits and/or the issuance of a final completion of work, the Building and Safety Division, Engineering/Public Works Division, Planning Division and City Attorney Office's conditions and requirements must be met, which will protect. and preserve the health, safety and general welfare.

B. The Development Agreement will have a positive effect on the orderly development of Subject Property or the preservation of property of neighboring property values;

Finding of Fact:
The Subject Property has a General Plan Land Use Designation of "Gateway Specific Plan". This designation is located on the north side of the 1-10 Freeway and areas surrounding the El Monte Station. The Gateway Specific Plan calls for the area to be developed with an urban mixed-use center with housing centered around the El Monte Station and multi-story buildings along Santa Anita Avenue. However, the Subject Property is also to continue to be used by the Los Angeles County Metropolitan Transit Authority (LACMTA) for bus maintenance and parking. Furthermore, the proposed billboard will only occupy the southeast corner of the Subject. Property. The overwhelming majority of the Subject Property will still allow for bus maintenance and parking. The Proposed Project and Development Agreement will not adversely affect the orderly development of properties in the area or the preservation of land values in the vicinity.

C. The Development Agreement will provide sufficient benefits to the community to justify entering into the agreement;

Finding of Fact:
The Development Agreement will provide extensive community benefits in the form of general fund revenues. These revenues can be allocated to a wide range of City programs and projects. The Applicant will be required to pay a one (1) time processing and developer fees of $100,000. In addition, the Applicant will subject quarterly contributions to the City for a period of 30 years. The total base amount of to be collected during that period is $3,050,000. However, if ad revenues exceed base projections, the total amount collected may be even greater. The City will also have access to use the billboard for public service announcements.

D. The Development Agreement is consistent with the purpose, goals and policies of the General Plan and any applicable Specific Plan;

Finding of Fact:
The General Plan Land Use Designation for the Subject Property is "Gateway Specific Plan•. This designation is located on the north side of the 1-10 Freeway and areas surrounding the El Monte Station. The Gateway Specific Plan calls for the area to be developed with an urban mixed-use center with housing centered around the El Monte Station and multi-story buildings along Santa Anita Avenue. However, the Subject Property is also to continue to be used by the Los Angeles County Metropolitan Transit Authority (LACMTA) for bus maintenance and parking. Furthermore, the proposed billboard will only occupy the southeast comer of the Subject Property. The overwhelming majority of the Subject Property will still allow for bus maintenance and parking.

The General Plan does not specifically identify digital billboards as a potential revenue source. However, there are other areas of the Plan that discuss the need for new revenue sources to implement City policies and support programs. Examples from the Economic Development Element include the following:

- Introduction: Designing a Prosperous Economy and Increase Local Revenues - attracting and expanding economic activity through revitalization efforts, increasing business value, improving sales and generating new revenues;
- Goal ED-1: Policy ED-1.5 - Funding. Explore, develop and use alternative fundingsources to pay for and provide incentives for economic development activities for which the City lacks sufficient resources; and
- Goal ED-3: An improved El Monte Businesses environment that attracts new businesses, investment, new jobs and increased revenues to El Monte.

E. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area;

Finding of Fact:
The proposed location for the billboard is adjacent to the 1-10 Freeway right-of-way. The nearest structures are one (1) story structures used for bus maintenance and storage. They do not have any distinct architectural style and are not highly visible form the 1-10 Freeway or Santa Anita Avenue. The proposed billboard will be compatible with the surrounding area.

F. The proposed billboard will not create a traffic or safety problem, including problems associated with onsite **access** circulation or visibility;

Finding of Fact:
The proposed location for the billboard is adjacent to the 1-10 Freeway right-of-way. Traveling westbound, the billboard will be located after vehicles entering the freeway from Santa Anita Avenue have already merged with travel lanes. The next exit is more than one-half (½) mile away. In addition, the base of the billboard will be outside the Los Angeles County Metropolitan Transit Authority

(LACMTA) fenced area for bus maintenance and parking. Therefore, the proposed billboard will not create traffic or safety problems.

G. The proposed billboard would not interfere with onsite parking or landscaping required by the Zoning Code;

Finding of Fact:
The base of the billboard will be outside the Los Angeles County Metropolitan Transit Authority (LACMTA) fenced area for bus maintenance and parking. Therefore, it will not impact any onsite parking or landscaping on the Subject Property.

SECTION 6 - DESIGN REVIEW APPROVAL. This Ordinance shall not be effective until the City Council approves Resolution No. 10399 for Design Review No. 18-22.

SECTION 7 - CONDITIONS OF APPROVAL. The applicant shall comply with all the conditions of approval outlined in Resolution No. 10399 for Design Review No. 18-22.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 15th day of November, 2022.

Jessica Ancona, Mayor
City of El Monte

ATTEST:

Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES SS:
CITY OF EL MONTE

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Ordinance No. 3017 was introduced for a first reading on the 1st day of November, 2022 and approved for a second reading and adopted by said Council at its regular meeting held on the 15th day of November. 2022 by the following vote, to-wit:

AYES: Mayor Ancona, Mayor Pro Tem Puente, Councilmembers Herrera and Martinez Muela

NOES: None

ABSTAIN: None

ABSENT: Dr. Morales

Catherine A. Eredia, City Clerk
City of El Monte



We're supporting thriving communities.

Planning & Programming Committee - March 20, 2024

Legistar File #2023-0300

Metro

Recommendations

A. AUTHORIZE the Chief Executive Officer, or their designee, to execute a 30-year development agreement (Attachment A) with the City of El Monte ("City") and AllVision ("AV") to construct, own, and operate a digital billboard on Metro property adjacent to Division 9 at 3449 Santa Anita Avenue, El Monte ("Project").

B. CONSIDER, in accordance with the California Environmental Quality Act ("CEQA"), the environmental effects of the Project as shown in the Mitigated Negative Declaration ("MND") prepared by the City (Attachment B).

C. ADOPT, in accordance with CEQA, the four mitigation measures incorporated in the MND to reduce the impacts of te Project to a less than significant level.

D. FIND, in accordance with CEQA, that the four mitigation measures would avoid or mitigate the effects of the Project to a point where no significant effect on the environment would occur, and there is no substantial evidence that the Project, as mitigated, would have a significant effect on the environment.

E. AUTHORIZE the Chief Executive Officer to file a Notice of Determination with the Los Angeles County Clerk and the State of California Clearinghouse.

El Monte Billboard Location (Division 9)



Key Terms of the Development Agreement

Key Development Terms include

1. The term of the agreement is for 30 years commencing when the billboard is constructed and operational.
2. AV will front all construction costs which will be reimbursed over the first five years of operation.
3. Over the term the percentage of the revenue received from the selected outdoor advertising company will be paid to the City according to the following schedule:

Year	City Minimum Guaranteed*	City Share
1 – 10	$80,000	10%
11 – 20	$100,000	15%
21 – 30	$125,000	20%

4. Metro will retain all revenue over the City's share less AV's operating costs and management fee.
5. The City shall have the right to place public service announcements at no cost not to exceed 5% of the total display time.

Metro

Additional Information

- All advertising content will comply with Metro advertising standards.
- Metro will be able to utilize the billboard for public messaging for every one out of eight segments (8 seconds each)
- Metro will have immediate access for emergency messaging.
- Total revenue for Metro is estimated at $15 million over the 30-year term.
- Next Steps: Execute the Development Agreement and submit the building and electrical permit application to the City.

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

File #: 2024-0029, **File Type:** Resolution **Agenda Number:** 14.

PLANNING AND PROGRAMMING COMMITTEE
MARCH 20, 2024

SUBJECT: 2025 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

ADOPT the resolution for the 2025 Los Angeles County Transportation Improvement Program as shown in Attachment A.

ISSUE

As the designated County Transportation Commission for Los Angeles County, Metro is required to submit a resolution to the Southern California Association of Governments (SCAG) certifying that Los Angeles County has the resources to fund and is committed to implementing the projects included in the 2025 Federal Transportation Improvement Program (FTIP) covering Federal Fiscal Years (FFY) 2024/25 - 2029/30. Inclusion of projects in the FTIP is required for the allocation of federal funds, state and regional funds (as applicable), as well as for specific federal actions (including federal environmental clearance).

BACKGROUND

SCAG, as the Metropolitan Planning Organization (MPO) for the six-county region that includes Los Angeles County, is required under federal and state law to develop the FTIP. This is a six-year document that lists projects to be funded with federal, state, and local funds. The FTIP is required to advance the planning and construction of projects included in SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). This is achieved through the systematic programming of funds for the projects included in the RTP/SCS in accordance with federal and state requirements, including scheduling, financing, and the timely implementation of transportation control measures to help reduce air pollution.

DISCUSSION

Projects from each of SCAG's six counties are included in their respective TIP and then submitted to SCAG for inclusion in the FTIP. To comply with both state and federal requirements, the FTIP is updated every two years in California. SCAG's 2023 FTIP, which programs funds covering FFY

2022/23 - 2027/28, was approved by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) on December 16, 2022. SCAG is scheduled to adopt the 2025 FTIP in December 2024. A joint air quality conformity determination from the FHWA and the FTA is required for the approval of SCAG's 2025 FTIP, which is also anticipated in December 2024. The 2025 Los Angeles County Transportation Improvement Program (TIP) includes nearly 950 projects valued at approximately $23 billion for about 100 agencies.

DETERMINATION OF SAFETY IMPACT

Adoption of the resolution will have no direct impact on the safety of Metro customers or employees. The Los Angeles County TIP will allow Metro and other project sponsors to program and receive funding and the timely realization of the projects' anticipated safety benefits.

FINANCIAL IMPACT

Adoption of the resolution will allow Metro to program and secure federal, state, and regional funds for projects in Los Angeles County.

Impact to Budget
Adoption of the resolution for the 2025 Los Angeles County TIP has no impact on the FY 2024 Budget.

EQUITY PLATFORM

The 2025 FTIP incorporates multiple layers of accountability to ensure that disadvantaged communities are not left behind in transportation improvement projects. Many of Metro's projects in the FTIP are guided by the Equity Platform's four pillars for the planning and implementation of projects in disadvantaged areas of Los Angeles County. In addition, Metro is collaborating with SCAG to further integrate the MPO's Racial Equity Early Action Plan, adopted in July 2020 by its Regional Council, for local agencies' projects into the FTIP.

This means that for the first time in FTIP planning history, SCAG is implementing justice, equity, diversity, and inclusion considerations into the 2025 FTIP by working with County Transportation Commissions, including Metro, to incorporate new equity input. These considerations will assess how and where investments are being made across the region and address equity issues within transportation improvements in Environmental Justice areas, Disadvantaged Communities, Priority Equity Communities, and/or Communities of Concern.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this item advances achieving all five goals of the Vision 2028 Strategic Plan.

ALTERNATIVES CONSIDERED

The Board could elect not to adopt the resolution shown in Attachment A. Staff do not recommend this alternative. By not adopting the resolution, the Los Angeles County TIP will not be included in

SCAG's 2025 FTIP. Therefore, Metro and other agencies in Los Angeles County will not be able to program and receive federal, state, and regional funding allocations for their projects. This may jeopardize the timely implementation of projects in Los Angeles County that have funds programmed through FFY 2029/30. It may also result in the loss of funding allocations due to federal and state lapsing and/or project inactivity policies, as well as in the ineligibility for future funding allocations.

NEXT STEPS

With Board approval of the recommendation, staff will submit the resolution to SCAG by the March 29, 2024 deadline.

ATTACHMENT

Attachment A - Resolution for the 2025 Los Angeles County TIP

Prepared by: Michael Richmai, Sr. Manager, Countywide Planning & Development, (213) 922-2558
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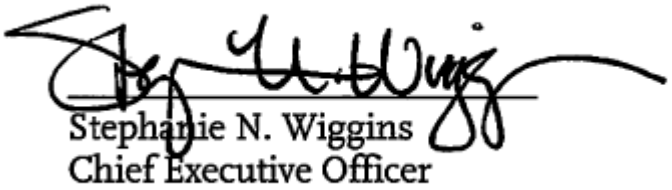

Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

A RESOLUTION OF THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (LACMTA) WHICH CERTIFIES THAT LOS ANGELES COUNTY HAS THE RESOURCES TO FUND THE PROJECTS IN THE FFY 2024/25 – 2029/30 TRANSPORTATION IMPROVEMENT PROGRAM AND AFFIRMS ITS COMMITMENT TO IMPLEMENT ALL PROJECTS AND PHASES AS APPLICABLE IN THE PROGRAM

WHEREAS, Los Angeles County is located within the metropolitan planning boundaries of the Southern California Association of Governments (SCAG); and

WHEREAS, the Infrastructure Investment & Jobs Act (IIJA) requires SCAG to adopt a regional transportation improvement program for the metropolitan planning area; and

WHEREAS, the IIJA also requires that the regional transportation improvement program include a financial plan that demonstrates how the transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs; and

WHEREAS, LACMTA is the agency responsible for short-range capital and service planning and programming for the Los Angeles County area within SCAG; and

WHEREAS, as the responsible agency for short-range transportation planning, LACMTA is responsible for the development of the Los Angeles County Transportation Improvement Program (TIP), including all projects utilizing federal and state highway/road and transit funds; and

WHEREAS, LACMTA must determine, on an annual basis, the total amount of funds that could be available for transportation projects within its boundaries; and

WHEREAS, LACMTA has adopted the Federal Fiscal Year (FFY) 2024/25 - 2029/30 Los Angeles County TIP with funding for FFY 2024/25 and FFY 2025/26 available and committed, and reasonably expected to be available for FFY 2026/27 through FFY 2027/28.

NOW, THEREFORE, BE IT RESOLVED by LACMTA that it affirms its continuing commitment to the projects in the FFY 2024/25 - 2029/30 Los Angeles County TIP; and

BE IT FURTHER RESOLVED, that the FFY 2024/25 - 2029/30 Los Angeles County TIP Financial Plan identifies the resources that are available and committed in the first two years and reasonably expected to be made available to carry out the Program in years three and four, and certifies that:

1. Projects in the FY2024/25 - 2029/30 Los Angeles County TIP are consistent with the 2024 State Transportation Improvement Program as approved by the California Transportation Commission in March 2024; and

2. Los Angeles County has the funding capacity from its Surface Transportation Block Grant (STBG) Program and Congestion Mitigation and Air Quality Improvement (CMAQ) Program allocations to fund projects, as applicable, in the FFY 2024/25 - 2029/30 Los Angeles County TIP; and

3. The local match for projects funded with federal STBG Program and CMAQ Program funds is identified in the Los Angeles County TIP; and

4. All the Federal Transit Administration funded projects are programmed within the IIJA guaranteed funding levels.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, ____.

CERTIFICATION

_____
COLLETTE LANGSTON
LACMTA Board Clerk

DATED:
(SEAL)

2025 Federal Transportation Improvement Program (FTIP) Adoption

Planning and Programming Committee

March 20, 2024

File No. 2024-0029

Metro

Recommendation

ADOPT the resolution for the 2025 Los Angeles County Transportation Improvement Program as shown in Attachment A.

Metro

Background

- SCAG, as the Metropolitan Planning Organization (MPO) for the six-county region that includes Los Angeles County, is required under federal and state law to develop the FTIP
- Every two years, a new FTIP cycle is adopted with 2025 being the latest cycle
- The FTIP is a required six-year document that advances the planning and construction of projects funded with federal, state, and local funds
- The 2025 FTIP covers the period from FY25 to FY30 with nearly 950 projects in Los Angeles County totaling $23 billion for about 100 agencies
- Adopting the Resolution for the 2025 FTIP would allow agencies in Los Angeles County to program and receive funding allocations for on-time delivery of projects



Metro

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

File #: 2024-0035, **File Type:** Project **Agenda Number:** 16.

PLANNING AND PROGRAMMING COMMITTEE
MARCH 20, 2024

SUBJECT: CESAR E. CHAVEZ AND FICKETT JOINT DEVELOPMENT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer, or designee, to execute and enter into a joint development agreement ("JDA"), ground lease ("Ground Lease"), and other related documents with Chavez Fickett, L.P. ("Developer"), an affiliate of Abode Communities, for the construction and operation of a mixed-use, affordable housing project ("Project") on approximately 68,100 square feet (1.56-acres) of Metro-owned property located at the corner of Cesar E. Chavez Avenue and Fickett Street in Boyle Heights ("Site") in accordance with the Summary of Key Terms and Conditions attached hereto as Attachment A;

B. AUTHORIZING a discount to the appraised fair market rental value for the Site of 67% or $6,900,000 under the Ground Lease as set forth in the Summary of Key Terms and Conditions for the Ground Lease; and

C. FINDING that the Project is exempt from the California Environmental Quality Act ("CEQA"), consistent with the environmental studies and reports set forth in Attachment B, pursuant to Sections 21080(b)(9) and 21084 of the California Public Resources Code and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines; and authorizing the Chief Executive Officer to file a Notice of Exemption for the Project consistent with said exemption.

ISSUE

Since 2018, staff and the Developer have collaborated under a Board-authorized Exclusive Negotiation Agreement and Planning Document ("ENA") to conduct community outreach, refine the Project design, negotiate key terms and conditions for a JDA and Ground Lease, and study relevant CEQA issues. To advance the project into construction, authorization for the JDA and findings relevant to CEQA are required.

BACKGROUND

In February 2017, Metro published a comprehensive set of Development Guidelines for the Site which represented the culmination of substantial public input and addressed housing needs, commercial and retail opportunities and identified neighborhood amenities to benefit the Boyle Heights Community. This was followed by the issuance of an RFP for development services to achieve the goals outlined in the Development Guidelines. In January 2018, the Metro Board authorized the execution of an ENA with Abode Communities for the Site. The ENA has allowed staff and the Developer to explore the feasibility of the proposed Project; conduct additional, project-specific community outreach; study relevant CEQA issues; and negotiate the key terms and conditions of the JDA and Ground Lease that will ultimately provide for the Project's construction and operation on the Site.

The Site and the Project

The Site is comprised of approximately 68,100 square feet of Metro-owned property bounded by Cesar E. Chavez Avenue to the north, Matthews Street to the west, Fickett Street to the east, and a residential neighborhood to the south. The Metro E (formerly Gold) Line Soto Station is located approximately one-quarter mile south of the Site. This property was originally purchased for the extension of the Metro B (Red) Line subway into Boyle Heights, but with the construction of the Metro E Line's Eastside Extension, it is no longer needed for this purpose.

Community Engagement

The recommended actions follow extensive stakeholder outreach and community engagement by Metro and the Developer. Metro began the outreach process in February 2016. The stakeholder engagement process consisted of various community-focused events, workshops, and a comprehensive community meeting attended by nearly 60 participants. Comments were also taken online and accepted via email and regular mail for those who were not able to attend in person. Later in 2016, Metro formed a Design Review Advisory Committee (DRAC) to provide design oversight and help to move forward the Development Guidelines and the RFP for joint development of the Site.

Following the execution of the ENA in March 2018, the Project entered a new phase of Developer-led community outreach that consisted of a series of six community meetings and concluded with the approval of the preliminary design by the DRAC. In September 2022, the Developer provided a Project update to the Planning and Land Use Committee (PLUM) of the Boyle Heights Neighborhood Council, received input on community needs and concerns, and obtained feedback on proposed design elements. In February 2023, the Developer conducted a virtual meeting with local business owners and related stakeholders to discuss the proposed ground floor retail space and garner ideas on current service gaps in the community and possible tenants that would be interested in the space. In November 2023, residents and other interested parties in proximity to the Site were invited to hear about the status of the Project and provide additional input related to design, residential programming, onsite services, commercial space, and project site amenities.

DISCUSSION

The Project, to be named "Chavez Gardens", contemplates 109 affordable rental apartments, one

unrestricted property manager's apartment, approximately 3,000 square feet of commercial space, 44 residential parking spaces, and 6 commercial parking spaces. Renderings and a site plan for the Project are identified in Attachment C. The affordable rental apartments are made up of studio, one-, two-, and three-bedroom units with affordability levels ranging from 30% of the County Area Median Income ("AMI") to 50% of AMI. In furtherance of the JD Policy, the unit AMI thresholds reach deep levels of affordability with 100% of the units protected by an income restriction for the full Term of the Ground Lease.

The 3,000 square feet of commercial space will be located at the corner of Cesar E. Chavez Avenue and Fickett Street. The space is envisioned as an amenity for the residents and the greater neighborhood. The current concept is food service with an eatery component; however, the Developer is proactively engaging with local businesses, residents, and community-based organizations to identify opportunities to provide or preserve small businesses or organizations that would meet service or retail needs in the neighborhood.

Summary Analysis of Financial Terms
Staff engaged a third-party consultant to analyze the project financials and prepare a report describing the financial feasibility of the Project, the proposed discount to the Ground Lease payment, and the overall financial offer to Metro. The summary findings are as follows:

- An appraisal procured by Metro concluded that the Fair Market Value (FMV) of the leased fee interest in the subject property is $10.35 million.
- The Project design is sound, and the total development costs as shown in the Developer-provided underwriting analysis are reasonable and supportable given the current market and hard cost data. The developer has explored all means to reduce per-unit project costs, including simplifying the use of materials, structural systems, and efficiencies in building design.
- The operating proforma is based on reasonable assumptions about rents, vacancies, and operating expenses.
- The Developer's proposed financing plan assumes accessing all available subsidies and resources, including tax credit equity, Developer equity, assumed grants, and a conventional permanent loan.
- Discounting the Metro land to $3.45 million, or 33% of FMV, is necessary to ensure Project feasibility.

Ground Lease Rent Discount
Affordable housing development relies on multiple sources of funding such as tax credits, housing vouchers, bank debt, and investor equity to provide the capital necessary for development. Land costs, particularly when the site is owned by a public agency, may be discounted to reduce total development costs and make the project economically feasible. The discounted land becomes, in effect, one of the sources of development capital. The discount required depends on the overall project feasibility. The land value that makes this project feasible is a one-time ground rent payment of $3.45 million due and payable at the close of the Ground Lease escrow which represents a 67%

discount on the FMV rent of $10.35 million.

In 2021, the Board approved an update to the Joint Development Policy, which allows flexibility to discount Ground Lease rent commensurate with the community benefits. However, under the Joint Development Policy in place at the time of the March 2018, ENA, a discount that exceeds 30% of the FMV was deemed an exception that requires Board approval, as is being sought here.

Given the challenging economic environment, limited subsidies available, and the provision of 109 affordable units targeting very low-income residents, staff recommend approving this discount, which is equivalent to contributing approximately $63,303 per unit to the Project. With a total development cost of $97.50 million, Metro's land discount of $6.9 million represents only 7% of total capital sources. And, over the course of the 75-year Lease, Metro's cost to ensure affordability represents only $884 per unit per year.

Other Project Revenues

The Project will also generate the following additional revenue opportunities:

- A holding rent of 0.25% of the appraised value during the JDA Term ($1,980 per month) will be credited to the total prepaid ground rent.
- A participation rent of 25% of all gross income received from the 3,000 square feet of ground-floor commercial space. Metro would forego collection of rent if the Developer leases to a Metro-approved organization providing community benefits/services to residents of the building and surrounding community.
- 20% of all net refinancing proceeds and a 20% share of all net sales proceeds less accumulated Ground Lease payments not to exceed the FMV of the land.

Summary of Terms
Key terms of the JDA and Ground Lease include:

- A JDA term of 18 months with an option to extend up to an additional 12 months;
- Metro's right to review and approve the design of the Project as it progresses to completion;
- Cost recovery of Metro's transaction-related and other support costs, including the cost of in-house staff time (except for Joint Development staff) and fees related to consultants and other third parties (except for in-house and outside legal counsel with respect to negotiation and preparation of the JDA and Ground Lease); and,
- Conditions for execution of Ground Lease, including that project financing, governmental approvals, payment and performance bonds, completion guaranty and the Project Labor Agreement are in place.
- Ground Lease term of 75 years;
- Restriction to ensure continued affordability for the full term of the Ground Lease; and,

- A one-time capitalized rent payment of $3.45 million upon execution of the Ground Lease.

Considerations

Federal Transit Administration Review
The Site was acquired in 1999 using grant funding from the Federal Transit Administration (FTA). While this site is technically an “excess property” pursuant to the FTA definitions, the FTA has reviewed the terms of the JDA and Ground Lease and has no objections to the overall deal structure, including the proposed rental discount for affordable housing.

CEQA Actions
Staff has reviewed the environmental studies and reports set forth in Attachment B which demonstrate the Project qualifies for a categorical exemption under Sections 21080(b)(9) and 21084 of the California Public Resources Code and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines. As the lead agency decision-making body for the Project, the Board will satisfy its obligations under CEQA by considering the documentation in Attachment B, and finding that the Project meets all criteria of the In-Fill Development exemption and that the Project will not cause a significant impact on the environment.

Surplus Land Act
It has been determined the Project, as presented, is exempt from the Surplus Land Act (“SLA”), Government Code Section 54220 *et seq*., pursuant to Section 54234(a)(3) of the SLA, which is described as Exemption Category 1 in the State Department of Housing and Community Development’s (HCD) Guide to Exemptions from the Standard Surplus Land Act Process for Local Agencies (Cities, Counties, Special Districts, Joint Powers Authorities, Successor Agencies, etc. issued in July 2022 (the “Grandfathering Exemption”). Under this Grandfathering Exemption, the SLA as it existed on December 31, 2019 applies if, in relevant part: (1) as of September 30, 2019, the local agency issued a competitive request for proposal for the development of the property that includes at least 100 residential units (at least 25% of which are restricted to lower-income households as referenced in the statute), (2) a disposition and development agreement for the property is entered into not later than December 31, 2024; and (3) the property is disposed of before March 31, 2026.

The determination that this Project qualifies for the Grandfathering Exemption has been made based on the following transaction deal points:

1. The competitive request for proposals to develop the Site was issued prior to the SLA-imposed deadline of September 30, 2019.
2. The Project exceeds the requirement of having 25% of the units being restricted to lower-income households as defined in Section 50079.5 of the Health and Safety Code.
3. Once completed, rental housing in the Project will be subject to an affordability covenant recorded against the land for a term of 75 years, which is longer than the minimum threshold of 55 years set forth in the SLA.
4. The Joint Development Agreement ("JDA”), which serves as the Project’s disposition and development agreement between Metro and the Developer, will be entered into in advance of the December 31, 2024, deadline set forth in Government Code Section 54234(a)(3).

5. Prior to March 31, 2026, Metro intends to complete the disposition of the Property pursuant to the JDA.

Because the Project fits within the conditions prescribed in the above-referenced section of the SLA, no further action is necessary upon approval and execution of the JDA.

DETERMINATION OF SAFETY IMPACT

Approval of this item will have no impact on safety. Staff will continue to oversee the development and construction of the Project on the Site to ensure that it does not adversely impact Metro property or the continued safety of staff, contractors, and the public. All safety measures and associated requirements to be met by the Developer and its construction contractor will be identified in the JDA and subsequent Ground Lease.

FINANCIAL IMPACT

Adoption of the subject action would not have a detrimental impact on the agency. Though there would be a discount to the FMV of the Ground Lease to make the Project financially feasible, Metro would still realize a substantial cash payment. Funding for Joint Development activities related to this Project is included in the FY24 Budget under Project 401037, Task 01, Cost Center 2210.

Impact to Budget

Proceeds from the capitalized Ground Lease will be deposited into a Joint Development revenue account as prescribed by the 2021 Joint Development Policy. Funds in this account would be used in furtherance of Transit Oriented Communities activities including future Joint Development projects.

EQUITY PLATFORM

The proposed development at the Chavez/Fickett site is representative of Metro's Joint Development Policy goals to provide as much housing as possible as quickly as possible for those who need it most. The proposed action will allow Metro to work with the Developer to secure financing, conduct additional outreach, and obtain permits for 109 units of affordable housing. This will also include 3,000 square feet of commercial space incentivized by Metro to target services geared to residents of the building and surrounding community, enhanced public infrastructure, jobs and other transit-supportive amenities.

The completed Project will benefit qualified low-income residents in need of housing, as well as qualified households with disabilities who will be awarded one of the ADA-accessible units. The Project is located within an Equity Focus Community and offers housing for individuals earning 30%-50% of LA County AMI, which are appropriate levels of affordability in the local Boyle Heights community. These income-restricted units will benefit Metro's ridership base by offering housing accessible to the majority of the 83% of Metro riders who reported household incomes under $50,000 in the 2022 Customer Experience Survey. By offering affordable housing adjacent to two high-frequency bus lines and the 1st/Soto E line station, the Project is anticipated to increase rates of transit use and enhance access to opportunities for the Chavez Gardens tenants. The Project will

also benefit adjacent community members who may use the commercial space and surrounding amenities. To encourage a community-focused commercial tenant, Metro will forgo its lease collection to the extent the Developer leases the space to a tenant providing community benefits to local residents and the surrounding community. In this way, the commercial space will be programmed to fit the needs of both the local community and Chavez Gardens tenants by providing a financial incentive to the Developer to lease space to tenants that provide beneficial services to residents of the building and surrounding neighborhood.

Since 2018, the Developer and Metro staff have conducted extensive outreach events to incorporate community input from the Boyle Heights Design Review Advisory Committee, Boyle Heights Neighborhood Council, the business community, and local stakeholders. The Developer continues to actively engage with and be responsive to all stakeholders through a coordinated community outreach process that involves multiple public engagement opportunities. The Developer will continue building on the years of prior community outreach established for the Project in the upcoming JDA period. As in previous JD outreach efforts, engagement will be conducted in English, Spanish, and other languages deemed appropriate to reach a broad audience of stakeholders.

As the Project progresses to construction, staff will work with the Developer and its general contractor to minimize any traffic impacts, dust, and noise associated with the Project's construction. These mitigation measures will be identified in the construction work plans and health and safety plans and reviewed by Metro staff prior to the execution of the Ground Lease documents.

Once completed, the 109 units of affordable housing will be protected by a long-term affordability restriction that is consistent with the term of the 75-year Ground Lease.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Enhance communities and lives through mobility and access to opportunity, Initiative 3.2: Metro will leverage transit investments to catalyze transit-oriented communities and help stabilize neighborhoods where these investments are made.

ALTERNATIVES CONSIDERED

The Board could choose not to authorize the execution of the recommended actions. Staff does not recommend this option because the proposed Project is the product of competitive solicitation and extensive community engagement and is consistent with the goals of Metro's Joint Development Policy. Electing not to proceed would unnecessarily delay the development of the Site and jeopardize the build-out of 110, in-demand housing units, 109 of which are covenanted to extremely low- and very low-income households.

NEXT STEPS

Upon execution of the JDA, the Developer will submit final construction drawings for Metro and City approval, complete its financing package, and execute the Ground Lease, with construction anticipated to start in early 2025. The construction period is expected to last approximately 24 months. Targeted outreach to Boyle Heights residents who may qualify to live in the new housing was

initiated with the construction of the adjacent La Veranda joint development and will continue through the construction of the Chavez Gardens Project.

Developer-led outreach efforts will continue throughout the term of the JDA to keep the community informed of the Project's progress leading to the execution of the Ground Lease and the eventual start of construction. Methods of outreach will include face-to-face meetings, surveys, and focus group sessions with potential residents, current and prospective business owners, and operators of community-based organizations.

ATTACHMENTS

Attachment A - Summary of Key Terms and Conditions
Attachment B - CEQA Studies and Reports
Attachment C - Renderings and Site Plan

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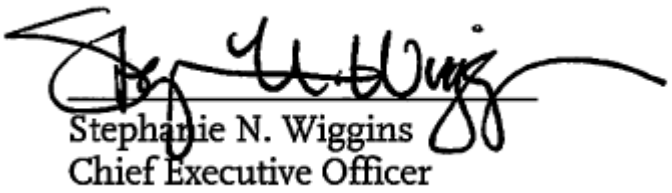


Stephanie N. Wiggins
Chief Executive Officer

SUMMARY OF KEY TERMS AND CONDITIONS
OF
JOINT DEVELOPMENT AGREEMENT AND GROUND LEASE
FOR
THE CHAVEZ GARDENS JOINT DEVELOPMENT SITE
(DATED: _____, 2024)

*This non-binding Summary of Key Terms and Conditions ("**Term Sheet**") outlines the proposed key terms and conditions of a development transaction by and between the Los Angeles County Metropolitan Transportation Authority and Developer (defined below) with respect to certain real property described in this Term Sheet. LACMTA and Developer previously entered into that certain Exclusive Negotiation Agreement and Planning Document dated March 1, 2018, as amended (the "**ENA**"). LACMTA and Developer now intend to negotiate, based on this Term Sheet, a set of legally-binding agreements to carry out the development transaction, which agreements will include (a) a joint development agreement between LACMTA and Developer (a "**JDA**"), (b) a ground lease between LACMTA and Developer or an affiliate of Developer (a "**Ground Lease**"), and (c) such other agreements as are necessary or convenient to carry out the intent of the terms outlined in this Term Sheet.*

GENERAL DESCRIPTION

1.1 DEVELOPER: Chavez Fickett L.P. ("**Developer**"), a California Limited Partnership, which is a development entity controlled by Abode Communities and was created for purposes of owning, developing, and operating the Chavez Gardens Project.

1.2 DEVELOPMENT SITE: The Los Angeles County Metropolitan Transportation Authority ("**LACMTA**") is the fee owner of approximately 68,069[1] square feet of real property situated in the City of Los Angeles and depicted on Exhibit A (the "**LACMTA Property**"). The LACMTA Property is bifurcated by a public alley running north-south creating two subareas for development. The area east of the alley will be referred to as "Parcel A" and the area west of the alley will be referred to as "Parcel B". It is the intent of the Developer to treat both Parcel A and Parcel B as one project. The proposed development site (the "**Site**") comprises the entirety of the LACMTA Property.

1.3 PROPOSED PROJECT: Chavez Gardens, the proposed development project (the "**Project**") will be constructed on the Site by Developer at

[1] As calculated from information provided on that certain ALTA/NSPS Land Title and Design Survey of the Site prepared by Psomas, dated June 19, 2018, and included as part of the Conceptual Plans.

Developer's sole cost and expense in accordance with the plans and specifications generally known as the Joint Development Agreement Package (the "**JDA Package**"), dated October 25, 2023, as detailed and referenced in Exhibit B (the "**JDA Package Plans**"), as such JDA Package Plans logically evolves and is modified and revised as set forth herein. The Project is currently anticipated to include, without limitation, one hundred nine (109) affordable rental apartments restricted to households earning no more than 60% of the LA County Area Median Income (the "**Affordable Units**") and one (1) unrestricted property manager's apartment, 3,000 square feet of retail space, 44 residential parking spaces and 6 commercial parking spaces along with a 3,500 sq, ft, community garden. The site plan and renderings for the currently proposed Project are attached in Exhibit C. Although Developer will endeavor to secure financing for Project as described in this Term Sheet, certain aspects of the Project, including affordability levels of the rental apartments, may be modified if required by the funding sources ultimately secured.

1.4 PHASED DEVELOPMENT: The Project will be constructed in a single phase.

GENERAL CONDITIONS

2.1 DEDICATIONS: LACMTA will consider any dedications and grants of LACMTA real property rights to the City of Los Angeles or other public or quasi-public entities as are reasonably required by the City of Los Angeles or such other public or quasi-public entities and are necessary to support the development, construction, and operation of the Project, subject to acceptable compensation to LACMTA. Developer has informed LACMTA that, as of the date of this Term Sheet: (a) the City of Los Angeles may require that dedications be made for public right-of-way purposes at the northeast and northwest corners of Parcel A; (b) the subject dedications will be either 15 foot by 15 foot corner cuts or 20 foot curved radius corners; and (c) Developer does not know of any other dedications that will be required for purposes of the Project. Subject to LACMTA Board approval, LACMTA does not take exception to the subject dedications provided that LACMTA receives the full amount of Capitalized Rent under the Ground Lease in the manner specified in the Capitalized Rent section of this Term Sheet, which payment shall be deemed acceptable compensation to LACMTA for such dedications. Dedications and grants approved by LACMTA shall be referred to herein as (**"Dedications"**).

2.2 FEDERAL TRANSIT ADMINISTRATION, STATE AND LOCAL FUNDING SOURCE APPROVAL:

The parcels comprising the Site were acquired by LACMTA using Federal Transit Administration ("**FTA**") funds. Therefore, the construction and operation of the Project, and the Ground Lease transaction, Dedications and other development-related matters contemplated in this Term Sheet are subject to: (a) applicable FTA and bond holder approval/concurrence, and (b) LACMTA confirmation that such actions will not violate any bond funding related requirements or restrictions imposed on LACMTA or the LACMTA Property, (collectively, the "**Funding Approvals**"). Prior to any LACMTA Board Action regarding the JDA or Ground Lease, LACMTA shall have received approval of the terms and conditions set forth herein and in the Ground Lease by the appropriate funding agency(ies) that participated in LACMTA's original acquisition of the Premises.

2.3 DEVELOPMENT ENTITLEMENTS AND OTHER LEGAL REQUIREMENTS:

Intentionally Omitted.

2.4 AS-IS CONDITION:

Developer acknowledges and agrees that it shall accept the Site "as is," solely in reliance upon Developer's own investigation, inspection and research, and that no representations or warranties of any kind whatsoever, express or implied, have been made by LACMTA. Any information provided or disclosure made by LACMTA to Developer shall not constitute a representation or warranty regarding the condition or title to the Site. Furthermore, Developer shall assume the cost and expense for the removal of any contaminated materials, toxic or hazardous substances, and asbestos on the Site.

2.5 SITE REMEDIATION:

Developer shall perform any required remediation or abatement deemed necessary in accordance with environmental and soils studies to be performed, if any.

KEY JOINT DEVELOPMENT AGREEMENT ("JDA") TERMS:

3.1 JDA - GENERALLY:

After (i) the LACMTA Board has approved and Developer has accepted this Term Sheet, (ii) Developer has met all CEQA requirements for the Project (as further described below in the Closing Conditions), and (iii) the LACMTA Board has made the

requisite findings as a responsible agency pursuant to the CEQA requirements for the Project, then LACMTA and Developer will enter into a Joint Development Agreement ("**JDA**") containing terms and conditions that are substantially consistent with those set forth in this Term Sheet, subject to any modifications as directed by the LACMTA Board. The JDA will address matters between Developer and LACMTA regarding the Project and the Site during the JDA Term (defined in Section 3.3).

3.2 ESCROW: Within fifteen (15) days after the JDA Effective Date (as defined in Section 3.3), Developer and LACMTA shall enter into an escrow ("**Escrow**") with Commonwealth Land Title ("**Escrow Holder**") for the Ground Lease transaction contemplated in the JDA.

3.3 JDA TERM: The JDA shall be effective upon execution by LACMTA and Developer (the "**JDA Effective Date**") and will expire on the date that is eighteen (18) months thereafter (the "**JDA Initial Term**" and, as may be extended pursuant to this Section 3.3, the "**JDA Term**"). Notwithstanding the foregoing, provided that Developer is working in good faith to meet the Closing Conditions (as defined below) but is unable to satisfy all of the Closing Conditions due to a delay beyond the control of Developer, then upon receipt of a written request by Developer, LACMTA may, extend the JDA Initial Term for a period of an additional twelve (12) months. During the JDA Term, LACMTA and Developer shall endeavor to close Escrow (the "**Closing**"), subject to satisfaction or waiver of certain conditions precedent to execution of the Ground Lease, as set forth in the JDA (the "**Closing Conditions**"). Notwithstanding the forgoing, LACMTA shall have the right to terminate the JDA for defaults that will be detailed in the JDA, subject to applicable notice and cure periods.

3.4 JDA CONSIDERATION/ HOLDING RENT: As consideration for the rights granted to Developer during the JDA Term, commencing with the JDA Effective Date and continuing throughout the JDA Term, Developer shall pay to LACMTA, in advance on a monthly basis, in immediately available funds, nonrefundable holding rent in the amount of $1,980 (the "**Holding Rent**"). The Holding Rent is based on 1/12th of the discounted value of 0.25% of $9,500,000, which is the appraised fair market value of the fee simple value of the Site (as determined in that certain appraisal dated August 23, 2023, performed by Cushman & Wakefield). The Holding Rent shall be nonrefundable but shall be applied at Closing as a credit to the Capitalized Rent

due under the Ground Lease, in the event the Ground Lease is executed by the parties.

3.5 CONDITIONS TO CLOSING: The Closing Conditions will require, among other things:

(a) Developer has provided LACMTA assurances that Developer has the legal capacity to develop the Project through delivery of organizational documents and other proof reasonably requested by LACMTA;

(b) Developer has delivered to LACMTA evidence and assurances demonstrating that Developer has the financial resources in place to design, construct and operate the Project, including financing, and that such resources are fully committed without reservation to the reasonable satisfaction of LACMTA;

(c) all necessary CEQA Review for the Project has occurred and all related CEQA approvals, findings, determinations, and certifications have been made by the applicable governmental authorities, and all applicable statutes of limitation have run without a lawsuit having been timely filed (but if so filed, then final adjudication or dismissal with prejudice of such lawsuit has occurred, upholding the approvals, findings, determinations, and certifications);

(d) Developer has applied for and received all governmental approvals necessary (including all LACMTA and City of Los Angeles approvals and entitlements) for the development, construction, and operation of the Project);

(e) LACMTA has approved the final (100%) construction plans for the Project and any other design or technical documents necessary for the construction of the Project (the "**Approved Construction Documents**");

(f) Developer has received a "ready to issue" letter from the City of Los Angeles for all building permits necessary for the construction of the Project in accordance with the Approved Construction Documents and any changes to the Approved Construction Documents that appear in the "ready to

issue" plans for the Project will be subject to LACMTA review and approval in accordance with LACMTA's design review rights under the JDA;

(g) Developer has executed and delivered all Closing Documents to Escrow;

(h) Developer has provided LACMTA with Payment and Performance Bonds and a Completion Guaranty from Abode Communities guaranteeing and securing completion of the Project, each in a form satisfactory to LACMTA;

(i) All Funding Approvals have been received;

(j) LACMTA has approved (with or without conditions) Developer's construction work plan;

(k) Developer shall have provided LACMTA evidence satisfactory to LACMTA in its reasonable discretion that, during construction of the initial improvements, Developer will comply with a project labor agreement in compliance with LACMTA policies.

3.6 DESIGN REVIEW/SEQUENCE:

During the JDA Term and the Construction Period (defined below) under the Ground Lease, LACMTA shall have the right to review and approve the design of the Project, including: any design elements of the Project that affect (a) the operations of LACMTA, (b) LACMTA's exercise of its Retained Rights (defined below), and (c) public health and safety (collectively, the "**LACMTA Development-Related Concerns**"). LACMTA's approval of Project plans that **are not** related to LACMTA Development-Related Concerns will be at LACMTA's reasonable discretion, except to the extent that the design of the Project depicted, described and specified on such plans does not represent a logical evolution of the design depicted, described and specified on plans approved by LACMTA at the preceding level of design development (a "**Logical Evolution**"). Approval of Project's plans that **are** related to LACMTA Development-Related Concerns or **are not** a Logical Evolution will be at LACMTA's sole and absolute discretion. LACMTA's design approval rights as set forth herein are, in part, intended to ensure that the Project meets LACMTA's Satisfactory Continuing Control Requirement (as defined in the

Retained Rights subsection of the *Ground Lease – Other Terms and Conditions* section of this Term Sheet).

Except as otherwise approved in writing by LACMTA, Developer shall not proceed with preparation of the Project's Final Construction Documents until it has received LACMTA's written approval of the Project's Design Development Drawings and Schematic Design Drawings.

3.7 JDA/GROUND LEASE CLOSING:

The Closing will occur when Developer and LACMTA have entered into the Ground Lease and other transaction documents necessary to complete the Closing as contemplated in the JDA (the "**Closing Documents**") after the Closing Conditions have been satisfied or waived by the applicable party. The JDA will contemplate a single Closing. At Closing, LACMTA will lease the Premises (defined in Section 4.4) to Developer, subject to the Retained Rights (defined below), in exchange for the payment of the Capitalized Rent and initial Fee to be paid under the Ground Lease. The Closing Documents, including, without limitation, the Ground Lease, will be executed by the parties as is necessary to properly effectuate the Closing.

3.8 TRANSFERS, ASSIGNMENT AND SUBLETTING:

Except as otherwise approved in writing by LACMTA in its sole and absolute discretion, Developer shall not transfer or assign its rights or obligations under the JDA or any portion thereof.

3.9 FINANCING:

Developer shall notify LACMTA of any applications for financing that will be submitted and provide adequate time for LACMTA to secure all necessary approvals (no less than 4 months prior).

KEY GROUND LEASE TERMS:

4.1 GROUND LESSEE:

Chavez Fickett, L.P. ("**Ground Lessee**"), a California Limited Partnership, which is a development entity controlled by Abode Communities and was created for purposes of owning, developing, and operating the Project.

4.2 GROUND LEASE – GENERALLY:

At Closing, LACMTA, as ground lessor, and Ground Lessee, as ground lessee, will enter into a ground lease (the "**Ground Lease**"), which will provide for the construction and operation of

the Project on the Premises (defined below). The Ground Lease will contain terms and conditions that are substantially consistent with those set forth in this Term Sheet, subject to any modifications as directed by the LACMTA Board.

4.3 UNSUBORDINATED GROUND LEASE: Neither LACMTA's interest in the LACMTA Property nor its rights under the Ground Lease (including the FTA's interest as a provider of funds for the Site's initial acquisition) nor LACMTA's Satisfactory Continuing Control Requirement (as defined in the *Retained Rights* subsection of the *Ground Lease – Other Terms and Conditions* section of this Term Sheet) shall be subordinated to any interest that Ground Lessee or its lenders or investors will have in the Premises.

4.4 GROUND LEASE PREMISES: The premises under the Ground Lease (the "**Premises**") will consist of the Site, less any Dedications.

4.5 GROUND LEASE TERM: The Ground Lease shall commence on the date of the Closing in accordance with the terms of the JDA (such date being the "**Commencement Date**"). The term of the Ground Lease will be seventy-five (75) years (the "**Ground Lease Term**"), expiring on the day prior to that anniversary of the Commencement Date, which Ground Lease Term may be adjusted by LACMTA to be longer or shorter than seventy-five (75) years based on lender and investor underwriting requirements, in LACMTA's reasonable discretion.

4.6 LEASE RIDER: LACMTA will reasonably cooperate with Ground Lessee to reach an agreement on the form of a separate rider to the Ground Lease (a "**Lease Rider**") reasonably required by the California Tax Credit Allocation Committee ("**CTCAC**") in connection with an award of tax credits or other financing for the Project.

4.7 ESTOPPELS: LACMTA will reasonably cooperate with lenders and investors to execute Ground Lease estoppels on LACMTA's standard estoppel form.

GROUND LEASE RENT & OTHER COMPENSATION

5.1 NET LEASE: All rent to be paid under the Ground Lease shall be absolutely net to LACMTA, without offset, deduction or withholding. Ground Lessee shall be responsible for all capital costs and operating

expenses attributable to the development, construction, operation, and maintenance of the Project, including all taxes and assessments levied upon the Project or any interest in the Ground Lease. Ground Lessee is aware that the Premises are also subject to possessory interest taxes, which shall be paid by Ground Lessee.

5.2 CAPITALIZED RENT: Upon execution of the Ground Lease, Ground Lessee shall pay LACMTA a capitalized rent payment (the "**Capitalized Rent**") of $3,450,000 for the entire Ground Lease Term, which has been determined to be the residual value of the $10,350,000 appraised fair market value of the leasehold interest of the Site (for a 75-year lease), as determined by Cushman & Wakefield and set forth in that certain appraisal dated August 23, 2023 (the "**Appraised FMV**"). All Holding Rent received by LACMTA under the JDA shall be applied as a credit to the Capitalized Rent due under the Ground Lease upon execution of the Ground Lease by the parties.

5.3 PERCENTAGE RENT: Ground Lessee shall pay LACMTA percentage rent in an amount equal to twenty-five percent (25%) of all gross rent paid or credited to Ground Lessee for commercial uses of the Project or the Premises ("**Percentage Rent**"). Percentage Rent shall be calculated on a calendar year basis and shall be due to LACMTA from Ground Lessee annually, in arrears, on March 30 of each calendar year following the subject calendar year, with a full accounting of the amount due. Notwithstanding the foregoing, no Percentage Rent shall be due for the portion of the Premises used for Community Facilities (as defined herein), provided that such Community Facilities are operated in a manner that will enhance the quality of life for persons residing within the Project or within a 0.5 mile radius of the Premises. The term "**Community Facilities**" shall mean space in the Project that is subleased for uses that provide, preserve, and leverage social services, education, and other community services determined by LACMTA to be critical community resources.

5.4 SALE/REFINANCING PROCEEDS: Ground Lessee shall pay LACMTA an amount equal to: (a) 20% of all Refinancing Net Proceeds received by Ground Lessee for the refinancing of the Project, where "**Refinancing Net Proceeds**" shall mean the gross principal amount of the refinancing, less (i) the amount of any then-existing debt consummated pursuant to a financing event approved by LACMTA or permitted by the terms of the Ground Lease and secured directly or indirectly by any portion

of the beneficial interest in the Premises, the Project, and/or Ground Lessee's leasehold interest under the Ground Lease, that is paid from the refinancing proceeds and for which any lien is reconveyed or released, (ii) amounts for repairs or capital improvements to the Project to be made within twenty-four (24) months after the closing date of the refinancing, and (iii) the following transaction costs and expenses paid by Ground Lessee to any non-affiliate of Ground Lessee in connection with the consummation of any such refinancing, to the extent such costs are commercially reasonable: escrow fees, title charges, lender fees or charges, recording costs, brokerage commissions and attorneys' fees; and (b) upon the consummation of any sale of the Project to an unaffiliated third party (a "**Sale**"), Ground Lessee shall pay LACMTA, an amount equal to 20% of all Sale Net Proceeds received by Ground Lessee for the Sale of the Project, where **"Sale Net Proceeds"** means with respect to each Sale, the total consideration less (i) the amount of any then-existing debt consummated pursuant to a financing event approved by LACMTA or permitted by the terms of the Ground Lease and secured directly or indirectly by any portion of the beneficial interest in the Premises, the Project, and/or Ground Lessee's leasehold interest under the Ground Lease that is satisfied out of such total consideration, and (ii) the following transaction costs and expenses paid by Ground Lessee to any non-affiliate of Ground Lessee in connection with the con summation of the sale, to the extent such costs are commercially reasonable: escrow fees, title charges, lender fees or charges, recording costs, brokerage commissions, and attorneys' fees. Notwithstanding anything to the contrary contained herein, in no event shall the amount of any Refinancing Net Proceeds and Sale Net Proceeds paid to LACMTA, when added to any Percentage Rent payments previously paid to LACMTA pursuant to the Ground Lease, exceed the Appraised FMV of the Site.

GROUND LEASE – OTHER TERMS AND CONDITIONS

6.1 DESIGN REVIEW: Developer shall not make any changes to the Approved Construction Documents without the prior consent of LACMTA. During the Construction Period, LACMTA will have design review rights with respect to any changes to the Approved Construction Documents desired by Ground Lessee as set forth in the *Design Review/Sequence* subsection of the *Key Joint Development Agreement ("**JDA**") Terms* section of this Term Sheet. Approval of such changes that represent Logical Evolutions of the design and

are not related to LACMTA Development-Related Concerns will be at LACMTA's reasonable discretion. Approval of such changes that are related to LACMTA Development-Related Concerns or are not a Logical Evolution of the design will be at LACMTA's sole and absolute discretion. LACMTA will retain the same design approval rights for any substantive Project changes or improvements later sought by Ground Lessee at any time during the Ground Lease Term. LACMTA's design approval rights as set forth herein are, in part, intended to ensure that the Project meets LACMTA's Satisfactory Continuing Control Requirement (as defined in the Retained Rights subsection of the Ground Lease – Other Terms and Conditions section of this Term Sheet).

6.2 CONSTRUCTION COMPLETION:

The Ground Lease will require commencement of construction within 30 days after the Commencement Date. The Project's construction period ("**Construction Period**") will commence on the Commencement Date and terminate upon the earlier of (1) substantial completion of construction of the Project improvements as described in the Ground Lease, which shall be evidenced by a temporary certificate of occupancy for substantially all of the Project improvements described in the Ground Lease or (2) twenty-four (24) months after the Commencement Date.

6.3 MAINTENANCE AND OPERATIONS:

During the Ground Lease Term, Ground Lessee shall maintain and operate all portions of the Project and the Premises at its sole cost and expense pursuant to maintenance and operations standards that shall be mutually agreed between the parties and set forth in the Ground Lease.

6.4 DEMOLITION/DEMOLITION SECURITY:

If required by LACMTA, Developer shall, at Developer's sole cost and expense, (a) demolish and remove the Project and any improvements then located on the Premises (or such portion thereof as indicated by LACMTA in writing), exclusive of any LACMTA improvements and/or transportation-related amenities and facilities then located on the Premises, (b) return the Premises to LACMTA in its otherwise original condition (the "**Demolition**") at the expiration or earlier termination of the Ground Lease and (c) provide reasonable assurances to LACMTA near the end of the Ground Lease Term that the Demolition shall be completed.

6.5 FINANCING AND ENCUMBRANCES:

Subject to LACMTA's reasonable approval, Ground Lessee may encumber its leasehold estate with mortgages, deeds of trust or other financing instruments; provided, however, in no event shall LACMTA's Satisfactory Continuing Control Requirement (as defined in the *Retained Rights* subsection of the *Ground Lease – Other Terms and Conditions* section of this Term Sheet), LACMTA's fee title interest or rent payable to LACMTA under the Ground Lease be subordinated or subject to Ground Lessee's financing or other claims or liens (except as set forth below for certain affordable housing and other covenants). Such encumbrances and financings shall be subject to LACMTA's reasonable approval, except with respect to certain "permitted financing events" meeting specific criteria to be set forth in the Ground Lease, which shall not require LACMTA's approval.

6.6 COVENANTS:

Ground Lessee may encumber its leasehold estate with affordable housing and other covenants (the "**Affordability Covenants**") reasonably required by Ground Lessee's affordable housing funding sources or the City of Los Angeles as a condition to granting Project approvals, entitlements and building permits, which covenants shall be subject to LACMTA's review and reasonable approval. LACMTA will reasonably consider the encumbrance of its fee title interest with certain restrictive covenants, if required by Ground Lessee's affordable housing funding sources or the City of Los Angeles as a condition to granting Project approvals, entitlements and building permits; provided that Ground Lessee agrees to perform all obligations under said covenants during the Ground Lease Term and to indemnify LACMTA for all claims and losses resulting from Ground Lessee's failure to do the same. During the Term, Ground Lessee shall lease, operate, and maintain the Affordable Units according to the terms of the Affordability Covenants, notwithstanding the expiration of any such Affordability Covenants.

6.7 FEDERAL CIVIL RIGHTS COVENANTS:

Ground Lessee shall comply with all applicable Federal nondiscrimination requirements, including applicable sections of Title 49 of the Code of Federal Regulations.

6.8 TRANSFERS, ASSIGNMENT, AND SUBLETTING:

Except for limited permitted exceptions to be set forth in the Ground Lease, Ground Lessee shall not transfer, assign, or sublet

(except for the typical subleasing of the apartments and retail space within the Project) its rights or obligations under the Ground Lease, or beneficial interests in Ground Lessee (each, a "**Transfer**"):

a. Prior to completion of construction of the Project; and
b. After completion of construction of the Project, other than in accordance with reasonable transfer criteria to be set forth in the Ground Lease, including, without limitation, criteria regarding (a) applicable FTA approval, (b) the creditworthiness, history and experience of any proposed transferee and its affiliates, and (c) FTA and State requirements, as applicable, concerning debarment, suspension, etc. stemming from FTA and State funding related to acquisition of the LACMTA Property.

6.9 RETAINED RIGHTS: LACMTA shall retain from the Ground Lease and the Premises certain rights as shall be further described in detail in the Ground Lease, relating to the following: (1) the right to install, construct, inspect, operate, maintain, repair, expand and replace public transit facilities under and adjacent to the Premises as LACMTA may deem necessary, provided that such installation, construction, inspection, operation, maintenance, repair, expansion and replacement does not interfere with the quiet use and enjoyment of the Project or its construction by Ground Lessee or its subtenants; (2) the right to enter upon and inspect the Premises, with reasonable notice to Ground Lessee, and anytime during normal business hours, for purposes of conducting normal and periodic inspections of the Premises and the Project and to confirm Ground Lessee's compliance with the terms and conditions of the Ground Lease; (3) the right to install, use, repair, maintain, and replace along the perimeter of the Premises abutting the public streets, sidewalks or rights-of-way (including, without limitation, on the exterior of the Project) informational, directional and way-finding signs for the purpose of directing the public to, from and between LACMTA and other public transit options in the area; provided, however, LACMTA shall not install any such signage on the Premises or the Project without Ground Lessee's prior written approval, which shall not be unreasonably withheld, conditioned or delayed; and (4) all rights not explicitly granted to Ground Lessee in the Ground Lease (the "**Retained Rights**"). The Retained Rights shall, among other things, ensure that the Site remains available for the transit purposes originally

authorized by the FTA ("**LACMTA's Satisfactory Continuing Control Requirement**").

6.10 SUPERSEDURE: This Term Sheet supersedes the parties' understanding of key terms and conditions relating to the Site, the Project or any joint development agreement or ground lease related thereto which may have existed prior to the date of this Term Sheet.

6.11 OTHER: Other customary provisions contained in recent LACMTA ground leases will be included in the Ground Lease, including, without limitation, provisions relating to (a) Ground Lessee's assumption of risk related to the Project's proximity to transit operations, (b) insurance, and (c) indemnity.

LACMTA TRANSACTION COSTS

7.1 LACMTA TRANSACTION COSTS: Developer and Ground Lessee acknowledge and agree that LACMTA will incur certain actual costs (the "**LACMTA Transaction Costs**") related to (a) the design, development, planning, and construction of the Project (including costs related to construction methods and logistics), and (b) negotiation of the terms and conditions of the transactions contemplated under the JDA and the Ground Lease. The LACMTA Transaction Costs shall include, without limitation, the actual cost of in-house staff time (including LACMTA overhead and administrative costs) and third party consultation fees (including, but not limited to, fees related to consultants, engineers, architects, and advisors) for financial analyses, design review (including reviewing plans and specifications for the Project), negotiations, appraisals, document preparation, services related to development, planning, engineering, construction safety, construction management, construction support, and construction logistics and inspection, and other reasonable services related to the Project and the transactions contemplated under the JDA and Ground Lease, *but shall exclude* the cost of LACMTA Joint Development staff, and LACMTA's in-house and outside legal counsel with respect to negotiation and preparation of the JDA, Ground Lease and related transaction documents.

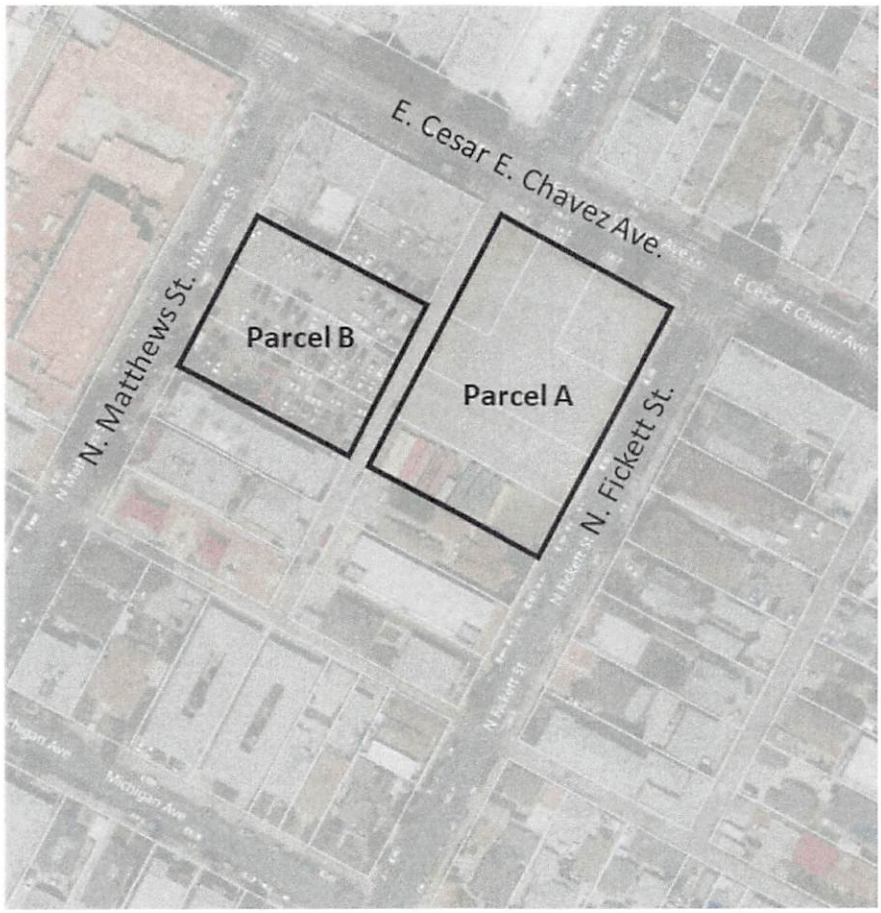
7.2 JDA FEE: Developer shall provide a fee to LACMTA for LACMTA to apply to LACMTA Transaction Costs (whether accruing prior to or after the JDA Effective Date). On the JDA Effective Date, Developer shall pay LACMTA an initial fee in the amount of $45,000 (the "**JDA**

Initial Fee"); provided, however, upon any extension of the JDA Term, Developer shall pay LACMTA an additional fee in the amount of $30,000 ("**JDA Extension Fee**" and together with the Initial Fee, the "**JDA Fee**").

7.3 GROUND LEASE DEPOSIT: On the Commencement Date, Developer shall pay LACMTA an initial deposit in the amount of Fifty Thousand Dollars ($50,000) (the "**Ground Lease Deposit**"), which represents the LACMTA construction management and related inspection costs that LACMTA is anticipated to incur during the Construction Period. During the Ground Lease Term, if the remaining balance of the Ground Lease Deposit falls below the amount of $10,000, then, upon receiving written notice from LACMTA, Developer or Ground Lessee (as applicable) shall replenish the Ground Lease Deposit to the initial amount of $50,000. If Developer or Ground Lessee (as applicable) fails to replenish the Ground Lease Deposit as set forth herein, LACMTA may decline to provide the services that are to be covered by the Ground Lease Deposit and/or terminate the Ground Lease. LACMTA will provide documentation of the LACTMA Transaction Costs to Ground Lessee upon Ground Lessee's written request.

Exhibit A

Depiction of the Site



Transit Vicinity Map

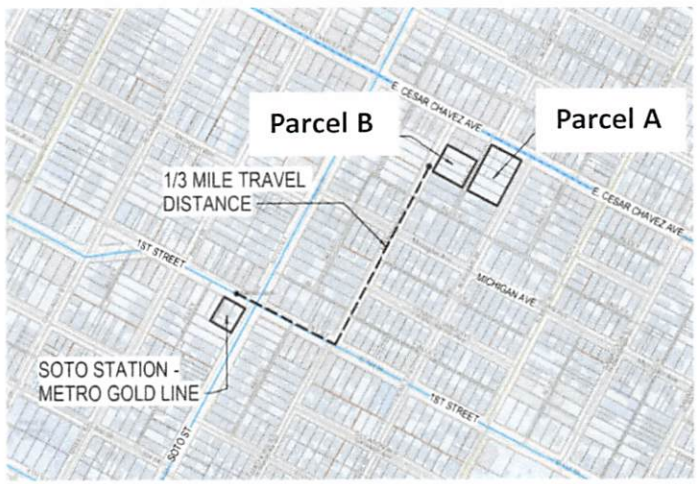


Exhibit B

List of Plans and Specifications Comprising the JDA Package

Sheet No.	Sheet Title	Initial Date	Latest Revision Date
G0.00	COVER SHEET	12/17/2021	10/25/2023
G0.02	PROJECT INFORMATION	12/17/2021	2/10/2023
G0.031	PROJECT INFORMATION	10/25/2023	10/25/2023
G0.121	PROJECT INFORMATION	10/25/2023	10/25/2023
A1.001	SITE PLAN	01/27/2023	10/25/2023
A1.101	ENLARGED SITE PLAN - FICKETT	01/27/2023	10/25/2023
A2.101	FIRST FLOOR PLAN - FICKETT	01/27/2023	10/25/2023
A2.102	SECOND FLOOR PLAN - FICKETT	01/27/2023	10/25/2023
A2.103	THIRD FLOOR PLAN - FICKETT	01/27/2023	10/25/2023
A2.104	FOURTH FLOOR PLAN - FICKETT	01/27/2023	10/25/2023
A2.105	ROOF FLOOR PLAN - FICKETT	01/27/2023	10/25/2023
A1.201	ENLARGED SITE PLAN - MATHEWS	01/27/2023	10/25/2023
A2.211	FIRST FLOOR PLAN - MATHEWS	01/27/2023	10/25/2023
A2.212	SECOND FLOOR PLAN - MATHEWS	01/27/2023	10/25/2023
A2.213	THIRD FLOOR PLAN - MATHEWS	01/27/2023	10/25/2023
A2.214	FOURTH FLOOR PLAN - MATHEWS	01/27/2023	10/25/2023
A2.215	ROOF FLOOR PLAN - MATHEWS	01/27/2023	10/25/2023
A4.010	UNIT PLANS – TYPE A1 AND A2	01/27/2023	10/25/2023
A4.011	UNIT PLANS – TYPE B1	01/27/2023	10/25/2023
A4.012	UNIT PLANS – TYPE C1 AND C2	01/27/2023	10/25/2023
A4.013	UNIT PLANS – TYPE D1	01/27/2023	10/25/2023
A4.014	UNIT PLANS – TYPE E1	01/27/2023	10/25/2023
A5.201	EXTERIOR ELEVATIONS - MATHEWS	01/27/2023	10/25/2023
A5.202	EXTERIOR ELEVATIONS - MATHEWS	01/27/2023	10/25/2023
A5.105	AXONOMETRIC – FICKETT	10/25/2023	10/25/2023
A5.204	AXONOMETRIC - MATHEWS	10/25/2023	10/25/2023
A5.205	AXONOMETRIC – CESAR CHAVEZ STREET	11/2/2023	11/2/2023
A6.201	BUILDING SECTIONS - MATHEWS	01/27/2023	10/25/2023
A5.101	EXTERIOR ELEVATIONS - FICKETT	01/27/2023	10/25/2023
A5.102	EXTERIOR ELEVATIONS - FICKETT	01/27/2023	10/25/2023
A6.101	BUILDING SECTIONS - FICKETT	01/27/2023	10/25/2023
L0.00	LANDSCAPE NOTES AND SCHEDULES	12/17/2021	10/23/2023

L1.02-A	LANDSCAPE GROUND FLOOR PLANTING PLAN – MATHEWS	12/17/2021	10/23/2023
L2.01-A	LANDSCAPE SECOND FLOOR PLAN – MATHEWS	12/17/2021	10/23/2023
L2.02-A	LANDSCAPE SECOND FLOOR PLANTING PLAN – MATHEWS	12/17/2021	10/23/2023
L3.01-A	LANDSCAPE THIRD FLOOR PLAN – MATHEWS	12/17/2021	10/23/2023
L4.01-A	LANDSCAPE FOURTH FLOOR PLAN – MATHEWS	12/17/2021	10/23/2023
L1.02-B	LANDSCAPE GROUND FLOOR PLANTING PLAN – FICKETT	12/17/2021	10/23/2023
L2.01-B	LANDSCAPE SECOND FLOOR PLAN – FICKETT	12/17/2021	10/23/2023
L2.02-B	LANDSCAPE SECOND FLOOR PLANTING PLAN – FICKETT	12/17/2021	10/23/2023
L3.01-B	LANDSCAPE THIRD FLOOR PLAN – FICKETT	12/17/2021	10/23/2023
L4.01-B	LANDSCAPE FOURTH FLOOR PLAN – FICKETT	12/17/2021	10/23/2023

Exhibit C

Renderings and Site Plan

Exhibit C
Renderings and Site Plan



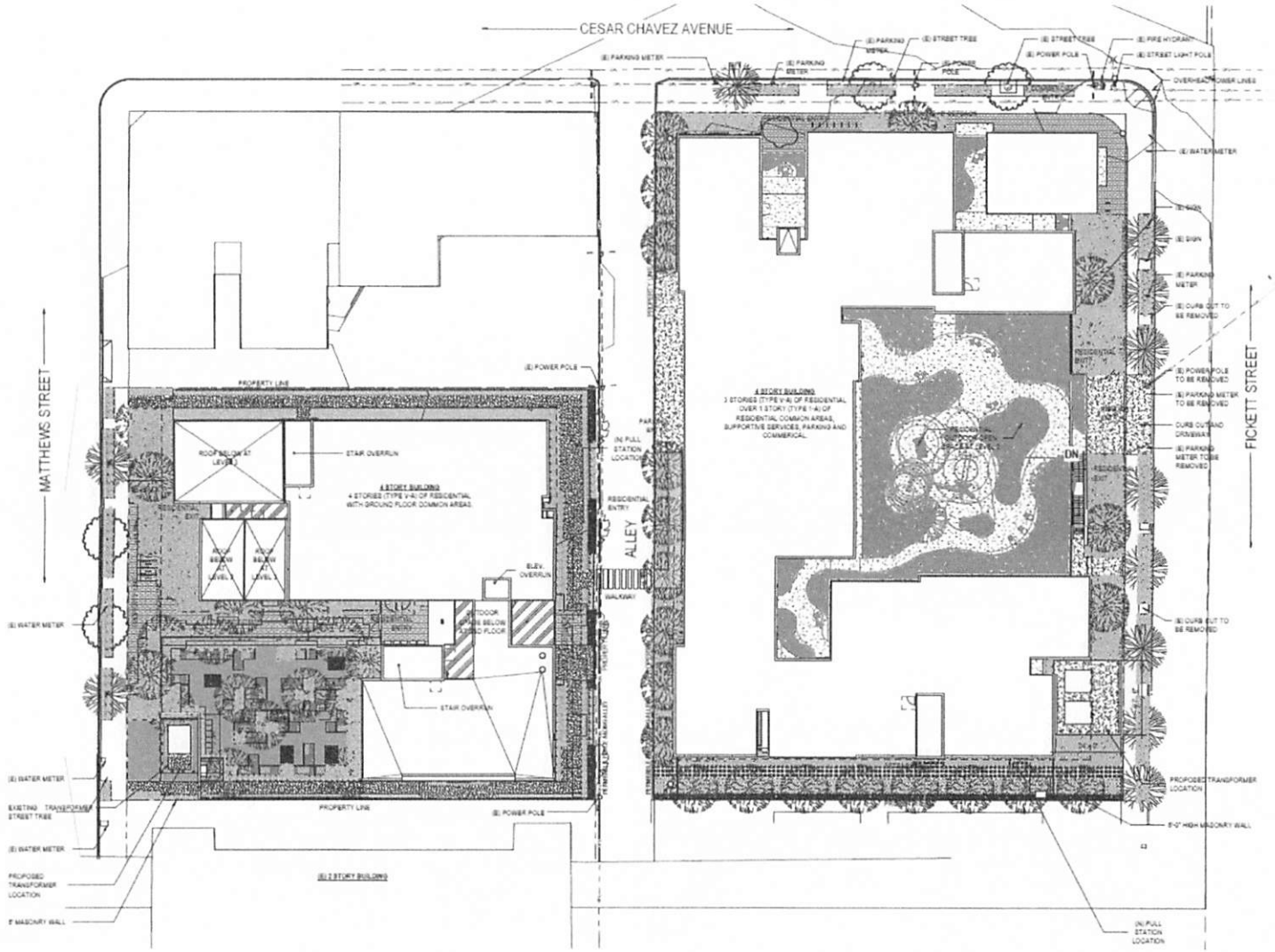
View from Mathews Street facing east



View from corner of Cesar Chavez Avenue and Fickett Street facing southwest



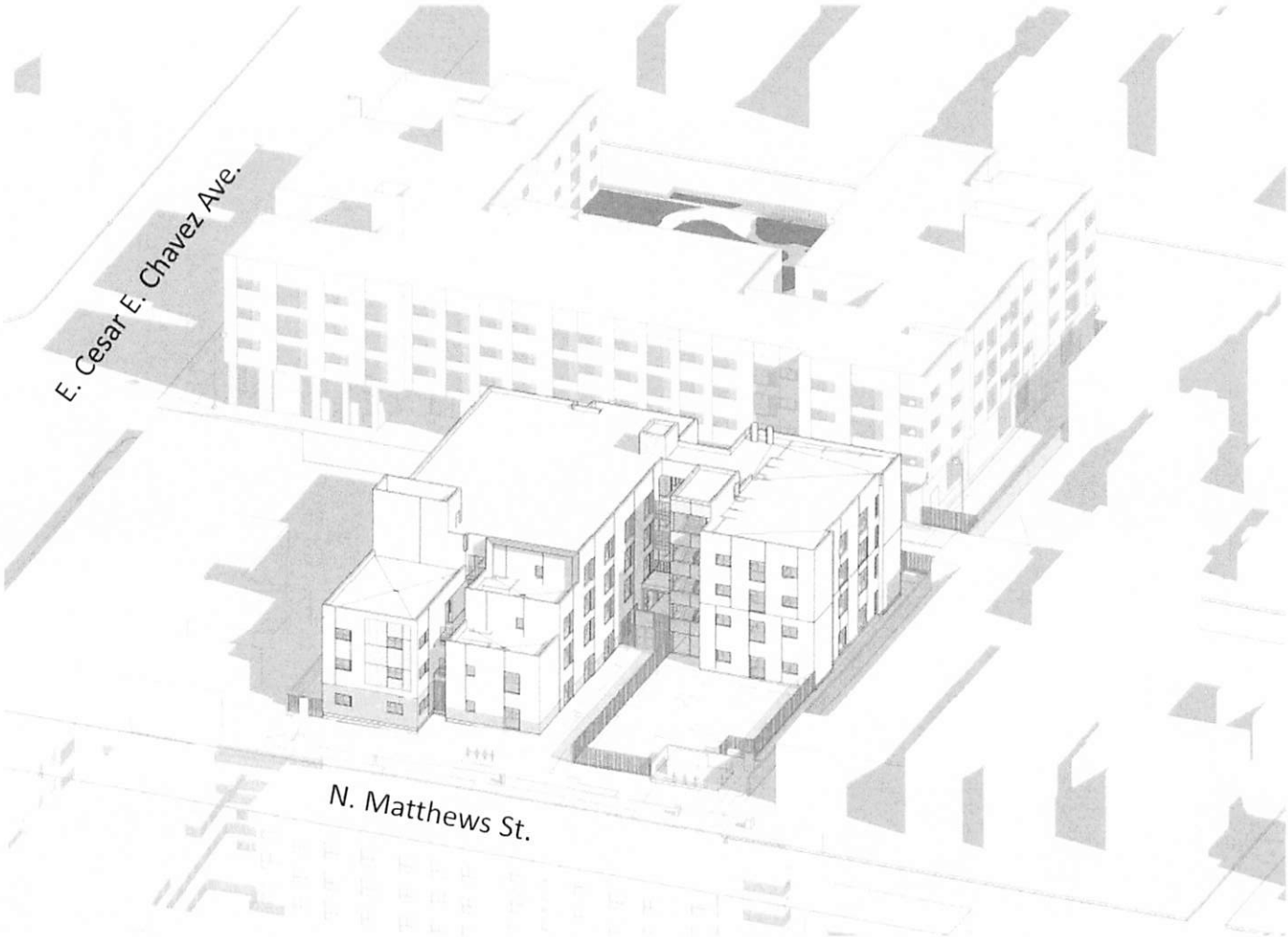
View from Fickett Street facing west


CESAR CHAVEZ AVENUE
MATTHEWS STREET
FICKETT STREET
ALLEY
PROPERTY LINE
(E) POWER POLE
STAIR OVERRUN
ELEV. OVERRUN
(E) WATER METER
(E) PARKING METER
(E) STREET TREE
(E) STREET LIGHT POLE
(E) FIRE HYDRANT
OVERHEAD POWER LINES
(E) SIGN
(E) CURB CUT TO BE REMOVED
(E) POWER POLE TO BE REMOVED
(E) PARKING METER TO BE REMOVED
CURB CUT AND DRIVEWAY
(E) PARKING METER TO BE REMOVED
PROPOSED TRANSFORMER LOCATION
8'-0" HIGH MASONRY WALL
(N) PULL STATION LOCATION
(E) 2 STORY BUILDING
RESIDENTIAL ENTRY
RESIDENTIAL EXIT
DN

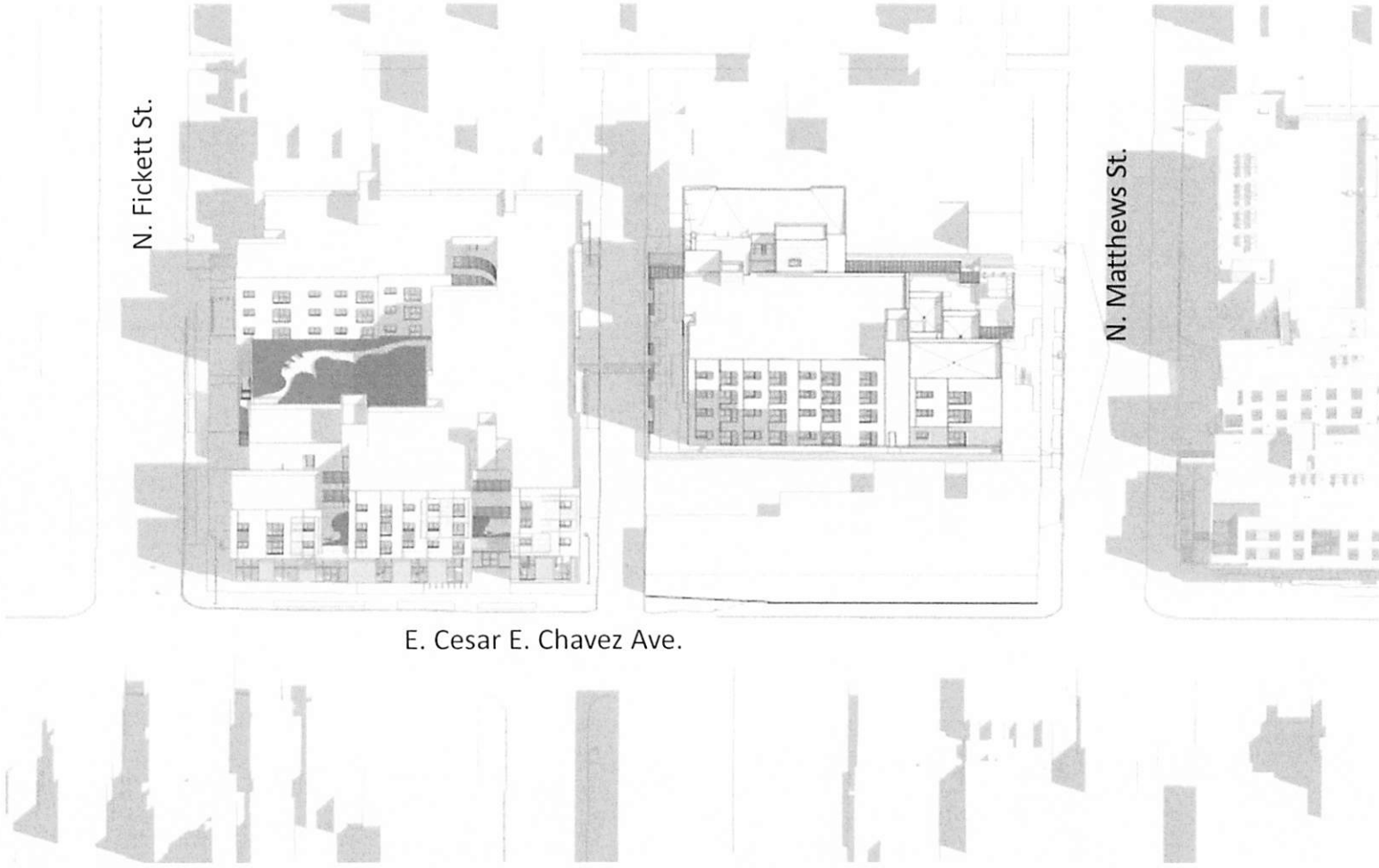
Site Plan



Axonometric view of facing west



Axonometric view of facing east



Axonometric View of facing south

ATTACHMENT B
CEQA Studies and Reports

Document Available Online at:
https://libraryarchives.metro.net/DB_Attachments/Attachment%20B%20-%20CEQA%20Studies%20and%20Reports.pdf

Attachment C
Renderings and Site Plan



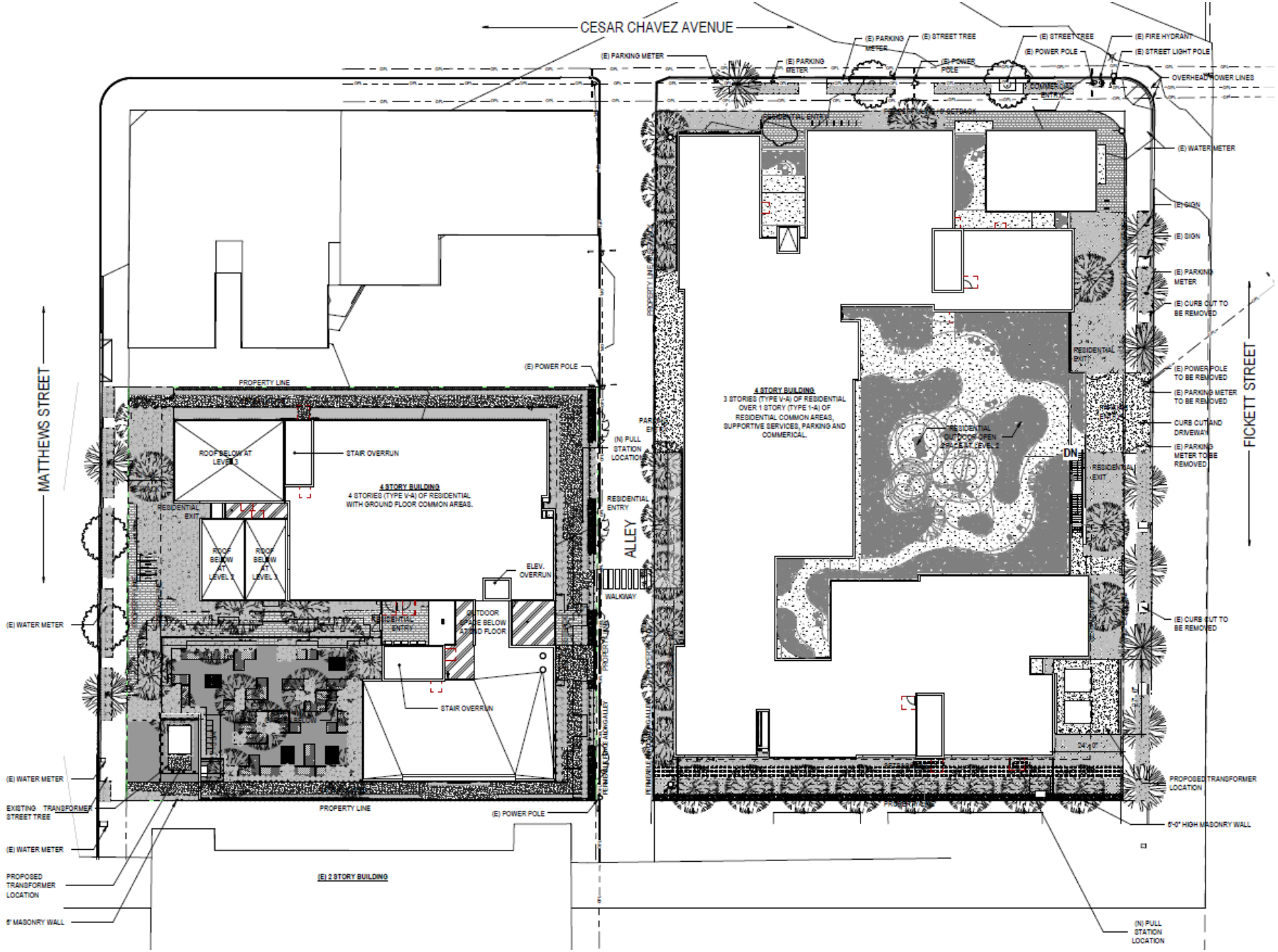
View from Mathews Street facing east



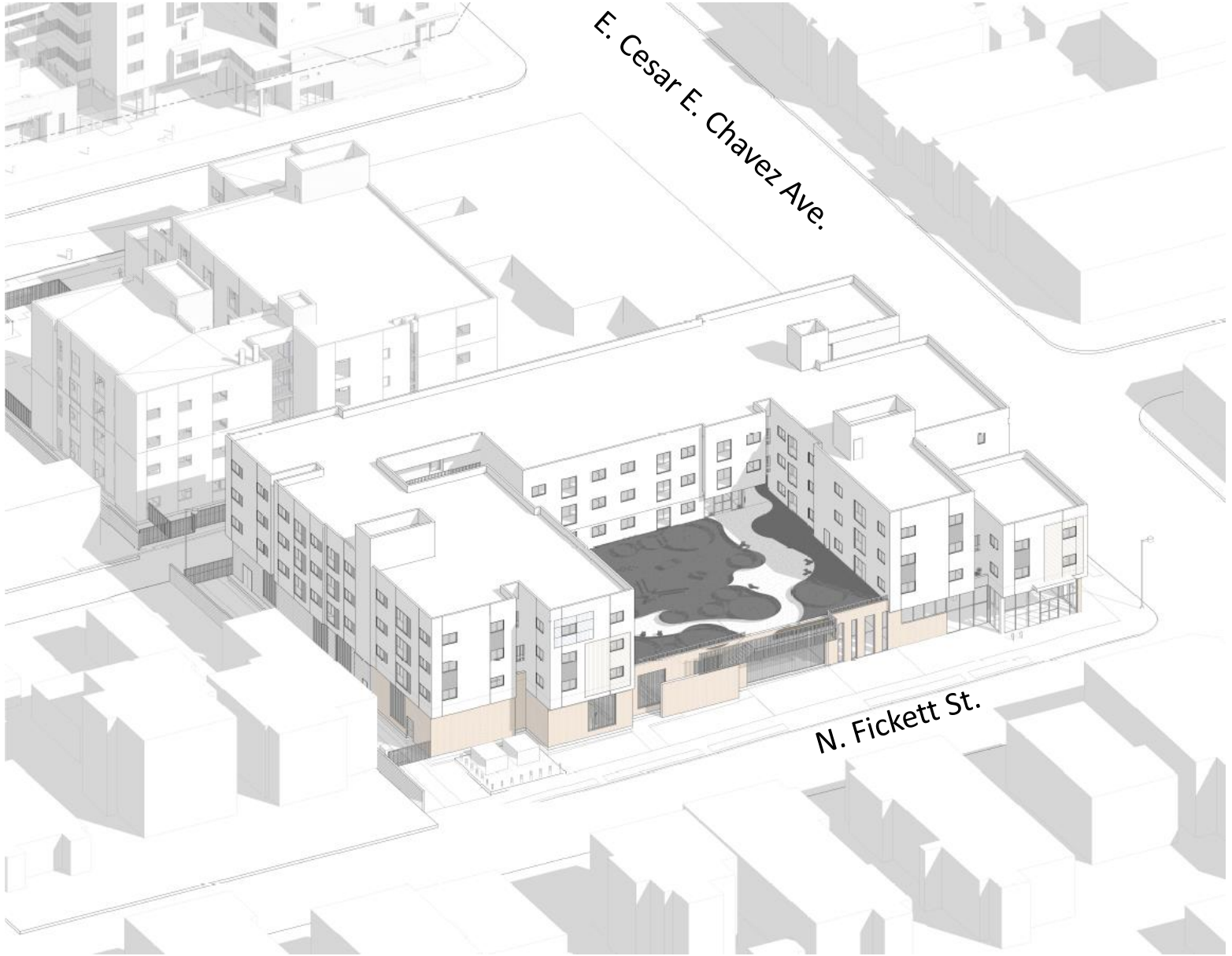
View from corner of Cesar Chavez Avenue and Fickett Street facing southwest



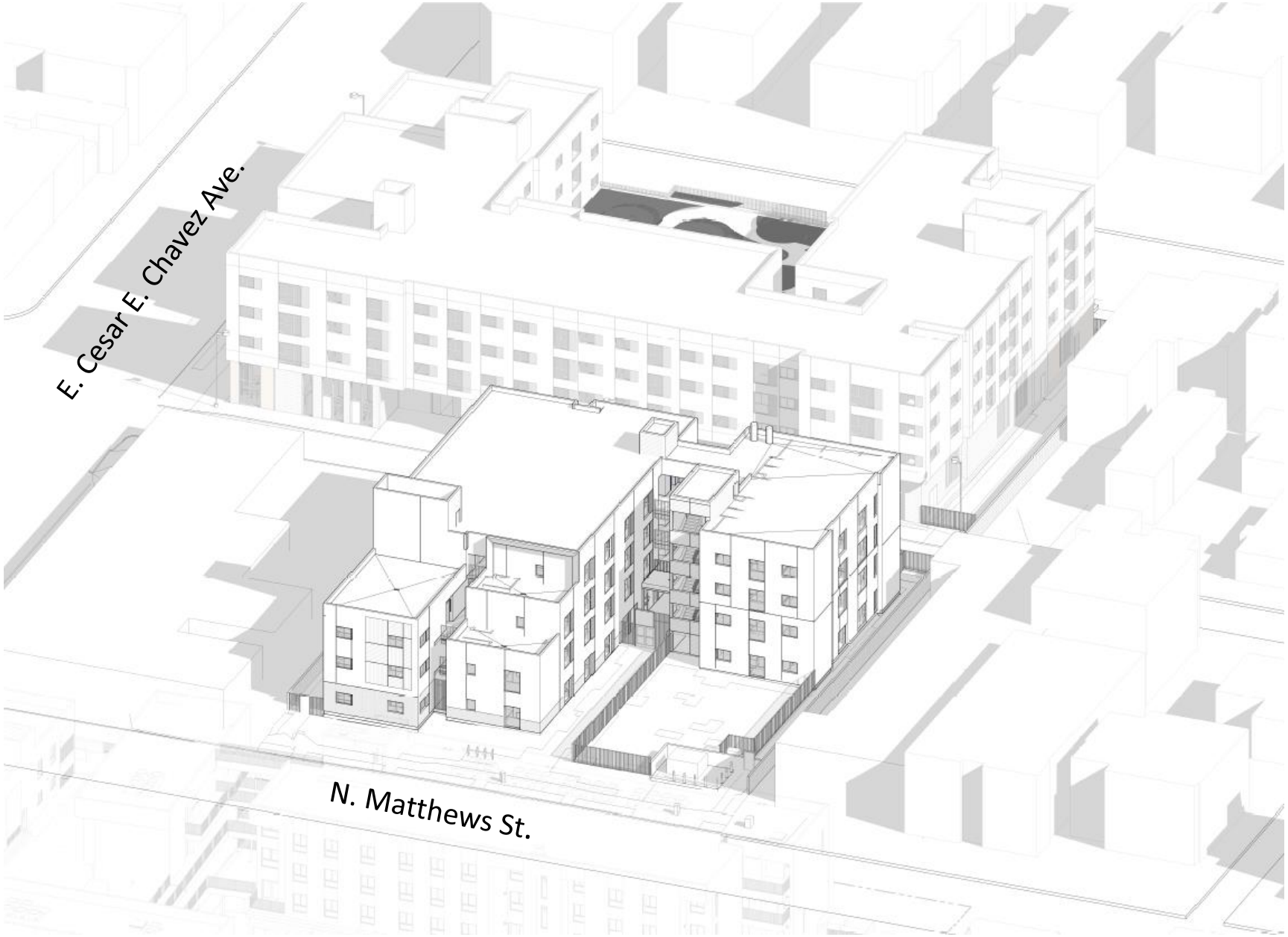
View from Fickett Street facing west


CESAR CHAVEZ AVENUE
MATTHEWS STREET
FICKETT STREET
ALLEY
PROPERTY LINE
(E) PARKING METER
(E) STREET TREE
(E) POWER POLE
(E) FIRE HYDRANT
(E) STREET LIGHT POLE
OVERHEAD POWER LINES
(E) WATER METER
(E) SIGN
(E) CURB CUT TO BE REMOVED
(E) POWER POLE TO BE REMOVED
(E) PARKING METER TO BE REMOVED
CURB CUT AND DRIVEWAY
(E) PARKING METER TO BE REMOVED
PROPOSED TRANSFORMER LOCATION
6'-0" HIGH MASONRY WALL
(N) PULL STATION LOCATION
ROOF BELOW AT LEVEL 3
STAIR OVERRUN
4 STORY BUILDING
4 STORIES (TYPE V-A) OF RESIDENTIAL WITH GROUND FLOOR COMMON AREAS.
RESIDENTIAL EXIT
RESIDENTIAL ENTRY
ROOF BELOW AT LEVEL 1
ROOF BELOW AT LEVEL 2
ELEV. OVERRUN
WALKWAY
OUTDOOR SPACE BELOW AT 2ND FLOOR
4 STORY BUILDING
3 STORIES (TYPE V-A) OF RESIDENTIAL OVER 1 STORY (TYPE I-A) OF RESIDENTIAL COMMON AREAS, SUPPORTIVE SERVICES, PARKING AND COMMERICAL.
RESIDENTIAL OUTDOOR OPEN SPACE AT LEVEL 2
DN
EXISTING TRANSFORMER
STREET TREE
(E) 2 STORY BUILDING
6' MASONRY WALL
N

Site Plan



Axonometric view of facing west



Axonometric view of facing east



Axonometric View of facing south



Next stop: building communities.

Chavez/Fickett Joint Development

Planning & Programming Committee
March 20, 2024
Legistar File# 2024-0035

Metro

Recommendation

A. AUTHORIZING the Chief Executive Officer or her designee to execute and enter into a joint development agreement ("JDA"), ground lease ("Ground Lease"), and other related documents with Chavez Fickett, L.P. ("Developer"), an affiliate of Abode Communities, for the construction and operation of a mixed-use, affordable housing project ("Project") at the corner of Cesar E. Chavez Avenue and Fickett Street in Boyle Heights;

B. AUTHORIZING a discount to the appraised fair market rental value for the Site of 67% or $6,900,000, under the Ground Lease as set forth in the Summary of Key Terms and Conditions for the Ground Lease;

C. FINDING that the Project is exempt from the California Environmental Quality Act ("CEQA"), consistent with the environmental studies and reports set forth in Attachment B, pursuant to Sections 21080(b)(9) and 21084 of the California Public Resources Code and Section 15332 (In-Fill Development Projects) of the CEQA Guidelines; and authorizing the Chief Executive Officer to file a Notice of Exemption for the Project consistent with said exemption.

Chavez/Fickett Project Overview

Developer: Abode Communities

Project Size: 1.56 acres

Units:

> 110 total units
> 109 affordable, 30-50% AMI
> 1 manager's unit

Commercial: 3,000 sq ft

Parking:

> 44 residential
> 6 commercial

Amenities:

> Community Garden
> Ground Floor Commercial





View from corner of Cesar Chavez Avenue and Fickett Street facing southwest

Metro

Outreach

2016
- Community forums to inform Development Guidelines
- Online emails and regular mail updates
- Design Review Advisory Committee (DRAC) formed to review schematic design
- Development Guidelines adopted by the Board (Jan. 2017)

2018
- Four developer-led workshops
- Two DRAC meetings

2022
- Schematic Design approved by the DRAC
- BHNC coordination culminating with a presentation and project update

2023
- Virtual meeting targeting nearby business owners and related stakeholders
- In-person community engagement meeting to discuss design, residential programming, on-site services, and potential ground-floor commercial options

Key Terms of the JDA and Ground Lease

Key JDA Terms

- Metro's receipt of monthly holding rent, credited to the capitalized rent due under the ground lease
- Recovery of certain Metro support/3rd party costs via developer fee
- Continued Metro design review/approval rights through CDs
- Sets the conditions for execution of the Ground Lease

Key Ground Lease Terms

- 75 Year term
- Metro's receipt of $3.45 million one-time capitalized rent payment, representing a $6.9 million (or 67%) discount from FMV
- Participation rent of 25% gross income received - commercial space
- Affordability Restrictions effective through the Ground Lease term

Next Steps

Upon Board approval:

- Continue neighborhood outreach and seek community input on the commercial uses
- Secure financing and permitting approvals
- Refine project design and satisfy conditions under the JDA
- Execute the Ground Lease
- Start Construction

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

File #: 2024-0070, **File Type:** Agreement **Agenda Number:** 17.

PLANNING AND PROGRAMMING COMMITTEE
MARCH 20, 2024

SUBJECT: APPROVAL OF CMAQ/STBG/CRP PROJECT PRIORITIZATION AND FUNDING RECOMMENDATIONS

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) or their designee to submit to SCAG the project prioritization and funding recommendations for Los Angeles County for CMAQ/STBG/CRP funding (Attachment A).

ISSUE

In early January 2024, the Southern California Association of Governments (SCAG) released a call for nominations inviting agencies within Los Angeles County to submit applications for Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Surface Transportation Block Grant Program (STBG) and Carbon Reduction Program (CRP) funding apportionments available for the SCAG region for federal fiscal year (FFY) 2023 through FFY 2026. Metro staff has reviewed and prioritized applications for Los Angeles County and is seeking Board approval of the project rankings. SCAG will make the final project funding awards at their June 2024 Regional Council (RC) Meeting.

DISCUSSION

In April 2021, the Federal Highway Administration (FHWA) and Federal Transit Association (FTA) issued a corrective action to Caltrans on the administration of the Surface Transportation Block Grant (STBG) and Congestions Mitigation and Air Quality (CMAQ) Improvement Programs. The findings require Caltrans to ensure that sub-recipients of STBG and CMAQ funds throughout the state are administering these programs in compliance with federal program guidance and regulations. Subsequently, in August 2022, FHWA and FTA jointly issued a corrective action to SCAG, requiring a review of Caltrans' CMAQ and STBG administrative policies and the development of a process that ensures compliance with federal program guidelines and regulations for the administration of the STBG and CMAQ programs.

The program guidelines adopted by SCAG to comply with the federal Corrective Action require that any new project or new project phase funded with CMAQ and/or STBG funds are subject to a competitive project selection process. SCAG's adopted STBG/CMAQ Compliance Action Plan

outlines the regional approach for addressing corrective action. The specific issues the SCAG compliance plan addresses are:

- Replacing the current federal transportation funding suballocations by population or mode to cities and counties with a performance-based approach.

- Modifying the eligibility screening conducted for compliance with Federal program guidance and regulations.

- Modifying the project selection process so federally funded transportation projects are selected by SCAG as the designated Metropolitan Planning Organization (MPO).

The Carbon Reduction Program (CRP) is a new program established by the Infrastructure Investment and Jobs Act (IIJA). The CRP provides funding for transportation projects that reduce carbon dioxide emissions from on-road transportation sources. SCAG has recently adopted CRP program guidelines for the competitive selection of CRP-funded projects like those used to program CMAQ and STBG funds.

As part of the regional call for nominations, all County Transportation Commissions (CTCs) in the SCAG region, which includes Metro will assist in the process by providing initial project screening using the SCAG-developed ranking criteria. Following Metro's submittal of the ranked projects for Los Angeles County, SCAG staff will evaluate all nominations against program criteria and recommend a list of projects and funding amounts for final SCAG Regional Council approval of the selected projects.

As part of the Corrective Action guidelines, SCAG developed performance-based funding nomination targets for each county in the SCAG region. For the CMAQ, STBG, and CRP funds available through this call process Los Angeles County's target is approximately $150 million. This funding target will only guide the nomination submittals from each county, it is not a guaranteed funding level, nor does it set a nomination ceiling.

Project Solicitation Process and Schedule

SCAG released the project application for funding on January 8, 2024. Metro staff then notified all cities and eligible agencies of the release of the application and the condensed schedule to submit applications. To meet the March 29, 2024 deadline for CTCs to submit their prioritized projects to SCAG Metro set an application deadline of February 16, 2024, to provide time for staff to review and rank the submitted projects.

Staff also reached out to the Council of Governments (COGs) and subregions to notify them of the grant opportunity. Office hours were set for Tuesday and Thursday morning where agencies could schedule time to answer questions about project eligibility and the application process.

Project Ranking Criteria

Following the SCAG program guidelines, which allow each county to determine the review process

and participants and given the two-week turnaround from application submittal to rank the applications, Metro Countywide Planning staff familiar with these federal fund sources and the Federal Transportation Improvement Program (FTIP) process evaluated each project.

The SCAG guidelines require each county to apply the following four criteria to rank each project into one of three categories; Highly Recommended, Recommended, and Contingency.:

1. Eligibility: Screen implementing agencies and projects for eligibility with federal and regional requirements. Projects must be eligible for STBG, CMAQ, and/or CRP funds.

2. Alignment: Evaluate projects for alignment with relevant federal and regional plans and policies. Prioritize projects that implement SCAG's adopted RTP/SCS, including future adopted Plan policies and strategies;

- Advance Connect SoCal Performance Measures, including Federal Transportation Performance Management Goals for safety, asset management, environmental sustainability, and system performance;
- Demonstrate direct and/or indirect benefits that positively impact Priority Equity Communities.

3. Community/Stakeholder Engagement: Prioritize project nomination applications with demonstrated community support from Priority Equity Communities. Community support may be determined through a variety of means, including (but not limited to):•Responses to public outreach, including comments received at public meetings or hearings, feedback from community workshops, survey responses, etc.; and/or
•Endorsement by a Community-Based Organization (CBO) representing Priority Equity Communities.

4. Deliverability and Readiness: Evaluate potential implementing agencies and projects for deliverability issues. CTCs should consider if potential implementing agencies have sufficient capacity and technical expertise to meet deadlines. CTCs should encourage projects with demonstrated readiness within the programming period.
Attachment A is a summary of the projects submitted and their rankings. Metro's rankings of Los Angeles County projects are considered to be an "Initial Screening" for SCAG staff who will review each project application using similar criteria and ultimately determine project funding for all projects submitted in the six-county SCAG region.

As this will be a regular biennial funding opportunity in the future, staff will include the participation of representatives from Councils of Government (COGs) in the project review and ranking process.

Discussion of Projects

A total of 29 applications from 13 agencies, including Metro, seeking approximately $214 million were submitted in Los Angeles County. Metro is also eligible to apply for these funds. The Metro projects identified for funding were existing projects with Board approval and were eligible to spend CMAQ, STBG or CRP and met all the ranking criteria.

DETERMINATION OF SAFETY IMPACT

Approval of this item will have no direct impact on the safety of Metro customers or employees. However, as some of the projects eligible for these funds include safety enhancements, avoiding potential risks to maintaining the grant funding helps to ensure the timely realization of the projects' anticipated safety benefits.

FINANCIAL IMPACT

Adoption of the recommendations would allow Metro to take action to potentially secure up to approximately $214 million for Metro and subregional projects. Although SCAG has targeted $150 million, this funding target will only guide the nomination submittals from each county, it is not a guaranteed funding level, nor does it set a nomination ceiling.

Impact to Budget
Projects approved by the SCAG Regional Council for funding will be programmed in the FTIP consistent with adopted FTIP Guidelines

EQUITY PLATFORM

CMAQ, STBG, and CRP funds are intended to provide a flexible funding source to State and local governments for transportation projects and programs to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards. The Board action will help secure funding from a program that is intended to advance transit and other multimodal plans, programs, and infrastructure improvements within and for lower-resourced communities, areas of concentrated poverty, historically disadvantaged communities, and/or areas with lost or reduced service. SCAG has embedded justice, equity, diversity, and inclusion considerations into the CMAQ/STBG/CRP Call for Nominations process by requiring project applicants to demonstrate direct and/or indirect benefits that positively impact Priority Equity Communities.

Nearly all Metro Equity Focus Communities (EFCs) overlap with one or more of the indicators included in SCAG's mapping tool used to identify Priority Equity Communities (PECs). SCAG's Priority Equity Communities (PECs) are census tracts in the six-county region that have a greater concentration of populations that have been historically marginalized and are susceptible to inequitable outcomes based on several socioeconomic factors. Census tracts identified as PECs are similar to Metro's EFCs in that they are determined using a combination of the following socioeconomic factors: both low-income households and people of color; and people of vulnerable ages, with disabilities, limited English proficiency, limited vehicle, and transit access, single-parent households and burdened housing costs.

All four Metro projects submitted will serve EFCs as they are either fully or partially located within EFCs and create connections, services, or programs that target or provide disproportionate benefits to EFC residents. Each project sponsor was required to describe how it would advance equity by benefiting disadvantaged and historically underserved communities, discuss existing and planned partnerships and stakeholder engagement in project development and throughout the project lifecycle, and identify location criteria satisfied by the project. Metro staff recommendations are anticipated to advance equitable outcomes in Los Angeles County based on the regional criteria

elements of each project.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of these recommendations will support the following Strategic Plan Goals:

Goal 3: Enhance communities and lives through mobility and access to opportunity by securing funding that will conduct planning, create and enhance programs, and build infrastructure that accelerates infill development that facilitates housing supply, choice, and affordability, affirmatively further fair housing, and reduce VMT.

Goal 4: Transform LA County through regional collaboration and national leadership by facilitating partnerships to deliver transportation projects with significant geographic or regionwide benefits.

ALTERNATIVES CONSIDERED

The Board may choose not to approve the recommended actions. Staff does not recommend this alternative because without an executed agreement Metro will be unable to comply with federal program guidelines and regulations as SCAG as the Metropolitan Planning Organization (MPO) is prioritizing and selecting CMAQ/STBG, and CRP-funded projects.

NEXT STEPS

Upon Board approval of these recommendations, Metro staff will transmit to SCAG the project prioritization and funding recommendations by the March 29, 2024 deadline.

ATTACHMENTS

Attachment A - Summary of Projects for CMAQ/STBG/CRP Funding for Los Angeles County

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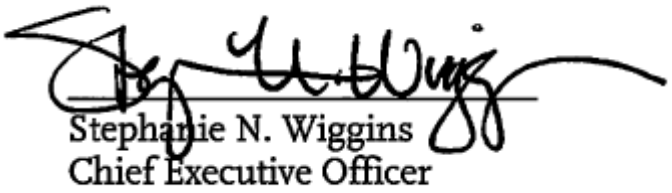

Stephanie N. Wiggins
Chief Executive Officer

Attachment A

STBG/CMAQ/CRP PROJECT NOMINATION LIST FOR LOS ANGELES COUNTY*

Subregion	Agency	Project Title	Project Type	Funds Requested	Fund Type	Ranking	PROJECT RANKING CRITERIA			
							Eligibility	Alignment	Engagement	Readiness
Westside	Culver City	Metro Bike Share Westside Connectivity Project	ATP	$ 1,018,614	CRP	HIGHLY RECOMMENDED	High	High	High	High
Westside	Culver City	Jefferson Enhanced Transit Service	TRANSIT	$ 9,530,321	CMAQ	HIGHLY RECOMMENDED	High	High	High	High
Westside	Culver City	MOVE Culver City Sepulveda and Jefferson Corridors	TRANSIT	$ 1,674,248	CRP	HIGHLY RECOMMENDED	High	High	High	High
Arroyo Verdugo	Glendale	City of Glendale Electrification of Beeline Bus Fleet and Maintenance Facility	TRANSIT	$ 7,680,000	CMAQ	HIGHLY RECOMMENDED	High	High	High	High
Gateway Cities	Hawaiian Gardens	Citywide Street Restriping, Speed Feedback and Traffic Calming Project	HIGHWAY	$ 1,500,000	STBG	HIGHLY RECOMMENDED	High	High	High	High
Gateway Cities	Huntington Park	Concrete Paving of Arterial Street Intersections	HIGHWAY	$ 5,000,000	STBG	HIGHLY RECOMMENDED	High	High	High	High
Central	L.A. City	Mission Mile Sepulveda Visioning for a Safe and Active Community	ATP	$ 15,000,000	STBG	HIGHLY RECOMMENDED	High	High	High	High
Central	L.A. City	Exposition II West Bikeways-Northvale Gap Closure (Expo Northvale Gap Closure)	ATP	$ 13,279,500	CMAQ	HIGHLY RECOMMENDED	High	High	High	High
Central	L.A. City	Mid-City Low Stress Bicycle Enhancement Corridors	ATP	$ 1,810,419	CMAQ	HIGHLY RECOMMENDED	High	High	High	High
Central	L.A. City	Liechty Middle and Neighborhood Elementary Schools Safety Improvement	ATP	$ 2,200,000	STBG	HIGHLY RECOMMENDED	High	High	High	High
Non-LA County	L.A. County	South Whittier Community Bikeway Access Improvements Project	ATP	$ 17,060,021	STBG	HIGHLY RECOMMENDED	High	High	High	High
Non-LA County	L.A. County	Sunshine Shuttle Zero Emission Vehicles	TRANSIT	$ 3,762,525	CMAQ	HIGHLY RECOMMENDED	High	High	High	High
Non-LA County	L.A. County	The Link Willowbrook and King Medical Center Shuttles Zero Emission Vehicles	TRANSIT	$ 1,327,950	CMAQ	HIGHLY RECOMMENDED	High	High	High	High
Gateway Cities	Long Beach	Studebaker Corridor Complete Street Project	ATP	$ 5,000,000	STBG	HIGHLY RECOMMENDED	High	High	High	High
Metro	Metro	Metro Bus Division 18 Charging Infrastructure Project	TRANSIT	$ 24,000,000	CRP	HIGHLY RECOMMENDED	High	High	High	High
Metro	Metro	EB SR-91 Atlantic to Cherry Improvements	HIGHWAY	$ 24,300,000	STBG	HIGHLY RECOMMENDED	High	High	High	High
Metro	Metro	World Cup Celebrate Streets: open street events and transformational quick-build leave-behinds to celebrate the World Cup 2026 in summer 2026	ATP	$ 10,000,000	CRP	HIGHLY RECOMMENDED	High	High	High	High
Arroyo Verdugo	Pasadena	17 Fuel Cell Electric Buses for the Pasadena Transit System Legacy Project	TRANSIT	$ 2,500,000	CRP	HIGHLY RECOMMENDED	High	High	High	High
Gateway Cities	Pico Rivera	Regional Trail Entrances and City Entry Points-Safety Improvements Project	ATP	$ 2,434,664	STBG	HIGHLY RECOMMENDED	High	High	High	High
San Gabriel Valley	SGV COG	La Verne A Line Transit Oriented Development Pedestrian Bridge	ATP	$ 16,000,000	STBG	HIGHLY RECOMMENDED	High	High	High	High
San Gabriel Valley	SGV COG	City of Pomona Transit Improvement Program	TRANSIT	$ 8,144,500	CRP	HIGHLY RECOMMENDED	High	High	High	High
South Bay	Torrance	City of Torrance - Traffic Signal Safety Upgrades	HIGHWAY	$ 1,667,595	STBG	HIGHLY RECOMMENDED	High	High	High	High
Central	L.A. City	SR-710 Valley Bl Multi Modal Transportation Improvements	HIGHWAY	$ 10,000,000	STBG	RECOMMENDED	High	High	Medium	Medium
Central	L.A. City	Western Our Way: Walk and Wheel Improvement Project	ATP	$ 6,639,750	STBG	RECOMMENDED	High	High	Medium	Medium
Metro	Metro	Universal Basic Mobility (UBM) / Mobility Wallet Pilot Phase 2	ATP	$ 10,000,000	CMAQ	RECOMMENDED	High	High	Medium	Medium
Gateway Cities	Bell Gardens	Bell Gardens Pedestrian Bridge Over I-710 and Los Angeles River	ATP	$ 2,323,913	STBG	CONTINGENCY	High	High	Low	Low
Westside	Culver City	Culver City Hydrogen Bus Pilot Project	TRANSIT	$ 4,239,879	STBG	CONTINGENCY	High	High	Low	Low
Non-LA County	L.A. County	San Jose Creek Regional Access	ATP	$ 1,602,300	STBG	CONTINGENCY	High	High	Low	Low
Non-LA County	L.A. County	San Gabriel River Bike Path Rehabilitation Project	ATP	$ 3,947,376	STBG	CONTINGENCY	High	High	Medium	Low
		TOTAL REQUESTED		**$ 213,643,575**						

* Agencies are shown in alphabetical order by ranking group.

Approval of CMAQ/STBG/CRP Project Prioritization And Funding Recommendations

Planning and Programming Committee

March 20, 2024

File No. 2024-0070

Metro

Recommendation

Authorize the CEO or their designee to submit to SCAG the project prioritization and funding recommendations for Los Angeles County for CMAQ/STBG/CRP funding.

Metro

Background

- SCAG, as the Metropolitan Planning Organization (MPO) for the six-county region that includes Los Angeles County, is required under a change in federal funding guidelines to program CMAQ/STBG/CRP funds

- SCAG released the project application for funding on January 8. Metro staff then notified all cities and eligible agencies of the release of the application and the condensed schedule for submitting applications

- To meet SCAG's March 29, deadline to submit prioritized projects Metro set an application deadline of February 16

- Given the two-week turnaround for Metro to rank the completed applications, Metro Countywide Planning staff familiar with these federal fund sources and the Federal Transportation Improvement Program (FTIP) process evaluated each project

29 Projects from 13 Agencies seeking approximately $214 million were received

Metro

Background

- The SCAG guidelines require each county to apply the following four criteria to rank each project into one of three categories; Highly Recommended, Recommended, and Contingency

- Projects were ranked on four criteria:
  - Eligibility
  - Alignment with Metro and SCAG Plans
  - Community Engagement
  - Deliverability and Readiness

- Metro will provide SCAG ranking of projects and SCAG will decide on fund allocations in June 2024

- Staff will develop and present to the Board a comprehensive plan to evaluate and rank future applications, including the participation of representatives from Councils of Government (COGs)

Metro

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

File #: 2023-0768, **File Type:** Contract **Agenda Number:** 18.

PLANNING AND PROGRAMMING COMMITTEE
MARCH 20, 2024
CONSTRUCTION COMMITTEE
MARCH 21, 2024

SUBJECT: METRO BUSINESS INTERRUPTION FUND (BIF)

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer to award a firm fixed price Contract No. PS109347-2000 to Pacific Coast Regional Small Business Development Corporation (PCR) to serve as the fund administrator for Metro's Business Interruption Fund (BIF) in the amount of $5,168,773 for the three-year base term, with two, one-year options in the amounts of $1,699,722 and $1,761,758 respectively, for a total amount of $8,630,253, subject to the resolution of any properly submitted protest(s), if any; and

B. RECEIVING AND FILING the status update on Motion 17 which directed Metro staff to provide a program update that considers, but is not limited to, resources necessary to maintain a permanent Business Interruption Fund and culturally competent outreach and inclusive technical assistance to adequately support affected businesses.

ISSUE

As Metro continues to build the future of transportation in LA County, the Business Interruption Fund (BIF) continues to be an important and successful program for the adjacent impacted businesses. The BIF Fund Administrator serves a pivotal role in the delivery of Metro's Business Interruption Fund.

The current contract for the BIF Fund Administrator expires April 30, 2024. The authorization of this professional services contract supports the ongoing administration of the BIF.

The recommendation also provides a status update as directed by Motion 17, by Directors Horvath, Dupont-Walker, Solis, Barger, Krekorian, and Dutra that directed the Chief Executive Officer (CEO) to establish a permanent Business Interruption Fund and provide a program update that considers but is not limited to, the following: A. Resources necessary to maintain a permanent Business

Interruption Fund; and B. Culturally competent outreach and inclusive technical assistance to adequately support affected businesses (Attachment A).

BACKGROUND

In October 2014, Metro's Board of Directors (Board) approved Motion 57 by Directors Molina, Dupont -Walker, Ridley-Thomas and Garcetti (Attachment B) that authorized the CEO to establish a pilot program for a special Business Interruption Fund (BIF) for small businesses including micro businesses located along the Crenshaw Line, the Little Tokyo area along the Regional Connector and Section 1 of the Purple Line Extension. Since the adoption of Motion 57 and the start of the BIF, Metro's Board authorized the expansion of the program with small businesses including micro businesses directly impacted by unprecedented full street closures with duration greater than six continuous months, such as the 2nd/Broadway segment of Regional Connector (December 2015), Sections 2 (December 2016) and 3 (February 2019) of the Purple Line Extension, and most recently along the upcoming East San Fernando Valley Light Rail Project (April 2023). Due to the success of the pilot, Metro's Board of Directors approved Motion 17 by Directors Horvath, Dupont-Walker, Solis, Barger, Krekorian, and Dutra on May 18, 2023, that directed the Chief Executive Officer (CEO) to establish a permanent Business Interruption Fund in May 2023. (Attachment A).

Program wide, as of February 29, 2024, Metro has provided financial assistance to 458 small businesses directly impacted by transit rail construction through the awarding of 1,597 grants for over $40 million (Attachment C). Small businesses can receive multiple grants should they continue to meet program eligibility requirements and have ongoing construction impacts.

The successes of the program are demonstrated in the Measures of Effectiveness (MOEs), of which:

- 95% of businesses have remained in operation six months post grant award;
- 88% one-year post grant award; and
- 75% two-years post grant award.

Additionally, at the conclusion of construction and opening of the Crenshaw/LAX project (now the "K" Line), program data indicates that out of a total of 240 businesses that received BIF grants, 75% or 181 of those businesses remain in business. A total of 465 jobs were retained. Similarly, at the conclusion of construction and opening of the Regional Connector project, program data indicates that out of a total of 33 businesses that received BIF grants in the Little Tokyo area of the project, 60 % or 20 of those businesses remain in business. A total of 154 jobs were retained. These statistics further prove Metro's mission in helping small businesses survive construction disruption through the BIF program has been successful. BIF eligibility ended on both projects as of December 31, 2023.

Recognizing the opportunities that are created for small businesses when transit rail projects are completed and communities are connected, the BIF helps businesses sustain operations during construction disruption by first providing BIF financial assistance to cover delinquent fixed operating expenses, including utilities, insurance, rent or mortgage and payroll. This support helps to keep businesses within the communities they operate as transit infrastructure is constructed.

DISCUSSION

The BIF Fund Administrator is responsible for the day-to-day administration of the BIF, including conducting outreach to small businesses and micro businesses, processing applications, and determining business eligibility, approving, and awarding grant funds, and more. By contracting with an organization that has a Community Development Financial Institution (CDFI) designation and is a Small Business Development Center (SBDC) participant, Metro continues to ensure that the BIF is fiscally prudent with public funds and culturally competent in meeting the needs of the small business communities throughout Los Angeles County.

Established in 1977, Pacific Coast Regional Small Business Development Corporation (PCR) has been the contracted Fund Administrator since the program's launch in February 2015. Over the last nine years, PCR has demonstrated its proficiency in serving as the BIF Fund Administrator through the successful award of over $39.5 million in grants to small businesses as well as a track record of zero findings during the annual program audit process. PCR continues to fulfill the contracted Fund Administrator role with prudence, efficiency, integrity, and care.

Also included on the PCR team is New Economics for Women (NEW), a community-based organization founded in 1985 with the mission of building economic mobility, particularly for Latinas and their families. PCR has proposed to utilize NEW's Women's Business Assistance Center located on Van Nuys Blvd. to provide local outreach including door to door canvassing, cold calls, warm calls, assist the business community in applying to BIF, disbursement of collateral materials and assistance with event hosting. PCR will be able to leverage the strong relationships and community ties that NEW has already established in ensuring a direct line of engagement into the community, language translation competency, and a high level of communication and comprehension about the BIF program that will aid PCR in a successful outreach, application submission and grant funding for the BIF program.

Working in tandem with the BIF program as another Metro construction mitigation program is the Business Solution Center (BSC). The BSC complements the BIF program by providing free, hands-on business assistance and support services to small businesses including micro-businesses impacted by Metro's construction projects. Starting in Q4 FY24, the BSC begins its phased, regional expansion to ESFV. Staff is preparing to establish a Memorandum of Understanding (MOU) with a regional operator organization which will partner with local Community- Based Organizations (CBOs) in the ESFV area to offer business assistance services to those business owners impacted by Metro's construction activities. This effort will include an emphasis on culturally competent outreach and content particularly as it relates to small business concerns, language translations and other socio-economic and environmental factors as outlined in Metro's Partnering Strategy. The regional operator will manage and ensure consistency of service delivery, data collection and high-level reporting to Metro.

Response to Motion 17

Staff has analyzed the resources necessary to maintain the permanent Business Interruption Fund as addressed in Directive A. of Motion 17 and concluded that an assessment study is necessary to provide the data to determine a framework for BIF eligibility on Metro projects. Once the framework is established, staff can then identify the resources necessary to sustain the permanent BIF.

A. BIF Assessment Study

The BIF Assessment Study will yield the following deliverables.

BIF Assessment Study	
Task 1.0 Project & Business Corridors Assessment	**Task 2.0 BIF Program Expansion Framework**
Analysis of the business corridors in proximity to the Measure M rail and bus rapid transit projects: • number of potentially impacted small businesses, • business classifications, • business revenues, • socio-economic composition including assessing disadvantaged and Equity Focus Communities (EFC), • Parcel maps for the following alignments: Southeast Gateway Line, G Line Improvements Project, and NoHo to Pasadena Bus Rapid Transit Project.	Qualitative and quantitative research of future Measure M projects and the respective adjacent business corridors which will support the establishment of criteria as the basis of a policy to support project eligibility for the BIF program expansion. This research includes but is not limited to: • type of project • project cost • project schedule • recommendations for policy/procedure updates.
Schedule: May 2024 – October 2024	

Task 1.0 Project & Business Corridors Assessment
An analysis of the business corridors in proximity to the Measure M rail and bus rapid transit projects will be completed. Using BIF eligibility criteria, the scope of the study will assess the number of potentially impacted small businesses, business classifications, and business revenues, as well as assess the socio-economic composition of the business corridors, including assessing disadvantaged and Equity Focus Communities (EFCs). The study will also allow for an analysis of not only the business corridor but also the nuances of the project, taking into consideration the proposed alignment and developing parcel maps of businesses located on the identified program alignments, the anticipated construction schedule, and construction delivery method.

This type of assessment was performed for all the BIF program business corridors located along the Crenshaw/LAX Transit Project, the Little Tokyo area of the Regional Connector, Sections 1, 2 and 3 of the Purple Line Extension, and the East San Fernando Valley Line and is considered a best practice.

The information gleaned from the assessment study will help inform the development of the BIF Program Expansion Framework.

Task 2.0 BIF Program Expansion Framework
The Assessment Study will advance both qualitative and quantitative research, which will support the establishment of criteria as the basis of a policy to support project eligibility for the BIF program

expansion. This research includes but is not limited to the type of transit project, project cost, project schedule, and other important factors as identified including the need and recommendations for policy and procedure updates for BIF expansion.

This future policy will guide the process for determining which projects qualify for and benefit from implementation of the BIF program. Confirmation of this policy framework is necessary to support future forecasting of resource needs for the program. Staff are targeting completion of the study in Q2 of FY25. Staff plans to provide a BIF update, with the assessment study findings and corresponding recommendations for the policy framework, at the February 2025 Metro Board meeting.

Staff has assessed culturally competent outreach and inclusive technical assistance necessary to maintain a permanent Business Interruption Fund and adequately support affected businesses as addressed in Directive B. of Motion 17.

B. Culturally Competent Outreach and Inclusive Technical assistance as demonstrated by the BIF Expansion to the East San Fernando Valley (ESFV) Light Rail Transit Project

The BIF activities and best practices utilized along the ESFV Project represent the culturally competent outreach methods needed to maintain the permanent BIF.

Below is a summary of actions taken to advance the permanent BIF. These actions provide a clear benefit for project delivery through the development of partnerships and cohesion with Metro's other construction mitigation programs in advance of project construction activities commencing.

Once the BIF Fund Administrator is onboarded, BIF outreach will commence along the ESFV corridor. Outreach activities include one-on-one meetings with small business owners, BIF information and application workshops, and participation in community events to raise awareness of the BIF. Outreach activities will be multilingual - English and Spanish - to ensure culturally competent and inclusive engagement. This effort will advance the assessment of the ESFV corridor, which is also needed to support confirmation of the future resources that will be necessary to maintain the permanent BIF.

Additionally, Metro staff have engaged in a variety of activities that support the establishment of the BIF on the ESFV LRT Project and ensure cultural competency and inclusive technical assistance. These activities include the following:

- Partnership with Program Management & Community Relations
    - For the last year, Metro BIF program staff have begun coordinating with Program Management and Community Relations project team members. Creating these partnerships early, more than a year in advance of heavy construction, will enable more efficient advancement of the program upon contract award.
- Participation on the ESFV LRT Cultural Competency Plan Working Group
    - Metro BIF program staff are active members of the Cultural Competency Plan Working Group. The Cultural Competency Plan is a "living" document developed by the contractor to ensure respectful and sensitive engagement that recognizes the unique

attributes and environmental culture of the community affected by construction activities. The mindset embodied within the Cultural Competency Plan aligns with the needs of the BIF program as well. Staff have provided feedback on the Plan's proposed activities related to the BIF's forthcoming presence along the corridor as well as provided suggestions for how the contractor can work with the small business community in partnership with BIF.

- Engagement with the ESFV community stakeholders
    - For the last year, Metro BIF program staff participated in and presented at the quarterly Construction Update Community Meetings, CLC meetings and recurring special stakeholder briefings, such as presentations to community-based organizations (CBOs), to enable the Metro BIF program staff to gain a greater understanding of the community and its needs. This engagement helps to increase awareness and build critical partnerships for the BIF program.
    - Metro BIF staff participate in the ESFV bi-monthly Community Relations meetings with the staff of Council Districts 2, 6 and 7. These meetings have included specific presentations about the BIF program, as well as program updates. These meetings provide another opportunity to engage with city leaders, to gain support and increase awareness about the BIF program.

Inclusive technical assistance to maintain the permanent BIF is developed through engagement and partnership activities such as those performed on the ESFV project. Through the BIF's participation in working groups such as the ESFV Cultural Competency Plan Working Group as well as the BIF's active engagement with community stakeholders, staff are provided with an understanding of the needs of the business community, the partnerships available, existing efforts that support the small business community and more. Additionally, as mentioned earlier, the BIF works in tandem with Metro's BSC which provides direct support to small businesses at no cost.

Lastly, the BIF fund administrator is a designated Small Business Development Center (SBDC) providing technical support at no cost to small businesses. Supported by the Small Business Administration (SBA), SBDCs are part of a regional and national network of service providers in the Small Business Development Center infrastructure comprised of 63 networks nationwide and 7 centers located within Los Angeles County.

DETERMINATION OF SAFETY IMPACT

Approval of this item will not impact the safety of Metro's customers or employees.

FINANCIAL IMPACT

The funding of $1,672,375 for the award of the Business Interruption Fund Administrative Services contract is included in the FY24 Budget in cost center 0691, Professional Services, under project 471101 - BIF/BSC.

Since this is a multiyear contract, the cost center manager and BIF Director will be accountable for budgeting the cost in future years.

Impact to Budget

Board approval of this recommendation has no immediate impact on the FY24 budget. The funding for the administrative costs is Measures R and M Administration fund. The BIF transit projects are funded by Proposition C 25% and/or appropriate sources identified by the Office of Management & Budget (OMB). These funds are not eligible for bus and rail operations.

EQUITY PLATFORM

For the last nine years, Metro's BIF has provided financial assistance to small businesses impacted by the construction disruption activities of the Crenshaw/LAX Transit Project, the Purple Line Extension Sections 1, 2 and 3, and the Little Tokyo area and the 2nd/Broadway segment of the Regional Connector. These construction areas traverse through EFCs in South Los Angeles, Little Tokyo, and parts of the Westside of the City of LA. The BIF has supported businesses within the vibrant, culturally relevant communities of Crenshaw, Inglewood, and Little Tokyo (a National Historic Landmark). BIF program outreach performed by Metro and the BIF Fund Administrator continues to be inclusive for small business owners from diverse backgrounds, as exemplified by BIF marketing materials provided in multiple languages. As a result, more than 300 small business owners from Black or African American, Hispanic or Latino, and Asian backgrounds, out of a total of 457 businesses, have received direct financial assistance. Through the BIF, Metro continues to support the ability of small businesses to mitigate the challenges of construction disruption.

Due to the lack of availability of small businesses, Metro's Diversity and Economic Opportunity Department (DEOD) did not recommend a Small Business Enterprise (SBE)/Disabled Veteran Business Enterprise (DVBE) participation goal for this procurement.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Approval of this item aligns with Metro strategic goal 3 - enhance communities and lives through mobility and access to opportunity. The BIF is considered a long-term investment aligned with this strategic goal. Through the BIF, Metro is not only supporting communities as we build for the future but also, Metro is supporting the small business economies that result in a generation of sales tax revenue from which Metro benefits.

ALTERNATIVES CONSIDERED

Should Metro's Board of Directors choose not to approve the contract award, an alternative includes utilizing Metro staff to perform the fund administration services for BIF.

This alternative is not recommended, because Metro does not have the expertise to serve in the capacity of a fund administrator nor sufficient staff to perform these duties. In particular, Metro is not a Community Development Financial Institution (CDFI) nor a Small Business Development Center (SBDC). A CDFI designated agency provides the necessary skillsets and financial acuity to execute the grant process.

NEXT STEPS

Upon Board approval, staff will execute Contract No. PS109347-2000 with Pacific Coast Regional Small Business Development Corporation. Additionally, staff will advance the assessment study.

ATTACHMENTS

Attachment A - Motion 17
Attachment B - Motion 57
Attachment C - BIF Metrics & Measures of Effectiveness, ending February 29, 2024
Attachment D - Procurement Summary
Attachment E - DEOD Summary

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Reviewed by: Sharon Gookin, Deputy Chief Executive Officer, (213) 418-3101

Stephanie N. Wiggins
Chief Executive Officer

Metro

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

Board Report

File #: 2023-0351, **File Type:** Motion / Motion Response **Agenda Number:** 17.

CONSTRUCTION COMMITTEE
MAY 18, 2023

Motion by:

DIRECTORS HORVATH, DUPONT-WALKER, SOLIS, BARGER, KREKORIAN, AND DUTRA

Creation of a Permanent Business Interruption Fund Motion

Since the passage of Measure M in 2016, Los Angeles Metro has embarked on the nation's largest transportation construction program including nearly $30 billion being invested in bus and rail operations; more than $22 billion for local street improvements; and $2.5 billion to keeping infrastructure in a state of good repair, with billions more from previous voter-approved transit investment measures. While transit rail construction and maintenance can create growth potential for small businesses located along transit corridors, construction can also create challenges that carry a financial impact for these businesses.

In 2014, the Metro Board of Directors authorized the agency to designate up to $10 million annually to be used for the implementation of a Pilot Business Interruption Fund in support of small businesses impacted by rail construction between 2014 and 2022. Overall, Metro's Business Interruption Fund awarded more than $37 million to more than 440 businesses located along the Crenshaw/LAX Transit Project, the Little Tokyo area and the 2nd/Broadway segment along the Regional Connector, as well as Sections 1, 2 and 3 of the Purple Line Extension that have been impacted by transit rail construction.

In February 2023, Directors Krekorian, Horvath, Najarian, Barger, Bass and Dupont-Walker introduced a motion seeking a comprehensive assessment of the Pilot Business Interruption Fund program, and a report back with recommendations on how the Pilot Business Interruption Fund could be applied to address local business impacts created by the construction of the East San Fernando Valley Light Rail Transit Line Project. In April 2023, the Board approved an expansion of the Business Interruption Fund to the East San Fernando Valley Light Rail Transit Project, including some program modifications based on lessons learned. The Pilot Business Interruption Fund will provide critical financial support to small businesses along the Van Nuys corridor to cover the cost of construction impacts and help pay utilities, insurance, rent or mortgage, and payroll among other expenses.

However, Metro has additional multi-year transit rail projects in the pipeline or under construction of a value of $1 billion or greater that cause construction activity resulting in negative financial impacts to nearby small businesses that would benefit from the funding from this program.

SUBJECT: CREATION OF A PERMANENT BUSINESS INTERRUPTION FUND MOTION

RECOMMENDATION

APPROVE Motion by Directors Horvath, Dupont-Walker, Solis, Barger, Krekorian, and Dutra that the Metro Board direct the Chief Executive Officer to establish a permanent Business Interruption Fund and provide a program update in November 2023 that considers, but is not limited to, the following:

A. Resources necessary to maintain a permanent Business Interruption Fund; and

B. Culturally competent outreach and inclusive technical assistance to adequately support affected businesses.

Amendment to Item 57

Motion by Directors Molina, Dupont-Walker, Ridley-Thomas and Garcetti

Business Interruption Fund

September 18, 2014

WE, THEREFORE, MOVE that the Board direct the Chief Executive Officer to:

1. Establish a pilot program for a special **Business Interruption Fund** for mom and pop businesses located along the Crenshaw Line, within the Little Tokyo area along the Regional Connector, **and Phase I of the Purple Line Extension** immediately.

2. Define mom and pop businesses as those **meeting the following criteria:**
   a. Having 25 employees or fewer;
   b. **A minimal operational history of two years;**
   c. **Being in good standing with local, state and federal tax requirements; and**
   d. **Able to produce financial records (i.e. gross receipts, business license information, pay roll taxes and other pertinent financial information) demonstrating the loss of business revenue directly related to the period of construction disruption.**

3. Conduct a baseline survey of all businesses within the project areas.

4. **Identify and designate $10,000,000 of Metro funds annually to be used for the implementation of the Business Interruption Fund. Funds shall be distributed through the project's administration and/or respective Business Solution Center.**

5. **Each business should be eligible for a maximum of $50,000 annually, not to exceed 60 percent of their annual business revenue loss.**

6. Participation in the program would release MTA and the general contractor from further liability claims for business loss unrelated to specific incidents of damage and would be voluntary.

7. **Direct the Chief Executive Officer to work with Los Angeles County and local cities to seek all appropriate legislation that would temporarily reduce or waive taxes and fees imposed on impacted businesses during transit-related construction activities and work with the Los Angeles County Assessor's Office to immediately initiate outreach activities to businesses impacted by transit-related construction activities in order to inform them of the Assessor's Office Proposition 8/Decline-in-Value Review process.**

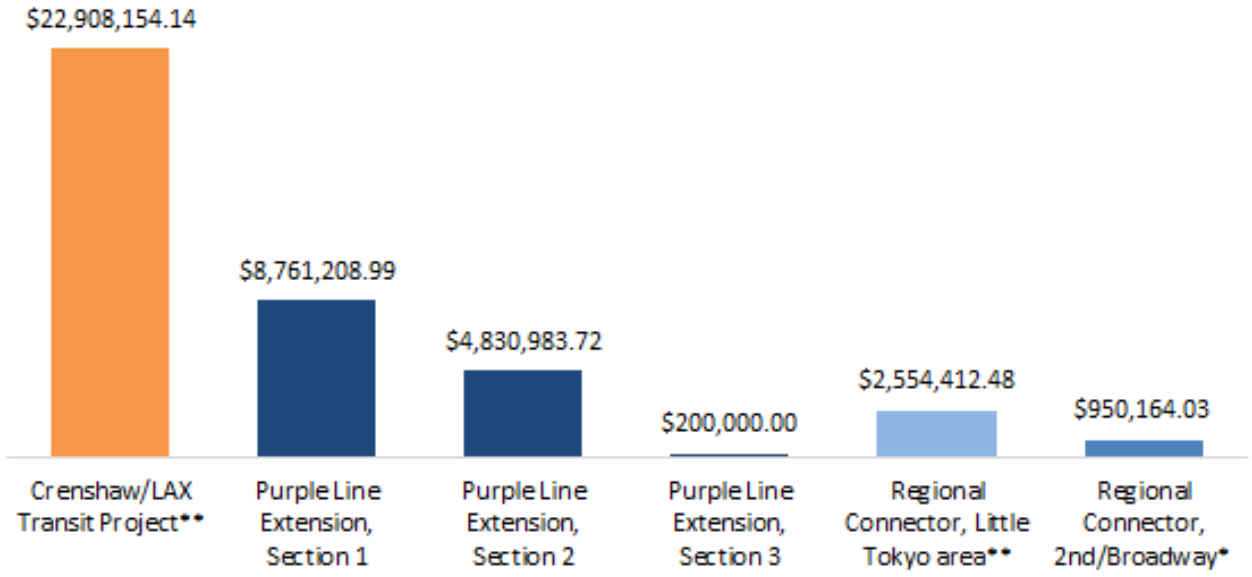
8. Report back to Construction Committee monthly, **beginning in October**, with an implementation plan **and report back to the Board of Directors in September 2015 with an evaluation of the program including utilization levels and recommendations for program modification.**

Metro

Business Interruption Fund (BIF) Metrics

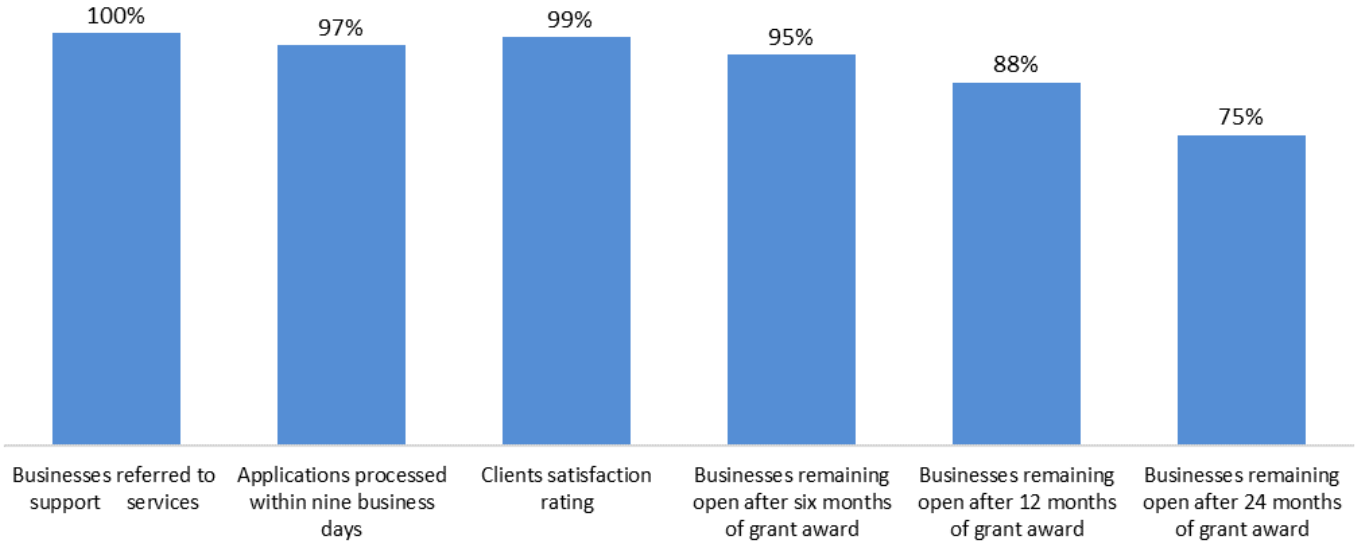
Value of Grants Awarded, As of February 29, 2024
TOTAL $40,204,923.36

Value of BIF Grants Awarded



*Eligibility ended 6/30/17.
**Eligibility ended 12/31/2023.

BIF Measures of Effectiveness, As of February 29, 2024



PROCUREMENT SUMMARY

METRO PILOT BUSINESS INTERRUPTION FUND (BIF) ADMINISTRATIVE SERVICES/PS109347-2000

1.	**Contract Number**: PS109347-2000	
2.	**Recommended Vendor**: Pacific Coast Regional Small Business Development Corporation (PCR)	
3.	**Type of Procurement (check one):** ☐ **IFB** ☒ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: August 28, 2023	
	B. Advertised/Publicized: August 29-31, 2023; September 2, 2023	
	C. Pre-Proposal Conference: September 6, 2023	
	D. Proposals Due: September 26, 2023	
	E. Pre-Qualification Completed: November 28, 2023	
	F. Ethics Declaration Forms submitted to Ethics: September 27, 2023	
	G. Protest Period End Date: March 26, 2024	
5.	**Solicitations Picked up/Downloaded**: **10**	**Bids/Proposals Received**: **1**
6.	**Contract Administrator**: Armine Menemshyan	**Telephone Number**: 213-922-4851
7.	**Project Manager**: Jessica Spearman	**Telephone Number**: 213-418-3266

A. Procurement Background

This Board Action is to approve Contract No. PS109347-2000 issued in support of Metro Pilot Business Interruption Fund (BIF) Administrative Services. Board approval of contract awards is subject to resolution of any properly submitted protest(s), if any.

The Request for Proposals (RFP) was originally issued under the Small Business Enterprise Set-Aside Program. Metro received one proposal which was deemed non-responsive as it was not from a Metro-certified small business. Therefore, the RFP was reissued as an open solicitation.

RFP No. PS109347-2 was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price. The Diversity & Economic Opportunity Department did not recommend an SBE/DVBE participation goal for this procurement due to a lack of subcontracting opportunities.

No amendments were issued during the solicitation phase of this RFP.

A total of 10 firms downloaded the RFP and were included in the planholder's list. A virtual pre-proposal meeting was held on September 6, 2023, and was attended by 3 participants representing 2 firms. There were 2 questions asked and responses were released prior to the proposal due date.

One proposal was received by the due date of September 26, 2023 from Pacific Coast Regional Small Business Development Corporation (PCR).

Since only one proposal was received, staff conducted a market survey of the Planholders to determine why no other proposals were submitted. Responses were received from three firms and included not meeting the minimum requirements of the RFP and the scope of services not being within their area of expertise.

The market survey revealed that the decisions not to propose were based on individual business considerations. Therefore, the solicitation can be awarded as a competitive award.

B. Evaluation of Proposal

A Proposal Evaluation Team (PET) consisting of staff from Metro's Community Relations and Diversity and Economic Opportunity departments was convened and conducted a comprehensive technical evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria:

Evaluation of Minimum Requirements: This is a pass/fail criteria. To be responsive to the RFP minimum requirements, the proposer must meet the following:

1. Be a certified Community Development Financial Institution (CDFI).
2. The prime contractor or subcontractor has to be an accredited Small Business Development Center (SBDC).

The proposer met the minimum requirements and was evaluated based on the following weighted evaluation criteria:

- Professional Experience 30 percent
- Workplan Approach and Methodology 30 percent
- Personnel Qualifications and Management Plan 20 percent
- Cost/Price 20 percent

The evaluation criteria are appropriate and consistent with criteria developed for other, similar types of procurements. Several factors were considered when developing these weights, giving the greatest importance to professional experience and workplan approach and methodology.

During the period of October 25, 2023 to November 7, 2023, the PET independently evaluated and scored the technical proposal and determined that PCR met the requirements of the RFP and is technically qualified to perform the services as outlined in the scope of services.

A summary of the PET scores is provided below:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	**Pacific Coast Regional Small Business Development Corporation**				
3	Professional Experience	99.16	30.00%	29.75	
4	Workplan Approach and Methodology	88.90	30.00%	26.67	
5	Personnel Qualifications and Management Plan	92.50	20.00%	18.50	
6	Cost/Price	100.00	20.00%	20.00	
7	**Total**		**100.00%**	**94.92**	**1**

C. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), technical analysis, cost analysis, fact finding, and negotiations. Staff successfully negotiated cost savings of $1,233,435.

	Proposer Name	Proposal Amount	Metro ICE	Negotiated Amount
1.	Pacific Coast Regional Business Finance Corporation (PCR)	$9,863,688	$7,118,825	$8,630,253

The negotiated amount includes staff proposed by PCR to support the BIF expansion to the East San Fernando Valley (ESFV) Light Rail Transit Project that was not included in the ICE at the time it was developed, as less was known about the scale of the project. The ESFV Light Rail Transit Project, the largest BIF project to date, is the first BIF project with an alignment entirely at-grade, has the greatest number of businesses located along the rail corridor, and is the first Metro project with the implementation of Metro's new Cultural Competency Outreach Plan. The negotiated amount also includes Community Based Organization (CBO) participation requested by Metro during negotiations to provide economic development services along the ESFV corridor. CBO participation was not factored into Metro's ICE when it was developed.

D. Background on Recommended Contractor

Pacific Coast Regional Business Finance Corporation (PCR) founded in 1977 is a private, non-profit 501© 3 corporation helping entrepreneurs take their places as vital contributors to the Los Angeles County economy. As a Small Business

Development Corporation for over 46 years, a Community Development Financial Institution (CDFI) and a Small Business Development Center (SBDC), PCR has the history, track record, infrastructure, and expertise in administering small business assistance programs, both financial and educational services, to the Southern California small business community.

In addition, PCR has successfully administered the Metro Pilot BIF for the past 9 years and has performed satisfactorily.

DEOD SUMMARY

METRO BUSINESS INTERRUPTION FUND (BIF)
ADMINISTRATIVE SERVICES/PS109347-2000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Small Business Enterprise (SBE)/Disabled Veteran Business Enterprise (DVBE) participation goal for this procurement due to the lack of availability of small businesses. Pacific Coast Regional Small Business Development Corporation (PCR) is partnering with a Community Based Organization and it is expected that PCR will perform the remaining work with its own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

Metro Business Interruption Fund



Planning and Programming Committee
March 20, 2024
Construction Committee
March 21, 2024

Metro

Approve Recommendation

A. Award a firm fixed price Contract No. PS109347-2000 to Pacific Coast Regional Small Business Development Corporation (PCR) to serve as the fund administrator for Metro's Business Interruption Fund (BIF) in the amount of $5,168,773 for the three-year base term, with two, one-year options in the amounts of $1,699,722 and $1,761,758 respectively, for a total amount of $8,630,253.

B. Receive & File the status update on Motion 17.

Metro

BIF Fund Administration Contract

- As Metro continues constructing the future of mobility through our transportation projects, this contract ensures that small business communities impacted by construction remain supported through Metro's Business Interruption Fund (BIF):
  - Launching on the East San Fernando Valley Light Rail Transit Project; and
  - Continuing support for Purple Line Extension, Sections 1, 2 and 3
- Metro's permanent BIF Program is an investment in sustaining small business communities so they can realize the economic benefits of transit rail infrastructure.

Metro

BIF Fund Administrator

- The BIF Fund Administrator, PCR, is responsible for the day-to-day administration of the BIF, including:
  - conducting outreach to small businesses and micro businesses,
  - processing applications, and
  - determining business eligibility, approving, and awarding grant funds, and more.
- Included on the PCR team is New Economics for Women (NEW), an East San Fernando Valley community-based organization.
- PCR will be able to leverage the strong relationships and community ties that NEW has already established in ensuring a direct line of:
  - engagement with the community, and
  - language translation competency.

Metro

Motion 17 Update

Directive A: Resources necessary to maintain the permanent BIF.

- BIF Assessment Study to determine framework & resources
  - Analysis of the business corridors in proximity to the Measure M rail and bus rapid transit projects.

Directive B. Culturally Competent Outreach and Inclusive Technical Assistance as demonstrated by the BIF Expansion to the East San Fernando Valley (ESFV) Light Rail Transit Project.

- Partnership with Metro Program Management & Community Relations
- ESFV LRT Cultural Competency Plan Working Group Participation
- Community stakeholder engagement and program presentations
- BIF Fund Administrator is a Small Business Development Center (SBDC)
- Metro's Business Solution Center (BSC)

Metro

Next Steps

- Upon Board approval, execute Contract No. PS109347-2000 with Pacific Coast Regional Small Business Development Corporation.
- Launch the BIF on the East San Fernando Valley Light Rail Transit Project and continue support on Purple Line Extension, Sections 1, 2 and 3.
- Advance the assessment study for future expansion of the permanent BIF.

Metro

Thank you!

Metro

Los Angeles County
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One Gateway Plaza
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Los Angeles, CA

Metro

Board Report

File #: 2024-0109, **File Type:** Program **Agenda Number:** 19.

PLANNING AND PROGRAMMING COMMITTEE
MARCH 20, 2024
EXECUTIVE MANAGEMENT COMMITTEE
MARCH 21, 2024

SUBJECT: DISPARITY STUDY

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

CONSIDER:

A. RECEIVING AND FILING the Final 2023 Disparity Study Report; and

B. AUTHORIZING the Chief Executive Officer (CEO) to develop a three-year pilot Micro Small Business Program and certification designation.

ISSUE

In accordance with guidance from the U.S. Department of Transportation, recipients that use race and gender conscious measures (DBE contract goals) as part of their DBE program must conduct a disparity study to determine if disparity and/or discrimination exists within their contracting market area. Metro commissioned BBC Research & Consulting (BBC) to conduct its 2023 Disparity Study to determine if there is evidence of discrimination or disparities in Metro's contracting market area. Information from the disparity study supports the remedial use of DBE race- and gender- conscious contract goals to promote and ensure equal opportunities for businesses that may face systemic barriers in competing for contracts. BBC analyzed $8.8 billion of worth of contracts and procurements Metro awarded during the study period to measure the participation and availability of People of Color (POC) and woman-owned businesses for Metro work to assess whether any disparities exist between those measures.

Based on qualitative data obtained during the study, the recommendation to establish a Business Technical Development Program (BTDP) enables Metro to seek a consultant team, with expertise within the transportation industry. The BTDP will include business consultants and industry partners to provide technical assistance and supportive services to POC- and woman-owned small and disadvantaged businesses. Such services can contribute to the growth and business efficiency of firms competing for prime and subcontracts and performing on Metro's major capital projects.

BACKGROUND

Disparity studies help organizations understand changes in their marketplaces, refine program measures, and ensure up-to-date information on the participation and availability of POC- and woman-owned businesses for their work, including identifying which groups are substantially underutilized on their contracts and procurements. The 2023 study analyzed Metro's contracting data between January 1, 2016 and December 31, 2021.

While there is no court-mandated expectation of the time between studies, the standard is typically every five to seven years and a comprehensive disparity study lasts about 12 months. The study period includes the most recent full year contracting data available at study kick-off. The 2023 study was kicked off at the close of 2022, rendering 2021 the latest year of complete contract data. Hence, ensuring this continuity while also using the most recent data available resulted in a study period of 6 years. As demonstrated in the table below, Metro has been consistent in conducting disparity studies to support the DBE program with the majority of the study periods being five years.

Final report Issued	Contracting History Period	Duration of Study
2010	January 1, 2003 - December 31, 2007	-5 years
2012*	January 1, 2008 - December 31, 2010	-3 years
2017	January 1, 2011 - December 31, 2015	-5 years
2023	January 1, 2016 - December 31, 2021	-6 years

*Metro determined an update was needed to the 2010 study based on the findings.

DISCUSSION

BBC analyzed $8.8 billion worth of contracts and procurements Metro awarded during the study period. A custom census availability analysis was conducted to estimate the availability of POC- and woman-owned businesses for Metro work.
BBC also calculated the participation of POC- and woman-owned businesses in relevant contracts and procurements Metro awarded during the study period. BBC used Metro data to help determine the Study's geographical market area in which Metro spends the substantial majority of its contract and procurement dollars. For this study, Metro awarded approximately 78%of relevant contract and procurement dollars to businesses located in Los Angeles County, representing a 4% increase over the 2017 study results. Key results from those analyses are summarized below.

Availability & Utilization

The following chart compares the data for POC- and woman-owned business availability and utilization between 2017 and 2023 Study findings.

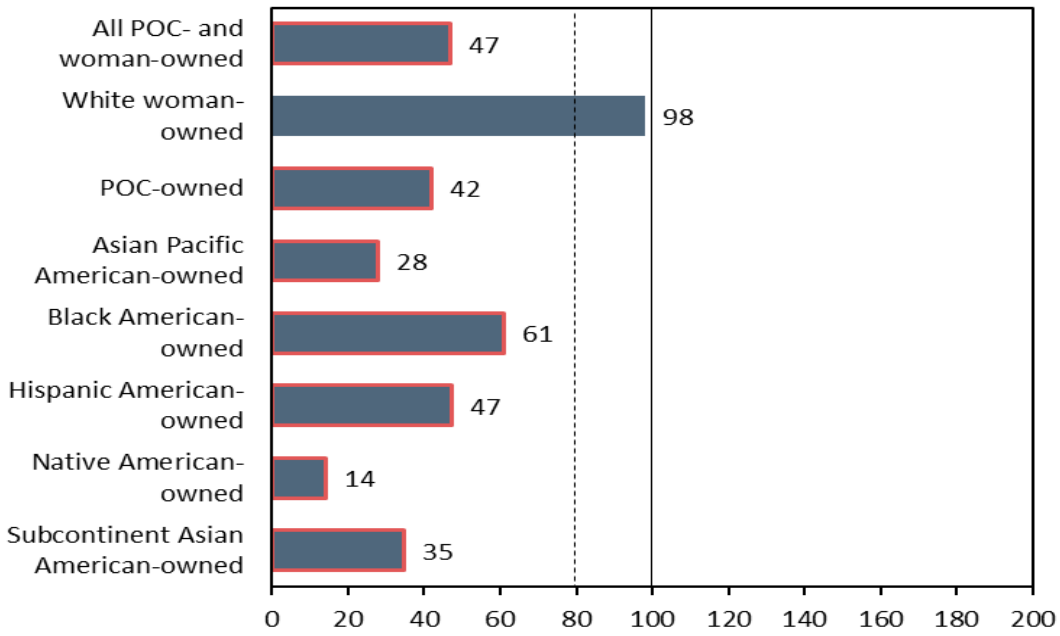
POC-/Woman-Owned Business Results	2017	2023
Composition of Availability Database	47.0%	53.3%
Overall Dollar Weighted Availability	31.3%	46.8%
Overall Dollar Weighted Utilization	23.2%	22.0%
Availability of Potential DBEs	27.0%	31.3%

By comparison, the Study found that overall availability increased by 15.5% from 2017 to 46.8% in 2023. This represents the availability of all POC- and woman-owned firms, including firms that might not qualify for DBE certification due to personal net worth and revenue requirements. The study also found that overall utilization decreased slightly by 1.2% from 2017 to 2023. The 31.3% availability of potential DBEs demonstrates a 4.3% increase over 2017 and represents firms that could potentially be certified as DBEs. It is important to note that the 2017 study period analyzed $3 billion in contracting, $5.8 billion less than the 2023 Study.

Disparity Analysis

The 2023 study found all individual groups of POC-owned businesses exhibited substantial disparities for Metro work. A disparity index of 100 indicates parity or the participation is in line with the availability. A disparity index of less than 80 indicates a substantial disparity between participation and availability. Courts interpret a substantial disparity for a particular racial/ethnic or gender group as an inference of discrimination against that group in the marketplace. It often serves as evidence that Metro may need to continue using race- or gender-conscious measures (DBE contract goals) to address barriers for that group. The chart below shows the disparity index by group.

Overall Disparity Analysis Chart



Marketplace Conditions

The Disparity Study includes extensive quantitative analyses that determined POCs, women, and POC and woman-owned businesses face barriers in Metro's contracting and procurement in construction, professional services, goods, and other services, and transit service industries in Los Angeles County. Existing and primary research indicated that POC and women face barriers related to acquiring human capital, accruing financial capital, owning businesses, and operating successful businesses. In many cases, there is evidence that those barriers exist even after accounting for various personal and business factors.

The Study found further evidence that many disparities are due-at least, in part-to race or gender-based discrimination. Barriers in the marketplace likely have important effects on the ability of POCs and women to start businesses in relevant industries-construction, professional services, goods and other services, and transit services-and to operate those businesses successfully. Any difficulties those individuals face in starting and operating businesses may reduce their availability for government work and the degree to which they can successfully compete for such projects.

COVID-19 Pandemic

Economic and social vulnerabilities preceding the onset of the COVID-19 pandemic exacerbated the adverse impacts of the pandemic on POC and woman-owned businesses. Public health measures to reduce the spread of the COVID-19 virus, along with direct health impacts, led to an economic crisis that reached its peak in March and April of 2020. In California, POC and woman-owned small businesses, with the exception of Asian-American owned businesses, experienced higher rates of business closure and slower recoveries than white-American owned small businesses. More than 25 percent of small businesses in Los Angeles County closed during 2020, including approximately 7,500 businesses that closed permanently. Definitive data as to how many small businesses no longer certified as a result of COVID-19 impacts was not collected by Metro DEOD. However, between March 2020 - December 2021, twenty-seven small businesses requested removal from the programs for various reasons (i.e. company went out of business, financial hardship, graduated from the programs, change in ownership, and retirement).

Qualitative Information

The BBC Study team collected testimony and qualitative information. BBC conducted two focus groups and gathered comments from 507 business owners/representatives, managers, trade association representatives, and other key stakeholders in the Los Angeles metropolitan area. Additionally, BBC completed 42 in-depth interviews with business owners/representatives and received 27 written comments during qualitative data collection for the study that were included in the anecdotal appendix and analyzed in developing the considerations chapter. Many small businesses discussed the difficulties they experienced with cash flow due to delayed payment from the prime contractor to its subcontractors, at any tier-level. Several respondents reported that the quantitative and qualitative results of the study were representative of their experiences in the marketplace. Several questions were general clarification questions regarding how a disparity study is conducted. Comments received were incorporated in the final report.

Key concerns raised from the collection of anecdotal evidence included:

- Challenges responding to public sector bid requests and requests for proposals.
- Difficulties managing the administrative aspects of running a business.
- Prompt payment by agencies and prime contractors.
- Access to bonding, insurance, and financing; and
- Closed networks within the business community.

Study Recommendations

Study participants in the qualitative data collection expressed appreciation for all of Metro's efforts to help small businesses and indicated that Metro excels when compared with other agencies in the region, state, and country. Based on a review of Metro policies and qualitative evidence, the study identified the key recommendations listed below for how Metro can increase opportunities and further eliminate barriers in the DBE program

Staff will continue to evaluate and collaborate with Vendor Contract Management (VCM), Metro Departments, and Project Managers to assess the feasibility of implementing initiatives that align to Metro's contracting process.

1. Bench contracts: Consider implementing a rotation system for bench contract task orders to ensure that each business on a bench gets work. Metro could also consider more closely monitoring the participation of small and disadvantaged businesses in bench contracts to ensure that they receive a proportionate amount of the work. Lastly, Metro could consider developing benches comprised exclusively of small and disadvantaged businesses.

   Metro Response: Metro is currently implementing, on a small percentage of contracts, a rotational bench system and already has benches established that are comprised exclusively of small and disadvantaged businesses. To provide opportunity for each firm on the bench to get work, staff will continue to work with Metro Departments and VCM to encourage more use of these types of benches, as appropriate. Staff will also review anecdotal to identify further process improvements.

2. Technical assistance support**:** Metro should provide more detailed information or training on how to bid with the agency. The agency should increase the visibility of appropriate contact points for project issues and consider hiring liaisons for small businesses in particular. Assigning small business liaisons to projects or expanding the responsibilities of existing staff to resolve small businesses' project issues would help them perform Metro work more successfully.

   Metro Response: While the DBE Program has experienced a measure of success in providing opportunities for disadvantaged businesses, there is an urgent need to address the substantial disparity identified in the study and to increase utilization. DEOD will establish a Business Technical Development Program (BTDP) to provide technical assistance to small and disadvantaged businesses during the performance of their subcontract. The BTDP will provide targeted and comprehensive business development assistance to foster technical competence, sound business structure, and sustainability to compete and perform on larger projects and lead to continued growth for the firm.

   The proposed areas of technical assistance for the BTDP, include, but are not limited to:

   - One-on-One technical assistance
   - Matchmaking
   - Estimating and Scheduling
   - Alternative Delivery Project Requirements
   - Form 60's Preparation
   - Project Management
   - Dispute Resolution
   - Change Order Process (Prime/Subcontractor)
   - Request for Change Process
   - Proposal/Bid Preparation

- Human Resources Management
- Overhead Rates
- Construction Management
- Financial Audit/Review
- Accounting - Accountant services, cash flow review, income statement review

3. Microbusiness Program: The Small Business Administration (SBA) size thresholds for small businesses allow gross receipts of up to $47 million for certain industries. Anecdotal evidence suggests that, due to the large range of small business size standards, smaller SBEs are often unable to compete with larger SBEs. Metro could consider adding an additional certification classification for microbusinesses with smaller revenue requirements. Metro could then consider including preferences and benefits exclusive to these microbusinesses, including proposal points, bid reductions, or setting aside certain opportunities exclusively for microbusiness competition.

   Metro Response: Staff recommends policy authorization to develop a three-year pilot Micro Small Business Program and certification designation and will collaborate with VCM on program contracting thresholds.

4. New businesses: Consider using bid and contract language to encourage prime contractors to partner with subcontractors and suppliers they have never worked with. Metro could award evaluation points or price preferences based on the quality of those efforts. Increasing the number of new subcontractors involved in Metro's bid process could help many small businesses-including DBEs-and grow the pool of small businesses involved in Metro work.

   Metro Response: DEOD will work with VCM to develop solicitation language that encourages primes to partner with SBE/DBE subcontractors they have never worked with to increase new business engagement.

5. Unbundling contracts: Consider expanding the current efforts to unbundle relatively large prime contracts-and even subcontracts-into several smaller, focused contracts. Such initiatives would likely increase contracting opportunities for all small businesses, including many POC and woman-owned businesses.

   Metro Response: DEOD already encourages unbundling as a component part of the Set Aside Program. As a result, staff will continue to work with Metro Departments and Project Manager during the procurement planning process to evaluate the potential benefits of unbundling large contracts.

6. Inflation: Consider adjusting contract prices to account for inflation on projects that span a certain number of years to allow for equitable adjustment considerations for DBEs.

   Metro Response: DEOD and VCM will explore the feasibility of implementing this recommendation.

7. Pre-Qualification requirements: Consider only applying Pre-Qualification requirements to larger contracts to reduce the administrative burden on small and disadvantaged businesses competing for work. Metro could also consider extending the validity of prequalification reviews or eliminating validation requirements for already prequalified businesses and offer additional technical assistance to help small and disadvantaged businesses navigate the prequalification process.

   Metro Response: DEOD will work with VCM to implement process improvements to the Pre-Qualification requirements that will reduce the administrative burden on small and disadvantaged businesses competing for Metro work.

Public Participation

The draft 2023 study report was released on January 12, 2024, for a 30-day public comment period that closed February 12, 2024. The draft Study report was posted on the Metro Vendor Portal with the opportunity to review a PowerPoint presentation summarizing the results. Public comments were accepted by US mail, electronically through the disparity study website, and directly by email, as well as orally or in writing. Metro conducted two public hearings, one in-person at Metro Headquarters on January 29, 2024, with eight participants, and one held virtually on February 5, 2024, with 43 participants During the public hearings, businesses reported challenges breaking into existing business networks and the importance of networking. Some participants also encouraged Metro to continue to improve access to contracting opportunities. No written comments were received during the public comment period. However, during the in-person and virtual public hearings, a total of seven verbal comments were received (Attachment B).

A presentation on the study's findings was also presented to the Transportation Business Advisory Council (TBAC) at their meeting on March 7, 2024. Questions from TBAC participants regarding study results were addressed and comments received echoed concerns raised during the public hearings and in the collection of the anecdotal data, related to the cost of audited overhead rates for small businesses and the reduction paperwork required during the procurement process.

FINANCIAL IMPACT

There is no financial impact to approving the recommendations.

EQUITY PLATFORM

The purpose of the study is to assess, quantify, and evaluate whether POC- and woman-owned businesses (DBEs) face any barriers in Metro contracting by studying the prevalence, significance, and scope of discrimination in the market area that specifically historically underutilized, POC and/or woman-owned businesses are experiencing and identify strategies to eliminate barriers and increase equity in Metro contracting. The study's results and considerations will be utilized by Metro to identify strategies to increase equity and eliminate barriers in Metro contracting. While Metro has made a significant commitment to offer innovative programs for POC and women, more is still needed to level the playing field for increased equity in Metro contracting. Metro will continue to be a regional leader in advancing a multi-pronged approach to eliminate racial and gender disparities in Metro contracting

further.

..Implementation_of_Strategic_Plan_Goals

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This report supports strategic plan Goal 5.5, “Expanding opportunities for businesses and external organizations to work with Metro.”

NEXT STEPS

- Upon Board approval, initiate development, and implementation process for the three-year pilot Micro Small Business Program.

- Staff will use the study data to develop the upcoming triennial Overall DBE Goal for Federal Fiscal Years (FFY) 2025 - 2027. This will require the following activity in accordance with 49 Code of Federal Regulation Part 26.45:

  - Staff is currently obtaining anticipated contracts to be awarded over the FFY2025-2027 from Grants and Project Managers to determine availability, if not similar to the mix of contracts analyzed in the study.
  - Complete draft of the overall DBE Goal and Goal Methodology report, with base figure and required step 2 adjustment analysis.
  - Post Metro’s draft Overall DBE Goal and Methodology Report Metro website for a 30-day public comment period.
  - Return to the Board in June 2024 with the recommended triennial overall DBE goal for consideration and approval.
  - Submit FFY 2025- 2027 Overall DBE Goal Methodology to FTA by the August 1, 2024, deadline.

- New initiatives developed and implemented as a result of the study will be included in the 48 x ’28 Plan, for tracking and reporting purposes.

ATTACHMENTS

Attachment A - 2023 Final Disparity Study Executive Summary

Attachment B - Public Comment Period Comments and Responses

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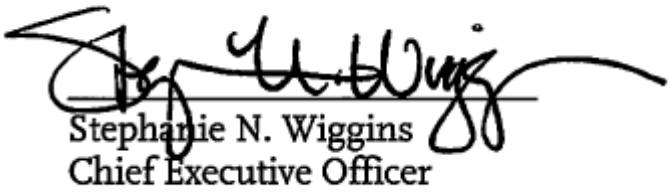


Stephanie N. Wiggins
Chief Executive Officer

SECTION ES.
Executive Summary

BBC Research & Consulting (BBC) conducted a *disparity study* to evaluate whether person of color (POC)- and woman-owned businesses face any barriers in the Los Angeles County Metropolitan Transportation Authority (LACMTA's or Metro's) construction, professional services, and non-professional services and goods contracts and procurements. As part of the disparity study, we examined whether there are any disparities, or differences, between:

- The percentage of contract and procurement dollars Metro awarded to POC- and woman-owned businesses during the *study period*, which was January 1, 2016 to December 31, 2021 (i.e., *utilization*, or *participation*); and
- The percentage of contract and procurement dollars one might expect Metro to award to POC- and woman-owned businesses based on their availability to perform specific types and sizes of Metro contracts and procurements (i.e., *availability*).

Information from the disparity study will help Metro better understand outcomes for POC- and woman-owned businesses in its contracting and procurement and help Metro address any substantial disparities between the participation and availability of POC- and woman-owned businesses in Metro work. Moreover, if Metro determines that it is appropriate to use race- and gender-conscious measures to address substantial disparities (e.g., awarding individual contracts and procurements with the use of POC- and woman-owned business participation goals), then the agency can rely on information from the disparity study to help ensure its use of such measures adheres to the *strict scrutiny* and *intermediate scrutiny* standards of constitutional review, respectively.

A. Disparity Study Results

BBC analyzed $8.8 billion of worth of contracts and procurements Metro awarded during the study period to measure the participation and availability of POC- and woman-owned businesses for Metro work to assess whether any disparities exist between those measures. We summarize key results from those analyses below and identify sections of the report that provide more details about the methodology and results of each analysis.

1. Availability analysis (Chapter 6 and Appendix E of the report). BBC conducted a *custom census availability analysis* to estimate the availability of POC- and woman-owned businesses for Metro work while accounting for the specific characteristics of relevant businesses that exist in the Los Angeles County marketplace and the specific characteristics of the relevant prime contracts and subcontracts Metro awards. Figure ES-1 presents the availability of each relevant group of POC- and woman-owned businesses for relevant Metro contracts and procurements overall. The availability of those businesses is 46.8 percent. The business groups that exhibit the greatest availability for Metro work are Hispanic American-owned businesses (18.8%), Asian Pacific American-owned businesses (12.2%), and Black American-owned businesses (6.0%).

Figure ES-1.
Availability estimates for Metro work

Note:

Numbers rounded to nearest tenth of 1 percent and thus may not sum exactly to totals.

Source:

BBC availability analysis.

Business group	Availability
White woman-owned	4.3 %
Asian Pacific American-owned	12.2 %
Black American-owned	6.0 %
Hispanic American-owned	18.8 %
Native American-owned	0.2 %
Subcontinent Asian American-owned	5.4 %
Total POC-owned	42.6 %
Total POC- and woman-owned	**46.8 %**

2. Utilization analysis (Chapter 7 of the report). BBC also calculated the participation of POC- and woman-owned businesses in relevant contracts and procurements Metro awarded during the study period. As shown in Figure ES-2, during the study period, Metro awarded 22.0 percent of its relevant contract and procurement dollars to POC- and woman-owned businesses. The groups that exhibited the greatest levels of participation in that work were Hispanic American-owned businesses (8.9%), white woman-owned businesses (4.2%), and Black American-owned businesses (3.6%).

Figure ES-2.
Utilization analysis results for Metro work

Note:

Numbers rounded to nearest tenth of 1 percent and thus may not sum exactly to totals.

Source:

BBC utilization analysis.

Business group	Utilization
White woman-owned	4.2 %
Asian Pacific American-owned	3.4 %
Black American-owned	3.6 %
Hispanic American-owned	8.9 %
Native American-owned	0.0 %
Subcontinent Asian American-owned	1.9 %
Total POC-owned	17.9 %
Total POC- and woman-owned	**22.0 %**

3. Disparity analysis (Chapter 8 and Appendix F of the report). The crux of the disparity study was to assess whether any disparities exist between the participation of POC- and woman-owned businesses in Metro work and the availability of those businesses for that work. A disparity index of 100 indicates *parity* between actual participation and availability. That is, the participation of a particular business group is in line with its availability. A disparity index of less than 100 indicates a *disparity* between participation and availability. That is, the group is considered to have been underutilized relative to its availability. Finally, a disparity index of less than 80 indicates a *substantial disparity* between participation and availability. A *substantial disparity* for a particular racial/ethnic or gender group is interpreted by courts as an inference of discrimination against that group in the marketplace and often serves as evidence that the organization of interest could consider using race- or gender-conscious measures to address barriers for that group (for details, see Chapter 2).

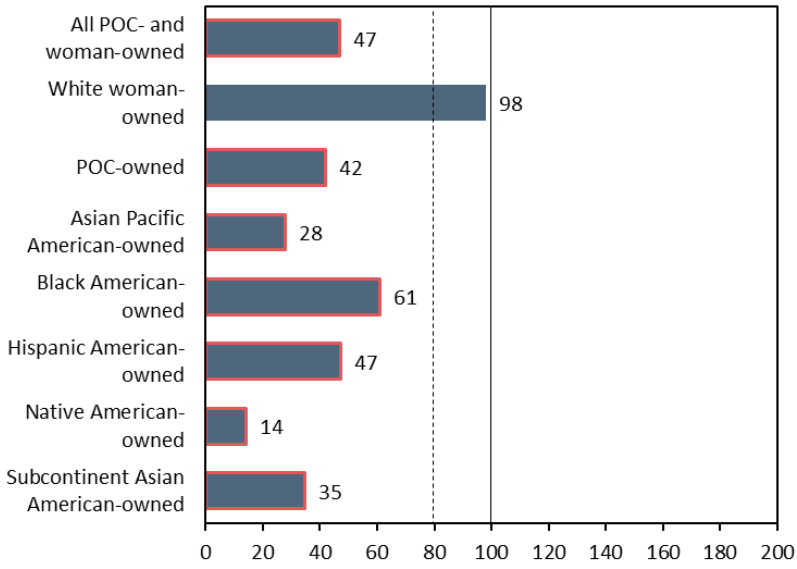
a. Overall. Figure ES-3 presents disparity indices for POC- and woman-owned businesses for all relevant prime contracts and subcontracts Metro awarded during the study period considered together. As shown in Figure ES-3, POC- and woman-owned businesses considered together exhibited a disparity index of 47 for all relevant contracts and procurements Metro awarded during the study period,

indicating a disparity where Metro awarded POC- and woman-owned businesses $0.47 for every dollar one might expect the agency to award to those businesses based on their availability for that work. All individual groups of POC-owned businesses exhibited substantial disparities for Metro work: Asian Pacific American-owned businesses (disparity index of 28), Black American-owned businesses (disparity index of 61), Hispanic American-owned businesses (disparity index of 47), Native American-owned businesses (disparity index of 14), and Subcontinent Asian American-owned businesses (disparity index of 35). White woman-owned businesses did not exhibit a substantial disparity for Metro work (disparity index of 98).

Figure ES-3.
Overall disparity analysis results for Metro work

Note:
Substantial disparities highlighted with red borders.

Source:
BBC disparity analysis.



b. Funding source. The Federal DBE Program applies specifically to Metro's United States Department of Transportation (USDOT)-funded projects.[1] As part of the program, the agency uses various race- and gender-neutral measures as well as race- and gender-conscious DBE contract goals to encourage the participation of POC- and woman-owned businesses in the USDOT-funded projects it awards. However, Metro is prohibited from using race- and gender-conscious measures to award non USDOT-funded projects due to Proposition 209. Thus, comparing disparity analysis results separately for USDOT- and non USDOT-funded projects may be indicative of the efficacy of Metro's implementation of the Federal DBE Program as well as its use of race- and gender-conscious measures to encourage the participation of POC- and woman-owned businesses in its work relative to their availability for it. As shown in Figure ES-4, POC- and woman-owned businesses considered together exhibited substantial disparities for both USDOT-funded work (disparity index of 47) and non USDOT-funded work (disparity index of 47). Disparity analysis results differed by business group and funding source:

- Asian Pacific American-owned businesses (disparity index of 17), Hispanic American-owned businesses (disparity index of 47), Native American-owned businesses (disparity index of 11) and Subcontinent Asian American-owned businesses (disparity index of 46) all exhibited substantial disparities for USDOT-funded projects. Black American-owned businesses also showed a disparity for USDOT-funded work (disparity index of 86), but that disparity was not substantial.

[1] BBC considered a project to be USDOT-funded if it included at least one dollar of USDOT funding.

- White woman-owned businesses (disparity index of 69), Asian Pacific American-owned businesses (disparity index of 52), Black American-owned businesses (disparity index of 42), Hispanic American-owned businesses (disparity index of 48), Native American-owned businesses (disparity index of 17), and Subcontinent Asian American-owned businesses (disparity index of 28) showed substantial disparities on non USDOT-funded work.

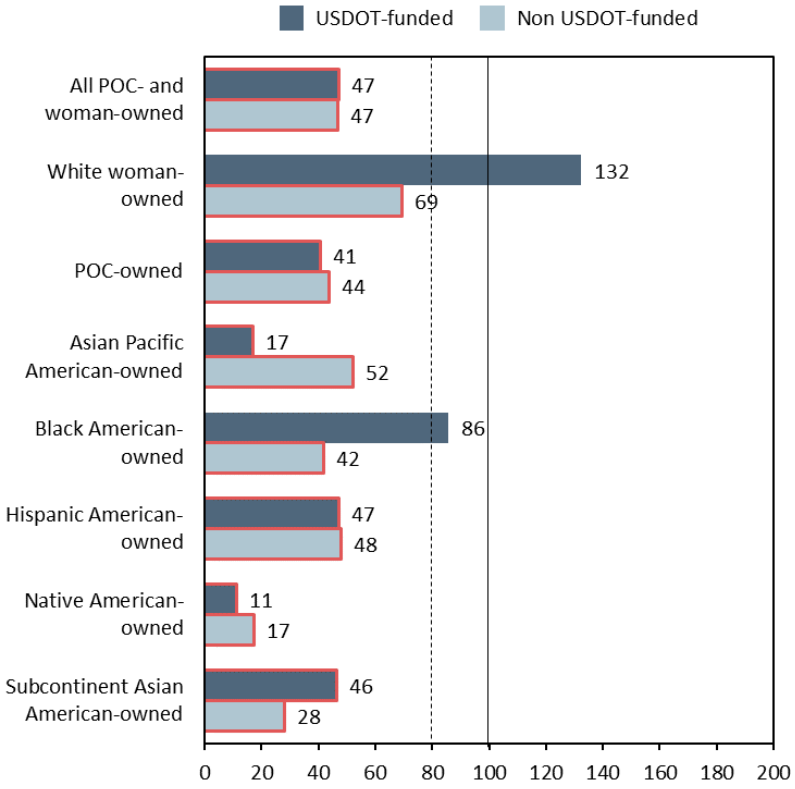
Figure ES-4.
Disparity analysis results by funding source

Note:

Numbers rounded to nearest tenth of 1 percent and thus may not sum exactly to totals.

Source:

BBC disparity analysis.



c. Summary. Figure ES-5 presents a visualization of the various sets of Metro contracts and procurements for which relevant POC- and woman-owned business groups exhibited substantial disparities, as indicated by black circles. Most POC-owned business groups showed substantial disparities for many of the contract and procurement sets shown in Figure ES-5 with the exception of Black American-owned businesses. Black American-owned businesses showed substantial disparities for all work considered together, as well as for prime contracts, for professional services projects, and for non-USDOT funded work, but did not show substantial disparities for any other projects sets presented in Figure ES-5. Similarly, white woman-owned businesses showed substantial disparities for prime contracts, professional services projects, and non USDOT-funded work, but did not show substantial disparities for any other project sets presented in Figure ES-5. Substantial disparities indicate inferences of discrimination against relevant POC- and woman-owned business groups in the Los Angeles County marketplace and as part of Metro's contracting and procurement.

Figure ES-5.
Substantial disparities observed for Metro work

Contract set	Business group							
	All POC and white woman	All POC	White woman	Asian Pacific American	Black American	Hispanic American	Native American	Subcontinent Asian American
All work	●	●		●	●	●	●	●
Construction	●	●		●		●	●	●
Professional services	●	●	●		●	●		●
Non-prof. svcs. and goods	●	●		●		●	●	●
Prime contracts	●	●	●	●	●	●	●	●
Subcontracts	●	●		●			●	●
USDOT-funded	●	●		●		●	●	●
Non USDOT-funded	●	●	●	●	●	●	●	●

Notes: ● indicates substantial disparity

Source: BBC disparity analysis.

B. Marketplace Conditions

BBC conducted extensive quantitative analyses to assess whether POCs, women, and POC- and woman-owned businesses face any barriers in the construction, professional services, goods and other services, and transit services industries in Los Angeles County. The study team also examined the potential effects any such barriers have on the formation and success of businesses as well as their participation in and availability for contracts and procurements Metro awards. We examined local marketplace conditions in four primary areas:

- **Human capital,** to assess whether POCs and women face barriers related to education, employment, and gaining industry experience;
- **Financial capital**, to assess whether POCs and women face barriers related to wages, homeownership, personal wealth, and financing;
- **Business ownership,** to assess whether POCs and women own businesses at rates comparable to that of white men; and
- **Business success,** to assess whether POC- and woman-owned businesses have outcomes similar to those of businesses owned by white men.

For more details, see Chapter 3 and Appendix C of the report.

1. COVID-19 Pandemic. Economic and social vulnerabilities preceding the onset of the COVID-19 pandemic exacerbated the adverse impacts of the pandemic on POC- and woman-owned businesses.[i] Public health measures to reduce the spread of the COVID-19 virus along with direct health impacts led to an economic crisis that reached its peak in March and April of 2020.[ii, iii, iv] In California, POC- and woman-owned small businesses, with the exception of Asian American-owned businesses, experienced higher rates of business closure and slower recoveries than white American-owned small businesses.[v] More than 25 percent of small businesses in Los Angeles County closed during 2020, including approximately 7,500 businesses that closed permanently.

Disparities in the rates of request and approval of the Paycheck Protection Program (PPP) and Economic Injury Disaster Loan (EIDL) Program illustrated the limited reach of the government's financial assistance to small businesses. A fraction of small businesses received financial support from the federal government to cover revenue losses and retain employees.[vi] Other small businesses did not receive any assistance, in part due to differences in the resources available to between large and small businesses to navigate bank loan processes and from lack of information for businesses with no employees on how to make assistance requests.[vii] Disparities in access to pandemic-related financial assistance between large and small businesses are particularly impactful to POC- and women-owned businesses, because in the Los Angeles Metro Area, POC- and women-owned businesses are more likely to be small businesses than white American- and men-owned businesses.[viii]

2. Summary. BBC's analyses of marketplace conditions in Los Angeles County indicate that POCs and women face various barriers in industries relevant to Metro's contracting and procurement. Existing research and primary research we conducted indicate that disparities exist in acquiring human capital, accruing financial capital, owning businesses, and operating successful businesses. In many cases, there is evidence those disparities exist even after accounting for various personal and business factors. There is also evidence that many disparities are due—at least, in part—to race- or gender-based discrimination. Barriers in the marketplace likely have important effects on the ability of POCs and women to start businesses in relevant industries—construction, professional services, goods and other services, and transit services—and to operate those businesses successfully. Any difficulties those individuals face in starting and operating businesses may reduce their availability for government work and the degree to which they are able to successfully compete for such projects.

C. Overall DBE Goal

In accordance with 49 Code of Federal Regulations (CFR) Part 26 and United States Department of Transportation (USDOT) requirements, every three years, Metro must establish an overall goal for the participation of DBEs in the USDOT-funded projects it awards. USDOT requires agencies to set their overall DBE goals using a two-step process: establishing a base figure and considering whether a step 2 adjustment to the base figure is warranted. The disparity study provides information regarding both steps of the required goal-setting process for Metro to consider as it sets its next overall DBE goal.

1. Base figure. In accordance with USDOT requirements, BBC assessed the availability of potential DBEs—that is, POC- and woman-owned businesses that are currently DBE-certified or appear they could be DBE-certified according to size limits specified in the Federal DBE Program—for the USDOT-funded projects Metro awarded during the study period. That analysis indicated that the availability of potential DBEs for Metro's USDOT-funded work is 31.3 percent, which Metro could consider as its base figure for its next overall DBE goal.

2. Step 2 adjustment. After establishing a base figure, Metro must consider additional information to determine whether any adjustment is needed to the base figure to ensure the agency's new overall DBE goal is precise and reflects current conditions in the local marketplace for POCs, women, and POC- and woman-owned businesses. USDOT suggests agencies consider the following information in assessing whether to make step 2 adjustments to their base figures:

- Current capacity of DBEs to perform agency work;
- Information related to employment, self-employment, education, training, and unions;

- Disparities in the ability of DBEs to access financing, bonding, or insurance; and
- Other relevant factors.[2]

BBC assessed information related to each of the above factors, which we summarize below:

- **Current capacity of DBEs to perform agency work.** USDOT's "Tips for Goal-Setting" suggests that agencies should examine data on past DBE participation in their USDOT-funded projects in recent years. Based on information from Metro's Uniform Reports, the participation of certified DBEs in the USDOT-funded projects Metro awarded in FFYs 2016 through 2021 was 18.7 percent of total dollars on USDOT-funded projects. That information supports a downward adjustment to Metro's base figure.
- **Information related to employment, self-employment, education, training, and unions.** BBC's analyses of barriers in the local marketplace indicate barriers that certain POC groups and women face related to human capital, financial capital, business ownership, and business success. Such barriers may decrease the availability of POC- and woman-owned businesses for the USDOT-funded projects Metro awards. For example, BBC used regression analyses to investigate whether race/ethnicity and gender are related to business ownership in relevant industries among workers in the Los Angeles marketplace, independent of various other personal characteristics, including familial status, education, and age. (Chapter 3 and Appendix C provide details about our regression analyses.) Based on the results of those analyses, Metro might consider an upward adjustment of its base figure for USDOT-funded contracts to account for marketplace barriers.
- **Any disparities in the ability of DBEs to get financing, bonding, or insurance.** BBC's analysis of access to financing, bonding, and insurance also revealed quantitative and qualitative evidence that POCs, women, and POC- and woman-owned businesses in the region do not have the same access to those business inputs as non-Hispanic white men and businesses owned by non-Hispanic white men. Any barriers to obtaining financing, bonding, or insurance might limit opportunities for POCs and women to successfully form and operate businesses in the RGMA. Any barriers that POC- and woman-owned businesses face in obtaining financing, bonding, or insurance would also place those businesses at a disadvantage in competing for Metro's USDOT-funded projects. Thus, those results also support an upward adjustment to Metro's base figure.
- **Other relevant data.** Marketplace analyses also indicate that POC- and woman-owned businesses are less successful than other businesses in the local marketplace in terms of business closures, business receipts, business owner earnings, and other metrics. Barriers in business success among POC- and woman-owned businesses can limit their growth, which may depress their availability for Metro's USDOT-funded work. Thus, those results also support an upward adjustment to the agency's base figure.

The agency should consider the above information carefully as part of setting its next triennial DBE goal for Federal Fiscal Years (FFY) 2025-2027, if anticipated future contracts are similar to the contracts reviewed as part of the disparity study. Metro is not required to make a step 2 adjustment, but it must explain its decision to make or not make an adjustment in goal documentation it submits to USDOT.

[2] 49 CFR Section 26.45.

D. Guidance

BBC observed substantial disparities between the participation and availability of POC- and woman-owned businesses for the contracts and procurements Metro awarded during the study period. We present guidance on how Metro can use that information and other information from the disparity study to further encourage the participation of those businesses in its work and address the disparities we observed effectively and in a legally defensible manner, including potentially using race- and gender-conscious measures to do so. In considering the guidance we provide, Metro should be mindful of the legal requirements surrounding the use of race- and gender-conscious measures in particular, including state and federal regulations as well as relevant case law. The organization should consult closely with its Department of Justice in developing any new policies or programs related to POC- and woman-owned businesses to ensure they are consistent with the requirements of the strict scrutiny, intermediate scrutiny, and *rational basis* standards of constitutional review, respectively. We present key recommendations below and present additional recommendations and more information relevant to those recommendations in Chapter 10 of the report.

1. Bench contracts. Anecdotal evidence suggests businesses that are awarded Metro's bench contracts often receive little to no work from those awards. In addition, once on a bench, businesses must maintain the appropriate level of insurance coverage, regardless of whether they actually perform work on the contract, which can place a financial burden on small and disadvantaged businesses. Metro could consider implementing a rotation system for bench contract task orders to ensure that each business on a bench gets work. The agency could also consider more closely monitoring the participation of small and disadvantaged businesses on bench contracts to ensure that they receive a proportionate amount of the. Lastly, Metro could consider developing benches comprised exclusively of small and disadvantaged businesses. For example, the San Diego Association of Governments (SANDAG) has a bench program that includes pool of certified DBE and SBE subcontractors that prime consultants can access for work on various SANDAG bench contracts.

2. Technical assistance support. Multiple interviewees indicated that they consider the public sector bid process to be confusing and time-consuming. To better support businesses bidding with Metro, some interviewees suggested that Metro should provide more detailed information or training on how to bid with the agency. Additional anecdotal evidence indicated that when businesses experience challenges during project performance, finding the appropriate Metro employee to contact can be difficult. The agency should increase the visibility of appropriate points of contact for project issues and consider hiring liaisons for small businesses in particular. Assigning small business liaisons to projects or expanding responsibilities of existing staff to resolve project issues small businesses experience could help them perform Metro work more successfully. For example, the State of Maryland has designated liaisons for its small business program that act as advocates for small businesses working on contracts for the agency.

3. Microbusiness program. For certain industries, the SBA size thresholds for small businesses allow gross receipts of up to $47 million. Anecdotal evidence suggests that, due to the large range of small business size standards, smaller SBEs are unable to compete with larger SBEs. Metro should consider adding an additional certification classification for microbusinesses with smaller revenue requirements. For example, the State of California Department of General Services has a microbusiness program (implemented as a subset of their small business program) for businesses with gross annual receipts of $5 million or less. In addition, the San Francisco Bay Area Rapid Transit District has a Micro Small

Business Entity certification for businesses whose average gross receipts over the prior three years do not exceed $10 million (construction) or $6 million (professional services and procurement), which are thresholds Metro could consider. The organization could then add preferences and benefits exclusive to microbusinesses, including proposal points, bid reductions, or setting aside certain opportunities exclusively for microbusiness competition.

4. New businesses. The disparity study indicated that a substantial portion of the contract and procurement dollars Metro awarded to POC- and woman-owned businesses during the study period were largely concentrated with a relatively small number of businesses. Metro could consider using bid and contract language to encourage prime contractors to partner with subcontractors and suppliers with which they have never worked. For example, as part of the bid process, the agency might ask prime contractors to submit information about the efforts they made to identify and team with businesses with which they have not worked, and Metro could award evaluation points or price preferences based on the quality of those efforts. Increasing the number of new subcontractors involved in Metro's bid process could help many small businesses—including DBEs—become aware of and compete for Metro opportunities and grow the pool of small businesses involved in Metro work.

5. Unbundling contracts. As part of in-depth interviews and public meetings, several business owners reported that the size of Metro projects is sometimes a barrier to their success. To further encourage the participation of POC- and woman-owned businesses in its work, Metro should consider expanding its current efforts to unbundle relatively large prime contracts—and even subcontracts-into several smaller pieces. Such initiatives might increase contracting opportunities for all small businesses, including many POC- and woman-owned businesses.

6. Inflation. Metro has many projects that span multiple years. Anecdotal evidence indicated that businesses that are awarded such contracts or associated subcontracts associated often supply goods or services years after their initial proposals and cost estimates. At times, inflation can make quoted prices too low for a business to provide goods or services years later. Metro could consider adjusting contract prices to account for inflation for projects that span a certain number of years. For instance, the federal government often adds an Economic Price Adjustment clause in its contracts in times of high inflation or strong economic uncertainty to further balance risk and to hedge against fluctuations in labor or material costs.

7. Prequalification requirements. Businesses competing for Metro projects worth $100,000 or more are required to complete prequalification applications, which the agency reviews prior to making awards to ensure that businesses are qualified to provide requested services. Although prequalification reviews remain active for a period of two years, businesses must submit validation forms for each solicitation to which they respond and often must update their applications for each solicitation. Business representatives that reported doing work with Metro discussed the burden associated with prequalification paperwork required for each new bid. Other businesses also expressed that doing the amount of paperwork required to start each project is daunting for new businesses. Metro could consider raising the contract value threshold for which prequalification requirements apply to reduce the administrative burden on small and disadvantaged businesses competing for its work. The agency could also consider extending the length of validity of prequalification reviews or eliminating validation requirements for businesses that have already been prequalified. Lastly, Metro could consider providing

additional technical assistance to help small and disadvantaged businesses navigate the prequalification process.

[i] Wang, Qingfang, and Wei Kang. 2021. What are the Impacts of COVID-19 on Small Businesses in the U.S.? Early Evidence Based on the Largest 50 MSAS. Geographical Review 111 (4): 528-557. doi:10.1080/00167428.2021.1927731.

[ii] Los Angeles County Economic Development Corporation. 2021. *Pathways for Economic Resiliency: Los Angeles County 2021-2026.* Report, Los Angeles. Retrieved, September 8, 2023 (https://wdacs.lacounty.gov/wp-content/uploads/2021/02/Pathways-for-Economic-Resiliency-Executive-Summary-copy.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=).

[iii] Fairlie, Robert. 2020. *The impact of COVID-19 on small business owners: Evidence from the first three months after widespread social-distancing restrictions.* Journal of Economics & Management Strategy 29 (4): 727-740. doi:10.1111/jems.12400

[iv] Together for L.A. 2022. *Small Business Recovery Report and Resource Guide.* Report, Los Angeles. Retrieved, September 8, 2023 (https://laedc.org/wp-content/uploads/2022/06/Together-for-LA-Small-Business-Recovery-Report-and-Resource-Guide-June-2022-v2.pdf).

[v] Dani, Lokesh, John S. Earle, and Kyung Min Lee. 2022. *COVID-19 Impact on California's Entrepreneurs.* Report. Retrieved, September 8, 2023 (https://edcollaborative.com/wp-content/uploads/2021/02/COVID-19-Impact-on-California-Entrepreneurs-v3.pdf).

[vi] United States Census Bureau. 2022. *Impacts of the COVID-19 Pandemic on Business Operations.* June 15. Retrieved September 8, 2023 (https://www.census.gov/library/publications/2022/econ/2020-aces-covid-impact.html#:~:text=In%202020%2C%20the%20coronavirus%20pandemic,different%20impact%20on%20their%20payroll).

[vii] Next Street; CommonFuture. 2020. *Los Angeles County Small Business Ecosystem Assessment.* Report.

[viii] United States Census Bureau. 2019. "Annual Business Survey." Retrieved September 25, 2023 (https://data.census.gov/table?q=AB1900CSA04&g=310XX00US31080).

Public Comment Period Comments and Responses

Below are verbal comments received during the disparity study public hearings and were included in the anecdotal appendix and analyzed in developing the considerations chapter in the final report.

Topic – Importance of prompt payment

> **Comment –** "Prompt pay works well but for small and micro business the financial burden can be difficult to manage. For example, if a prime has submitted an invoice that is challenged for whatever reason, it can delay payment to business that does not have anything to do with the contested invoice. Agencies that provide support in finance and capacity such as allowing for initial deposits for ramp up, etc., are significantly ahead of the curve in building their supply chain of DBE's."
>
> **Comment –** "The same problem exists when the Prime (for whatever reason) delays submitting their invoices. Agencies need to push primes to submit timely invoices, and monitor and address issues with that. We waited 6 months for a payment on High-Speed Rail due to a Prime not submitting invoices for 3 months. This happens more than agencies realize."
>
> **Comment –** "One option some agencies have considered is developing an escrow account to pay SB/DBE firms right after invoice acceptance by the Prime."

Metro Response: The study addressed comments on this topic in the qualitative data collection chapter and the qualitative data collection appendix of the report.

Topic – Negative impacts of established rates and the cost of completing an audit to be exempted from those fully loaded rates for small professional services firms.

> **Comment –** "Small businesses that are below $5M in annual revenues cannot operate with a cap on mark-up - it's not sustainable for us to deliver the value if we lose money on your contracts."
>
> **Comment –** "Whatever you're doing has to be economically viable. And so that means, you know, a path to prime opportunities. One, because as a sub you know your profitability is going to be severely limited. … The drift toward task orders has created a lot more limitations on DBE vendors and SBE vendors because that means that you have to carry the bench to be able to do the work. And if you're making decisions based upon the individuals that are presented in the initial SOQs, those individuals you know often are beyond the reach of DBE and SBE vendors because you know, they're typically extremely well compensated and rest within organizations, which can be competitive disadvantage for DBE vendors. [One] model might be the Port Authority of New York and New Jersey, … they've actually created a separate class of contracts for minority-owned and women-owned vendors. And what they've also done is they've identified the disparity between the disparity, and they focused on specific… racial groups and provided opportunities to address those disparities, but they literally created

two classes of procurements. One is the standard kind of contract. If there's a calling contract, then they created a corollary, a contract for small business, or even for minority-owned business. I know that you can't do to MBE, and instead of California, but that's a potential resource to leverage, but being able to look at procurements and look at procurement activity … You're [LA Metro's] kind of the 800-pound gorilla regionally and even in the state. So, the culture that you create relative to procurement is very likely to be adopted by other places because they're looking at you as creating a precedent."

Metro Response: The study addressed comments on this topic in the qualitative data collection chapter and the qualitative data collection appendix of the report.

Topic – What is the goal setting process for disabled veteran-owned businesses.

> **Comment –** "Purchasers often become comfortable with large providers, suppliers, contractors, making it impossible for small new entrants to participate. When an agency uses a firm, regularly and primes can pull them into be seen as experience in the agency environment, it eliminates the ability of SBEs to be considered…This also finds its way in when primes list potential small firms as part of their teams, but do not actually utilize them after the award. I'll give you a direct example with Metro. … You have firms that do third party administration for project labor agreements. They are an extension of your internal administration processes. There are other firms like ours that are specifically experienced and can-do large-scale work as was described in one of the questions earlier. But the two issues that we face is you can't even see a procurement go out because these companies are already embedded into the system and if and when prime is looking for somebody to support on their side, they are typically not encouraged to ensure that it's a DBE or [not]. They are encouraged to use the existing administrative offices that Metro has around these processes or to partner with. … Does the agency have an appetite for real time compliance review so that they can actually validate performance and adjust as companies are moving through their construction processes, especially if they're meeting or not meeting these inclusion criteria like the measurement of apprenticeship, the utilization of small businesses et cetera, … is there an appetite for that to happen in real time rather than post-performance?" (Addressed by Taisha Smith during the meeting).

Metro Response: This comment was addressed by Metro staff during the meeting. The disparity study focuses on the DBE program.

Topic – Legal considerations around substitutions and elimination of work for DBEs and the rights of subcontractors/subconsultants as protected by the Federal DBE Program and California state law.

> **Comment –** "Agencies should be aware of which DBEs are still under contract so they can identify any removals. They should also provide education to those firms on their rights."

Metro Response: This comment was addressed by Taisha Smith during the meeting.

2023 Disparity Study Report

Executive Management Committee
March 21, 2024

Metro

RECOMMENDATIONS/BACKGROUND

A. RECEIVE AND FILE the Final 2023 Disparity Study Report; and

B. AUTHORIZE the Chief Executive Officer (CEO) to develop a three-year pilot Micro Small Business Program and certification designation.

BACKGROUND:

- Metro commissioned BBC Research & Consulting to conduct 2023 Disparity Study.
- Purpose: To evaluate if current contracting conditions at Metro are creating barriers for POC- and woman-owned businesses (DBEs) and to identify strategies to increase equity and eliminate barriers in Metro contracting.
- Analyzed Metro's contracting data over a six-year period from January 1, 2016 – December 31, 2021.
- Study Engagement:
  - Led 2 focus groups
  - Gathered anecdotal comments from 507 business owners/representatives
  - Completed 42 in-depth interviews with owners/representatives
  - Conducted 2 public meetings, one in-person and one virtual on study findings

Metro

2017 – 2023 COMPARISON

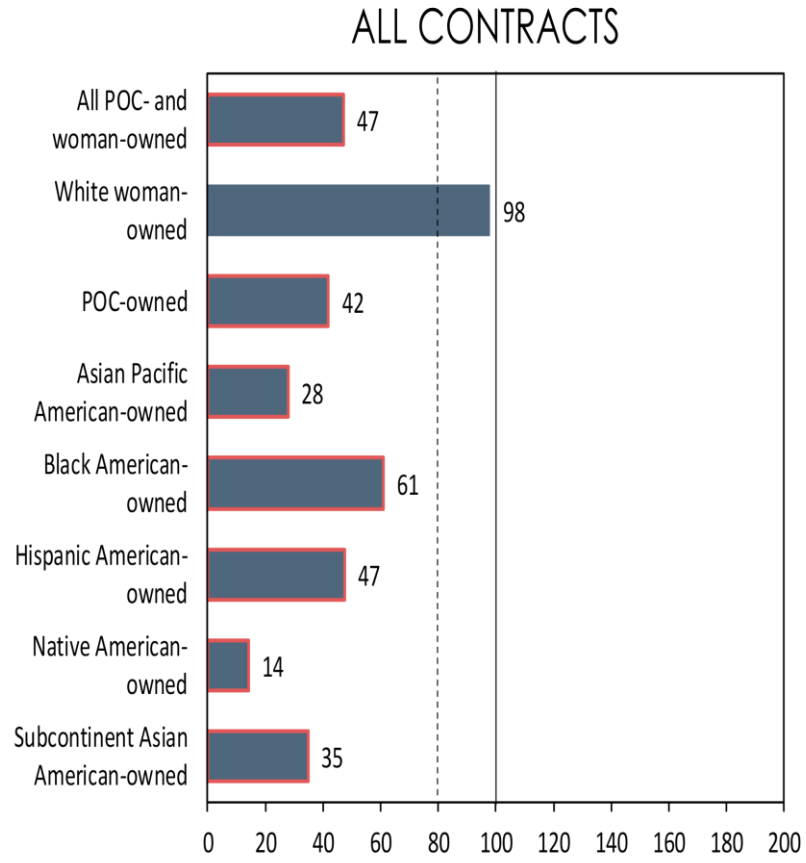
- By comparison, the Study found overall availability increased by 15.5% from 2017 to 46.8% in 2023.
- The Study also found overall utilization decreased slightly by 1.2% from 2017 to 2023.
- The 31.3% availability of potential DBEs demonstrates a 4.3% increase over 2017 and represents firms that could potentially be certified as DBEs.

POC-/Woman-Owned Business Results	2017	2023
Composition of Availability Database	47.0%	53.3%
Overall Dollar Weighted Availability	31.3%	46.8%
Overall Dollar Weighted Utilization	23.2%	22.0%
Availability of Potential DBEs	27.0%	31.3%

Metro

OVERALL DISPARITY RESULTS

- All individual groups of People of Color (POC) -owned and women-owned businesses exhibited substantial disparities for Metro work.
  - All POC-and woman-owned (47)
  - White woman-owned businesses did not exhibit a substantial disparity for Metro work (98)
  - POC-owned (42)
  - Asian Pacific American-owned businesses (28)
  - Black American-owned businesses (61)
  - Hispanic American-owned businesses (47)
  - Native American-owned businesses (14)
  - Subcontinent Asian American-owned businesses (35)



*Disparity index of 80 or less = substantial underutilization; Disparity index of 100 = parity

Metro

QUALITATIVE DATA

Key concerns raised from qualitative data collection:

- Challenges responding to public sector bid requests and requests for proposals.
- Difficulties managing the administrative aspects of running a business.
- Prompt payment by agencies and prime contractors.
- Access to bonding, insurance, and financing; and
- Closed networks within the business community.

Metro

STUDY RECOMMENDATIONS

	Recommendations	Metro Response
1.	Rotation system for bench contracts and/or developing benches comprised solely of SBE/DBE firms	Metro is currently implementing, on a small percentage of contracts, a rotational bench system and already has benches established that are comprised exclusively of small and disadvantaged businesses. To provide opportunity for each firm on the bench to get work, staff will continue to work with Metro Departments and Vendor Contract Management (VCM) to encourage more use of these types of benches, as appropriate. Staff will also review anecdotal to identify further process improvements.
2.	Provide technical assistance support on how to bid with Metro	While the DBE Program has experienced a measure of success in providing opportunities for disadvantaged businesses, there is an urgent need to address the substantial disparity identified in the study and to increase utilization. DEOD will establish a Business Technical Development Program (BTDP) to provide technical assistance to SBE/DBE firms during the performance of their subcontract.
3.	Develop a Microbusiness Program	Staff recommends policy authorization to develop a three-year pilot Micro Small Business Program and certification designation and will collaborate with VCM on program contracting thresholds.
4.	Consider changing solicitation language to encourage primes to partner with subcontractors with which they have never work	DEOD will work with VCM to develop solicitation language that encourages primes to partner with SBE/DBE subcontractors they have never worked with to increase new business engagement.
5.	Unbundling large contracts	DEOD encourages unbundling as a component part of the Set Aside Program. Staff will continue to work with Metro Departments and Project Manager during the procurement planning process to evaluate the potential benefits of unbundling large contracts.
6.	Adjust contract value for inflation for projects that span a certain number of years	DEOD and VCM will explore the feasibility of implementing this recommendation.
7.	Improvements prequalification requirements	DEOD will work with VCM to implement process improvements to the Pre-Qualification requirements that will reduce the administrative burden on small and disadvantaged businesses competing for Metro work.

Metro

NEXT STEPS

- Upon Board approval, initiate development, and implementation process for the three-year pilot Micro Small Business Program.
- Staff will use Study data for the development of upcoming triennial Overall DBE goal for FFY 2025 – 2027:
  - Return to the Board in June 2024 with recommended triennial overall DBE goal for consideration and approval.
  - Submit FFY 2025- 2027 Overall DBE Goal Methodology to FTA by the August 1, 2024, deadline.
- New initiatives developed and implemented as a result of the study will be included in the 48 x ’28 Plan for tracking and reporting purposes.

Metro

File #: 2023-0746, **File Type:** Contract **Agenda Number:** 20.

CONSTRUCTION COMMITTEE
MARCH 21, 2024

SUBJECT: NORTH HOLLYWOOD TO PASADENA BUS RAPID TRANSIT PROJECT - PROGRAM MANAGEMENT SUPPORT SERVICES

ACTION: AWARD CONTRACT

RECOMMENDATIONS

AUTHORIZE the Chief Executive Officer to:

A. AWARD task order-based Contract No. AE10769700000 for Program Management Support Services (PMSS) to Ramos Consulting Services, Inc., in the amount of $38,699,165 for a five-year base period and $7,603,641 for two, one-year options for a total of seven years at a maximum contract value of $46,302,806 subject to resolution of protest(s), if any; and

B. EXECUTE individual Contract Modifications within the CEO's Board approved authority.

ISSUE

A PMSS contract is required to assist Metro Program Management staff with program and construction management support to deliver the final design and construction of the North Hollywood to Pasadena Bus Rapid Transit Project (Project). This work will include project management services, preconstruction and design management activities, construction management services, and contract closeout. PMSS services to assist Metro staff with program and construction management support to deliver design and construction scope for the North San Fernando Valley Transit Corridor (NSFVTC) improvements are also contemplated and will be provided on an as needed basis under this contract. The NSFVTC improvements are currently at an early stage of design development, and many of the improvements are expected to be delivered by City of Los Angeles resources. The option to utilize the PMSS contract on an as needed basis for delivery of the NSFVTC improvements was included to provide flexibility as the responsibility for delivery of the NSFVTC improvements is finalized with the City of Los Angeles.

BACKGROUND

The Project is a 19-mile bus rapid transit (BRT) corridor with 22 stations. The Project serves as a key regional connection between the San Fernando and San Gabriel Valleys and traverses the communities of North Hollywood, Burbank, Glendale, Eagle Rock, and Pasadena. Each community

has dense residential populations and many cultural, entertainment, shopping, and employment areas, including the NoHo Arts District, Burbank Media District, Glendale Galleria, Americana at Brand, Eagle Rock Plaza, and Old Pasadena.

Following the completion of the environmental phase in April 2022, the Board certified the final environmental impact report (FEIR) and approved the Project. The approved project entered Advanced Preliminary Engineering (APE), which includes advancing design work and continued coordination with the cities and communities along the corridor, and the Preliminary Engineering (PE) phase was completed in December of 2023.

The Construction Manager/General Contractor (CM/GC) approach will be used to deliver and construct the project. Utilizing CM/GC provides the benefit of construction contractor input during the design phase before the start of construction.

There is currently an active procurement for the Plans, Specifications, and Engineering (PS&E) contract, and the CM/GC procurement activities began in early 2024. Once the procurement processes are completed, recommendations to award the PS&E and CM/GC contracts will be brought to the Board for consideration.

The Project Goals are to:

- Advance a premium transit service that is more competitive with private automobile travel
- Improve accessibility for disadvantaged communities
- Improve transit access to major activity and employment centers
- Enhance connectivity to Metro and other regional transit services
- Provide improved passenger comfort and convenience; and
- Support community plans and transit-oriented community goals.

DISCUSSION

The proposed PMSS consultant would support the Program Management department by providing highly skilled and qualified individuals to support Metro staff with program management, design management, and construction management services and be co-located with Metro staff to establish an Integrated Project Management Office. The PMSS consultant will provide administration, inspection services, and technical support during the project's design, construction, and closeout phases.

The CM/GC project delivery approach will be used to deliver and construct the project. With CM/GC, Metro will hire a construction contractor to provide feedback during the design phase before the start of construction. The PMSS team will work with the PS&E and CM/GC contractors to provide strategic guidance and direction to achieve effective coordination for the design and construction of the Project.

The Project alignment runs through four municipalities and is built entirely within the public right-of-way. The PMSS team will support Metro, the PS&E, and CM/GC in coordinating and collaborating with the relevant jurisdictions. Utilizing CM/GC facilitates phasing the design and construction of the project to optimize the schedule while accommodating the different design review and approval processes applicable to each of the four municipalities.

The PMSS team, with oversight and guidance of Metro Program Control, will provide independent cost estimates for Metro to work with the CM/GC to establish the final cost for the construction of the Project. Metro will manage the Task Orders to ensure overall coordination, collaboration, and efficiency between the PMSS, PS&E, and CM/GC contractors.

The PMSS team will also support the Metro Community and Construction Relations team in advancing an outreach and communications plan for this project that will maintain a transparent and timely engagement strategy. This effort will build upon the robust stakeholder engagement and focused outreach activities completed during the planning and environmental phase.

The procurement and deployment timeframe for the Project, including the design and construction phases, will last approximately four years. The performance period for the PMSS contract shall be five years, with two, one-year options for a total of seven years if required that would provide for program and construction management staff augmentation necessary to provide resources and technical expertise during this timeframe efficiently.

DETERMINATION OF SAFETY IMPACT

This action will have no detrimental impact on safety.

FINANCIAL IMPACT

The FY2024 Adopted budget includes $1.5 million in Cost Center 8510 and Project 471401 for the Project PMSS. Since this is a multi-year contract, the Chief PMO and Project Manager will be responsible for budgeting in the future years.

Impact to Budget

The source of funds for this action is Measure M 35% Transit Capital dedicated for this project. These funds are not eligible for bus or rail operating expenses.

EQUITY PLATFORM

The Diversity and Economic Opportunity Department (DEOD) established a 27% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. The proposed contractor team exceeded Metro's small business goals by making a 35.59% Small Business Enterprise and 3.00% Disabled Veteran Business Enterprise (DBVE) commitment.

The PMSS proposal evaluation criteria allocated a possible 5 points out of 100 to the proposing firm's demonstration of a well-defined approach to ensure that Cultural Competency is considered and executed in the performance of the Scope of Services. Proposers were instructed to reference policies and practices at the organizational level as well as values and behaviors at the individual level that will establish reciprocal relationships that support trustworthy communication within the Project teams and the community.

The Project area includes several Equity Focus Communities (EFCs) in North Hollywood, Burbank, Glendale, and Pasadena and will provide the benefits of enhanced mobility and regional access for transit riders within those communities.

The Project team provided robust stakeholder engagement and focused outreach activities to better engage transit riders and EFCs to inform the planning and environmental review and will continue this robust outreach during design and construction activities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Recommendation supports:

- Strategic Plan Goal 1: Provide high quality mobility options that enable people to spend less time traveling;
- Strategic Plan Goal 2: Deliver outstanding trip experience for all users of the transportation system and
- Strategic Plan Goal 3: Enhance communities and lives through mobility and access to opportunity.

ALTERNATIVES CONSIDERED

The Board may elect not to award and execute the Contract. This alternative is not recommended because the Project requires more experienced personnel for core project and construction management functions than are currently available. The use of PMSS consultant staff provides flexibility with appropriate experience and background needed for specific activities and durations throughout the life of the Project in accordance with the project delivery timeline. Program Management has a continued focus on developing and hiring experienced staff to deliver the project, but these efforts will not provide the staffing resources quickly enough to maintain the project delivery timeline without the resources that are provided by the PMSS contract. As one of Program Management's Strategic Initiatives, Metro has a continued focus on developing in-house personnel and hiring experienced staff to deliver projects and is working toward achieving a 50/50 consultant to Metro staff ratio.

The PMSS contract is required to supply the necessary resources to advance the Project. Metro's Program Management department will undertake a market analysis to evaluate Metro's capabilities to bring the right talent in-house. As the project progresses through design and construction phases,

Metro will continually assess core management competencies of construction, engineering, quality, schedule, budget, and third-party managers to be maintained in house while supplementing these with specialist resources from the PMSS team. Staffing plans will be reviewed regularly to ensure a balance between the consultant and Metro staff. Project leadership will continue to focus on filling open positions within the project's organization and utilize consultants where necessary to deliver the project successfully.

NEXT STEPS

Upon Board approval, staff will execute Contract No. AE10769700000 with Ramos Consulting Services, Inc. for Program Management Support Services.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Anthony DeFrenza, Director, (213) 922-7170
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Carolina Coppolo, Interim Deputy Chief Vendor/Contract Management Officer (213) 922-4471

Reviewed by:
Darcy Buryniuk, Chief Program Management Officer, (213) 922-2250

Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

PROGRAM MANAGEMENT SUPPORT SERVICES (PMSS) FOR NORTH HOLLYWOOD TO PASADENA BUS RAPID TRANSIT (BRT) PROJECT AE10769700000

1.	**Contract Number**: AE10769700000	
2.	**Recommended Vendor**: Ramos Consulting Services, Inc. (Ramos CS)	
3.	**Type of Procurement (check one):** ☐ **IFB** ☐ **RFP** ☒ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: 7/19/2023	
	B. Advertised/Publicized: 7/19/2023	
	C. Pre-Proposal Conference: 8/9/2023	
	D. Proposals Due: 9/21/2023	
	E. Pre-Qualification Completed: 12/19/2023	
	F. Ethics Declaration Forms submitted to Ethics: 9/27/2023	
	G. Protest Period End Date: February 19, 2024	
5.	**Solicitations Picked up/Downloaded**: 210	**Proposals Received**: 4
6.	**Contract Administrator**: **Anush Beglaryan**	**Telephone Number**: **(213) 418-3047**
7.	**Project Manager**: **Anthony Defrenza**	**Telephone Number**: **(213) 922-7107**

A. Procurement Background

This Board Action is to approve Contract No. AE10769700000 issued in support of Program Management Support Services (PMSS) for the North Hollywood to Pasadena Bus Rapid Transit (BRT) Project. Board approval of contract awards are subject to the resolution of any properly submitted protest(s), if any.

The Request for Proposals (RFP) was issued in accordance with Metro's Acquisition Policy and the contract type is task order based, cost reimbursable plus fixed fee.

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

- Amendment No. 1, issued on August 4, 2023, clarified Exhibits and extended the proposal due date from September 7, 2023 to September 14, 2023;
- Amendment No. 2, issued on August 9, 2023, extended the question and answer submittal due date;
- Amendment No. 3, issued on August 30, 2023, extended the proposal due date from September 14, 2023 to September 21, 2023.

Prior to the release of the solicitation, a virtual outreach event was hosted by Metro's Diversity & Economic Opportunity Strategic Outreach Team on April 10, 2023. The event was attended by 239 individuals. The outreach event was held to inform the community of the upcoming BRT Project, contracting opportunities, and to help increase small business participation. On August 9, 2023, a virtual pre-proposal conference was held with a total of 46 individuals in attendance. There were three sets of questions and responses released prior to the proposal due date.

A total of 210 firms downloaded the RFP and were registered in the plan holder's list. A total of four proposals were received on September 21, 2023.

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Metro's Project Management Office, Planning & Development and Program Control was convened and conducted a comprehensive technical evaluation of the proposals received.

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

• Experience/Capabilities of the Firms	35 Points
• Experience/Capabilities of Key Personnel	30 Points
• Project Understanding and Approach	35 Points
	100 Points

The evaluation criteria are appropriate and consistent with criteria developed for other, similar Architectural and Engineering (A&E) procurements. Several factors were considered when developing these weights, giving the greatest importance to the Experience/Capabilities of the Firms and Project Understanding and Approach (35 points shown above) that included a subcriterion of 5 points for proposers' approach to Cultural Competency.

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

Of the four proposals received, three were determined to be within the competitive range and are listed below in alphabetical order:

1. PMCS Group
2. Ramos Consulting Services, Inc. (Ramos CS)
3. TRC Kleinfelder BRT Partners

One firm was determined to be outside the competitive range and was not included for further consideration based on proposal evaluations.

During October 2023, the PET reviewed and scored each proposal. On November 17, 2023, the PET met and interviewed the firms that had been determined to be within the competitive range. The firms' project managers and key team members had an opportunity to present each team's qualifications and firm's understanding of Metro's current strategy to deliver the BRT Project.

Qualifications Summary of Recommended Firm:

Ramos CS demonstrated similar past PMSS experience with BRT projects and has proposed a highly qualified team that possesses public transportation experience. Their proposal provided a thorough understanding of the project and their approach to performing the PMSS work. Their achievement of the highest score for Project Understanding and Approach of 30.67 shown below includes an average score of 4.33 for Cultural Competency.

After evaluation of proposals and interviews, the PET's recommendation in the order of ranking is shown in the table below:

1	Firm	Weighted Average Score	Factor Weight	Average Score	Rank
2	**RAMOS CS**				
3	Experience/Capabilities of the Firms	90.48	35.00%	31.67	
4	Experience/Capabilities of Key Personnel	86.67	30.00%	26.00	
5	Project Understanding and Approach	87.62	35.00%	30.67	
6	**Total**		**100.00%**	**88.34**	**1**
7	**PMCS GROUP**				
8	Experience/Capabilities of the Firms	72.19	35.00%	25.26	
9	Experience/Capabilities of Key Personnel	90.00	30.00%	27.00	
10	Project Understanding and Approach	72.38	35.00%	25.33	
11	**Total**		**100.00%**	**77.59**	**2**
12	**TRC KLEINFELDER BRT PARTNERS**				
13	Experience/Capabilities of the Firms	81.71	35.00%	28.60	
14	Experience/Capabilities of Key Personnel	67.78	30.00%	20.33	
15	Project Understanding and Approach	77.90	35.00%	27.27	
16	**Total**		**100.00%**	**76.20**	**3**

C. Cost/Price Analysis

The recommended not to exceed (NTE) contract amount has been determined to be fair and reasonable based upon review of an independent cost estimate (ICE), cost analysis, technical evaluation, fact finding, and negotiations with the most highly qualified firm in accordance with the A&E qualifications-based procurement process.

The recommended not-to-exceed amount of $46,302,806 is for the five-year base term with two, one-year options as identified below:

Base Years (1-5):		$38,699,165
Option 1	:	$3,787,208
Option 2	:	$3,816,433
Total (Base + Options):		$46,302,806

Proposer Name	Proposal Amount	Metro ICE	Negotiated or NTE amount
Ramos CS	$48,803,838	**$47,779,127**	**$46,302,806**

Staff successfully negotiated $2,501,032 in cost savings from Ramos Consulting CS's proposal.

D. Background on Recommended Contractor

The recommended firm, Ramos Consulting Services, Inc. (Ramos CS), located in Pasadena, CA, has been in business for 15 years and has worked on over 14 BRT projects. Ramos CS has demonstrated successful past similar experience providing PMSS for other major transit projects in Los Angeles County as well as actively working on Metro projects such as the Wilshire BRT Improvements, the Purple Line Extension and I-105 ExpressLanes.

DEOD SUMMARY

PROGRAM MANAGEMENT SUPPORT SERVICES (PMSS) FOR NORTH HOLLYWOOD TO PASADENA BUS RAPID TRANSIT (BRT) PROJECT AE10769700000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 27% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this Task Order solicitation. Ramos Consulting Services, Inc. (RCSI), an SBE firm, exceeded the SBE goal by making a 35.59% commitment and met the DVBE goal with a 3% commitment. As scope and budget are identified for each task order, RCSI will identify its corresponding commitments to listed SBE and DVBE firms.

Small Business Goal	**27% SBE 3% DVBE**	**Small Business Commitment**	**35.59% SBE 3% DVBE**

	SBE Subcontractors	**% Committed**
1.	Ramos Consulting Services, Inc. (SBE Prime)	30.00%
2.	Arellano Associates, LLC	3.64%
3.	Ana Cubas Consulting, LLC	1.95%
4.	Mammoth Associates, Inc.	TBD
5.	Vicus Planning, LLC	TBD
	Total SBE Commitment	**35.59%**

	DVBE Subcontractors	**% Committed**
1.	Casamar Group, LLC	3.00%
2.	Calveda Surveying, Inc.	TBD
	Total DVBE Commitment	**3.00%**

B. Local Small Business Preference Program (LSBE)

The LSBE Preference Program does not apply to Architecture and Engineering procurements. Pursuant to state and federal law, price cannot be used as an evaluation factor.

C. Living Wage and Service Contract Worker Retention Policy Applicability

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

D. Prevailing Wage Applicability

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

E. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

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

Metro

Board Report

File #: 2024-0090, **File Type:** Contract **Agenda Number:** 23.

EXECUTIVE MANAGEMENT COMMITTEE
MARCH 21, 2024

SUBJECT: LONG-TERM ADVERTISING - CULVER CITY STATION

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

APPROVE a long-term advertising purchase, up to 12 months, at Culver City Station from Max (formerly HBO), generating $616,000 estimated net revenue for Metro. This is not a title sponsorship and will not affect Culver City Station's title nor the adjacent private property's title, Ivy Station.

ISSUE

In compliance with the Commercial Sponsorship and Adoption Policy ("Attachment A"), staff requests approval of long-term advertising and activity by Max at the Culver City Station on the Metro E Line (Expo). Approval of this long-term advertising purchase will authorize Metro's rail advertising broker, Intersection, to manage the extended 12-month purchase and advertising activities stated in this report.

BACKGROUND

In February 2021, the Metro Board approved the Commercial Sponsorship and Adoption Policy. The Sponsorship Policy provides a structured framework and well-defined process to engage in commercial sponsorships as an extension of revenue advertising. This encompasses the definition of sponsorship models, terms and durations, the identification of eligible agency assets, sponsor eligibility and responsibilities, the proposal process, and the criteria used for evaluation for Metro to conduct revenue sponsorship business aligned with the System Advertising Policy ("Attachment B").

Since its adoption, the Sponsorship Policy has enabled the agency's sponsorship deals with Door Dash, Max/HBO, and Adventist Health. Max, formerly Home Box Office (HBO), or MAX, relocated their corporate headquarters to Ivy Station in 2021, adjacent to the Culver City Station on the E Line. To announce their presence in the neighborhood, Max purchased an exclusive station buyout from fall 2021 to fall 2022. Max's buyout excludes any other entertainment studio or content streamer from displaying static or digital advertising at the station. Max views the activated station as an extension of their headquarters and continued the buyout for a second year in 2022-2023 (Metro board approved this sale in early 2022); they are requesting to continue the activation for a third year,

extending into late 2024.

DISCUSSION

Ivy Station is a mixed-use transit-oriented development that provides retail, office, hotel, and residential uses surrounding a large central open space conveniently served by light rail and bus transit. The proximity of Metro's Culver City station to Max's headquarters at Ivy Station presents a unique opportunity where private and public spaces effortlessly commingle. The station design, close proximity, and engaging Max visual content are in harmony - creating an engaging station activation. For Max, the activation provides high visibility and exposure of their brand and service; for Metro, the activation provides an engaging and memorable experience for commuters while generating revenue.

Activation techniques for year three will see similar execution from previous years, including wrapping station elements such as columns, pillars, trestles, escalator exterior walls, and wallscapes via direct decal to the surfaces of station property. As part of the digital ad program, digital screens have also been deployed at this station and used in this campaign. To promote their expansive content offerings, station wraps are exchanged roughly every 10 weeks - leaving little time for vandalism or graffiti incidents to occur. Within the 12-month duration, creative content may be updated at Max and Intersection's discretion. All creative content will comply with Metro's System Advertising Policy and be vetted by the Content Advertising Committee. (Attachment C - Max Advertising-Culver City Station)

DETERMINATION OF SAFETY IMPACT

The advertising vendor will install advertising following Metro's Rail Safety Policy and Guidelines to ensure the safety of Metro's riders and employees.

FINANCIAL IMPACT

There is no negative financial impact with the approval of this item. Commercial Advertising and Sponsorships are revenue-generating programs and do not incur capital costs to Metro. Metro will receive a 70% revenue share, approximately $616,0000, and the contractor will receive a 30% revenue share, approximately $264,000, from the total gross sale of $880,000.

The project manager and the accounting department will be responsible for monitoring performance, compliance, costs, and resources in support of this task. Since this sale will extend over two fiscal years into FY25, the program manager, cost center manager, and Chief Customer Experience Officer will ensure all project resources are budgeted in the next fiscal year.

Impact to Budget

Commercial Advertising and Sponsorship revenues are eligible for operating budget from enterprise funds.

EQUITY PLATFORM

While some locations of the Metro system receive more advertising activity and generate more sales, the revenues are eligible to be allocated to all areas of Metro's bus and rail system. The media purchase at this station has been a catalyst for other buyers, generating more revenue from advertising and sponsorships - creating a reliable funding source for agencywide initiatives.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The revenue advertising program supports the Strategic Plan by fulfilling Goal 5 in providing responsive, accountable, and trustworthy governance within the Metro organization, exercising good public policy judgment and fiscal stewardship by monetizing Metro's capital assets to generate non-tax revenues.

ALTERNATIVES CONSIDERED

The Board may choose not to approve this long-term advertising request; however, this is not recommended. Metro would be turning away up to $616,000 of estimated revenue earnings from an individual station and miss other locally relevant opportunities to generate unrestricted local funding.

NEXT STEPS

Upon Board approval, staff will authorize the advertising broker to complete the advertising sale and begin executing the long-term media placement with Max and Culver City Station on the E Line.

ATTACHMENTS

Attachment A - Commercial Sponsorship and Adoption Policy
Attachment B - System Advertising Policy
Attachment C - Max Advertising-Culver City Station

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Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

Commercial Sponsorship and Adoption Policy

POLICY STATEMENT

Commercial Sponsorship and Adoption is a form of advertising in which entities will compensate Metro in order to be associated with certain Metro facilities, services, programs, or events. Compensation to Metro can include, but is not limited to: monetary payments; resources and finance; payment-in-kind; value-in-kind to develop new facilities, services, programs, or events; or, funding to operate and enhance existing facilities, services, programs, or events.

Through implementation of the Commercial Sponsorship and Adoption Policy ("Policy"), Metro seeks to establish guidelines to execute a responsible and consistent process regarding Sponsorship and Adoption business activities. Metro's Communications department administers the Commercial Sponsorship and Adoption Program ("Program") as part of its overall responsibility of revenue-generating advertising and Metro's overarching goal of partnering with businesses on activities that can increase mobility and brand awareness for customers in the Los Angeles region.

As sponsorship is a form of advertising, the Program will adhere to Metro's System Advertising Policy (COM 6) and apply the same content restrictions in considering sponsors' core business, brand, and services. Commercial Sponsorship and Adoption may impact Metro facilities, services, programs, amenities, or events. As Metro facilities, services, programs, and events have already been named, the program will also adhere to Metro's Property Naming Policy (COM 11) and apply the same public outreach processes and principles pertaining to area location, neighborhood identity and system legibility in considering sponsors' core business, brand, and services.

PURPOSE

Through implementation of this Policy, Metro seeks to establish guidelines regarding Commercial Sponsorship and Adoption of Metro services, facilities, amenities, programs, and events.

Goals and Principles

This Policy will set direction for how Metro plans and implements Commercial Sponsorship and Adoptions on the Metro system. Specific Program goals include, but are not limited to:

- **Generate long-term revenues to support agency programs and initiatives**
  Metro has the fiscal responsibility to maximize the utilization of available resources effectively and efficiently to create long-term, agency-generated revenues. Furthermore, diversifying Metro's revenue sources prepares the agency for future economic shortfalls and unexpected agency impacts.

- **Enhance service and/or amenities that improve customer experience**
  Partnerships with local businesses and entities may offset costs of desired customer amenities, such as technology (Wi-Fi, mobile charging stations), commerce (vending kiosks, retail), and convenience (food trucks, parcel pickup). These partnerships allow Metro to focus on operating a world-class transit system while specialist(s) provide amenities enhancing the customer experience.

- **Position corporate social responsibilities towards equity-focused communities**
  Metro can create more opportunities to promote small, disadvantaged, and disabled veteran business enterprises through commercial programs by allowing them involvement in the system. Concurrently, corporate entities may provide equity opportunities to communities through Metro's program.

PROCESS AND PROCEDURE

Eligible Agency Assets

Metro is the transportation planner and coordinator, designer, builder, and operator of a large and expanding transit system. The infrastructure capital investment and other assets are significant within Metro's county-wide system of bus, rail, and other services; property portfolio; numerous facilities; programs and events. The various facilities, programs, and services that may be eligible for sponsorships and adoption are:

- **Facilities** – Any rail station or bus stop, parking lots and parking structures, regional facilities, maintenance buildings and other structures, Metro headquarters building, and any other property owned, leased, managed, or operated by Metro. Example facilities include Pico Station, Sierra Madre Villa parking structure, and El Monte bus station.
- **Transit Services** – Any light & heavy rail lines, bus service lines & routes, transitway service lines & routes, and any mode of transit service owned, leased, managed, or operated by Metro. Example transit services include A Line, E Line, and Dodgers Stadium Express.

- **Programs** – Selected established Metro-operated effort/initiative for the benefit of customers and communities that Metro serves, generally in the form of customer service actions and functions. Example programs include Freeway Service Patrol and Metro Micro.
- **Events** – Selected one-time, seasonal, or annual event initiated, partnered with, coordinated by, or conducted by Metro. Example events include Older Adult Expo and Faith Leaders Roundtable.

Program Models

Metro will engage in two types of program models, Adoptions and Sponsorships. Within these two models, proposals may include customized packages of varying marketing techniques and tactics; combine financial payments and value-in-kind amenities; or only provide financial payments or value-in-kind amenities. Metro defines amenities as selected resources, features, or utility that may provide additional enhancement to an established Metro facility, station, or stop. Examples amenities may include technologies such as mobile data and Wi-Fi services, commerce such as retail and vending machines, and convenience such as restrooms.

- **Adoption** - A partnership between Metro and a third party, which provides benefit to Metro riders in the form of sponsored amenities, services, equity opportunities, and customer experience improvements. In an Adoption, third parties may provide resources and/or financing, payment-in-kind, or value-in-kind to develop operating or new facilities, services, programs, or events. Examples: providing free Wi-Fi to a particular station, funding additional maintenance to a particular station.

- **Sponsorship** - A partnership between Metro and a third party, which provides benefit to Metro in the form of financial payments - revenues from sponsorships may be directed towards Metro programs and initiatives. In a Sponsorship, a third party may provide resources and funding, payment-in-kind, or value-in-kind to develop operating or new facilities, services, programs, or events. Examples: temporary station name take-over, long-term media buyouts of a particular station or facility.

Terms and Durations

Sponsorships and Adoptions can take on various forms of advertising in which companies contract with Metro to associate their name, identity and branding with facilities, services, programs or events. Metro may engage in Temporary and Long-Term Sponsorships/Adoptions that provide value and benefit both parties.

- **Temporary** – Sponsorship/Adoption/Advertising activity lasting up to ninety consecutive days — temporary commercial activity is within CEO’s approval

authority. Contractor shall not allow or authorize any single advertiser to engage in Station Domination of a single station for a period of more than 90 consecutive days. Immediately following the period of Station Domination by an advertiser, said advertiser shall not be permitted to engage in Station Domination of that same station for at least 90 consecutive days.

- **Long-term** – Sponsorship/Adoption/Advertising activity lasting greater than ninety consecutive days with a maximum length of 10 years — all long-term commercial activity require Board reviewed and approval. The renaming of a facility or station requires a minimum five year commitment. Additionally, any activity affecting facility/station/service names requires Board notification: short-term renaming/co-naming requires Board notification while long-term renaming/co-naming requires Board approval.

Eligibility and Criteria

In line with Metro's System Advertising Policy (COM 6), business entities selling products or services in the prohibited categories will not be considered for participation in the Program including Alcohol, Tobacco and Electronic Cigarettes, Adult Entertainment and Content, Arms/Guns and Weapons, Political Parties, Political Groups, Political Organizations, and Political Candidates or Campaigns, causes (including Religious Groups and Religious Associations, social advocacy groups, lobbyist, etc), or any other category prohibited by COM 6.

Metro shall consider Sponsorships and Adoptions with qualified entities meeting these criteria:

- Businesses already established in the U.S. or have fulfilled all legal requirements and compliance to establish a business within the United States;
- Businesses must establish current financial stability as well as financial stability for the five years prior to proposal submission;
- Businesses with current responsible practices and positive business history within the last five years prior to proposal submission;
- Businesses with satisfactory record of contractual performance within the last five years prior to proposal submission;
- Businesses must not have been awarded a Metro contract as a prime contractor six months prior to proposal submittal. Businesses will also not be considered for Metro contract as a prime contractor six months following proposal submittal.

Proposal Review Committee

A Proposal Review Committee will be established to review and vet each proposal submitted to the agency. The Proposal Review Committee will be managed by

Marketing with concurrence from the Chief Communications Officer and will be composed of stakeholder departments to provide feedback and advisory recommendations for Board review and approval. Committee members may include, but are not limited to the following:

- **Compliance Panel** - The Compliance Panel ensures interested sponsors are in compliance with Metro policies and neither discriminate nor pose a conflict of interest. The Compliance Panel does not score the proposal, instead providing review and comment on the sponsoree, the Compliance Panel may include:
    - Civil Rights
    - Ethics
    - Legal Counsel
    - Office of Inspector General
    - Vendor/Contract Management

- **Evaluation Panel** - The Evaluation Panel reviews and scores each proposal based on the Evaluation Criteria. The Evaluation Panel may be composed of scoring members, and non-scoring members that provide comments but do not participate in scoring; comments and recommendations are submitted to the CEO and Board for final review and approval, the Evaluation Panel may include:
    - Communications (Arts & Design, Community Relations, Marketing, Public Relations)
    - Countywide Planning (Real Estate, Systemwide Design)
    - Customer Experience
    - Equity & Race
    - Respective Asset or Program Owner

Evaluation and Criteria

If a business meets all Eligibility and Criteria, Metro will take into consideration the financial offers and implementation proposals. The Proposal Review Committee will score proposals based on the following evaluation criteria:

- Alignment with Metro's existing brand and agency mission, themes, and priorities
- Innovative sponsorship and business plan(s) that address value-transfers and potential customer experience enhancements
- Reach of cross promotion between Metro and Sponsor/Adoptee, providing Equity Opportunity activities for Metro communities and riders
- Financial offer, including total value and duration, payment options, and package offerings
- Determination of conflicts of interest based on other business activities with Metro

Corporate Responsibilities
All costs related to Sponsorship/Adoption activities of an existing facility, service, or program – including, but not limited to, the costs of replacing affected signage and customer information collateral, Metro materials, media materials, and Metro staff labor – shall be borne by the Adoptee/Sponsor.

Metro expects Sponsorship and Adoption partners to remain in good financial stability and to conduct responsible business practices for the duration of granted Sponsorship/Adoption. Metro may terminate granted Sponsorship/Adoption with partners who fails to maintain these financial and business requirements.

All granted Sponsorship/Adoption must respect and adhere to Metro's System Advertising Policy and Metro's Property Naming Policy.

Equity Opportunity and Community
Metro's mission is to provide a world-class transportation system that enhances quality of life for all who live, work and play within LA County. Under its Equity Platform, Metro recognizes that access to opportunities – including housing, jobs, education, mobility, and healthy communities – is critical for enhanced quality of life. Metro also recognizes that vast disparities exist in access to opportunities and strives to identify and implement projects or programs that reduce and ultimately eliminate those disparities.

Sponsors must include Equity Opportunity in each proposal - which will be scored in the Evaluation Criteria; however, sponsors should consider the qualitative engagement rather than the quantitative engagement within their proposal. While Metro sponsorships will vary, all sponsorships must advance Metro's mission by supporting Equity Opportunity to:

- Increased access to opportunities
- Removal of barriers to access
- Partnership with local communities

Acceptable partnerships will vary. Examples include, but are not limited to:

1. Connecting communities to healthy food especially when they lack such options via the provision of gift cards to grocery stores or health snacks at a community event
2. Promoting safety in high injury areas via bike helmet or bike safety light giveaways
3. Supporting community events via hosting a Wi-Fi hot spots or cooling station

Process and Implementation
Metro may negotiate Sponsorships and Adoptions directly or contract with outside specialist(s) to liaise, negotiate and manage Sponsorships.

Metro's Right of Rejection
Metro and its authorized sponsorship specialist(s) will screen all proposals, Metro reserves the right to reject any Sponsorships submitted for consideration. Decisions regarding the rejection or termination of Sponsorships are made by Metro's Chief Communications Officer or their designee based upon the criteria in this Policy.

System Integration
Metro has an established transit system with known nomenclature, customer information, and service names, thus, coordination with stakeholder departments will be critical to:

- Conclude acceptable enhancements to system facilities affecting customer experience - such as station identity and signage wayfinding.
- Establish reasonable implementation schedules and deliverables - such as those affecting operational logistics in stations, trains, and buses; fabrication logistics such as signage; and customer information materials.

Public Information
All granted Sponsorship/Adoption are subject to the provisions of the California Public Records Act (California Code Government Code §6250 et seq.), including monies paid to Metro.

Metro

COMMUNICATIONS
Metro System Advertising

(COM 6)

1.0 GENERAL

The display of commercial advertising to generate revenue carries with it a responsibility to protect Metro from potential litigation, preserve its nonpublic forum status, and to recognize the potential association of advertising images with Metro services. The agency addresses these issues through the responsible, consistent, and viewpoint neutral application of its advertising policy.

The policy's purpose is to clearly define the use of Metro's advertising space fulfilling the following important goals:

- Maximize advertising revenue and preserving the value of the advertising space;
- Maintain a position of neutrality and preventing the appearance of favoritism or endorsement by Metro;
- Prevent the risk of imposing objectionable, inappropriate or harmful views on a captive audience;
- Preserve aesthetics and avoiding vandalism;
- Maximize ridership and maintaining a safe environment for riders and the public;
- Avoid claims of discrimination and maintaining a non-discriminatory environment for riders;
- Prevent any harm or abuse that may result from running objectionable, inappropriate or harmful advertisements;
- Reduce the diversion of resources from transit operations that is caused by objectionable, inappropriate or harmful advertisements;
- Preserve Metro's business reputation as a professional, effective, and efficient provider of public transit services.

Governmental entities may advance specific governmental purposes through advertising under this policy.

Los Angeles County contains significant tourism destinations accessible through public transportation, which may be promoted under this policy.

Metro uses designated areas on its properties to directly provide transit and agency information to the public.

2.0 POLICY

2.1 Permitted Advertising Content

<u>Commercial Advertising</u>

Metro will only accept paid commercial advertising that proposes, promotes, or solicits the sale, rent, lease, license, distribution or availability of goods, property,

products, services, or events that anticipate an exchange of monetary consideration for the advertiser's commercial or proprietary interest, including advertising from tourism bureaus, chambers of commerce or similar organizations that promote the commercial interests of its members, and museums that offer free admission to the public.

A. Metro's policy that it will accept only commercial advertising applies regardless of whether the proponent is a commercial or nonprofit organization. To determine whether an ad qualifies as commercial, Metro considers the following nonexclusive factors: (a) whether a commercial product or service is apparent from the face of the ad; (b) whether the commercial product or service is incidental to the public interest content of the ad; (c) whether the sale of commercial products or services is the primary source of the advertiser's total annual revenue; and (d) whether the advertiser is a for-profit entity.

B. This exclusion does not apply to Government Advertising below.

Government Advertising

Metro will accept advertising that advances specific government purposes from a federal, State of California, or Los Angeles County local governmental entity. The governmental entity must be clearly identified on the face of the advertising.

2.2 Prohibited Content and Subject Matter

Metro retains content control of advertising on the transit system by restricting content; content described below may not be displayed on the Metro transit system and/or agency assets:

- **Alcohol and Spirits** – Imagery of open or closed alcoholic containers, consumption of any alcohol and spirits, or alcohol product brands is prohibited and may not be shown. Services and events for food and beverage, including alcohol and wine events may be shown if the image is compliant with the restrictions stated herein.

- **Tobacco, Vaping and Cannabis** – Imagery that portrays, simulates, or encourages recreational smoking, vaping, or ingesting of tobacco, cannabis, or similar products is prohibited. Services and events for cannabis products, services, and events are prohibited and may not be shown.

- **Illegal Activity** – Content that promotes or relates to an illegal activity

- **Violence** – Images, copy or concepts that promote guns/firearms or gun violence, or that depict weapons or other devices in an act of violence or harm on a person or animal, or contain any material that incites or encourages, or appears to incite or encourage, violence or violent behavior.

- **Obscene Matter** – Obscene matter as defined in the Los Angeles County Code, Chapter 13.17, Section 13.17.010, or sexually explicit material as defined in the Los Angeles County Code, Chapter 8.28, Section 8.28.010D.

- **Indecency** – Images, copy or concepts that describe, depict, suggest or represent sexual or excretory organs or activities in a manner that a reasonably prudent person, knowledgeable of Metro's ridership and using prevailing community standards, would find inappropriate for the public transit environment, including persons under the age of 18.

- **Adult Entertainment and Content** – Content that promotes or displays images associated with adult bookstores, video stores, dance clubs, or other adult entertainment or sexually-oriented establishments, telephone services, internet sites, films, video games, escort services, etc.

- **Adult Rated Media** – Adult/mature rated films, television, video games, or theatrical presentations, such as adult films rated "X" or "NC-17" or video games rated "AO."

- **Profanity** – Contains any profane language.

- **Political Speech** – Advertising that promotes or opposes (a) a political party; (b) any person or group of persons holding federal, state or local government elected office; (c) the election of any candidate or group of candidates for federal, state or local government offices; or (d) initiatives, referendums or other ballot measures.

- **Public Issue Speech** – Advertising that primarily expresses or advocates an opinion, position or viewpoint on a matter of public debate about economic, political, public safety, religious or social issues. This exclusion does not apply to Government Advertising under 2.1.

- **Religion** – Promotes or opposes any identifiable or specific religion, religious viewpoint, belief, message, or practice.

- **Unsafe Transit Behavior** – Contains images, copy or concepts that depict unsafe behaviors aboard buses or trains, or in or around transit stations or railroad tracks.

- **Injurious to Metro's interests** – Promotes products, services or other concepts that are adverse to Metro's commercial or administrative interests. Prohibited content includes but is not limited to images, copy or concepts that actively denigrate public transportation.

- **Metro's Endorsement** – Contains images, copy or concepts that inaccurately state or imply Metro's endorsement of the subject of the advertisement.

- **Harmful or Disruptive to Transit System** – Contains material that is so objectionable as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.

- **Symbols** - Miscellaneous characters, images or symbols used as a substitute for prohibited content.

2.3 Metro's Government Speech

The provisions of this policy do not apply to Metro's government speech, which includes advertising sponsored solely by Metro or by Metro jointly with another entity to communicate any message deemed appropriate by Metro.

2.4 Metro's Right of Rejection

Metro, and its advertising vendors, will screen and review all advertising content on the transit system, and in all contracts Metro reserves the right to:

- Reject any advertising content submitted for display on its properties; and/or
- To order the removal of any advertising posted on its properties.

Decisions regarding the rejection or removal of advertising are made by the Metro Marketing Executive or their designee based upon the criteria in this policy.

Disclaimer of Endorsement: Metro's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products,

services, information or viewpoints contained therein, or of the advertisement sponsor itself.

2.5 Informational Advertising

Metro has several unique distribution channels at its disposal for disseminating transit information for which it incurs no “space” cost (the fee charged for advertising space). Informational advertising space is limited and reserved exclusively for Metro transit information. All messages and materials distributed by this means are prepared, approved and/or authorized by the Marketing Executive or their designee.

Acceptable information for these distribution channels is categorized as follows:

2.5.1 Transit Information

Transit information includes, but is not limited to: campaigns promoting ridership, service features and changes, fare information and changes, safety and security messages, maps and explanations of related transportation services.

2.5.2 Cross-Promotional Information

On an occasional basis and only when space is available, Metro’s Marketing Department may use Metro’s distribution channels to participate in cross-promotional opportunities (a cooperative partnership in which Metro and one or more entities work together with the goal of jointly promoting their respective services) that offer a direct opportunity to promote use of transit. Any materials distributed for this purpose must prominently include promotion of Metro services (e.g., Metro Ridership Promotion such as, “Go Metro to CicLAvia”). Metro is prohibited by law from donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro’s Marketing Department, provide an equivalent or greater value in cross-promotional benefits (i.e. advertising space, editorial space, etc.).

2.5.3 “Added Value” Materials

On an occasional basis and only when space is available, Metro’s Marketing Department may use Metro’s distribution channels to provide

"added value" materials to its riders. Such materials must present a specific and time-dated offer uniquely provided for Metro bus and Metro Rail riders (generally a money-saving discount) in which transit can be used to access the redemption point. Any materials distributed for this purpose must prominently include the Metro logo and other wording approved by Metro's Marketing Department to indicate that the offer is specifically designed for Metro bus and Metro Rail riders. Metro is prohibited by law from simply donating advertising space to any entity for purposes that are not directly transit-related.

The outside organization involved must either bear the cost of producing such materials or, if approved by Metro's Marketing Department, provide an equivalent or greater value in cross-promotional benefits (e.g., advertising space, editorial space, etc.). Any added value programs must be approved by the Marketing Executive, or their designee based upon the criteria in this policy statement.

2.6 Advertising Vendors

Metro may contract with outside vendors to sell and display advertising on its transit system and related properties for the sole purpose of generating revenue. Vendors for such contracts are solicited through competitive bids, which must conform to Metro's procurement procedures and be approved by Metro's Board of Directors.

Such agreements may dedicate up to, but no more than 90% of the available space covered by the contract for commercial advertising, reserving the remaining available space for Metro's own transit-related information. This percentage of available space, and the remaining percentage of space held for Metro's information, will be negotiated as part of any contract with an outside advertising space vendor.

2.7 Placement of Advertising

Locations for commercial advertising may include, but are not limited to: the exterior and interior of all Metro's transit fleet (buses, trains, rideshare cars, and non-revenue cars); the exterior and interior of all Metro's stations and hubs (rail and bus stations, bus stops, and mobility hubs); digital channels (agency websites, mobile apps, and social media channels); printed materials (brochures, timetables); Metro property (buildings, facilities and parking structures); and any other location approved by Metro's Marketing Executive. Metro and its advertising contractors will obtain necessary permits as required to comply with local jurisdiction. Specific locations and properties may be exempt and excluded,

in which case Marketing will coordinate with the agency project manager as advertising inquiry arises.

2.7.1 Graphics on Window and Glass

To ensure the safety and security of passengers, operators and law enforcement officers, advertising displays which employ window graphics are restricted from fully obscuring the window surfaces on any Metro vehicles (trains, buses, ride share, and non-revenue vehicles). The front window, however, may not be covered in any manner.

If an advertising display employs window graphics, the materials must be perforated with a 50/50 coverage-to-visibility ratio. The perforated material applies to all glass surfaces such as vehicle windows, buildings windows, and glass elevators. Metro may provide materials and technical specifications to each vendor.

3.0 PROCEDURES

Action By:	Action:
Advertising Vendors	Sell, post and maintain all commercial advertising on Metro properties. All proposed transit advertising must be submitted to the Advertising Vendor for initial compliance review. The Advertising Vendor will perform a preliminary evaluation of the submission to assess its compliance with this policy. If, during its preliminary review of a proposed advertisement, the Advertising Vendor is unable to make a compliance determination, it will forward the submission to the Metro's advertising panel for further evaluation. The Advertising Vendor may at any time discuss with the entity proposing the advertisement one or more revisions to an advertisement, which, if undertaken, would bring the advertisement into conformity with this Advertising Policy. The Advertising Vendor will immediately remove any advertisement that Metro directs it to remove.
Metro Advertising Panel	Metro's advertising panel will review the proposed advertisement for compliance with the guidelines set forth in this policy and will direct the Advertising

	Vendor as to whether the proposed advertisement will be accepted. In the discretion of the advertising panel, any proposed transit advertising may be submitted to Metro's Marketing Executive for review.
Metro's Marketing Executive	Metro's Marketing Executive or designee will conduct a final review of proposed advertising at the request of Metro's advertising panel. The decision of the Marketing Executive to approve or reject any proposed advertising shall be final.
Metro Advertising Panel and Marketing Executive	Metro's advertising panel or the Marketing Executive may consult with other appropriate Metro employees, including Metro's legal counsel, at any time during the review process.

4.0 PROCEDURE HISTORY

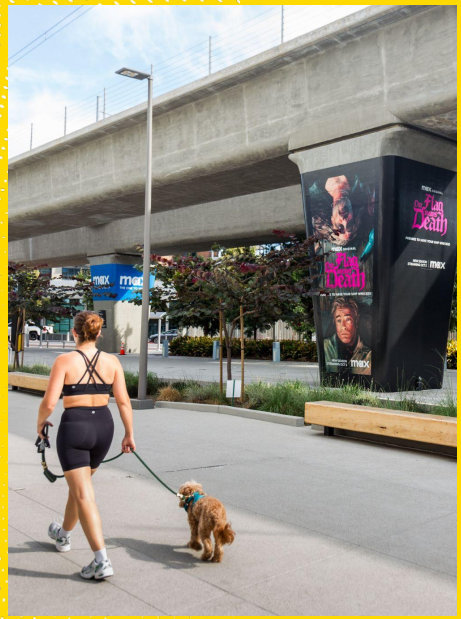
03/23/00	Original policy adopted by Metro's Board of Directors.
01/27/05	Policy amended by Board of Directors to permit advertising on Metro Rapid vehicles.
09/26/08	Biennial review and update. Policy updated to include Board of Directors amendment to permit all forms of non-traditional advertising displays as well as advertising on rail car exteriors and other types of transit service with the exception of Orange Line vehicle exteriors.
6/27/13	Content Guidelines amended by Metro's Board of Directors to add an exception for non-profit organizations pertaining to the non-commercial advertising prohibition, and to expand language regarding various other types of prohibited content.
12/5/13	Content guidelines amended by Metro's Board of Directors to prohibit messages that are injurious to Metro's interests and to clarify restrictions regarding vulgarity.
02/23/17	Review and update: Board approved, Feb. 23, 2017 (Item 40). Streamlined policy for an easier read; removed defined vinyl window graphics prohibitions: now just may not fully wrap a bus; added definitions; clarified outreach channels; may advertise on Orange Line vehicles;

added items to advertising ban; removed “wine festival” advertising allowance; advertising may not engage in public debate.

04/27/2023 Significant Policy changes and edits including Elimination of government sponsored ad exception for non-commercial ads (Exception 2); clarification that Commercial Advertising is the only permitted form of advertising, unless advertiser is a federal, state, LA County governmental entity, or Metro; inclusion of: Revised Policy Purpose statement and objectives and Disclaimer of Endorsement; excludes advertising that “expresses or advocates an opinion, position or viewpoint on a matter of public debate”; and general reorganization and clarification.

HBO Culver City Station Domination

Los Angeles



Intersection

Culver City Station
HBO “Best of”
Showcase 2023








max
THE ONE TO WATCH
HBO ORIGINAL
THE GILDED AGE
NEW SEASON STREAMING OCT 27 | max
INTRODUCING max
START STREAMING MAY 23
jason clarke is
west.
HBO ORIGINAL
WINNING TIME
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adrien brody is
riley.
HBO ORIGINAL
WINNING TIME
NEW SEASON STREAMING AUG 6 | max
NEW SEASON STREAMING AUG 6


America Ferrera
Barbie
Will Ferrell
Please call me mother.
NOW STREAMING EXCLUSIVELY ON
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Culver City
Barbie
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SUCCESSION
MAR 26 HBOmax
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Metro
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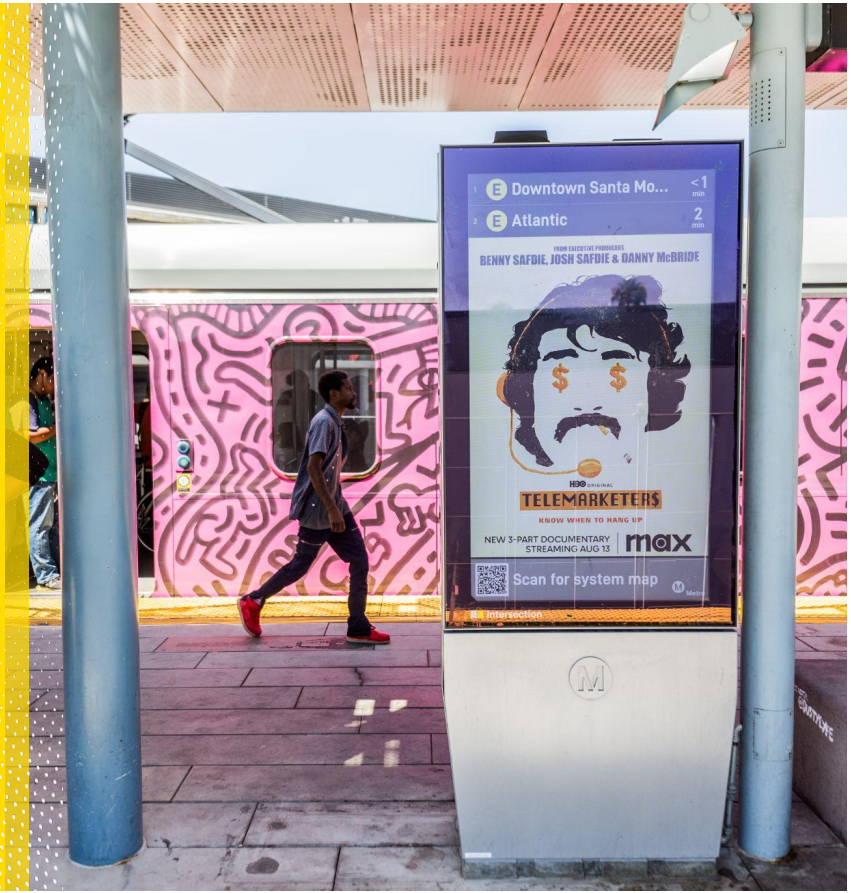
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FROM EXECUTIVE PRODUCERS
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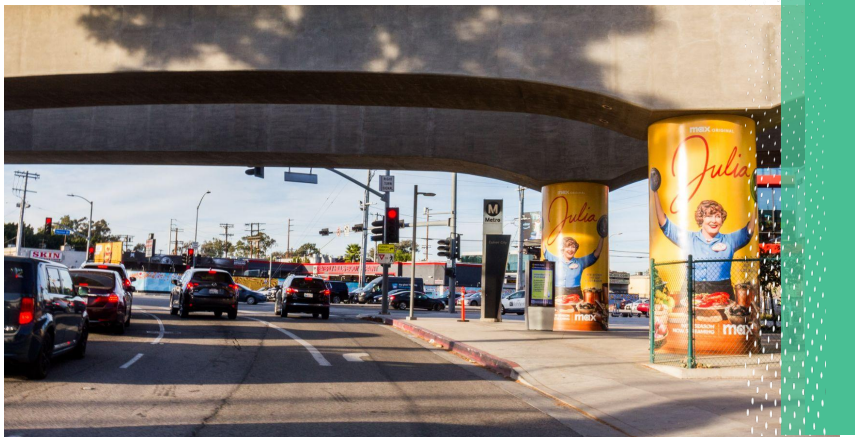
HBO ORIGINAL
TELEMARKETER$
KNOW WHEN TO HANG UP
NEW 3-PART DOCUMENTARY
STREAMING AUG 13
max
Scan for system map
Intersection


Julia
HER KITCHEN JUST GOT A LOT BIGGER
NEW SEASON NOW STREAMING
max


Julia
HER KITCHEN JUST GOT A LOT BIGGER
NEW SEASON NOW STREAMING
max


Julia
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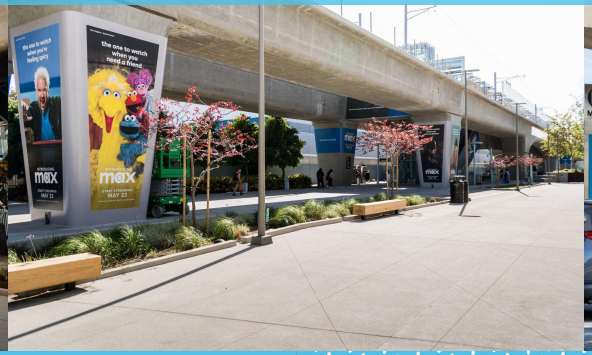
Culver City Station
Media Maps



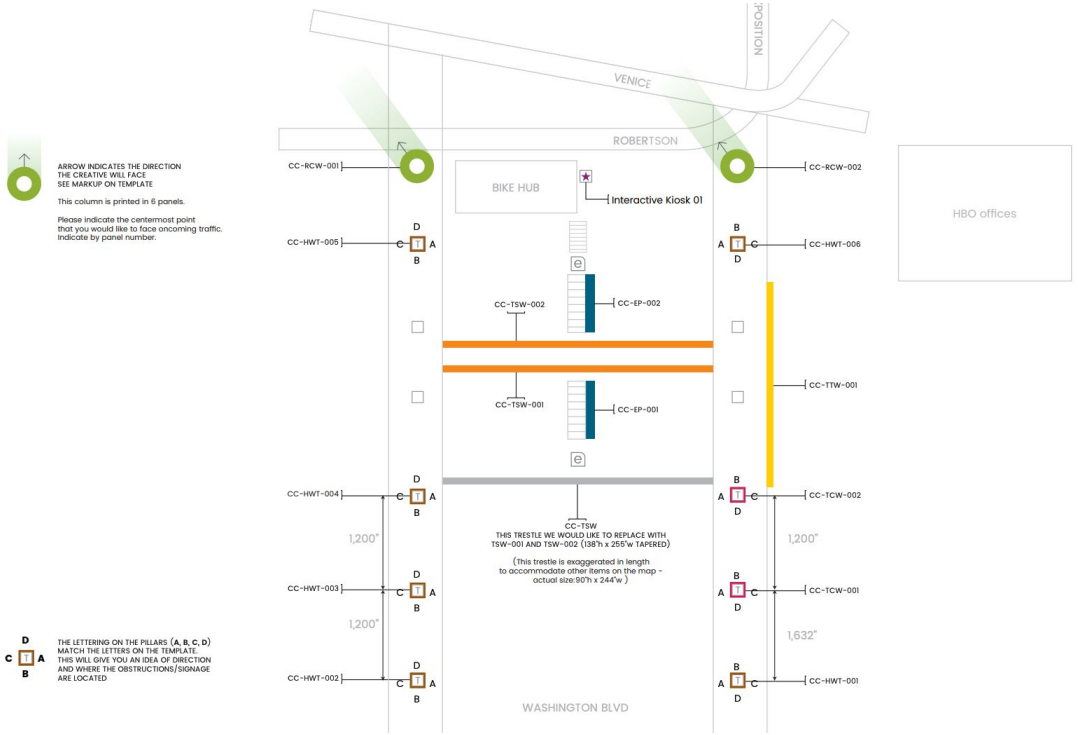




Culver City Station
Street Level

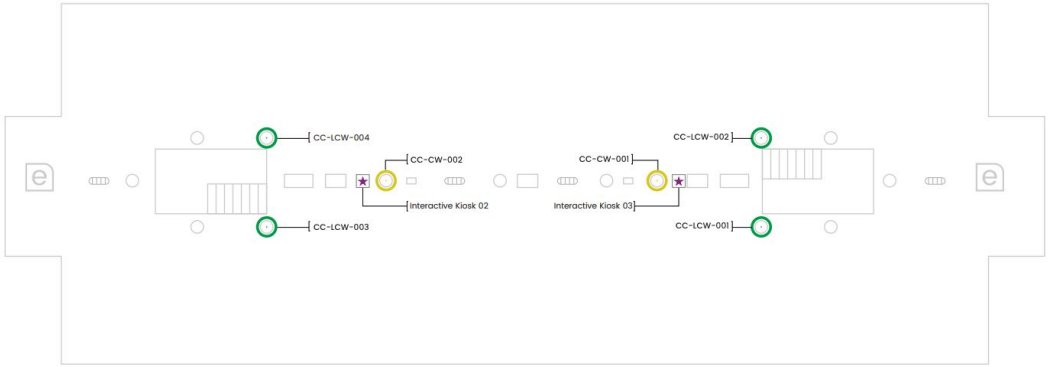
Legend

- Column Wrap
- Half Wrap Tapered Column
- Trestle Soffit Wrap
- Tapered Column Wrap
- Escalator Panel
- Train Trestle Wrap
- Digital Kiosk



Template note: Map and unit quantities subject to change. Review most recent version before developing creative.

Culver City Station
Street Level



Legend

Large Column Wrap	
Small Column Wrap	
Digital Kiosk	

Template note: Map and unit quantities subject to change.
Review most recent version before developing creative.

Intersection

Thank You

470 Park Ave South
Floor 10
New York, New York 10016
intersection.com



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

File #: 2023-0494, **File Type:** Contract **Agenda Number:** 25.

**OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024**

SUBJECT: CONSULTANT SUPPORT SERVICES FOR NEW HR5000 HEAVY RAIL VEHICLE (HRV) PROCUREMENT

ACTION: APPROVE AWARDS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

A. AWARD Contract No. PS11758001 with Hatch Associates Consultants, Inc. for Element A, Consultant for Heavy Rail Vehicle Acquisition, Technical Support Services, in the not-to-exceed amount of $23,072,507.51, for a period of 87 months from issuance of a Notice to Proceed, subject to the resolution of any protest(s), if any;

B. AWARD Contract No. PS11758002with AtkinsRealis USA Inc. for Element B, Consultant for Heavy Rail Vehicle Acquisition, Program Management Support Services, in the not-to-exceed amount of $11,263,545.59, for a period of 87 months from issuance of a Notice to Proceed, subject to the resolution of any protest(s), if any; and

C. APPROVE a combined Life of Project (LOP) budget of $47,530,870.10, which includes the cost of the two professional services contracts of $34,336,053.10, Metro administration cost of $8,873,829, and Contract Modification Authority of $4,320,988.

ISSUE

The recent procurement of 182 new HRVs will support the operational service requirements of Section 2 and Section 3 of the Purple Line Extension and augment service levels by replacing the aging 74 Option Order A650 HRVs.
However, Metro does not have sufficient resources and subject matter experts available to review all elements of this contract. Therefore, Technical and Program Management consultant support is needed to augment Metro's staff to ensure timely delivery of the HR5000 HRVs and associated deliverables. Due to the complexity of managing a new vehicle procurement, the consultant services will be split into two elements to be awarded to two separate firms. This approach has been used to successfully manage multiple past rail vehicle procurement contracts at Metro

BACKGROUND

In January 2024, the Board authorized the award of the HR5000 vehicle procurement contract to the Hyundai Rotem Company. Metro will require Technical and Program Management Support Services to provide oversight of Hyundai Rotem to review and facilitate the timely delivery of the HR5000 HRVs and associated deliverables. Timely delivery is critical for this contract, with 42 HRVs required to be delivered by the 2028 Olympics and Paralympic Games.

. A Request for Proposals (RFP) was issued to solicit proposals for Technical Support Services (Element A) and Program Management Support Services (Element B) to support the delivery of the HRV contract.

DISCUSSION

Hatch Associates Consultants, Inc (Hatch) and AtkinsRealis USA Inc. (Atkins)were found to represent the Highest Rated and Best Value to Metro when all experience and price factors are considered in accordance with the RFP criteria. The Procurement Summary (Attachment A) further provides the detailed evaluation results and rankings for all proposers, including the weighted scores associated with each evaluation factor for each Element.

For the Technical Support Services (Element A), Hatch was found to have the highest rated and best value offer. The Element A scope of services shall include, but not be limited to, reviewing and preparing correspondence in response to technical submissions; support of Project Reviews; document control; test and inspection activity oversight; and other technical support services as directed by Metro.

For the Program Management Services (Element B), Atkins was found to have the highest rated and best value offer. The Element B scope of services shall include, but not be limited to providing oversight of the project status; identifying any variances from schedule and deliverable requirements and recommending corrective action; assessing and reporting on project performance; supporting Project Reviews; document control; reviewing Change Order requests; commissioning activity oversight; and other program management support services as directed by Metro.

Subject to Metro’s direction, the Consultants shall apply appropriate technical, engineering, and program management support services and resources to facilitate the timely production and delivery of the HR5000 HRVs and associated deliverables.

DETERMINATION OF SAFETY IMPACT

The approval of these contract awards will have a direct and positive impact on system safety, service quality, system reliability, and overall customer satisfaction. The replacement of aging A650 Option HRVs will provide enhanced comfort level including improved communication systems and system reliability in addition to better maintainability to both our customers and stakeholders.

FINANCIAL IMPACT

The planned expenditure of $1,744,400 is included in the FY24 budget in cost center 3043, Rail

Vehicle Acquisition, Account 50316. This amount includes both Metro Labor, Professional and Technical Services, and contingency currently under CP 206037 - Heavy Rail Vehicle Procurement and will be transferred to a new Capital project number for HR5000 Heavy Rail Vehicle (HRV) Consultant Support Services upon board approval.

Impact to Budget

The current source of funds for this action is Proposition A 35%, which is eligible for rail operating and capital projects. Staff will pursue additional Federal, State, and Local funds as they become available to maximize the intent of allowable funding allocations given approved guidelines and provisions.

EQUITY PLATFORM

Part of the new HR5000 rail vehicles will be used to replace the existing aged A650 Option vehicles and the remaining will be used on the D Line Extensions. Approving the recommendations in this board report will support the identified fleet expansion and service needs. The existing B and D Heavy Rail Lines currently serve customers in majority Equity Focus Communities (EFC) who rely on public transportation to commute to their jobs and other life commitments. With the D Line Extensions, Metro customers will have expanded access to opportunities in the Westside Cities/West Central Los Angeles subregions. The new HR5000 fleet is required to accommodate such expansions. Based on the 2019 Customer Survey, the B and D Heavy Rail Lines serve the following ridership:

- 27.7% below the poverty line
- 56.4% had no car available

Rider Ethnicity:

- Latino 38.9%;
- Black 13.1%;
- White 25.8%;
- Asian/Pacific Islander 15.2%;
- Other 6.5%

In addition, these areas include Union Station to Downtown LA, Koreatown (Wilshire/Western), Hollywood, Universal City, and North Hollywood.

The Diversity & Economic Opportunity Department (DEOD) established a twenty-seven percent (27%) Disadvantaged Business Enterprise (DBE) participation goal for this procurement, more details can be found in Attachment B - DEOD Summary.

Element A - Hatch listed three (3) subcontractors to perform the required scope of work. Certification verification revealed that Ramos Consulting Services and Virginkar & Associates, Inc. are DBE-certified. Hatch exceeded the goal by making a 29.27% DBE commitment.

Element B - Atkins listed two (2) subcontractors to perform the required scope of work. Certification verification revealed that Capitol Government Contract Specialist and Raul V. Bravo + Associates are DBE certified. Atkins has proposed to meet the 27% DBE commitment.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

These recommendations support Metro Strategic Plan Goal No. 5) to “provide responsive, accountable, and trustworthy governance within the Metro organization”. This goal strives to position Metro to deliver the best possible mobility outcomes and improve business practices so that Metro can perform more effectively and adapt more nimbly to the changing needs of our customers.

ALTERNATIVES CONSIDERED

Staff considered the following alternatives: using in-house Metro resources to perform this work. This approach is not recommended as Metro does not have sufficient resources and SMEs available to perform this work. This approach is not recommended for the lack of staff capabilities listed above.

The Board of Directors may choose not to authorize the Contract award for this project; however, this alternative is not recommended by Metro staff because the HR5000 HRV Procurement Program is critical to having sufficient vehicles to meet future service needs for PLE Section 2 and 3 as well as the 2028 Olympics and Paralympics.

NEXT STEPS

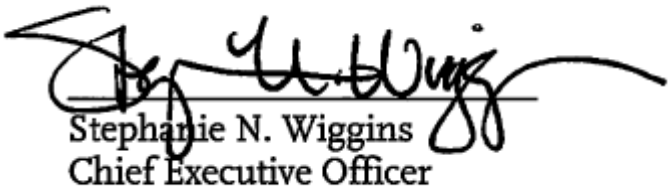
Upon Board approval, a contract will be awarded and a Notice-to-Proceed will be issued to Hatch Associates Consultants, Inc. for Element A and AtkinsRealis USA Inc. for Element B, respectively. Metro and the two consulting firms will mobilize the required resources and SMEs to ensure the timely completion of deliverables by the Rail Vehicle Contractor.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Ray Saito, Sr. Manager, Project Control, (213) 922-3141
Annie Yang, DEO, Rail Vehicle Acquisition, (213) 922-3254
Debra Avila, Deputy Chief Vendor/Contract Management Officer, (213) 418-3051

Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

HR5000 HEAVY RAIL VEHICLE ACQUISITION CONSULTANT SUPPORT SERVICES/CONTRACT NUMBER PS117580001

1.	**Contract Number**: PS117580001 and PS117580002	
2.	**Recommended Vendors**: Hatch for Element A; Atkins for Element B	
3.	**Type of Procurement (check one):** ☐ **IFB** ☒ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued : 11/09/23	
	B. Advertised/Publicized: 11/09/23	
	C. Pre-Proposal Conference: 11/27/23	
	D. Proposals Due: 12/15/23	
	E. Pre-Qualification Completed: 01/23/24	
	F. Conflict of Interest Form Submitted to Ethics: 12/18/23	
	G. Protest Period End Date: 11/20/23	
5.	**Solicitations Picked up/Downloaded**: 33	**Bids/Proposals Received**: Element A – 1 Element B – 2
6.	**Contract Administrator**: Mildred Martinez	**Telephone Number**: 213-922-4753
7.	**Project Manager**: Annie Yang	**Telephone Number**: 213-922-3254

A. Procurement Background

This Board Action is to approve Contract No. PS117580001 for technical consulting services and Contract No. PS117580002 for program management consulting services, both in support of the HR5000 Heavy Rail Vehicle Program, subject to resolution of any properly submitted protest(s), if any.

Element A - The recommended consultant for Element A (Contract No. PS117580001) will provide technical and engineering assistance to Metro staff to ensure the successful manufacturing and timely delivery of 182 Heavy Rail Vehicles (HRVs) for use on Metro's existing heavy rail lines and anticipated line extensions. The recommended consultant will provide technical and engineering oversight of Hyundai Rotem Company (the vehicle contractor), to ensure that performance is consistent with the contractual requirements for the HR5000 HRV. The scope of services includes, but is not limited to: document control, drawing review, technical submittals and samples review, supporting Project Reviews (e.g. Operations, Maintenance, and Equipment manuals), testing and inspection activity oversight (First Article Inspections), and other technical support services as directed by Metro.

Element B - The recommended consultant for Element B (Contract No. PS117580002) will provide program management support to Metro staff to ensure the successful manufacturing and delivery of 182 HRVs for use on Metro's existing heavy rail lines and anticipated line extensions. The recommended consultant will provide professional consulting services in support of Metro's Project Manager and

staff for delivery management services of Hyundai Rotem Company (the vehicle contractor), to ensure that performance is consistent with the contractual requirements for the HR5000 HRV. The scope of services includes, but is not limited to: schedule adherence and variance tracking, commissioning site vehicle inspection, Reliability Demonstration Test (RDT) Program, Buy America Audit, safety certification, contract administration, and other program management support services as directed by Metro.

The RFP was issued in accordance with Metro's Acquisition Policy and the contract type is a cost reimbursable plus fixed fee. The RFP provides for a separate contract award for each Element. Proposers were only allowed to submit proposals for either Element A or Element B, not both.

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

- Amendment No. 1, issued on November 30, 2023 revised Letter of Invitation and Proposal Requirements/Forms 1.1 General Format.
- Amendment No. 2, issued on February 23, 2024 revised the DEOD language.

A total of three (3) proposals were received on December 15, 2023. Element A received only one proposal by Hatch Associates Consultants Inc. (Hatch). Element B received two proposals, one from AtkinsRealis USA Inc. (Atkins) and one from Jacobs Engineering Group Inc. (Jacobs).

Metro staff conducted a market survey of the firms on the planholder's list to determine why no other proposals were submitted for Element A – Technical Support. Survey responses were received from 3 firms and included not having enough staff in the Los Angeles area to participate, not being able to meet the solicitation requirements, and not having the capacity to provide the services as a prime contractor.

The market survey revealed that the decisions not to propose were based on individual business considerations. The scope of services provided an opportunity for firms to submit proposals for consultancy based on their years of experience and availability of technical staff in support of rail vehicle acquisition. Therefore, the solicitation was determined not restrictive and can be awarded as a competitive award.

B. Evaluation of Proposal of Element A - Technical Support

The Proposal Evaluation Team (PET) consisting of qualified staff from Rail Vehicle Acquisition was convened and conducted a comprehensive technical evaluation of the proposal received.

The proposal for Element A was evaluated to determine the firm's ability to meet the following minimum qualifications on a pass/fail basis:

- Ten years of experience as a Prime consultant providing administrative and technical consulting services during the post award, design, production and delivery periods for a large public transit agency acquiring heavy rail vehicles.

- Demonstrated industry experience as a Prime consultant performing similar work on at least three (3) projects of similar size and scope during the period from 2008 to the present. Consultant shall provide list of all major clients who have utilized the Consultant's services during this period. For each client listed Consultant shall provide contact name, phone number and email address.

The PET focused their evaluations on the "Key" project team members' historical experience and qualifications in similar rail vehicle projects, and the amount of time allocated to the Project. These Key positions include the Project Manager, Systems Integrator Engineer, Quality Assurance Engineer, and Commissioning/Acceptance Engineer. The PET also evaluated the proposed team of rail engineers and their respective qualifications in the various rail vehicle system disciplines.

After reviewing the proposal, staff determined that the proposer met the minimum qualifications.

The proposal was then evaluated based on the following evaluation criteria and points available:

The Firm's Degree of Skill and Experience	30 points
Staff Quality of Technical Expertise	20 points
Understanding of Work and Appropriateness of Approach for Implementation	30 points
Cost Proposal	20 points
Total Points Available:	**100 points**

The evaluation criteria are appropriate and consistent with criteria developed for other, similar consultant support services procurements. Several factors were

considered when developing these weights, giving the greatest importance to the firm's degree of skills and experience and their understanding of the work and appropriateness of approach for implementation.

On January 17, 2024, Hatch gavean oral presentation to Metro which included their approach to project implementation. They also responded to Metro's clarification requests. The PET evaluated Hatch's degree of skills and experience, proposed staff's qualifications and technical expertise, and how well the firm understood the work and its approach to project implementation. Hatch provided satisfactory responses to Metro's clarification requests at the oral interview. Discussions and negotiations were conducted Thursday, February 8, 2024 to review the proposal comments, price proposal, next steps in the procurement schedule, and exceptions and deviations.

A Best and Final Offer (BAFO) request was issued on Friday, February 9, 2024. The firm's BAFO proposal was received on Tuesday, February 20, 2024. Final evaluation and discussion of the BAFO submittal was held on Thursday, February 22, 2024, and used as the basis of the recommendation for award.

1. Qualifications Summary of the Proposer

Hatch Associates Consultants Inc.

Hatch provided technical oversight consultant services during the original design and construction of the P2550 Light Rail Vehicles (LRVs) as well as assessed the P2550 fleet condition in 2016. Recently, Hatch provided consultant support services to upgrade the P2550 propulsion controls and auxiliary power units. In addition, Hatch is currently providing consultant support services to Metro's HR4000 Heavy Rail Vehicle (HRV) Contract and the A650 HRV and P2550 LRV Overhaul Contracts.

1	Firm	Average Score	Factor Weight	Weighted Score	Rank
2	**Firm 1- Hatch**				
3	The Firm's Degree of Skills and Experience	88.33	30.00%	26.50	
4	Staff Quality of Technical Expertise	88.67	20.00%	17.73	
5	Understanding of Work and Appropriateness of Approach for Implementation	88.33	30.00%	26.50	
6	Cost Proposal		20.00%	20.00	
7	**Total**		**100.00%**	**90.73**	**1**

C. Cost Analysis of Element A - Technical Support

The proposed price has been determined to be fair and reasonable based upon price analysis, an Independent Cost Estimate (ICE), and negotiations. A price analysis is sufficient for this recommendation because the single offer was submitted in a competitive environment and the negotiated price is within a reasonable range of the ICE. Although there is a 9% difference between the negotiated price and the ICE, the price analysis revealed that the ICE was developed for a typical new HRV delivery schedule and did not account for the aggressive schedule required for the HR5000 contract. The additional consultant labor needed to support the accelerated HR5000 was estimated at $2,639,573.27, representing a twelve percent (12%) labor increase. The additional labor factor combined with the ICE is $23,810,903.62, which is higher than the negotiated amount. The price analysis considered this additional cost element in conjunction with the ICE to make the determination that the negotiated amount is fair and reasonable.

	Proposer Name	Proposal Amount (Base + 1 Option)	Metro ICE (Base + Option 1)	Negotiated or NTE amount
1.	Hatch	$24,298,756.64	$21,171,330.35	$23,072,507.51

The RFP for technical consulting services contained work elements that could be exercised as an option. The Option 1 element consists of technical consulting services for the HR5000 Option 1 – 50 Heavy Rail Vehicles (HRVs) and PF-7 Alternate Technology, if exercised.

D. Background on Recommended Contractor of Element A – Technical Support

The recommended firm, Hatch Associates Consultants Inc., is the North American market leader in supporting the procurement of heavy rail and rapid transit cars. It is noteworthy that Hatch currently provides technical oversight of the HR4000 project, which will ensure continuity and improvement on the HR5000 program with similar vehicle design, features, and functions. Hatch also brings additional resources through its merger with LTK Consulting Services, Inc., back in November 2020. Within the infrastructure sector, LTK brings 100 years of exceptional service and technical expertise to their clients in the rail industry, which will complement Hatch's existing capabilities in transportation and logistics, urban solutions, and water.

Hatch engineering expertise include areas such as rail vehicle engineering, transit systems engineering, revenue systems and technology, rail corridor development, zero-emissions planning, operations planning and simulations, optimization, systems assurance, intercity and high-speed, and transit advisory services. Hatch's US business operations are headquartered in Pittsburgh, PA and encompass 23 additional offices, including Ambler, PA, which is home to their Transit Business Unit. Hatch's most recent rail vehicle support services Contracts include consulting services for Metro's P3010 New LRV procurement and HR4000 New Heavy Rail Vehicle procurement. For the HR5000 consulting project, their Los Angeles office will be their primary office.

E. Evaluation of Proposals of Element B – Program Management Support

The Proposal Evaluation Team (PET) consisting of qualified staff from Rail Vehicle Acquisition was convened and conducted a comprehensive technical evaluation of the proposals received:

1. AtkinsRealis USA Inc. (Atkins)
2. Jacobs Engineering Group Inc. (Jacobs)

The two Proposals were evaluated to determine each firm's ability to meet the following minimum qualifications on a pass/fail basis:

- Fifteen years of experience as a Prime consultant providing program management consulting services during the post award, production and delivery periods for a large public transit agency acquiring heavy rail vehicles.

- Demonstrated industry experience as a Prime consultant performing similar work on at least three (3) projects of similar size and scope during the period from 2008 to the present. Ability to provide qualified staff resources in support of Agency rail vehicle acquisition programs. Consultant shall provide list of all major clients who have utilized the Consultant's services during this period. For each client listed Consultant shall provide contact name, phone number and email address.

The PET focused their evaluations on the "Key" project team members' historical experience and qualifications in managing similar rail vehicle projects, and the amount of time allocated to the Project. These Key positions include the Senior Vehicle Acquisition Specialist, Senior Systems Engineer, Senior Schedule Analyst, and Senior Inspector. The PET also evaluated the proposed administrative team of contract administrators and administrative staff and their qualifications in the various disciplines.

After reviewing each proposal, staff determined that both proposers met the minimum qualifications. Proposals were then evaluated based on the following evaluation criteria and weights:

The Firm's Degree of Skill and Experience	30 points
Staff Quality of Technical Expertise	20 points
Understanding of Work and Appropriateness of Approach for Implementation	30 points
Cost Proposal	20 points
Total Points Possible:	**100 points**

The evaluation criteria are appropriate and consistent with criteria developed for other, similar consultant support services procurements. Several factors were considered when developing these weights, giving the greatest importance to the firm's degree of skills and experience and their understanding of work and appropriateness of approach for implementation.

On January 19, 2024, each proposer, Atkins and Jacobs, gave oral presentations to Metro and described their approach to project implementation and to respond to Metro's clarification requests. The PET evaluated Atkins' and Jacobs' degree of skill and experience, proposed staff qualifications, technical expertise and how each firm understood the work and its approach to project implementation. Both firms provided satisfactory responses to Metro's clarification requests at the oral interview. Discussions and negotiations were conducted with Atkins on Thursday, February 8, 2024 and with Jacobs on Friday, February 9, 2024 to review the proposal

comments, price proposal, next steps in the procurement schedule, and exceptions and deviations.

A Best and Final Offer (BAFO) request was issued on Friday, February 9, 2024. Subsequently, a second round of BAFO was issued on Friday, February 23, 2024. BAFO proposals for both firms were received on Tuesday, February 20, 2024 and Tuesday, February 27, 2024. Final evaluations and discussion of the BAFO submittals were held on Thursday, February 22, 2024 and Wednesday, February 28, 2024 (for the second BAFO). The second BAFO submittal was used as the basis of the recommendation for award.

1. Qualifications Summary of the Proposers:

AtkinsRealis USA Inc (Atkins)

Atkins provided program management and technical consulting support for the Purple Line for Maryland Transit Administration (MTA), Heavy Rail Vehicles for Denver Transit Partners (DTP), MPM-10 Subway Cars for Société de Transport de Montreal (STM), OC Streetcars for the Orange County Transportation Authority (OCTA), and Locomotives and Multi-Level Passenger Cars for Southeastern Pennsylvania Transportation Authority (SEPTA). Atkins also provided consultancy for the procurement of Hyundai Rotem vehicles for the Denver Eagle Heavy Rail and Canada Line Metro projects.

Jacobs Engineering Group, Inc. (Jacobs)

Jacobs is currently providing technical support services, as a subcontractor for Metro's HR4000 project for 64 cars, P2000 overhaul, P2550 overhaul, and P3010 Light Rail Vehicle (LRV) acquisition. Jacobs' history of providing consulting services for Metro started with the A650 Heavy Rail Vehicle (HRV) acquisition. Jacobs is also providing technical and managerial support for the New York City Transit R211HRV Acquisition project for 1175 (437 options) cars. Lastly, Jacobs completed their lead consultant work on the Bay Area Rapid Transit, D&E Series HRV Acquisition for 404 cars.

1	Firm	Average Score	Factor Weight	Weighted Score	Rank
2	**Firm 1- Atkins**				
3	The Firm's Degree of Skills and Experience	80.50	30.00%	24.15	
4	Staff Quality of Technical Expertise	78.83	20.00%	15.77	
5	Understanding of Work and Appropriateness of Approach for Implementation	77.17	30.00%	23.15	
6	Cost Proposal		20.00%	16.18	
7	**Total**		**100.00%**	**79.25**	**1**

1	Firm	Average Score	Factor Weight	Weighted Score	Rank
2	**Firm 2- Jacobs**				
3	The Firm's Degree of Skills and Experience	72.67	30.00%	21.80	
4	Staff Quality of Technical Expertise	68.33	20.00%	13.67	
5	Understanding of Work and Appropriateness of Approach for Implementation	66.67	30.00%	20.00	
6	Cost Proposal		20.00%	20.00	
7	**Total**		**100.00%**	**75.47**	**2**

F. Cost Analysis of Element B – Program Management Support

The proposed prices have been determined to be fair and reasonable based upon price analysis, an Independent Cost Estimate (ICE), and negotiations. A price analysis is sufficient for this recommendation because there is adequate competition for Element B and the negotiated price from the highest rated Proposer is within a reasonable range of the ICE. The negotiated amount from the highest rated Proposer is $11,263,545.59. This amount represents a difference of sixteen percent (16%) between the negotiated amount and the ICE. The ICE for Element B was developed similarly to Element A and was structured for a typical new HRV delivery schedule. This ICE for Element B did not account for the aggressive schedule required for the HR5000 contract. The additional consultant labor needed to support the accelerated HR5000 schedule was estimated at

$957,121.41, representing a ten percent (10%) labor increase for this Element. The additional labor factor combined with the ICE totals $10,618,932.85, bringing the difference from the highest rated Proposer's negotiated amount to six percent (6%). The price analysis considered this additional cost element in conjunction with the ICE to make the determination that the negotiated amount from the highest rated Proposer is fair and reasonable.

	Proposer Name	Proposal Amount	Metro ICE (Base + Option 1)	Negotiated or NTE amount
1.	Atkins	$12,514,395.44	$9,661,811.44	$11,263,545.59
2.	Jacobs	$9,573,563.31	$9,661,811.44	$9,110,625.97

The RFP for program management consulting services contained work elements that could be exercised as an option. The Option 1 element consists of program management consulting services for the HR5000 Option 1 – 50 Heavy Rail Vehicles (HRVs) and PF-7 Alternate Technology, if exercised.

G. Background on Recommended Contractor of Element B – Program Management Support

The recommended firm, AtkinsRealis USA Inc. (Atkins) was founded in 1960 and is considered a world-leading engineering, design, and project management services provider across sectors which include rail and transit, ports, airports, highways, and power. They are one of the largest engineering, procurement, and construction companies with over 37,000 employees worldwide, and offices in over 160 countries. They have proven their ability to provide comprehensive services across the full life cycle of procurement programs for all equipment types including heavy rail, light rail, and high-speed rail. In addition, they have proven capabilities supporting rail vehicle acquisition programs with program management and engineering oversight with a particular focus on ensuring large-scale rail vehicle procurements are delivered on-time, within budget, and in full compliance with contract and regulatory requirements. Their U.S. Rail and Transit Group consists of over 100 professionals and has been servicing the U.S. market for over 35 years.

Recommendation for award may or may not be made to the lowest-priced Proposal. Although the recommendation for award is being recommended to a proposer other than the lowest price offeror, the PET believes that the Atkins proposal represents the best opportunity to meet LACMTA's project goals.

DEOD SUMMARY

CONSULTANT SUPPORT SERVICES FOR NEW HR5000 HEAVY RAIL VEHICLE (HRV) PROCUREMENT / PS117580

A. Small Business Participation – Element A

The Diversity and Economic Opportunity Department (DEOD) established a 27% Disadvantaged Business Enterprise (DBE) goal for this solicitation. Hatch Associates Consultants, Inc. exceeded the goal by making a 29.27% DBE commitment.

Small Business Goal	**16% DBE**	**Small Business Commitment**	**29.27% DBE**

	DBE Subcontractor	**Ethnicity**	**% Committed**
1.	Ramos Consulting Services, Inc.	Hispanic American	11.08%
2.	Virginkar & Associates, Inc.	Asian Pacific American	18.19%
		Total Commitment	**29.27%**

B. Small Business Participation – Element B

The Diversity and Economic Opportunity Department (DEOD) established a 27% Disadvantaged Business Enterprise (DBE) goal for this solicitation. AtkinsRealis USA, Inc. exceeded the goal by making a 27.31% DBE commitment.

Small Business Goal	**11% DBE**	**Small Business Commitment**	**27.31% DBE**

	DBE Subcontractor	**Ethnicity**	**% Committed**
1.	Capitol Government Contract Specialist	Caucasian Female	19.99%
2.	Raul V. Bravo + Associates	Hispanic American	7.32%
		Total Commitment	**27.31%**

C. Local Small Business Enterprise (LSBE) Preference

The LSBE preference is not applicable to federally funded procurements. Federal law (49 CFR § 661.21) prohibits the use of local procurement preferences on FTA-funded projects.

D. Living Wage and Service Contract Worker Retention Policy Applicability

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

E. Prevailing Wage Applicability

Prevailing Wage is not applicable to this contract.

F. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

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

File #: 2023-0765, **File Type:** Contract **Agenda Number:** 26.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024

SUBJECT: FLEET SCHEDULE SOFTWARE UPGRADE

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

CONSIDER:

A. AUTHORIZING the Chief Executive Officer to award a non-competitive 36-month firm fixed price Contract No. PS108917000 to Giro, Inc./LE Groupe En Informatique Et Recherche Operatioannelle (Giro, Inc.) for the HASTUS v2024 fleet schedule software upgrade and optional software enhancements in the amount of $3,445,049, and;

B. FINDING that there is only a single source of procurement for the item(s) set forth in recommendation A above and that the purchase is for the sole purpose of duplicating or replacing supply, equipment, or material already in use, as defined under Public Utilities Code Section 130237.

(REQUIRES TWO-THIRDS VOTE OF THE FULL BOARD)

ISSUE

The Scheduling Department of Metro Operations, which has more than 5,000 Transit Operators who run its buses and trains, has been using the HASTUS system since 1997 to make all the bus and operator/fleet schedules for Metro. The HASTUS software is outdated and needs an upgrade to the latest version that Giro, Inc., the software provider, offers. The proposed contract award will enable Giro to update the current HASTUS System software from version 2015 (v2015) to version 2024 (v2024). The HASTUS v2024 software has all the relevant software improvements that the contractor has made in the past nine years.

BACKGROUND

HASTUS is a specialized, proprietary software product created by Giro, Inc. It enables the creation of efficient operator/vehicle schedules that comply with Metro policies, regulatory requirements, and the union contract's rules. Scheduling and assigning operators and vehicles are essential operational

activities for Metro. The HASTUS software also supports other vital functions within operations, such as: the pay calculation for operators based on their union contract; daily dispatching of operators from the divisions; extra board markup to ensure all work runs have an operator assigned to them; and many other vehicle/operator requirements.

The HASTUS software consists of various software modules that offer key functionality to Metro's bus and rail fleet operation. A brief description of these tools is provided in Attachment A.

DISCUSSION

Metro's current software, HASTUS v2015, is in need of upgrade as does not support some of the latest technological and security features, and it has limited functionality for electric vehicle/charging and rail scheduling. Moreover, it does not allow for scheduling vehicles based on location, charge level, and service priority. These key features are essential for Metro's growing transit network, which requires more coordination between bus and rail modes, as well as for Metro's transition to a Zero Emission Bus (ZEB) bus fleet, which involves new time management challenges for operator/fleet scheduling at charging stations. The software is also an important tool used to assess needed service adjustments as they relate to EFC priorities.

To address these operational limitations, Metro needs to upgrade to HASTUS v2024, which offers more functional capabilities and flexibility for rail scheduling and operator assignments. The upgrade also includes operator bidding enhancements that will enable a user-friendly web and mobile phone application for more efficient operator bidding. Furthermore, Metro will move to a cloud-hosted solution that will improve real-time disaster recovery options and facilitate a smoother operational transition as Metro has tentative plans to relocate to a new and combined Bus and Rail Operations Center.

DETERMINATION OF SAFETY IMPACT

The HASTUS v2024 software helps to ensure appropriate schedules between trip recovery times are respected according to Metro's collective bargaining agreements and continues to ensure that operators have sufficient rest times between shifts, from one day to the next, as mandated by law for safety reasons. For this reason, upgrading and maintaining the HASTUS system is a necessary and critical safety measure.

FINANCIAL IMPACT

Funding of $3,445,049 is required for this effort. A Life of Project (LOP) budget of $5,421,000 has been established in project 207169 - HASTUS Upgrade. This contract award is within the project LOP.

Since this is a multi-year project, the project manager and the Chief Operations Officer shall be responsible for future fiscal year budgeting.

Impact to Budget

The current source of funds for this action is TDA Article 4. This funding is eligible for bus and rail operations.

EQUITY PLATFORM

The HASTUS system is used to support the daily operation of all bus and rail vehicles and operators across the entire fleet. The recommended upgrade will support operations and service for riders who may have limited mobility options. Further, it will support bus and rail operator shifts and rest times, which is anticipated to yield positive benefits for both Metro's workforce and customers.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

Improved Customer Information supports Metro Vision 2028 Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system.

ALTERNATIVES CONSIDERED

The Board may elect not to approve the recommendation, which would postpone upgrading this vital system and Metro would continue to operate on v2015. However, this is not recommended as this mission-critical application will continue to fall behind other technological advances and risk incompatibility with new operating systems, database software, advanced cyber security software, and related software maintenance tools.

NEXT STEPS

Upon approval by the Board, staff will execute Contract No. PS108917000 with Giro, Inc. for the HASTUS v2024 software upgrade.

ATTACHMENTS

Attachment A - HASTUS Software Module Description

Attachment B - Procurement Summary

Attachment C - DEOD Summary

Prepared by: Al Martinez, Deputy Executive Officer, Operations (213) 276-0117

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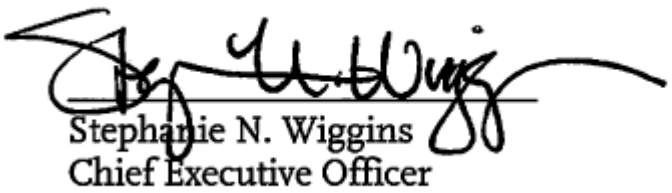
Carolina Coppolo, Deputy Chief Vendor/Contract Management (Interim) (213) 922-4471

Reviewed by: Conan Cheung, Chief Operations Officer, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

Module	***Functional Description***
Vehicle	Explains how to plan the routes, schedules, stops, and durations of public transportation services, and how to assign the best vehicles for each route (“blocking”).
Crew & CrewOpt	Creates optimal workdays for operators based on vehicle schedules using run-cutting automation.
Geo	Geo allows you to set up stops and route patterns on a map that covers the service area. It also helps you measure distances and deadheads automatically. Geo is essential for generating the data that the AVL system needs.
Roster	Roster helps create weekly schedules for operators that comply with work rules and regulations.
MinBus	MinBus is a tool that enhances Vehicle by providing advanced optimization features. It goes beyond the block-creation process and takes into account more factors and preferences, such as interlining with control.
NetPlan	NetPlan is a tool that helps Planners design and optimize service levels on key routes or segments based on ridership data. It also enables the creation of base timetables that balance customer satisfaction and vehicle efficiency. This tool allows Planners to transfer their preliminary service plans directly to the Scheduling Department, saving time and resources. This is the tool used in the development of the Next Gen schedule update.
DailyCrew & DailyVehicle	DailyCrew/DailyVehicle is a software solution that helps with various aspects of driver and vehicle management, such as scheduling, timekeeping, payroll, service adjustments, vehicle assignments, and reporting. It has a user-friendly interface called DispatchAssistant that allows dispatchers to perform most of their tasks with ease and efficiency. It also has a feature called YardAssistant that enables yard-management functions on both tablets and desktops.
Rider	Rider is a tool that helps you import, display, and analyze ridership data from onboard systems. You can use the analysis to adjust routes and trip frequencies to meet the service level that customers need.
ATP	Using advanced algorithms, ATP can calculate run times based on the observed times and the planned times. You can get the observed times from other systems like AVL systems. Every week, about 750,000 data points are imported.

PROCUREMENT SUMMARY

HASTUS v2024 UPGRADE / PS108917000

1.	**Contract Number**: PS108917000	
2.	**Recommended Vendor**: Giro, Inc./Le Groupe en Informatique et Recherche Operatioannelle (Giro, Inc.)	
3.	**Type of Procurement (check one) :** ☐ **IFB** ☐ **RFIQ** ☐ **RFP** ☒ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates** :	
	A. Issued : July 20, 2023	
	B. Advertised/Publicized: N/A	
	C. Pre-Proposal Conference: N/A	
	D. Proposals Due: September 15, 2023	
	E. Pre-Qualification Completed: February 6, 2024	
	F. Ethics Declaration Forms submitted to Ethics: September 20, 2023	
	G. Protest Period End Date: N/A	
5.	**Solicitations Picked up/Downloaded**: 1	**Proposals Received**: 1
6.	**Contract Administrator**: Annie Duong	**Telephone Number**: (213) 418-3048
7.	**Project Manager**: Al Martinez	**Telephone Number**: (213) 922-2956

A. Procurement Background

This Board Action is to award Contract No. PS108917000 to Giro, Inc. for the HASTUS v2024 scheduling software upgrade, which consists of various software modules that offer key functionality to Metro's bus and rail fleet operation. HASTUS is proprietary software developed by Giro, Inc.

On July 20, 2023, Request for Proposal (RFP) No. PS108917000 was issued as a non-competitive procurement in accordance with Metro's Acquisition Policy and the contract type is firm fixed price. The Diversity & Economic Opportunity Department did not recommend a Small Business Enterprise (SBE)/Disabled Veteran Business Enterprise (DVBE) participation goal due to the lack of subcontracting opportunities.

One (1) amendment was issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on August 10, 2023, extended the proposal due date.

A proposal was received from Giro, Inc. on September 15, 2023.

B. Evaluation of Proposal

Metro currently uses HASTUS v2015 to meet Metro's bus/rail operation and scheduling needs. The software allows for required configuration changes that relate to Metro union agreements (e.g., layovers, breaks, overtime, etc.) and operating conditions to optimize service (e.g. short trips, staggered terminal points, school schedules, special events).

The software upgrade and on-going software support are needed to enable operational changes to Metro's bus and rail fleet (e.g. addition of new vehicles, new lines and route changes) including the planned transition to electric fleet and electric charging stations at the Divisions.

The Project Manager's technical analysis of the proposal deemed Giro, Inc. responsive to the requirements of the scope of services. Giro has the knowledge, expertise and skillset required for the design, development, implementation, and maintenance of the HASTUS v2024 upgrade.

C. Cost Analysis

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), cost analysis, technical analysis, fact finding and negotiations. Metro's staff successfully negotiated a cost savings of $495,502.

	Proposer Name	Proposal Amount	Metro ICE	Negotiated Amount
1.	Giro, Inc.	$3,940,551	$3,255,039	$3,445,049

The ICE included an on-premise environment technology to implement the upgrade. However, after a series of discussions and negotiations, Metro elected to use a cloud computing solution wherein Giro will host the system implementation instead of an on-premise environment. The election of the cloud computing solution resulted in the variance between the ICE and the recommended amount.

D. Background on Recommended Contractor

The recommended firm, Giro, Inc., headquartered in Montreal, Province of Quebec, Canada, was founded in 1979. It is a software development company that provides solutions for public transit, electric buses, rail operations, on-demand transport, and postal operations. Giro's product portfolio includes HASTUS, their modular software for public transit operations, and GeoRoute, their routing software for postal operations.

Giro, Inc. has deployed similar software upgrade solutions for public organizations such as King County Metro Seattle, WA, Massachusetts Bay Transportation

Authority (MBTA), San Diego Metropolitan Transit System (MTS), Pittsburg Regional Transit, Denver Transit Operators, and New York City Transit.

Metro has purchased HASTUS software subscriptions from Giro, Inc. since 1985 and services have been satisfactory.

DEOD SUMMARY

HASTUS UPGRADE / CONTRACT NO. PS108917000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Small Business Enterprise (SBE)/Disabled Veteran Business Enterprise (DVBE) participation goal for this procurement due to the lack of small business opportunities for this sole source procurement. Giro, Inc. did not make an SBE/DVBE commitment. It is expected that Giro, Inc. will perform the services with its own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

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

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

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

Metro

Board Report

File #: 2024-0018, **File Type:** Contract **Agenda Number:** 27.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024

SUBJECT: CONTRACT MODIFICATION WITH TOW INDUSTRIES

ACTION: APPROVE CONTRACT MODIFICATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 1 to Contract No. DR81105000 with Baatz Enterprises Inc. DBA Tow Industries, to increase the contract value by $733,836.74 from $3,922,757.26 to $4,656,594.00, inclusive of sales tax.

ISSUE

Baatz Enterprises Inc. DBA Tow Industries (Tow Industries) was awarded a contract for nine 35-ton tow trucks in February 2022. In October 2023, Tow Industries advised Metro of a 22% price increase. The increase in cost for the tow trucks was due to material and labor shortages that have become more common throughout the industry since the COVID-19 pandemic. Tow Industries advised Metro that the chassis manufacturer had increased the cost of the vehicle chassis, and the vendor was experiencing significant increases in material and labor cost for the upfitting of the vehicles with tow equipment. Staff conducted a market survey of new tow truck pricing and received quotes from other vendors that were about 25% higher than the original bid price for the tow trucks.

BACKGROUND

In February 2022, the Board approved a contract award to Tow Industries for nine 35-ton tow trucks (3 CNG, 6 Diesel) for a total amount of $3,922,757.26 with a production lead time between 16 to 22 months.

The original tow truck procurement was intended for the replacement of nine of the 13 Metro owned and operated 35-ton tow trucks. The nine tow trucks being replaced have exceeded the Metro vehicle replacement policy of 12 years and/or 150,000 miles. In addition, these nine trucks are unreliable, with excessive mechanical failures, costly repairs, and difficulty in locating parts due to the age of the vehicles. The 35-ton tow trucks will support bus towing requirements for the next 12-15 years.

Each Maintenance Division is assigned and operates at least one tow truck to support its respective fleet. This fleet of tow trucks is used to support in-service bus failures that are required to be towed back to the Maintenance Divisions for repair. Bus Divisions normally operate over 200 buses that

require timely on-street support for repair and tow as necessary. This support is critical for the retrieval and repair of the bus fleet for a timely return to revenue service.

DISCUSSION

Tow Industries initially advised Metro in May 2023 that the delivery of the tow trucks would be late due to chassis allocation issues from the manufacturer. In October 2023, Tow Industries then advised Metro of a 22% price increase for the nine tow trucks due to cost increases from the manufacturer in raw materials, along with material and labor shortages. Due to these unforeseen issues, Tow Industries informed Metro that the price of the nine tow trucks would be increasing to $4,826,447. To validate Tow Industries' claim about industry price increases, Vendor/Contract Management (V/CM) and Operations conducted a market industry review and identified that the market price for tow trucks had increased by about 25%, which supported the price increase. V/CM also received a copy of the letter from the chassis manufacturer to Tow Industries documenting the price increase from Miller Industries, which provided further justification for the tow truck price increase.

V/CM actively negotiated with Tow Industries beginning in October 2023 to reduce the cost escalation of the tow trucks. V/CM was successful in reducing the price increase from the original 22% to 17.9%, which resulted in a price increase of $733,836.74.

Approval of the contract modification for additional funding for the contract with Baatz Enterprises Inc. DBA Tow Industries will allow staff to move forward with the replacement of the nine Metro owned and operated 35-ton tow trucks. Tow Industries has delivered three CNG tow trucks, and the balance of six diesel trucks are estimated to be completed by July 2024. If modifications to this contract are approved, acceptance and delivery of the tow trucks will commence after the completion of outfitting activities.

The purchase of three CNG tow trucks aligns with the AQMD Rule 1196, requiring Metro to purchase alternate fuel vehicles to replace heavy-duty diesel-powered vehicles. AQMD Rule 1196 allows purchase of the six (6) new diesel tow trucks to support the retrieval and towing of the 60' Articulated CNG and Electric bus fleets due to the excessive weight of the buses and the towing capability the diesel-powered tow trucks provide. These tow trucks will be distributed to Bus Operating Divisions that operate 60' articulated or electric buses. The CNG tow trucks will be assigned to the bus Divisions that operate standard 40' CNG buses due to the CNG tow trucks having insufficient torque to tow 60' Articulated or electric buses.

DETERMINATION OF SAFETY IMPACT

Metro's current tow truck fleet is antiquated, with systems and equipment that are outdated in the heavy-duty truck industry. The tow trucks are twenty-two years old with some vehicles nearing 150,000 miles, which has resulted in poor reliability and concerns with safe operation when towing heavy CNG and electric transit buses. The purchase of new tow trucks will provide Metro with current state-of-the-art tow trucks that maximize tow truck operator safety.

FINANCIAL IMPACT

A total of $733,836.74 in additional funding is needed beyond the original $3,922,757.26 contract value, which will result in a revised contract value of $4,656,594.00. The additional funding for the contract modification is contained in Capital Project 208608 - FY22 AQMD 1196 Rule Non-Revenue Vehicles. The Life of Project (LOP) budget is $9,400,000.00, which is within the project budget.

Since this is a multi-year contract, the Project Manager will be responsible for budgeting resources in future Fiscal Years.

Impact to Budget

The current funding sources come from State and Local sources including TDA4 that are eligible for Bus and Rail Operations and State of Good Repair (SGR) projects. Allocating these funds to this effort maximizes project funding use given approved provisions and guidelines.

EQUITY PLATFORM

This action will provide support equipment (tow trucks) that will ensure that the bus fleet continues to serve most regions in Los Angeles County and remains a vital lifeline for many underserved communities that can provide reliable transportation services. The nine tow trucks procured will be assigned to Bus Operating Divisions located throughout Los Angeles County, including Downtown Los Angeles, El Monte, Long Beach, and Sun Valley. These tow trucks will be assigned to Bus Operating Divisions in Metro's Equity Focus Communities (EFCs) and contribute toward Metro's efforts at reducing emissions in these communities. Delays in the procurement of the new tow trucks are anticipated to result in higher emissions levels for EFCs and Metro employees at these Divisions.

The Diversity and Economic Opportunity Department (DEOD) did not recommend an SBE or DVBE participation goal for this procurement due to the lack of subcontracting opportunities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Metro Strategic Plan Goal 2: Deliver outstanding trip experiences for all users of the transportation system. New tow trucks will minimize vehicle maintenance needs, improve safety, and lower emissions by purchasing and deploying CNG and diesel-powered trucks with the latest emission control devices on the market. With this, Metro is exercising good public policy judgment and sound fiscal stewardship.

ALTERNATIVES CONSIDERED

Staff originally considered leasing equipment and/or contracting out tow services. These alternatives are not recommended as this work has historically been performed by Amalgamated Transit Union (ATU) contract personnel. Contracting out this service would conflict with the current Metro/ATU Collective Bargaining Agreement. Additionally, staff calculated that the cost of an external contracted towing service for one tow truck would equal or exceed the full purchase price of one tow truck in the first five years of operation. The alternative of retaining the existing tow truck fleet for primary tow services was not recommended due to the diminished reliability, high maintenance costs, and frequent repairs over the past several years has rendered the use of the existing tow truck fleet a

poor alternative for continued operation.

V/CM also considered alternatives for the procurement of the tow trucks, including (1) accepting fewer tow trucks and soliciting for the remainder of the required tow trucks and (2) cancellation of the contract and initiation of a new procurement for all nine tow trucks. These two alternatives are not recommended since a new solicitation will take an additional nine months, with delivery taking another 1½ years before accepting the new vehicles. In addition, no savings are anticipated since the market analysis revealed a 25% increase in current tow truck prices. Finally, the tow trucks are included in a list of vehicles required for replacement in an order of abatement with the South Coast Air Quality Management District (SCAQMD).

NEXT STEPS

Following the authorization and execution of the contract modification, the vendor will continue the manufacturing process, upfitting, and delivery of the nine tow trucks.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

Prepared by: Gary Jolly, Bus Maintenance Superintendent, (213) 922-5802
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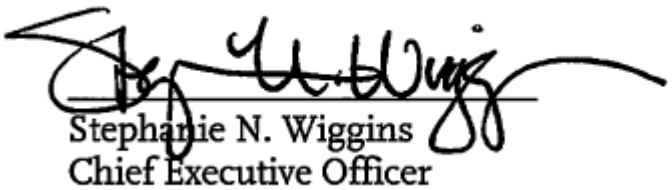
Debra Avila, Deputy Chief Vendor/Contract Management Officer (213) 418-3051

Reviewed by: Conan Cheung, Chief Operations Officer (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

CONTRACT MODIFICATION WITH TOW INDUSTRIES FOR THE PURCHASE OF NINE 35-TON TOW TRUCKS CONTRACT DR81105000

1.	**Contract Number**: DR81105000			
2.	**Contractor**: Baatz Enterprises Inc., dba Tow Industries			
3.	**Mod. Work Description**: To increase contract value			
4.	**Contract Work Description**: 35-Ton Tow Trucks, Compressed Natural Gas and Diesel Fuel			
5.	**The following data is current as of** January 8, 2024			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	February 24, 2022	**Contract Award Amount:**	$3,922,757.26
	Notice to Proceed (NTP):	March 26, 2022	**Total of Modifications Approved:**	$0.00
	Original Complete Date: **CNG Tow Trucks:** **Diesel Fuel Tow Trucks:**	 July 26, 2023 January 26, 2024	**Pending Modifications (including this action):**	$733,836.74
	Current Est. Complete Date:	September 30, 2024	**Current Contract Value (with this action):**	$4,656,594.00
7.	**Contract Administrator**: Lorretta Norris		**Telephone Number**: 213.922.2632	
8.	**Project Manager**: Gary Jolly		**Telephone Number**: 213.922.5802	

A. Procurement Background

This Board Action is to approve Contract Modification No. 1 issued to increase the total not-to-exceed amount by $733,836.74 to $4,656,594.00.

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

On February 24, 2022, the Board awarded a firm fixed price Contract No. DR81105000 to Tow Industries for a total of nine (9) 35-Ton Tow Trucks (6 Diesel , and 3 CNG) in an amount of $3,922,757.26. To date, there have been no contract modifications to Contract No. DR81105000. The Contract does not allow for cost escalation.

Approval of the contract modification for additional funding for the contract with Baatz Enterprises Inc. DBA Tow Industries will allow staff to move forward with the replacement of the nine Metro owned and operated 35-ton tow trucks. Tow Industries projected that the outfitting of the three CNG tow trucks would be completed in January 2024, and the six diesel trucks are estimated to be completed by July 2024. If modifications to this contract are approved, delivery of the tow trucks will commence after the completion of outfitting activities.

B. Cost/Price Analysis

Due to industry supply chain issues, the manufacturer's increased costs in raw materials, components, labor, and other factors have led to increased costs on all components. Staff conducted a price analysis including current market conditions as one of the factors. To validate Tow Industries' claim about industry price increases, Vendor/Contract Management (V/CM) conducted a market industry review by contacting vendors who provided capability statements detailing comparable purchases if procured in 2023 and beyond. Due to manufacturers' increased cost, such as steel and the manufacturing process, the increase in price was determined to be fair and reasonable. V/CM also received a copy of the letter from the chassis manufacturer to Tow Industries documenting the price increase from Miller Industries, which provided further justification for the tow truck price increase.

Staff was able to negotiate the proposed price down from $4,826,447 to $ 4,656,594 from the original 22% price increase down to a 17.9% increase. Additionally, if Metro were to cancel the current contract and resolicit, the overall impact would be additional time to receive the tow trucks, higher prices due to costs, longer lead time and continual usage of an aging fleet.

The recommended price has been determined to be fair and reasonable based upon Metro's technical analysis, independent cost analysis and fact finding of the work to be performed.

Proposal Amount	Original Contract Amount	Negotiated Amount
$4,826,447	$3,922,757.26	$4,656,594

ATTACHMENT B

CONTRACT MODIFICATION/CHANGE ORDER LOG

CONTRACT MODIFICATION WITH TOW INDUSTRIES FOR THE PURCHASE OF NINE 35-TON TOW TRUCKS / CONTRACT DR81105000

Mod. No.	Description	Status (approved or pending)	Date	$ Amount
1	Increase Contract value due to increased cost of raw material, labor shortages, and Contractor's inability to get price holds for 6 months. Tow Industries is passing the cost with no profit mark-ups.	Pending	2.22.24	$ 733,836.74
	Modification Total:			$ 733,836.74
	Original Contract:			$ 3,922,757.26
	Total:			$ 4,656,594.00

DEOD SUMMARY

CONTRACT MODIFICATION WITH TOW INDUSTRIES FOR THE PURCHASE OF NINE 35-TON TOW TRUCKS / CONTRACT DR81105000

A. Small Business Participation

The Diversity & Economic Opportunity Department did not establish a Small Business Enterprise (SBE) and Disabled Business Enterprise (DVBE) goal for this project due to the lack of subcontracting opportunities. It was expected that the Prime Contractor, Baatz Enterprises, Inc. DBA Tow Industries, would perform the services of this contract with their own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

C. Prevailing Wage Applicability

Prevailing Wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

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

Metro

Board Report

File #: 2024-0032, **File Type:** Contract **Agenda Number:** 28.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024**

SUBJECT: SPRING TENSION ASSEMBLY UNITS FOR C LINE OCS SYSTEM OVERHAUL PROJECT

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed price contract, Contract No. MA105918000, to Mac Products, Inc. for 232 Spring Tension Assembly units and onsite installation support for the C Line OCS System Overhaul Project for a firm fixed price of $3,121,820.86, inclusive of sales tax, subject to the resolution of any properly submitted protest(s), if any.

ISSUE

This procurement is to purchase Spring Tension Assembly units for the C Line Overhead Catenary System (OCS). The existing Weight Stack Assembly (WSA) units on the C Line are aging and near the end of their useful life. The Spring Tension Assembly units are a replacement for the existing WSA units. Currently, the Maintenance & Engineering (M&E) crew is working on overhauling the OCS and replacing all worn-out parts on the C Line OCS, including the worn-out WSA units. The replacement of these units during the OCS overhaul will minimize operation interruption.

BACKGROUND

The Metro C Line opened for service to the public in August 1995. Most of the OCS system components, including the WSA units, need to be overhauled, and the WSA units are recommended for replacement according to Metro's Transit Asset Management (TAM) database. Extensive maintenance has been necessary for the existing OCS WSA units to ensure the reliable operation of the OCS. The trains connect to the OCS wires through a train-mounted pantograph, which powers the train's movement. The WSA units constantly provide tension to the OCS wires to keep them at the required height. Due to the aging conditions of the WSA units, issues within the OCS poles arise from stuck wires, resulting in reduced tension on the OCS wires. If the OCS isn't held to the appropriate tension, the wires can become loose and entangled with the train's pantograph, interrupting rail operations.

DISCUSSION

Replacing the WSA units with Spring Tension Assembly units is part of the project scope to renew the C Line OCS asset life. The Spring Tension Assembly units are improved mechanisms that provide automatic pulling force to constantly tension the OCS contact and messenger wire to compensate for the expansion of fluctuating daytime and night-time temperatures as well as the change in the seasons while keeping the tension at a constant proper level for rail vehicle operations.

The Spring Tension Assembly units will significantly enhance the safety and reliability of the OCS system on the C Line. The new OCS system will support additional traffic from the K line and future South Bay Extension. It also can reduce maintenance costs and staffing requirements to maintain the C Line OCS system.

DETERMINATION OF SAFETY IMPACT

Metro maintenance crews are performing intensive maintenance on a 28-year-old OCS system. The intensive maintenance needs extra staffing and occasionally interrupts the C Line Operations due to single tracking requirements. Replacing aging WSA units with new Spring Tension Assembly units will require less intensive maintenance and improve the safety and reliability of the OCS system.

FINANCIAL IMPACT

A total of $3,121,820.86. is needed for this action. The budget is contained in Capital Project 205121 - FY24 Metro Green Line OCS Wire Replacement Project. The Life of Project (LOP) budget is $38,350,000.00, which is within the project budget.

Since this is a multi-year contract, the Project Manager will be responsible for budgeting resources in future Fiscal Years.

Impact to Budget

The current source of funds for this action is Proposition A 35 Rail Set Aside. This is eligible for rail operations and capital projects. The use of this funding source maximizes the scope of funding use given approved guidelines and provisions.

EQUITY PLATFORM

The C Line OCS contact wires are located along the 105 freeway throughout Los Angeles County, including Equity Focus Communities (EFCs). The EFCs served include Downey, Paramount, Lynwood, Rancho Dominguez, Willowbrook, Westmont, Lennox, Hawthorne, and Lawndale. According to the 2022 Metro Customer Satisfaction Survey, 73% of current C Line passengers originate from households with very low income, and 74% lack access to personal vehicles for transportation. Furthermore, four out of every five riders on the C Line self-identify as belonging to Black, Indigenous, and/or People of Color (BIPOC) communities. The replacement of the WSA improves the reliability of transportation, and the riders will benefit from it. Approving the award of the Spring Tension Assembly units purchase will minimize rail service disruption for Metro riders who rely

on transit services for their mode of transportation.

The Diversity and Economic Opportunity Department (DEOD) established an overall 2% Disadvantaged Business Enterprise (DBE) goal for this contract award, The recommended firm, Mac Products, Inc. exceeded the goal by making a 6.68% DBE commitment.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Metro's Strategic Plan Goal 1) Provide high-quality mobility options that enable people to spend less time traveling. This contract will help maintain safety, service, and reliability standards to provide a world-class transportation system that enhances the quality of life for all who live, work, and play within Los Angeles County.

ALTERNATIVES CONSIDERED

Staff considered not purchasing or replacing the WSA, but it is not recommended. This option would require a high frequency of single-tracking operations to inspect the WSA and regular closures to replace smaller sections. This could result in premature system failures.

NEXT STEPS

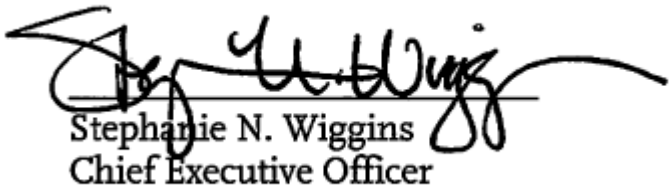
Following the authorization and execution of the contract, the contract will be awarded to a qualified vendor/manufacturer to start manufacturing the Spring Tension Assembly units and deliver them to the Metro storeroom per the approved delivery schedule.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Kelvin Zan, Executive Officer, Operations Engineering, (213) 617-6264
Errol Taylor, Deputy Chief Operations Officer, Maintenance and Engineering, (213) 922-3227
Debra Avila, Deputy Chief Vendor/Contract Management Officer (213) 418-3051

Reviewed by:
Conan Cheung, Chief Operations Officer (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

OCS SPRING TENSIONER ASSEMBLY (MA105918000)

1.	**Contract Number:** MA105918000	
2.	**Recommended Vendor(s):** MAC PRODUCTS INC.	
3.	**Type of Procurement (check one):** ☐ **IFB** ☒ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates :**	
	A. Issued: 6/07/2023	
	B. Advertised/Publicized: 6/08/23	
	C. Pre-Bid Conferences: 6/14/23 & 6/20/23	
	D. Bids Due: 7/12/23	
	E. Pre-Qualification Completed: 2/05/2024	
	F. Conflict of Interest Form Submitted to Ethics: 7/28/23	
	G. Protest Period End Date: 3/27/24	
5.	**Solicitations Picked up/Downloaded:** 5	**Proposals / Bids Received:** 2
6.	**Contract Administrator:** Veda Sargent	**Telephone Number:** (213) 418-3109
7.	**Project Manager:** Kelvin Zan	**Telephone Number:** (213) 617-6264

A. Procurement Background

This Board Action is to approve Contract No. MA105918000 to procure Metro C Line (Green Line) Overhead Contact System (OCS) Spring Tensioner Assemblies. The existing C Line OCS system consists of a Simple Auto – Tensioned (SCAT) system with internal balance weights. This project is to replace the existing internal weights with spring tensioners units (Pfistere Tensorex or approved equal).

A Request For Proposal (RFP) No. MA105918000 was issued in accordance with Metro's Acquisition Policy and the contract type is Firm Fixed Price (FFP).

Two (2) amendment were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on June 08, 2023, to provide additional Pre-Proposal Conference details.
- Amendment No. 2, issued on June 12, 2023, Pre- Proposal conference second meeting notification.

A total of two (2) proposals were received on July 12, 2023.

B. Evaluation of Proposals

This procurement was conducted in accordance and complies with Metro's Acquisition Policy for a competitive sealed bid. The two bids received are listed below in alphabetical order:

1. Mac Products Inc.
2. SouthWire Company

The PET is comprised of Metro staff members from Wayside System Engineering and Maintenance, Rail MOW Administration, Systems Engineering, and Operations Engineering. The PET conducted a full evaluation which consisted of the technical evaluation which consisted of evaluating, scoring, and ranking each of the proposer's technical capabilities, Quality Assurance, Performance, Inspection and Testing, Packaging and Marketing, Storage and Delivery, Training and Warranty, Assembly of the Spring Tensioners, Certifications, Test Reports, Installation Experience and Technical Support in accordance with the evaluation criteria set forth in the RFP.

The proposals required multiple rounds of clarifications and discussions but were. eventually found to be technically and commercially acceptable and in compliance with the requirements of the RFP. The final evaluation scoring was as follows:

EVALUATION	WEIGHTED	WEIGHTED SCORE	
		MAC PRODUCTS INC.	SOUTHWIRE COMPANY
TECHNICAL PROPOSAL (100 POINTS)			
1. Technical Approach	50	39.33	38.88
2. Personnel Availability	25	21.55	21.88
3. Proposed Cost	25	25	23
Total Weighted Score:	100	85.88	83.76
Rank :		1	2

The firm recommended for the award, Mac Products Inc., was found to be responsive with the RFP requirements.

SouthWire Company, although technically capable, their overall score was lower than Mac Products.

C. Price Analysis

In accordance with Metro's Acquisition Policy and Procedures for a competitive acquisition, a price analysis is required. Therefore, staff performed a Price Analysis in compliance with Metro's Acquisition Policy for competitive acquisitions. The Price Analysis consisted of a comparison of the proposed price against the lowest price proposed against the weighted percentage.

Based on the offers received, Mac Products Inc. submitted the lowest price of $3,121,820.86, which is 10.29 % lower than the ICE while SouthWire Company offered price of $3,412,225.94 is 1.89 % lower than ICE.

It is determined that the proposed price from Mac Product Inc. is the best attainable, fair, and reasonable, based on adequate price competition, technical evaluation, and price analysis.

ITEM	MAC PRODUCTS INC.	SOUTHWIRE COMPANY	ICE
OSC SPRING TENSIONER ASSEMBLY UNITS	$3,121,820.86	$3,414,224.94	$3,480,000

D. Background on Recommended Contractor

The recommended firm, Mac Products Inc. was established more than 50 years ago and recognized as field leader and producer of products for transmission, distribution and control of electrical power located in South Kearny, New Jersey. Mac Products Inc. is certified ISO 9001-2015 and has a computer integrated information system, state of the art quality and assurance laboratory and is an expert in programming of PLC controls. Mac Products Inc. has also partnered with Metro on the Regional Connector Transit Corridor as well as other transit agencies throughout the United States.

DEOD SUMMARY

PURCHASE OF OVERHEAD CATENARY SYSTEM (OCS) SPRING TENSION ASSEMBLY UNITS FOR C LINE OCS SYSTEM OVERHAUL / MA105918

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established an overall 2% Disadvantaged Business Enterprise (DBE) goal for this Indefinite Delivery / Indefinite Quantity (IDIQ) solicitation. Mac Products, Inc. exceeded the goal by making a 6.68% DBE commitment.

Small Business Goal	2% DBE	Small Business Commitment	6.68% DBE

	DBE Subcontractors	Ethnicity	% Committed
1.	TJD Trucking	African American	6.68%
		Total Commitment	**6.68%**

B. Local Small Business Enterprise (LSBE) Preference

The LSBE preference is not applicable to federally funded procurements. Federal law (49 CFR § 661.21) prohibits the use of local procurement preferences on FTA-funded projects.

C. Living Wage and Service Contract Worker Retention Policy Applicability

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

D. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

E. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of $2.5 million.

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

File #: 2024-0033, **File Type:** Contract **Agenda Number:** 29.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024**

SUBJECT: CONTACT WIRES FOR C LINE OVERHEAD CATENARY SYSTEM (OCS) REPLACEMENT

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award Contract No. DR119508, to Global Electric, for 96,839 linear feet of contact wire to support the C Line OCS Replacement Project for a firm fixed price of $1,052,646.22, inclusive of sales tax, subject to resolution of any properly submitted protest (s), if any.

ISSUE

The existing C Line OCS contact wires are approximately 30 years old, as they have been used since the start of C Line service in 1995. They require replacement as they are reaching the end of their useful life. Contact wires are a central railway infrastructure asset. They transmit traction power to supply electrical energy for the operation of Metro rail vehicles.

BACKGROUND

In May 2021, the Board of Directors established a $38,350,000 Life-of-Project (LOP) budget for the Metro C Line Overhead Catenary System Replacement as part of the FY22 budget adoption. The existing OCS contact wires were designed with a life expectancy of 30 years. The continuous operation of the rail service in various weather conditions has caused the contact wires to wear and are nearing the end of their functional lifespan. The Traction Power Maintenance Department has regularly inspected the contact wires and replaced sections when needed. However, this maintenance work has resulted in disruptions to rail services as affected trains must be single-tracked during the replacement of contact wires. Installing new contact wires will increase the reliability of the C Line while preventing service disruptions caused by sections of old contact wires that have been overworn and require replacement.

DISCUSSION

The project’s work plan involves dividing the replacement of contact wires into three sections along

the C Line. Section A starts at the Redondo Beach Station and ends at the Aviation Station, with an approximate length of 62,311 feet. Section B starts at the Aviation Station and ends at the Long Beach Station, with an approximate length of 111,752 feet. Section C begins at the Long Beach Station and ends at the Norwalk Station, with an approximate length of 96,838 feet.

Section A is in progress and planned to be completed in May of 2024. The project's next phase is to replace contact wires in Section C, which needs 96,838 feet of contact wires.

The recommended Board action is to approve the purchase of contact wire for Section C, which is planned to start in May 2024. Section B is the last section to be completed and is estimated to begin in October 2025. Procurement of the OCS contact wire for the Section B replacement is scheduled to take place in June 2025. The contact wire replacement work is being performed by in-house Traction Power workforces.

This project is part of Metro’s commitment to delivering a robust State of Good Repair (SGR) program that invests in modernization and enhancement to renew asset life and reduce asset breakdowns that impact daily service and customer experience.

DETERMINATION OF SAFETY IMPACT

In accordance with Metro’s SGR requirements and Transit Asset Management (TAM) Plan, the C Line OCS contact wires are reaching the end of their useful life and must be replaced promptly to comply with safety and reliability standards, alongside meeting California Public Utilities Commission regulations.

FINANCIAL IMPACT

A total of $1,052,646.22 is needed for this action. The budget is contained in Capital Project 205121 - Metro Green Line OCS Wire Replacement. The Life of Project (LOP) budget is $38,350,000.00, which is within the project budget.

Since this is a multi-year contract, the Project Manager will be responsible for budgeting resources in future Fiscal Years.

Impact to Budget

The current source of funds for this action is Proposition A 35%, which is eligible for rail operations.

EQUITY PLATFORM

The C Line OCS contact wires are located along the 105 freeway throughout Los Angeles County, including Equity Focus Communities (EFCs). The EFCs served include Downey, Paramount, Lynwood, Rancho Dominguez, Willowbrook, Westmont, Lennox, Hawthorne, and Lawndale. According to the 2022 Metro Customer Satisfaction Survey, 73% of current C Line passengers originate from households with very low income, and 74% lack access to personal vehicles for transportation. Furthermore, four out of every five riders on the C Line self-identify as belonging to

Black, Indigenous, and/or People of Color (BIPOC) communities. The replacement of OCS contact wires improves the reliability of transportation, and the riders will benefit from it. Awarding the OCS contact wire purchase will minimize rail service disruption for Metro riders who rely on transit services for their mode of transportation.

This contract award was designated as a Small Business Enterprise (SBE) set-aside and the solicitation was open to SBE Certified Small Businesses only. The recommended firm, Global Electric, is a minority-owned electrical contracting company that holds 8(a) Minority Business Enterprise (MBE), Small Business Enterprise (SBE), and Disadvantaged Business Enterprise (DBE) certifications with Metro.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports Metro's Strategic Plan Goal 1) Provide high-quality mobility options that enable people to spend less time traveling. This contract will help maintain safety, service, and reliability standards to provide a world-class transportation system that enhances the quality of life for all who live, work, and play within Los Angeles County.

ALTERNATIVES CONSIDERED

Staff considered not purchasing or replacing the entire C Line OCS contact wire, but it is not recommended. This option would require a high frequency of single-tracking operations to inspect the contact wire and regular closures to replace smaller sections. This could result in premature system failures.

NEXT STEPS

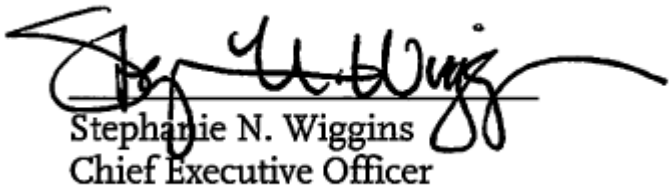
Upon approval of the recommendation, Vendor/Contract Management (V/CM) will execute Contract No. DR119508.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Kelvin Zan, Executive Officer, Operations Engineering, (213) 617-6264
Errol Taylor, Deputy Chief Operations Officer, Maintenance and Engineering, (213) 922-3227
Debra Avila, Deputy Chief Vendor/Contract Management Officer, (213) 418-3051

Reviewed by:
Conan Cheung, Chief Operations Officer, Bus (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

METRO C (GREEN) LINE OCS BARE CONDUCTORS

CONTRACT No. DR119508

1.	**Contract Number**: DR119508	
2.	**Recommended Vendor**: Global Electric	
3.	**Type of Procurement (check one):** ☒ **IFB** ☐ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued : December 15, 2023	
	B. Advertised/Publicized: December 15, 2023	
	C. Pre-Proposal Conference: N/A	
	D. Bids Due: January 24, 2024	
	E. Pre-Qualification Completed: January 19, 2024	
	F. Conflict of Interest Form Submitted to Ethics: February 1, 2024	
	G. Protest Period End Date: N/A	
5.	**Solicitations Picked up/Downloaded**: 12	**Bids/Proposals Received**: 1
6.	**Contract Administrator**: Gloire Lokula	**Telephone Number**: (213) 922-4954
7.	**Project Manager**: Kelvin Zan	**Telephone Number**: (213) 617-6264

A. Procurement Background

This Board Action is to approve Contract No. DR119508 to Global Electric to procure ninety-six thousand, eight hundred thirty-nine (96,839) feet of overhead contact wires to rebuild the Metro C Line (Green Line) Overhead Contact System (OCS). Board approval of contract award is subject to the resolution of any properly submitted protest(s), if any.

The Invitation for Bid (IFB) was issued in accordance with Metro's Acquisition Policy and the contract type is a Firm Fixed Price. This solicitation was published as an SBE Set-Aside.

A single bid was received on January 24, 2024, and deemed responsive.

B. Evaluation of Bids

The procurement was conducted in accordance and complies with Metro's Acquisition Policy for a competitive sealed bid. The single bid was deemed responsive and responsible to the IFB requirements after review by staff from the Metro Operations Department.

The recommended firm, Global Electric, the single responsive and responsible bidder, was found in full compliance in meeting the bid and technical requirements of the IFB.

Market Survey

Metro received a single bid and staff conducted a market survey to determine the reasons for the lack of bid responses to this solicitation.

Twelve firms downloaded the solicitation, and one firm submitted a bid. The market survey was sent to the twelve firms, and three firms responded back to the survey. The responses received revealed that the decision for the firms not to submit a bid were based on various business limitations such as vendors not being able to meet Metro's project timeline, the scope of work didn't meet their business interest, and lastly they could not meet the Buy America compliant wire requirements

C. Price Analysis

The recommended price is the result of an open competitive bid process in a competitive environment. The bidder prepared its bid with the expectation of adequate price competition. Both Metro and the bidder anticipated there would be more than one acceptable bid submitted. Overall, the total bid price has been determined to be fair and reasonable based upon market conditions and selection of the single responsive and responsible bidder.

The single bid received was recommended for an award at thirty seven percent (37%) lower than the independent cost estimate (ICE) provided. The price variance between the bid price and the independent cost estimate (ICE) is due to copper price fluctuations in the marketplace and manufacturing cost fluctuations due to customer demands.

Bidder's Name	Total bid Amount	Metro ICE
Global Electric	$1,052,646.22	$1,679,417.06

D. Background on Recommended Contractor

The recommended firm, Global Electric, located in Anaheim, CA, has been serving the greater Los Angeles and Orange County areas since 2006. Global Electric is a minority-owned electrical contracting company that holds 8(a), Minority Business Enterprise (MBE), Small Business Enterprise (SBE), Disadvantaged Business Enterprise (DBE) certifications with US SBA, Metropolitan Water District (MWD) and the LA Metro.

For the past decade, Global Electric has performed services for various agencies such as Metrolink and LA Metro by servicing Metrolink City buses, and conducting installation operations at Union Station. Global Electric has performed satisfactorily on previous LA Metro contracts.

DEOD SUMMARY

METRO C (GREEN) LINE OCS BARE CONDUCTORS

CONTRACT No. DR119508

A. Small Business Participation

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

Global Electric, an SBE Prime Supplier, made a 60% SBE commitment. While the SBE Prime Supplier is performing 100% of the work with their own workforce, only 60% of the cost of materials and supplies can be credited towards its commitment.

SMALL BUSINESS SET-ASIDE

	SBE Prime Contractor	**SBE % Committed**
1.	Global Electric	60%
	Total Commitment	60%

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. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

File #: 2024-0036, **File Type:** Contract **Agenda Number:** 30.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024

SUBJECT: CONTRACTED TRANSPORTATION SERVICES

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute:

A. Contract Modification No. 2 to Contract No. PS76258000 with Southland Transit, Inc. to operate an additional two fixed route bus lines in the North Region of Los Angeles County, specifically Metro Bus Lines 96 and 218, in the amount of $18,701,950, increasing the total not-to-exceed five-year base term from $90,032,724 to $108,734,674;

B. Contract Modification No. 2 to Contract No. PS76258001 with MV Transportation, Inc. to operate an additional two fixed route bus lines in the North Region of Los Angeles County, specifically Metro Bus Lines 177 and 603, in the amount of $39,176,545, increasing the total not-to-exceed five-year base term from $148,645,400 to $187,821,945; and

C. Individual contract modifications within the Board-approved contract modification authority.

ISSUE

The current Contract No. OP52356000, for Contracted Transportation Services - North Region with Transdev Services, Inc. (Transdev) is scheduled to expire on June 30, 2024.

Transdev currently operates six fixed-route bus lines: 96, 167, 177, 218, 603, and 501.

Line	Description	Annual RSH[1]	Annual Passengers[2]
96	Chinatown - Burbank Station via Griffith Park Dr	15,614	201,844
167	Chatsworth Station - Studio City via Plummer-Coldwater Canyon	25,284	447,836
177	JPL - Pasadena (Caltech)	4,106	39,567
218	Studio City - Cedars Sinai Medical Center via Laurel Canyon Bl-Fairfax Bl	12,311	175,742
501	North Hollywood - Pasadena Express	27,977	305,971

603	Glendale - Grand Station via San Fernando Rd-Rampart St-Hoover St	79,784	2,308,733

[1]RSH = Revenue Service Hours as of December 2023 Shake-Up Hours.
[2]Annual Passenger count is for FY23.

It is in Metro's best interest to transfer the operations of Metro's six (6) fixed route bus lines in the North Region of Los Angeles County from Transdev to a combination of Metro's directly operated divisions and its contracted transportation services contractors for the East and South Regions: Southland Transit, Inc. and MV Transportation, Inc. under Contract Nos. PS76258000 and PS76258001, respectively.

BACKGROUND

On June 6, 2022, Request for Proposals (RFP) No. PS86222 for contracted transportation services within Los Angeles County's North Region was issued as a competitive solicitation to continue the existing contracted transportation services for the North Region.

The single proposal that was received in August 2022 from Transdev in response to the RFP was evaluated in accordance with the terms of the RFP, in which Metro included increased contractor accountability through the establishment of Key Performance Indicators (KPI) (e.g., In-Service On-Time Performance (ISOTP), Mean Miles Between Mechanical Failure (MMBMF), Bus Cleanliness, Accident Frequency rate, etc.) in line with those that Metro's directly operated divisions are evaluated on, as well as more modern cybersecurity requirements. Over the next several months, Metro staff engaged in several discussions with Transdev to negotiate pricing.

A revision of Transdev's price proposal was submitted in September 2023. This proposal was influenced by several significant factors, including an increase in facility lease cost by recently moving to a new facility, higher insurance premiums, increased fuel costs, an increase of more than 100% for non-revenue vehicle costs, and facility improvements, in addition to increased wages. Metro's staff determined that the revised price proposal submitted by Transdev was not cost-effective and did not serve the best interests of Metro. As a result, the RFP was canceled on January 9, 2024.

Additionally, Transdev has been struggling to meet performance standards, with only 3 out of the 8 established KPIs being met on average each month during FY24. This is particularly concerning for Complaints per 100k Boardings, Mean Miles Between Mechanical Failure (MMBMF), and Traffic Collisions. Although Transdev has made efforts to address these issues, monthly service performance still falls short of the key performance targets set under the contract.

D98 - Transdev		Goal	July	Aug	Sept	Oct	Nov	Dec	Jan
KPI-1	In-Service On-Time Performance (ISOTP)	>= 80.0%	**78.6%**	**72.7%**	**68.6%**	**67.9%**	**72.4%**	**71.1%**	**75.8%**
KPI-2	In-Service Early Departures	<= 2.0%	1.2%	1.2%	1.2%	1.9%	1.6%	0.7%	1.0%
KPI-3	Complaints per 100,000k Boardings	<= 10.0	**12.34**	9.51	**13.57**	**10.34**	**11.53**	8.70	8.02
KPI-4	Mean Miles Between Mechanical Failures	>= 7,500	**6,169**	**3,627**	**4,959**	**5,753**	**4,834**	8,771	**6,211**

KPI-5	On-Time Pull-Outs	>= 99.0%	**97.75%**	**95.09%**	**93.78%**	**93.47%**	**97.73%**	**98.31%**	**97.27%**
KPI-6	Bus Cleanliness Score	>= 8.0	9.2	9.2	9.4	9.2	9.1	9.0	9.0
KPI-7	Traffic Collisions per 100,000 Miles	<= 3.0	**4.17**	**3.22**	**7.20**	**3.29**	**3.37**	**4.75**	2.76
KPI-8	Monthly Farebox Reconciliation	+/- 2.0%	**4.89%**	**2.88%**	1.89%	**5.52%**	0.12%	1.25%	1.21%

DISCUSSION

To ensure the continuity of bus service beyond June 2024, Metro staff explored the transfer of the operations of the North Region bus lines to Southland, MV, and Metro's directly operated divisions. Proposals were requested from the two firms, and a series of fact-finding discussions and negotiations were held.

Cost-benefit analysis revealed that the estimated total aggregate cost to operate the North, South, and East Regions through June 30, 2027 (the remaining base term and option period of the Southland and MV contracts) under this alternative option would result in an overall cost savings of about $17 million compared to the estimated total aggregate cost to operate the same regions with Transdev managing the entire North Region, based on its revised price proposal of September 2023.

Therefore, Metro is proposing to transfer the operations of the North Region fixed route bus lines 96, 167, 177, 218, 501, and 603 to Metro's other contracted transportation services contractors and directly operated bus divisions. Under this proposal, Lines 96 and 218 will be transferred to Southland, the East Region contractor, while Lines 177 and 603 will be transferred to MV, the South Region contractor. Metro's directly operated bus divisions 8 and 15 will operate Lines 167 and 501, respectively.

The recommended transfer of fixed-route bus lines makes maximum use of the current contractors' capacity, location, and resources. Special services such as the Dodger Stadium Express - Union Station, which is currently operated by Transdev, shall also be divided evenly between Metro's East and South Region contractors.

Metro staff has determined that MV whose employees are represented by the Teamsters Union and Southland represented by the Amalgamated Transit Union (ATU) have the operational capacity and capability to successfully undertake this additional bus service. These services will be physically transferred to their respective existing divisions as the existing Transdev operating base location does not provide operational or financial benefits for Metro. For example, it would require an additional property lease, duplication in maintenance and management/supervisor staff, and other higher costs that can be avoided by relocating the existing Transdev operations to other existing operating locations with lower operating costs. In addition, maintaining a separate operating facility for these lines would result in less efficient operator assignments and the need for MV and Southland to mutually agree to terms governing jointly sharing in the maintenance, operations, and liabilities associated with the additional facility.

Metro has a long-standing working relationship with both contractors and performance has been satisfactory. MV has a large facility and is able to accommodate the additional buses for operation on

Lines 177 and 603. Southland will take over the operation of Lines 96 and 218, which utilize smaller 32' buses, the same as utilized on other lines they operate. Both contractors offer competitive cost per revenue service hour which offers savings for Metro compared to the existing contractor's proposed rates and compared to direct operation by Metro.

To ensure a seamless transition of service, Southland and MV will commence the operations of the North Region bus lines starting June 23, 2024, which coincides with Metro's semi-annual service shake-up. Metro's staff will also dedicate the necessary resources to ensure the smooth transfer of lines to the respective divisions. The coordination process would be implemented upon approval of the recommendations.

Similarly, Metro staff reached an agreement with Sheet Metal, Air, Rail and Transportation Workers (SMART), the Union representing Metro bus operators, to accept the transfer of Lines 167 and 501 to be directly operated by Metro bus operations. These two lines are located in the San Fernando Valley with terminals located near Metro Division 8 at Chatsworth (Line 167) and Division 15 in Sun Valley (Line 501), making it more efficient to operate these lines directly compared to operation by either Southland (located at Baldwin Park) and MV (located at Carson). Metro will hire additional bus operators as needed for the operation of these two lines.

DETERMINATION OF SAFETY IMPACT

The approval of these contract modifications will ensure the seamless delivery of safe, clean, on-time, and reliable bus transportation services to LA County's North Region.

FINANCIAL IMPACT

The funding for the additional service will be added to the FY25 budget in Cost Centers 3592 and 3593, respectively; Project 306001; Account 50801.

The combined total cost, , to have the North Region work performed by Southland ($18,701,950), MV ($39,176,545), and Metro ($29,084,746) is $86,963,241. This represents a savings of $17,107,954 from Transdev's proposed price.

Since this is a multi-year procurement, the Project Manager and Chief Operations Officer will be responsible for budgeting costs in future fiscal years.

Impact to Budget

The source of funds for this action will come from state and local funding sources, including fares that are eligible for bus and rail operating projects. The Metro FY25 budget will also reflect these changes including the additional bus lines to be directly operated.

EQUITY PLATFORM

The approval of the contract modifications will ensure Metro's ability to continue to operate and maintain transportation services that are accessible to Los Angeles County residents.

Community members who live throughout and along the North Region lines impacted by this action will continue to benefit from the bus services provided, without interruption to service. The service is utilized as one of the primary modes of transportation to work and other social destinations (Customer Satisfaction Survey, 2022). The service provided to the North region runs through Equity Focus Communities (EFCs) where Customer Satisfaction Survey results show: 63% take Metro buses five (5) or more days a week, 49% of riders are women and 85% are people of minority ethnicities. Southland Transit, Inc. made a 10.36% Disadvantaged Business Enterprise (DBE) commitment, and the current DBE participation is 11.11%, exceeding the commitment by 0.75%. MV Transportation Technologies, Inc. made a 3.75% Disadvantaged Business Enterprise (DBE) commitment, and the current DBE participation is 5.18%, exceeding the commitment by 1.43%.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This Board action supports Strategic Goal 3: Enhance communities and lives through mobility and access to opportunity. Providing reliable bus services to the local communities supports Metro's goals to create prosperous communities and enable individuals and families to access jobs, essential services, education, and other social and recreational opportunities.

ALTERNATIVES CONSIDERED

The Board may choose not to authorize the requested action or issue a competitive solicitation to manage the operations of bus lines in the North Region. Both alternatives are not in the best interest of Metro because they will require Metro to enter into contract negotiations with Transdev for the extension of the existing contract. This alternative is not recommended since rates offered by Transdev are very prohibitive and are not cost-effective. Staff also considered maintaining the Transdev location for operations between Southland and MV. However, these services will be physically transferred to their respective existing divisions as the existing Transdev operating base location does not provide operational or financial benefits for Metro. For example, it would require an additional property lease, duplication in maintenance and management/supervisor staff, and other costs that can be avoided by relocating the existing Transdev operations to other existing operating locations with lower operating costs. In addition, maintaining a separate operating facility for these lines would result in less efficient operator assignments and the need for MV and Southland to mutually agree to terms governing jointly sharing in the maintenance, operations, and liabilities associated with the additional facility.

NEXT STEPS

Upon Board approval, staff will execute Modifications No. 2 to Contract No. PS76258000 with Southland Transit and Contract No. PS76258001 with MV Transportation, Inc. to operate fixed route bus services in the North Region of Los Angeles County, specifically Metro Bus Lines 96,177, 218, and 603, as well as the management of the operations of Metro Bus Lines 167 and 501 by Metro directly operated divisions.

ATTACHMENTS

Attachment A-1 - Procurement Summary (East Region)
Attachment A-2 - Procurement Summary (South Region)
Attachment B-1 - Contract Modification /Change Order Log (East Region)
Attachment B-2 - Contract Modification /Change Order Log (South Region)
Attachment C-1 - DEOD Summary (East Region)
Attachment C-2 - DEOD Summary (South Region)

Prepared by: Sandra Solis, Director, Finance & Administration Management Services (213) 922-6266
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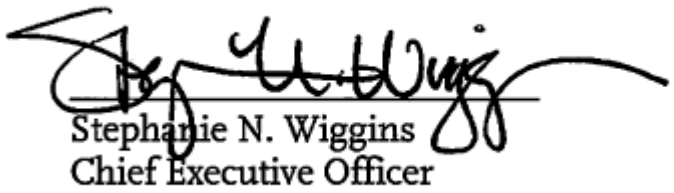
Reviewed by: Conan Cheung, Chief Operations Officer, Transit Operations, (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

CONTRACTED TRANSPORTATION SERVICES – EAST REGION / PS76258000

1.	**Contract Number**: PS76258000			
2.	**Contractor**: Southland Transit, Inc.			
3.	**Mod. Work Description**: Expand service coverage to include the operation of fixed-route bus lines in the North Region of Los Angeles County.			
4.	**Contract Work Description**: Operate local transit lines in the Los Angeles County			
5.	**The following data is current as of**: 2/21/24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	2/24/22	**Contract Award Amount:**	$90,032,724
	Notice to Proceed (NTP):	N/A	**Total of Modifications Approved:**	$0
	Original Complete Date:	6/30/27	**Pending Modification (including this action):**	$18,701,950
	Current Est. Complete Date:	6/30/27	**Current Contract Value (with this action):**	$108,734,674
7.	**Contract Administrator**: Antonio Monreal		**Telephone Number**: (213) 922-4679	
8.	**Project Manager**: Sandra Solis		**Telephone Number:** (213) 922-6266	

A. Procurement Background

This Board Action is to approve Contract Modification No. 2 to operate fixed-route local Bus Lines 96 and 218 in the North Region of Los Angeles County.

The contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is an indefinite delivery/indefinite quantity.

In February 2022, the Board awarded eight-year (inclusive of one, three-year option) contracts to Southland Transit, Inc., and MV Transportation, Inc., to provide fixed-route local transit lines in the East and South Regions of Los Angeles County, respectively.

One modification has been issued to date.

Refer to Attachment B-1 – Contract Modification/Change Order Log.

B. Cost Analysis

The recommended amount has been determined to be fair and reasonable based on an independent cost estimate (ICE), technical analysis, cost analysis, fact finding, and negotiations. Metro staff successfully negotiated cost savings of $4,975,541.

Proposal Amount	Metro ICE	Recommended Amount
$23,677,491	$36,152,118	$18,701,950

The variance between the recommended amount and the ICE is attributable to higher estimated costs for labor, fringe benefits, facility lease and maintenance, insurance premiums, and fuel costs.

PROCUREMENT SUMMARY

CONTRACTED TRANSPORTATION SERVICES – SOUTH REGION / PS76258001

1.	**Contract Number**: PS76258001			
2.	**Contractor**: MV Transportation, Inc.			
3.	**Mod. Work Description**: Expand service coverage to include the operation of fixed-route bus lines in the North Region of Los Angeles County.			
4.	**Contract Work Description**: Operate local transit lines in the Los Angeles County			
5.	**The following data is current as of**: 2/21/24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	2/24/22	**Contract Award Amount:**	$148,645,400
	Notice to Proceed (NTP):	N/A	**Total of Modifications Approved:**	$0
	Original Complete Date:	6/30/30	**Pending Modification (including this action):**	$39,176,545
	Current Est. Complete Date:	6/30/27	**Current Contract Value (with this action):**	$187,821,945
7.	**Contract Administrator**: Antonio Monreal		**Telephone Number**: (213) 922-4679	
8.	**Project Manager**: Sandra Solis		**Telephone Number:** (213) 922-6266	

A. Procurement Background

This Board Action is to approve Contract Modification No. 2 to operate fixed-route local Bus Lines 177 and 603 in the North Region of Los Angeles County.

The contract modification will be processed in accordance with Metro's Acquisition Policy and the contract type is an indefinite delivery/indefinite quantity.

In February 2022, the Board awarded eight-year (inclusive of one, three-year option) contracts to Southland Transit, Inc. and MV Transportation, Inc. to provide fixed-route local transit lines in the East and South Regions of the Los Angeles County, respectively.

One modification has been issued to date.

Refer to Attachment B-2 – Contract Modification/Change Order Log.

B. Cost Analysis

The recommended amount has been determined to be fair and reasonable based on an independent cost estimate (ICE), technical analysis, cost analysis, fact finding and negotiations. Metro staff successfully negotiated cost savings of $9,155,866.

Proposal Amount	Metro ICE	Recommended Amount
$48,332,411	$53,377,218	$39,176,545

The variance between the recommended amount and the ICE is attributable to higher estimated costs for labor, fringe benefits, facility lease and maintenance, insurance premiums, and fuel costs.

CONTRACT MODIFICATION/CHANGE ORDER LOG

CONTRACTED TRANSPORTATION SERVICES – EAST REGION/PS76258000

Mod. No.	Description	Status (approved or pending)	Date	Amount
1.	Revised requirements for Operations Licenses and Certifications and liquidated damages.	Approved	9/1/22	$0
2	Expand service coverage to include fixed-route Bus Lines 96 and 218 in the North Region.	**Pending**	**Pending**	**$18,701,950**
	Modification Total:			**$18,701,950**
	Original Contract:		**2/24/22**	**$90,032,724**
	Total Contract Value:			**$108,734,674**

CONTRACT MODIFICATION/CHANGE ORDER LOG

CONTRACTED TRANSPORTATION SERVICES – SOUTH REGION/PS76258001

Mod. No.	Description	Status (approved or pending)	Date	Amount
1.	Revised requirements for Operations Licenses and Certifications and liquidated damages.	Approved	9/1/22	$0
2	Expand service coverage to include fixed-route Bus Lines 177 and 603 in the North Region.	**Pending**	**Pending**	**$39,176,545**
	Modification Total:			**$39,176,545**
	Original Contract:		**2/24/22**	**$148,645,400**
	Total Contract Value:			**$187,821,945**

DEOD SUMMARY

CONTRACTED TRANSPORTATION SERVICES – EAST REGION/PS76258000

A. Small Business Participation

Southland Transit, Inc. (STI) made a 10.36% Disadvantaged Business Enterprise (DBE) commitment. Based on payments to-date, the project is 28% complete and the current DBE participation is 11.11%, exceeding the commitment by 0.75%.

Small Business Commitment	10.36% DBE	Small Business Participation	11.11% DBE

	DBE Subcontractors	Ethnicity	% Committed	Current Participation[1]
1.	Carl's Electric, Inc.	Asian-Pacific American	0.13%	0.81%
2.	Islas Tires, Inc.	Hispanic American	1.02%	1.15%
3.	J.C.M. & Associates, Inc. dba Blue Goose Uniforms	Hispanic American	0.32%	0.28%
4.	Jamison Professional Services, LLC dba Jamison Insurance, Jamison Transportation Products	African American	0.01%	0.01%
5.	Metro Maintenance Services	Asian-Pacific American	1.61%	1.71%
6.	SRL Enterprises LLC	African American	0.05%	0.01%
7.	Tranco dba Tranco Mobile Bodywork and Upholstry	Asian-Pacific American	1.49%	1.00%
8.	Trans-Global Services, Inc.	Asian-Pacific American	5.73%	6.14%
		Total	**10.36%**	**11.11%**

[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 (LW/SCWRP) is applicable to this modification. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of $24.73 per hour ($18.78 base + $5.95 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

C. Prevailing Wage Applicability

Prevailing Wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

DEOD SUMMARY

CONTRACTED TRANSPORTATION SERVICES – SOUTH REGION/PS76258001

A. Small Business Participation

MV Transportation Technologies, Inc. (MVT) made a 3.75% Disadvantaged Business Enterprise (DBE) commitment. Based on payments to-date, the project is 22% complete and the current DBE participation is 5.18%, exceeding the commitment by 1.43%.

Small Business Commitment	**3.75% DBE**	**Small Business Participation**	**5.18% DBE**

	DBE Subcontractors	**Ethnicity**	**% Committed**	**Current Participation[1]**
1.	B&S Construction, Inc.	Asian-Pacific American	0.02%	0.01%
2.	Fleet Care/Transportation Full Detail Services	Hispanic American	2.30%	3.13%
3.	J.C.M. & Associates, Inc. dba Blue Goose Uniforms	Hispanic American	0.15%	0.18%
4.	Jamison Professional Services, LLC dba Jamison Insurance, Jamison Transportation Products	African American	0.05%	0.0001%
5.	Metro Maintenance Services	Asian-Pacific American	0.48%	0.21%
6.	Oscar Mobile & Body Detail	Hispanic American	0.15%	0.45%
7.	R Industrial & Healthcare Supplies	African American	0.60%	1.20%
		Total	**3.75%**	**5.18%**

[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 (LW/SCWRP) is applicable to this modification. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of $24.73 per hour ($18.78 base + $5.95 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

C. Prevailing Wage Applicability

Prevailing Wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

Contracted Transportation Services

Metro

Operations, Safety, and Customer Experience
March 21, 2024

Recommendation

AUTHORIZE the Chief Executive Officer to execute:

A. Contract Modification No. 2 to Contract No. PS76258000 with Southland Transit, Inc. to operate an additional two fixed route bus lines in the North Region of Los Angeles County, specifically Metro Bus Lines 96 and 218, in the amount of $18,701,950, increasing the total not-to-exceed five-year base term from $90,032,724 to $108,734,674.

B. Contract Modification No. 2 to Contract No. PS76258001 with MV Transportation, Inc. to operate an additional two fixed route bus lines in the North Region of Los Angeles County, specifically Metro Bus Lines 177 and 603, in the amount of $39,176,545, increasing the total not-to-exceed five-year base term from $148,645,400 to $187,821,945.

C. Individual contract modifications within the Board-approved contract modification authority.

Issue

- The current contract with Transdev Services, Inc. covers six Metro bus lines in the North Region and is scheduled to expire on June 30, 2024.

- Transdev currently operates the following six fixed-route bus lines:

Line	Description	Annual RSH	Annual Passengers
96	Chinatown – Burbank Station via Griffith Park Dr	15,614	201,844
167	Chatsworth Station – Studio City via Plummer-Coldwater Canyon	25,284	447,836
177	JPL – Pasadena (Caltech)	4,106	39,567
218	Studio City – Cedars Sinai Medical Center via Laurel Canyon Bl-Fairfax Bl	12,311	175,742
501	North Hollywood – Pasadena Express	27,977	305,971
603	Glendale – Grand Station via San Fernando Rd-Rampart St-Hoover St	79,784	2,308,733

Metro

Background

- RFP No. PS86222 was issued on June 6, 2022 as a competitive solicitation to continue existing contracted transportation services for LA County's North Region.
- A single bid was received from Transdev on August 12, 2022 and Metro staff engaged in extensive discussions with Transdev to negotiate pricing.
- The final proposal received from Transdev in September 2023 was not cost-effective due to increased facility lease/improvement, insurance, non-revenue vehicle, and labor costs.
- Transdev has also not met performance standards during FY24, meeting only 3 out of 8 established monthly KPIs on average during FY24. Key areas of poor performance include Complaints per 100K boardings, Mean Miles Between Mechanical Failure, and Traffic Collisions.
- Staff considered it in the best interests of Metro to cancel the Request for Proposals (RFP) on January 9, 2024.

Metro

Discussion

- As part of the June 2024 service change, staff recommends transferring the North Region bus operations to Metro's other transportation services contractors and Metro's directly operated bus divisions by June 23, 2024.

- Having a separate operating facility for these lines was considered less efficient due to the additional property lease and duplication in contracted staff, as well as mutual agreement of maintenance, operations, and liabilities with MV & Southland.

- Based on the proposed reallocation of work, a Cost-benefit analysis revealed that the estimated aggregate cost to operate the North, South, and East Regions through June 30, 2027 would result in a cost savings of approximately $17 million.

Agency	Line	% of Service Allocated	Union
Southland Transit – East Region	218	17%	ATU
	96		
MV Transit – South Region	177	51%	Teamsters
	603		
Metro Division 8	167	32%	SMART
Metro Division 15	501		

Metro

Next Steps

- Upon Board approval, staff will execute Modifications No. 2 to Contract No. PS76258000 with Southland Transit and Contract No. PS76258001 with MV Transportation, Inc. to operate fixed route bus services in the North Region of Los Angeles County.

Agency	Service Costs (2024-2027)		
	Original Proposal/Contracts	Recommended	Difference
Transdev – North Region	$104,071,194.59	$0.00	($104,071,194.59)
Southland – East, MV Transit – South Region, and Metro	$147,144,613.14	$234,107,853.53	$86,963,240.39
Total Cost (Net Savings)	$251,215,807.73	$234,107,853.33	($17,107,954.20)

Metro

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

File #: 2024-0059, **File Type:** Contract **Agenda Number:** 31.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024

SUBJECT: POWER SWEEPING SERVICES

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP1066318370000 to Joe's Sweeping, Inc. dba Nationwide Environmental Services, to provide systemwide power sweeping services in the not-to-exceed (NTE) amount of $7,162,050 for the three-year base period and $2,588,620 for each of the two, one-year options, for a total NTE amount of $12,339,290, effective June 1, 2024.

ISSUE

The existing power sweeping services contract expires on May 31, 2024. To avoid a lapse in service and continue providing safe, quality, regularly scheduled, and as-needed power sweeping services systemwide, a new contract award is required, effective June 1, 2024.

BACKGROUND

On April 26, 2018, the Board awarded a firm fixed unit rate Contract No. OP962800003367 to Nationwide Environmental Services to provide regularly scheduled and as-needed power sweeping services throughout Metro facilities and parking lots, effective June 1, 2018.

Under the existing contract, the contractor is required to provide power sweeping services for 110 Metro bus and rail facilities and 40 Caltrans owned Park and Ride (P&R) facilities, for a total of 150 facilities. With the opening of the Metro K line (Crenshaw/LAX) and the acquisition of properties, services were expanded to include an additional 11 bus and rail facilities for an updated total of 161 facilities and parking lots. To date, the contractor has been satisfactorily providing regularly scheduled and as-needed power sweeping services systemwide.

While staff continuously evaluates service levels and explores opportunities for improvements, Metro's service area was split geographically into North and South regions. These actions are necessary to increase competition and expand opportunities for small business participation.

On November 18, 2021, a new SBE set-aside solicitation was issued to provide power sweeping services under two (2) new contracts for the North and South regions. On December 22, 2021, two

(2) bids were received, one (1) per region. However, the bids were deemed non-responsive for not meeting the SBE goals, and the solicitation was canceled on March 17, 2022. A follow-up market survey was conducted to obtain feedback from firms on the plan holders list and the firms that submitted bids. Based on the feedback received, staff re-evaluated Metro's service area and restructured the scope of services splitting Metro's service area into three (3) geographical regions, to further enhance competition and small business participation.

On June 23, 2022, the Board approved Modification No. 11, extending the existing contract period of performance from August 31, 2022, through March 31, 2023, and increasing the contract authority by $995,000 from $5,846,346 to $6,841,346 to ensure service continuity and allow time for a re-solicitation. Concurrently, in preparation for the re-solicitation, two (2) outreach events were conducted on June 21, 2022, and June 29, 2022, where staff provided an overview of the upcoming procurement for the newly restructured three (3) regional contracts.

The new SBE prime set-aside solicitation was issued on September 9, 2022, with a bid due date of October 10, 2022. Since no bids were received, staff followed up with a market survey to obtain feedback from plan holders. The market survey revealed that since the COVID-19 pandemic, the private sector for power sweeping on the West Coast has experienced major changes where larger companies began to acquire smaller businesses, resulting in fewer firms capable of providing power sweeping service while facing significant challenges with long lead times for vehicle acquisition, ability to meet South Coast Air Quality Management District (AQMD) regulations and guidelines, and having the available resources to meet market demand. Therefore, staff re-evaluated Metro's service area and restructured it under one (1) contract to provide systemwide power sweeping services throughout Metro's bus and rail facilities.

To ensure service continuity, on March 23, 2023, the Board approved Modification No. 14, extending the existing contract period of performance from June 1, 2023, through May 31, 2024, and increasing the contract authority by $1,902,420 from $6,841,346 to $8,743,766. On August 30, 2023, a new open competitive solicitation was issued and one (1) bid was received on October 4, 2023, from Nationwide Environmental Services, Inc.

DISCUSSION

Under the new contract recommended for award, the contractor is required to continue providing regularly scheduled and as-needed power sweeping services throughout Metro facilities and parking lots. Services include the removal of trash and debris such as leaves, glass, and metal particles from parking lots, parking structures, and gutters. During the contract period of performance, the number of Metro bus and rail facilities serviced will increase from a total of 161 to 168 with the completion of the Airport Metro Connector (AMC) in late 2024 and the A Line (Blue) Foothill Extension 2B expansion project in early 2025.

This contract is critical to Metro's operations to mitigate against accumulation of trash and debris and ensure the provision of safe and clean facilities and parking lots for Metro employees and patrons. While the new contract amount is 42% higher than the Independent Cost Estimate (ICE) and the existing contract amount, this reflects the post COVID-19 market factors including the significantly escalated prices of fuel, materials and vehicle acquisitions along with the major changes and

mergers within the power sweeping industry resulting in fewer firms capable of providing power sweeping services. Also, the new contract amount accounts for the new locations associated with Metro's system expansion projects as well as increased service levels to enhance the overall maintenance services. Therefore, the new contract amount is deemed fair and reasonable.

DETERMINATION OF SAFETY IMPACT

The approval of this item will ensure service continuity and meeting Metro maintenance standards by providing regularly scheduled and as-needed power sweeping services with prompt response to deliver safe, quality, on-time, and reliable services, as well as continuously enhancing Metro bus and rail facilities' overall appearance and cleanliness.

FINANCIAL IMPACT

For power sweeping services, funding of $449,000 for the remainder of FY24 is allocated under cost center 8370 - Facilities Contracted Maintenance Services, account 50308, Service Contract Maintenance, under various projects.

Since this is a multi-year contract, the cost center manager and Deputy Chief Operations Officer, Shared Mobility will be accountable for budgeting the cost in future years.

Impact to Budget

The current source of funds for this action includes operating eligible sales tax funding including Passenger Fares, Propositions A/C, Measures R/M, STA, and the Transportation Development Act. These fund sources are eligible for bus and rail operations. Use of these funding sources leverages maximum project fund use given approved guidelines and provisions.

EQUITY PLATFORM

Regularly scheduled and as-needed power sweeping services contribute to improving Metro bus and rail facilities' cleanliness and providing a safe, quality, accessible, and reliable environment for Metro's patrons. Bus and Rail station cleanliness was identified as one of the top areas of concern in the 2020 Customer Experience Survey and the FY23 Metro Budget Survey conducted to develop the Metro Customer Experience Plan 2022 and assist with funds allocation for the FY24 budget.

As part of this solicitation, two (2) Systemwide Metro Connect Outreach events were held on May 31, 2023, and June 14, 2023, with the participation of over 30 attendees representing small and medium size firms within Equity Focus Communities, such as the South Park and Willowbrook communities. The outreach events were advertised to existing businesses registered with Metro's Diversity and Economic Opportunity Department (DEOD). During the outreach events, staff provided an overview detailing the new enhanced Medium Size Business Enterprise (MSZ) and SBE Program's policy for competitively negotiated procurements. Staff also provided an overview of the upcoming solicitation scope of services.

The Diversity and Economic Opportunity Department (DEOD) established a 7% SBE goal and a 3% Disabled Veterans Business Enterprise (DVBE) goal. Joe's Sweeping, Inc. dba Nationwide Environmental Services, made a 7% SBE and 3% DVBE commitment. See Attachment B - DEOD Summary.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The staff recommendation supports Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system. As an identified top area of concern, performing ongoing scheduled and as-needed power sweeping directly improves Metro bus and rail facilities' cleanliness thereby enhancing customers' overall transit experience.

ALTERNATIVES CONSIDERED

The Board may elect not to approve this recommendation. This option is not recommended as it would result in a gap in service impacting Metro's system safety, cleanliness, and customer experience.

With the completion of a financial based insourcing/outsourcing study based on a quantitative and qualitative assessment, staff has analyzed insourcing/outsourcing options for power sweeping services among other services. Based on the findings, power sweeping services may be considered for insourcing. Approving this recommendation for a contract award will allow staff the time during the three-year base contract term to take the necessary steps for the planning, acquisition of equipment and materials, allocation of resources, training, and implementation to bring power sweeping services in-house.

NEXT STEPS

Upon approval by the Board, staff will execute Contract No. OP1066318370000 with Joe's Sweeping, Inc. dba Nationwide Environmental Services to provide power sweeping services throughout Metro's bus and rail facilities and Caltrans owned P&R facilities effective June 1, 2024.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Lena Babayan, Executive Officer, Operations Administration (Interim), (213) 922-6765
Carlos Martinez, Director, Facilities Contracted Maintenance Services, (213) 922-6761
Shahrzad Amiri, Deputy Chief Operations Officer, Shared Mobility, (213) 922-3061
Carolina Coppolo, Deputy Chief, Vendor/Contract Management Officer (Interim), (213) 922-4471

Reviewed by: Conan Cheung, Chief Operations Officer, Transit Operations, (213) 418-3034

Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

POWER SWEEPING SERVICES / OP1066318370000

1.	**Contract Number**: OP1066318370000	
2.	**Recommended Vendor**: Joe's Sweeping, Inc. dba Nationwide Environmental Services	
3.	**Type of Procurement (check one):** ☒ **IFB** ☐ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: August 30, 2023	
	B. Advertised/Publicized: September 1, 2023	
	C. Pre-Bid Conference: September 6, 2023	
	D. Bid Due Date: October 4, 2023	
	E. Pre-Qualification Completed: December 11, 2023	
	F. Ethics Declaration Form Submitted to Ethics: October 5, 2023	
	G. Protest Period End Date: March 26, 2024	
5.	**Solicitations Picked up/Downloaded**: 8	**Bids/Proposals Received**: 1
6.	**Contract Administrator**: Ricardo E. Narvaez	**Telephone Number**: 213-418-3158
7.	**Project Manager**: Maral Minasian	**Telephone Number**: 213-922-6762

A. Procurement Background

This Board action is to approve the award of Contract No. OP1066318370000 to provide power sweeping services for Metro transit facilities including, but not limited to bus divisions, terminals, busways, railroad trackways, layover areas, rail divisions and train/bus stations park-and-ride lots. Board approval of contract award is subject to the resolution of any properly submitted protest, if any.

Metro initiated the procurement process for power sweeping services in November 2021. The initial Invitation for Bid (IFB) solicitation was issued on November 24, 2021 under the Small Business Enterprise Set-Aside Program and was open to Metro-certified SBE firms. The service area was comprised of two geographical regions to encourage participation by Metro-certified small business firms and increase competition. However, one bid was received and was determined non-responsive because it did not meet the SBE Prime Set-Aside Commercial Useful Function Requirement of 30% established for the solicitation.

Metro staff conducted a market survey of the firms on the planholders list to determine why no other bids were received. The survey revealed that firms were not able to submit bids because the service areas were too large and the required equipment is difficult for small business firms to afford.

Based on that market survey feedback, the service area was divided into three regions, and the equipment requirements were relaxed to encourage competition. On September 9, 2022, Metro reissued the solicitation for a second time as an SBE Set-Aside Program opportunity. However, no bids were received.

Metro staff conducted a market survey of the firms on the planholders list to determine why no bids were received. The survey revealed that due to the onset of the COVID-19 pandemic, the power sweeping industry on the West Coast had experienced major vendor consolidation as larger companies began to acquire smaller businesses, resulting in fewer providers of power sweeping services. The industry also faced other significant challenges such as longer lead times for the acquisition of power sweeping and cleaning equipment, the ability to stay compliant and competitive due to stringent sustainability regulations and guidelines of the South Coast Air Quality Management District (AQMD), and the availability of manpower resources to meet market demand.

Prior to the release of the third solicitation, Metro conducted two virtual Metro Connect Forum Outreach events on May 31, 2023, and June 14, 2023, which were attended by over 30 attendees representing small and medium-sized firms within the Equity Focus Communities. During the outreach events, staff provided an overview detailing the new enhanced Medium Size Business Enterprise (MSZ) and SBE Program policies for competitively sealed bid procurements. The event also informed the small business community of the upcoming contracting opportunity to increase and promote small business participation.

On August 30, 2023, IFB No. OP1066318370 was issued as a competitive sealed bid procurement in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate contract.

The IFB was issued with a 7% SBE goal and a 3% Disabled Veterans Business Enterprise (DVBE) goal. Further, the solicitation was subject to the Local Small Business Enterprise (LSBE) Preference Program, which gives eligible bidders a 5 percent preference as a bid price reduction for the utilization of local small business firms.

One (1) amendment was issued during the solicitation phase of this IFB:

- Amendment No. 1, issued September 15, 2023, provided the MS Word version of Exhibit 2 - Schedule of Quantities and Prices for ease in completing and submitting bids.

A total of 8 firms downloaded the IFB and were included on the planholders list. A virtual pre-bid conference was held on September 6, 2023, and was attended by five participants representing five firms. There were no questions asked during the solicitation phase.

On the bid due date of October 4, 2023, Metro received a single bid from Joe's Sweeping, Inc. dba Nationwide Environmental Services. Since only one bid was

received, Metro staff conducted a market survey of the firms on the planholders list to determine why no other bids were received. The following is a summary of the market survey responses:

- Not having manpower resources to fulfill the contract.
- Provides power seeping services in Northern and Central California but elected not to submit a bid.
- Not having the required power sweeping equipment.
- Not having the financial resources to undertake the scope of service.
- Interested in submitting a bid but the requirements of the scope of services are outside the business model.
- Four firms downloaded the solicitation but do not provide power sweeping services.

Metro staff determined that the solicitation was not restrictive. The market survey revealed that the decisions not to propose were based on individual business considerations. Therefore, this solicitation can be awarded as a competitive award.

B. Evaluation of Bid

This procurement was conducted in accordance with Metro's Acquisition Policy for a competitive sealed bid. Nationwide Environmental Services' bid was evaluated to determine responsiveness to the solicitation requirements. Areas of responsiveness include meeting the minimum qualifications requirements, such as years of experience providing power sweeping services and current capacity to provide the required power sweeping equipment.

Nationwide Environmental Services was determined to be qualified to perform the services based on the IFB requirements.

C. Price Analysis

The recommended amount has been determined to be fair and reasonable based on the independent cost estimate (ICE), price analysis using historical data, fact-finding, and technical analysis.

	Bidder Name	Bid Amount	Metro ICE	Recommended Amount
1.	Joe's Sweeping, Inc. dba Nationwide Environmental Services	$ 12,339,290	$ 8,649,796	$ 12,339,290

The variance between the recommended amount and Metro's ICE is due to post-COVID-19 market factors that led to substantial increases in operating costs, (e.g. equipment, tires, fuel, and insurance premiums), and service frequency adjustments to improve service that were not included in the ICE.

D. Background on Recommended Contractor

Joe's Sweeping, Inc. dba Nationwide Environmental Services, was founded in 1989 and is located in Norwalk, CA. The firm specializes in providing power sweeping services for parking lots, surface streets, construction sites, and other open spaces for municipalities, residential communities, business parks, private companies, school districts, and public transportation agencies. Nationwide Environmental Services' clients include the Cities of Norwalk, Pico Rivera, Montebello, Huntington Beach, Sante Fe Springs, Commerce, and La Habra.

The Nationwide Environmental Services team includes one SBE subcontractor and one DVBE subcontractor. They will provide tires and re-treading services.

Nationwide Environmental Services has been providing power sweeping services to Metro since 1997 and performance has been satisfactory.

DEOD SUMMARY

POWER SWEEPING SERVICES / OP1066318370000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 7% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. Joe's Sweeping, Inc. dba Nationwide Environmental Services made a 7% SBE and 3% DVBE commitment.

Small Business Goal	7% SBE 3% DVBE	Small Business Commitment	7% SBE 3% DVBE

	SBE Subcontractors	% Committed	LSBE	Non-LSBE
1.	Islas Tires, Inc.	7%		X
	Total SBE Commitment	**7%**		

	DVBE Subcontractors	% Committed	LSBE	Non-LSBE
1.	Hunter Tires	3%	X	
	Total DVBE Commitment	**3%**		

B. Local Small Business Preference Program (LSBE)

Joe's Sweeping, Inc. dba Nationwide Environmental Services, a non-LSBE prime, did not subcontract at least 30% of its contract value with eligible LSBE firms and is ineligible for the preference.

C. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this contract. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of $24.52 per hour ($18.57 base + $5.95 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

D. Prevailing Wage Applicability

Prevailing Wage is not applicable to this contract.

E. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

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

File #: 2024-0060, **File Type:** Contract **Agenda Number:** 32.

REVISED
OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024

SUBJECT: ELEVATOR AND ESCALATOR MAINTENANCE SERVICES

ACTION: APPROVE CONTRACT AWARDS

RECOMMENDATIONS

AUTHORIZE the Chief Executive Officer to:

A. AWARD a firm fixed unit rate Contract No. OP1107840018370 to Mitsubishi Electric US Inc. (MEUS) to provide comprehensive preventative maintenance services, inspections, and repairs of elevators, escalators, and their associated systems and equipment throughout Metro facilities excluding the Metro Gateway Headquarters Building. The Contract not-to-exceed (NTE) amount is $142,352,031 for the five-year base period, and $57,349,950 for the one, two-year option, for a total combined NTE amount of $199,701,981, effective May 1, 2024, subject to resolution of any properly submitted protest(s), if any;

B. AWARD a firm fixed unit rate Contract No. OP1107840008370 to Otis Elevator Company (Otis), to provide comprehensive preventative maintenance services, inspections, and repairs of elevators, escalators, and their associated systems and equipment within the Metro Gateway Headquarters Building, for an NTE amount of $11,890,099 for the five-year base period, and $5,063,368 for the one, two-year option, for a total combined NTE amount of $16,953,467, effective May 1, 2024, subject to resolution of any properly submitted protest(s), if any, and;

C. EXECUTE individual contract modifications within the Board approved contract modification authority.

ISSUE

The existing elevator and escalator maintenance services contract expires April 30, 2024. To avoid a lapse in service and continue providing safe, quality, regularly scheduled, and as-needed elevator and escalator maintenance services systemwide, including the Metro Gateway Headquarters Building, two (2) new contract awards are required effective May 1, 2024.

BACKGROUND

On August 25, 2016, the Board of Directors awarded a firm fixed unit rate Contract No. OP710100003367 to MEUS, to provide comprehensive elevator and escalator maintenance, inspection, and repair services systemwide, effective November 1, 2016, excluding the Metro Gateway Headquarters Building and Union Station East Portal elevators and escalators, covered under a separate maintenance services contract.

On October 22, 2020, the Board of Directors awarded a firm fixed unit rate Contract No. OP1680130003367 to Elevators, Etc. LP (EE), to provide comprehensive elevator and escalator maintenance, inspection, and repair services within the Metro Gateway Headquarters Building and Union Station East Portal, effective March 1, 2021.

Under these two (2) contracts, the contractors are required to provide a systematic preventive maintenance program and timely repair of equipment to meet the State regulatory requirements and provide a safe and reliable vertical transportation system for Metro patrons and staff.

While staff is continuously exploring opportunities for improvements and increasing competition along with small business (SBE) participation, the new solicitation released in May 2023 included a scope of services structured to award two (2) new comprehensive elevator and escalator maintenance contracts, one (1) for the Metro Headquarters Building and the other contract for the systemwide units throughout Metro's bus and rail facilities. Concurrently, to allow sufficient time to complete ongoing elevator and escalator state-of-good repair improvement projects that were delayed due to the post-pandemic market conditions and supply chain issues, staff considered extending the period of performance for the two (2) existing contracts from October 31, 2023, to April 30, 2024. Due to a commitment to a new project and a labor shortage, EE was unable to perform any maintenance activities beyond October 31, 2023.

On September 28, 2023, the Metro Board of Directors approved Contract Modification No. 14 for the existing contract with MEUS ensuring service continuity for Metro's elevators and escalators by extending the contract through April 30, 2024, and expanding the scope of services to include the 28 elevators and seven (7) escalators located in the Metro Gateway Headquarters Building and Union Station East Portal, previously maintained under the EE contract. In October 2023, the service area further expanded to include 14 elevators and 16 escalators on the K-Line (Crenshaw/LAX), for a total of 65 additional units. The current overall count of units maintained under the existing MEUS contract is 218 elevators and 163 escalators, for a total of 381 units.

Under the existing contract, MEUS has been providing satisfactory services performing preventative maintenance, inspections, and repairs for Metro's elevators, escalators, and their associated systems and equipment.

DISCUSSION

Under the two (2) new contracts recommended for award, the contractors are required to provide critical elevator and escalator maintenance services, including, but not limited to regulatory and critical maintenance services, inspections, enhanced cleaning services, and as-needed repairs to sustain high levels of equipment availability and reliability, minimize equipment downtime and assure compliance with State code and ADA regulations. The contract to maintain elevators and escalators

within Metro's Headquarters Building includes 19 elevators and four (4) escalators for a total of 23 units, and the systemwide contract includes 199 elevators and 159 escalators for a total of 358 units.

During the new systemwide contract period of performance, the scope of services will expand to include an additional 78 elevators and 81 escalators for Metro's system expansion projects, upon completion of the one (1) year warranty and maintenance period, per the following:

- Regional Connector: 15 elevators and 12 escalators
- Airport Metro Connector (AMC): 11 elevators and 10 escalators
- A Line (Blue) Foothill Extension Phase 2B: 10 elevators
- D Line (Purple) Extension Phase I: 12 elevators and 18 escalators
- D Line (Purple) Extension Phase II: Eight (8) elevators and 12 escalators
- G Line (Orange) Grade Separation: Eight (8) elevators and eight (8) escalators
- D Line (Purple) Extension Phase III: 14 elevators and 21 escalators

Once all system expansion units are added, the units maintained by the systemwide contract will increase from 199 elevators and 159 escalators to 277 elevators and 240 escalators, with an updated total number of units increasing from 358 units to 517 units. To properly accommodate the expanded scope of services to account for the addition of Metro's system expansion project units, the number of dedicated technicians will gradually increase from 24 to 35 to ensure maintaining the level of quality and timely services required to sustain high levels of equipment availability and reliability, minimize equipment downtime and remain in compliance with State code and ADA regulations.

With many of Metro's older elevators and escalators nearing the end of their life expectancy, the scope of services for the new contracts recommended for award includes ongoing state-of-good-repair projects, including but not limited to replacement of obsolete parts, corrosion damage repairs, and escalator step tread replacement.

In addition, both new contracts include clauses for liquidated damages designed to minimize equipment downtime, provide an incentive for the contractors to respond in a timely manner, and comply with contract requirements. Liquidated damages are also applicable for failure to repair a unit after repeated calls for the same problem and excessive equipment downtime.

While the systemwide contract reflects an average unit price increase of 5.25% above the existing contract, the total contract cost is 6.64% below the Independent Cost Estimate (ICE). The Metro Gateway Headquarters Building contract reflects an average unit price increase of 28.77% above the existing contract and the total contract cost is above the ICE due to higher contingency costs based on the limited number of units included under this contract, their age, and obsolescence of parts and associated components. Taking these facts into consideration, the two (2) new contract amounts recommended for award are considered fair and reasonable.

DETERMINATION OF SAFETY IMPACT

The approval of these recommendations will provide continuity of maintenance services for elevators and escalators systemwide. This will also ensure compliance with State code requirements, sustain

high levels of equipment availability, and continued delivery of safe, on-time, and reliable access to Metro patrons and staff.

FINANCIAL IMPACT

Funding of $5,362,770 for elevator and escalator maintenance services for the remainder of FY24 is allocated under cost center 8370 - Facilities Contracted Maintenance Services, account 50308, Service Contract Maintenance, under various projects.

Since this is a multi-year contract, the cost center manager and Deputy Chief Operations Officer, Shared Mobility, will be accountable for budgeting the cost in future years.

Impact to Budget

The current source of funds for this action includes Fares, Proposition A/C, Measures R/M (Transit Operations), State Transportation Assistance, and the Transportation Development Act. These fund sources are eligible for bus and rail operations. Use of these funds maximizes the intent of project use given approved provisions and guidelines.

EQUITY PLATFORM

Comprehensive elevator and escalator maintenance services are critical to Metro's operations not only to ensure compliance with regulatory requirements but also to sustain high levels of equipment availability with minimal downtime and impact on riders. To accomplish this, the contractor is required to be onsite within 30 minutes of notification for all reported issues and prioritizes non-redundant units to maintain compliance with ADA requirements. The elevators and escalators throughout Metro's transit system play a vital role in riders' access, especially for mobility-impaired patrons, and riders with rolling devices such as small carts, bicycles, or strollers.

Metro staff, Transit Ambassadors, and customers, including those with Limited English Proficiency (LEP), can report elevator-related vandalism, cleanliness, and maintenance issues through the Customer Relations numbers posted in multiple languages throughout Metro bus and rail facilities. Customers have the option of communicating with Metro in nine (9) different languages using translation services.

As part of this solicitation, a Metro Connect Outreach event was conducted on August 24, 2023, with the participation of over 19 attendees representing small, medium, and large size firms within Equity Focus Communities, such as South Park and Willowbrook communities. The outreach events were advertised to existing businesses registered with Metro's Diversity and Economic Opportunity Department (DEOD). During the outreach event, staff provided an overview detailing the new enhanced Medium Size Business Enterprise (MSZ) and Small Business Enterprise (SBE) Programs' policy for competitively negotiated procurements. Staff also provided an overview of the upcoming solicitation scope of services.

The Diversity and Economic Opportunity Department (DEOD) established a 7% SBE and 3%

Disabled Veterans Business Enterprise (DVBE) goals for both contracts. MEUS made a 7.12% SBE and 9.85% DVBE commitment for the systemwide contract and Otis made a 7% SBE and 3% DVBE commitment for the Metro Gateway Headquarters Building contract.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This Board action supports Strategic Goal 1: Provide high-quality mobility options that enable people to spend less time traveling, and Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system. Specifically, the two (2) elevator and escalator maintenance contracts ensure the continuity of meeting the state-mandated regulations and critical maintenance needs necessary to provide safe, clean, timely, and reliable services.

ALTERNATIVES CONSIDERED

The Board may elect not to approve the recommendations. This option is not recommended as it would result in a gap in service significantly impacting Metro's system safety, accessibility, cleanliness, operations, and customer experience.

With the completion of a financial-based insourcing/outsourcing study based on a quantitative and qualitative assessment, staff has analyzed insourcing/outsourcing options for elevator and escalator maintenance services among other services. Based on the findings, elevator and escalator maintenance services were not recommended for insourcing as this would require the negotiation of a new contract with the International Union of Elevator Constructors, hiring of State Certified Competent Conveyance Mechanics, the purchase of parts, equipment, vehicles, supplies, and the acquisition of warehouse space to inventory long-lead parts and supplies.

NEXT STEPS

Upon Board approval, staff will execute Contract No. OP1107840018370 with MEUS to provide elevator and escalator maintenance services systemwide, excluding the Metro Gateway Headquarters Building, and Contract No. OP1107840008370 with Otis to provide elevator and escalator maintenance services for the Metro Gateway Headquarters Building, effective May 1, 2024.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by:

Lena Babayan, Executive Officer, Operations Administration (Interim), (213) 922-6765
Carlos Martinez, Director, Facilities Contracted Maintenance Services, (213) 922-6761
Shahrzad Amiri, Deputy Chief Operations Officer, Shared Mobility, (213) 922-3061
Carolina Coppolo, Deputy Chief Vendor/Contract Management Officer (Interim),

(213) 922-4471

Reviewed by: Conan Cheung, Chief Operations Officer, Transit Operations, (213) 418-3034

Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

ELEVATOR AND ESCALATOR MAINTENANCE SERVICES
OP1107840018370 / OP1107840008370

1.	**Contract Number**: (A) OP1107840018370 Systemwide Elevator & Escalator Maintenance & Repair Services (B) OP1107840008370 Gateway & Childcare Center Elevator & Escalator Maintenance & Repair Services	
2.	**Recommended Vendor**: (A) Mitsubishi Electric US Inc. and (B) Otis Elevator Company	
3.	**Type of Procurement (check one):** ☐ **IFB** ☒ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: August 29, 2023	
	B. Advertised/Publicized: August 29, 2023	
	C. Pre-Proposal Conference: September 8, 2023	
	D. Proposals Due: October 31, 2023	
	E. Pre-Qualification Completed: January 16, 2024	
	F. Ethics Declaration Forms submitted to Ethics: October 31, 2023	
	G. Protest Period End Date: March 26, 2024	
5.	**Solicitations Picked up/Downloaded**: 19	**Bids/Proposals Received**: 3 – Systemwide Service Area 3 – Gateway & Childcare Center Service Area
6.	**Contract Administrator**: Manchi Yi	**Telephone Number**: (213) 418-3332
7.	**Project Manager**: Mark Jackson	**Telephone Number**: (213) 922-6788

A. Procurement Background

This Board Action is to approve Contract Nos. OP1107840018370 (Systemwide Elevator & Escalator Maintenance & Repair) to Mitsubishi Electric US Inc. and OP1107840008370 (Gateway & Childcare Center Elevator & Escalator Maintenance & Repair) to Otis Elevator Company to provide comprehensive preventative maintenance, servicing, repairs, inspections, and tests for the elevators, escalators, and their associated systems and equipment. Board approval of contract awards is subject to the resolution of any properly submitted protest(s), if any.

Prior to the release of the solicitation, Metro conducted a virtual outreach event to notify the small business community of this upcoming procurement opportunity, promote small business participation, and encourage competition. The outreach event was attended by 19 participants.

On August 29, 2023, Request for Proposals (RFP) No. OP110784 was issued as a competitive procurement in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate. The scope of service was comprised of two service areas: 1) Systemwide and 2) Gateway & Childcare Center. Proposers were

allowed to submit proposals for one or both service areas. There was no limit on the number of service areas a proposer could be awarded.

The RFP was issued with a 7% Small Business Enterprise (SBE) goal, and a 3% Disabled Veteran Business Enterprise (DVBE) goal. It was also subject to the Local Small Business Enterprise (LSBE) Preference Program which awards a bonus of 5 preference points for utilizing local small business firms. Further, the procurement for the Systemwide service area was subject to an SBE/DVBE Contracting Outreach and Mentoring Plan (COMP) which required proposers to mentor two SBE/DVBE firms for protégé development.

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

- Amendment 1, issued on September 22, 2023, extended the proposal due date, updated the evaluation criteria for the Systemwide service area to include the Contracting Outreach and Mentoring Plan (COMP), revised the scope of services to clarify some elements of the required services, and replaced the DEOD Instructions with the applicable document.
- Amendment 2, issued on October 12, 2023, extended the proposal due date and revised the DEOD Instructions, Section 400 – SBE/DVBE COMP to Bidders/Proposers, by removing construction commitments that did not apply to this RFP.
- Amendment 3, issued on October 20, 2023, revised the evaluation criteria for both service areas to include the LSBE Preference Program;
- Amendment 4, issued on October 26, 2023, revised the schedule of quantities and prices to include additional instructions for completing the form.

A total of 19 firms downloaded the RFP and were included on the planholders list. A virtual pre-proposal conference was held on September 8, 2023, with 10 participants representing 4 firms in attendance. There were 33 questions asked and responses were released before the proposal due date.

A total of 6 proposals for the two service areas were received by October 31, 2023 from the following firms listed below in alphabetical order:

<u>Systemwide Service Area</u>

1. Mitsubishi Electric US, Inc.
2. Otis Elevator Company
3. Schindler Elevator Corporation

<u>Gateway & Childcare Center Service Area</u>

1. Mitsubishi Electric US, Inc.
2. Otis Elevator Company

3. Schindler Elevator Corporation

B. Evaluation of Proposals

A Proposal Evaluation Team (PET) consisting of staff from Facilities Contracted Maintenance Services and Asset Management departments was convened and conducted a comprehensive technical evaluation of the proposals received.

The proposals were evaluated based on the following evaluation criteria:

Evaluation Pass/Fail Criteria: To be responsive to the RFP, proposers must pass all criteria:

Systemwide Service Area

1. Prime Contractor must have a minimum of three years of experience providing preventative maintenance, service, repair, inspection, testing of elevators and escalators of comparable diversity, age capacity, etc., with public or private entities with facilities of comparable scale to the scope of services.
2. Prime Contractor must have three years of project management team experience with a public or private entity with facilities of comparable scale to the scope of services in preventative maintenance, service, repair, inspection, testing of elevators and escalators of comparable diversity, age capacity, etc.
3. Prime Contractor and subcontractor performing preventive maintenance, service, repair, inspection, and testing of elevators and escalators must possess the necessary licenses and certifications which must be active at the time of proposal submittal.
4. Prime Contractor must have current maintenance contracts with responsibilities of no fewer than a combination of 400 elevators and escalators including a minimum of 200 escalators.
5. Three years of corporate experience in the acquisition of diverse manufactured spare parts in support of an elevator/escalator operation equaling a minimum of $2 million annually.

Gateway & Childcare Center Service Area

1. Prime Contractor must have a minimum of three years of experience providing preventative maintenance, service, repair, inspection, testing of elevators and escalators of comparable diversity, age capacity, etc. with public or private entities with facilities of comparable scale to the scope of services.
2. Prime Contractor must have three years of project management team experience with a public or private entity with facilities of comparable scale to the scope of services in preventative maintenance, service, repair, inspection, testing of elevators and escalators of comparable diversity, age capacity, etc.

3. Prime Contractor and subcontractor performing preventive maintenance, service, repair, inspection, and testing of elevators and escalators must possess the necessary licenses and certifications which must be active at the time of proposal submittal.
4. Prime Contractor must have maintenance contracts within the last six months with responsibilities of no fewer than a combination of 20 elevators and escalators including a minimum of 5 escalators.
5. Three years of corporate experience in the acquisition of diverse manufactured spare parts in support of an elevator/escalator operation equaling a minimum of $100,000 annually.

Evaluations were conducted from November 6, 2023 through November 29, 2023.

Of the proposals received, one was deemed non-responsive to the RFP requirements. Mitsubishi Electric US, Inc. (MEUS) failed to meet the SBE/DVBE goals established for the Gateway & Childcare Center service area.

The PET continued to evaluate the remaining five proposals based on the following weighted evaluation criteria:

<u>Systemwide Service Area</u>

• Comprehensiveness of Work Plan	35%
• Experience and Qualifications	30%
• SBE/DVBE Contracting Outreach & Mentor Protégé Approach	4%
• Cost Proposal	31%
• Local Small Business Enterprise (LSBE) Preference Program (Bonus Points)	5%
• **Total**	**105%**

<u>Gateway & Childcare Center Service Area</u>

• Comprehensiveness of Work Plan	35%
• Experience and Qualifications	35%
• Cost Proposal	30%
• Local Small Business Enterprise (LSBE) Preference Program (Bonus Points)	5%
• **Total**	**105%**

The evaluation criteria are appropriate and consistent with criteria developed for similar procurements. Several factors were considered when developing these weights, giving the greatest importance to comprehensiveness of work plan for the Systemwide service area and comprehensiveness of work plan and experience and qualifications for the Gateway and Childcare Center service area.

The PET independently evaluated and scored the technical proposals and determined that MEUS and Otis Elevator Company (Otis) were the highest ranked proposers for the Systemwide and Gateway & Childcare Center service areas, respectively.

Qualifications Summary of Firms within the Competitive Range:

Mitsubishi Electric US, Inc.

Mitsubishi Electric US, Inc. (MEUS), headquartered in Cypress, California, is the principal subsidiary of Mitsubishi Electric Corporation in the United States. MEUS's elevator and escalator division began operations in the United States in 1985. As a full-service elevator company, it offers new equipment installation, including traction and hydraulic elevators, moving walks, linear escalators, and spiral escalators. It also provides comprehensive preventative maintenance, servicing, repairs, inspections, tests and modernization services for the elevators, escalators and their associated systems and equipment.

MEUS' proposal was detailed and responsive to the evaluation criteria. They demonstrated their skills, competence, and qualifications in performing all tasks required in the scope of services and satisfactory track record of performance. Their approach demonstrated a deeper understanding of the built environment, organizational uptime requirements, callback requirements, and reporting requirements.

Otis Elevator Company

Otis Elevator Company (Otis), headquartered in Farmington, CT, is a manufacturer and maintainer of elevators, escalators, moving walkways, and related equipment. It has 170 years of experience providing preventative maintenance, service, repair, inspection, testing of elevators and escalators of comparable diversity, age capacity, etc. with public or private entities with facilities of comparable scale to the scope of services. Otis has a large pool of qualified mechanics with robust experience, access to modern training and adequate resources to procure the required spare parts. Its Los Angeles location has over 550 local technicians, 12 maintenance supervisors and 4 service project managers that are available to service the Metro contract.

Schindler Elevator Corporation

Schindler Elevator Corporation (Schindler), the American division of the Schindler Group was founded in 1989 and is headquartered in Morristown, New Jersey. It is a manufacturer of elevators, escalators and moving walks. Schindler also installs, maintains, and modernizes mobility solutions for almost every type of building requirement worldwide. Its Los Angeles office maintains over 4000 elevators and escalators in the greater Los Angeles area with 61 service and repair mechanics, an

office staff of 39 and a 24/7 manned dispatch line to report service calls and repair requests.

The following is a summary of the PET scores:

Systemwide Service Area

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	**Mitsubishi Electric US, Inc.**				
3	Comprehensiveness of Work Plan	91.66	35.00%	32.08	
4	Experience and Qualifications	90.00	30.00%	27.00	
5	SBE/DVBE Contracting Outreach & Mentor Protégé Approach	50.00	4.00%	2.00	
6	Cost Proposal	100.00	31.00%	31.00	
7	LSBE Preference Program (5 Bonus Points)	0.00	5.00%	0.00	
8	**Total**		**105.00%**	**92.08**	**1**
9	**Otis Elevator Company**				
10	Comprehensiveness of Work Plan	58.34	35.00%	20.42	
11	Experience and Qualifications	50.00	30.00%	15.00	
12	SBE/DVBE Contracting Outreach & Mentor Protégé Approach	50.00	4.00%	2.00	
13	Cost Proposal	84.97	31.00%	26.34	
14	LSBE Preference Program (5 Bonus Points)	0.00	5.00%	0.00	
15	**Total**		**105.00%**	**63.76**	**2**
16	**Schindler Elevator Corporation**				
17	Comprehensiveness of Work Plan	51.00	35.00%	17.85	
18	Experience and Qualifications	56.10	30.00%	16.83	
19	SBE/DVBE Contracting Outreach & Mentor Protégé Approach	100.00	4.00%	4.00	
20	Cost Proposal	40.10	31.00%	12.43	
21	LSBE Preference Program (5 Bonus Points)	0.00	5.00%	0.00	
22	**Total**		**105.00%**	**51.11**	**3**

Gateway and Childcare Center Service Area

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	**Otis Elevator Company**				
3	Comprehensiveness of Work Plan	60.66	35.00%	21.23	
4	Experience and Qualifications	53.91	35.00%	18.87	
5	Cost Proposal	100.00	30.00%	30.00	
6	LSBE Preference Program (5 Bonus Points)	0.00	5.00%	0.00	
7	**Total**		**105.00%**	**70.10**	**1**
8	**Schindler Elevator Corporation**				
9	Comprehensiveness of Work Plan	54.00	35.00%	18.90	
10	Experience and Qualifications	60.57	35.00%	21.20	
11	Cost Proposal	37.73	30.00%	11.32	
12	LSBE Preference Program (5 Bonus Points)	0.00	5.00%	0.00	
13	**Total**		**105.00%**	**51.42**	**2**

C. Price Analysis

Systemwide Service Area

The recommended price has been determined to be fair and reasonable based on adequate competition, an independent cost estimate (ICE), technical analysis, and fact finding. It is 6.64% lower than Metro's ICE.

	Proposer Name	Proposal Amount	Metro ICE	Recommended Amount
1.	Mitsubishi Electric US, Inc.	$199,701,981	$213,899,362	$199,701,981
2.	Otis Elevator Company	$235,042,074		
3.	Schindler Elevator Corporation	$498,249,064		

The variance between the ICE and the recommended amount is attributable to the higher escalation rate assumed in the ICE brought about by the volatility of labor and material costs since the onset of the COVID-19 pandemic.

Gateway and Child Care Center Service Area

The recommended price has been determined to be fair and reasonable based on adequate competition, an ICE, technical analysis, fact finding and negotiations. Metro staff successfully negotiated cost savings of $2,283,941.

	Proposer Name	Proposal Amount	Metro ICE	Recommended Amount
1.	Otis Elevator Company	$19,237,408	$10,114,924	$16,953,467
2.	Schindler Elevator Corporation	$50,969,339		

The variance between the ICE and the recommended amount is due to higher contingency costs that are attributable to the small number of units to be maintained under the contract, the age of the units, and the obsolescence of parts and associated components.

D. Background on Recommended Contractor

Systemwide Service Area

Mitsubishi Electric US, Inc. (MEUS) has been in business for over 37 years in the United States. MEUS is a full-service elevator company that offers new equipment installation, including traction and hydraulic elevators, moving walks, linear escalators, and the world's only spiral escalator. It also provides comprehensive maintenance, repair, and modernization services for both Mitsubishi Electric and other manufacturers' equipment.

Clients for whom MEUS has provided installation and/or maintenance and repair services include Nordstrom, Target Stores, Universal Studios, Unibal-Rodamco-Westfield, and New Century Plaza Towers.

The MEUS team includes five SBEs and two DVBE subcontractors.

The proposed Operations Manager has been in the elevator/escalator trade for 15 years and is the Operations Manager of Metro's current elevator/escalator maintenance services contract.

MEUS is the incumbent contractor and performance has been satisfactory.

Gateway and Childcare Center Service Area

Otis Elevator Company (Otis) has been in business for approximately 170 years providing preventative maintenance, service repair, inspection, testing of elevators and escalators with public and private agencies. Otis' clients include the Los Angeles International Airport, SoFi Stadium, Getty Center, Wilshire Grand Center, and Montreal Airport.

The Otis team includes one SBE and one DVBE subcontractor.

REVISED

ATTACHMENT B

DEOD SUMMARY

SYSTEMWIDE, GATEWAY & CHILDCARE CENTER ELEVATOR & ESCALATOR MAINTENANCE & REPAIR / OP110784

A. Small Business Participation – Systemwide

The Diversity and Economic Opportunity Department (DEOD) established a 7% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. Mitsubishi Electric US, Inc. exceeded the goal by making a 7.12% SBE and 9.85% DVBE commitment.

Small Business Goal	7% SBE 3% DVBE	Small Business Commitment	7.12% SBE 9.85% DVBE

	SBE Subcontractors	% Committed	LSBE	Non-LSBE
1.	Elite Escalator, Inc.	2.28%		X
2.	Lift Solution, Inc.	1.41%		X
3.	M&R Metal Fabrication	0.55%	X	
4.	Elevators Etc. LP	1.08%		X
5.	Excelsior Elevator Corp	1.80%		X
	Total SBE Commitment	**7.12%**		

	DVBE Subcontractors	% Committed	LSBE	Non-LSBE
1.	Vintage Elevator Corp	1.92%		X
2.	Double Tap Specialty Cleaning	7.93%		X
	Total DVBE Commitment	**9.85%**		

B. Small Business Participation – Gateway & Childcare Center

The Diversity and Economic Opportunity Department (DEOD) established a 7% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this solicitation. Otis Elevator Company made a 7% SBE and 3% DVBE commitment.

Small Business Goal	7% SBE 3% DVBE	Small Business Commitment	7% SBE 3% DVBE

	SBE Subcontractors	% Committed	LSBE	Non-LSBE
1.	Lift Solutions	7%		X
	Total SBE Commitment	**7%**		

	DVBE Subcontractors	% Committed	LSBE	Non-LSBE

1.	Escutia Elevator	3%		X
	Total DVBE Commitment	**3%**		

C. Contracting Outreach and Mentorship Plan (COMP):

The Contracting Outreach and Mentoring Plan (COMP) requirement only applicable to the Systemwide portion of the solicitation. To be responsive, Proposers were required to submit a COMP including strategies to mentor for protégé development (1) one SBE and (1) one DVBE firm. Mitsubishi Electric US proposed to mentor the following (2) protégé's: M&R Metal Fabrication (SBE) and Double Tap Specialty Cleaning (DVBE).

D. Local Small Business Preference Program (LSBE)

Mitsubishi Electric US, Inc. and Otis Elevator Company, and non-LSBE primes, did not subcontract at least 30% of the contract value with eligible LSBE firms and are ineligible for the preference.

E. Living Wage and Service Contract Worker Retention Policy Applicability

~~The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this contract. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of $24.52 per hour ($18.57 base + $5.95 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.~~

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

F. Prevailing Wage Applicability

~~Prevailing wage is not applicable to this contract.~~

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).

G. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

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

Metro

Board Report

File #: 2024-0093, **File Type:** Contract **Agenda Number:** 33.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024**

SUBJECT: FAMILY MEDICAL LEAVE ACT/CALIFORNIA FAMILY RIGHTS ACT PROGRAM THIRD-PARTY ADMINISTRATOR SERVICES

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. PS112527000 to Total Administrative Services Corporation (TASC) to support the centralization of the management and administration of the Family Medical Leave Act and the California Family Rights Act (FMLA, CFRA or collectively, "FMLA/CFRA") in the not-to-exceed (NTE) amount of $1,959,320 for the four-year base term, with two, two-year options in the amount of $996,160 for each option, for a total NTE amount of $3,951,640, effective May 1, 2024, subject to resolution of any properly submitted protest, if any.

ISSUE

Award of the contract provides the capability for Metro to move the complex functions associated with FMLA/CFRA leave management and administration from the divisions and departments and centralize it within the Short-Term Disability Compliance Team, through the use of a Third-Party Administrator. Doing so will allow Metro to properly navigate the rules and regulations governing state and federal FMLA/CFRA-protected leaves. The proper management and administration of FMLA/CFRA is critical to ensure Metro meets current state and federal requirements and to reduce overall absenteeism by actively monitoring for abuse of or inappropriate designation or use of such leaves.

BACKGROUND

Requests for leave under FMLA/CFRA, including a review of the medical certification and other eligibility criteria, are currently managed and administered by the employee's immediate division or departmental management team. This oversight also includes ensuring proper tracking in payroll and attendance systems, and verification that the employee is taking their approved leave in a manner that is consistent with what is prescribed and documented by their personal healthcare provider on the employee's medical certification form, as well as monitoring for signs of misuse and abuse, and requesting a re-certification when needed. Understandably, Metro's division and departmental

management teams are not properly trained on the complexities of the ever-changing FMLA/CFRA laws, which means that the current management and administration of these protected leaves is lacking a consistent application agency-wide, scrutiny, and enforcement, which in turn increases the agency's overall employee absenteeism rate. The complexities that these laws carry, and the work involved in properly administering such leaves is substantial and requires constant oversight and review.

In addition, not all FMLA/CFRA leaves are initiated by an employee submitting specific request forms. FMLA/CFRA designations could be initiated by the agency based off a pattern of sick time usage and other factors, which management may not be fully aware of. The lack of proper management and administration of these protected leaves creates vulnerability and subjects the agency to liability for potentially violating these state and federal statutes. Protected medical leaves are for an employee's serious health condition but can also expand to an employee's eligible family member. As of 2023, some protected leaves fall under both FMLA/CFRA, while other leaves, specific to an employee's extended family members, only fall under CFRA, further convoluting the proper administration.

DISCUSSION

Data from FY20 through FY22 indicates that approximately 22.2% of Metro's workforce was absent on any given day. This is 18% higher than the national average for public sector employers. Additionally, Metro's lost work time rate averaged 7.99% from FY20 through FY22, compared to all U.S. workers over the age of 16, which was 2.1%.

As such, centralizing the management and administration of FMLA/CFRA leaves, through the use of a Third-Party Administrator, to the Chief People Office, specifically the Short-Term Disability Compliance Team within Well-Being Services, will provide improved and consistent support and service to Metro employees seeking protected medical leaves and help reduce potential liability and corresponding costs. Additionally, this project also intends to significantly reduce the administrative burden of FMLA/CFRA management and oversight practice currently in place at each work location/division/department cost center, as this ensures accurate and compliant administration of the FMLA/CFRA function and decreases absenteeism.

DETERMINATION OF SAFETY IMPACT

This contract award will centralize the management and administration of FMLA/CFRA and will not impact the safety standards for Metro customers and employees. In addition, it will assist in avoiding staff shortages which will increase the reliability of service to our patrons.

FINANCIAL IMPACT

The funding of $300,000 is allocated in the FY24 Budget within cost center 2311, Helping Employees Access Resources & Well-Being Services Office under the Chief People Office, Account 50316, under Project 100001. The cost center manager and the Chief People Officer will be responsible for budgeting the cost in future years, including any options exercised.

Impact to Budget

The source of funds for this contract is Project 100001 General Overhead funds, comprised of federal, state, and local funds, which include Operating eligible funds.

EQUITY PLATFORM

The services provided by the contract will ensure Metro provides consistent application, oversight, management, and administration of state and federal leave enactment requirements by moving the management and administration of these leaves from the division and departmental level to the Chief People Office. This will allow for a centralized, consistent, and fair process for all Metro employees. This work will advance workplace equity by ensuring that Metro is reasonably accommodating employees with temporary or permanent disabilities as required by the Americans with Disabilities Act (ADA) and The California Fair Employment and Housing Act (FEHA), or employees who need leave to provide care for a qualifying family member, by providing them with job protected leave which allows them to maintain their livelihood.

The Diversity and Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) goal for this solicitation due to lack of subcontracting opportunities.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Board action supports Strategic Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization. Providing these services will ensure that Metro maintains and nurtures a diverse, inspired, and high-performance workforce.

ALTERNATIVES CONSIDERED

The Board may not approve the contract and instead rely solely on Metro's internal division and departmental management teams to perform the services required. This is not recommended since the current management and administration of FMLA/CFRA subjects the agency to potential violation, liability, and litigation due to the inconsistent approach. Further the Chief People Office is not equipped to inherit the full centralization of FMLA/CFRA management administration without the tools, services, and support of a Third-Party Administrator.

NEXT STEPS

Upon Board approval, staff will execute Contract No. PS112527000 with Total Administrative Services Corporation to support the centralization of Family Medical Leave Act and the California Family Rights Act within the Chief People Office, effective May 1, 2024.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

Prepared by: Mary Ahumada, Director, Human Resources (Interim)
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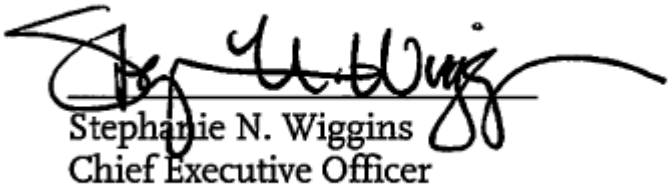


Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

FAMILY MEDICAL LEAVE ACT/CALIFORNIA FAMILY RIGHTS ACT PROGRAM THIRD-PARTY ADMINISTRATOR SERVICES / PS112527000

1.	**Contract Number**: PS112527000	
2.	**Recommended Vendor**: Total Administrative Services Corporation	
3.	**Type of Procurement (check one):** ☐ **IFB** ☒ **RFP** ☐ **RFP–A&E** ☐ **Non-Competitive** ☐ **Modification** ☐ **Task Order**	
4.	**Procurement Dates**:	
	A. Issued: September 6, 2023	
	B. Advertised/Publicized: September 9, 2023	
	C. Pre-Proposal Conference: September 13, 2023	
	D. Proposals Due: October 12, 2023	
	E. Pre-Qualification Completed: December 13, 2023	
	F. Ethics Declarations Form Submitted to Ethics: October 12, 2023	
	G. Protest Period End Date: March 26, 2024	
5.	**Solicitations Picked up/Downloaded**: 8	**Bids/Proposals Received**: 1
6.	**Contract Administrator**: Ricardo E. Narvaez	**Telephone Number**: (213) 418-3158
7.	**Project Manager**: Marylynn Ahumada	**Telephone Number**: (213) 922-7172

A. Procurement Background

This Board Action is to approve the award of Contract No. PS112527000 to provide third-party administration services for all aspects of leave requests under the Family Medical Leave Act and California Family Rights Act (FMLA/CFR) for approximately 12,000 Metro employees. Board approval of contract awards are subject to resolution of any properly submitted protest.

On September 6, 2023, Request for Proposal (RFP) No. PS112527 was issued as a competitive procurement in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price. The Diversity & Economic Opportunity Department (DEOD) did not recommend a Disadvantaged Business Enterprise (DBE) goal for this procurement due to the lack of subcontracting opportunities.

Two (2) amendments were issued for this RFP:

- Amendment No. 1, issued on September 13, 2023, provided "Exhibit 15 – Metro's Security Requirements", which was inadvertently omitted when the RFP was issued.
- Amendment No. 2, issued December 19, 2023, revised the Scope of Services and Schedule of Quantities and Prices to reclassify some basic

services to as-needed services and clarified the anticipated frequency requirements for these services.

The solicitation was available for download from Metro's website and advertised to notify potential proposers of this solicitation. Further, Metro notified potential proposers identified by the Project Office as well as firms from Metro's vendor database based on applicable North American Industry Classification System (NAICS) codes.

A total of 8 firms downloaded the RFP and were included on the planholder's list. A virtual pre-proposal conference was held on September 13, 2023, and was attended by 6 participants representing 5 firms. There were five questions asked and responses were released prior to the proposal due date.

One proposal was received from Total Administrative Services Corporation (TASC) by the proposal due date of October 12, 2023.

Metro staff conducted a market survey of the firms on the planholder's' list to determine why there were no other proposals received. The following is a summary of the market survey responses:

- Limited capability to provide all required services,
- Can provide the services but price may not be competitive; and
- Not having the required expertise to provide the services.

The market survey revealed that the decisions not to propose were based on individual business considerations. Therefore, the solicitation can be awarded as a competitive award.

B. <u>Evaluation of Proposal</u>

A Proposal Evaluation Team (PET) consisting of staff from Metro's H.E.A.R. & Wellness Program Office, Employee Labor Relations Office, and the Operations, Central Oversight & Analysis Department was convened and conducted a comprehensive technical evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria:

Phase 1 – Minimum Qualification Evaluation: This is a pass/fail criteria. To be responsive to the RFP minimum qualification requirements, the proposer must meet the following at the time of the proposal submittal:

1. The physical address of the proposer's office(s) where work identified in the Scope of Services (SOS) will be performed must be located within the United States.
2. Certify that the proposer will not subcontract any portion of the SOS to firms located outside of the U.S.

3. Certify that the proposer has a 24/7 toll-free call center service and has the capabilities and experience in providing services similar to that required in the SOS such as information on call history and calls connecting employees to an FMLA coordinator.
4. Certify that the proposer has an online/cloud-based portal for both employee and management use and that it will comply with Metro's IT Security Requirements.
5. Prime Contractor must have five years of relevant experience providing FMLA/CFRA third-party administrative services similar in scope and complexity to that provided in the SOS. Relevant projects/contracts should include one of the following: (i) public sector organizations; (ii) unionized workforce; or (iii) other transit agencies.

Phase II Evaluation: Proposers that meet the Phase I Minimum Qualification requirements were evaluated based on the following evaluation criteria and weights:

- Qualifications of Firm/Team 15%
- Management Plan/Approach 40%
- Quality Control 10%
- Training 10%
- Implementation & Mobilization 10%
- Price Proposal 15%

The evaluation criteria are appropriate and consistent with criteria developed for other similar procurements. Several factors were considered in developing these weights, giving the greatest importance to the management plan/approach.

During the period of October 20, 2023 to December 7, 2023, the PET independently evaluated and scored the technical proposal. At the conclusion of the evaluation, the PET determined that TASC met the requirements of the RFP and was technically qualified to perform the work.

The following is a summary of the PET scores:

1	Firm	Average Score	Factor Weight	Weighted Average Score	Rank
2	**Total Administrative Services Corporation**				
3	Qualifications of Firm/Team	76.67	15.00%	11.50	
4	Management Plan/Approach	84.40	40.00%	33.76	
5	Quality Control	83.30	10.00%	8.33	
6	Training	83.30	10.00%	8.33	
7	Implementation & Mobilization	85.60	10.00%	8.56	
8	Price Proposal	100.00	15.00%	15.00	
9	**Total**		**100.00%**	**85.48**	**1**

C. Price Analysis

The recommended amount has been determined to be fair and reasonable based on the independent cost estimate (ICE), price analysis using comparable rates, technical analysis, fact finding and negotiations. During fact-finding and negotiations, Metro staff issued an amendment to the RFP to clarify the requirements for the basic and as-needed services and successfully negotiated a cost savings of $8,038,760.

Proposer Name	Proposal Amount	Metro ICE	Recommended Amount
Total Administrative Services Corporation	$11,990,400	$4,452,936	$3,951,640

The variance between the recommended amount and ICE is due to Metro using a conservative approach based on market research of estimated costs for similar services as this is the first time Metro will be outsourcing this service.

D. Background on Recommended Contractor

The recommended firm, Total Administrative Services Corporation (TASC), located in Madison, Wisconsin, was founded in 1975. TASC has provided third-party benefits administration services, specializing in designing and administering a broad suite of account-based benefit plans, trust-funded healthcare savings, reimbursement programs, and compliance solutions to brokers, consultants, financial service firms, health plans, and employer clients across the United States.

Existing clients include The Hard Rock Hotel & Casino, Roseland Community Hospital, Cleveland Metroparks, Cellular Sales of Knoxville, Inc., Growmark, Inc., and Polk County Schools.

DEOD SUMMARY

FMLA CFRA PROGRAM 3RD PARTY ADMINISTRATOR SERVICES / PS112527000

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) participation goal for this procurement due to lack of subcontracting opportunities. Total Administrative Services Corporation did not make a commitment. It is expected that the services of this contract will be performed with their own workforce.

B. Local Small Business Enterprise (LSBE) Preference

LSBE preference is not applicable to federally funded procurements. Federal law (49 CFR § 661.21) prohibits the use of local procurement preferences on FTA-funded projects.

C. Living Wage and Service Contract Worker Retention Policy Applicability

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

D. Prevailing Wage Applicability

Prevailing wage is not applicable to this contract.

E. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

Board Report

File #: 2024-0022, **File Type:** Informational Report **Agenda Number:**

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024

SUBJECT: TRANSIT AMBASSADOR PILOT PROGRAM SERVICES

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to execute Modification No. 5 to Contract No. PS88001001 with Strive Well-Being to continue to provide Transit Ambassador Pilot Program services in the amount of $7,200,000, increasing the current three-year base not-to-exceed contract value from $16,403,235 to $23,603,235.

ISSUE

Transit Ambassador Pilot Program Contract No. PS88001001 awarded to Strive Well-Being (Strive) will reach its full three-year base period contract authority before April 30, 2024, as the contractor was called upon to provide additional Ambassador staff for fixed post deployment to meet the Agency's safety and security needs. Staff is requesting an increase in contract value for Strive to continue operations while staff transitions the Ambassador program in-house. There will be a corresponding decrease in contract value for the Transit Ambassador Pilot Program services provided by RMI International.

BACKGROUND

Following a competitive procurement process, at its June 2022 meeting, the Board awarded contracts to Strive Well-Being Inc. (Contract No. PS88001001) and RMI International Inc. (Contract No. PS88001000) to provide a Pilot Transit Ambassador Program that would introduce a uniformed, unarmed, visible presence on the Metro system while providing care-based, in-person assistance to riders, with the primary objective of enhancing the overall customer experience. RMI's base (3-year) period not-to exceed contract is $55,479,104 for 245 Ambassador program staff. Strive Well-Being's $15,903,235 base (3-year) not-to-exceed contract placed 55 Ambassador staff on the system.

In September 2022, Metro introduced the Transit Ambassador Pilot Program as a soft launch, deploying teams across the system as they were hired and trained. On March 6, 2023, with 300 Ambassador staff trained, Metro officially launched the pilot program. It quickly became an important part of Metro's public safety ecosystem, alongside homeless outreach teams, Metro transit security

officers, and contracted law enforcement and security.

In September 2023, staff presented a year one evaluation of the program, and noted that contract authority would likely need to be increased to support Strive-Well Being before the end of the base contract period. The Board approved a staff recommendation to make the Ambassador program permanent and bring it in-house,. Metro is in the process of developing a plan for that transition.

DISCUSSION

At the outset of the Metro Ambassador pilot program's introduction, Customer Experience (CX) staff deployed the Ambassadors as greeters at fixed posts. However, staff quickly realized the Ambassadors would be more visible and helpful to a larger group of customers if they rode trains and buses from station to station as customers do. So, within a couple of months most of the ambassadors were deployed as riding and roving teams, vs fixed post teams, allowing them to serve as the eyes and ears across more areas of the system.

Concurrently with the ambassador pilot program launch, Metro's System Safety and Law Enforcement (SSLE) team was grappling with several societal crises that were becoming more prevalent on the Metro system, including the county's growing fentanyl and mental health crises. Specifically, in late 2022 Metro began seeing a spike in reports of drug use on buses and trains. SSLE began devising proactive strategies to address the situation, including special coordinated fixed-post deployment of all the layers of the Metro safety ecosystem in key hot spots, particularly the B (Red) and D (Purple) Line subways.

To support these special fixed post deployments and ensure the safety, security, and comfort of Metro's customers and employees while not compromising the effect of the Ambassador program on other areas of the Metro system, the CX staff needed to expand the number of ambassadors deployed on the system.

Further, to ensure a care-first approach to the mental health and drug addiction crises, staff determined that the additional ambassadors hired to work these assignments should have mental health awareness training. Strive Well Being was at the time the only Ambassador program vendor providing enhanced mental health training to their ambassadors, so CX staff asked Strive to quickly hire and train additional staff to support special, fixed post deployments.

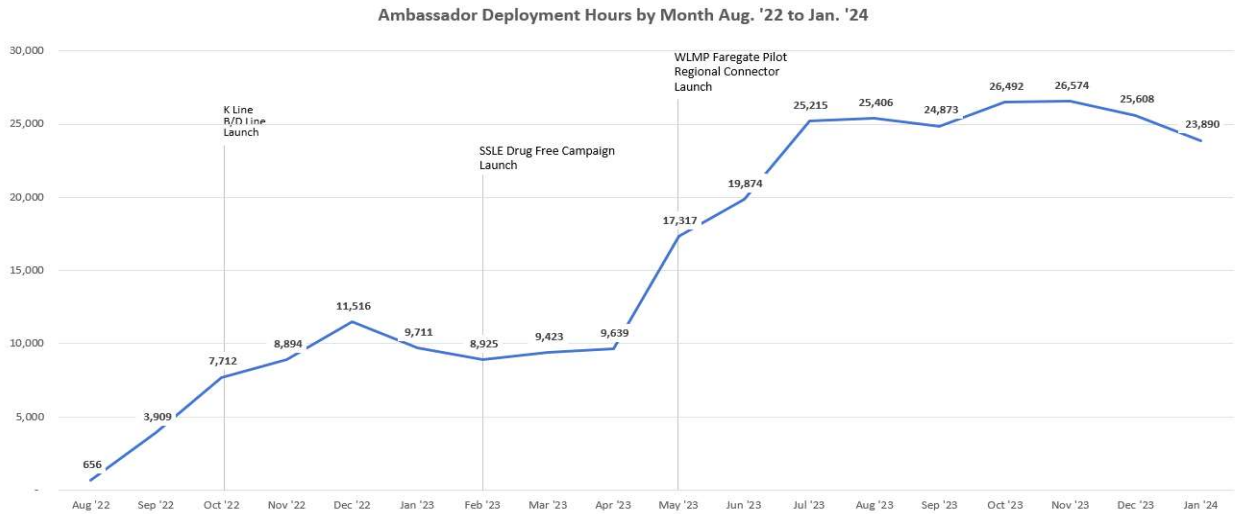
To support these efforts, beginning in May 2023, Strive hired 47 additional ambassadors administrative staff to support deployment of 102 ambassadors per day. To enable the Ambassador program to support fixed post assignments at key hot spots on the system and at the new Regional Connector stations. This was in addition to the 55 Ambassador staff required in Strive's contract. Today there are 82 Ambassadors deployed at fixed posts per day as follows:

- 6 staff per shift each day (12 total) at the Westlake MacArthur Park station
- 6 staff per shift each day (12 total) at the 7th/Metro Station
- 6 staff per shift each day (12 total) at the LA Union Station
- 2 staff per shift each day (4 total) at the NoHo station
- 4 staff per shift each day (8 total) at the new Little Tokyo Station

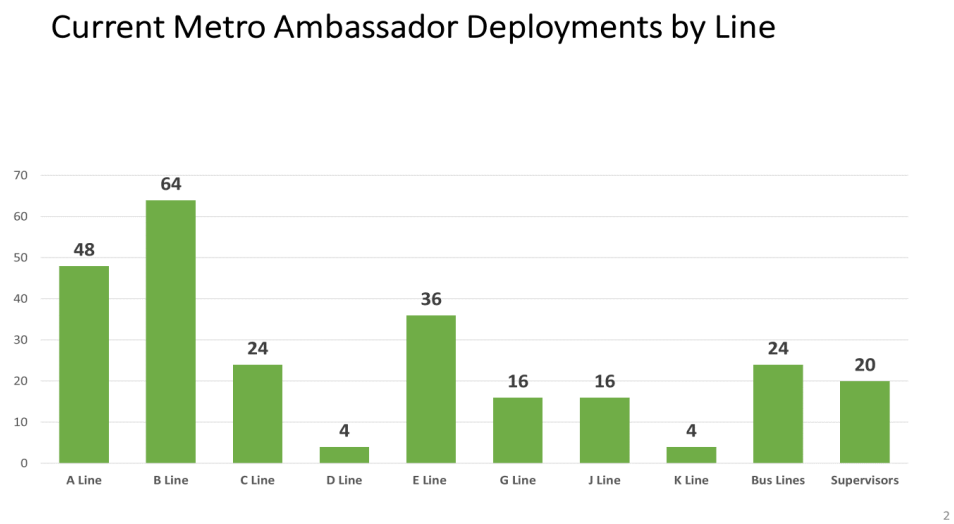
- 4 staff per shift each day (8 total) at the new Historic Broadway Station
- 8 staff per shift each day (16 total) at the Grand Avenue Arts/Bunker Hill Station
- 10 staff for the late-night shift (10 total) deployed at Little Tokyo, Historic, and Grans Avenue Arts/Bunker Hill Stations.

This additional staff deployment tripled Strive's monthly Ambassador deployment hours billed as noted below.

Strive Monthly Ambassador Deployment Hours



The additional staff have enabled Metro to be nimbler in addressing new safety and security issues that emerge on the system while at the same time maintaining coverage and even growing presence across more areas of the system.



The annual costs for this enhanced coverage offered by Strive Well Being are noted below. To continue to provide enhanced Transit Ambassador Pilot Program services and ensure service continuity while the Agency works to bring the program in-house, staff requests an increase of $7.2M to Strive's three-year base pilot contract value for a total not-to-exceed amount of $23,603,235.

STRIVE WELL BEING

Contract Year	**Contracted Budget**	**Actuals/Forecast**	**Difference**	**Notes**
9/1/22 - 8/31/23	$5,130,784	$7,093,424	$1,962,640	Additional fixed post staff hours for 4 months (May - August, 2023)
9/1/23 -8/31/24	$5,254,854	$14,386,488	$9,131,634	Additional fixed post staff hours for 12 months
9/1/24 -8/31/25	$5,517,597	$5,517,597	$0	Does not include demobilization when in-house transition occurs TBD.
Total	**$15,903,235**	**$26,997,509**	**$11,094,274**	

There will be a corresponding decrease to RMI's three-year base pilot contract value revising the total not-to-exceed amount to $48,279,104. The annual costs of RMI International's billings are outlined below.

RMI INTERNATIONAL

Contract Year	**Contracted Budget**	**Actuals/Forecast**	**Difference**	**Notes**
9/1/22 - 8/31/23	$18,015,640	10,543,891	($7,471,749)	

9/1/23 -8/31/24	18,460,549	16,709,720	($1,750,829)	
9/1/24 -8/31/25	19,002,915	16,709,720	($2,293,195)	Does not include demobilization when in-house transition occurs TBD.
Total	**$55,479,104**	**43,963,331**	**($11,515,773)**	

Strive Well Being is an SBE and enlists the services of Community Based Organizations (CBO) such as Union Station Homeless Services, Communities Actively Living Independently & Free, and Homeboy Industries. Since the program launched, Strive has recruited 21 ambassadors from CBOs. Strive has demonstrated an understanding of the importance of strong, robust community participation in the Transit Ambassador Pilot Program. Through its core business platform of facilities management and health and wellness management initiatives, Strive has demonstrated its experience and interaction with a general public population with a wide range of varying degrees of lived experiences.

RMI International is currently exceeding their DBE commitment with their SBE participation at 25.02% exceeding the commitment by 12.84%.

Of the two selected firms to implement the pilot program, RMI International Inc. was awarded 81% of the contract, assuming 244 people to perform the transit ambassador services. In comparison, Strive Well-Being was awarded 18% of the contract, assuming 55 people to perform the transit ambassador services. This modification would increase Strive's contract representation to 30%, utilizing 102 ambassadors to perform the transit ambassador services on Metro's rail system and station elevators, with a corresponding reduction by RMI commensurate with existing vacancies.

DETERMINATION OF SAFETY IMPACT

The approval of the recommendation will positively impact the perception of public safety on the transit system. The staff recommendations will allow Metro to continue to manage the professional services of Strive through the defined Statement of Work and associated contract requirements and deliverables. Ambassadors serve as a layer within Metro's overall public safety ecosystem in connection with Metro's system security, law enforcement, crisis response teams, and homeless outreach.

FINANCIAL IMPACT

Upon Board approval of the recommendation, the contract value for Strive Well Being Contract No. PS88001001 will be increased by $7.2M to a not-to-exceed amount of $23,603,235. In addition, the contract value for RMI International Contract No. PS88001000 will be decreased by $7.2M to a not-to-exceed amount of $48,279,104 until the program is brought in-house.

Funds are budgeted under Cost Center 5420, Customer Programs and Services, Project 300040, Rail Operations Management and Admin. Since this is a multi-year contract/project, the cost center manager, Executive Officer of Customer Care, and Chief Customer Experience Officer will be

accountable for budgeting the cost in future years.

BUDGET IMPACT

The sources of funding are sales tax revenues dedicated for rail operations and rail capital projects.

EQUITY PLATFORM

The Transit Ambassador Pilot Program deployment model has staff assigned to work in high need areas, including bus stops/stations and rail stations serving Equity Focus Communities (EFCs). In response to growing calls for reforms, the Transit Ambassador Pilot Program emphasizes compassion and a culture of care, treating all transit riders, employees and community members with dignity and respect.

The program also provides opportunities for community engagement through Community Based Organizations (CBOs). The current contractors successfully collaborate with local CBOs whose mission is to save lives by assisting in the personal development of high-risk individuals and recruitment that includes a diverse and inclusive workforce. Ambassador recruitment includes outreach to communities of color, individuals with disabilities, older adults, and those facing barriers to employment.

Strive provides a visible and approachable presence, fostering relationships with Metro riders and employees while providing in-person support with a trauma-informed care approach to enhance the transit customer experience. Strive is a Metro certified Small Business Enterprise. Strive has demonstrated their awareness of the Metro transit system, its cultural and geographic diversity, and the communities we serve.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

These recommendations will support Vision 2028 Strategic Goal #2 - Deliver outstanding trip experiences for all users of the transportation system and will support the agency's implementation of 2022 Customer Experience Plan Goals - a coordinated, comprehensive Transit Ambassador Program provides customer visibility and demonstrates to communities that Metro is investing in improving the quality of commutes via the transit system. A successful Transit Ambassador Pilot Program provides Metro with a flexible workforce of trained, uniformed, unarmed personnel on the system to welcome back former transit riders to the system and encourage customers to choose transit as they move around LA County.

ALTERNATIVES CONSIDERED

The Board can consider not authorizing the requested action; however, this alternative is not recommended as it is not responsive to Metro's goal to improve the customer experience and of providing Motion 26.2 investments in public safety program initiatives.

NEXT STEPS

Upon Board approval, staff will execute Modification No. 5 to Contract No. PS88001001 with Strive Well-Being Inc. to continue to provide Transit Ambassador Pilot Program services.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

Prepared by: Vanessa Smith, Executive Officer, (213) 922-7009
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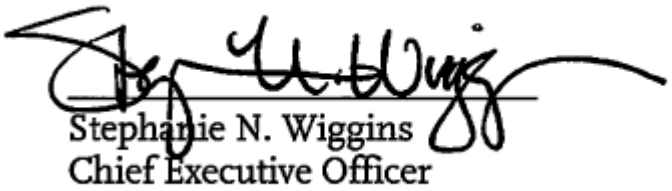
Carolina Coppolo, Deputy Chief Vendor/Contract Management Officer (Interim), (213) 922-4471

Reviewed by: Jennifer Vides, Chief Customer Experience Officer, (213) 922-4060



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

TRANSIT AMBASSADOR PILOT PROGRAM/PS88001001

1.	**Contract Number**: PS88001001			
2.	**Contractor**: Strive Well-Being Inc.			
3.	**Mod. Work Description**: Continue Transit Ambassador Pilot Program services.			
4.	**Contract Work Description**: Transit Ambassador Services			
5.	**The following data is current as of**: 3/7/24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	6/23/22	**Contract Award Amount:**	$15,876,242
	Notice to Proceed (NTP):	N/A	**Total of Modifications Approved:**	$526,993
	Original Complete Date:	8/31/25	**Pending Modifications (including this action):**	$7,200,000
	Current Est. Complete Date:	8/31/25	**Current Contract Value (with this action):**	$23,603,235
7.	**Contract Administrator**: Samira Baghdikian		**Telephone Number**: (213) 922-1033	
8.	**Project Manager**: Karen Parks		**Telephone Number**: (213) 922-4612	

A. Procurement Background

This Board Action is to approve Contract Modification No. 5 issued to continue Transit Ambassador Pilot Program services.

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

On June 23, 2022, the Board awarded a three-year base and two, one-year options contract to Strive Well-Being Inc. to provide a Transit Ambassador Pilot Program.

A total of four modifications have been issued to date.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Price Analysis

The recommended amount has been determined to be fair and reasonable based on the firm's fixed unit rates that were established and evaluated as part of the competitive contract awarded in June 2022.

Proposal Amount	Metro ICE	Recommended Amount
$7,200,000	$7,200,000	$7,200,000

CONTRACT MODIFICATION/CHANGE ORDER LOG

TRANSIT AMBASSADOR PILOT PROGRAM/PS88001001

Mod. No.	Description	Status (approved or pending)	Date	$ Amount
1	Retention clause reserved.	Approved	11/21/22	$0
2	SP-20 Drug Free Workplace Policy added and scope of services revised to include duties and responsibilities for ambassadors, field supervisors and program managers.	Approved	3/14/23	$0
3	Source naloxone (Narcan) and provide field staff with Narcan training as part of the Transit Ambassador Pilot Program for Year 1 of the base term and increases to commercial liability limits.	Approved	4/17/23	$26,993
4	Additional ambassador staff to provide coverage at new Regional Connector stations.	Approved	2/2/24	$500,000
5	Continue Transit Ambassador Pilot Program services.	**Pending**	**Pending**	**$7,200,000**
	Modification Total:			**$7,726,993**
	Original Contract:		**6/23/22**	**$15,876,242**
	Total:			**$23,603,235**

ATTACHMENT C

DEOD SUMMARY

METRO TRANSIT AMBASSADOR PILOT PROGRAM SERVICES/PS88001001

A. Small Business Participation

Strive Well-Being, Inc. made a 100% Small Business Enterprise (SBE) commitment. Based on payments, the project is 64% complete and the current level of SBE participation is 100%.

Small Business Commitment	**100% SBE**	**Small Business Participation**	**100% SBE**

	SBE Subcontractors	% Committed	Current Participation[1]
1.	Strive Well-Being, Inc. (SBE Prime)	100%	100%
	Total	**100%**	**100%**

[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 (LW/SCWRP) is applicable to this modification. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate for contracts bid in FY22 is $24.05 per hour ($18.10 base + $5.95 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

C. Prevailing Wage Applicability

Prevailing wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

File #: 2024-0026, **File Type:** Contract **Agenda Number:** 37.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
MARCH 21, 2024**

SUBJECT: CONTRACT MODIFICATIONS FOR RENEWABLE NATURAL GAS (RNG) CONTRACTS

ACTION: APPROVE RECOMMENDATION

RECOMMENDATION

AUTHORIZE the Chief Executive Officer (CEO) to:

A. EXECUTE Modification No. 6 to Contract No. OP73960000 with Clean Energy Renewable Fuels, LLC. to increase the contract value by $20,204,040 from $56,048,630 to $76,252,670 and extend the contract performance end date by seventeen months from July 31, 2024, to December 31, 2025, to provide renewable natural gas to five bus operating divisions;

B. EXECUTE Modification No. 4 to Contract No. OP59812000A with Clean Energy Renewable Fuels to increase the 5-year base contract value by $22,023,615 from $43,626,286 to $65,649,901;

C. EXECUTE Modification No. 3 to Contract No. OP59812000B with Shell Energy North America (US) to increase the 5-year base contract value by $4,224,175 from $10,888,120 to $15,112,295; and

D. EXECUTE Modification No. 2 to Contract No. OP59812000C with Trillium USA Company, LLC. to increase the 5-year base contract value by $7,112,949 from $12,379,477 to $19,492,426.

ISSUE

Metro uses Renewable Natural Gas (RNG) fuel to power the engines on the majority of the bus fleet. RNG fuel is currently being procured under four contracts due to limited RNG availability from one single supplier, with one contract scheduled to conclude on July 31, 2024, and the remaining three contracts set to expire on December 31, 2025.

This Board action is intended to add contract value to all the current RNG contracts and extend one current RNG contract term. The intent is to align the four existing contracts to expire on December 31, 2025. Since the volume of RNG has become more readily available regardless of the source or supplier, staff will initiate the procurement of one consolidated contract for RNG in late 2024 and

return to the Board for approval of the new consolidated contract prior to the expiration of the existing contracts in December 2025.

BACKGROUND

Metro's bus fleet operates using RNG, which is procured under four contracts. The first contract number OP7396000 with Clean Energy was approved by the Board in July 2017. The contract consisted of a one-year base and one four-year option. It was subsequently extended by an additional two years, which brought the expiration date to July 31, 2024. The contract serves five Metro bus divisions. Metro was unable to procure RNG for all facilities utilizing the 2017 contract due to the limited availability of RNG. In October 2020, Metro awarded three additional contracts that expanded the delivery of RNG fuel to the remaining bus divisions. At that time, RNG sources had become more available. These five-year contracts with Clean Energy, Shell, and Trillium will expire on December 31, 2025.

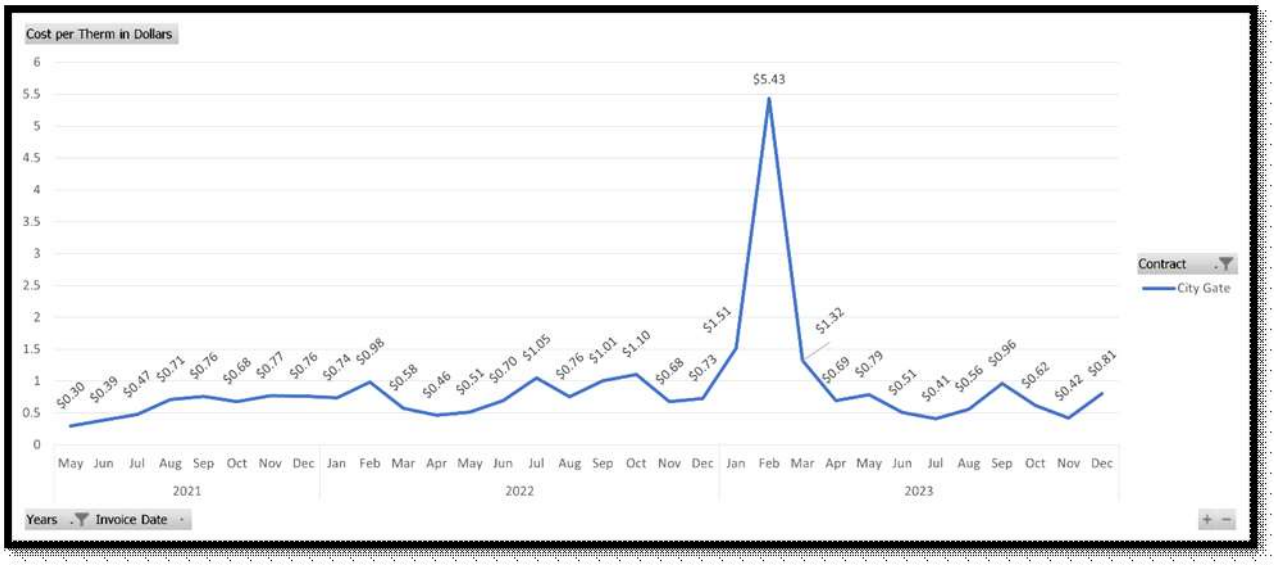
DISCUSSION

Metro continues the development and installation of the electric bus charging infrastructure and procurement of new electric buses. Metro will continue to achieve greenhouse gas emissions and criteria air pollutant reduction goals during this transition by using Compressed Natural Gas (CNG) buses using RNG fuel during this transition.

Renewable natural gas can be difficult to differentiate from fossil fuel based natural gas, since both gases can be used interchangeably in the same applications. The main difference between natural gas and RNG lies in each gases' production methods, and consequently their environmental impacts. RNG is a carbon-neutral fuel that captures human-generated biogas already present in the environment in landfills, wastewater treatment plants and livestock operations. Raw biogas or methane from these sources is then converted into RNG at a treatment plant. Methane capturing helps mitigate climate change by capturing harmful gases that would otherwise be released into the atmosphere and pollute the communities where landfills and livestock operations exist. RNG is considered renewable as it comes from naturally occurring sources.

As Metro phases in Zero-Emission Buses (ZEBs), beginning at the G and J-Lines, staff will be able to collect data that will inform the pace of RNG reduction over the next few years. The phasing of new ZEB deliveries and completion of ZEB infrastructure will further refine the information.

The contracts' end date synchronization will provide staff with time to accurately assess future gas consumption needs, although RNG consumption is anticipated to decline with the expanded delivery and use of ZEBs.. The procurement of electric buses is currently underway, and construction of the charging infrastructure is in process. As additional electric buses are placed into service, staff will be able to more accurately assess the declining demand for RNG as CNG buses are systematically retired from service. Additional funding is required to fuel the existing fleet of Metro buses operating on RNG to prepare Metro for any future significant cost fluctuations. This provides reliable and essential transit service to our customers through the smooth and uninterrupted operation of the bus fleet.



Action is required to increase the contract values for all contracts at this time due to limited contract authority. The contracts are now approaching their maximum value due to the unprecedented price spike in the gas industry from late 2022 to early 2023. The graph above illustrates that the price per therm increased to $5.43 compared to $0.98 in the same period in 2022, which resulted in increased expenditures of about $17.5 million over a four-month period. Prices have since stabilized.

DETERMINATION OF SAFETY IMPACT

The award of this contract will ensure that all operating divisions have an adequate supply of renewable natural gas for the Metro bus fleet that provides safe, clean, and reliable transportation service for Metro customers. The use of RNG improves safety since RNG is a carbon-neutral fuel that is produced through the capture of human-generated biogas that is already present in the environment in landfills, wastewater treatment plants, and livestock operations. The capturing of these gases improves the safety of our communities by capturing the harmful gases that would otherwise be released to the atmosphere and pollute our environment.

FINANCIAL IMPACT

The contract modifications will increase $53,564,779 in contract authority to provide funding for renewable natural gas at existing market rates and provide contingency in the event of future spikes in the market rate for natural gas. Funding for RNG will be included in FY25 and FY26 operating budgets in various bus divisions cost centers, under project 306002 - Operations Maintenance, under line item 50402 FUEL CNG - REVENUE EQUIPMENT. Cost center managers and the Chief Operations Officer will be responsible for budgeting the cost of RNG in the future fiscal years.

Under the California Air Resources Board's (CARB) Low Carbon Fuel Standard (LCFS) and the US Environmental Protection Agency's Renewable Index Numbers (RINs) programs, Metro is currently generating credits through the dispensing of natural gas for bus fueling and use of electricity for light

and heavy rail propulsion. Specific to renewable natural gas, the lower carbon index value of the fuel allows us to generate carbon credits. These carbon credits are managed through the Metro Office of Sustainability and sold by Metro's Vendor/Contract Management, with proceeds reinvested towards Metro sustainability and resiliency initiatives, consistent with the 2020 10-year Sustainability Strategic Plan.

Impact to Budget
The current sources of funds for this action are Federal 5307, Proposition A, Proposition C, Measure R, Measure M, and Transportation Development Act. This funding is eligible for bus and rail operations.

EQUITY PLATFORM

This action ensures the uninterrupted operation of Metro's bus fleet that serves Los Angeles County and disproportionately serves marginalized and vulnerable transit riders. RNG is needed to be able to provide reliable and safe bus service until ZEBs can be phased in and ensure that the bus fleet that serves most regions in Los Angeles County, including many underserved communities, can provide safe, clean, and reliable services to neighborhoods where disparities within the region can exist between residents' access to jobs, housing, education, health, and safety. Bus Fleet Management works to maintain equity in bus assignments in accordance with Title VI of the Federal regulations. Fleet Management will continue to focus on maintaining equity in EFC/low-income communities as newer buses arrive in the coming years.

The Diversity & Economic Opportunity Department did not establish a Disadvantaged Business Enterprise (DBE) goal for this project due to the lack of subcontracting opportunities. The Prime Contractor, Clean Energy Renewable Fuels, LLC, is performing the work with its own workforce.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The RNG contracts support Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system. Renewable natural gas is required for the bus fleet, providing clean, safe, and reliable transportation services for Metro customers.

ALTERNATIVES CONSIDERED

The alternative is to continue procurement of RNG utilizing the four contracts with various contract end dates. In this scenario, Metro would still need to increase the contract authority for three contracts, Contract No. OP59812000A with Clean Energy, Contract No. OP59812000B with Shell, and Contract No. OP59812000C with Trillium as a separate board item. This approach is not recommended since conversion to a single contract for RNG is anticipated to provide better pricing and services for the delivery of natural gas. There is currently enough renewable natural gas supply accessible to any single supplier in the market.

Procurement of renewable natural gas from retail stations outside of the contract is not feasible due to the large size of our bus fleet. The procurement of non-renewable natural gas is not recommended as it would result in the loss of environmental benefits, carbon credits, and

revenues.

Another alternative considered to address price volatility is hedging. Commodity Swap/Cash Settlement Agreements ("Commodity Hedges") can be entered into to mitigate the volatility in index pricing. Staff monitors the market pricing of Commodity Hedges regularly. Historically, on average the price of entering Commodity Hedges has either exceeded the price of purchasing RNG at market rates or RNG market rates have fallen within a reasonable range of annual budgetary tolerance. At this time, staff does not recommend entering into Commodity Hedges but will continue to monitor market pricing of these instruments.

NEXT STEPS

Upon approval, staff will execute Modification No. 6 to Contract No. OP73960000 with Clean Energy, Modification No. 4 to Contract No. OP59812000A with Clean Energy, Modification No. 3 to Contract No. OP59812000B with Shell, and Modification No. 2 to Contract No. OP59812000C with Trillium, to continue supplying renewable natural gas for Metro's bus fleet to December 31, 2025.

ATTACHMENTS

Attachment A - Procurement Summary OP7396000 Clean Energy
Attachment B - Contract Modification Change Order Log OP7396000 Clean Energy
Attachment C - DEOD Summary OP7396000 Clean Energy
Attachment D - Procurement Summary OP59812000A Clean Energy
Attachment E - Contract Modification Change Order Log OP59812000A Clean Energy
Attachment F - DEOD Summary OP59812000A Clean Energy
Attachment G - Procurement Summary OP59812000B Shell Energy
Attachment H - Contract Modification Change Order Log OP59812000B Shell Energy
Attachment I - DEOD Summary OP59812000B Shell Energy
Attachment J - Procurement Summary OP59812000C Trillium USA
Attachment K - Contract Modification Change Order Log OP59812000C Trillium USA
Attachment L - DEOD Summary OP59812000C Trillium USA

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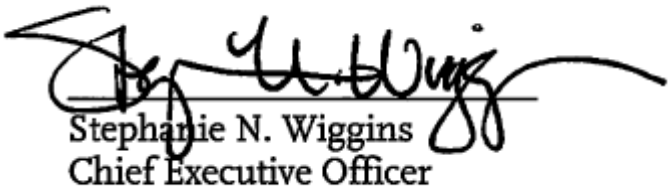
Reviewed by: Conan Cheung, Chief Operations Officer (213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

ATTACHMENT A

PROCUREMENT SUMMARY

RENEWABLE NATURAL GAS (RNG)/ CONTRACT NO. OP7396000

1.	**Contract Number**: OP7396000			
2.	**Contractor**: Clean Energy Renewable Fuels			
3.	**Mod. Work Description**: Extend the Period of Performance by 17 months and add funds to the contract			
4.	**Contract Work Description**: Biomethane provider			
5.	**The following data is current as of**: 01-05-24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	08-01-2017	**Contract Award Amount:**	$1,240,520
	Notice to Proceed (NTP):	08-01-2017	**Total of Modifications Approved:**	$54,808,110
	Original Complete Date:	07-31-24	**Pending Modifications (Including this action):**	$20,204,040
	Current Est. Complete Date:	12-31-25	**Current Contract Value (with this action):**	$76,252,670
7.	**Contract Administrator**: Lorretta Norris		**Telephone Number**: 213-922-2632	
8.	**Project Manager**: Dan Ramirez		**Telephone Number**: 213-922-5797	

A. Procurement Background

This Board Action is to approve Contract Modification No. 6 issued in support of:

Extending the term and increasing the total not-to-exceed amount by $20,204,040 to $76,252,670.

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

The original contract was approved by the Board on May 25, 2017, to Clean Energy Renewable Fuels for a one-year base period in the amount of $1,240,520 with a four-year option term for a total not-to-exceed amount of $56,048,630.

5 (five) contract modifications have been issued to date.

(Refer to Attachment B – Contract Modification/Change Order Log)

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based on the analysis completed as part of the total contract amount. The price of the contract was established in May 2017 as part of the competitive contract award and shall remain unchanged. Extending the contract term will provide continuity of the service and is in the best interest of Metro. Clean Energy Renewable Fuels is not escalating their competitively obtained unit rates for the 17-month extension, which was the basis of Metro's ICE. Therefore, the proposed amount, Metro ICE, and the negotiated amount are all consistent.

Proposal Amount	Metro ICE	Negotiated Amount
$76,252,670	$76,252,670	$76,252,670

ATTACHMENT B

CONTRACT MODIFICATION/CHANGE ORDER LOG

RENEWABLE NATURAL GAS (RNG)/CONTRACT NO. OP7396000

Mod. no.	Description	Status (approved or pending)	Date	$ Amount
1	Revised Exhibit G, Transaction Confirmation form	Approved	8.02.17	$0.00
2	Revised Exhibit G, Transaction Confirmation form	Approved	8.07.17	$0.00
3	Exercise four-year option term	Approved	8.01.18	$54,808,110
4	Revised Exhibit G, Transaction Confirmation form	Approved	3.19.20	$0.00
5	Extend period of performance through 7/31/24	Approved	6.13.22	$0.00
6	**Increase contract value and extension of period of performance through 12/31/25**	**Pending**	**TBD**	$20,204,040
	Modification Total:			**$75,012,150**
	Original Contract:	Approved	8.01.17	**$1,240,520**
	Total:			**$76,252,670**

DEOD SUMMARY

RENEWABLE NATURAL GAS (RNG) CONTRACTS/OP73960000

A. Small Business Participation

The Diversity & Economic Opportunity Department did not establish a Disadvantaged Business Enterprise (DBE) goal for this project due to the lack of subcontracting opportunities. The Prime Contractor, Clean Energy Renewable Fuels, LLC, is performing the work with its own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

C. Prevailing Wage Applicability

Prevailing Wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

ATTACHMENT D

PROCUREMENT SUMMARY

RENEWABLE NATURAL GAS (RNG)/ CONTRACT NO. OP59812000A

1.	**Contract Number**: OP59812000A			
2.	**Contractor**: Clean Energy Renewable Fuels			
3.	**Mod. Work Description**: Add funds to the contract			
4.	**Contract Work Description**: Biomethane provider			
5.	**The following data is current as of**: 01.05.24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	01-01-2021	**Contract Award Amount:**	$25,231,467
	Notice to Proceed (NTP):	01-01-2021	**Total of Modifications Approved:**	$18,394,819
	Original Complete Date:	12-31-25	**Pending Modifications (Including this action):**	$22,023,615
	Current Est. Complete Date:	12-31-25	**Current Contract Value (with this action):**	$65,649,901
7.	**Contract Administrator**: Lorretta Norris		**Telephone Number**: 213-922-2632	
8.	**Project Manager**: Dan Ramirez		**Telephone Number**: 213-922-5797	

A. Procurement Background

This Board Action is to approve Contract Modification No. 4 issued in support of:

Increasing the total not-to-exceed amount by $22,023,615 to $65,649,901.

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

The original contract was approved by the Board on October 15, 2020, to Clean Energy Renewable Fuels for a five-year base period with a three-year option term for a total not-to-exceed amount of $43,626,286.

3 (three) contract modifications have been issued to date.

(Refer to Attachment D – Contract Modification/Change Order Log)

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based on the analysis completed as part of the total contract amount. The price of the contract was established in October 2020 as part of the competitive contract award and shall remain unchanged. Increasing the contract value will provide continuity of the service and is in the best interest of Metro. Clean Energy Renewable Fuels is not escalating their competitively obtained unit rates, which was the basis of Metro's ICE. Therefore, the proposed amount, Metro ICE, and the negotiated amount are all consistent.

Proposal Amount	Metro ICE	Negotiated Amount
$65,649,901	$65,649,901	$65,649,901

ATTACHMENT E

CONTRACT MODIFICATION/CHANGE ORDER LOG

RENEWABLE NATURAL GAS (RNG)/ CONTRACT NO. OP59812000A

Mod. no.	Description	Status (approved or pending)	Date	$ Amount
1	Revised Exhibit C, Transaction Confirmation form	Approved	2.19.21	$0.00
2	Contractor's name correction	Approved	7.11.22	$0.00
3	Increase contract value	Approved	5.01.23	$18,394,819
4	**Increase contract value**	**Pending**	**TBD**	$22,023,615
	Modification Total:			**$40,418,434**
	Original Contract:	Approved	1.01.21	**$25,231,467**
	Total:			**$65,649,901**

DEOD SUMMARY

RENEWABLE NATURAL GAS (RNG) CONTRACTS / OP59812000A

A. Small Business Participation

The Diversity & Economic Opportunity Department did not establish a Disadvantaged Business Enterprise (DBE) goal for this project due to the lack of subcontracting opportunities. The Prime Contractor, Clean Energy Renewable Fuels, LLC, is performing the services with its own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

C. Prevailing Wage Applicability

Prevailing Wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

ATTACHMENT G

PROCUREMENT SUMMARY

RENEWABLE NATURAL GAS (RNG)/CONTRACT NO. OP59812000B

1.	**Contract Number**: OP59812000B			
2.	**Contractor**: Shell Energy North America (US)			
3.	**Mod. Work Description**: Add funds to the contract			
4.	**Contract Work Description**: Biomethane provider			
5.	**The following data is current as of**: 01.05.24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	01-01-2021	**Contract Award Amount:**	$6,504,988
	Notice to Proceed (NTP):	01-01-2021	**Total of Modifications Approved:**	$4,383,132
	Original Complete Date:	12-31-25	**Pending Modifications (Including this action):**	$4,224,175
	Current Est. Complete Date:	12-31-25	**Current Contract Value (with this action):**	$15,112,295
7.	**Contract Administrator**: Lorretta Norris		**Telephone Number**: 213-922-2632	
8.	**Project Manager**: Dan Ramirez		**Telephone Number**: 213-922-5797	

A. Procurement Background

This Board Action is to approve Contract Modification No. 3 issued in support of:

Increasing the total not-to-exceed amount by $4,224,175 to $15,112,295.

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

The original contract was approved by the Board on October 15, 2020, to Shell Energy North America (US) for a five-year base period with a three-year option term for a total not-to-exceed amount of $10,888,120.

2 (two) contract modifications have been issued to date.

(Refer to Attachment F – Contract Modification/Change Order Log)

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based on the analysis completed as part of the total contract amount. The price of the contract was established in October 2020 as part of the competitive contract award and shall remain unchanged. Increasing the contract value will provide continuity of the service and is in the best interest of Metro. Shell Energy North America (US) is not escalating their competitively obtained unit rates, which was the basis of Metro's ICE. Therefore, the proposed amount, Metro ICE, and the negotiated amount are all consistent.

Proposal Amount	Metro ICE	Negotiated Amount
$15,112,295	$15,112,295	$15,112,295

ATTACHMENT H

CONTRACT MODIFICATION/CHANGE ORDER LOG

RENEWABLE NATURAL GAS (RNG)/CONTRACT NO. OP59812000B

Mod. no.	Description	Status (approved or pending)	Date	$ Amount
1	Revised Exhibit C, Transaction Confirmation form	Approved	2.10.21	$0.00
2	Increase contract value	Approved	5.01.23	$4,383,132
3	**Increase contract value**	**Pending**	**TBD**	$4,224,175
	Modification Total:			**$8,607,307**
	Original Contract:	Approved	1.01.21	**$6,504,988**
	Total:			**$15,112,295**

DEOD SUMMARY

RENEWABLE NATURAL GAS (RNG) CONTRACTS / OP59812000B

A. Small Business Participation

The Diversity & Economic Opportunity Department did not establish a Disadvantaged Business Enterprise (DBE) goal for this project due to the lack of subcontracting opportunities. The Prime Contractor, Shell Energy North America (US), is performing the services with its own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

C. Prevailing Wage Applicability

Prevailing Wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

ATTACHMENT J

PROCUREMENT SUMMARY

BIOMETHANE (RENEWABLE NATURAL GAS)
CONTRACT NO. OP59812000C

1.	**Contract Number**: OP59812000C			
2.	**Contractor**: Trillium USA Company			
3.	**Mod. Work Description**: Add funds to the contract			
4.	**Contract Work Description**: Biomethane provider			
5.	**The following data is current as of**: 01.05.24			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	01-01-2021	**Contract Award Amount:**	$7,884,833
	Notice to Proceed (NTP):	01-01-2021	**Total of Modifications Approved:**	$4,494,644
	Original Complete Date:	12-31-25	**Pending Modifications (Including this action):**	$7,112,949
	Current Est. Complete Date:	12-31-25	**Current Contract Value (with this action):**	$19,492,426
7.	**Contract Administrator**: Lorretta Norris		**Telephone Number**: 213-922-2632	
8.	**Project Manager**: Dan Ramirez		**Telephone Number**: 213-922-5797	

A. Procurement Background

This Board Action is to approve Contract Modification No. 2 issued in support of:

Increasing the total not-to-exceed amount by $7,112,949 to $19,492,426.

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

The original contract was approved by the Board on October 15, 2020, to Trillium USA Company for a five-year base period with a three-year option term for a total not-to-exceed amount of $12,379,477.

1 (one) contract modification has been issued to date.

(Refer to Attachment H – Contract Modification/Change Order Log)

B. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based on the analysis completed as part of the total contract amount. The price of the contract was established in October 2020 as part of the competitive contract award and shall remain unchanged. Increasing the contract value will provide continuity of the service and is in the best interest of Metro. Trillium USA Company is not escalating their competitively obtained unit rates, which was the basis of Metro's ICE. Therefore, the proposed amount, Metro ICE, and the negotiated amount are all consistent.

Proposal Amount	Metro ICE	Negotiated Amount
$19,492,426	$19,492,426	$19,492,426

ATTACHMENT K

CONTRACT MODIFICATION/CHANGE ORDER LOG

RENEWABLE NATURAL GAS (RNG)/CONTRACT NO. OP59812000C

Mod. no.	Description	Status (approved or pending)	Date	$ Amount
1	Increase contract value	Approved	5.01.23	$4,494,644
2	**Increase contract value**	**Pending**	**TBD**	$7,112,949
	Modification Total:			**$11,607,593**
	Original Contract:	Approved	1.01.21	**$7,884,833**
	Total:			**$19,492,426**

DEOD SUMMARY

RENEWABLE NATURAL GAS (RNG) CONTRACTS / OP59812000C

A. Small Business Participation

The Diversity & Economic Opportunity Department did not establish a Disadvantaged Business Enterprise (DBE) goal for this project due to the lack of subcontracting opportunities. The Prime Contractor, Trillium USA Company, LLC, is performing the services with its own workforce.

B. Living Wage and Service Contract Worker Retention Policy Applicability

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP is not applicable to this modification.

C. Prevailing Wage Applicability

Prevailing Wage is not applicable to this modification.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of $2.5 million.

Renewable Natural Gas (RNG)

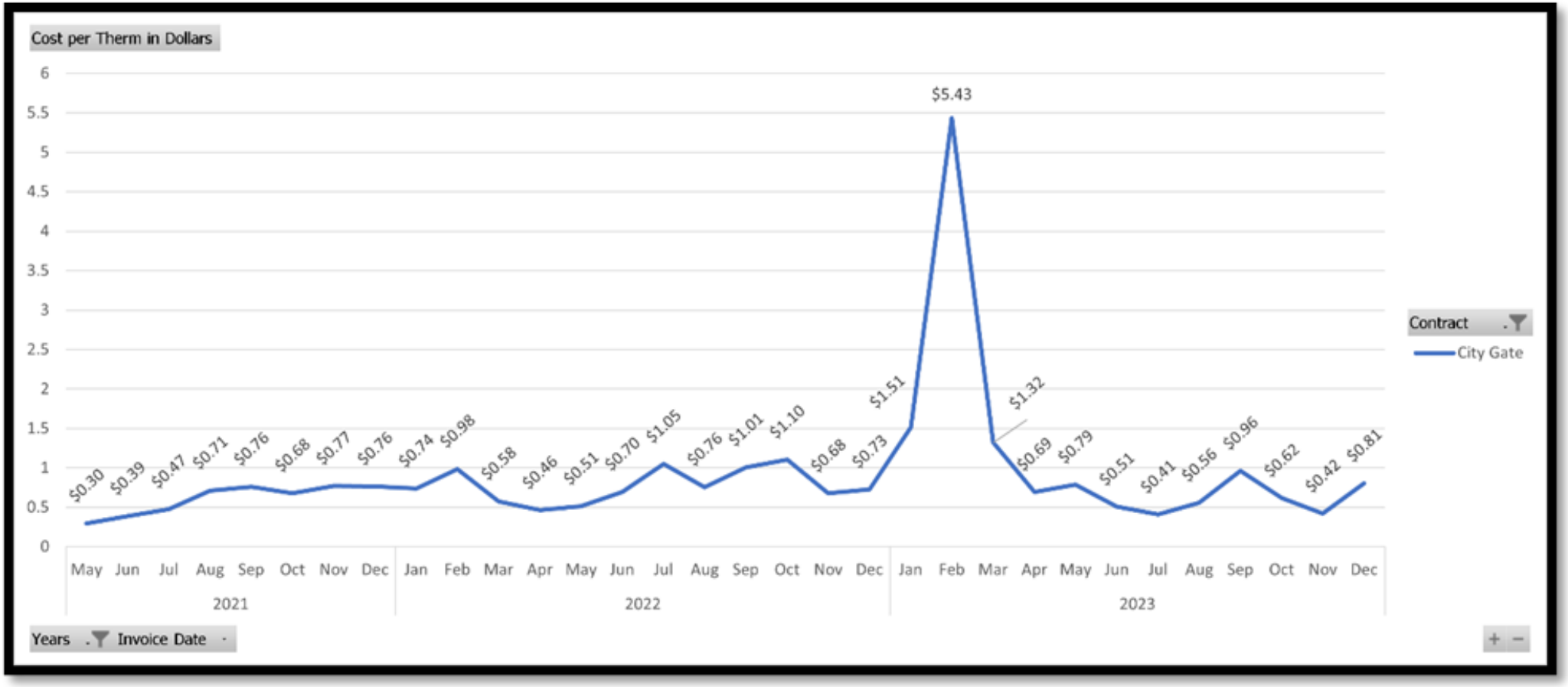
Operations, Safety, and Customer Experience
March 21, 2024

Renewable Natural Gas (RNG) - Background

- Majority of Metro's fleet of over 2,000 buses use Renewable Natural Gas (RNG)
  - Battery electric buses currently account for 50 buses and will increase to 145 buses this year
- RNG was procured under four contracts due to limited availability
  - Clean Energy contract approved in July 2017 for five bus divisions
    - Contract expiration date is July 31, 2024
  - Shell, Trillium, and Clean Energy contracts awarded in October 2020
    - Three contracts provide fuel for remaining five bus divisions
    - Contract expiration is December 31, 2025
- Spike in natural gas prices in 2023 impacted remaining Board authority

Renewable Natural Gas (RNG) – Impact to Budget Authority

- Board action required due to unprecedented spike in natural gas prices
  - Price per therm increased from $0.98 to $5.43 in 2023
  - Multi-million dollar budget impact resulted in need to act earlier than original plans



Renewable Natural Gas (RNG) – Requested Actions

- Modification to original Clean Energy contract
  - Increase contract authority by $20,204,040 and extend performance end date to December 31, 2025
  - Includes small contingency to address potential future fuel price spikes
- Modifications to three other contracts with Shell, Trillium, and Clean Energy
  - Increase contract authority by $33,360,739
  - Includes small contingency to address potential future fuel price spikes
- RNG expenditures occur on an as-needed basis
  - RNG fuel dispensed into buses each evening when buses return to divisions
  - Expenditures may be less if RNG fuel prices remain stable to current prices

Benefits of Proposed Actions

- Provides consolidated and adequate contract authority for RNG contracts through December 31, 2025
- Provides framework to procure one consolidated contract after existing contracts expire
- Allows staff to further analyze RNG needs with transition to Battery Electric Buses
  - 145 battery electric buses will be in operation in 2024
  - Modeling of RNG demand will use data from actual reductions in RNG use
  - New contracts will include provisions for continued reduction in RNG use
  - New contracts will also include provisions for future reductions in fueling station maintenance requirements

THANK YOU!