



Board Report

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Agenda Number:39.

**FINANCE, BUDGET & AUDIT COMMITTEE
NOVEMBER 16, 2016**

SUBJECT: METROLINK REQUEST FOR ADDITIONAL FUNDING FOR TRACK AND STRUCTURE REHABILITATION WORK

ACTION: APPROVE LIMITED PRE-CONTRACT AWARD AUTHORITY TO METROLINK TO INITIATE PROCUREMENT ACTIVITIES

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to provide Metrolink with “**pre-contract award authority**” to procure the contracts required for the urgent track and structure rehabilitation work reported by Metrolink at its Board Meeting on September 23, 2016.

ISSUE

On September 23, 2016, Metrolink staff provided its Board of Directors with a report for track and structure rehabilitation funding that will be required in the next 18 months for track and within 36 months for bridges and culverts totaling approximately \$46.5 million. Metrolink staff has indicated that if funding is not made available by the Member Agencies, Metrolink will need to develop a plan for operations with deferred rehabilitation that will likely result in “slow orders” and service disruptions on the impacted segments beginning June 2017 (Please See Attachment A). A slow order is generally initiated when the railroad agency believes that conditions on or about the Rights of Way (ROW) prevent trains from operating at normally designated speeds which could result in substantial delays to riders or a reduction in service. Metrolink has estimated that Metro’s share of this appropriation is \$32.0 million.

DISCUSSION

In October, Metrolink staff provided the Member Agencies with a report for track and structure rehabilitation funding that will be required in the next 18 months for track and within 36 months for bridges and culverts totaling approximately \$46.5 million that were divided into two sets of priority groupings, A and B. Priority A is comprised of a total of \$29.4 million and is regarded as a higher priority than Priority B projects totaling \$17.1 million. However, Metrolink indicated that both A & B projects are necessary to prevent the imposition of slow orders and service disruptions on the impacted segments beginning as early as June 2017.

While staff agrees that some level of state of good repair is required on the ROW, the prudent

approach is to provide assurance to the Metro Board, prior to any multi-million dollar commitment of funding, that the highest priority rehabilitation projects are addressed in the most expeditious manner, particularly in the event of a risk to the operational safety of our passengers. Therefore, staff has requested Metrolink to provide a prioritized list that identifies the most critical track and structure rehabilitation projects along with a condition assessment rating and provide a detailed project delivery work plan and corresponding cash flow expenditure plan.

Simultaneously, in cooperation with Metrolink, Metro staff is also performing a due diligence review and intends to secure the services of a qualified professional railroad engineering firm from the Regional Rail engineering bench by December 2016 with specialized staffing in railroad track & structures engineering to assist in the verification of project requirements, priorities, current ROW conditions, and validate the estimated costs. However, in the meantime to ensure there is no delay in addressing these potential operational efficiencies or passenger safety issues, staff is proposing a “pre-contract award authority” action plan that authorizes Metrolink to proceed with the development of the necessary scope(s) of work, advertise the contract opportunities, and structure the procurements with a series of options to provide flexibility with respect to the amount of funding available. Metrolink’s actual award of contracts would not be authorized until such time as Metro’s Board approves an appropriation, which is anticipated to occur prior to April 30, 2017.

As reported to the Board previously, Metro continues to work with Metrolink staff to provide an accounting and reconciliation of previously appropriated funding of approximately \$40 million for state of good repair projects dating back to FY11. Finally, in an effort to improve the communication and collaboration between the agencies, a Metrolink/Metro collaborative working group began in May 2016 meeting on a bi-weekly basis to discuss capital project status, agency agreements, risk management, community outreach, funding, operations, planning and performance.

DETERMINATION OF SAFETY IMPACT

The adoption of this recommendation has no safety impact.

FINANCIAL IMPACT

Staff anticipates that an appropriation request with a corresponding work plan could be brought to the Board by April 2017. Funding for the bench consultant is Measure R 3%. These funds are restricted for commuter rail related capital/rehabilitation projects.

ALTERNATIVES CONSIDERED

The Board could chose to not grant “pre-contract award authority” to Metrolink or not engage a consultant to analyze Metrolink’s rehabilitation needs of Metro owned ROW. This is not recommended especially since passenger safety and operational efficiency are among the agency’s highest priorities. The Board could also instruct staff to defer this request until the consideration of the FY18 Budget. This is not recommended as the process outlined above allows Metrolink to proceed with the procurement of the necessary scope(s) of work, advertise the contract opportunities, and

structure the procurements to lead a more efficient and informed FY18 budget development process.

NEXT STEPS

Upon approval of the Board, staff will:

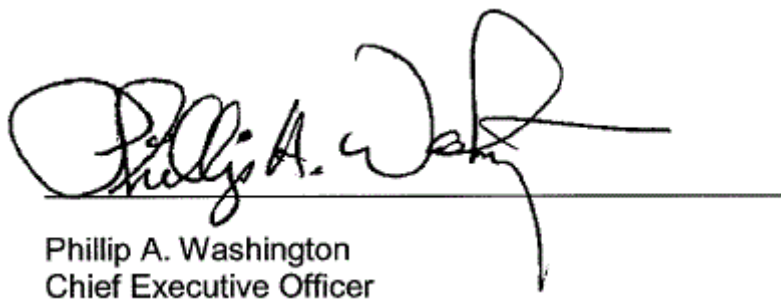
1. Notify Metrolink of the Board's actions.
2. Continue to perform the due diligence review and secure specialized railroad engineering consultant services from the established Regional Rail bench by December 2016 to evaluate Metrolink's track and structure rehabilitation and SOGR projects.
3. Report back to the Board with an appropriate funding recommendation for track and structures rehabilitation work by April 2017 or sooner.

ATTACHMENTS

Attachment A- Metrolink Board Item #22 dated September 23, 2016

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