

METRO-NORTH AND LIRR COMMITTEE MEETING

MONDAY, JANUARY 23, 2012

Additional Materials

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Metro-North Pledge to Customers:

Metro-North Railroad is dedicated to delivering safe and reliable transportation. Our highest priority is to ensure customer safety and this pledge is always subject to that paramount concern:

A Safe, Reliable Ride – Our top priority is to provide transportation that gets you to your destination safely, comfortably and on time. Rail cars will have functional lighting, heat in winter, air conditioning in summer, public address systems and clean restrooms. Metro-North will use best efforts to schedule service to meet anticipated demand so as to provide a seat for every customer and conductors will enforce rules to maximize seat availability.

Accurate and Timely Information – We will provide accurate, timely and meaningful information on service conditions, including via email alerts, **mta.info**, customer service phone lines, station displays, news, and public address announcements at stations and onboard trains to keep you informed and allow you to plan your trip wherever you are.

Courteous Employees – Employees will be helpful and courteous at all times and will provide accurate and timely information to customers. Conductors and Assistant Conductors will wear visible name badges when on duty. Our goal is always to provide excellent service.

A Clean Environment – We will maintain a clean environment for our customers and the communities we serve, including on railcars, at stations and in station buildings we maintain. We will work to keep our property on and off the train clean and litter-free. In areas that Metro-North does not control, we will work with state and local agencies to pursue the same standards.

When service is disrupted, customers can expect us to respond quickly and customer safety will remain our No. 1 concern:

Alternate Transportation – We will make every effort to stop trains at stations and open the doors to allow riders to seek alternate transportation and will provide customers with information concerning alternate routes and means of transportation. If Metro-North cancels service, we will make every effort to provide customers with emergency bus service whenever possible.

Comfort – If a significant incident occurs that prevents us from bringing a train to a station or that strands a train in a station for an indefinite amount of time, we will move immediately to assist affected riders. Emergency personnel will be dispatched to offer medical assistance and efforts will be made to provide water. Onboard personnel will walk through trains regularly and provide accurate and timely information to customers. If efforts to move the train are unsuccessful, you will be evacuated safely – either to another train, to a nearby station or to another facility designated as a temporary shelter. To facilitate these efforts, it is essential that customers listen for crew announcements. Metro-North encourages its customers to stay on, and never leave, a stranded train that is between stations unless directed to leave under the supervision of the train crew or rescue personnel, or if a clear life-threatening situation exists.

Weather Emergency Notification – If it becomes necessary to temporarily suspend service when extreme weather is forecast, we will use all our communication means so you can “know before you go.”

Severe Service Disruption Procedures – Metro-North customers will be given up-to-date information regarding service restoration, including estimates when service will resume.

Refund Processing Fee – A customer with an unused One-Way or Round-Trip ticket may receive a waiver of the \$10 refund processing fee when a Metro-North service suspension is declared on the MTA website.

This Pledge will be posted on our website and at our stations. If you are not satisfied with the level of service you have received from Metro-North, email us through our website at **mta.info and let us know.**

Improving, non-stop.



LIRR Pledge to Customers:

LIRR is dedicated to delivering safe and reliable transportation. Our highest priority is to ensure customer safety and this pledge is always subject to that paramount concern:

A Safe, Reliable Ride – Our top priority is to provide transportation that gets customers to their destination safely, comfortably and on time. LIRR will use best efforts to schedule service to meet anticipated demand so as to provide a seat for every customer and enforce rules to maximize seat availability.

Accurate and Timely Information – We will provide accurate, timely and meaningful information on service conditions, including via email alerts, mta.info, news, station, platform and onboard announcements to keep customers informed and allow them to plan their trips wherever they are.

Courteous Employees – LIRR crews and other employees will be helpful and courteous at all times and will provide accurate and timely information to customers. Our goal is to provide excellent service.

A Clean Environment – We will maintain a clean environment for our customers and the communities we serve, including at stations, restrooms and along our right-of-way.

When service is disrupted, customers can expect us to respond quickly and customer safety will remain our No. 1 concern:

Alternative Transportation – We will make every effort to stop trains at stations and open the doors to allow customers to seek alternate transportation and will provide customers with information concerning alternate routes and means of transportation. If scheduled LIRR service is not available, we will make every effort to provide customers with emergency bus service when possible.

Comfort – If a significant incident occurs that prevents us from bringing a train to a station, we will move immediately to assist affected customers. Emergency personnel will be dispatched to offer medical assistance and efforts will be made to provide water. If efforts to move the train are unsuccessful, customers will be evacuated safely. We will also coordinate with emergency personnel and other transportation agencies to ensure safe conditions during service disruptions. To facilitate these efforts, it is essential that customers listen for crew announcements and never leave a stranded train unless under the supervision of the train crew or rescue personnel.

Weather Emergency Notification – If it becomes necessary to temporarily suspend service when extreme weather is forecast or when snow accumulations are expected between 10-13 inches, we will use all our communication means so customers can “know before you go.”

Severe Service Disruption Procedures – Customers will be given updated information regarding service restoration, including estimates of the time until service resumes. Onboard personnel will walk through trains regularly and provide accurate and timely information to customers. Comfort trains will be provided for customers stranded at Penn Station.

Refund Processing Fee – A customer with an unused One-Way or Round-Trip ticket may receive a waiver of the \$10 refund processing fee when a LIRR service suspension is declared on the MTA website.

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Memorandum




Metropolitan Transportation Authority

State of New York

Date: January 18, 2012

To: Metro-North & Long Island Committee Members

From: Michael R. Coan, Chief of Department 

Re: MTA PD Arrest Summary

Attached please find the MTA Police Arrest Summary Department Totals for 1/1/2011 to 12/31/2011. This was inadvertently omitted from the January 23, 2012 Metro-North and Long Island Committee Agenda Book.

c: MTA Board Members

Catherine Rinaldi, Chief of Staff

Howard Permut, President, Metro North Railroad

Helena Williams, President, Long Island Rail Road

Roberta E. Bender, Deputy General Counsel




MTA Police Department
Arrest Summary: Department Totals

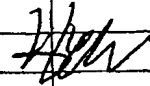
1/10/2012
8:03:17 AM

1/1/2011 to 12/31/2011

Arrest Classification	Total Arrests
Robbery	39
Felony Assault	52
Burglary	4
Grand Larceny	57
Grand Larceny Auto	1
Aggravated Harassment	4
Aggravated Unlicensed Operator	23
Assault-Misdemeanor	73
Breach of Peace	23
Child Endangerment	1
Criminal Contempt	13
Criminal Impersonation	12
Criminal Mischief	57
Criminal Possession Stolen Property	26
Criminal Tampering	4
Criminal Trespass	42
Disorderly Conduct	12
Drug Offenses	42
DUI Offenses	34
Failure to Appear	4
Falsely Reporting an Incident	10
Forgery	48
Graffiti	7
Harassment	5
Identity Theft	1
Issue a Bad Check	3
Make Terrorist Threat	2
Menacing	12
Obstruct Government	15
Panhandling	1
Petit Larceny	92
Public Lewdness	29
Rail Road Rules & Regulations	3
Reckless Endangerment	12
Resisting Arrest	72
Sex Offenses	15
Stalking	2
Theft of Services	71
Unlawful Imprisonment/Kidnapping	1
VTL Offenses	5
Warrant Arrest	59
Weapons Offenses	14
Unauthorized Use Vehicle	2
Unlawful Surveillance	2
Arrest Totals	1,006

Staff Summary

<p>Subject LIRR & Metro-North Rules of Conduct</p> <p>Departments LIRR and Metro-North Law Departments</p> <p>Department Head Name Richard L. Gans/LIRR; Seth Cummins/Metro-North</p> <p>Department Head Signatures </p> <p>Project Manager Names Priscilla Lundin/LIRR; Susan Sarch/Metro-North</p>	<p>Vendor Name N/A</p> <p>Contract Number N/A</p> <p>Contract Manager Name N/A</p> <p>Table of Contents Ref #</p>
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Board Action						Internal Approvals			
	To	Date	Approv	Inf	Other	Order	Approval	Order	Approval
1	LIRR/MNR	1/23/12	X			1	MNR President		
2	Board	1/25/12	X			2	LIRR President		

PURPOSE:

To obtain Board approval to conclude rule making pursuant to the New York State Administrative Procedure Act (“SAPA”) to revise LIRR’s and Metro-North’s (collectively, the “Railroads”) respective rules of conduct to conform to a recent New York law that prohibits smoking in the Railroads’ outdoor ticketing, boarding or platform areas.

DISCUSSION:

On September 28, 2011, the Board authorized the commencement of the SAPA rule making process to amend the Railroads’ Rules and Regulations Governing the Conduct and Safety of the Public (“Rules of Conduct”) to conform to a recent New York law, effective November 13, 2011, that prohibits smoking in the Railroads’ outdoor ticketing, boarding or platform areas.

Based on this authorization, LIRR and Metro-North published Notices of Proposed Rulemaking in the New York State Register, soliciting public comment for a 45-day period, as required by SAPA. The 45-day period expired on January 17, 2012.

During the public comment period, LIRR and MNR each received only one comment, from the New York chapter of the American Lung Association, in support of the proposed changes to the Railroads’ Rules of Conduct. As no negative comments were received, and the proposed changes are necessary to allow the Railroads to enforce the new law, it is recommended that the Railroads implement the proposed amendments as set forth in the prior Staff Summary and reiterated below.

AMENDMENTS TO THE RAILROADS' RULES OF CONDUCT

The amendments of section 1097.5(15) of the LIRR Rules of Conduct and section 1085.5(o) of the Metro-North Rules of Conduct will: (1) add outdoor ticketing, boarding or platform areas of a terminal or station to the areas where persons are currently prohibited from smoking; and (2) delete language referring to smoking being allowed in designated areas, since neither of the Railroads maintain designated smoking areas. The new language to be added, as set forth below, is italicized, and material to be deleted is bracketed:

“No person in a terminal, station, or train shall:

Burn a lighted cigarette, cigar, pipe, or any other matter or substance which contains tobacco or any tobacco substitute on a train or in any indoor area within a terminal or station [or in any indoor area within a terminal or station not specifically designated as an area where such conduct is permitted], *or in an outdoor ticketing, boarding or platform area of a terminal or station.*”

RECOMMENDATION:

It is recommended that the Board approve a resolution adopting the proposed amendments to the Railroads' Rules of Conduct, and authorizing the Railroads to take all necessary steps to conclude the SAPA rule making process.

RESOLUTION

WHEREAS, the LONG ISLAND RAIL ROAD COMPANY ("LIRR") and METRO-NORTH COMMUTER RAILROAD COMPANY ("METRO-NORTH") (collectively, the "Railroads") maintain Rules & Regulations Governing the Conduct and Safety of the Public ("Rules of Conduct") in the use of their facilities;

WHEREAS, on September 28, 2011, the Board, sitting as the Board of LIRR and as the Board of METRO-NORTH, authorized the Presidents of LIRR and METRO-NORTH and/or their designees to take all steps necessary pursuant to the New York State Administrative Procedure Act ("SAPA") to revise the Railroads' respective Rules of Conduct to comply with a recent New York law that prohibits smoking in the Railroads' outdoor ticketing, boarding or platform areas, as fully set forth in the Railroads' joint Staff Summary dated September 8, 2011;

WHEREAS, on November 30, 2011, LIRR and METRO-NORTH properly and duly published Notices of Proposed Rule Making in the New York State Register ("State Register"), soliciting public comment as required by SAPA;

WHEREAS, the 45-day public comment period elapsed on January 17, 2012, with no public comment in opposition to the Railroads' proposed amendments to their Rules of Conduct as set forth above;

NOW, THEREFORE, upon motion duly made and seconded, the following resolutions are adopted by the Boards of LIRR and METRO-NORTH:

RESOLVED, that the Boards of LIRR and METRO-NORTH hereby adopt the proposed amendments to their respective Rules of Conduct as published in the State Register on November 30, 2011, and hereby authorize the Chairman of the Metropolitan Transportation Authority, sitting as the Chairman of the Boards of LIRR and METRO-NORTH, to certify in writing ("Certification") that the amendments to the Railroads' Rules of Conduct were duly adopted and are effective upon publication in the State Register; and be it

FURTHER RESOLVED, that the Presidents of LIRR and METRO-NORTH and/or their designees are authorized to take all steps necessary to conclude the SAPA rule making process including, but not limited to, filing the Certification and the Railroads' amended Rules of Conduct with the New York State Department of State; and publishing the Notices of Adoption ("Notices") in the State Register.

Schedule I: Modifications to Purchase and Public Work Contracts

Item Number 1

Vendor Name (& Location) Dragados USA, Inc. /Judlau Contracting, Inc. – a Joint Venture.		Contract Number CM009 and CM019		AWO/Modification # Mod Settlement	
Description Manhattan Tunnels Excavation and Manhattan Structures I		Original Amount:		CM 009 \$ 427,954,000	
				CM019 \$ 499,986,538	
		Executed Option		CM019 \$ 234,013,462	
Contract Term (including Options, if any) CM009 85 Months CM019 64 Months Combined: 85 Months		Prior Modifications:		CM009 \$ 20,467,318	
				CM019 \$ 18,347,328	
		Prior Budgetary Increases:		\$ -0-	
Option(s) included in Total Amount? <input checked="" type="checkbox"/> Yes (CM019) <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A (CM009)		Current Amount		CM009 \$ 448,421,318	
				CM019 \$ 752,347,328	
				Combined \$ 1,200,768,646	
Procurement Type <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Non-competitive		This Request		CM009 \$ (36,624,590)	
				CM019 \$ 19,527,788	
				Combined \$ (17,096,802)	
Solicitation Type <input checked="" type="checkbox"/> RFP (CM019) <input checked="" type="checkbox"/> Bid (CM009) <input checked="" type="checkbox"/> Other: Modification		% of This Request to Current Amount:		CM009 -8.17%	
				CM019 2.60%	
Funding Source <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Capital <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Other:		% of Modifications (including This Request) to Original Amount:		CM009 -3.78%	
				CM019 5.16%	
Requesting Dept/Div & Dept/Div Head Name: East Side Access, A. Paskoff, P.E.					

DISCUSSION:

MTACC seeks approval by the MTA Board of modifications to Contracts CM009 and CM019, Manhattan Tunnels Excavation and Manhattan Structures I, respectively, with Dragados USA, Inc. /Judlau Contracting, Inc. – a Joint Venture. The modifications adjust the scope of work to be performed by the Joint Venture, provide a revised substantial completion date of August 31, 2013, and appropriately incentivize the Joint Venture's achievement of substantial completion by that date.

Contract CM009, Manhattan Tunnels Excavation was competitively bid and awarded on July 6, 2006. Contract CM019 was competitively solicited and negotiated and, with Board approval, awarded on February 15, 2008. Contracts CM009 and CM019 involve the excavation and construction of tunnels from the Manhattan boundary of the East Side Access ("ESA") Project at the existing 63rd Street tunnel to Grand Central Terminal and the excavation of a cavern under the existing Grand Central Terminal that will house a new passenger station for the Long Island Railroad. Modification to the Contracts is necessitated by the very significant delays in the completion of the two contracts, which expose MTACC to additional costs relating to follow-on contracts and put timely completion of the ESA Project in jeopardy.

The contractor is a joint venture consisting of Dragados USA Inc. and Judlau Contracting Inc. ("DJ"). As of December 2011, DJ projected that it would not achieve substantial completion of the contracts until December 2015, or approximately 1269 days late. In an effort to expedite the completion of the overall ESA Project, MTACC and DJ have since July 2011 been engaged in discussions to remove certain work scope from the DJ contracts and add other scope so that work can be advanced by MTACC in parallel with the completion of DJ's remaining work, thereby reducing the time frame for the completion of all work originally in DJ's contracts.

This contract amendment will remove work from the contracts valued at approximately \$89 million and add work valued at \$72 million to facilitate timely/early access for follow-on contractors. The result is a net credit in the amount of \$17 million. On the basis of such scope changes, DJ has agreed that substantial completion will be achieved by August 31, 2013, or approximately 835 days earlier than their current projection. In addition, the parties have agreed to contractual modifications that revise interim contract milestones, increase available liquidated damages from \$15 Million to \$49.5 Million and create incentives worth up to \$16 Million to meet the newly created milestones and recover approximately 28 months of schedule delay.