



Joint Partnership Workshop

City Council, Capital Metro Board, ATP Board
Joint Work Session
October 4, 2021



Today's Agenda

1. Welcome
2. Public Comment
3. Partnership to Date (where we've come from)
4. October 29th Action Items and Joint Powers Agreement
5. Looking Ahead





Public Comment

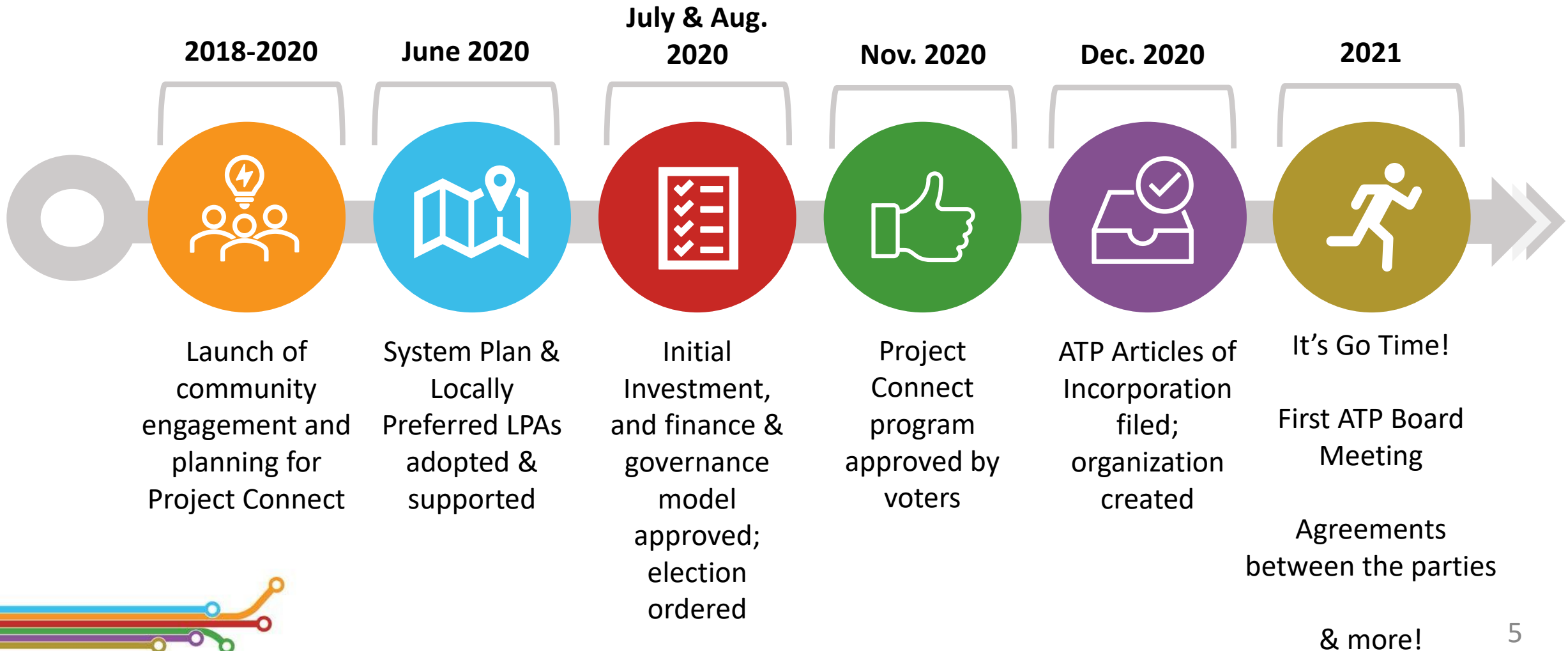




Partnership to Date (where we've come from)



Where we've come from



PROJECT CONNECT PROGRAM COMPONENTS:

PROJECT CONNECT – PROGRAM COMPONENTS

Orange Line – NLTC to Stassney Phase 1 (LRT), Enhanced MetroRapid

Blue Line – Riverside Corridor (LRT)

Gold Line – MetroRapid, NEPA completion for LRT

Downtown Tunnel (Orange, Blue Lines)

MetroRapid – Expo, Pleasant Valley, Burnet to Menchaca/Oak Hill

Green Line to Colony Park – NEPA, Final Design, Construction

Red Line Improvements

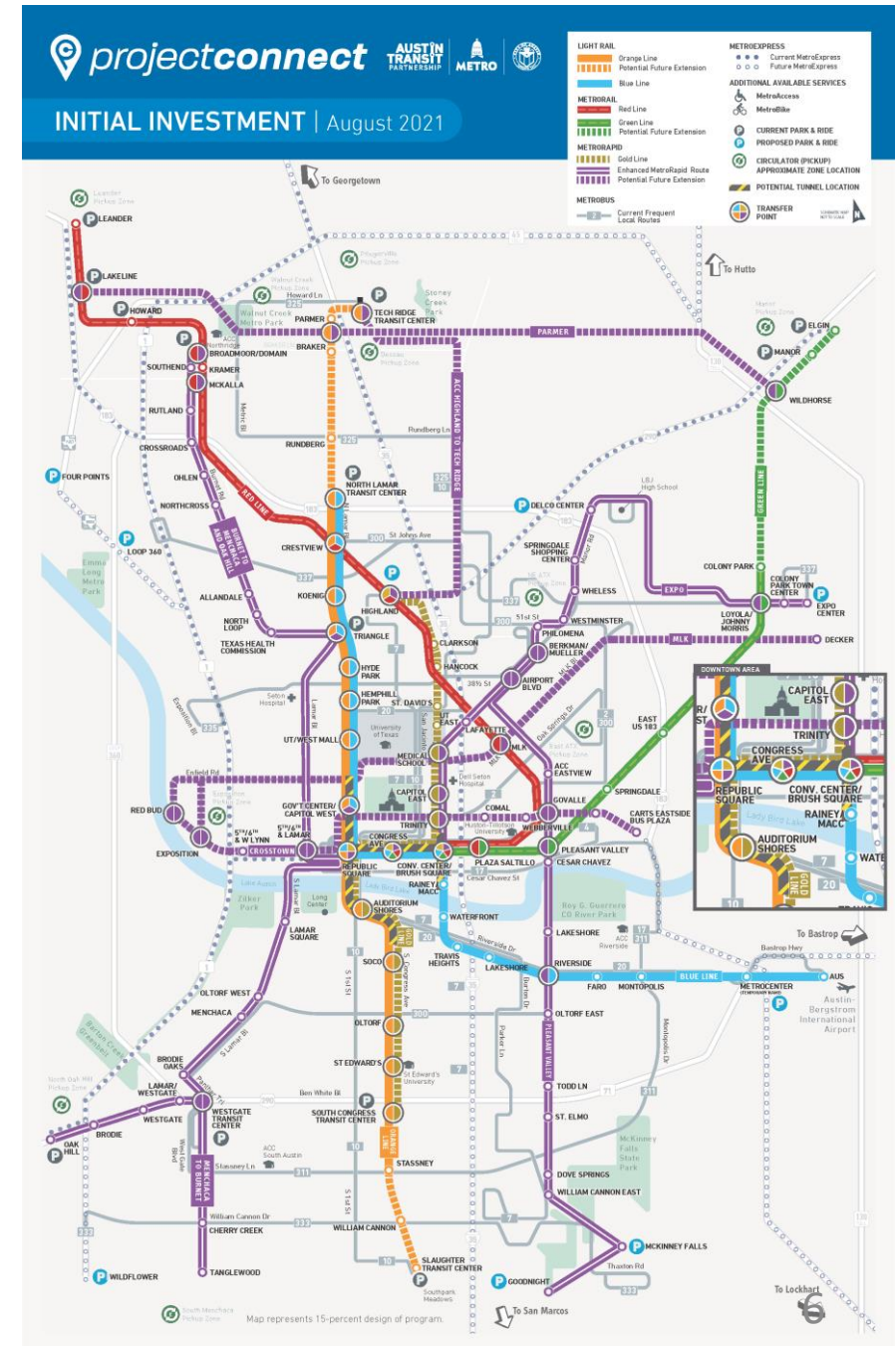
MetroExpress, Park & Rides, Transit Centers (3 New Routes, 9 P&R, 1 TC)

Neighborhood Circulators (15 New Zones / Vehicles)

Maintenance Facility Improvements

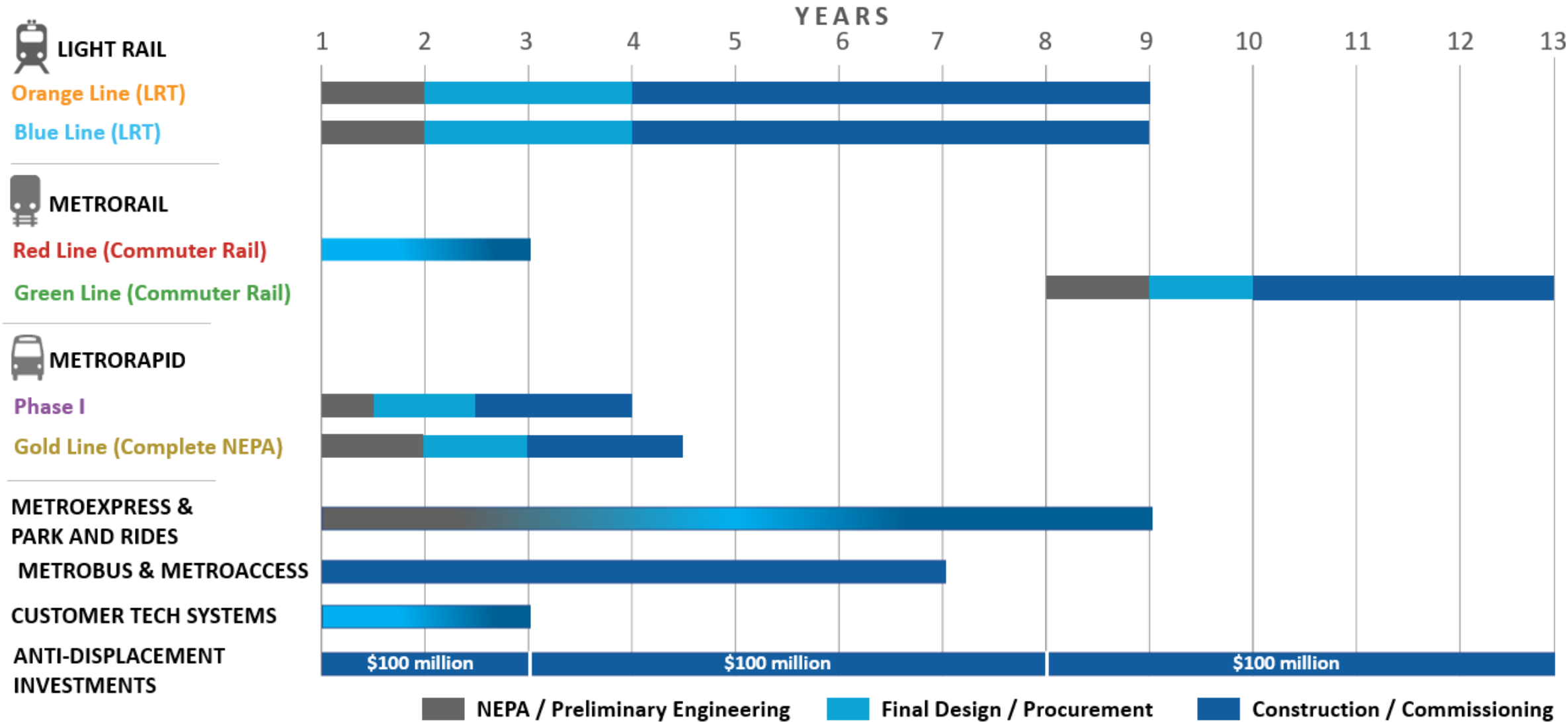
Customer Technology Systems

Anti-Displacement Investments



PROGRAM SEQUENCE PLAN

Years based on federal NEPA and funding approvals



Austin Transit Partnership Joint LGC



Integrated Program Delivery



Orange Line
Blue Line
Tunnel
Green Line - Phase 1
Facilities



MetroRapid
MetroExpress
Neighborhood
Circulators (Pickup)
Customer Tech
Red Line - Phase 1



Transit Supportive
Anti-Displacement
Investments
Utilities Relocations
Permitting
Right of Way, etc.





Joint Powers Agreement

October 29 Action



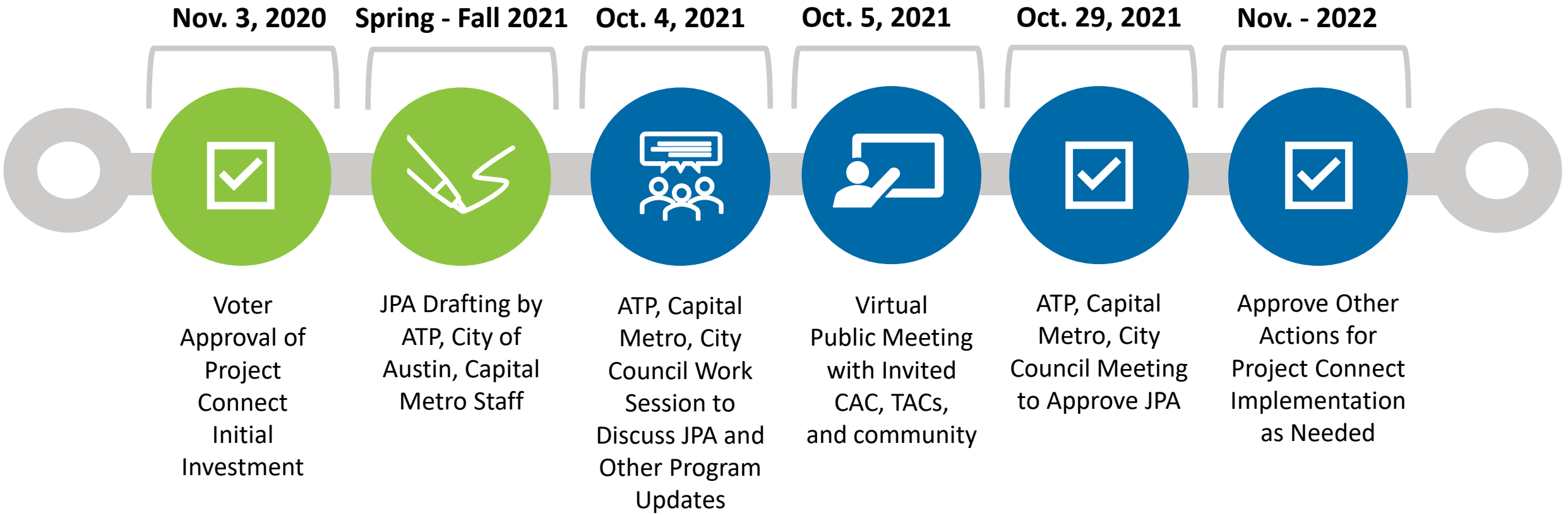
October 29 Action Item Summary

Components of our Partnership:

- **ATP Board Action:**
 - Resolution supporting COA staff direction & Predictability Ordinance
- **Capital Metro Board Action:**
 - Resolution supporting COA staff direction & Predictability Ordinance
- **City of Austin Action:**
 - Resolution directing staff regarding permitting and regulations
 - Predictability ordinance
- **Tri-Party Action:**
 - Joint Powers Agreement



JPA Timeline



JPA Actions to Date

Date	Purpose	Parties
August 2020	Interlocal agreement committing to the creation of the ATP local government corporation.	Capital Metro & City of Austin
December 2020	Joint resolutions creating the ATP, approving and adopting the corporations Articles of Incorporation and Bylaws, and appointing the initial Board (Articles of Incorporation were subsequently filed with the Attorney General's Office and Bylaws adopted by the ATP Board).	Capital Metro & City of Austin
December 2020	Amendment to the August 2020 Interlocal agreement related to the Project Connect Community Advisory Committee.	Capital Metro & City of Austin
January 2021	Interlocal agreement for Capital Metro to provide certain administrative and corporate support functions to ATP, and for Capital Metro to implement certain projects that are part of the Project Connect program.	Capital Metro & ATP
March 2021	Interlocal agreement to transfer funding from ATP to the City of Austin for the City of Austin's support in the implementation of the Project Connect transit program.	ATP & City of Austin
March 2021	Interlocal agreement to transfer funding from ATP to the City of Austin for transit-supportive anti-displacement programs, as required by the Contract with Voters.	ATP & City of Austin
July 2021	Interlocal agreement establishing procedures to transfer Proposition A revenue from the City to ATP to implement Project Connect, as required by the Contract with Voters	City of Austin & ATP

Documents with JPA Direction

As a commitment to the community and the partners, certain documents required elements or terms to be included in a Joint Powers Agreement between the City of Austin, Capital Metro and Austin Transit Partnership:

- City of Austin Contract with Voters (Aug. 2020)
- Capital Metro Community Commitment Resolution (Aug. 2020)
- Interlocal Agreement between the City of Austin and Capital Metro regarding ATP (Aug. 2020) and Creation of ATP Resolutions (Dec. 2020)







JPA Requirements Crosswalk

	COA Contract w/ Voters
	CapMetro Community Commitment Resolution
	Contract w/ Voters <u>AND</u> Community Commitment Resolution
	Aug. 2020 COA/CapMetro Interlocal

City of Austin Contract with Voters	Transfer tax revenue for FY 20-21 from City to ATP and establish a procedure to transfer tax revenue on an annual basis that provides a proportional amount.	Interlocal agreement between the City of Austin and ATP (July 2021).
Capital Metro Community Commitment Resolution	CapMetro to to dedicate the balance of the Capital Expansion Fund and certain revenue as long-term program contribution.	Interlocal agreement between Capital Metro and ATP; and CapMetro's FY22 Budget Approval, anticipated on September 27, 2021.
	CapMetro to transfer funds received from grant agreements with US DOT to ATP.	CapMetro submitted and was approved to enter into project development for MetroRapid Expo and Pleasant Valley lines, and Orange and Blue Line grant. CapMetro and ATP to develop and execute grant-specific ILAs upon FTA grant approval.
	CapMetro to continue design, construction and implementation and ongoing operation and maintenance of Project Connect in future fiscal years.	CapMetro's FY 21 and FY 22 budget includes various design and construction contracts to support the program. CapMetro participates in ATP design work to ensure operational readiness. Future ILAs for operations and maintenance will be necessary.





JPA Requirements Crosswalk

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	Contract w/ Voters AND Community Commitment Resolution
	Aug. 2020 COA/CapMetro Interlocal

Contract with Voters <u>and</u> Community Commitment Resolution	“A requirement that Austin Transit Partnership participate in the Better Builder Program® or a similar program with worker protections for all construction workers, including City of Austin hiring goals as allowed by federal law and regulations, completion of OSHA 10-hour training, workers' compensation, on-site monitoring independent of construction companies and their affiliates, and in compliance with all applicable state, federal, and local laws.”	ATP Board direction is anticipated at 10/20 Board Meeting directing these conditions in ATP construction contracts. CapMetro contracts have livable wage, workers compensation, OSHA training and requirement for on-site monitoring independent of construction companies.
	“A requirement that all contracts awarded by Austin Transit Partnership ensure a living wage as established by the City of Austin or prevailing wage under the Davis-Bacon Act for all workers under the contract, ensure access to healthcare and paid sick leave to the extent possible, and that local workers be afforded a hiring preference where allowed by federal law and regulation.”	ATP Board direction is anticipated at 10/20 Board Meeting directing these conditions in construction contracts. CapMetro MetroRapid contract contains livable wage requirement.







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Contract with Voters <u>and</u> Community Commitment Resolution	“A requirement that Austin Transit Partnership take steps to address potential impacts to businesses during construction through development and implementation of a business impact mitigation strategy that includes approaches for establishing robust business outreach and communications, supporting business access and operations, and creating effective project scheduling and sequencing that minimizes the length of construction impacts.”	Anticipated Board action on 10/20, directing staff to engage the community and businesses and develop a light rail construction mitigation program, to be approved by the ATP Board.
	“A requirement that Austin Transit Partnership develop a comprehensive program that meets the federal Disadvantaged Business Enterprise laws and regulations to ensure that maximum opportunities are available to women, minority, and veteran-owned businesses and small businesses to participate in Project Connect and related projects implemented by Austin Transit Partnership.”	<p>The ATP Board adopted a DBE goal during the September 2021 ATP Board meeting.</p> <p>CapMetro Board approved a resolution funding an availability and disparity study to assist CapMetro and ATP on DBE goal development for future procurement.</p> <p>DBE goals may be updated and brought back to ATP Board for approval, based on the study.</p>

JPA Requirements Crosswalk

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Aug. 2020 CapMetro / City Interlocal Agreement	ATP to present a management report at an annual joint meeting.	The first annual meeting will be held on October 29, 2021. The ATP Executive Director will work with the partners to schedule and deliver future annual meetings. The ATP Board is in the process of hiring an independent auditor that will report directly to the ATP Board.
	Further delineate roles and responsibilities of Community Advisory Committee.	The Project Connect CAC has formed, held meetings and adopted bylaws, based on City Council and Capital Metro Board direction via Amendment 1 to the ILA related to the CAC.



JPA Requirements Crosswalk

COA Contract w/ Voters





CapMetro Community Commitment Resolution

Contract w/ Voters AND Community Commitment Resolution

Aug. 2020 COA/CapMetro Interlocal

<div>Aug. 2020 CapMetro / City Interlocal Agreement</div>	<p>The JPA shall include roles and responsibilities included but not limited to the following:</p> <ol style="list-style-type: none"> 1. establishment of corporate functions, responsibility and costs; 2. financial policies; 3. funding allocations and procedures for use of funds for transit-supportive anti-displacement strategies related to the implementation of Project Connect; 4. term and conditions of appointment of the Capital Metro President & CEO as a succeeding Executive Director of the Joint LGC; 	<ol style="list-style-type: none"> 1. The 7 interlocal agreements executed to date established corporate functions, responsibility and the partners’ investment in the Project Connect program. The JPA will reference or restate these agreements as necessary. 2. As independent organizations, ATP, CapMetro and the City shall follow Board- or Council-approved financial policies related to procurements, expenditures, budgeting, etc. of Project Connect components under their responsibility. The JPA will include language relating to the annual review of the integrated financial model for opportunities to potentially accelerate or delay elements of the program. 3. Interlocal agreement between the City of Austin and ATP (March 2021). 4. The CapMetro Board approved extension of new contract w/ CapMetro CEO, which included the job duties and responsibilities of the ATP Executive Director, in December 2020. The CapMetro Board and ATP Board shall define terms & conditions under which the ATP Board will appoint succeeding Executive Directors and evaluate performance.
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JPA Requirements Crosswalk

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<p>Aug. 2020 CapMetro / City Interlocal Agreement</p>	<p>The JPA shall include roles and responsibilities included but not limited to the following:</p> <ul style="list-style-type: none"> 5. utility and right of way agreements; 6. design review and permitting standards; 7. development of a Disadvantaged Business Enterprise program consistent with federal laws and regulations; 8. development of worker safety and wage requirements; and 9. a community engagement process. 	<ul style="list-style-type: none"> 5. Staff are developing a utilities rules of practice (URoP); direction to use the URoP is included in the JPA. Additional partnership agreements related to right of way and real estate may be needed as the program progresses. 6. Concurrent action on Oct. 29 will include direction to staff regarding design review and permitting 7. DBE is covered above (see slide #4) 8. Worker safety and wage requirements are covered above (see slide #4) 9. The JPA includes language with principles and commitments related to community engagement for the program.
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Additional JPA Highlights:

- Formalizes Parties' commitments to continued transparent and accountable community engagement and communications, focusing on seeking out priority populations (*see section 3.2*)
- Establishes that the financial model and sequencing plan shall be updated and reviewed annually once the light rail project components reach 30% design (Spring 2022). (*see section 4.4.1*)
 - Findings will be presented during the annual joint meeting or at a special-called meeting, as needed
- Directs the creation and use of a Utilities Rules of Practice, which is currently in development to guide utility relocations necessitated by or associated with the light rail construction (*see section 4.4.3*)



JPA Requirements in Practice

MetroRapid Construction Contract

- Capital Metro Contract – *Board consideration in October 2021*
- In alignment w/ Contract with Voters and Community Commitment Resolution, the contract requires:
 - On-site monitoring independent of construction companies and their affiliates;
 - 10-hour OSHA approved training for all workers, plus 30-hour OSHA approved training for all supervisors;
 - \$15/hour minimum pay and compliance with the Davis-Bacon Act for workers;
 - Compliance with DBE program;
 - Workers' Compensation Insurance (required by state law);



JPA Requirements in Practice

- **CapMetro & ATP currently recruiting for Director of Workforce Planning**
 - Collaboratively engage ATU on operations staffing growth and opportunities
 - Collaboratively engage partners (i.e., Workforce Solutions, labor stakeholders and schools, etc.) to create workforce development and apprenticeship programs and opportunities
- **Disparity Study and Availability Study**
 - Studies approved to evaluate DBE program, identify minority- and woman-owned firms in the market area, and guide establishment of new goals
 - Goal setting to be completed by Spring 2022 for Capital Metro, Fall 2022 for future ATP Project Connect Transit Projects
 - Programs and goals approved by Capital Metro Board and ATP Board, respectively



Concurrent Items

COA Resolution directs the City Manager to:

- A. Review the City Code, including, but not limited to, the Land Development Code, Criteria Manuals and permitting procedures to identify impediments to the design and Construction of Project Connect;
- B. Develop new regulations and procedures to address the impediments and assure implementation and construction of Project Connect consistent with the sequence plan approved in the Contract with Voters and in a manner cognizant of other City policies;
- C. Present and code amendments necessary to accomplish the goals of [A & B] to City Council no later than April 2022, forgoing review by planning commission; and
- D. In the interim, interpret and apply existing requirements to Project Connect permits and approvals in a manner that favors and supports implementation of Project Connect.

- **CapMetro and ATP Resolutions supporting City's Resolution**



Concurrent Items

COA Predictability Ordinance

- Provides predictability while comprehensive code review is occurring, as directed in the proposed COA Resolution
 - Sets Oct. 29, 2021 as the permit application date for all permits and approvals submitted prior to Dec. 31, 2022 required for implementation of Orange and Blue Lines of the Project Connect System Plan
 - With approval from the City Manager, allows for the use of rules, regulations and ordinances in effect on Oct. 29, 2021 or those in effect at the time of application
 - Does not apply to the Transportation Criteria Manual, which is currently in the rules posting process
 - Does not apply to regulations that are made for health and safety reasons for applications that require certificates of occupancy
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- **CapMetro and ATP resolutions supporting the City's Ordinance**



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Questions?



Looking Ahead

October 5, 2021

Virtual Public Meeting for the community to learn more about the partnership agreements.

- [Registration](#) available on ProjectConnect.com
- *Can't attend?* Video of meeting will be posted on ProjectConnect.com

October 5 – 28, 2021

Meetings with Technical Advisory Committees, Project Connect Community Advisory Committee, stakeholders, etc., regarding the partnership agreements.

October 29, 2021

Tri-party meeting of the City Council, Capital Metro Board and Austin Transit Partnership Board

- Presentation of the first annual management report
- Action on the partnership agreement (JPA) and concurrent items

Community members may email Feedback@CapMetro.org with questions or comments.



Thanks for joining us.
Visit ProjectConnect.com for more information.

