

**Board Report**

File #: 2016-0326, **File Type:** Agreement**Agenda Number:** 21.

**CONSTRUCTION COMMITTEE
MAY 19, 2016****SUBJECT: WESTSIDE PURPLE LINE EXTENSION SECTION 1 PROJECT****ACTION: AUTHORIZE THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE AN
AMENDMENT TO AN EXISTING MEMORANDUM OF UNDERSTANDING****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Amendment No. 1 to the existing Memorandum of Understanding between Metro and the Los Angeles County Museum of Natural History, including the Page Museum at the La Brea Tar Pits, for the preservation and storage of paleontological and archaeological resources associated with the Westside Purple Line Extension Section 1 Project.

ISSUE

Metro executed a Memorandum of Understanding (MOU) with the Los Angeles County Museum of Natural History (NHM) for the Westside Purple Line Extension Project (WPLE) in November 2011. The MOU stipulates the roles and responsibilities for encountering, protecting, recovering, preserving, transporting and curating paleontological and archeological resources. The MOU did not include roles and responsibilities for the final permanent storage of paleontological resources that were recovered as part of the WPLE. Amendment 1 of the MOU stipulates the roles and responsibilities for the final permanent storage of paleontological resources.

DISCUSSION

The Wilshire/Fairfax Station for the WPLE is located in the vicinity of the La Brea Tar Pits. The La Brea Tar Pits contain one of the world's largest collections of Ice Age fossils, which are located in soil deposits beneath the ground surface. Metro and the NHM executed a MOU in November 2011 to protect, recover, preserve, transport and curate any paleontological and archeological resources that might be discovered while performing work in the vicinity of the La Brea Tar Pits. This MOU was developed in parallel with the Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) for the project, which was approved by the Metro Board of Directors in April 2012. The MOU did not include roles and responsibilities for the final permanent storage of paleontological resources, i.e. fossils, because the amount and type of storage would not be known until the excavation of the Wilshire/Fairfax Station is performed. While the final quantity of fossils is still not

known at this time, Metro and the NHM agreed that it would be best to define roles and responsibilities for the final permanent storage of these resources prior to beginning the work. Metro and the NHM further agreed that that the roles and responsibilities for final permanent storage would be limited by the project budget and schedule per the Federal Funding Grant Agreement (FFGA). The roles and responsibilities for permanent storage are now included in Amendment 1.

DETERMINATION OF SAFETY IMPACT

This Board action will not have an impact on established safety standards.

FINANCIAL IMPACT

Funding for this action is within the Life-of-Project Budget that was approved by the Board in July 2014, under Project 865518-Westside Purple Line Extension Section 1 Project in Cost Center 8510 (Construction Project Management), and Account Number 53101 (Acquisition of Building and Structure). Since this is a multi-year project, the Executive Director of Program Management and the Westside Purple Line Extension Section 1 Project Manager will be responsible for budgeting in future years.

Impact to Budget

The sources of funds for the recommended action are Federal 5309 New Starts, Transportation Infrastructure Finance and Innovation Act (TIFIA) Loan proceeds and Measure R 35%. These funds are designated for Westside Purple Line Extension Section 1 Project and do not have an impact to Operations. These funds were assumed in the Long Range Transportation Plan (LRTP) for the Westside Purple Line Extension Section 1 Project. This Project is not eligible for Propositions A and C funding due to the proposed tunneling element of the Project. No other funds were considered.

ALTERNATIVES CONSIDERED

The Board may choose not to execute Amendment 1. However, the roles and responsibilities for final permanent storage of any paleontological and archeological resources that may be discovered would be undefined.

NEXT STEPS

After Board approval, Metro and the NHM will perform work for the Westside Purple Line Extension Section 1 Project in accordance with the terms of the MOU and Amendment 1.

ATTACHMENTS

Attachment A - Amendment 1 to the Memorandum of Understanding between Metro and the Los Angeles County Natural History Museum

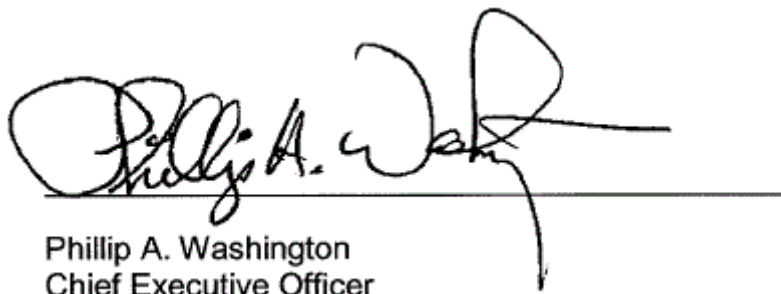
Attachment B - Memorandum of Understanding between Metro and the Los Angeles County Natural History Museum (Appendix G of FEIS/FEIR: Memorandum of Understanding for Paleontological Resources).

Prepared by:

Scott McConnell, Director, Construction Management (323) 900-2115
James Cohen, Deputy Executive Officer, Program Management (323) 900-2114
Rick Wilson, Deputy Executive Officer, Program Control (213) 312-3108

Reviewed by:

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



Phillip A. Washington
Chief Executive Officer