City of Long Beach
Working Together to Serve

Memorandum

Date: September 15, 2016

To: Patrick H. West, City Manager

For: Mayor and Members of the City Council

Subject: **Measure M: Los Angeles County Traffic Improvement Plan**

Introduction

Attached for your information is Measure M, the Los Angeles County Metropolitan Transportation Authority's (Metro) ballot measure, which will appear on the countywide November 2016 ballot. This is a special, dedicated tax, requiring a two-thirds affirmative vote from the electorate.

Measure M proposes to increase the local sales tax countywide by ½-cent with no sunset, beginning January 1, 2017, for the purposes of funding regional transportation initiatives. Passage of this ballot measure will also automatically extend, with no sunset, the existing Measure R ½-cent sales tax upon its scheduled expiration in July 2039. In essence, if Measure M receives a two-thirds vote, Metro will have a 1-cent sales tax revenue stream indefinitely. It would require a future vote of the people to repeal the 1-cent tax.

On June 23, 2016, Metro's Board of Directors voted 11-2, to place this measure on the ballot. Consistent with the position adopted by the Gateway and South Bay Council of Governments, Supervisor Don Knabe and Councilmember Diane DuBois voted "no" on Metro's staff recommendation to place the measure on the November ballot.

Background

In 2008, Metro successfully passed Measure R. Measure R is a ½-cent sales tax in Los Angeles County that has funded numerous regional transportation initiatives. While not the full list of projects, several examples of projects made possible by Measure R that have been completed or are underway, include:

- The **Expo Line** extension to Santa Monica, which opened May 2016. This project cost $925 million.
- The **Gold Line** extensions to the Eastside, which opened March 2016, and the Foothill region, which opened September 2015. Together, these Gold Line projects have cost $765 million.
- The **Crenshaw Line** extension to the LAX area, which is currently under construction and expected to open in 2018. This project is costing $1.2 billion.
- The **Metro Regional Connector Project** extending from the Metro Gold Line in Little Tokyo/Arts District Station to the 7th Street/Metro Center Station in downtown Los Angeles, allowing passengers to transfer to the Blue, Expo, Red and Purple Lines, bypassing Union Station. This 1.9-mile alignment is located in downtown Los Angeles, and currently under construction. Metro expects the regional connector project will open in 2020. This project is costing $160 million.
- Two separate segments and one interchange reconstruction to improve the capacity of the **I-5 freeway**. Improvements to the segment closest to Long Beach will result in two lanes

downtown Los Angeles, the San Fernando Valley and the Westside of Los Angeles County. Additionally, passage of Measure M would solidify a Performance Metric methodology that was used to determine project priority within the ballot measure. This methodology would be used in the evaluation and prioritization for all future Metro projects. City staff believes this methodology places a low value for safety improvement projects and Long Beach projects in the final expenditure plan. The Performance Metric methodology included in Metro's November 2016 Ballot Measure evaluates and ranks projects based on the following weighted criteria:

PERFORMANCE METRICS	
Mobility: Ease Congestion - Improve travel times and reliability; increase active transportation	45.0%
Accessibility: Provide Access - Increase service to the transit dependent, cyclists, youth, pedestrians, seniors and people with disabilities; increase those served by Metro; improve fist-last mile connections	17.5%
Safety: Improve Safety - Enhance personal and public safety; reduce incidents	12.5%
Economy: Grow Economic Benefits - Create jobs; increase goods movement; invest in disadvantaged communities	12.5%
Sustainability and Quality of Life: Enhance Quality of Life - Reduce greenhouse gases; improve air quality; positively impact public health	12.5%

The Measure M expenditure plan specifies projects, groundbreaking dates and revenue commitments. Revenues from Measure M will be collected countywide for projects listed in the ballot measure expenditure plan. Major projects in the Measure M expenditure plan include:

- The **Sepulveda Tunnel**, estimated to cost $7 billion.
- The **West Santa Ana Transit Corridor**, estimated to cost $2.5 billion.
- The **Westside Purple Line** extension, estimated to cost $1.9 billion.
- Two **Gold Line** extensions, one to the San Fernando Valley, estimated to cost $1 billion; and another to the eastside of Metro's service area, estimated to cost $4.5 billion.
- The **Crenshaw Line** extension North to Hollywood, estimated to cost $2.1 billion.

Long Beach Impacts

Based on financial projections, Long Beach will likely contribute an additional $24 million to Metro annually in sales tax if an additional ½-cent sales tax is imposed. In exchange, the City of Long Beach can expect to receive $6.7 million in Local Return revenues based on the adopted 17 percent Local Return formula. These amounts would be in addition to the $24 million that the Long Beach community already contributes to Metro through Measure R, and the $5.5 million in Local Return revenues the City already receives through Measure R.

- **Measure M Local Return** – All cities in Los Angeles County will receive an additional 17 percent Local Return between 2017-2039 that could potentially, but is not guaranteed to, increase up to 20 percent in FY 2040. This funding is in addition to the current $5.5 million

infrastructure in Long Beach, to be funded from Measure M revenues, the City will be required to fund 3 percent of the project costs from City revenues; this new cost to the City would decrease the City's net Measure M revenues, and potentially impact other City funding.

Other Long Beach Impacts

Completely separate from Measure M, but as a direct result of advocacy efforts by local elected officials in support of Long Beach, Metro has committed to:

- Provide Long Beach with a report that identifies funding and scope of work for **Fare Evasion Stations** (turnstiles) at each of the four Blue Line stations in downtown Long Beach by August 2016; and
- Work with the City on a preliminary plan for safety improvements at the **Wardlow Station** with the long-term plan being the development of a grade separation project that meets the community's needs in terms of scope and aesthetics.

At this time, no funding amount or timeline has been identified for either project.

Regional Responses

On June 21, 2016, and prior to Metro's vote to place Measure M on the November ballot, the Gateway Council of Governments (Gateway COG) voted to take an "oppose unless amended" position on Metro's proposed ballot measure. This decision was based on an analysis prepared by Gateway COG staff, which showed Metro's proposed expenditure plan failed to meet the Gateway COG's requests. Prior to the vote by Metro's Board of Directors, the Gateway COG requested the following amendments:

- Second and third decade Measure R transit projects be formally accelerated and not be superseded by new Measure M projects;
- Recently adopted performance metrics be applied solely to new projects and not retroactively to Measure R projects;
- An additional 1 percent be allocated to Metrolink for service improvements and long-term capital projects;
- Remove the 3 percent local contribution requirement to major transit projects, instead encouraging local jurisdictions to invest in community infrastructure;
- Support the addition of the concept of "Green Complete Streets" to the 2 percent active transportation carve-out;
- Increase Local Return to cities to 25 percent and investigate a new formula that does not rely solely on population;
- Construct the West Santa Ana Branch/Eco-Rapid Transit project in two consecutive phases; Commence construction on both alignments for the Metro Gold Line Eastside Extension Phase II within the 2029-35 timeframe;
- Accelerate the Metro Green Line Norwalk Extension project development through coordination and potential funding with the State;
- Accelerate development and implementation of the I-710 Corridor Improvement Project; and,

Ordinance #16-01

Los Angeles County Traffic Improvement Plan

PREAMBLE

Los Angeles County's comprehensive plan to improve transportation and ease traffic congestion through the following core goals:

Improve freeway traffic flow; reduce bottlenecks and ease traffic congestion.

Expand the rail and rapid transit system; accelerate rail construction and build new rail lines; enhance local, regional, and express bus service; and improve system connectivity.

Repave local streets, repair potholes, synchronize signals; improve neighborhood streets and intersections, and enhance bike and pedestrian connections.

Keep the transit and highway system safe; earthquake-retrofit bridges, enhance freeway and transit system safety, and keep the transportation system in good working condition.

Make public transportation more accessible, convenient, and affordable for seniors, students, and the disabled and provide better mobility options for our aging population.

Embrace technology and innovation; incorporate modern technology, new advancements, and emerging innovations into the local transportation system.

Create jobs, reduce pollution, and generate local economic benefits; increase personal quality time and overall quality of life.

Provide accountability and transparency; protect and monitor the public's investments through independent audits and oversight.

SECTION 1. TITLE

This Ordinance shall be known and may be cited as the "Los Angeles County Traffic Improvement Plan" ("Ordinance"). The Ordinance shall include Attachment A entitled "Expenditure Plan" and Attachment B entitled "Subregional Maps" which are attached hereto and incorporated by reference as if fully set forth herein.

SECTION 2. SUMMARY

This Ordinance imposes a retail transactions and use tax at the rate of one-half of one percent (.5%) within Los Angeles County to be operative on the first day of the first calendar quarter commencing not less than 180 days after the adoption of this Ordinance by the voters. The rate of this tax shall increase to one percent (1.0%) on July 1, 2039 immediately upon the expiration of the .5% tax imposed by Ordinance No. 08-01 of the Los Angeles County

Metropolitan Transportation Authority (Measure R).

SECTION 3. DEFINITIONS

The following terms, whenever used in this Ordinance, shall have the meanings set forth below:

"Active Transportation" means projects that encourage, promote, or facilitate environments that promote walking, bicycling, rolling modes, or transit use.

"ADA Paratransit" means paratransit service for the disabled as provided for by the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.).

"Board of Equalization" means the California State Board of Equalization.

"Capital" means any project or program described in Attachment A that qualifies as a capital improvement expenditure.

"Capital Improvement Expenditures" means expenditures for the purpose of acquiring, upgrading, or maintaining transportation physical assets such as property, transportation facilities, rail improvements, highways, or equipment, so long as any such expenditures for maintenance substantially extend the useful life of the project. This also includes any physical improvement and any preliminary studies, design, or surveys relative thereto, including, but not limited to, any property of a permanent nature and equipment needed in connection with such improvements.

"Complete Streets" means a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, users and operators of public transit, bicyclists, persons with disabilities, seniors, children, motorists, users of green modes, and movers of commercial goods.

"Expected Opening Date" means the date that a project is expected to be open for use by the public, which is expressed as the first year of a three-year range. With respect to programs, the expected opening date is the last year in which funds are anticipated to be made available for use on the projects that comprise the program.

"Expenditure Plan" means that expenditure plan which is attached hereto as Attachment A.

"First/Last Mile" means infrastructure, systems, and modes of travel used by transit riders to start or end their transit trips. This includes but is not limited to infrastructure for walking, rolling, and biking (e.g. bike lanes, bike parking, sidewalks, and crosswalks), shared use services (e.g. bike share and car share), facilities for making modal connections (e.g. kiss

and ride and bus/rail interface), signage and way-finding, and information and technology that eases travel (e.g. information kiosks and mobile apps).

"Green Streets" means urban transportation rights-of-way integrated with storm water treatment techniques that use natural processes and landscaping and quantitatively demonstrate that they capture and treat storm water runoff from their tributary watershed through infiltration or other means and are included within the respective Enhanced Watershed Management Plan.

"Gross Sales Tax" means the amount of Sales Tax collected by the Board of Equalization pursuant to this Ordinance.

"Groundbreaking Start Date" means the first year of a three-year period by which the applicable project sponsor is expected to award a construction contract enabling the beginning of construction. In alternative project delivery methods, such as design-build and public-private partnership contracts, it means the start of the actual construction phase or phases of the project.

"Highway Construction" means a capital only project or program that includes all environmental, design, and construction work in public highway and street rights-of-way. This includes Complete Streets, Green Streets, and active transportation improvements such as bikeways and pedestrian improvements.

"Interest" means interest and other earnings on cash balances.

"Local Return" means funds returned to the cities within Los Angeles and Los Angeles County, based on population, for eligible transportation-related uses as defined by the Local Return Guidelines to be developed in coordination with such cities and Los Angeles County and adopted by the Metro Board of Directors. Funds will be eligible for communities' transportation needs, including transit, streets and roads, storm drains, Green Streets, Active Transportation Projects, Complete Streets, public transit access to recreational facilities, Transit Oriented Community Investments, and other unmet transit needs.

"Measure R" means Ordinance No. 08-01, including the attached expenditure plan, of the Los Angeles County Metropolitan Transportation Authority, as adopted by the Metro Board of Directors on July 24, 2008.

"Measure R Projects" means those projects and programs identified in the expenditure plan attached to Ordinance No. 08-01.

"Metro" means the Los Angeles County Metropolitan Transportation Authority or any successor entity.

"Metro Rail Operations" means service delivery for operating and regular and preventative maintenance for Metro Rail Lines as defined in guidelines adopted by the Metro Board of Directors, as well as Metro State of Good Repair.

"Metro State of Good Repair" means the repair, rehabilitation, and replacement required to maintain reliable, safe, effective, and efficient rail transit services.

"Multi-Year Subregional Programs" means multiple capital projects defined by guidelines adopted pursuant to Section 7(c).

"Net Revenues" means Sales Tax Revenues minus any amount expended on administrative costs pursuant to Section 10.

"Regional Rail" means regional commuter rail service within Los Angeles County, including operating, maintenance, expansion, and state of good repair.

"Sales Tax" means a retail transactions and use tax.

"Sales Tax Revenues" means the Gross Sales Tax minus any refunds and any fees imposed by the Board of Equalization for the performance of functions incident to the administration and operation of this Ordinance.

"Schedule of Funds Available" means the anticipated schedule for releasing funds to complete projects included in the Expenditure Plan.

"Subregion" means "subregional planning area" as shown by the boundaries in "Subregional Maps" attached hereto as Attachment B.

"Transit Construction" means a capital only project or program including environmental, design, and construction work in public transit rights-of-way or in support of the capital needs of the public transit system, such as rolling stock, transit stations, or transit stop improvements. Transit construction can also include first/last mile improvements.

"Transit Operations" means countywide transit service operated by Metro and the Included and Eligible Municipal Operators receiving funds allocated through a Board-adopted Formula Allocation Procedure (FAP).

SECTION 4. STATUTORY AUTHORITY

This Ordinance is enacted, in part, pursuant to:

a. Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code; and

b. Division 12 (commencing with Section 130000) of the California Public Utilities Code.

SECTION 5. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX

a. Subject to the limits imposed by this Ordinance, Metro hereby imposes, in the incorporated and unincorporated territory of Los Angeles County, a Transactions and Use tax at the rate of one-half of one percent (.5%) beginning on the first day of the first calendar quarter commencing not less than 180 days after the adoption of this Ordinance by the voters. The rate of this tax shall increase to one percent (1.0%) on July 1, 2039 immediately upon the expiration of the .5% tax imposed by Ordinance No. 08-01 of the Los Angeles County Metropolitan Transportation Authority (Measure R).

b. This Transactions and Use tax shall be in addition to any other taxes authorized by law, including any existing or future state or local Transactions and Use tax. The imposition, administration, and collection of the tax shall be in accordance with all applicable statutes, laws, and rules and regulations prescribed and adopted by the Board of Equalization.

c. Pursuant to Section 130350.7(h) of the Public Utilities Code, the tax rate authorized by this section shall not be considered for purposes of the combined rate limit established by Section 7251.1 of the Revenue and Taxation Code.

d. Pursuant to the provisions of Section 7262.2 of the Revenue and Taxation Code, the required provisions of Sections 7261 and 7262 of that Code as now in effect or as later amended are adopted by reference in this Ordinance.

e. This Ordinance incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

f. The Transactions and Use tax shall be administered and collected by the Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the Board of Equalization in administering and collecting the California State Sales and Use Taxes.

g. This Transactions and Use tax shall be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimizes the cost of collecting the transactions and use taxes, and at the same time, minimizes the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.

SECTION 6. ADMINISTRATION BY BOARD OF EQUALIZATION

a. CONTRACT WITH STATE. Prior to the operative date, Metro shall contract with the Board of Equalization to perform all functions incident to the administration and operation of this Ordinance; provided, that if Metro shall not have contracted with the Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

b. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of Los Angeles County at the rate of one half of one percent (.5%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this Ordinance. The rate of this tax shall increase to one percent (1.0%) of the gross receipts on July 1, 2039 immediately upon the expiration of the .5% tax imposed by Ordinance No. 08-01 of the Los Angeles County Metropolitan Transportation Authority (Measure R).

c. PLACE OF SALE. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

d. USE TAX RATE. An excise tax is hereby imposed on the storage, use, or other consumption in Los Angeles County of tangible personal property purchased from any retailer on and after the operative date of this Ordinance for storage, use, or other consumption in Los Angeles County at the rate of one half of one percent (.5%) of the sales price of the property. The rate of this tax shall increase to one percent (1.0%) of the sales price of the property on July 1, 2039 immediately upon the expiration of the .5% tax imposed by Ordinance No. 08-01 of the Los Angeles County Metropolitan Transportation Authority (Measure R). The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

e. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of

Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

f. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

1. Wherever the State of California is named or referred to as the taxing agency, the name of Metro shall be substituted therefor. However, the substitution shall not be made when:

A. The word "State" is used as a part of the title of the State Controller, State Treasurer, Victim Compensation and Government Claims Board, State Board of Equalization, State Treasury, or the Constitution of the State of California;

B. The result of that substitution would require action to be taken by or against Metro or any agency, officer, or employee thereof rather than by or against the Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

C. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

i. Provide an exemption from this Sales Tax with respect to certain sales, storage, use, or other consumption of tangible personal property which would not otherwise be exempt from this Sales Tax while such sales, storage, use, or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or

ii. Impose this Sales Tax with respect to certain sales, storage, use, or other consumption of tangible personal property that would not be subject to this Sales Tax by the state under the said provision of that code.

D. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, or 6828 of the Revenue and Taxation Code.

2. The phrase "Los Angeles County" shall be substituted for the words "this state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase in Section 6203 of the Revenue and Taxation Code.

g. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

h. EXEMPTIONS AND EXCLUSIONS.

1. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

2. There are exempted from the computation of the amount of transactions tax the gross receipts from:

A. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

B. Sales of property to be used outside Los Angeles County which is shipped to a point outside Los Angeles County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside Los Angeles County shall be satisfied:

i. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an address outside Los Angeles County and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

ii. With respect to commercial vehicles, by registration to a place of business outside Los Angeles County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

C. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

D. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.

E. For the purposes of subparagraphs (C) and (D) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

3. There are exempted from the use tax imposed by this Ordinance, the storage, use, or other consumption in Los Angeles County of tangible personal property:

A. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

B. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

C. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

D. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.

E. For the purposes of subparagraphs (C) and (D) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

F. Except as provided in subparagraph (G), a retailer engaged in business in Los Angeles County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.

G. "A retailer engaged in business in Los Angeles County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in Los Angeles County.

4. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use, or other consumption of which is subject to the use tax.

i. AMENDMENTS. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

j. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against the State or Metro, or against any officer of the State or Metro, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 7. USE OF REVENUES

a. All Net Revenues generated from the Sales Tax imposed pursuant to this Ordinance plus any Interest, less any funds necessary for satisfaction of debt service and related requirements of all bonds issued and obligations incurred pursuant to this Ordinance that are not satisfied out of separate allocations, shall be allocated solely for the transportation purposes described in this Ordinance.

b. Metro shall establish and administer a sales tax revenue fund and such subfunds as established in this Ordinance. All Net Revenues and Interest on Sales Tax Revenues shall be credited into the sales tax revenue fund and credited to the appropriate subfunds and programs in accordance with the percentages in the column entitled "% of Sales

Tax (net of Admin)" on page 1 of Attachment A. All sums in the sales tax revenue fund shall be expended by Metro for the projects and programs described in Attachment A. Metro may expend additional funds from sources other than the Sales Tax imposed pursuant to this Ordinance on the projects and programs described in Attachment A.

1. Metro shall establish the following subfunds of the sales tax revenue fund:

A. Transit Operating and Maintenance Subfund, for Metro Rail Operations program funds, Transit Operations (Metro and Municipal Providers) program funds, ADA Paratransit for the disabled and Metro discounts for seniors and students program funds.

i. Metro Rail Operations program funds are eligible to be used for Metro Rail State of Good Repair.

ii. Transit Operations program funds are eligible to be used for Metro State of Good Repair.

B. Transit, First/Last Mile (Capital) Subfund, for Transit Construction (including System Connectivity Projects – Airports, Union Station, and Countywide BRT) program funds and Metro State of Good Repair program funds. This subfund shall include a Transit Contingency Subfund.

i. Transit Contingency Subfund. All Net Revenues allocated to the Transit, First/Last Mile (Capital) Subfund, except those allocated to Metro State of Good Repair, that are not assigned to a specific project or program coded "T" in the "modal code" column of Attachment A shall be credited to the Transit Contingency Subfund.

C. Highway, Active Transportation, Complete Streets (Capital) Subfund, for Highway Construction (including System Connectivity Projects – Ports, Highway Congestion Programs and Goods Movement) program funds and Metro Active Transportation (Bicycle, Pedestrian, Complete Streets) program funds. This subfund shall include a Highway Contingency Subfund.

i. Highway Contingency Subfund. All Net Revenues allocated to the Highway, Active Transportation, Complete Streets (Capital) Subfund, except those allocated to Metro Active Transportation Program, that are not assigned to a specific highway capital project or program coded "H" in the "modal code" column of Attachment A shall be credited to the Highway Contingency Subfund.

D. Local Return/Regional Rail Subfund, for Local Return program funds and Regional Rail program funds.

2. For each project identified in the "Expenditure Plan Major Projects"

section of Attachment A, Metro shall expend the amount of Net Revenues specified in the column entitled "Measure __ Funding 2015$" for each project. Such expenditures shall commence in the fiscal year identified in the column "Groundbreaking Start Date," or in the subsequent two fiscal years, except that expenditures for preconstruction costs may commence sooner.

A. Metro may expend funds from the Contingency Subfunds for inflation adjustments for any project identified in the "Expenditure Plan Major Projects" section of Attachment A if less than two-thirds (2/3) of the amount allocated in the "Measure __ Funding 2015$" column has been expended prior to the first day of Fiscal Year 2027. Such expenditures shall be deducted from the Highway Contingency Subfund if the project is coded "H" in the "modal code" column of Attachment A or from the Transit Contingency Subfund if the project is coded "T" in the "modal code" column of Attachment A. Such expenditures shall not exceed the actual amount of inflation since 2015 as determined by an index selected by the Metro Board of Directors.

3. For each program identified in the "Multi-Year Subregional Programs" section of Attachment A, Metro shall expend the amount of Net Revenues specified in the column entitled "Measure __ Funding 2015$" for each program. Such expenditures shall commence in the fiscal year identified in the column "Groundbreaking Start Date," or in the subsequent two fiscal years, except that expenditures for preconstruction costs may commence sooner.

A. Metro may expend funds from the Contingency Subfunds for inflation adjustments for any project identified in the "Multi-Year Subregional Programs" section of Attachment A beginning in Fiscal Year 2027. Such expenditures shall be deducted from the Highway Contingency Subfund if the project is coded "H" in the "modal code" column of Attachment A or from the Transit Contingency Subfund if the project is coded "T" in the "modal code" column of Attachment A. Such expenditures shall not exceed the actual amount of inflation since 2015 as determined by an index selected by the Metro Board of Directors.

4. Metro shall expend funds allocated to the Contingency Subfunds, to the extent necessary, to service the debt of any bonds issued or other obligations incurred pursuant to Section 12 of this Ordinance.

5. Metro may expend funds from the Contingency Subfunds for Expenditure Plan Major Projects or Multi-Year Subregional Programs in any fiscal year in which Net Revenues received are not sufficient to meet Metro's funding obligations for that year for such projects.

6. No earlier than July 1, 2039, the Metro Board of Directors shall increase the percentage of Net Revenues allocated to the Regional Rail program of the Local Return and Regional Rail Subfund from one percent (1%) to two percent (2%) provided that the recipient(s) satisfy certain performance criteria, which shall be adopted by the Metro Board of Directors. Any such increase in Net Revenues allocated to Regional Rail shall be offset by corresponding reductions in Net Revenues allocated to either the Transit, First/Last Mile (Capital) Subfund or Highway, Active Transportation, Complete Streets (Capital) Subfund, or both. No reduction shall delay any projects in Attachment A.

7. On July 1, 2039, the percentage of Net Revenues allocated to the Local Return program shall increase by three percent of Net Revenues. The Metro Board of Directors shall make corresponding reductions to either the Transit Construction or Highway Construction programs, or both. No reduction shall delay any projects in Attachment A.

c. The Metro Board of Directors shall adopt guidelines regarding Multi-Year Subregional Programs identified in Attachment A. The guidelines shall, at minimum, specify definitions of active transportation, first/last mile, visionary seed project studies, street car and circulator projects, greenway projects, mobility hubs, highway efficiency and operational improvement projects, bus system improvements, highway demand-based programs (such as high occupancy vehicle extensions and connections), transit capital projects, transportation system and mobility improvements, bus rapid transit capital improvements, safe route to schools, multi-modal connectivity projects, arterial street improvements, freeway interchange improvements, goods movement improvements, highway and transit noise mitigations, intelligent transportation systems, transportation technology improvements, streetscape enhancements and Great Streets, public transit state of good repair, and traffic congestion relief improvements.

d. Metro may enter into an agreement with the Board of Equalization to transfer Sales Tax Revenues directly to a bond trustee or similar fiduciary, in order to provide for the timely payment of debt service and related obligations, prior to Metro's receipt and deposit of such Sales Tax Revenues into the sales tax revenue fund; provided, however, that such payments of debt service and related obligations shall be allocated to the appropriate subfund consistent with the expenditure of the proceeds of the corresponding debt.

e. Metro shall include the projects and programs in Attachment A in the Long Range Transportation Plan within one year of the date the Ordinance takes effect. The revised and updated Long Range Transportation Plan shall also include capital projects and capital programs that are adopted by each subregion that are submitted to Metro for inclusion in the

revised and updated Long Range Transportation Plan, if the cost and schedule details are provided by the subregions, in a manner consistent with the requirements of the plan.

f. Three percent (3%) of the total project cost of any Expenditure Plan Major Project coded "T" in Attachment A shall be paid by each incorporated city within Los Angeles County, and Los Angeles County for those projects in unincorporated areas, based upon the percent of project total centerline track miles to be constructed within that jurisdiction's borders if one (1) or more stations are to be constructed within the borders of said jurisdiction. An agreement approved by both Metro and the governing board of the jurisdiction shall specify the total project cost determined at the conclusion of thirty percent (30%) completion of final design (which shall not be subject to future cost increases), the amount to be paid, and a schedule of payments. If the total project cost estimate is reduced after the conclusion of thirty percent (30%) completion of final design, the proportionate cost to the jurisdiction shall be reduced accordingly. The jurisdiction may request a betterment for a project. The jurisdiction, however, shall incur the full cost of any such betterment. Such agreements shall be in accordance with guidelines adopted by the Metro Board of Directors.

1. If no agreement is entered into and approved prior to the award of any contract authorizing the construction of the project within the borders of the jurisdiction, or if at any time the local jurisdiction is in default of any sums due pursuant to the approved agreement, all funds contained in the Local Return/Regional Rail Subfund allocated to that jurisdiction may, at Metro's sole discretion, be withheld for not longer than fifteen (15) years and used to pay for the project until the three percent (3%) threshold is met.

g. Once every ten (10) years, beginning in Fiscal Year 2027, Metro shall conduct a comprehensive assessment of each project and program identified in Attachment A as an "Expenditure Plan Major Project" or "Multi-Year Subregional Program." This assessment shall determine which projects or programs are either completed, or anticipated to be completed during the next ten-year period. The Measure __ Independent Taxpayer Oversight Committee of Metro, established pursuant to Section 8, shall review and comment on the assessment. Metro shall also conduct a public review prior to the assessment's approval. Upon approval of this assessment by a two-thirds vote, the Metro Board of Directors may:

1. Add "Expenditure Plan Major Projects" and "Multi-Year Subregional Programs" to the Expenditure Plan by a two-thirds (2/3) vote so long as such additions do not delay the Groundbreaking Start Date, Expected Opening Date, or amount of "Measure _ Funding 2015$" of any other "Expenditure Plan Major Project" or "Multi-Year Subregional

Program." No "Expenditure Plan Major Projects" or "Multi-Year Subregional Programs" may be added to the Expenditure Plan except through the decennial process described herein.

A. Should an "Expenditure Plan Major Project" or "Multi-Year Subregional Program", except for those coded "sc" in the "subregion" column of Attachment A, be completed without the expenditure of all Net Revenues allocated to that project or program in Attachment A, the surplus Net Revenues shall be expended on projects or programs in the same subregion as the project or program so completed. The Metro Board of Directors shall determine by a two-thirds (2/3) vote whether a project or program is complete.

B. Should an "Expenditure Plan Major Project" or "Multi-Year Subregional Program" coded "sc" in the "subregion" column of Attachment A be completed without the expenditure of all Net Revenues allocated to that project or program in Attachment A, the surplus Net Revenues shall be expended on another "Expenditure Plan Major Project" or "Multi-Year Subregional Program" coded "sc" in the "subregion" column of Attachment A. The Metro Board of Directors shall determine by a two-thirds (2/3) vote whether a project or program is complete.

2. Adopt an amendment to transfer Net Revenues between the Transit, First/Last Mile (Capital) Subfund and the Highway, Active Transportation, Complete Streets (Capital) Subfund pursuant to Section 11(c). No such amendment shall be adopted except through the decennial process described herein.

3. Adopt an amendment to Attachment B pursuant to Section 11(a). No such amendment shall be adopted except through the decennial process described herein provided, however, the Metro Board of Directors shall not adopt an amendment to Attachment B prior to the comprehensive assessment in Fiscal Year 2047.

h. No Net Revenues generated from the Sales Tax shall be expended on the State Route 710 North Gap Closure Project.

i. Notwithstanding any other provision of this Ordinance, no recipient of Local Return program funds may expend more than thirty-three and one-third percent (33⅓ %) of total funds received in any fiscal year on Green Streets.

SECTION 8. OVERSIGHT

a. There is hereby established a Measure _ Independent Taxpayer Oversight Committee of Metro ("Committee") to provide an enhanced level of accountability for expenditures of sales tax revenues made under the Expenditure Plan. The Committee shall

meet at least four (4) times each year to carry out the purposes of this Ordinance. The Committee reports directly to the Metro Board of Directors and the public.

b. It is the intent that the Committee will assist Metro and take advantage of changing situations in the future with regard to technologies and transportation developments. Therefore, the provisions contained in this Ordinance are based on a 2016 perspective and are not meant to be unduly restrictive on the Committee's and Metro's roles and responsibilities.

c. Committee Membership. The Committee Members established for oversight shall carry out the responsibilities laid out in this Ordinance and play a valuable and constructive role in the ongoing improvement and enhancement of this Ordinance.

1. As such, the Committee Members shall be comprised of seven (7) voting members representing the following professions or areas of expertise:

A. A retired Federal or State judge

B. A professional from the field of municipal/public finance and/or budgeting with a minimum of ten (10) years of relevant experience

C. A transit professional with a minimum of ten (10) years of experience in senior-level decision making in transit operations and labor practices

D. A professional with a minimum of ten (10) years of experience in management and administration of financial policies, performance measurements, and reviews

E. A professional with demonstrated experience of ten (10) years or more in the management of large-scale construction projects

F. A licensed architect or engineer with appropriate credentials in the field of transportation project design or construction and a minimum of ten (10) years of relevant experience

G. A regional association of businesses representative with at least ten (10) years of senior-level decision making experience in the private sector

2. The intent is to have one member representing each of the specified areas of expertise. If, however, after a good faith effort, qualified individuals have not been identified for one (1) or more of the areas of expertise, then no more than two (2) members from one (1) or more of the remaining areas of expertise may be selected.

3. The members of the Committee must reside in Los Angeles County and be subject to conflict of interest provisions. No person currently serving as an elected or appointed city, county, special district, state, or federal public officeholder shall be eligible to serve as a member of the Committee.

d. Conflict of Interest. The Committee members shall be subject to Metro's conflict

of interest policies. The members shall have no legal action pending against Metro and are prohibited from acting in any commercial activity directly or indirectly involving Metro, such as being a consultant to Metro or to any party with pending legal actions against Metro during their tenure on this Committee. Committee members shall not have direct commercial interest or employment with any public or private entity, which receives sales tax funds authorized by this Ordinance.

e. Committee Membership Selection Panel. The Selection Panel ("Panel") shall select for approval the Oversight Committee Members, who will be responsible for performing the responsibilities under this Ordinance. The Panel will be comprised of three (3) persons, each of whom shall be members of the Metro Board of Directors, or their designee.

1. The Panel shall be selected as follows, and will represent the existing leadership of Metro's Board (Chair, Vice Chair, and second Vice Chair):

A. One representative from the Los Angeles County Board of Supervisors; and

B. One representative selected by the Mayor of the City of Los Angeles; and

C. One representative from the Los Angeles County Cities

2. The Panel shall screen and recommend potential candidates for Committee Membership. The Panel will develop guidelines to solicit, collect, and review applications of potential candidates for membership on the Committee. The filling of membership vacancies, due to removals and reappointments will follow these same guidelines.

3. The recommended candidates for Committee Membership shall be approved by the Metro Board by a simple majority.

f. Term. Each member of the Committee shall serve for a term of five (5) years, and until a successor is appointed, except that initial appointments may be staggered with terms of three (3) years. A Committee member may be removed at any time by the appointing authority. Term limits for Committee members will be staggered to prevent significant turnover at any one time. There is no limit as to the number of terms that a Committee member may serve. Members will be compensated through a stipend and they may choose to waive.

g. Resignation. Any member may, at any time, resign from the Committee upon written notice delivered to the Metro Board. Acceptance of any public office, the filing of intent to seek public office, including a filing under California Government Code Section 85200, or change of residence to outside the County shall constitute a Member's automatic resignation.

h. Committee Responsibilities. The Committee shall, at a minimum, meet on a

quarterly basis to carry out its responsibilities and is hereby charged with the following responsibilities:

1. *General Responsibilities*

A. The Committee will have the responsibility for approving the scope of work and direct the work of the auditors, to include at minimum the above mentioned areas. Selection of the auditors will follow the Board approved procurement and solicitation policies. The Committee will be involved in the solicitation and selection process of the auditors.

B. The Committee shall prepare an annual report on the results of the annual audit per Section 8(h)(3)(B), any findings made, and report the comments to the Metro Board of Directors.

C. The Committee shall review all proposed debt financing and make a finding as to whether the benefits of the proposed financing for accelerating project delivery, avoiding future cost escalation, and related factors exceed issuance and interest costs.

D. The Committee shall review any proposed amendments to the Ordinance, including the Expenditure Plan, and make a finding as to whether the proposed amendments further the purpose of the Ordinance.

2. *Quarterly Responsibilities*. The Committee shall at minimum review the following:

A. For each Subfund, make findings on the effective and efficient use of funds.

B. For Local Return funds, review the programmed revenues and uses for each of the local jurisdictions.

C. For Transit and Highway (Capital), review comparison of budget expended to project milestone completion, comparison of contingency spent to project completion, and review of soft costs expended.

D. For Active Transportation Program, review programmed revenues and uses.

E. For State of Good Repair, review budget and expenses.

F. For Transit Operating and Maintenance (which includes Metro Rail Operations, Transit Operations, ADA Paratransit for the disabled/Metro discounts for seniors and students, and Regional Rail), review budget and expenses.

3. *Annual Responsibilities*

A. The Committee shall review the results of the audit performed

and make findings as to whether Metro is in compliance with the terms of the Ordinance. Such findings shall include a determination as to whether recipients of Net Revenues allocated and funds were expended for all the Subfunds (listed in Attachment A) and have complied with this Ordinance and any additional guidelines developed by Metro.

B. *Annual Financial and Compliance Audit.* Metro shall contract for an annual audit, to be completed within six (6) months after the end of the fiscal year being audited, for the purpose of determining compliance by Metro with the provisions of this Ordinance relating to the receipt and expenditure of Sales Tax Revenues during such fiscal year. The audit should include a determination as to whether recipients of Net Revenues allocated from these Subfunds have complied with this Ordinance and any additional guidelines developed by Metro for these Subfunds.

C. For major corridor projects, included in the Expenditure Plan, the Committee shall review at least once a year:

i. Project costs, established LOP budgets, and any significant cost increases and/or major scope changes of the major corridor projects identified in the Expenditure Plan.

ii. The funding available and programmed for the projects included in the Expenditure Plan, as well as any funding gaps for each of these projects. The Committee shall provide recommendations on possible improvements and modifications to deliver the Plan.

iii. Performance in terms of project delivery, cost controls, schedule adherence, and related activities.

4. *Five-Year Responsibilities*

A. The Committee shall review the Comprehensive Program Assessment of the Expenditure Plan every five (5) years or every ten (10) years in accordance with Section 7(g) and make findings and/or provide recommendations for improving the program. The results of this assessment will be presented to the Metro Board of Directors.

B. *Comprehensive Program Assessment.* Metro shall conduct every five (5) years a comprehensive review of all projects and programs implemented under the Plan to evaluate the performance of the overall program and make recommendations to improve its performance on current practices, best practices, and organizational changes to improve coordination.

i. Accountability to the Public and the Metro Board. All audit reports, findings, and recommendations will be available and accessible to the public (through various types of media)

prior to the public hearing and upon request. Metro will establish a website dedicated to the Oversight of this Measure and include all pertinent Ordinance information for the public. The Committee shall review all audits and hold an annual public hearing to report on the results of the audits.

SECTION 9. MAINTENANCE OF EFFORT REQUIREMENTS

a. It is the intent of Metro that any Sales Tax Revenues provided to local jurisdictions in Los Angeles County under the program described in Attachment A as "Local Return" be used to augment, not supplant, existing local revenues being used for transportation purposes.

b. Metro shall develop guidelines that, at a minimum, specify maintenance of effort requirements for the local return program, matching funds, and administrative requirements for the recipients of revenue derived from the Sales Tax.

SECTION 10. COSTS OF ADMINISTRATION

Metro shall establish an Administration/Local Return fund and one and one-half percent (1.5%) of Gross Sales Tax revenues shall be credited into this fund. As funds are received by Metro and credited to this fund, one percent (1%) of Net Revenues shall be immediately transferred to the Local Return/Regional Rail Subfund of the sales tax revenue fund to be used solely for the Local Return program. All other amounts in the Administration/Local Return fund shall be available to Metro for administrative costs, including contractual services.

SECTION 11. AMENDMENTS

a. The Metro Board of Directors may amend this Ordinance, including Attachment A and Attachment B, with the exception of Section 11, for any purpose subject to the limitations contained in Section 7(g), including as necessary to account for the results of any environmental review required under the California Environmental Quality Act or the National Environmental Policy Act and any related federal statute of the projects listed in Attachment A. Any such amendments shall be approved by a vote of not less than two-thirds (2/3) of the Metro Board of Directors. Metro shall hold a public meeting on proposed amendments prior to adoption. Metro shall provide notice of the public meeting to the Los Angeles County Board of Supervisors, the city council of each city in Los Angeles County, and the public, and shall

provide them with a copy of the proposed amendments, at least 60 days prior to the public meeting.

b. By two-thirds (2/3) vote, the Metro Board of Directors may amend the "Schedule of Funds Available" columns listed in Attachment A to accelerate a project, provided that any such amendments shall not reduce the amount of funds assigned to any other project or program as shown in the "Measure __ Funding 2015$" column of Attachment A or delay the Schedule of Funds Available for any other project or program. Metro shall hold a public meeting on proposed amendments prior to adoption. Metro shall provide notice of the public meeting to the Los Angeles County Board of Supervisors, the city council of each city in Los Angeles County, and the public, and shall provide them with a copy of the proposed amendments, at least 30 days prior to the public meeting.

c. The Metro Board of Directors shall not adopt any amendment to this Ordinance, including Attachment A, that reduces total Net Revenues allocated to the sum of the Transit, First/Last Mile (Capital) Subfund and the Highway, Active Transportation, Complete Streets (Capital) Subfund. Not more than once in any ten (10) year period commencing in FY2027, Metro may adopt an amendment transferring Net Revenues between the Transit, First/Last Mile (Capital) Subfund and the Highway, Active Transportation, Complete Streets (Capital) Subfund. This subparagraph shall not apply to adjustments to the Net Revenues allocated to the Transit, First/Last Mile (Capital) Subfund and the Highway, Active Transportation, Complete Streets (Capital) Subfund pursuant to Section 7(b)(6) or Section 7(b)(7). Such adjustments shall not require an amendment to this Ordinance or Attachment A.

d. Notwithstanding Section 11(a) of this Ordinance, the Metro Board of Directors shall not adopt any amendment to this Ordinance, including Attachment A, that reduces Net Revenues allocated to the Transit Operating & Maintenance Subfund or the Local Return/Regional Rail Subfund.

e. The Metro Board of Directors may amend Section 11 of this Ordinance if such amendments are approved by a vote of not less than two-thirds (2/3) of the Metro Board of Directors and are approved by a majority of the voters voting on a measure to approve the amendment. Metro shall hold a public meeting on proposed amendments prior to adoption. Metro shall provide notice of the public meeting to the Los Angeles County Board of Supervisors, the city council of each city in Los Angeles County, and the public, and shall provide them with a copy of the proposed amendments, at least 60 days prior to the public meeting. Amendments shall become effective immediately upon approval by the voters.

SECTION 12. ESTABLISHMENT OF BONDING AUTHORITY

a. Metro is authorized to issue limited tax bonds and incur other obligations, from time to time, payable from and secured by all or any portion of the Sales Tax Revenues to finance any program or project in the Expenditure Plan, pursuant to Sections 130500 et seq. of the Public Utilities Code, and any successor act, or pursuant to any other applicable sections of the Public Utilities Code or the Government Code. As additional security, such bonds and other obligations may be further payable from and secured by farebox revenues or general revenues of Metro, on a basis subordinate to Metro's existing General Revenue Bonds, or any other available source of Metro's revenues, in each case as specified in a resolution adopted by a majority of Metro's Board of Directors. The maximum bonded indebtedness, including issuance costs, interest, reserve requirements and bond insurance, shall not exceed the total amount of the Gross Sales Tax. Nothing herein shall limit or restrict in any way the power and authority of Metro to issue bonds, notes or other obligations, to enter into loan agreements, leases, reimbursement agreements, standby bond purchase agreements, interest rate swap agreements or other derivative contracts or to engage in any other transaction under the Government Code, the Public Utilities Code or any other law.

b. The Metro Board of Directors shall adopt guidelines regarding the issuance of bonds and the incurrence of other obligations pursuant to this Section 12. The guidelines shall, at a minimum, establish methods for taking into account (a) the expenditure of proceeds of such bonds and other obligations and (b) the payment of debt service and other amounts with respect to such bonds and other obligations, for purposes of meeting the program expenditure requirements of Section 7 hereof.

SECTION 13. APPROPRIATIONS LIMIT

Article XIIIB of the California Constitution requires certain governmental entities to establish an annual appropriations limit. This appropriations limit is subject to adjustment as provided by law. To the extent required by law, Metro shall establish an annual appropriations limit and expenditures of the retail transactions and use tax shall be subject to such limit.

SECTION 14. ELECTION

Pursuant to California Public Utilities Code Section 130350.7(d), Metro hereby calls a special election to place this Ordinance before the voters. The ballot language shall read as follows:

Los Angeles County Traffic Improvement Plan.

To improve freeway traffic flow/safety; repair potholes/sidewalks; repave local streets; earthquake retrofit bridges; synchronize signals; keep senior/disabled/student fares affordable; expand rail/subway/bus systems; improve job/school/airport connections; and create jobs; shall voters authorize a Los Angeles County Traffic Improvement Plan through a ½ ¢ sales tax and continue the existing ½ ¢ traffic relief tax until voters decide to end it, with independent audits/oversight and funds controlled locally?

SECTION 15. EFFECTIVE DATE

a. This Ordinance shall be effective on January 1, 2017, if:

1. Two-thirds (2/3) of the voters voting on the measure vote to approve this Ordinance at the statewide general election scheduled for November 8, 2016; and

2. No California state statute that requires Metro to provide funding from revenues derived from the Sales Tax imposed pursuant to this Ordinance for any project or program other than those in the Expenditure Plan, or provide a level of funding greater than described in the Expenditure Plan, or on a different schedule than described in the Expenditure Plan, is adopted by the California Legislature subsequent to the adoption of this Ordinance by the Metro Board of Directors and becomes law.

SECTION 16. SEVERABILITY

If any tax or provision of this Ordinance is for any reason held invalid or unenforceable by a court of competent jurisdiction, that holding shall not affect the validity or enforceability of the remaining taxes or provisions, and Metro declares that it would have passed each part of this Ordinance irrespective of the validity of any other part.

Los Angeles County Transportation Expenditure Plan
Outline of Expenditure Categories
Fiscal Year (FY) 2018 - 2057, Escalated Dollars
(millions)

ATTACHMENT A

Subfund	Program	% of Sales Tax (net of Admin)	First Year Amount (FY 2018)	FY 2018 - FY 2032 (15 Years)	FY 2033 - FY 2047 (15 Years)	FY 2048 - FY 2057 (10 Years)	FY 2018 - FY 2057 (40 Years)
Transit Operating & Maintenance	Metro Rail Operations [1]	5%	$ 42	$ 850	$ 2,320	$ 2,810	$ 5,980
	Transit Operations [2] (Metro & Municipal Providers)	20%	$ 169	$ 3,400	$ 9,280	$ 11,240	$ 23,920
	ADA Paratransit for the Disabled; Metro Discounts for Seniors and Students	2%	$ 17	$ 340	$ 930	$ 1,120	$ 2,390
Transit, First/Last Mile (Capital)	Transit Construction (Includes System Connectivity Projects - Airports, Union Station, and Countywide BRT)	35%	$ 296	$ 5,960	$ 16,230	$ 19,670	$ 41,860
	Metro State of Good Repair [5]	2%	$ 17	$ 340	$ 930	$ 1,120	$ 2,390
Highway, Active Transportation, Complete Streets (Capital)	Highway Construction (includes System Connectivity Projects - Ports, Highway Congestion Programs, Goods Movement)	17%	$ 144	$ 2,890	$ 7,880	$ 9,560	$ 20,330
	Metro Active Transportation Program (Bicycle, Pedestrian, Complete Streets)	2%	$ 17	$ 340	$ 930	$ 1,120	$ 2,390
Local Return / Regional Rail	Local Return - Base [3] (Local Projects and Transit Services)	16%	$ 136	$ 2,720	$ 7,420	$ 8,990	$ 19,130
	Local Return / Regional Rail (Beginning FY 2040) [4]				*3% / 1%* → *$ 690*	*$ 2,240*	*$ 2,930*
	Regional Rail	1%	$ 8	$ 170	$ 460	$ 560	$ 1,200
TOTAL PROGRAMS			**$ 847**	**$ 17,010**	**$ 46,380**	**$ 56,190**	**$ 119,590**
Administration /Local Return	0.5% for Administration	0.5%	$ 4	$ 85	$ 230	$ 280	$ 600
	1.0% Local Return [3]	1.0%	$ 8	$ 170	$ 460	$ 560	$ 1,200
GRAND TOTAL			**$ 860**	**$ 17,265**	**$ 47,070**	**$ 57,030**	**$ 121,390**

1. Funds are eligible to be used for Metro Rail State of Good Repair.
2. Funds are eligible to be used for Metro State of Good Repair.
3. 1% Administration to supplement Local Return, **increasing the Local Return-Base to 17% of net revenues**.
4. To be funded by Highway/Transit Capital Subfunds in FY 2040 and beyond.
5. The Metro Board of Directors will prioritize the Wardlow Grade Separation project to receive new funding and/or grants and assign this project to be included in Metro's State of Good Repair program.

All totals are rounded; numbers presented in this document may not always add up to the totals provided.
Based on January 2016 revenue projections.

Los Angeles County Transportation Expenditure Plan

(2015 $ in thousands)

ATTACHMENT A

Groundbreaking Sequence
(Exceptions Noted)

For Reference Only	Project (Final Project to be Defined by the Environmental Process)	Notes	Schedule of Funds Available		Subregion*	2016 - 2067 Local, State, Federal, Other Funding 2015$	Measure __ Funding 2015$	Most Recent Cost Estimate 2015$**	Modal Code
			Ground-breaking Start Date‡	Expected Opening Date (3 year range)					
	Expenditure Plan Major Projects			1st yr of Range					
1	Airport Metro Connect 96th St. Station/Green Line Ext LAX ®	a,p	FY 2018	CY 2021	sc	$233,984	$347,016	$581,000	T
2	Westside Purple Line Extension Section 3 ®	b	FY 2018	FY 2024	w	$986,139	$994,251	$1,980,390	T
3	High Desert Multi-Purpose Corridor (HDMC)®	q	FY 2019	FY 2021	nc	$100,000	$170,000	$270,000	H
4	I-5 N Cap. Enhancements (SR-14 to Lake Hughes Rd) ®		FY 2019	FY 2023	nc	$544,080	$240,000	$784,080	H
5	Gold Line Foothill Extension to Claremont ®	c	FY 2019	FY 2025	sg	$78,000	$1,019,000	$1,097,000	T
6	Orange Line BRT Improvements	n	FY 2019	FY 2025	sf	$0	$286,000	$286,000	T
7	BRT Connector Orange/Red Line to Gold Line	o	FY 2020	FY 2022	av	$0	$240,300	$240,300	T
8	BRT Connector Orange/Red Line to Gold Line	o	FY 2020	FY 2022	sf	$0	$26,700	$26,700	T
9	East SF Valley Transit Corridor Project ®	d	FY 2021	FY 2027	sf	$520,500	$810,500	$1,331,000	T
10	West Santa Ana Transit Corridor LRT ®	b,d	FY 2022	FY 2028	gc	$500,000	$535,000	$1,035,000	T
11	Crenshaw/LAX Track Enhancement Project	e,p	FY 2022	FY 2026	sc	$0	$49,599	$49,599	T
12	SR-71 Gap from I-10 to Rio Rancho Rd.		FY 2022	FY 2026	sg	$26,443	$248,557	$275,000	H
13	LA River Waterway & System Bikepath		FY 2023	FY 2025	cc	$0	$365,000	$365,000	H
14	Complete LA River Bikepath		FY 2023	FY 2025	sf	$0	$60,000	$60,000	H
15	Sepulveda Pass Transit Corridor (Ph 1) ®	b,f	FY 2024	FY 2026	sf	$0	$130,000	$130,000	H
16	Sepulveda Pass Transit Corridor (Ph 1) ®	b,f	FY 2024	FY 2026	w	$0	$130,000	$130,000	H
17	Vermont Transit Corridor	o	FY 2024	FY 2028	cc	$400,000	$25,000	$425,000	T
18	SR-57/SR-60 Interchange Improvements	d	FY 2025	FY 2031	sg	$565,000	$205,000	$770,000	H
19	Green Line Extension to Crenshaw Blvd in Torrance ®	d,g	FY 2026	FY 2030	sb	$272,000	$619,000	$891,000	T
20	I-710 South Corridor Project (Ph 1) ®	d,h	FY 2026	FY 2032	gc	$150,000	$250,000	$400,000	H
21	I-105 Express Lane from I-405 to I-605	p	FY 2027	FY 2029	sc	$0	$175,000	$175,000	H
22	Sepulveda Pass Transit Corridor (Ph 2) ®	b	FY 2024	FY 2033	sf	$1,567,000	$1,270,000	$2,837,000	T
23	Sepulveda Pass Transit Corridor (Ph 2) ®	b	FY 2024	FY 2033	w	$1,567,000	$1,270,000	$2,837,000	T
24	Gold Line Eastside Extension (One Alignment) ®	d	FY 2029	FY 2035	gc	$957,000	$543,000	$1,500,000	T
25	Gold Line Eastside Extension (One Alignment) ®	d	FY 2029	FY 2035	sg	$957,000	$543,000	$1,500,000	T
26	West Santa Ana Transit Corridor LRT ®	r	FY 2022	FY 2041	cc	$1,082,500	$400,000	$1,482,500	T
27	West Santa Ana Transit Corridor LRT ®	r	FY 2022	FY 2041	gc	$982,500	$500,000	$1,482,500	T
28	I-710 South Corridor Project (Ph 2) ®		FY 2032	FY 2041	gc	$658,500	$250,000	$908,500	H
29	I-5 Corridor Improvements (I-605 to I-710)		FY 2036	FY 2042	gc	$46,060	$1,059,000	$1,105,060	H
30	Crenshaw Northern Extension	i	FY 2041	FY 2047	cc	$495,000	$1,185,000	$1,680,000	T
31	Crenshaw Northern Extension	i	FY 2041	FY 2047	w	$0	$560,000	$560,000	T
32	I-405/I-110 Int. HOV Connect Ramps & Intrchng Improv ®		FY 2042	FY 2044	sb	$0	$250,000	$250,000	H
33	I-605/I-10 Interchange		FY 2043	FY 2047	sg	$472,400	$126,000	$598,400	H
34	SR 60/I-605 Interchange HOV Direct Connectors		FY 2043	FY 2047	sg	$360,600	$130,000	$490,600	H
35	Lincoln Blvd BRT	l,o	FY 2043	FY 2047	w	$0	$102,000	$102,000	T
36	I-110 Express Lane Ext South to I-405/I-110 Interchange		FY 2044	FY 2046	sb	$228,500	$51,500	$280,000	H
37	I-405 South Bay Curve Improvements		FY 2045	FY 2047	sb	$250,840	$150,000	$400,840	H
38	Green Line Eastern Extension (Norwalk)	p	FY 2046	FY 2052	sc	$570,000	$200,000	$770,000	T
39	SF Valley Transportation Improvements	m	FY 2048	FY 2050	sf	$0	$106,800	$106,800	T
40	Sepulveda Pass Westwood to LAX (Ph 3)	p	FY 2048	FY 2057	sc	$3,800,000	$65,000	$3,865,000	T
41	Orange Line Conversion to Light Rail		FY 2051	FY 2057	sf	$1,067,000	$362,000	$1,429,000	T
42	City of San Fernando Bike Master Plan		FY 2052	FY 2054	sf	$0	$5,000	$5,000	H
43	Historic Downtown Streetcar		FY 2053	FY 2057	cc	$0	$200,000	$200,000	T
44	Gold Line Eastside Ext. Second Alignment	p	FY 2053	FY 2057	sc	$110,000	$2,890,000	$3,000,000	T
45	High Desert Multi-Purpose Corridor - LA County Segment	p	FY 2063	FY 2067	sc	$32,982	$1,845,718	$1,878,700	H
46	**Expenditure Plan Major Projects Subtotal**					**$19,581,027**	**$20,989,941**	**$40,570,969**	

Footnotes on following page.

** The most recent cost estimate equals the accelerated cost. Prior year expenses included in all project costs.

Los Angeles County Transportation Expenditure Plan

(2015 $ in thousands)

ATTACHMENT A

Groundbreaking Sequence
(Exceptions Noted)

For Reference Only	Project (Final Project to be Defined by the Environmental Process)	Notes	Schedule of Funds Available: Ground-breaking Start Date‡	Schedule of Funds Available: Expected Opening Date (3 year range)	Subregion*	2016 - 2067 Local, State, Federal, Other Funding 2015$	Measure — Funding 2015$	Most Recent Cost Estimate 2015$**	Modal Code
	Multi-Year Subregional Programs			1st yr of Range					
47	Metro Active Transport, Transit 1st/Last Mile Program	p	FY 2018	FY 2057	sc	$0	$857,500	$857,500	H
48	Visionary Project Seed Funding	p	FY 2018	FY 2057	sc	$0	$20,000	$20,000	T
49	Street Car and Circulator Projects	k,p	FY 2018	FY 2022	sc	$0	$35,000	$35,000	T
50	Transportation System and Mobility Improve. Program		FY 2018	FY 2032	sb	$0	$293,500	$293,500	H
51	Active Transportation 1st/Last Mile Connections Prog.		FY 2018	FY 2057	w	$0	$361,000	$361,000	H
52	Active Transportation Program		FY 2018	FY 2057	nc	$0	$264,000	$264,000	H
53	Active Transportation Program		FY 2018	FY 2057	gc	$0	TBD	TBD	H
54	Active Transportation Program (Including Greenway Proj.)		FY 2018	FY 2057	sg	$0	$231,000	$231,000	H
55	Active Transportation, 1st/Last Mile, & Mobility Hubs		FY 2018	FY 2057	cc	$0	$215,000	$215,000	H
56	Active Transportation, Transit, and Tech. Program		FY 2018	FY 2032	lvm	$0	$32,000	$32,000	T
57	Highway Efficiency Program		FY 2018	FY 2032	lvm	$0	$133,000	$133,000	H
58	Bus System Improvement Program		FY 2018	FY 2057	sg	$0	$55,000	$55,000	T
59	First/Last Mile and Complete Streets		FY 2018	FY 2057	sg	$0	$198,000	$198,000	H
60	Highway Demand Based Prog. (HOV Ext. & Connect.)		FY 2018	FY 2057	sg	$0	$231,000	$231,000	H
61	I-605 Corridor "Hot Spot" Interchange Improvements ®		FY 2018	FY 2057	gc	$240,000	$1,000,000	$1,240,000	H
62	Modal Connectivity and Complete Streets Projects		FY 2018	FY 2057	av	$0	$202,000	$202,000	H
63	South Bay Highway Operational Improvements		FY 2018	FY 2057	sb	$600,000	$500,000	$1,100,000	H
64	Transit Program		FY 2018	FY 2057	nc	$500,000	$88,000	$588,000	T
65	Transit Projects		FY 2018	FY 2057	av	$0	$257,100	$257,100	T
66	Transportation System and Mobility Improve. Program		FY 2018	FY 2057	sb	$0	$350,000	$350,000	H
67	North San Fernando Valley Bus Rapid Transit Improvements	p,s	FY 2019	FY 2023	sc	$0	$180,000	$180,000	T
68	Subregional Equity Program	p,s	FY 2018	FY 2057	sc	TBD	TBD	$1,196,000	T/H
69	Countywide BRT Projects Ph 1 (All Subregions)	l,p	FY 2020	FY 2022	sc	$0	$50,000	$50,000	T
70	Countywide BRT Projects Ph 2 (All Subregions)	l,p	FY 2030	FY 2032	sc	$0	$50,000	$50,000	T
71	Active Transportation Projects		FY 2033	FY 2057	av	$0	$136,500	$136,500	H
72	Los Angeles Safe Routes to School Initiative		FY 2033	FY 2057	cc	$0	$250,000	$250,000	H
73	Multimodal Connectivity Program		FY 2033	FY 2057	nc	$0	$239,000	$239,000	H
74	Countywide BRT Projects Ph 3 (All Subregions)	l,p	FY 2040	FY 2042	sc	$0	$50,000	$50,000	T
75	Arterial Program		FY 2048	FY 2057	nc	$0	$726,130	$726,130	H
76	BRT and 1st/Last Mile Solutions e.g. DASH		FY 2048	FY 2057	cc	$0	$250,000	$250,000	T
77	Freeway Interchange and Operational Improvements		FY 2048	FY 2057	cc	$0	$195,000	$195,000	H
78	Goods Movement (Improvements & RR Xing Elim.)		FY 2048	FY 2057	sg	$0	$33,000	$33,000	T
79	Goods Movement Program		FY 2048	FY 2057	nc	$0	$104,000	$104,000	T
80	Goods Movement Projects		FY 2048	FY 2057	av	$0	$81,700	$81,700	T
81	Highway Efficiency Program		FY 2048	FY 2057	nc	$0	$128,870	$128,870	H
82	Highway Efficiency Program		FY 2048	FY 2057	sg	$0	$534,000	$534,000	H
83	Highway Efficiency, Noise Mitig. and Arterial Projects		FY 2048	FY 2057	av	$0	$602,800	$602,800	H
84	ITS/Technology Program (Advanced Signal Tech.)		FY 2048	FY 2057	sg	$0	$66,000	$66,000	H
85	LA Streetscape Enhance. & Great Streets Program		FY 2048	FY 2057	cc	$0	$450,000	$450,000	H
86	Modal Connectivity Program		FY 2048	FY 2057	lvm	$0	$68,000	$68,000	H
87	Public Transit State of Good Repair Program		FY 2048	FY 2057	cc	$0	$402,000	$402,000	T
88	Traffic Congestion Relief and Improvement Program		FY 2048	FY 2057	lvm	$0	$63,000	$63,000	H
89	Traffic Congestion Relief/Signal Synchronization		FY 2048	FY 2057	cc	$0	$50,000	$50,000	H
90	Arroyo Verdugo Projects to be Determined		FY 2048	FY 2057	av	$0	$110,600	$110,600	H
91	Countywide BRT Projects Ph 4 (All Subregions)	p	FY 2050	FY 2052	sc	$90,000	$10,000	$100,000	T
92	Countywide BRT Projects Ph 5 (All Subregions)	p	FY 2060	FY 2062	sc	$0	$100,000	$100,000	T
93	**Multi-Year Subregional Programs Subtotal**					**$1,430,000**	**$10,253,700**	**$12,879,700**	
94	**GRAND TOTAL**					**$21,011,027**	**$31,243,641**	**$53,450,669**	

Footnotes on following page.

** The most recent cost estimate equals the accelerated cost. Prior year expenses included in all project costs.

Los Angeles County Transportation Expenditure Plan

(2015 $ in thousands)

ATTACHMENT A
Groundbreaking Sequence
(Exceptions Noted)

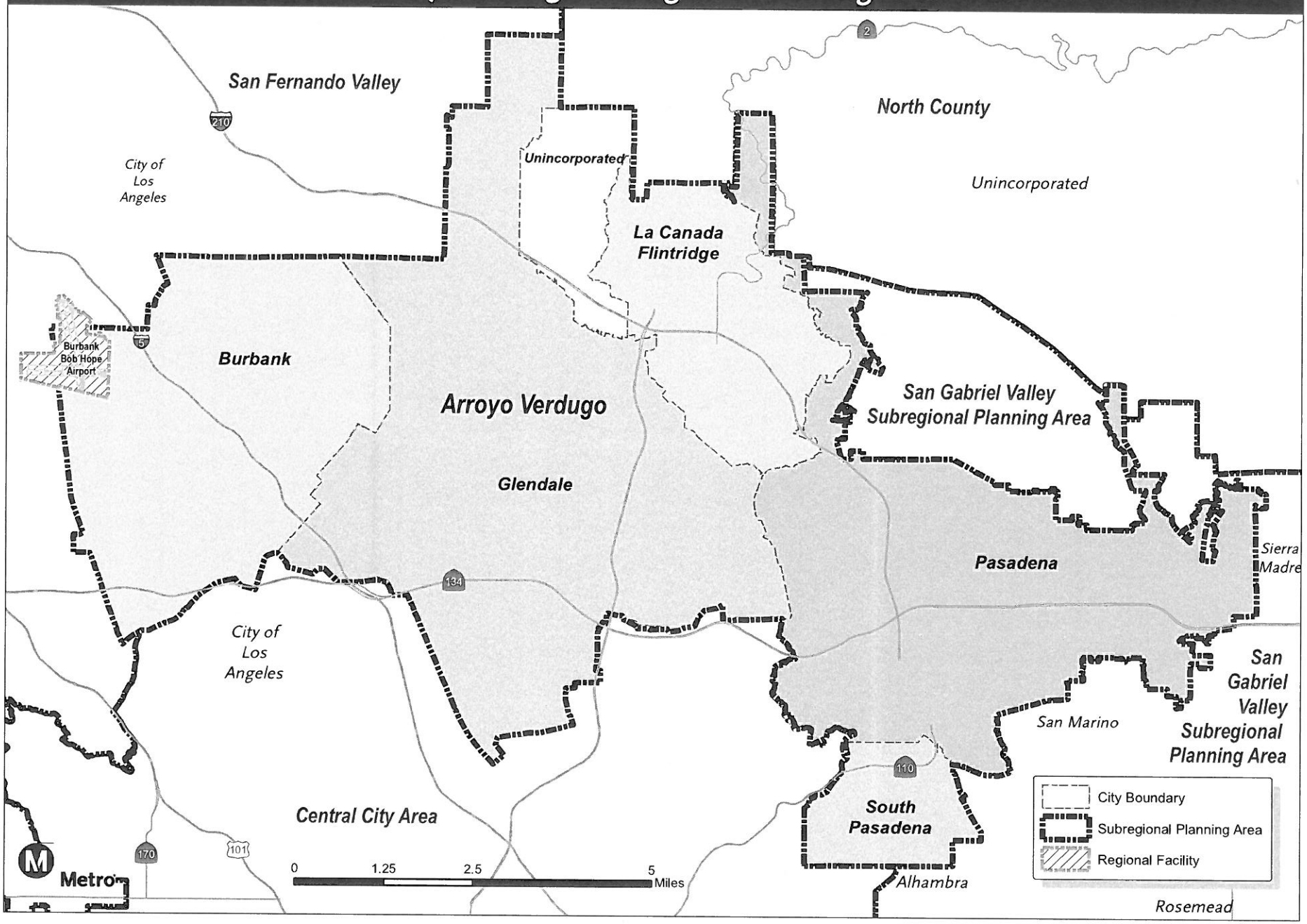
Footnotes:

a. Interface station to LAX sponsored Automated People Mover includes an extended Green Line terminus and a consolidated bus interface for 13 Metro and Municipal bus lines. Bicycle, passenger, and other amenities are also included.
b. Project acceleration based on high performance.
c. Identified as a priority per the Metro Board Motion in October 2009.
d. Project funded on LRTP schedule, per Dec. 2015 Board Policy.
e. Consistent with the Orange Line, no sooner than 15 years after the revenue operation date of the Crenshaw/LAX project, Metro will consider, as transportation system performance conditions warrant, grade separation and/or undergrounding of the Crenshaw/LAX Line (including the Park Mesa Heights section & Inglewood section of the project). These additional track enhancements, when warranted, will be eligible for funding through the decennial comprehensive review process in the Ordinance.
f. Sepulveda Pass Ph. 1 from Orange Line/Van Nuys to Westwood includes early delivery of highway ExpressLane.
g. Studies will be completed to evaluate a future Green Line connection to the Blue Line (city of Long Beach). No capital funds from the Green Line to Torrance Project will be used for the studies.
h. I-710 South Project assumes an additional $2.8 billion of alternative revenue sources; not shown here with the cost or revenues for the project. The Shoemaker Bridge "Early Action" project is a priority project for these funds.
i. Council of Government descriptions vary for the "Crenshaw Northern Extension" project.
k. Lump sum would be provided in the first 5 years for initial capital costs only. Project sponsors responsible for ongoing operations & maintenance.
l. Acceleration of Lincoln BRT project eligible as Countywide BRT Program. Any funds freed up from accelerations returns to Countywide BRT Program.
m. SF Valley Transportation Improvements may include, but are not limited to, Transit Improvements, and I-210 soundwalls in Tujunga, Sunland, Shadow Hills and Lakeview Terrace.
n. Critical grade separation(s) will be implemented early through Operation Shovel Ready.
o. Conversion to LRT or HRT after FY 2067 included in expenditure plan based on ridership demand.
p. Funds for projects identified as "sc" that are not expended are only available for other System Connectivity Capital Projects.
q. Funding calculated based on estimated right-of-way acquisition costs; but can be repurposed for appropriate project uses, as approved by the MTA Board of Directors.
r. This project could start as early as FY 2028 and open as early as FY 2037 with Public-Private Partnership delivery methods.
s. This project will increase system connectivity in the North San Fernando Valley and the Metro Transit System. Environmental plan work shall begin no later than six months after passage of Measure __. To provide equivalent funding to each subregion other than the San Fernando Valley, the subregional equity program will be provided as early as possible to the following subregions in the amounts (in thousands) specified here: AV* $96,000; W* $160,000; CC* $235,000; NC* $115,000; LVM* $17,000; GC* $244,000; SG* $199,000; and SB* $130,000.

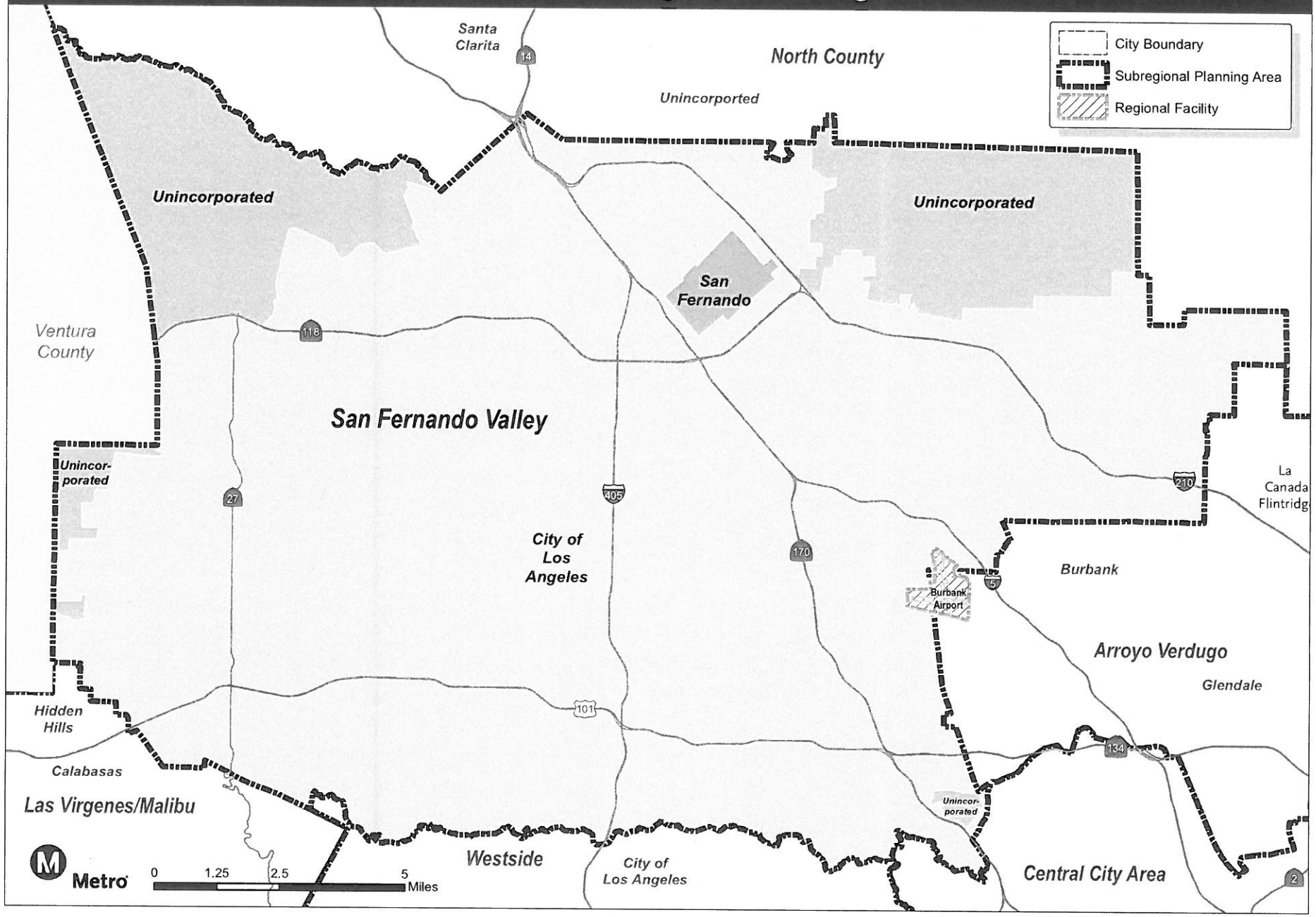
* Subregion Abbreviations:

sc = System Connectivity Projects (no subregion)	nc = North County	® Indicates Measure R-related Projects
av = Arroyo Verdugo	sb = South Bay	
lvm = Las Virgenes Malibu	w = Westside	CY = Calendar Year
cc = Central City Area	gc = Gateway Cities	FY = Fiscal Year
sg = San Gabriel Valley	sf = San Fernando Valley	YOE = Year of Expenditure

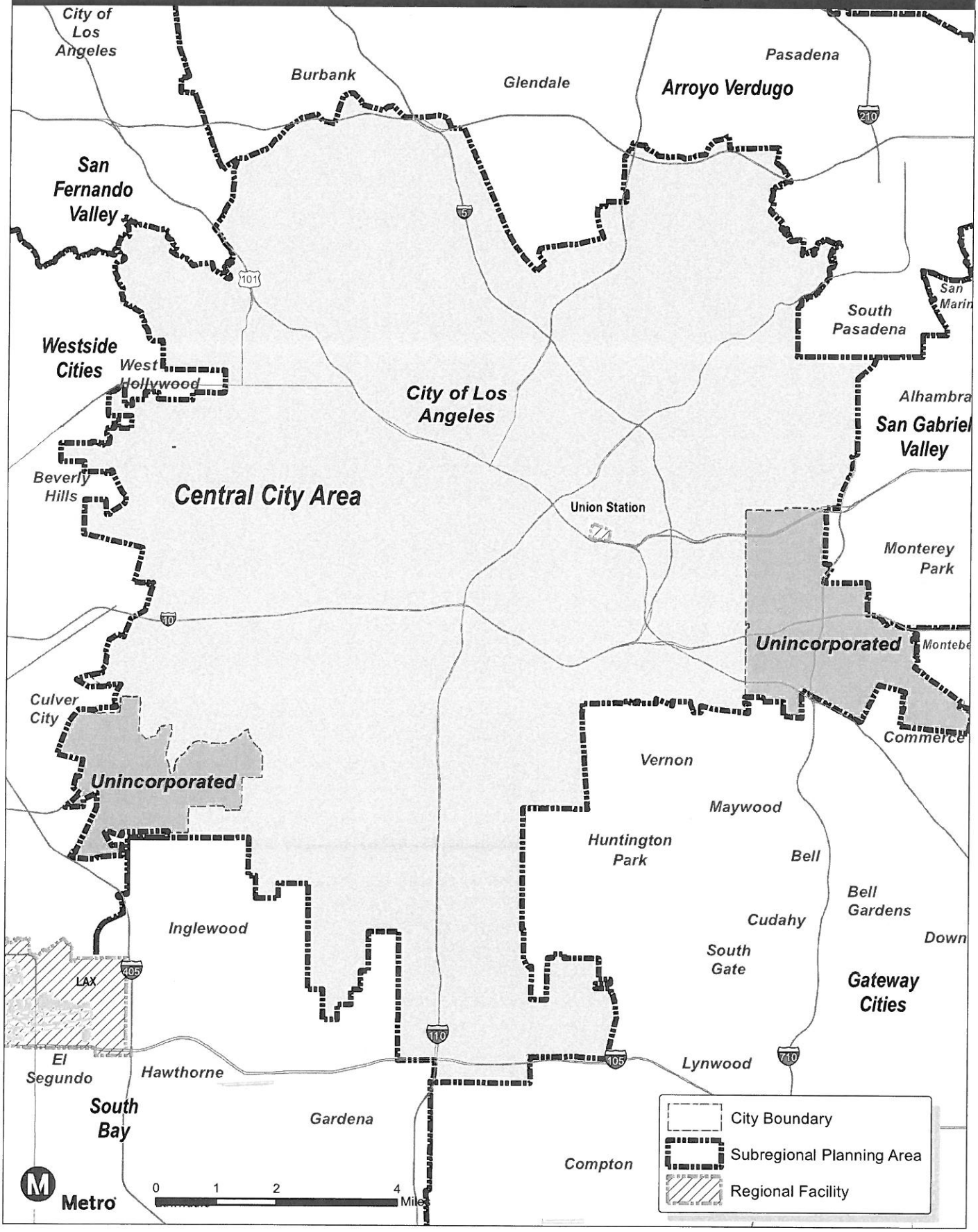
ATTACHMENT B - page 1 of 9
Arroyo Verdugo Subregional Planning Area



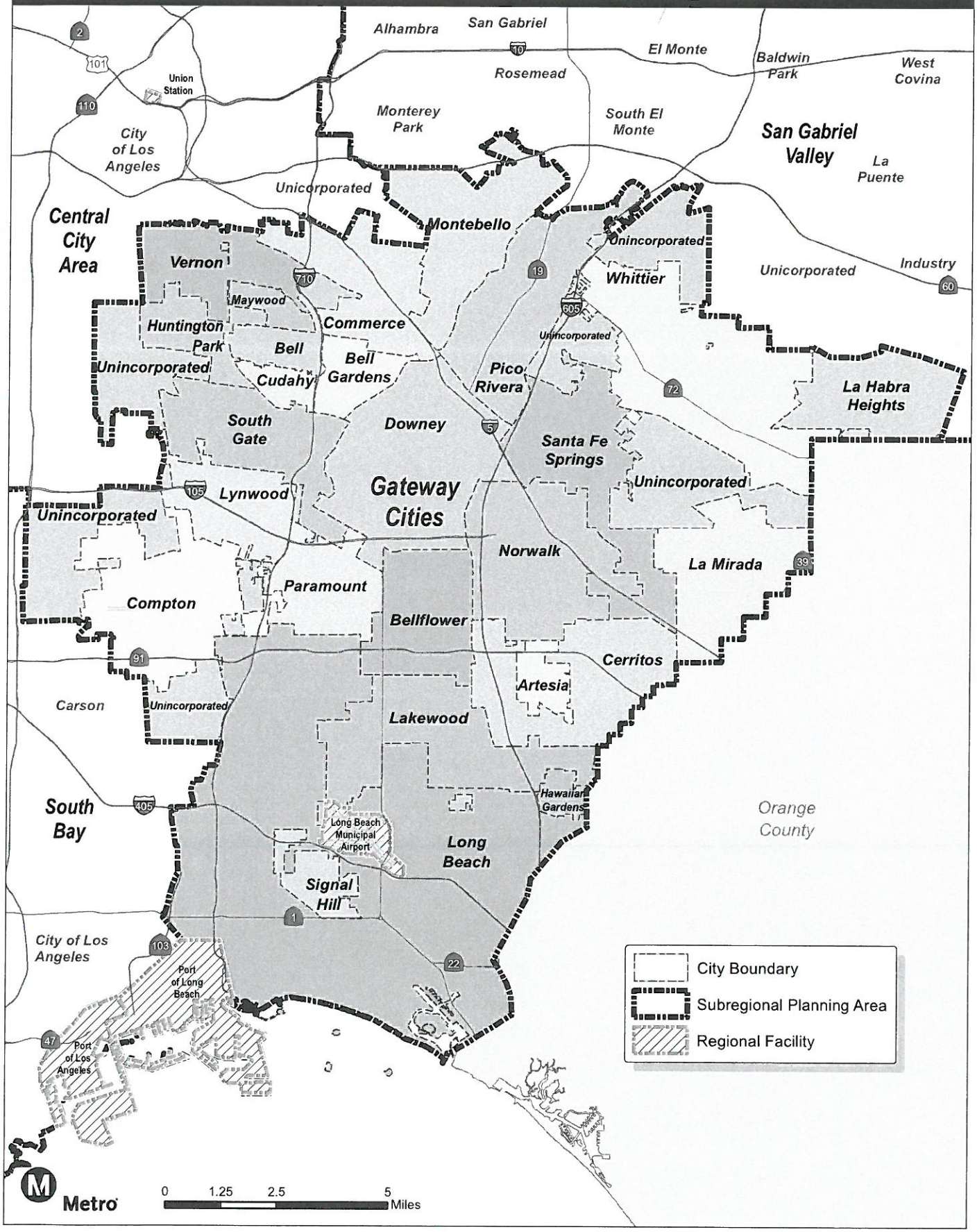
ATTACHMENT B - page 2 of 9
San Fernando Subregional Planning Area



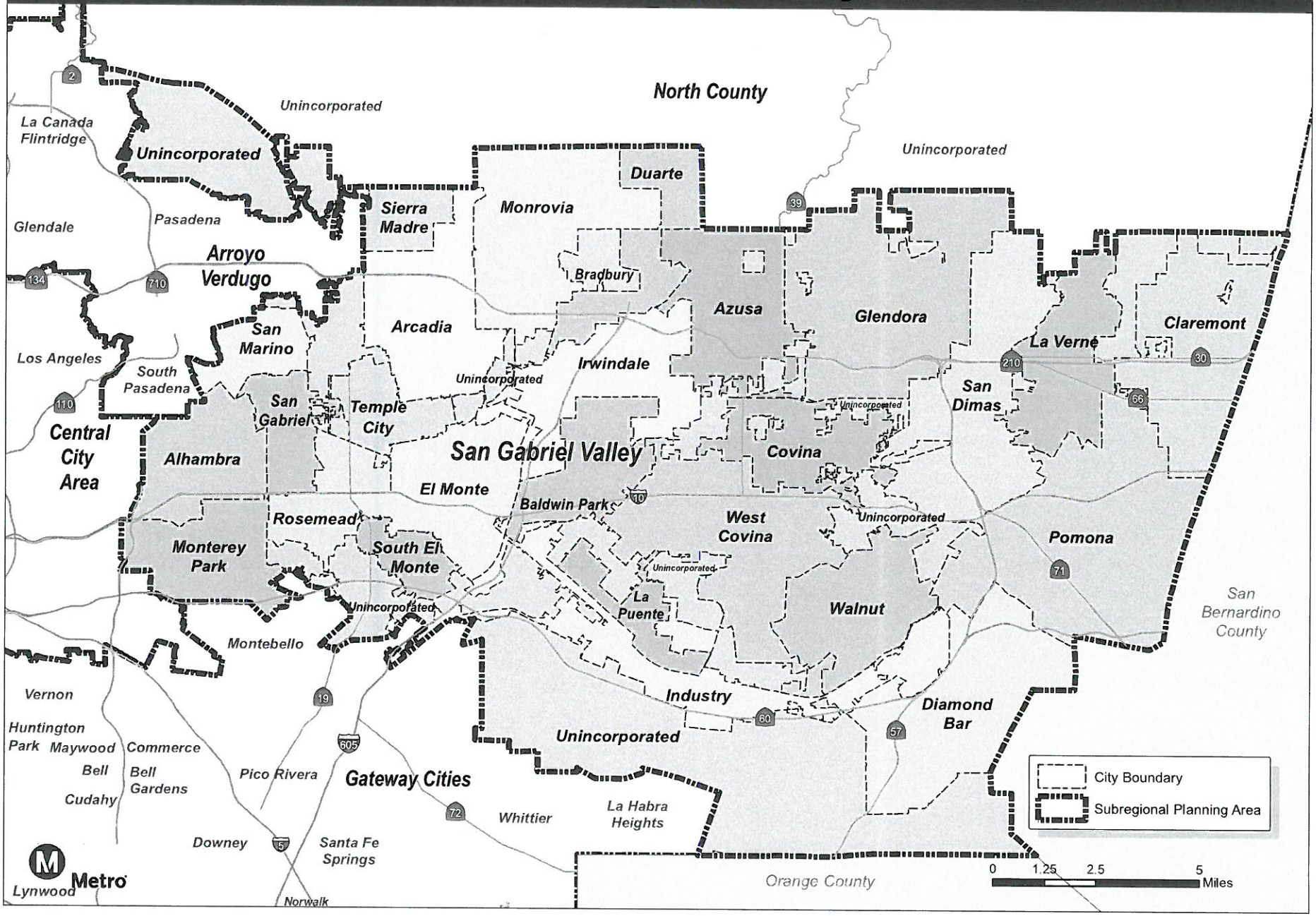
ATTACHMENT B - page 3 of 9
Central City Area Subregional Planning Area



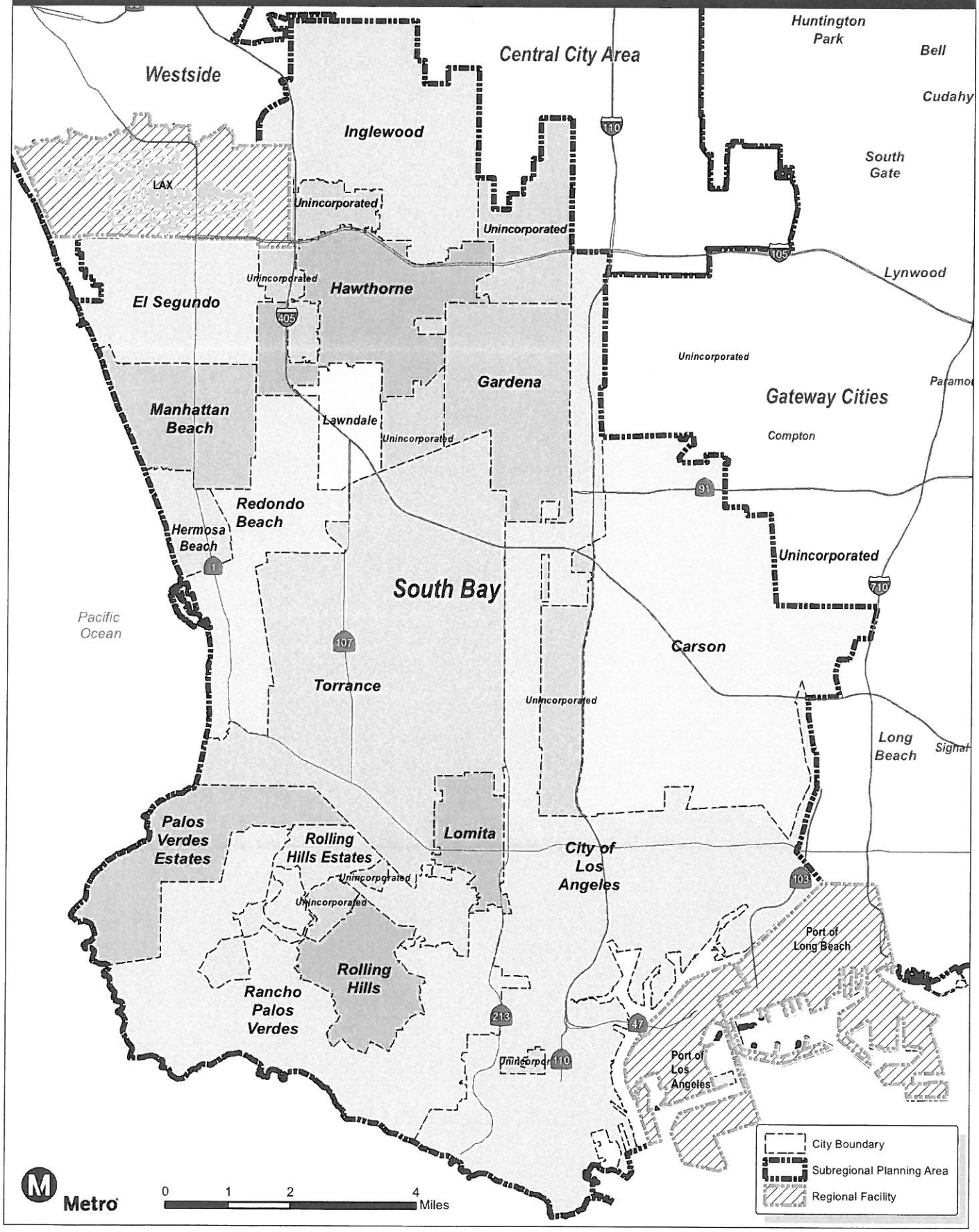
ATTACHMENT B - page 4 of 9
Gateway Cities Subregional Planning Area



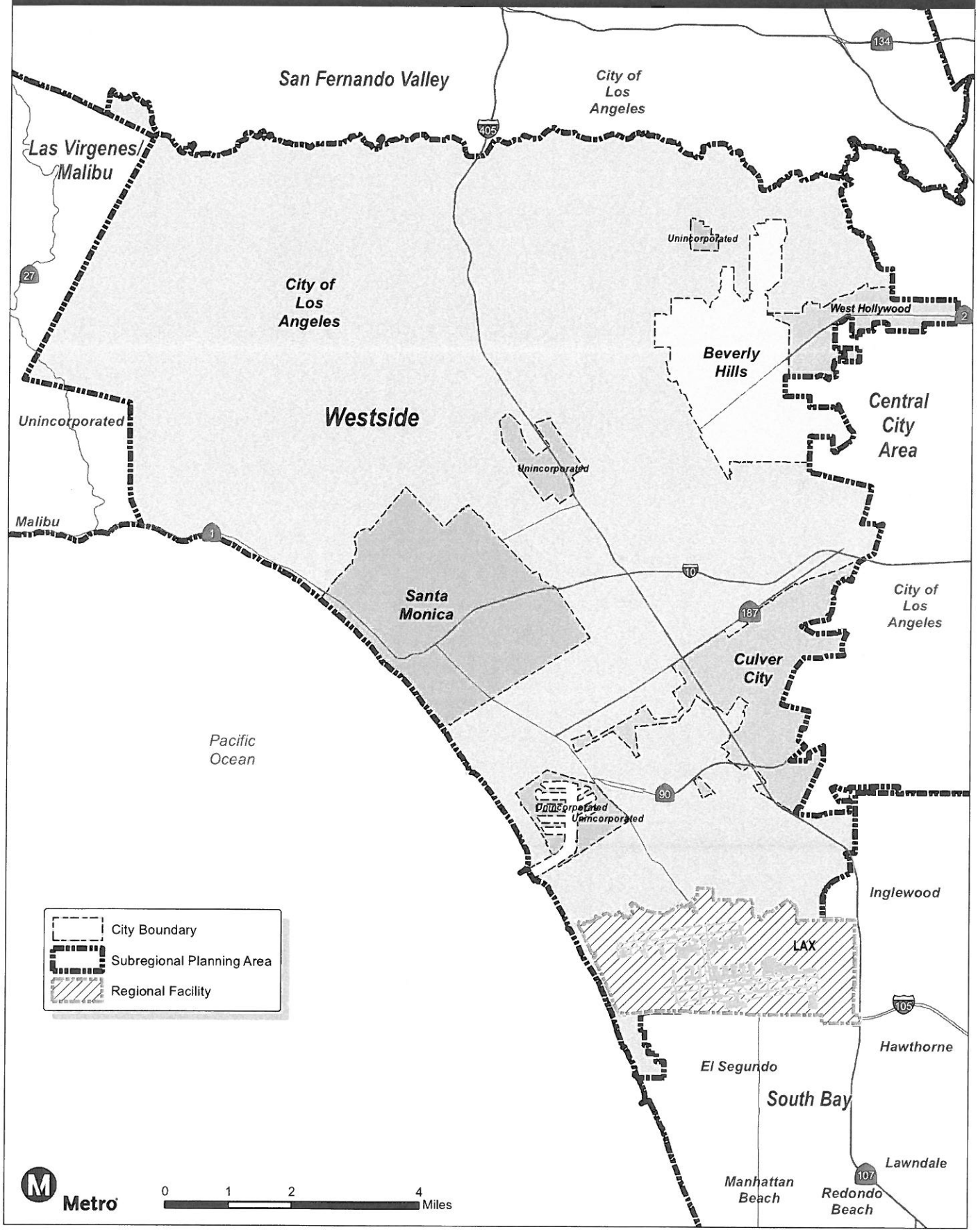
ATTACHMENT B - page 5 of 9
San Gabriel Subregional Planning Area



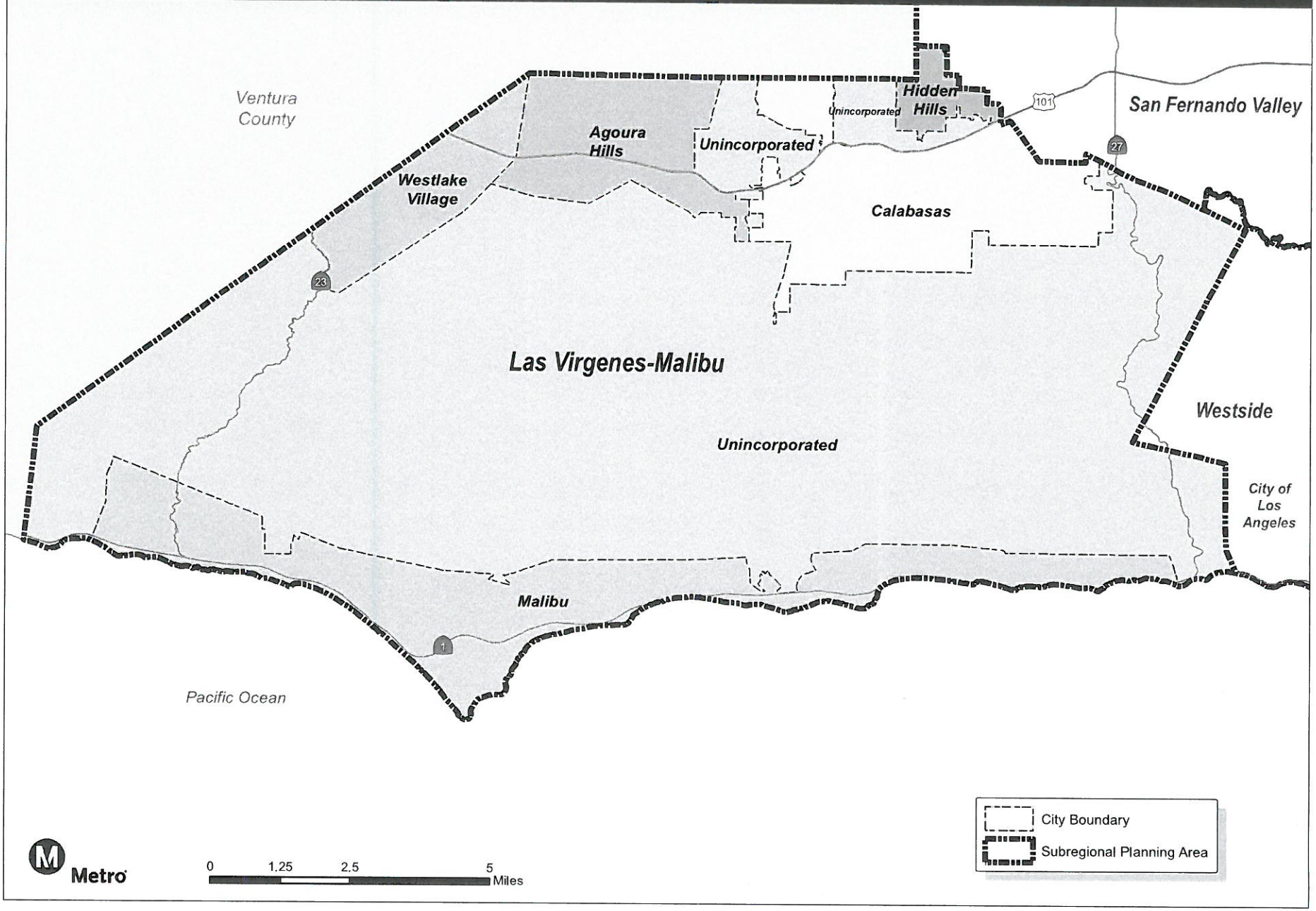
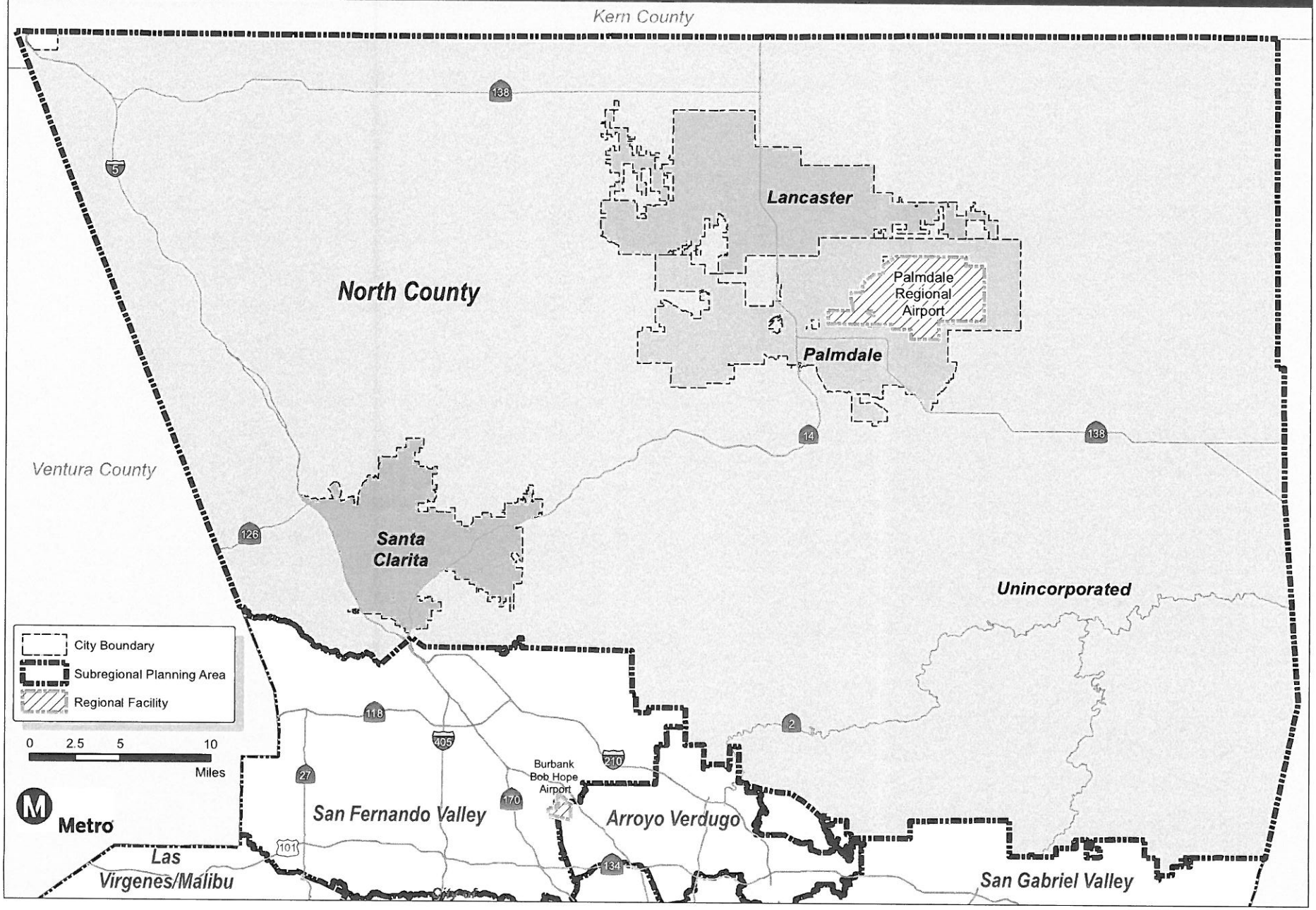
ATTACHMENT B - page 6 of 9
South Bay Subregional Planning Area



ATTACHMENT B - page 7 of 9
Westside Subregional Planning Area



ATTACHMENT B - page 8 of 9
Las Virgenes-Malibu Subregional Planning Area



ATTACHMENT B - page 9 of 9
North County Subregional Planning Area