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**Agenda - Final**

**Thursday, April 21, 2022**

**11:00 AM**

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

## **Construction Committee**

*Tim Sandoval, Chair*

*Fernando Dutra, Vice Chair*

*Jacquelyn Dupont-Walker*

*Janice Hahn*

*Paul Krekorian*

*Tony Tavares, non-voting member*

*Stephanie Wiggins, Chief Executive Officer*

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

**PUBLIC INPUT**

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

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

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

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

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

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

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

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

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

## DISCLOSURE OF CONTRIBUTIONS

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

## ADA REQUIREMENTS

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

## LIMITED ENGLISH PROFICIENCY

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



**323.466.3876**

x2 *Español (Spanish)*

x3 *中文 (Chinese)*

x4 *한국어 (Korean)*

x5 *Tiếng Việt (Vietnamese)*

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x7 *русский (Russian)*

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Internet Access to Agendas - [www.metro.net](http://www.metro.net)

TDD line (800) 252-9040

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

**Live Public Comment Instructions:**

Live public comment can only be given by telephone.

The Committee Meeting begins at 11:00 AM Pacific Time on April 21, 2022; you may join the call 5 minutes prior to the start of the meeting.

Dial-in: 888-251-2949 and enter  
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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 solo se pueden dar por telefono.

La Reunion de la Junta comienza a las 11:00 AM, hora del Pacifico, el 21 de Abril de 2022. Puedes unirse a la llamada 5 minutos antes del comienzo de la junta.

Marque: 888-251-2949 y ingrese el codigo  
Codigo de acceso en ingles: 8231160#  
Codigo de acceso en espanol: 4544724#

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

**Written Public Comment Instruction:**

Written public comments must be received by 5PM the day before the meeting. Please include the Item # in your comment and your position of "FOR," "AGAINST," "GENERAL COMMENT," or "ITEM NEEDS MORE CONSIDERATION."

Email: BoardClerk@metro.net

Post Office Mail:

Board Administration

One Gateway Plaza

MS: 99-3-1

Los Angeles, CA 90012

**CALL TO ORDER****ROLL CALL**

APPROVE Consent Calendar Items: 29 and 30.

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

**CONSENT CALENDAR****29. SUBJECT: METRO SMALL BUSINESS BONDING ASSISTANCE PROGRAM**[2022-0186](#)**RECOMMENDATION****CONSIDER:**

- A. AUTHORIZING the Chief Executive Officer to execute Modifications to Contract No. PS137313000 with Merriwether and Williams Insurance Services, Inc. to continue to provide Small Business Bonding Assistance Program services and Contractor Finance Assistance Program (CFAP) administration in the amount of \$450,000, increasing the total contract price from \$2,197,870 to \$2,647,870, and extend the period of performance from June 1, 2022, through November 30, 2022;

This Contract Modification also includes an as-needed option to extend the contract period of performance up to an additional six (6) months or through May 31, 2023, and increase the total contract price up to an additional \$450,000, for a total not-to-exceed contract price of \$3,097,870.

- B. AUTHORIZING the Chief Executive Officer to approve budget for the Contractor Finance Assistance Program (CFAP) loan fee which provides financial relief for certified small businesses performing on a Metro contract for an amount not to exceed \$300,000; and
- C. ADOPTING a resolution, Attachment A, authorizing the Chief Executive Officer and other Authorized Officers to continue the \$4,000,000 line of credit with Bank of America for six months at a cost of \$8,000 with the option to extend for an additional six months at a cost of \$8,000, and to execute as needed, individual standby letters of credit at a cost of \$2,000 each or 2% of the value of each letter of credit executed, whichever is greater, for a six-month period in the amount of \$37,500 with an option for an additional six-month period for \$37,500 for a not-to-exceed amount of \$71,000 if the option is exercised.

(REQUIRES SEPARATE, SIMPLE MAJORITY VOTE OF THE FULL BOARD)

**Attachments:**      [Attachment A - Memorandum of Understanding with the City of LA](#)  
[Attachment B - Procurement Summary.](#)  
[Attachment C - Contract Modification.](#)  
[Attachment D - DEOD Summary](#)

- 30. SUBJECT:      FUND ADMINISTRATOR FOR METRO PILOT BUSINESS      [2022-0147](#)**  
**INTERRUPTION FUND (BIF)**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 6 to the Business Interruption Fund (BIF) Administration Services Contract No. PS56079000 with Pacific Coast Regional Small Business Development Corporation (PCR) to exercise the second, one-year option in the amount of \$650,306, increasing the total contract value from \$2,754,855 to \$3,405,161, to continue to serve as the fund administrator for Metro's Pilot BIF and extending the period of performance from May 1, 2022 to April 30, 2023.

**Attachments:**      [Attachment A - Procurement Summary](#)  
[Attachment B - Modification Change Order Log](#)  
[Attachment C - DEOD Summary](#)

**NON-CONSENT**

- 31. SUBJECT:      METRO I-105 EXPRESSLANES FINAL SEGMENTS 2 AND      [2022-0170](#)**  
**3 DESIGN PLANS SPECIFICATIONS AND ESTIMATES**  
**CONTRACT**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award and execute Contract No. AE77613000 with WSP USA, Inc. to prepare Plans, Specifications, and Estimates (PS&E) for the I-105 Segments 2 and 3 in the amount of \$39,935,928, subject to resolution of protests, if any.

**Attachments:**      [Attachment A - Procurement Summary](#)  
[Attachment B - DEOD Summary](#)  
[Attachment C - 105 Potential Right of Way Impacts](#)

- 32. SUBJECT:      RAIL TO RAIL ACTIVE TRANSPORTATION CORRIDOR      [2022-0063](#)**  
**PROJECT**

**RECOMMENDATION**

CONSIDER:

- A. INCREASING the life-of-project budget for the Rail-to-Rail Active Transportation Project (Project) in the amount of \$27,295,000, from

\$115,989,173 to \$143,284,173;

- B. REVISING the project funding plan to accept \$27,295,000 in funding contributions by the City of Los Angeles;
- C. DELEGATING authority to the Chief Executive Officer to accept up to \$15 million in American Rescue Plan Act funds from the County of Los Angeles and program them to the Rail to Rail project; and
- D. AUTHORIZING the Chief Executive Officer to negotiate and execute Project related agreements, including contract modifications, up to the authorized Life-of-Project Budget.

Attachments:      [Attachment A - Sources and Uses](#)

33. **SUBJECT:      METRO DIVISION 1 INDUSTRIAL STREET VACATION AND CITY OF LOS ANGELES 7TH STREET STREETSCAPE IMPROVEMENTS NEGOTIATED FUNDING AGREEMENT**      [2022-0152](#)

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute a Funding Agreement with the City of Los Angeles for the 7th Street Streetscape Improvements project in the negotiated amount of \$3,500,000.

Attachments:      [Attachment A - Deleted Conditions](#)  
                                  [Attachment B - Industrial Street Vacation from Alameda to Central](#)

34. **SUBJECT:      TRACK AND TUNNEL INTRUSION PROJECT**      [2022-0195](#)

**RECOMMENDATION**

INCREASE the Life of Project (LOP) Budget on the Track and Tunnel Intrusion Project by \$1,948,680, from \$8,873,092 to \$10,821,772.

Attachments:      [Attachment A - TTIDS Funding and Expenditure Plan](#)

35. **SUBJECT:      3% CONTRIBUTION MOTION**      [2022-0258](#)

**RECOMMENDATION**

APPROVE Motion by Directors Hahn, Garcetti, Butts, and Dutra that the Board direct the CEO to update the Measure M Guidelines and First-Last Mile Guidelines in accordance with the following:

- A. Revise the Measure M Guidelines 3% Contribution calculation to be consistent with the Measure M ordinance;
- B. In cases where Metro withholds 15 years of Measure M Local Return, clarify that Metro will allow withheld funds to satisfy the 3% contribution via

an agreement with the jurisdiction, that jurisdictions may spend withheld funds on First-Last Mile investments, and that those expenses shall be eligible to credit toward a jurisdiction's 15-year total Measure M Local Return obligation in accordance with established Metro procedures, such as the First-Last Mile Guidelines and Measure M Guidelines;

- C. Confirm that the cost of First-Last Mile improvements delivered by local jurisdictions shall not be included in the "total project cost" from which Metro calculates the 3% Contribution;
- D. Consistent with precedent from the Purple Line Extension, confirm that jurisdictions along segments of a larger transit corridor will incur a 3% Contribution obligation only for project segments that include station construction within their jurisdiction; and,
- E. Reaffirm that in-kind contributions and subregional investments that support a Metro transit corridor may count toward a project's total 3% Contribution under existing provisions of the Measure M Guidelines.

WE FURTHER MOVE that the Board direct the CEO to report back on all the above to the Construction Committee in June 2022.

36. **SUBJECT: FISCAL YEAR 2023 PROGRAM MANAGEMENT ANNUAL PROGRAM EVALUATION DESCRIPTION** [2022-0168](#)

**RECOMMENDATION**

RECEIVE AND FILE status report on FY23 Program Management Annual Program Evaluation.

**Attachments:** [Attachment A FY23 APE](#)

37. **SUBJECT: PROGRAM MANAGEMENT QUARTERLY CHANGE REPORT** [2022-0159](#)

**RECOMMENDATION**

RECEIVE AND FILE status report on Program Management Quarterly Change Report.

**Attachments:** [Attachment A - Change Order Log for April 2022](#)  
[Attachment B - IG Spot Check CEO Delegated Authority Delays Avoided](#)



- 38. SUBJECT: OFFICE OF THE INSPECTOR GENERAL CHANGE ORDER CONSTRUCTION SPOT CHECKS** [2022-0145](#)

**RECOMMENDATION**

RECEIVE AND FILE Office of the Inspector General Change Order Construction Spot Check Report for the period December 1, 2021, to February 28, 2022.

**Attachments:** [Attachment A - Change Order Details for Spot Checks](#)  
[Attachment B - Tracking Sheet of OIG Recs. and Responses to Last Quarter](#)  
[Attachment C - PowerPoint for April 2022 Construction Spot Checks](#)

- 39. SUBJECT: PROGRAM MANAGEMENT MAJOR PROJECT STATUS REPORT** [2022-0146](#)

**RECOMMENDATION**

RECEIVE oral report on the Major Project Status by the Chief Program Management Officer.

**Attachments:** [Presentation](#)

- SUBJECT: GENERAL PUBLIC COMMENT** [2022-0236](#)

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**