# BOARD ROSTER
## SOUTHERN CALIFORNIA REGIONAL RAIL AUTHORITY

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Ventura:  
Keith Millhouse  
Mayor Pro Tem  
City of Moorpark  
1 vote  
Brian Humphrey  
Commission Member  
City of Moorpark  
VCTC

**EX-OFFICIO MEMBERS**

**Southern California Association of Governments:**

Michele Martinez  
Councilwoman  
City of Santa Ana

**San Diego Association of Governments:**

[CURRENTLY AWAITING APPOINTMENT]

Contact:  
Linda Culp  
Senior Transportation Planner

**State of California:**

[CURRENTLY AWAITING APPOINTMENT]

Secretary of Business, Transportation and Housing Agency

Alternate:  
Michael Miles  
Director, Caltrans District 7

*Alternates represent either member  
Revised 12.01.11
AGENDA DESCRIPTIONS
The agenda descriptions are intended to give notice to members of the public of a brief general description of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Authority may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

A person with a disability may contact the Board Secretary’s office at (213) 452-0255 or via email brozowskik@scrra.net at least 72-hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including auxiliary aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

SUPPORTING DOCUMENTATION
The agenda, staff reports and supporting documentation are available from the Board Secretary, located at One Gateway Plaza, 12th Floor, Los Angeles, CA 90012, and on the Metrolink website at www.metrolinktrains.com under the Board Agenda link.

PUBLIC COMMENTS ON AGENDA ITEMS
Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker’s Form and submitting it to the Board Secretary. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. When addressing the Board, please state your name for the record. Please address the Board as a whole through the Chair. Please note comments to individual Board members or staff are not permitted when addressing the Board. A speaker’s comments shall be limited to three (3) minutes.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
Members of the public wishing to address the Board of Directors regarding any item not on the agenda, but within the subject matter jurisdiction of the Board, will be taken under Item 16 (Public Comment), and will be subject to the same guidelines as noted above.
1. Call to Order

2. Pledge of Allegiance

3. Election of Officers

REGULAR CALENDAR

4. Approval of Minutes – December 9, 2011 Board of Directors Regular and Special Meeting Minutes

Staff recommends the Board of Directors approve the Minutes of the December 9, 2011 Board of Directors Regular and Special Meetings.

5. Request for Approval of the Resolution Adopting the Labor Compliance Program, Subject to State Approval and Ratifying the Submission of an Application to the State

As a result of the recent adoption of Assembly Bill 436 (AB 436), the State of California’s Department of Industrial Relations (DIR) has created a Compliance Monitoring Unit (CMU). The CMU was established to monitor and enforce prevailing wage requirements on certain public works projects paid for by State-issued bonds or that uses specific procurement methods, in particular Design-Build. As a result, the Awarding Bodies are required to pay the DIR a compliance monitoring fee on a per-project basis for its monitoring activities, or, with DIR approval, operate its own Labor Compliance Program (LCP), in accordance with state labor regulations for Design-Build projects and construction projects paid for by state-issued bonds.

Staff recommends that the Board;

1) Adopt Resolution 12-65, with a retroactive effective date of December 23, 2011, to ratify the December 23, 2011 timely submittal of an application to apply for a state-approved LCP, authorize the LCP upon approval from the DIR and authorize the Chief Executive Officer to amend the LCP and take other actions as necessary to maintain compliance with the LCP exception to required DIR monitoring;

2) Apply the state-approved LCP, upon approval from the DIR, on all required contracts worth $1,000 or more, and decline, for business reasons, to request the alternative higher contract exemption specified in Labor Code Section 1771.5.

There will be no budget impact as a result of adopting the resolution and related recommendations.
6. **Amend the Cooperative Agreement between North County Transit District (NCTD) and SCRRA for the Provision of Communications and Dispatching Services**

Amend the November 18, 1993 Cooperative Agreement between NCTD, formerly NSDCTDB, and SCRRA for the Provision of Communications and Dispatching Services to allow NCTD to assume the communication and dispatching responsibilities for the San Diego subdivision. Formerly, SCRRA performed the communication and dispatch services for the San Diego Subdivision under the 1993 Cooperative Agreement. This action triggered the need to establish a demarcation or hand-off point for the communication and signal systems as well as the dispatch services.

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute an amendment to the 1993 Cooperative Agreement defining the roles and responsibilities for the respective parties relative to the communication and dispatch services on the San Diego Subdivision in advance of the planned territory split and the NCTD assumption of responsibilities for communication and dispatching south of CP Songs. The loss of revenue for FY2011-12 to SCRRA associated with providing communication and dispatcher services for the San Diego Subdivision is approximately $100,000. The loss of revenue for FY2012-13 to SCRRA associated with providing communication and dispatcher services for the San Diego Subdivision is approximately $400,000.

7. **Execute Memorandum of Understanding (MOU) between NCTD and SCRRA for Division of Responsibilities at CP Songs Related to Construction, Maintenance & Operation of Dispatch and Communication Services and Equipment**

A Memorandum of Understanding (MOU) is required between the North County Transit District (NCTD) and SCRRA to define the roles and responsibilities with regard to constructing, maintaining and operating the communication and signal facilities at the designated CP Songs “hand-off” point. In February or March 2012, NCTD is to assume responsibility for dispatching the San Diego subdivision. Formerly, SCRRA performed the communication and dispatch services under a November 1993 Cooperative Agreement and dispatched all trains on the San Diego Subdivision. In order to effectuate the NCTD - SCRRA dispatch territory split, a “hand-off” point was mutually designated as being located at CP Songs, MP 209.2, with a resulting MOU required to address each parties responsibilities at CP Songs.

Staff recommends the Board authorize the Chief Executive Officer to complete negotiations and execute a MOU with NCTD defining the roles and responsibilities for the respective parties relative to constructing and maintaining a designated hand-off location at CP Songs, MP 209.2. The cost of furnishing the CP Songs house and providing associated support services is estimated at approximately $170,000. The cost of furnishing the CP Songs house was approximately $150,000 and this cost was
absorbed with in the FY2010-11 Operating budget. Remaining support costs of $20,000 will be absorbed in the FY2011-12 Operating budget.

8. Execute Cooperative Agreement C-1-3206 between Orange County Transportation Authority (OCTA) and SCARRA for Orange County for Fiber optic and Other Related Communication System Improvements

A new Cooperative Agreement is required between Orange County Transportation Authority (OCTA) and SCARRA to allow the OCTA to reimburse SCARRA for fiber optic, digital microwave and other related SCARRA communication system modifications. This new Cooperative Agreement supersedes a previous Board Approved Cooperative Agreement C-1-2074 due to California Transportation Commission and Caltrans policies and regulations associated with the assignment of Proposition 116 funds.

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement C-1-3206 with OCTA. This Cooperative Agreement will allow OCTA to fund SCARRA’s $24.6 million Orange County communication improvement program and includes $12,300,000 of FTA 5309 and Measure M combined funding matched on a 1:1 basis with $12,300,000 of Proposition 116 funds. This program includes installation of a fiber optic backbone for the Orange and Olive subdivisions plus installation of digital microwave including a link to the Pomona Metrolink Operations Center and other closely related wireless radio improvements. On August 5, 2011 Item 6 the Board approved a Cooperative Agreement with OCTA for SCARRA to be the direct recipient of the Proposition 116 funds. However, OCTA and Caltrans staffs have subsequently determined that OCTA must remain the direct recipient of the Proposition 116 funds, and that SCARRA will be directly reimbursed from OCTA for the project work. This change is the reason for the new Cooperative Agreement. The $24.6 million Orange County Communication Improvement Program will be funded with $12.3 million or fifty percent of the total in federal rehabilitation program funding and if the Cooperative Agreement is authorized, $12.3 million or fifty percent of State Proposition116 bond funds through a Cooperative Agreement with OCTA. The project is included in the FY2008-09 and FY2009-10 Rehabilitation/Renovation Budget.


Authorization of contract Change Orders in the amount of $276,580 and $1,633,473 is requested to construct a new control point including a universal crossover, wayside signaling, and associated grading and ancillary work located just west of the Anaheim Station on the Orange Subdivision and to extend the contract term. The installation of the new control point will provide Metrolink with greater operational flexibility; allow maintenance forces to work safer and to more efficiently perform regular railroad maintenance between existing Control Points La Palma and Maple; and will permit
SCRRA to route Union Pacific local freight trains between CP College at MP 169.8 and the Union Pacific connection at MP 175.8.

Staff recommends the Board authorize the Chief Executive Officer (CEO) to amend Contract No. C3101-09, MSEP/OCX, with Herzog Contracting Corporation (Herzog), and authorize execution of subsequent Change Orders with Herzog in the amount of $276,580 and $1,633,473. The Change Order for $276,580 is to compensate Herzog and its affected sub-contractors for overhead incurred for performing additional authorized work outside the original contract. The Change Order for $1,633,473 will cover the construction of a new control point, CP Stadium. These Change Orders are within the total contract funding authorization of $53,463,995.58. Funding for the MSEP program is provided in part by OCTA. Funds for these change orders include $3,245,000 in Proposition 116 funds, $2,444,472 in Federal Transit Administration (FTA), Section 5307 funds, and $800,528 from Measure M as approved by the Board of Directors of OCTA, on December 13, 2010 and January 24, 2011. Additional funds, if needed, will be taken from the funds originally credited to the MSEP project upon the prior deletion of the CP Stadium work.

10. Memorandum of Understanding (MOU) No. MU125-12 between Riverside County Transportation Commission (RCTC) and SCRRRA for Security Guard Services at Riverside Downtown Metrolink Station and Layover Facility

To continue security guard services related to equipment layover needs at the Riverside Downtown Metrolink Station, SCRRRA requires a new MOU with Riverside County Transportation Commission (RCTC) because services have been extended under a short term purchase order and a prior MOU for the same services has expired. Costs include armed security guards at the Riverside Downtown Station and layover facility 8 hours per day Monday through Friday and 24 hours per day on weekends. Metrolink will pay a pro rata share for the security supervisor not to exceed $4.00 per hour. MU125-12 provides for SCRRRA reimbursement of RCTC’s services for a base period of performance from January 2012 to May 2014 with two one-year automatic renewals.

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute MOU No. MU125-12 “Security Guard Services at Layover Facility,” with RCTC for security guard services at the Riverside Downtown Metrolink Station and layover facility for a total not-to-exceed amount of $750,000. Funding for security guard services is available in the FY2011-12 Operating budget and will be requested in upcoming annual budgets.

11. Adoption of Locomotive and Equipment Fleet Plan

Review and adoption of the Locomotive and Equipment Fleet Plan as a component of the Five Year Rehabilitation Program.
Staff recommends the Board of Directors adopt the Locomotive and Equipment Fleet Plan. This adoption allows staff to develop grant applications for locomotive rehabilitation and to move forward with a Five Year Rehabilitation Program. There is no budget impact in the adoption of the Locomotive and Equipment Fleet Plan.

12. **Customer Information System (CIS) Update**

The Metrolink Customer Information System (CIS) is an integrated system based on ARINC AIM® software. CIS provides tools for audio and visual announcements to Metrolink customers about train schedules. Staff provided a project update to the Board on October 14, 2011 and is now reporting on the progress of the CIS Design and Implementation Project, Phase I.

The Board may receive and file this report. Funding comes from previous EPIS project and station signage rehabilitation program.

13. **Chief Executive Officer’s Report**
   - Agency Update

14. **Chair’s Comments**

15. **Board Members’ Comments**

16. **Public Comment**

**CLOSED SESSION**

17. **Closed Session**
   a. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** – Pursuant to Subdivision (b) of Government Code Section 54956.9 (2 or more potential cases)
   b. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Pursuant to Subdivision (a) of Government Code Section 54956.9; Proceedings before the Federal Communications Commission – Re: Applications of MCLM to Modify and Assign License for Station WQGF318
   c. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Pursuant to Subdivision (a) of Government Code Section 54956.9 – Brotherhood of Locomotive Engineers and Trainmen (BLET) vs. SCRRA and Veolia/Connex –Federal: CV 09-8286

18. **ADJOURNMENT**
ITEM 4

BOARD MEMBERS/ALTERNATES IN ATTENDANCE:

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<td>DON KNABE²</td>
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<td>RON ROBERTS</td>
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<td>Brian Humphrey⁴</td>
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Meeting minutes are prepared in a format that corresponds with the Board Meeting Agenda, which is incorporated by reference with these minutes. SCRRA Board Agendas are available online at www.metrolinktrains.com under the Board Agenda link or from the Board Secretary at (213) 452-0255.

¹ Director Antonovich arrived during the discussion of Item No. 22 and left during the discussion of Item No. 17 after which Director Bartlett voted as his alternate on Item No. 3 of the Special Meeting.
² Director Knabe arrived during the discussion of Item No. 21 and left during the discussion of Item No. 6 after which Director Proo voted as his alternate on the remainder of agenda items.
³ Director de la Vega voted as the alternate for Chair Katz on all agenda items in his absence.
⁴ Director Humphrey arrived during the discussion of Item No. 21.
1. **Call to Order**

The SCRRA Board of Directors Regular and Special Meetings were called to order concurrently by Vice-Chair Morris who presided over the meetings on Friday, December 9, 2011 at 10:05 a.m.

Vice-Chair Morris mentioned that last night Director Larry McCallon, Mayor of the City of Highland was honored by the Building Industry Association of Southern California for his leadership as a volunteer, Past President of Southern California Associated Governments (SCAG) and as Chair of the San Bernardino Associated Governments (SANBAG) Board. Vice-Chair Morris further noted that Director McCallon’s knowledge in the transportation industry is a great asset to the Metrolink Board.

2. **Pledge of Allegiance**

Director McCallon led the group in the Pledge of Allegiance.

Vice-Chair Morris requested the Board to introduce themselves and then introduced Mr. Don Del Rio who will be joining Metrolink in January as in-house General Counsel. Mr. Del Rio thanked the Board and indicated that he is excited about joining the agency.

At this time, Vice-Chair Morris announced that the agenda would be taken out of order and after the conclusion of Public Comment the Board would convene to closed session to discuss Item 22 b through d.

21. **Public Comment**

Dr. Tom Williams, with the Northeast Los Angeles (NELA) Coalition commented on the area near Taylor Yard noting that the City has plans to build mixed-use buildings and there is concern of noise disturbance. Dr. Williams requested an implementation plan for upgrading Taylor Yard operations and stated that if there is no way to eliminate the noise elements he asked that the noise be abated before it reaches the property line. He then commented on the Burlington Northern Santa Fe (BNSF) Southern California International Gateway (SCIG) project in Wilmington and stated that he was informed by a Federal employee that Metrolink was the cause of interference with this project and asked what those interferences were. Dr. Williams then requested agreements between BNSF, Union Pacific (UP) and Metrolink. Vice-Chair Morris thanked Dr. Williams for his comments and mentioned that he came to the right place, as Metrolink provides rail services to the communities. He further noted that staff has been involved in conversations with SCIG regarding ways to mitigate the rail issues.

Mr. Grove Pashley, spoke about what he characterized as dangerous toxic pollutants including Diesel Particulate Matter (DPM) and NOx that is concerning the neighbors living near the Metrolink Central Maintenance Facility. He noted that in October, Assemblymember Gil Cedillo held a meeting that was attended by community members to share concerns and suggestions for Metrolink improvements with Metrolink representatives also in attendance. Mr. Pashley informed the Board that a follow-up meeting will be held on Wednesday, January 25, 2012 at 6:30 p.m. at the Los Angeles River Center. He urged the Board to
remember that the decisions they make regarding cleaner burning engines are life and death decisions to all those who live and work in the community. Vice-Chair Morris thanked Mr. Pashley for coming to speak and assured him that the members of the Board are concerned and sensitive to the communities.

Mr. Jose Rodriguez, Student at Cal State Los Angeles requested staff to consider the re-implementation of the “Del Mar” Train into service in the spring which would allow passengers to ride the train on the weekend to Oceanside and return on the same day. Mr. Rodriguez also inquired if staff would be adding additional express trains onto the system, and suggesting that perhaps an express train from Los Angeles Union Station to Riverside in the morning with a return trip in the afternoon be introduced, as well as considering an express station stop on the San Bernardino line at the Cal State LA Station. He also thanked Metrolink for the Thanksgiving Weekend Pass special that allowed passengers to ride the train for ten dollars ($10) Thursday through Sunday. Mr. Rodriguez also thanked the Board members and staff for the Board meetings this year, and especially thanked Chair Katz for the nice job he does. He wished all a good holiday season.

Vice-Chair Morris announced that the meeting would be adjourned in the honor of Richard Dixon who served as a Member of the SCRRA Board until December 2010. He noted that funeral services for former Director Dixon were being held today in Lake Forest with Director Glaab in attendance and that OCTA would not be represented at the Board meeting today.

The Board then convened to Closed Session at 10:26 a.m. to discuss Item No. 22 b through d and reconvened in open session at 11:04 a.m., at which time Counsel indicated that the Brown Act did not require a report on the record at this time.

CLOSED SESSION

22. Closed Session

b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Subdivision (a) of Government Code Section 54956.9; McLauren-Henderson v. SCRRA Case No.: KC058850

c. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – Pursuant to Subdivision (a) of Government Code Section 54956.9; Proceedings before the Federal Communications Commission – Re: Applications of MCLM to Modify and Assign License for Station WQGF318

d. THREAT TO PUBLIC SERVICES OR FACILITIES – Pursuant to Government Code Section 59457 – Consultation with the Chief Executive Officer and Chief Information Officer
REGULAR CALENDAR

3. **Approval of Minutes – November 18, 2011 Board of Directors Meeting Minutes**
   Upon a motion by Director Eaton and seconded by Director Millhouse, the Board approved the Minutes of the November 18, 2011 Board of Directors Meeting.

4. **Adoption of Board and Committee Meeting Dates for Calendar Year 2012**
   Ms. Kari Brozowski, Board Secretary, provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

   Vice-Chair Morris then called on members of the public who wished to speak. Mr. Jose Rodriguez, Student at Cal State Los Angeles asked for confirmation that the Board meetings will not begin before 10:00 a.m. if the committee meeting scheduled at 9:00 a.m. ends early. Vice-Chair Morris confirmed that the Board meeting will begin no earlier than 10:00 a.m. as indicated on the calendar. Mr. Rodriguez also commented that during the week of September 14, 2012 countries in Central America and Mexico will be celebrating Independence and asked if the Board could consider changing the date of that meeting to September 7, 2012 for those that will be participating in those celebratory activities. Vice-Chair Morris replied that while it is important to honor cultures and the various holidays celebrated around the world, the Board calendar reflects the Federal holidays of the United States and therefore would be kept as listed.

   Upon a motion by Director Eaton and seconded by Director Knabe, the Board approved the recommendation.

   **ACTION:** The Board approved and adopted the 2012 Board and Committee meeting schedule, as detailed in Attachment 1 of the board item.

5. **Meetings Attended by Members of the Board of Directors**
   Vice-Chair Morris stated that Director Glaab traveled to Sacramento with John Fenton, Chief Executive Officer (CEO) last week and asked Mr. Fenton to provide a few comments regarding this trip. Mr. Fenton replied that he was planning on speaking of this trip during his CEO report, at which time Vice-Chair Morris noted that further information will be addressed during that report.

   **ACTION:** The Board received and filed this report.

6. **Approval of Evaluation Criteria – Request for Proposal No. QM138-12 – On-Call Audit Services**
   Mr. Bryan Payne, Assistant Director, Contracts provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

   Upon a motion by Director Najarian and seconded by Director Millhouse, the Board approved the recommendation.

   **ACTION:** The Board approved the proposed evaluation criteria, detailed in Attachment 1, specifying a weighting of eighty percent (80%) for technical qualifications and twenty percent (20%) for cost, to retain a bench of firms to provide external audit services.
The proposed criteria are consistent with the Evaluation Criteria Policy adopted by the Board.

7. **Approval of Evaluation Criteria – Request for Proposal No. MS241-12 – Rail Maintenance and Grinding Services**

Mr. Bryan Payne, Assistant Director, Contracts provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

Vice-Chair Morris asked for clarification on the type of grinding services that are being requested. Mr. Payne replied that this would be grinding of the rails which would align them to eliminate unnecessary wear. Mr. Dennis Marzec, Chief Operating Officer also added that the grinding services would also include grinding the wheel/rail interface which would reduce hairline cracks in the rail which allows the rail be profiled correctly.

Vice-Chair Morris inquired as to how these grinding services are performed. Mr. Marzec replied that there are a host of machines that are placed on the rail vehicle, and while the vehicle goes along the rail, the grinding machine will adjust it to the profile. He noted that there is also a water truck that follows to prevent fire and/or fire damage.

Upon a motion by Director Millhouse and seconded by Director Eaton, the Board approved the recommendation.

**ACTION:** The Board approved the proposed evaluation criteria, detailed in Attachment 1, specifying a weighting of seventy percent (70%) for technical qualifications and thirty percent (30%) for cost, to retain a firm to provide rail maintenance and grinding services. The proposed criteria are consistent with the Evaluation Criteria Policy adopted by the Board.

8. **Contract No. SP254-09 – Fare Type Survey – Increase Funding Authorization and Extend Period of Performance – In-Focus Market Research, Inc.**

Mr. Bryan Payne, Assistant Director, Contracts provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

Upon a motion by Director Millhouse and seconded by Director Busch, the Board approved the recommendation.

**ACTION:** The Board authorized the Chief Executive Officer to exercise the two-year option to extend the period of performance for Contract No. SP254-09 to In-Focus Market Research, Inc, to December 31, 2013; and to increase the funding authorization by $36,288.04 for a new total not-to-exceed amount of $174,288.04.


Mr. Bryan Payne, Assistant Director, Contracts provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.
Upon a motion by Director Millhouse and seconded by Director Eaton, the Board approved the recommendation.

**ACTION:** The Board authorized the Chief Executive Officer to:

1) Award a non-competitive Purchase Order No. X1200150 to SAP America, Inc. for Software License Renewal and Annual Maintenance Support for Business Objects Enterprise System in the amount of $20,000 for the base period of one year, with two one-year options. The total not-to-exceed contract amount is $60,000.

2) Delegate authority to the CEO to exercise the two one-year options without any increase to the Board authorized not-to-exceed amount. The options can only be exercised if the CEO determines that the Contractor has met its contractual performance standards and the funding for these services is available and has been approved in that fiscal year’s budget. The CEO will notify the Board if the option is exercised per the terms of the contract and in accordance with his Board delegated authority.

10. **Contract No. MS238-12—Maintenance/Software Support for the IBM RS6000 Servers—Increase in Purchase Order Amount—IBM Corporation (IBM)**

Mr. Bryan Payne, Assistant Director, Contracts provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

Upon a motion by Director Millhouse and seconded by Director Busch, the Board approved the recommendation.

**ACTION:** The Board authorized the Chief Executive Officer to increase the not-to-exceed amount of Non-Competitive Contract No. MS238-12 to IBM Corporation from $158,112.45 to $203,764.25 for a five-year period to provide maintenance and software support for the Authority's IBM servers and supporting equipment.


Mr. John Fenton, Chief Executive Officer provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

Upon a motion by Director Millhouse and seconded by Director Roberts, the Board approved the recommendation.

**ACTION:** The Board authorized the Chief Executive Officer to amend Contract No. SP332-11 for Consulting Services for OIG/Audit Function with Paladin Consulting Group including amending the title of this contract to include Audit Function and increase the contract funding authorization by $75,000 for a new total not-to-exceed amount of $325,000 and to extend the period of performance by six months from January 1, 2012 through June 30, 2012.
12. **Contract No. SP360-12 – Consultant Services for Safety Initiatives – Recommendation to Award Non-Competitive Contract – The Jim Schultz Group**

Mr. John Fenton, Chief Executive Officer provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation. Vice-Chair Morris inquired if this is a time and material contract. Mr. Fenton replied that it is time and material and also used only on an as-needed basis.

Upon a motion by Director Millhouse and seconded by Director Roberts, the Board approved the recommendation.

**ACTION:** The Board authorized the Chief Executive Officer to award non-competitive Contract No. SP360-12 to The Jim Schultz Group for a total not-to-exceed contract authorization of $120,000 for a period of one year, from December 12, 2011 through December 31, 2012.

13. **Approval of California Environmental Quality Act Exemptions for PTC and Communication Network Towers and Related Leasing Agreements with Communication Site Owners American Tower L.P., AVCOM, and Metro**

Mr. Darrell Maxey, Director, PTC and C&S Systems provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

Vice-Chair Morris inquired as to the location of these towers. Mr. Maxey replied that there are eleven (11) Microwave towers listed in the attachment to this item, including Sunset Ridge and various other peaks.

Upon a motion by Director Millhouse and seconded by Director Busch, the Board approved the recommendation.

**ACTION:** The Board:

1) Found that communication tower space lease agreements and lease modifications with American Tower LP, and with AVCOM and Metro are exempt from CEQA based on categorical exemptions for minor alterations and small new structures and for the reasons stated in the record and this staff report and find that new communication towers to be installed within the rail rights of way to modernize and create a reliable, redundant, diverse communication network for PTC and railroad operational requirements are exempt from CEQA under a statutory exemption for modernization of passenger rail service in existing railroad rights of way for the reasons stated in the record and this staff report; and file an appropriate Notice of Exemption based upon these actions relating to the PTC and related communication network improvements; and

2) Authorized the Chief Executive Officer to complete negotiations and execute lease agreements with American Tower, L.P. for modifications to seven existing mountain-top communication tower sites for an initial five year term (2012 to 2017) at an average annual cost of $169,467.62 for a total of $847,338.08 plus one-time not to exceed, up-front costs of $120,000 for a total not-to-exceed amount of
$967,338.10 and to negotiate and execute lease agreements with Metro for modifications for communication support at Metro’s existing Gateway Building and Verdugo Peak locations (Attachment 1), and to negotiate and execute a revised agreement with AVCOM for modifications for communication support at the Sunset Ridge location, each within approved budget authority and for fair rental value. The American Tower leases will have terms of five years with four five-year options. Any options in any of these negotiated lease agreements will be brought back to the Board to be exercised at the discretion of the Authority.

14. **Forward Purchasing Fuel Contracts – Amendment of Current Policy Limits**

Mr. Gray Crary, Chief Strategic Officer provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

Upon a motion by Director Eaton and seconded by Director Millhouse, the Board approved the recommendation. However, Vice-Chair Morris asked the Board to rescind the motion to allow for requested public comment on this item.

Vice-Chair Morris then called on members of the public who wished to speak. Dr. Tom Williams, with the NELA Coalition expressed concern on the length of time allowed for hedging, noting that some agencies hedge fuel for 20-year periods. He inquired of Metrolink’s hedging policy and recommended that the agency consider fuel hedging not to exceed 4 or 5 years at a time. He also suggested that Metrolink may look into the possibility of combining fuel hedging with other local Los Angeles county agencies for natural or diesel gas purchasing. Mr. Fenton responded that staff works with an expert who provides advice and assists with managing the fuel contracts and noted that today’s request is to help eliminate some volatility and assist in staying within the fuel budget for the remainder of the fiscal year. Mr. Fenton also mentioned that the agency uses a low sulfur diesel fuel which does cost a little more money per gallon.

Upon a motion by Director Roberts and seconded by Director Millhouse, the Board approved the recommendation.

**ACTION:** The Board amended the current policy limit to authorize the Chief Executive Officer, or his designee, to negotiate and execute necessary agreements for forward purchasing of fuel to cover up to one hundred percent (100%) of anticipated fuel needs in the current and future fiscal periods. The use of a forward purchasing strategy provides for stability within the agency’s current operating budget as well as a greater level of predictability in future periods. All fuel purchased under such agreements is either included in the current budget or would be requested in future budget requests for subsequent fiscal years and presented to the Board for approval. Adoption of the policy amendment does not commit SCRRA to execute future agreements for the purchase of fuel.

15. **Metrolink High Speed Rail Principles**

Mrs. Patricia Bruno, Government and Regulatory Affairs Manager provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.
Director Wapner stated that as far as he was concerned the revised attachment which included SCAG’s requirement for High Speed Rail looked good.

Director Najarian commented that he felt the Board is in a unique position to comment on High Speed Rail (HSR) and take a stand in support of the current principles already being utilized within the Southern California region. He further mentioned that he does not see a future in HSR, and requested that the Board place this on a future board agenda to discuss and take a formal position regarding HSR. Vice-Chair Morris replied that a discussion to take a formal position would need to be placed on the agenda for a future meeting and noted that Director Najarian comments are very different from the principles before the Board today.

Vice-Chair Morris then called on members of the public who wished to speak. Dr. Tom Williams, with the Los Angeles 32 Neighborhood Council expressed his concern with the future of High Speed Rail and noted some of those concerns which included the potential cost of the project; the number of stations within 50 miles of track; and the route from Glendale to Los Angeles Union Station proposed to be built underground. Dr. Williams recommended that the Board adopt principles that require local, county, and regional public process to provide input; require no economic or financial impact to Metrolink or the member agencies; require no additional expense of the local and regional projects and funding; require positive financial opportunities for regional, state and federal funding; require participation in the approval process of all matters relating to High Speed Rail; determine how best to serve the region and integrate local and state services; and require input and approval of the California High Speed Rail Authority’s business plan.

Director Busch suggested that adoption of Metrolink’s position on High Speed Rail be addressed at a future board meeting as previously mentioned, but also noted that this may be best suited to discuss at the Metrolink Strategic Work Session. Vice-Chair Morris replied that if the Board did desire to take a formal position then he agreed that it would be appropriate to discuss at the Strategic Work Session. He then reiterated his view that the principles before the Board were neutral for the purposes of providing guidance.

Mrs. Bruno mentioned when speaking with the Legislative staff from the five member agencies she noted that there were different opinions regarding HSR. She stated that this set of guiding principles was for the purpose of assisting staff and the Board if and when discussions arise, however, if the Board desired to take a more defined position, staff will be happy to work with the Board on that position.

Director Millhouse wished to thank members of the Metrolink Board who also serve on the SCAG Board for the additional item on the attachment and mentioned that Metrolink is fortunate to have a presence at the SCAG meetings. He mentioned that while Director Najarian’s concerns regarding the viability of the program are valid, he noted that it would make sense to use some of the monies, if available, to the benefit of the Metrolink system.
Director Antonovich supported the request to have this item discussed at a future board meeting and expressed concern regarding the lack of state money available, noting that the State should be supporting local efforts to improve transit.

Director Najarian also added that these principles before the Board today, do not appear to be "neutral" guiding principles, as the first sentence states “Metrolink is supportive of a high speed rail system that is either a shared track or shared corridor configuration", and stated if feels that the Board is making a decision and therefore, he would not support the principles before the Board today. Vice-Chair Morris noted that this document does not define what a High Speed Rail is, and would not be committing this Board to the plans of the California High Speed Rail Authority’s (CaHSR).

Director Eaton stated that although he is a supporter of public transportation, he did not feel comfortable supporting HSR based on the price tag of this project, and therefore, could not support these principles as written.

Additional Board members expressed similar concerns on the cost of the HSR project and their support or non-support of these set of principles in light of their wording.

Upon a motion by Director Millhouse and seconded by Director Busch, the Board Secretary took roll call and the Board did not approve this item with a vote of 5-4 with Aye votes being cast by Vice-Chair Morris, Directors Proo, Roberts, Busch and Millhouse and No votes being cast by Directors Antonovich, Najarian, de la Vega, and Eaton. Mrs. Helen Parker, Legal Counsel confirmed that with a lack of the necessary minimum six votes needed to act as stated in the Joint Powers Agreement the item failed.

ACTION: The Board did not adopt the proposed principles on High Speed Rail.

16. Adoption of Locomotive and Equipment Fleet Plan
Vice-Chair Morris informed the Board that discussion of Item No. 16 will be continued to the January 2012 Board meeting.

17. Transportation for Individuals with Disabilities at Railroad Station Platforms
Mr. Dennis Marzec, Chief Operating Officer provided a presentation to the Board on key points regarding the new Department of Transportation regulation, 49 CFR Parts 37 and 38. He noted that this regulation goes into effect on February 1, 2012 and related that this regulation will impact Metrolink when any station platforms are newly built or altered.

ACTION: The Board received and filed this report.

A copy of the PowerPoint presentation is available upon request from the Board Secretary.

18. Weekend Pass Overview
Mr. Mark Waier, Manager, Sales and Marketing provided a presentation to the Board on overview of the marketing strategy, tactics and success of the Weekend Pass
program. Vice-Chair Morris asked if staff has reached out to the University campuses along the train routes. Mr. Waier replied that currently there were no programs in place but that he would be happy to look into that forum.

Vice-Chair Morris then called on members of the public who wished to speak. Mr. Jose Rodriguez suggested that the weekend pass be raised to $15 and include all day Friday through Sunday. He offered another suggestion which would be to change the days the pass is valid to Friday and Saturday all day, as many of the lines do not operate on Sunday. Another suggestion he offered was to have the Ventura County and Riverside lines run one Saturday a month to allow passengers to use the weekend pass and experience those areas as well.

**ACTION:** The Board received and filed this report.

A copy of the PowerPoint presentation is available upon request from the Board Secretary.

19. Chief Executive Officer’s Report

   ▪ Agency Update – Mr. Fenton provided an update on the following items:
     o Fuel Update – Staff used forward purchasing of fuel for the months of January and February and purchased 336 gallons at $3.36/gallon, and with the approval from the Board today to purchase up to 100%, staff will be able to lock in favorable pricing under budget for the remainder of the fiscal year.
     o December 5, 2011 Sacramento Trip – Director Glaab traveled with the CEO and met with lobbyists to discuss key legislative issues for 2012. Key focus for Metrolink is to finance and purchase Tier 4 locomotives, along with continued work on the implementation of Positive Train Control (PTC) without much help from the State due to budgetary restraints.
     o December 13-16, 2011 Washington DC Trip – This will be an important trip for PTC and will be presenting to the Rail Safety Division of the ALF-CIO with all 10 presidents of the rail labor together for the purpose of discussing PTC.
     o Customer Information System (CIS) Field Testing – Video testing at the stations is on target for February 2012 completion, however audio installation and testing will take a little longer due to some technical challenges.
     o Holiday Toy Express – 22 stations have participated so far with approximately 15,000 in attendance

Mr. Fenton took this opportunity to then thank the Metrolink staff for all their hard work during the 2011 year, recognizing those who are in charge of operating the 163 daily trains, and those who make the agency run smoothly every day. He then introduced a new member of the staff, Ms. Janelle Strohmeyer, Director, Human Resources noting that she was a member of the 1984 Olympic team. Mr. Fenton then thanked the Metrolink Board commenting on the many strides and challenges that have been taken to improve the
agency over the last year, and looking forward to many more challenges and opportunities in 2012.

20. **Board Members’ Comments**

Director Millhouse reflected on the life of Mr. Richard Dixon who he had the privilege to serve with both on the Metrolink Board and the SCAG Board and stated that he epitomized the example of an unselfish public servant always giving 110 percent. Vice-Chair Morris also added that Mr. Dixon served in some capacity on the Metrolink Board from 2002 until December 2010. Mr. Dixon had served as SCAG president and Mayor of the City of Lake Forest and passed away at the age of 63.

**SPECIAL MEETING**


Mr. Bruce Hartwell, Chief Information Officer provided a brief background on this Item as detailed in the Staff Report and requested approval of Staff’s recommendation.

Upon a motion by Director Najarian and seconded by Director Millhouse, the Board approved the recommendation.

**ACTION:** The Board authorized the Chief Executive Officer to award a non-competitive purchase order to Tripwire, Inc. to provide intrusion detection software and support in the amount of $79,924.76 plus a 15% contingency for a total not-to-exceed amount of $91,913.47.

23. **ADJOURNMENT**

There being no further business for consideration by the Board, the meeting was adjourned at 12:21p.m., in the honor of the late Richard Dixon.
TRANSMITTAL DATE: January 6, 2012

MEETING DATE: January 13, 2012

TO: Board of Directors

FROM: Chief Executive Officer

SUBJECT: Request for Approval of the Resolution Adopting the Labor Compliance Program, Subject to State Approval and Ratifying the Submission of an Application to the State

**Issue**

As a result of the recent adoption of Assembly Bill 436 (AB 436), the State of California’s Department of Industrial Relations (DIR) has created a Compliance Monitoring Unit (CMU). The CMU was established to monitor and enforce prevailing wage requirements on certain public works projects paid for by State-issued bonds or that uses specific procurement methods, in particular Design-Build. As a result, the Awarding Bodies are required to pay the DIR a compliance monitoring fee on a per-project basis for its monitoring activities, or, with DIR approval, operate its own Labor Compliance Program (LCP), in accordance with state labor regulations for Design-Build projects and construction projects paid for by state-issued bonds.

**Recommendation**

Staff recommends that the Board;

1) Adopt Resolution 12-65, with a retroactive effective date of December 23, 2011, to ratify the December 23, 2011 timely submittal of an application to apply for a state-approved LCP, authorize the LCP upon approval from the DIR and authorize the Chief Executive Officer to amend the LCP and take other actions as necessary to maintain compliance with the LCP exception to required DIR monitoring;

2) Apply the state-approved LCP, upon approval from the DIR, on all required contracts worth $1,000 or more, and decline, for business reasons, to request the alternative higher contract exemption specified in Labor Code Section 1771.5.

**Committee Review**

Since there was no scheduled Planning and Finance Committee meeting in December, this item has not been considered by the Committee.
Alternatives

1) The Board may elect not to adopt the resolution and elect to pay the DIR’s compliance monitoring fee. In absence of the Board approval, the Authority staff will notify the DIR and withdraw the Authority’s application for a state-approved LCP;

2) The Board may elect not to adopt the resolution and elect to establish a Collective Bargaining Agreement (CBA). In absence of the resolution, the Authority will notify the DIR and withdraw its application for a state-approved LCP;

The Board may elect to implement a state-approved LCP and apply the higher contract exemption specified in Labor Code Section 1771.5 by not requiring state LCP enforcement on all current and future SCRRA projects worth $25,000 or less for construction work, and contracts worth $15,000 or less for alteration, demolition, repair, or maintenance work.

Background

AB 436 changes the state labor compliance requirements for Awarding Bodies that award public works projects. Contracts involving public works projects paid for by state-issued bonds or procured under a Design-Build procurement, which are awarded on or after January 1, 2012, will be subject to the CMU requirements stated in AB 436. The CMU requirements mandate the Awarding Bodies to pay the CMU a monitoring fee to monitor the affected public works contracts unless an exemption applies.

The CMU fee will be assessed by the DIR on a per project basis. The established maximum fee that can be assessed on a project will be ¼ of 1 percent of the state-issued bond used to fund the public works project. Based on current estimated state bonds issued for two upcoming planned public works projects (Grade Crossing Improvements: Broadway/Brazil & Chevy Chase, and Union Station Canopy and Handrail Rehabilitation), SCRRA may be assessed up to $43,750 for the CMU fee. SCRRA has six additional public works projects planned for 2012 that will be subject to the CMU fee. The state funding amounts have not been determined for the six additional projects.

An Awarding Body may be exempt from paying this CMU fee if it implements a state approved LCP or enters into a CBA that requires payment of prevailing wages. An analysis conducted by SCRRA staff determined that establishing a state-approved LCP will provide high quality compliance monitoring at the least cost to the Authority.

SCRRA currently uses state and federal funds and must comply with both state and federal labor compliance requirements on public works projects. If SCRRA pays a fee to the CMU for its compliance monitoring, the CMU will only monitor SCRRA’s State requirements; SCRRA will still be obligated to monitor its public works contracts for federal labor compliance requirements. The CMU is not required to comply with the same strict
standards of a state-approved LCP and would monitor the projects at its own discretion. As a result, SCRRA would be dependent on the CMU for its compliance and would not have authority to affect the CMU’s monitoring.

If SCRRA implements a CBA, the same concerns will apply. The CBA would not relieve SCRRA from its federal labor compliance requirements and would remove SCRRA’s authority to enforce proper payment of wages, as any non-compliance or other issues must be addressed and settled in a grievance process specified in the CBA. In addition, SCRRA would need to hire additional staff to administer the CBA, appoint a group of arbitrators to address any grievances between the parties of a CBA, and require all contractors working on the public works projects to adopt the CBA.

If SCRRA establishes a state-approved LCP, SCRRA’s staff Labor Compliance Analysts will monitor SCRRA’s projects for both state and federal labor compliance requirements. This would have the least incremental fiscal impact, as SCRRA would not have to pay the CMU fee or hire a CBA Administrator. The additional requirements of a state-approved LCP will not require changes in SCRRA’s staffing because SCRRA’s current Labor Compliance Analysts are experienced in developing and administering a state-approved LCP. An “in-house” program will also provide SCRRA control over the quality of its LCP and ensure its compliance on its public works contracts.

This item was originally scheduled to be submitted to the Planning and Finance Committee in January for approval and recommendation to the Board for approval in February.

On December 20, 2011, the State posted a notice on their website declaring a due date of December 30, 2011 for all LCP applications that seek to qualify for the CMU exemption. Prior to December 20, 2011, a due date for a state approved LCP with the CMU exemption was not established. To comply with the deadline of December 30, 2011, the CEO submitted an application for a state approved LCP on December 23, 2011.

Therefore, staff recommends the Board adopt Resolution 12-65 (Attachment A), with a retroactive effective date of December 23, 2011, to ratify the December 23, 2011 submittal of an application to apply for a state-approved LCP, authorize the LCP upon approval from the DIR and authorize the Chief Executive Officer to have authority to amend all matters relating to the LCP.

Optional Higher exemption with a state-approved LCP

Current state labor compliance regulations exempt public works contracts worth $1,000 or less from state labor compliance requirements. In accordance with Labor Code Section 1771.5, an Awarding Body with a state-approved LCP may raise this contract exemption to $25,000 or less for construction work, and $15,000 or less for alteration, demolition, repair, or maintenance work by applying its state-approved LCP on all of its current and future contracts, including those that do not require state labor compliance. The staff
recommendation based on SCRRA’s contracting environment is not to opt into this slightly higher exemption that would apply more broadly to other contracts.

An analysis conducted by SCRRA staff determined the higher exemption would not be beneficial as a practical matter for SCRRA because, as explained below, it would be accepting broader application of the monitoring requirements in exchange for a benefit that does not apply to SCRRA's contracting environment.

In its history, SCRRA has not issued a contract that would qualify for the higher exemption. All SCRRA’s contracts have exceeded the $25,000 and $15,000 amounts. SCRRA also has concerns regarding its ability to retroactively change its current contracts and how this process may affect the contract costs. Lastly, SCRRA uses a mix of state and federal bonds to fund its public works projects. Federal requirements mandate labor compliance enforcement on all applicable projects worth $2,000 or more. If SCRRA implements the higher state exemption, SCRRA would still be obligated to enforce and monitor the contract for labor compliance due to the lower federal exemption.

Therefore, staff recommends the Board apply the state-approved LCP (upon approval from the DIR) on all required contracts worth $1,000 or more, and decline the higher contract exemption and broader contract application specified in Labor Code Section 1771.5.

**Budget Impact**

There will be no budget impact as a result of adopting the resolution and related recommendations.

Prepared by: Jason Lim, Labor Compliance Analyst
Fred Leung, Labor Compliance Analyst
Jennifer M. Sims, Manager, Diversity and Purchasing

JOHN E. FENTON
Chief Executive Officer
WHEREAS, the governing body of the Southern California Regional Rail Authority has the authority to implement Labor Code Section 1771.5;

WHEREAS, the Southern California Regional Rail Authority has timely submitted to the State on December 23, 2011 an application for a Labor Compliance Program including all required submittals, ;

WHEREAS, one of the steps in the procedures to implement Labor Code Section 1771.5 is the adoption by the governing body of the Southern California Regional Rail Authority of a resolution to implement a state-approved Labor Compliance Program upon approval from the State of California, Department of Industrial Relations;

WHEREAS, the governing body of the Southern California Regional Rail Authority has identified the following conditions for the purpose of its election to implement a state-approved Labor Compliance Program upon approval from the State of California, Department of Industrial Relations:

- An application in accordance with California Code of Regulations was submitted to the Department of Industrial Relations requesting approval of a state-approved Labor Compliance program;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Southern California Regional Rail Authority elects to apply, as set forth above.

- The effective date of this Resolution shall be December 23, 2011.

BY

__________________________
(Name of Official)

__________________________
(Title of Official)

(Date adopted and approved)
TRANSMITTAL DATE: January 6, 2012

MEETING DATE: January 13, 2012

ITEM 6

TO: Board of Directors

FROM: Chief Executive Officer

SUBJECT: Amend the Cooperative Agreement between North County Transit District (NCTD) and SCARRA for the Provision of Communications and Dispatching Services

Issue

Amend the November 18, 1993 Cooperative Agreement between NCTD, formerly NSDCTDB, and SCARRA for the Provision of Communications and Dispatching Services to allow NCTD to assume the communication and dispatching responsibilities for the San Diego Subdivision. Formerly, SCARRA performed the communication and dispatch services for the San Diego Subdivision under the 1993 Cooperative Agreement.

Recommendation

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute an amendment to the 1993 Cooperative Agreement defining the roles and responsibilities for the respective parties relative to the communication and dispatch services on the San Diego Subdivision in advance of the planned territory split and the NCTD assumption of responsibilities for communication and dispatching south of CP Songs.

Committee Review

Since there was no scheduled Safety and Operations Committee meeting in December, this item has not been considered by the Committee.

Alternative

There are no viable alternatives.

Background

In November 1993, SCARRA entered into a cooperative agreement with the North County Transit Development Board for SCARRA to perform the communication and dispatching services and dispatch all trains in San Diego County on the San Diego Subdivision from the County line at Milepost 207.4 to downtown San Diego at Milepost 267.7. Later in 2010, NCTD made the decision to purchase a dispatching system with the intent to take over dispatching from SCARRA for the San Diego Subdivision. This action triggered the need to
Amend the Cooperative Agreement between North County Transit District (NCTD) and SCRRA for the Provision of Communications and Dispatching Services  
Transmittal Date: January 6, 2012  Meeting Date: January 13, 2012  
Page 2

establish a demarcation or hand-off point for the communication and signal systems as well as the dispatch services.

Representatives from NCTD and SCRRA have met several times during 2011 to determine the optimum location for the territory split and determine what signal and communication facilities needed to be constructed, installed and maintained to split the San Diego Subdivision from the SCRRA dispatch and communication facilities. The CP Songs location at MP 209.2 was determined to be the best location for the territory split, because it is the nearest signal control point to the County Line located at Milepost 207.4. The physical and monetary requirements of splitting the communications and dispatch system are covered by a separate Memorandum of Understanding. It is anticipated that the split of dispatch territories will occur in the February or March, 2012 time frame.

**Budget Impact**

The loss of revenue for FY2011-12 to SCRRA associated with providing communication and dispatcher services for the San Diego Subdivision is approximately $100,000. The loss of revenue for FY2012-13 to SCRRA associated with providing communication and dispatcher services for the San Diego Subdivision is approximately $400,000.

Prepared by: Dennis D. Marzec, Chief Operating Officer

JOHN E. FENTON  
Chief Executive Officer
TRANSMITTAL DATE: January 6, 2012

MEETING DATE: January 13, 2012

TO: Board of Directors

FROM: Chief Executive Officer

SUBJECT: Execute Memorandum of Understanding (MOU) between NCTD and SCRRA for Division of Responsibilities at CP Songs Related to Construction, Maintenance & Operation of Dispatch and Communication Services and Equipment

Issue

A Memorandum of Understanding (MOU) is required between the North County Transit District (NCTD) and SCRRA to define the roles and responsibilities with regard to constructing, maintaining and operating the communication and signal facilities at the designated CP Songs “hand-off” point. In February or March 2012, NCTD is to assume responsibility for dispatching the San Diego subdivision. Formerly, SCRRA performed the communication and dispatch services under a November 1993 Cooperative Agreement and dispatched all trains on the San Diego Subdivision. In order to effectuate the NCTD - SCRRA dispatch territory split, a “hand-off” point was mutually designated as being located at CP Songs, MP 209.2, with a resulting MOU required to address each parties responsibilities at CP Songs.

Recommendation

Staff recommends the Board authorize the Chief Executive Officer to complete negotiations and execute a MOU with NCTD defining the roles and responsibilities for the respective parties relative to constructing and maintaining a designated hand-off location at CP Songs, MP 209.2.

Committee Review

Since there was no scheduled Safety and Operations Committee meeting in December 2011, this item has not been considered by the Committee.

Alternative

The Board may request that the MOU cooperative agreement be submitted to the Board for final review.
Background

In November 1993, SCRRA entered into a cooperative agreement with the North County Transit Development Board for SCRRA to perform the communication and dispatching services and dispatch all trains in San Diego County on the San Diego Subdivision from the County line at Milepost 207.4 to downtown San Diego at Milepost 267.7. Late in 2010, NCTD made the decision to take over from SCRRA and perform the dispatching services for the San Diego Subdivision. This territory and services split triggered the need to establish a demarcation or hand-off point for the communication and signal systems as well as the dispatch services.

Representatives from NCTD and SCRRA have met several times during 2011 to determine the optimum location for the territory split and determine what signal and communication facilities needed to be constructed and then installed and maintained to split the San Diego Subdivision from the SCRRA dispatch and communication facilities. The CP Songs location at MP 209.2 was determined to be the best location for the territory split because it is the nearest signal control point to the County Line located at Milepost 207.4.

Splitting off the San Diego Subdivision requires the installation of a small signal/communication house and antenna and associated signal, communication and power cabling and connections. By mutual agreement, SCRRA agreed to furnish the house and antenna and NCTD agreed to install the SCRRA furnished house and antenna and provide power and communication connections. Testing and commissioning of the signal and communication system will be performed jointly and the installed facilities will remain the property of SCRRA. SCRRA will be responsible for inspecting and maintaining the SCRRA CP Songs house. This division of work with SCRRA furnishing the equipment and NCTD furnishing the engineering and labor to install the facilities has resulted in an approximate 50/50 split of costs. Other communication and signal tasks that need to be performed include the splitting of radio frequencies, and that task is nearly complete.

It is anticipated that the split of dispatch territories will occur in the February or March, 2012 time frame. The existing 1993 Cooperative Agreement provided for SCRRA to perform the communication and support services for NCTD, and accordingly the procurement of the CP Songs house has been already completed in order to maintain the schedule.

Budget Impact

The cost of furnishing the CP Songs house and providing associated support services is estimated at approximately $170,000. The cost of furnishing the CP Songs house was approximately $150,000 and this cost was absorbed with in the FY2010-11 Operating budget. Remaining support costs of $20,000 will be absorbed in the FY2011-12 Operating budget.

Prepared by: Darrell J. Maxey, Director, PTC and C&S Systems

JOHN E. FENTON
Chief Executive Officer
TRANSMITTAL DATE: January 6, 2012
MEETING DATE: January 13, 2012
TO: Board of Directors
FROM: Chief Executive Officer
SUBJECT: Execute Cooperative Agreement C-1-3206 between Orange County Transportation Authority (OCTA) and SCRRA for Orange County for Fiber Optic and Other Related Communication System Improvements

Issue

A new Cooperative Agreement is required between Orange County Transportation Authority (OCTA) and SCRRA to allow the OCTA to reimburse SCRRA for fiber optic, digital microwave and other related SCRRA communication system modifications. This new Cooperative Agreement supersedes a previous Board Approved Cooperative Agreement C-1-2074 due to California Transportation Commission and Caltrans policies and regulations associated with the assignment of Proposition 116 funds.

Recommendation

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement C-1-3206 with OCTA. This Cooperative Agreement will allow OCTA to fund SCRRA’s $24.6 million Orange County communication improvement program and includes $12,300,000 of FTA 5309 and Measure M combined funding matched on a 1:1 basis with $12,300,000 of Proposition 116 funds. This program includes installation of a fiber optic backbone for the Orange and Olive subdivisions plus installation of digital microwave including a link to the Pomona Metrolink Operations Center and other closely related wireless radio improvements. On August 5, 2011 Item 6 the Board approved a Cooperative Agreement with OCTA for SCRRA to be the direct recipient of the Proposition 116 funds. However, OCTA and Caltrans staffs have subsequently determined that OCTA must remain the direct recipient of the Proposition 116 funds, and that SCRRA will be directly reimbursed from OCTA for the project work. This change is the reason for the new Cooperative Agreement.

Committee Review

Since there was no scheduled Safety and Operations Committee meeting in December, this item has not been considered by the Committee.
Alternative

The Board may decline to allow SCRRA to become the recipient of these funds.

Background

Assessments performed from 2006 through 2008 of the communication network supporting SCRRA railroad operations in Orange County pointed to the need to address longstanding deficiencies and bring the communication network to a condition where it could support the forecasted railroad and some business service requirements for the 20-year time horizon of 2010 through 2030. The need to make a major investment and improve the Orange County communication network was also influenced by the dense rail traffic projections of the Metrolink Service Improvement Program (MSEP) over that same time period. Accordingly, a comprehensive communication improvement program was developed and funding sought to support the program. At the core of the improvement program, a 72 fiber, 40-mile fiber optic backbone would be installed on most of the Orange and Olive Subdivisions in a redundant self-healing ring. Additionally, at the north and south ends of the fiber backbone, strategically located wayside towers featuring digital microwave technology would be installed and linked to improved mountain top sites providing a redundant self-healing network connecting Orange County to the Pomona Metrolink Operations Center and other portions of SCRRA’s communication network. Other minor communication improvements to the wireless VHF voice radio, and train control data system (ATCS) were also included. The total estimated cost of this Program is $24.6 million.

Initially this OC communication program was to be funded with programmed federal rehabilitation funds matched with OCTA Measure M funds. However in fall 2009, an opportunity arose whereby State Proposition 116 bond funds became available to fund fifty percent or $12,300,000 of the overall $24,600,000 program. A total of $12,300,000 in federal rehabilitation funds and OCTA local funds provide the required 1:1 match for the Proposition 116 funds. Consequently, the balance of the federal and local match rehabilitation funding has been conserved and will be reallocated to other uses within Orange County. It was staff’s understanding that SCRRA should be the direct recipient of the Proposition 116 funds and a Cooperative Agreement (C-1-2704) and Board Action (Item 6, August 12 SCRRA Board) was taken in this regard. However, OCTA and Caltrans staffs have subsequently determined that OCTA must remain the direct recipient of the Proposition 116 funds, and that SCRRA will be reimbursed directly from OCTA for the project work, hence the need for the new Cooperative Agreement.

Budget Impact

The $24.6 million Orange County Communication Improvement Program will be funded with $12.3 million or fifty percent of the total in federal rehabilitation program funding and if the Cooperative Agreement is authorized, $12.3 million or fifty percent of State Proposition 116 funding...
Execute Cooperative Agreement C-1-3206 between Orange County Transportation Authority (OCTA) and SCRRA for Orange County for Fiber Optic and Other Related Communication System Improvements

Transmittal Date: January 6, 2012                  Meeting Date: January 13, 2012

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bond funds through a Cooperative Agreement with OCTA. The project is included in the FY2008-09 and FY2009-10 Rehabilitation/Renovation Budget.

Prepared by: Darrell J. Maxey, Director PTC and C&S Systems

JOHN E. FENTON
Chief Executive Officer
One Gateway Plaza, 12th Floor, Los Angeles, CA  90012

TRANSMITTAL DATE: January 6, 2012
MEETING DATE: January 13, 2012 ITEM 9
TO: Board of Directors
FROM: Chief Executive Officer

Issue

Authorization of contract Change Orders in the amount of $276,580 and $1,633,473 is requested to construct a new control point including a universal crossover, wayside signaling, and associated grading and ancillary work located just west of the Anaheim Station on the Orange Subdivision and to extend the contract term.

Recommendation

Staff recommends the Board authorize the Chief Executive Officer (CEO) to amend Contract No. C3101-09, MSEP/OCX, with Herzog Contracting Corporation (Herzog), and authorize execution of subsequent Change Orders with Herzog in the amount of $276,580 and $1,633,473. The Change Order for $276,580 is to compensate Herzog and its affected sub-contractors for overhead incurred for performing additional authorized work outside the original contract. The Change Order for $1,633,473 will cover the construction of a new control point, CP Stadium. These Change Orders are within the total contract funding authorization of $53,463,995.58.

Committee Review

Since there was no scheduled Safety and Operations Committee meeting in December 2011, this item has not been considered by the Committee.

Alternatives

The Board may:

1) Decline to proceed with the work and direct that the work be performed under a separate contract, or

2) Request changes to the recommendations.
Background

On March 27, 2009, the Board awarded Contract No. C3101-09 to Herzog in the amount of $46,490,431, plus a 15% contingency in the amount of $6,973,565, for construction of the track, street, intersection and related improvements necessary to implement 30-minute rail service between Fullerton Transportation Center and Laguna Niguel/Mission Viejo station in Orange County, and to provide the Grade Crossing Safety enhancements to highway-rail crossings in the cities of Anaheim, Dana Point, Fullerton, Irvine, San Clemente, San Juan Capistrano, Santa Ana, Orange, and Tustin. Signal construction for the both the Metrolink Service Expansion Project, and the Orange County Grade Crossing Improvement Project was performed under the SCRRA Signal Installation Contract.

The original contract term was two years from Notice to Proceed. Due to delays associated with funding and the signal material procurements, the Notice to Proceed was issued to Herzog on August 3, 2009. Subsequent to the Notice to Proceed, the Board approved amendments to the OCX and MSEP Cooperative Agreements to make improvements to the North Beach Pedestrian Crossing in San Clemente and construct two Maintenance-of-Way (MOW) spurs. These additional projects were added toward the end of Herzog’s original contract period.

Railroad Signal construction for crossings in San Juan Capistrano and Dana Point occurred in September 2011. Due to the interconnection of the traffic signals into the railroad signal system, the traffic signal and railroad signal systems were cutover at the same time. The contract time extension change order in the amount of $276,580 compensates Herzog and associated sub-contractors for over two months of extended overhead due to the addition of the North Beach Pedestrian Crossing, construction of the MOW spurs and traffic signal installations in San Juan Capistrano and Dana Point that were outside the scope of the original contract.

Since the execution of the MSEP cooperative agreement and the award of the work to Herzog, several revisions have occurred to the funding, cost estimate, scope, and program schedules. Due to OCTA’s budget constraints, much lower than expected levels of additional train service from those expected in 2007 and higher than anticipated total program estimates, a re-evaluation of MSEP infrastructure needed to provide the new service was undertaken to re-align the construction scope of work to the available program budget.

In June 2010, the SCRRA Board authorized the CEO to execute a change order to remove CP Stadium from the program. The entire original scope of work was deleted except the purchase of the special trackwork and other work that had already been performed. Since the deletion of CP Stadium, OCTA, in close partnership with Metrolink, applied for and secured separate funding to complete the work that was previously deleted. In November 2011, the Board authorized the CEO to complete negotiations and execute Amendment
No. 2 to Cooperative Agreement C-6-0820 “Development of Orange County 30 Minute Rail Service,” with OCTA for the purpose of completing construction of CP Stadium.

Change Order A39, in the amount of $1,633,473 will re-instate CP Stadium into the contract scope and extend the contract term to April 30, 2012. The work is being re-instated at the request of OCTA. The installation of the new control point will provide Metrolink with greater operational flexibility; allow maintenance forces to work safer and to more efficiently perform regular railroad maintenance between existing Control Points La Palma and Maple; and will permit SCRRRA to route Union Pacific local freight trains between CP College at MP 169.8 and the Union Pacific connection at MP 175.8.

In accordance with CA&P CON-5, Cost and Price Analysis, independent cost analyses were performed for these proposed Change Orders.

Staff requests the Board authorize the CEO to execute Change Order S26 in the amount of $276,580 and Change Order A39 in the amount of $1,633,473, reflecting the addition of CP Stadium and contract time extension in accordance with the requirements of the Public Contracts Code and CON-21, Change Orders, of the Procurement Policies and Procedures.

**Budget Impact**

Funding for the MSEP program is provided in part by OCTA. Funds for these change orders include $3,245,000 in Proposition 116 funds, $2,444,472 in Federal Transit Administration (FTA), Section 5307 funds, and $800,528 from Measure M as approved by the Board of Directors of OCTA, on December 13, 2010 and January 24, 2011. Additional funds, if needed, will be taken from the funds originally credited to the MSEP project upon the prior deletion of the CP Stadium work.

Prepared by: Dale Stuart, Assistant Director – Capital Improvements
William Doran, Director, Engineering and Construction
Dennis Marzec, Chief Operating Officer

JOHN E. FENTON
Chief Executive Officer
TRANSMITTAL DATE: January 6, 2012
MEETING DATE: January 13, 2012

TO: Board of Directors
FROM: Chief Executive Officer

SUBJECT: Memorandum of Understanding (MOU) No. MU125-12 between Riverside County Transportation Commission (RCTC) and SCRRA for Security Guard Services at Riverside Downtown Metrolink Station and Layover Facility

**Issue**

To continue security guard services related to equipment layover needs at the Riverside Downtown Metrolink Station, SCRRA requires a new MOU with Riverside County Transportation Commission (RCTC) because services have been extended under a short term purchase order and a prior MOU for the same services has expired.

**Recommendation**

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute MOU No. MU125-12 “Security Guard Services at Layover Facility,” with RCTC for security guard services at the Riverside Downtown Metrolink Station and layover facility for a total not-to-exceed amount of $750,000.

**Committee Review**

Since there was no scheduled Safety and Operations Committee meeting in December, this item has not been considered by the Committee.

**Alternatives**

1) The Board may decline the recommendation and direct staff to initiate a Request for Proposals (RFP) to obtain separate security guard services.

2) The Board may direct staff to negotiate an agreement for a different base period or number of option periods.

**Background**

RCTC provides security guard services at the five Metrolink stations owned by RCTC, including the Riverside Downtown Metrolink station. Prior MOU No. 04-25-079-02 was established between RCTC and SCRRA in which SCRRA agreed to reimburse RCTC for
providing security guard services at the Riverside Downtown Metrolink Station and layover facilities. That MOU has now expired and services have been extended under a short term purchase order.

Costs include armed security guards at the Riverside Downtown Station and layover facility 8 hours per day Monday through Friday and 24 hours per day on weekends. Metrolink will pay a pro rata share for the security supervisor not to exceed $4.00 per hour. According to the fee schedule under consideration, the cost for the base period is $394,000 and costs for the option periods total $356,000. The total not-to-exceed cost for the base period plus option periods is $750,000.

MU125-12 provides for SCRRRA reimbursement of RCTC’s services for a base period of performance from January 2012 to May 2014 with two one-year automatic renewals. Either RCTC or SCRRRA may terminate the agreement with thirty days written notice. MU125-12 is intended to replace and supersede all prior MOUs related to reimbursement for services therein.

**Budget Impact**

Funding for security guard services is available in the FY2011-12 Operating budget and will be requested in upcoming annual budgets.

Prepared by:  
Jesus Ojeda, Security Manager  
Steve Holman, Contract & Compliance Administrator  
Bryan Payne, Assistant Director, Contracts

JOHN E. FENTON  
Chief Executive Officer
TRANSMITTAL DATE: January 6, 2012

MEETING DATE: January 13, 2012

TO: Board of Directors

FROM: Chief Executive Officer

SUBJECT: Adoption of Locomotive and Equipment Fleet Plan

Issue

Review and adoption of the Locomotive and Equipment Fleet Plan as a component of the Five Year Rehabilitation Program.

Recommendation

Staff recommends the Board of Directors adopt the Locomotive and Equipment Fleet Plan. This adoption allows staff to develop grant applications for locomotive rehabilitation and to move forward with a Five Year Rehabilitation Program.

Committee Review

A presentation was made to the Safety & Operations Committee on September 23, 2011 on the draft Locomotive and Equipment Fleet Plan. The draft report was then reviewed by the Technical Advisory Committee (TAC), and scheduled for the December 9, 2011 Board meeting. The item was then continued to the January 2012 Board meeting.

Alternative

The Board of Directors can modify staff’s recommendation or defer action to pursue additional information.

Background

Staff prepared a draft Locomotive and Equipment Fleet Plan in September 2011. This draft report was reviewed by the Technical Advisory Committee (TAC) and was presented to the Board of Directors for comment in November 2011. Comments were received and staff has now finalized the Locomotive and Equipment Fleet Plan (Attachment 1), which will be sent under separate cover.

In finalizing the report, Staff has continued to monitor industry trends as locomotive manufacturers work toward developing cleaner burning locomotives. Staff has also
gathered available cost information in the development of this Locomotive and Equipment Fleet Plan. Adoption of the Locomotive and Equipment Fleet Plan will allow staff to move forward with critical fleet activities as detailed in the Fleet Plan, including:

1. Submit an application for AQMD Moyer Funds. This application is due in February 2012.
2. Move forward with necessary steps to sell specific Generation 2 Bombardier cars.
3. Develop specifications for locomotive rehab for equipment moving from Tier 0 to Tier 4.
4. Freeze equipment cost estimates as part of the Five Year Rehab Program.

**Budget Impact**

There is no budget impact in the adoption of the Locomotive and Equipment Fleet Plan.

Prepared by: Gray Crary, Chief Strategic Officer

JOHN E. FENTON
Chief Executive Officer
TRANSMITTAL DATE: January 6, 2012
MEETING DATE: January 13, 2012
TO: Board of Directors
FROM: Chief Executive Officer
SUBJECT: Customer Information System (CIS) – Progress Update

Issue

The Metrolink Customer Information System (CIS) is an integrated system based on ARINC AIM© software. CIS provides tools for the definition and distribution of audio and visual announcements to Metrolink customers.

On October 14, staff provided a project update. Staff is providing the Board with a follow-up update as to the progress of the CIS Design and Implementation project, Phase I.

Recommendation

The Board may receive and file this report.

Committee Review

Since there was no scheduled Safety and Operations Committee meeting in December, this item has not been considered by the Committee.

Background

On May 13, 2011, the Board approved a Change Order to increase contract authority to Contract No. H1636-10 Positive Train Control (PTC) which provided additional field equipment and back office modifications related to the deployment of the new Customer Information System (CIS). This Change Order allowed for additional services for compatibility and communication to the existing field components with the proposed system, including installation and hardware. The additional services include additional design, engineering and installation at SCRRAs’s existing stations; hardware includes IP to 485 Converters, LAN Switch (CISCO 8 Port Switch or equivalent), Audio Codec and all required cables.

The new CIS will leverage the technology and systems investment in the dispatch system, PTC back office server, onboard/GPS, track model database and other features of the PTC and Dispatch Systems that will provide timely and accurate arrival and
departure information for Metrolink and Amtrak passenger trains and an accurate, reliable
and easily managed Customer Information System. It will also allow Communications
Coordinators and other users to send communications through multiple channels: station
platform LED signs, station platform LCD monitors, station audio PA systems, the
Metrolink website, email alerts, and departure boards at LA Union Station. The CIS will
be delivered in usable phases throughout the design phases and concurrent with the
PTC implementation.

There are three types of messages in CIS: Automatically-generated messages from train
data, ad-hoc visual or audio messages, and generic “canned” messages stored in the
CIS database.

Phase I of this project implementation does not include real time transmittal of
information. It relies on pre-loaded train schedule information and manual train status
updates made by the communications staff at the Metrolink communications desk in the
Metrolink Operations Center (MOC).

**Current Status:**

The following reflects the current schedule and progress of the project to date:

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Completion Date</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1 – Factory Acceptance Testing</td>
<td>October-11</td>
<td>Complete</td>
</tr>
<tr>
<td>On-site Server and Workstation Configuration and</td>
<td>November-11</td>
<td>Complete</td>
</tr>
<tr>
<td>Test Installation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial Site and Field Acceptance Testing</td>
<td>December-11</td>
<td>Complete</td>
</tr>
<tr>
<td>Regression Testing and Issue Resolution</td>
<td>January-11</td>
<td>On Target</td>
</tr>
<tr>
<td>Follow-up Site and Field Acceptance Testing</td>
<td>January-11</td>
<td>On Target</td>
</tr>
<tr>
<td>System-wide Rollout</td>
<td>February/March 2012</td>
<td>On Target</td>
</tr>
<tr>
<td>LA Union Station System Design</td>
<td>March/April 2012</td>
<td>On Target</td>
</tr>
<tr>
<td>Phase 2 – Integrated CIS to CAD</td>
<td>June-12</td>
<td>On Target</td>
</tr>
<tr>
<td>Phase 3 – Integrated CIS to PTC</td>
<td>December-12</td>
<td>On Target</td>
</tr>
</tbody>
</table>

The physical communications equipment required by the new system has been
successfully installed in all 47 SCRRA in scope project stations.

The initial site and field acceptance testing (Pomona North and Orange Stations) was
performed the week of December 5. Issue resolution, regression testing and final user
testing will occur in early January, 2012 with preparation work to support the installation
phase in process.
At the conclusion of the On-site Server and Workstation Configuration and Test Installation, the primary application server was shipped back to the implementation vendor’s (ARINC) development center in Annapolis to expedite issue resolution and regression test / verification processes. The primary application server will be installed at SCorra’s data center along with supporting infrastructure and backup equipment to support Follow-up Site and Field Acceptance testing, along with the production rollout phases of the project.

An installation and cutover plan is being finalized. The cutover plan will include the flow and schedule of system installation activities at all in scope program stations and as outlined in Attachment A. It will describe activities, steps and timelines as well as the process steps to be taken in converting from the current PACMS system to the new CIS system. A support and transition plan will be developed subsequent to testing that will describe the processes and responsibilities associated with supporting the solution and supporting computers and systems once the system is live and in production.

Upon successful completion of the Follow-up Site and Field Acceptance Testing tasks, ARINC will commence the final configuration and activation of CIS equipment in all in scope stations. The project team estimates that the installation team will be able to configure two stations per day to operate with the new system. The expected completion date for all stations is currently the first quarter in 2012. Staff will provide the next update in February.

**Budget Impact**

Funding comes from previous EPIS project and station signage rehabilitation program.

Prepared by: Claudia Ziebell, Communications Manager  
Robert Turnauckas, Chief Administrative Officer

JOHN E. FENTON  
Chief Executive Officer