

**AUSTIN TRANSIT
PARTNERSHIP BOARD OF
DIRECTORS MEETING**
Rosa Parks Boardroom

~ Agenda ~

Wednesday, October 20, 2021 2:00 PM Board Room, 2910 E. 5th Street, Austin, Texas 78702

- 1. Public Comment**
- 2. Technical Advisory Committee Reports**
- 3. Executive Director Report**
- 4. Monthly Program Updates**
 1. Community Engagement and Involvement Update
 2. Project Connect Technical Update
 3. Administrative Update
- 5. Action Items**
 1. Approval of minutes from the September 15, 2021 Board Meeting
 2. Approval of Resolution Awarding On-call Legal Services Contracts to the following law firms for a base period of three years in an amount not to exceed \$13,217,000 with two, twelve-month option periods for a total of five years in an amount not to exceed \$23,000,000: Ashurst; Dubois, Bryant & Campbell; Greenberg Traurig; Hogan Lovells and Hunton Andrews Kurth; Husch Blackwell; Hyatte O. Simmons; Kaplan Kirsch & Rockwell; Mayer Brown, LLP; McCall Parkhurst & Horton; Nossaman LLP; Orrick, Herrington & Sutcliffe; and Winstead PC
 3. Approval of Resolution to Direct Staff to Develop a Construction Mitigation Program and include in Future Construction Contracts certain Workforce Protection and Living Wage Provisions in accordance with the JPA
- 6. Discussion Items**
 1. Community Design Workshop Update
- 7. Executive Session**
 1. Section 551.071 of the Texas Government Code for consultations with attorney regarding the terms and conditions of appointment of succeeding Executive Directors and performance evaluation
- 8. Adjournment**

ADA Compliance

Reasonable modifications and equal access to communications are provided upon request. Please call (512) 389-7525 or email chloe.maxwell@atptx.org if you need more information.

ATP has resumed in-person board meetings. They can be [streamed live](#) and public comments may

be made virtually over Teams or in-person. Those wishing to contribute comments must notify ATP 24-hours before the meeting (by 2:00 p.m. on Tuesday, October 19) by calling 512-389-7525 or emailing chloe.maxwell@atptx.org. Give your name, a phone number and the topic you wish to discuss. On the day of the meeting, you will be contacted, added as an attendee of the board meeting, and have 3 minutes to speak.

Please Note: You will have only one opportunity at the beginning of the board meeting to speak on all items you intend to address.

Public comment will be over Microsoft Teams (camera may be turned off) or in person. Once registered for Public Comment, a participation link will be distributed.

BOARD OF DIRECTORS: *Veronica Castro de Barrera, Chair; Colette Pierce Burnette, Vice Chair; Steve Adler, Tony Elkins, Eric Stratton, and Gina Fiandaca (ex officio).*

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.

Date: October 15, 2021

AUSTIN TRANSIT PARTNERSHIP

**Board of Directors Meeting
October 20, 2021**

October 20 - AGENDA

1. **Public Comment**
2. **Technical Advisory Committee Reports**
3. **Executive Director Report**
4. **Monthly Program Updates**
 - Community Engagement and Involvement Update
 - Project Connect Technical Update
 - Administrative Update
5. **Action Items**
 - Approval of minutes from the September 15, 2021 Board Meeting
 - Approval of Resolution Awarding On-call Legal Services Contracts to the following law firms for a base period of three years in an amount not to exceed \$13,217,000 with two, twelve-month option periods for a total of five years in an amount not to exceed \$23,000,000: Ashurst; Dubois, Bryant & Campbell; Greenberg Traurig; Hogan Lovells and Hunton Andrews Kurth; Husch Blackwell; Hyatte O. Simmons; Kaplan Kirsch & Rockwell; Mayer Brown, LLP; McCall Parkhurst & Horton; Nossaman LLP; Orrick, Herrington & Sutcliffe; and Winstead PC.
 - Approval of Resolution to Direct Staff to Develop a Construction Mitigation Program and include in Future Construction Contracts certain Workforce Protection and Living Wage Provisions in accordance with the JPA
6. **Discussion Items**
 - Community Design Workshop Update
7. **Executive Session**
 - Section 551.071 of the Texas Government Code for consultations with attorney regarding the terms and conditions of appointment of succeeding Executive Directors and performance evaluation
8. **Adjournment**

PUBLIC COMMENT

TECHNICAL ADVISORY COMMITTEE REPORTS

- **Engineering, Architecture & Construction Advisory Committee (EAC)**
- **Planning, Sustainability, Equity & DBE Advisory Committee (PSEC)**



COMMITTEE: Engineering, Architecture & Construction

DATE: October 6, 2021

PRIMARY AGENDA ITEMS:

1. Joint Powers Agreement (JPA) review (with FAR committee members)
2. Pleasant Valley / Riverside Station design options and community feedback review
3. Lady Bird Lake Bridge community design workshop (10/12) preview
4. Metro Rapid shelter design review

COMMITTEE RECOMMENDATIONS:

1. JPA: The committee recommended including timelines, milestones, and deadlines for critical path items in the program, in order to hold all parties accountable for the schedule and each party's responsibilities in maintaining the schedule. Schedule is one of the program's greatest risks, so the JPA should help the partnership minimize that risk.
2. Pleasant Valley: The committee supported the emphasis on placemaking and facilitating multi-modal transit use and connections, in accordance with Austin Strategic Mobility Plan (ASMP), particularly in Option 2.
3. Lady Bird Lake Bridge workshop: The Committee is very excited about this signature element of the program and recommends we maintain our aspirational approach towards creating an inspiring architectural icon that addresses multi-modal connectivity and placemaking for our community.
4. Metro Rapid shelter: The Committee recommended adding bike racks, trees, a place for public art as well as submitted a detailed list to the design team on elements that still need to be refined for fabrication, installation, long term maintenance and identifying key amenities for riders provided at these shelters.

REQUESTS FOR MORE INFORMATION:

1. The Committee would like more information on the throughput for all mobility modes (autos, rail, bus, pedestrians, bicycles) for each of the two Pleasant Valley/ Riverside design options.
2. The Committee requested to be included in the design refinement of the bus shelters as these will also be important elements of the light rail system architectural language and rider amenities.

NEXT STEPS:

1. Provide a recap of the Lady Bird Bridge Community Design Workshop. (November)
2. The committee recommended the development of 3D modeling of the tunnels. Discuss the merits of a tunnel compared to a bridge downtown, and the challenges encountered by the technical team. (November)
3. Provide graphics showing the difference between the vehicles (Light Rail, Commuter Rail, Streetcar) to allow the public to understand the transit system better. (November)
4. Debrief the technical team on the procurement of the MetroRapid shelters and next steps.



COMMITTEE: Planning, Sustainability, Equity & DBE Committee (PSEC)

DATE: October 7, 2021

PRIMARY AGENDA ITEMS:

- Joint Powers Agreement
- Sustainability Initiatives
- Community Design Workshops update

COMMITTEE RECOMMENDATIONS:

- Committee members expressed that the volume of content being presented was overwhelming and suggested that meetings be less presentation focused and more conversational. Staff will consider how best to format the meetings moving forward.

REQUESTS FOR MORE INFORMATION:

- Are there some connection points with the Joint Powers Agreement and the City of Austin's newly passed equity plan?

NEXT STEPS:

- PSEC is looking at a new date and time to hopefully better accommodate its members.

EXECUTIVE DIRECTOR'S REPORT

Randy Clarke

Executive Director

Austin Transit Partnership

MONTHLY PROGRAM UPDATES:

COMMUNITY ENGAGEMENT AND INVOLVEMENT UPDATE

Community Engagement Update

Event Participation

Totals

MetroRail Virtual Community Update 9/10	109
MetroRapid Virtual Community Update 9/10	41
Pleasant Valley/E. Riverside Community Design Workshop 9/16	92
JPA Virtual Community Update 10/5	29
Blue Line Bridge Community Design Workshop	191

ITAG Meeting 10/5; EAC Meeting 10/6; PSEC Meeting 10/7; CAC Meeting 10/7; PCAN Meeting 10/14; CAC Special Meeting 10/19



Orange & Blue Lines 15% Design Feedback Themes

- Enthusiasm for increased accessibility
- Suggestions for opportunities to improve or increase accessibility
- Enthusiasm for the 4th Street underground concourse
- Concern for impacts on small businesses
- Requests for more pedestrian safe crossings
- Safety concerns over use of shared use paths rather than separated bicycle and pedestrian facilities
- Concerns over displacement associated with the Blue Line
- Concern over impact of reduced vehicle lanes in the Drag and North Guadalupe areas
- Requests for additional details on bus transfers at the interim northern and southern light rail termini

Project Connect Engagement Library (Dashboard)

projectconnect

Initial Investment System Plan Funding Get Involved Contact Us

Thanks, Austin.
It's Go Time!

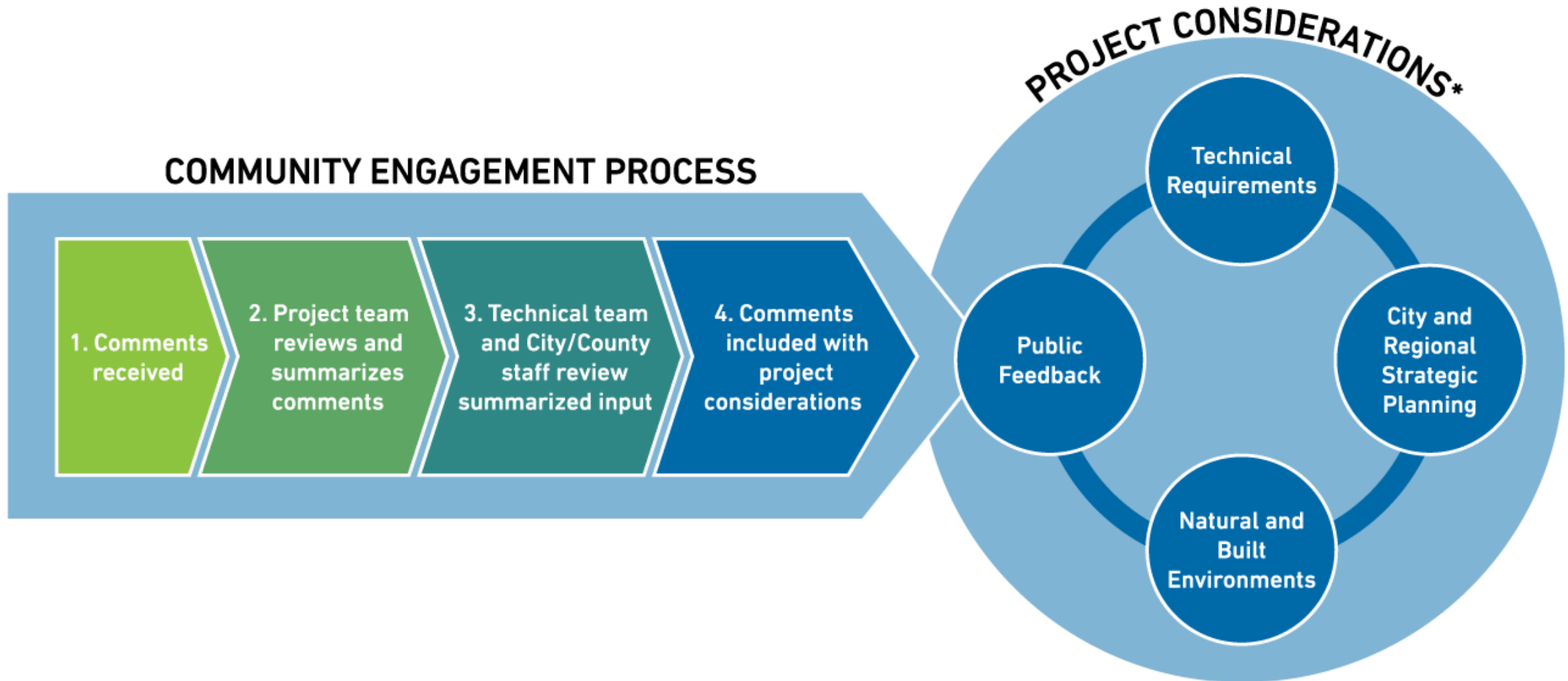
Project Connect. A comprehensive transit plan designed for Austin.

Our community has decided it's go time. This YES vote for funding Project Connect is a huge step toward creating a more equitable and livable city, providing more and better ways for people to access jobs, education, health care and new opportunities.

A New Transit Plan for Austin | Proje...

- New updates to the Community Engagement Library!
- Summary of input on 15% Design
- Feedback Loop
www.projectconnect.com/get-involved

Processing Community Feedback



**Reviewed as project continues to evolve.*

How Community Feedback Has Shaped Project Connect

- Light Rail selected as a mode choice
- Dedicated right-of-way
- Inclusion of a Downtown Tunnel/Subway for a frictionless pedestrian experience
- Separate bicycle, pedestrian facilities, tree/furniture buffer zones throughout the project
- Working with the Austin State Hospital property rather than impacting businesses on the east side of the North Guadalupe area
- Development of the 4th Street Transit Mall concept
- Rainey/MACC station closer to the Rainey neighborhood
- Enhancing trail connections at the Lady Bird Lake bridge crossings

Upcoming Engagement Activities

- Community Advisory Committee Meeting – October 27
- EAC Meeting – November 3
- PSEC Meeting – November 4
- Community Design Workshop: North Lamar Transit Center - November 10
- Community Design Workshop: The Drag (TBD)
- Community Design Workshop: So. Congress Transit Center (TBD)
- Community Design Workshop: Crestview (TBD)

MONTHLY PROGRAM UPDATES:

TECHNICAL UPDATE

PROGRAM UPDATES:

Blue & Orange Line Field & Engineering Activities

- Ongoing coordination with COA departments on design options
- Utility Rules of Practice (UROP) refinement and agreement with COA
- Continued geotechnical investigation; Soil boring field activities have been mostly completed by end of September
- Design Criteria Manual update
- Continued discussion on underground station entrances
- Coordination with TxDOT, UT and other numerous stakeholders continued

PROGRAM UPDATES:

Blue & Orange Line Planning/NEPA Progress

- Continued coordination with FTA and their 139J Support Consultant (Kimley-Horn) on the development and review of EIS Technical Reports
- Draft Technical Reports developed and being reviewed are Acquisitions & Displacements, Noise & Vibration, Hazardous Materials, Utilities, Energy & Electromagnetic Disruption, Safety & Security, Soils/ Geologic Resources, Water Resources, Archaeological Resources, Visual & Aesthetic Impact, Land Use, 4(f)/6(f), Neighborhoods and Communities, Air Quality, and Threatened and Endangered Species Reports
- Continued development of system service planning
- Right-of-Entry coordination for archeological resources field investigation
- Development and review draft Chapters for the Administrative Draft EIS documents

PROGRAM UPDATES:

MetroRapid

Expo & Pleasant Valley

- Received and are reviewing first set of 90% design plans for Wave 1 construction
- Continued design and real estate coordination for End-of-Line Charging locations
- Coordination with team on the development of shelter design concept and RFP for shelter design
- Evaluating proposals for IDIQ contracts
- Board approved vehicle contract with Proterra and New Flyer on 9/27
- Continued coordination with the City of Austin
 - Review of 90% design plans
 - Coordination meeting with AE on station power needs
 - Continued permitting coordination with DSD

Gold Line & South Lamar

- Moving forward with the Manchaca leg of the S. Lamar project
- Continued scope discussion and preparing RFQ for designer selection
- Conducted a site visit to review proposed Gold Line station locations

PROGRAM UPDATES:

Red Line & Pick-Up Service

Red Line

- Lakeline-to-Leander
 - Groundbreaking occurred; construction underway

Neighborhood Circulators

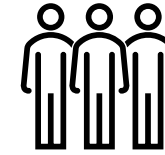
- Three new pickup zones launched and operating per sequence plan schedule.



MONTHLY PROGRAM UPDATES:

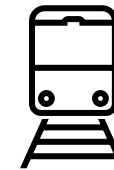
ADMINISTRATIVE UPDATE

Hiring & Recruitment Update – Extensive, Diverse Experience



847 Years of Government, Non-Profit, Private Sector Professional Experience

- Design
- Engineering
- Law
- Finance
- Procurement
- Outreach
- Planning
- Real Estate
- Architecture
- Systems



363 Years of Public Transit Professional Experience

- New York
- Boston
- Washington
- Chicago
- St. Louis
- Dallas
- Houston
- Bay Area
- Phoenix
- Los Angeles

ACTION ITEM 1:

Approval of minutes from the September 15, 2021 ATP Board of Director's Meetings

AUSTIN TRANSIT PARTNERSHIP BOARD OF DIRECTORS MEETING

Rosa Parks Board Room
2910 E. 5th St. Austin, TX 78702

~ Minutes ~

Board Secretary Casey Burack
512-369-6040

Wednesday, September 15, 2021
2:00 PM

2:09 PM Meeting Called to Order
5:03 PM Meeting Adjourned

I. Public Comment

There was no one signed up for public comment.

II. Technical Advisory Committee Update

Chair Castro de Barrera provided this update. The Engineering, Architecture, and Construction (EAC) discussed the 15% design, the design schedule, and the upcoming community design workshops. The EAC recommended that ATP staff share more information regarding the rail light vehicles anticipated for the Orange and Blue Lines, which might differ from heavy commuter rail vehicles like Cap Metro has for the Red Line. They requested more information on the rationale for the Orange Line tunnel under Ladybird Lake. Additionally, they would like to see 3D views of the underground station to better understand the tunnel's sectional relationship to the street.

Board Member Elkins discussed the meeting of the Finance and Risk (FAR) committee. The FAR committee heard a presentation on the ATP FY22 Budget from Diane Siler and provided feedback. Following this, Vicky Redrick, ATP's Director of Procurement, updated the committee on the procurement policy.

Vice Chair Dr. Collette Pierce Burnette then spoke to provide an update on the Planning, Sustainability, Equity and DBE Committee (PSEC) meeting. They covered the equitable transit-oriented development (ETOD) program by Anna Lan, and received a DBE overview from Courtney Chavez, as well as incoming feedback opportunities from Jackie Nirenberg. During Jackie's presentation, PSEC members suggested ways to continue to reach out to the community and have community voices be a part of this process. Additionally, they asked for a presentation on the City's Equity Tool.

II. Monthly Program Update

1. *Community Engagement Update*

Director of Community Involvement Jackie Nirenberg gave this report.

The virtual community meetings closed on August 27th with 568 participants; the self-guided portion had 413 participants. 41 community members participated in the Metro Rapid virtual community update.

During the Orange Line and Blue Line meetings, several people advocated for bike and pedestrian connections and were pleased that the plan showed increased bicycle and pedestrian connections. The Community Engagement team has developed the engagement library to track and share feedback, which will be accessible on the Project Connect website.

2. Project Connect Technical Update

Dave Couch, Chief Program Officer, discussed the traffic studies. ATP and its consultants continue to do borings, going deeper than was discussed before at previous Board Meetings. Through the digging, they've encountered four challenges: two were related to the watershed, and two were related to utilities. After a supplemental meeting with partners at the City of Austin, the two utility issues have been worked out.

The team has moved forward with the 60% design for the Metro Rapid projects. Mr. Couch emphasized the positive relationship with the FTA.

Board Member Stratton asked about the continued discussions related to permitting at the Broadmoor station and how ATP's relationship with the City Project Connect Office and the City staff supports that work. Randy Clarke agreed the unique relationship is allowing us to move these projects forward.

Board Member Elkins asked about the Metro Rapid and the Red Line, the selection of the procurement models for those various projects, and how those projects were segmented. Mr. Couch replied that the Metro Rapid project costs are split approximately 50/50. There is a contract that goes forward to the Capital Metro Board this month with any option to buy additional which we now can exercise.

There is an on-call service for the general engineering consultant and contracts by Capital Metro from several years ago. Mr. Couch followed up that is the most expeditious way to get a jump on the projects as we plan to one of those through a selection process to do the 30 and now 60 percent design.

3. Administrative Program Update

ATP Board Chair Veronica Castro de Barrera reminded the Board that ATP is hiring an Internal Auditor.

Sam Sargent, Director of Program Strategy, provided this update. Sam presented the Joint Powers Agreement (JPA) timeline and what to expect at the October 4, 2021, Tri-Party work session with the Capital Metro Board of Directors and the Austin City Council. Additionally, Sam laid out all the public engagement opportunities planned for the JPA.

III. Action Items

1. Approval of minutes from the August 18, 2021 Austin Transit Partnership Board Meetings.
RESULT: ADOPTED [UNANIMOUS]
MOVER: Adler
SECONDER: Pierce Burnette
AYES: Castro de Barrera, Pierce Burnette, Adler, Stratton, Elkins
ABSENT:

2. Adoption of the ATP FY2022 Budget, including staff recommended changes to increase property tax revenue by \$1,232,810 and increase community engagement expenditures by \$600,000.
RESULT: ADOPTED [UNANIMOUS]
MOVER: Elkins
SECONDER: Adler
AYES: Castro de Barrera, Pierce Burnette, Adler, Stratton, Elkins
ABSENT:

3. Adoption of the ATP Procurement Policy and Guidelines
RESULT: ADOPTED [UNANIMOUS]
MOVER: Pierce Burnette
SECONDER: Adler
AYES: Castro de Barrera, Pierce Burnette, Adler, Stratton, Elkins
ABSENT:

4. Adoption of interim Disadvantaged Business Enterprise (DBE) Goal
RESULT: ADOPTED [UNANIMOUS]
MOVER: Pierce Burnette
SECONDER: Adler
AYES: Castro de Barrera, Pierce Burnette, Adler, Stratton, Elkins
ABSENT:

III. Discussion Items

1. Info Session: Systems and Vehicles

Dave Kubicek, Senior Director of Systems and Vehicles, provided this update.

Mr. Kubicek updated the Board on the light rail vehicles planned for the system and the many considerations when making these decisions.

Board Member Elkins asked about the procurement methods and if they will be separate procurements. Mr. Kubicek explained that when his teams purchase a vehicle, they will also be coordinating maintenance, especially with utility and power usage. With different cars, there are various propulsion providers, and they could assume different

electricity. This is an item that will be addressed not only from a paying perspective but also with Austin Energy and supply which might off the grid.

IV. Executive Director Report

Austin Transit Partnership Executive Director, Randy Clarke, provided this update.

Mr. Clarke updated the Board about the upcoming Meet the Team event at the new Project Connect office. Mr. Clarke provided updates on the Federal Infrastructure Bill and the significant capital grants ATP will compete for at a national level.

Board Member Elkins asked about work being done at ATP to build a sustainable program. Mr. Clarke described the work of Peter Mullan, Chief of Architecture and Urban Design and the Office of Sustainability at Capital Metro. Capital Metro has established a capital fund, and is moving that part forward and working to create a new framework of sustainability programs. This will help guide the ideas for the whole program. Mr. Clarke explained that the City can be a major part of the process, including Watershed and Austin Energy.

V. Adjournment

ADA Compliance

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BOARD OF DIRECTORS: *Veronica Castro de Barrera, Chair; Colette Pierce Burnette, Vice Chair; Steve Adler, Tony Elkins, Eric Stratton and Gina Fiandaca (ex officio).*

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.

ACTION ITEM 2:

Approval of Resolution Awarding On-call Legal Services Contracts to the following law firms for a base period of three years in an amount not to exceed \$13,217,000 with two, twelve-month option periods for a total of five years in an amount not to exceed \$23,000,000: Ashurst; Dubois, Bryant & Campbell; Greenberg Traurig; Hogan Lovells and Hunton Andrews Kurth; Husch Blackwell; Hyatte O. Simmons; Kaplan Kirsch & Rockwell; Mayer Brown, LLP; McCall Parkhurst & Horton; Nossaman LLP; Orrick, Herrington & Sutcliffe; and Winstead PC



Austin Transit Partnership Board of Directors Resolution

Meeting Date: 10/20/2021

ATP-2021-030

Contract Award for On Call Legal Services

SUBJECT: Approval of a resolution authorizing the Austin Transit Partnership (“ATP”) Executive Director, or their designee, to negotiate and execute contracts with multiple firms for on-call legal services for a base period of three years in an amount not to exceed \$13,217,000 with two, twelve-month option periods for a total of five years in an amount not to exceed \$23,000,000.

FISCAL IMPACT: Funding for the first 11 months of these contracts is available in the approved FY22 Operating Budget; funding for the remaining 25 months of the base term or any option period is contingent on future funding.

RESPONSIBLE DEPARTMENT: Legal.

EXECUTIVE SUMMARY: This resolution is for authorization to permit ATP’s Executive Director, or their designee, to negotiate and execute contracts with multiple firms to provide on-call legal services to ATP in eight areas of practice: General Counsel Services; Litigation; Public Procurement and Alternative Project Delivery; Real Estate and Eminent Domain; Public Transportation Law (Federal and State); Finance and Tax Law; and Intellectual Property. To supplement ATP's in-house legal staff with outside legal services in support of Project Connect, the Legal Department proposes to enter into contracts with multiple firms to advise ATP on legal matters as they arise. By contracting with each firm to provide legal services to ATP on an on-call basis, ATP can issue a task order to the appropriate legal firm when certain legal services are required in specialized areas or when the project schedule requires additional legal resources.

The list of recommended firms was developed through a competitive request for proposals process. Nineteen firms responded and the recommended firms are the highest evaluated firms based on the following: personnel qualifications; the firm’s capabilities; practice scope understanding; practice project approach; and the inclusion of women, LGBTQ+, lawyers with disabilities, and racial/ethnic minority lawyers, collectively referred to as “historically underrepresented lawyers” in law firm leadership roles. Because the legal services contracts will not be federally funded, no DBE goal was included in the procurement. The historically underrepresented lawyers evaluation factor, however, did require firms to provide evidence of policies and practices that affirmatively consider historically underrepresented lawyers for significant leadership roles in the firm.

The exact amount of each contract will depend on the work performed, but the total amount of all contracts for these legal services shall not exceed \$23,000,000 over five years.



Austin Transit Partnership Board of Directors Resolution

Meeting Date: 10/20/2021

ATP-2021-030

Contract Award for On Call Legal Services

**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2021-030

COUNTY OF TRAVIS

Contract Award for On Call Legal Services

WHEREAS, the Austin Transit Partnership (“ATP”) Board of Directors recognizes the need to procure high-quality on call legal services in support of the implementation of Project Connect; and

WHEREAS, the ATP Board of Directors desire to ensure that qualified law firms are readily available to provide services as the need arises; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that the Executive Director, or their designee, is authorized to negotiate and execute contracts with each of the firms listed in Exhibit A for on-call legal services for a base period of three years in an amount not to exceed \$13,217,000 with two, twelve-month option periods for a total of five years in an amount not to exceed \$23,000,000.

Casey Burack
Secretary of the Board

Date: _____

EXHIBIT A

Ashurst
Dubois, Bryant & Campbell
Greenberg Traurig
Hogan Lovells and Hunton Andrews Kurth
Husch Blackwell
Hyatte O. Simmons
Kaplan Kirsch & Rockwell
Mayer Brown, LLP
McCall Parkhurst & Horton
Nossaman LLP
Orrick, Herrington & Sutcliffe
Winstead PC

On Call Legal Services

Solicitation Issued	July 15, 2021
Pre-Proposal Conference	July 27, 2021
Proposal Submissions	August 18, 2021
Source Evaluations	August 24, 2021 – September 17, 2021
Consensus Meeting	September 29, 2021
Negotiations	October 4, 2021 – October 9, 2021
Board Action	October 20, 2021

Scope of Services

To provide the Austin Transit Partnership with certain on-call legal services for a variety of scopes in support of Project Connect, including:

- Scope 1- General Counsel Services
- Scope 2 – Litigation
- Scope 3 – Employment/Labor Law
- Scope 4 – Public Procurement and Alternative Delivery
- Scope 5 –Real Estate and Eminent Domain
- Scope 6 – Public Transportation Law (Federal and State)
- Scope 7 – Finance and Tax Law for Texas Local Government Corporations
- Scope 8 – Intellectual Property

Solicitation Information

- Solicitation sent to 29 Firms
 - 19 Firms responded
- Evaluation Criteria
 - Personnel Qualifications
 - Firm Capabilities
 - Understanding of Scope/Practice
 - Approach to delivering services of Scope/Practice
 - Historically Underrepresented Attorneys
- Base Contract Term of 3 Years
 - With two (2) one-year options

Recommendation

- The following 12 firms – across the 8 different Scopes of Work – are recommended:

Ashurst

Dubois, Bryant & Campbell

Greenberg Traurig

Hogan Lovells and Hunton Andrews Kurth

Husch Blackwell

Hyatte O. Simmons

Kaplan Kirsch & Rockwell

Mayer Brown, LLP

McCall Parkhurst & Horton

Nossaman LLP

Orrick, Herrington & Sutcliffe

Winstead PC

ACTION ITEM 3:

Adoption of Resolution to Direct Staff to a Develop Construction Mitigation Program, and include in future Construction Contracts certain Workforce Protections and Living Wage Protections in accordance with JPA



Austin Transit Partnership Board of Directors Resolution

Meeting Date: 10/20/2021

ATP-2021-031

Direction for Construction Mitigation Program and Construction Contract Workforce Protection and Living Wage Provisions

SUBJECT: Resolution directing the Executive Director, or their designee, to (i) develop a Construction Mitigation Program, (ii) include in future construction contracts certain workforce protection and living wage provisions in accordance with the City of Austin Contract with the Voters (Resolution No. 20200807-002) and the Capital Metro Funding and Commitment Resolution for Project Connect (Resolution No. AI-2020-1297) (collectively, the “Project Connect Resolutions”) and their requirements for the Joint Powers Agreement (“JPA”), and (iii) develop a construction careers program.

FISCAL IMPACT: No Fiscal Impact.

BUSINESS CASE: Does not apply.

EXECUTIVE SUMMARY: This resolution is for direction to the Executive Director, or their designee, to (i) develop a Construction Mitigation Program, (ii) include in future Austin Transit Partnership construction contracts certain workforce protection and living wage provisions pursuant to the JPA requirements described in the Project Connect Resolutions, and (iii) develop a construction careers program.

RESPONSIBLE DEPARTMENT: All.

PROCUREMENT SUMMARY: Does not apply.



**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

Resolution ID: ATP-2021-031

STATE OF TEXAS

***Direction for Construction Mitigation Program and Construction
Contract Workforce Protection and Living Wage Provisions***

COUNTY OF TRAVIS

WHEREAS, the City of Austin Contract with the Voters (Resolution No. 20200807-002) and the Capital Metro Funding and Commitment Resolution for Project Connect (Resolution No. AI-2020-1297) (collectively, the “Project Connect Resolutions”) require the Austin Transit Partnership (“ATP”) to meet certain requirements and develop certain programs to be described in the Joint Powers Agreement between ATP, the City of Austin, and Capital Metropolitan Transportation Authority (the “JPA”); and

WHEREAS, the Board of Directors of ATP (the “Board”) desires to acknowledge the role that the construction of transportation systems and infrastructure play in business interruption, workforce opportunity, and payment of a living wage; and

WHEREAS, it is the intent of the Board to promote transparency, accountability, and consistent organizational behavior through the adoption of equitable policies, procedures, and practices, and comply with the Project Connect Resolutions;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that the Executive Director is directed to develop a Construction Mitigation Program for Board approval in accordance with the following Project Connect Resolution requirements to the extent permitted under federal law:

- **Construction Mitigation Program:** “Developing and implementing 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.”

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Directors of ATP that the Executive Director is directed to include the following conditions in future construction contracts for Board approval in accordance with the following Project Connect Resolution requirements to the extent permitted under federal law:

- **Workforce Program:** “Developing and implementing a policy that ensures worker protections and workforce development through participation in the Better Builder Program® or a similar program which includes 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”; and
- **Living Wage Policy:** “Developing and implementing a policy that ensures 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 health care and paid sick leave to the extent possible.”

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of Directors of ATP that the Executive Director is directed to develop an apprenticeship program to the extent permitted under federal law to bring back to the Board for approval:

- **Construction Careers Program:** “Developing and implementing a construction careers program which meets the requirements of federal law and regulations and includes City of Austin hiring goals to hire workers from apprenticeship and craft training programs and which promotes the hiring of local workers so long as possible with the then existing workforce.”

Casey Burack
Secretary of the Board

Date: _____

JPA Required Resolution

*Board to Direct Staff to Develop the Following Program
and Bring Back to the Board for Approval:*

Construction Mitigation Program

“Developing and implementing 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.”

JPA-Required Resolution

*Board to Direct Staff to Develop the Following Program
and Bring Back to the Board for Approval:*

Workforce Program

“Developing and implementing a policy that ensures worker protections and workforce development through participation in the Better Builder Program® or a similar program which includes 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.”

JPA-Required Resolution

*Board to Direct Staff to Develop the Following Program
and Bring Back to the Board for Approval:*

Living Wage Policy

“Developing and implementing a policy that ensures 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 health care and paid sick leave to the extent possible.”

JPA-Required Resolution

*Board to Direct Staff to Develop the Following Program
and Bring Back to the Board for Approval:*

Construction Careers Program

“Developing and implementing a construction careers program which meets the requirements of federal law and regulations and includes City of Austin hiring goals to hire workers from apprenticeship and craft training programs and which promotes the hiring of local workers so long as possible with the then existing workforce.”

DISCUSSION ITEMS:

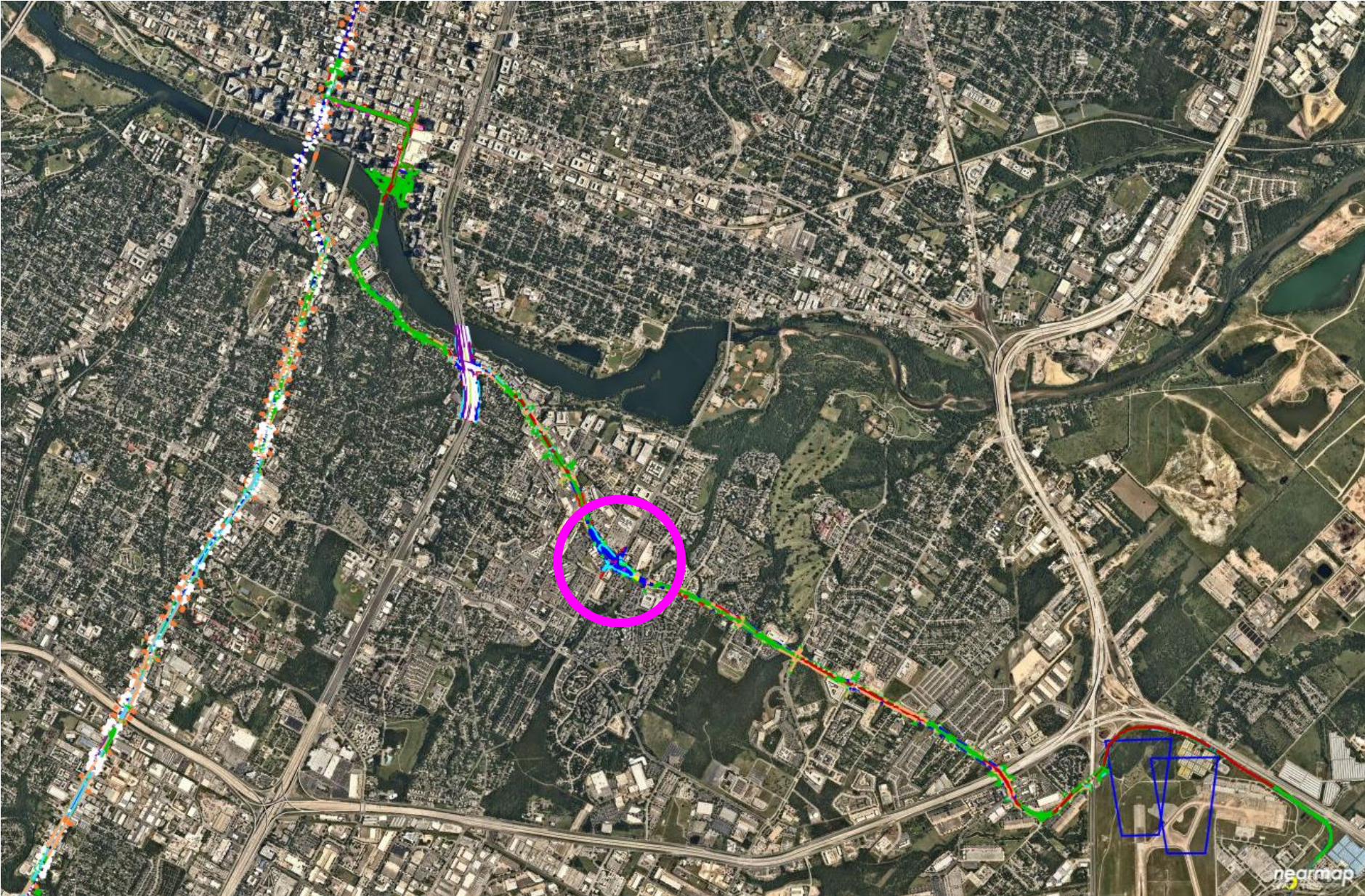
Community Design Workshop Update



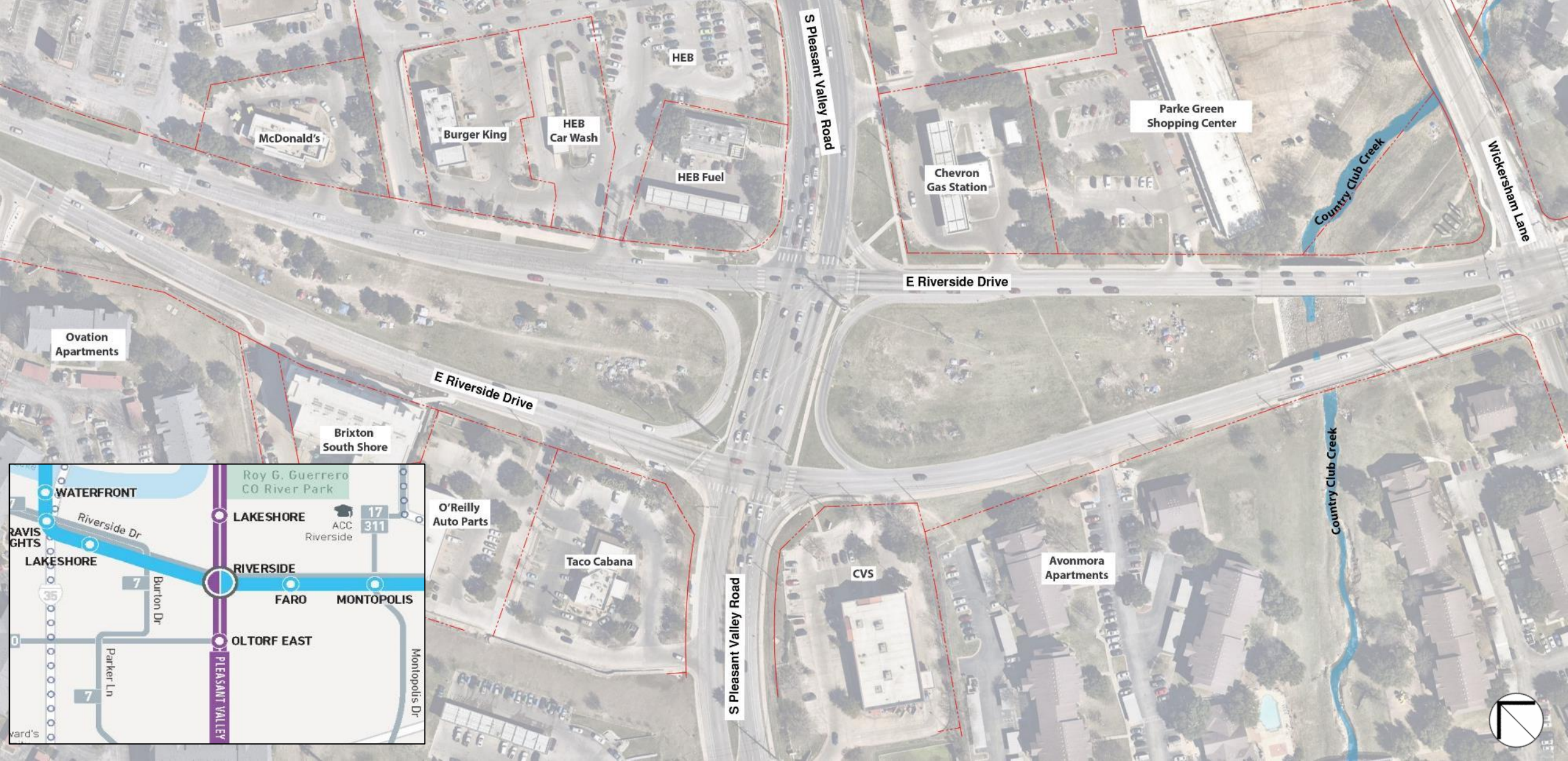
E. Riverside/Pleasant Valley Transit Center



Location



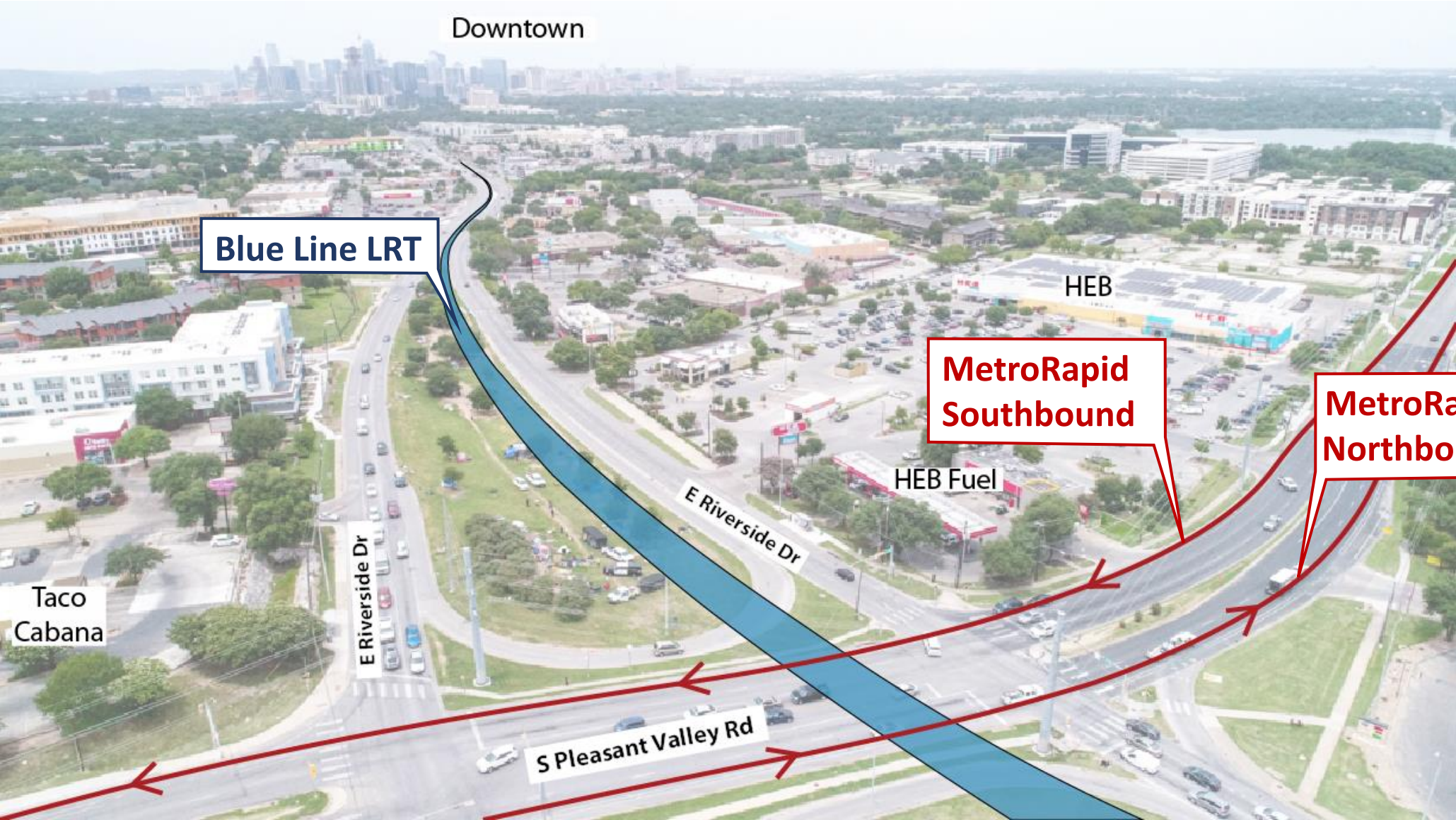
Zooming In: The Local Station Context



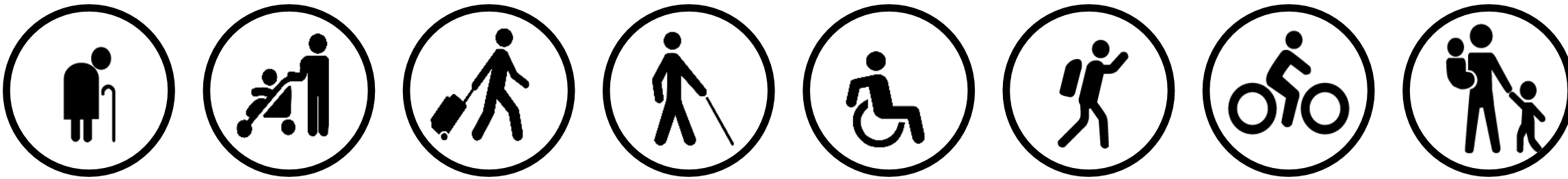
The Local Station Context: View looking west down East Riverside Drive



The Local Station Context: View looking west down East Riverside Drive



Highest Priority for Station Design: Creating a High-Quality Mobility Experience for All Ages and Abilities



Station Design: Key Principles for All Stations

These **eight principles** are key for all Project Connect stations.



**Ease of Travel /
Accessibility
per Mode**



User Experience



Placemaking



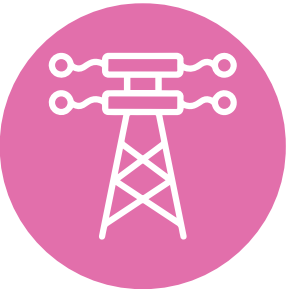
**Sustainability and
Resilience**



Cost



Operations



Utility Impacts



Constructability



Station Design: Key Principles for All Stations

Today we will focus on the four principles below:
These are particularly relevant with the **unique opportunities** at the Pleasant Valley station.



**Ease of Travel /
Accessibility
per Mode**



User Experience



Placemaking



**Sustainability and
Resilience**



Station Design Opportunities: Ease of Travel and User Experience

Creating Accessible Pathways Across the Existing Steep Slope:

There is a large slope that runs uphill on Pleasant Valley Rd from the north side of E Riverside Dr to the south side.

How can we make this slope more accessible for transit riders and all people traveling across the large, open space between the two legs of E Riverside Dr?



View from the NW corner of the Pleasant Valley and Riverside intersection looking south at the existing steep slope



Station Design Opportunities: Ease of Travel and User Experience

Crossing and Waiting on Busy Roads:

East Riverside and Pleasant Valley are both major roadways. Bicyclists, pedestrians, and transit riders need to cross these roads, or wait for the bus along these roads.

How can we limit the number and width of crossings for pedestrians and bicyclists to make this experience safer?



View from the NW corner of the Pleasant Valley and Riverside intersection looking south at the existing steep slope and crosswalks



Station Design Opportunities: Ease of Travel and User Experience

Connections Between Bus and Rail:

Ideally, riders can quickly see how to transfer from bus to rail and can easily move through the station to make their connection.

How can we make the transfers as “seamless” as possible?



View of the MetroRail MLK Station and the adjacent bus stop



Station Design Opportunities: Placemaking

Space in the E. Riverside Median:

The current network of roads creates an auto-dominant use that divides the area into two residual open space areas.

How can the area of the E. Riverside median that is not being used for transit-related needs best benefit the community?



View of Waterloo Park, Austin



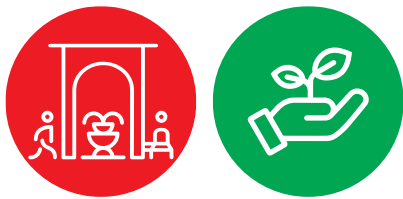
Station Design Opportunities: Placemaking and Sustainability

Green Space and Water Quality:

One option for the East Riverside median would be to add open space that could address issues such as:

- a lack of open, green space in the area
- the need for improved stormwater detention on the large median slope; detention can reduce runoff and improve water quality

Can the large open space of the existing E Riverside Dr. median play a role in addressing the community's open space and water quality needs?



Local area is a "park deficient area" per Austin Parks & Recreation map



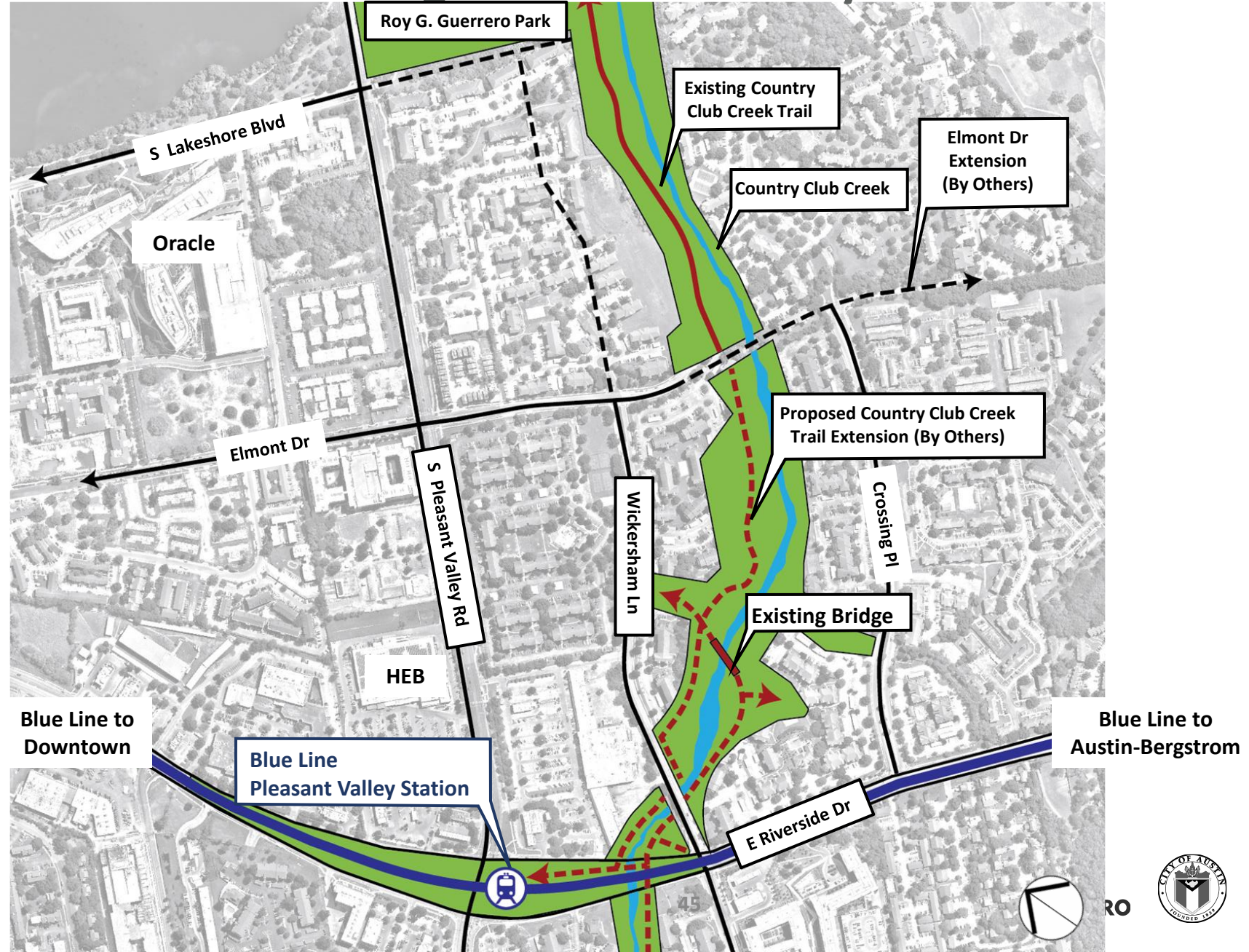
Brooklyn Bridge Park, Brooklyn, NY

Station Design Opportunities: Placemaking and Sustainability

Park and Trail Connections:

Connecting this space to parks and trails is another design opportunity as we develop the station area design further. We will show some options for connecting to the proposed Country Club Trail extension in the preliminary design options.

How do we make good connections to existing parks and trails in the area?



E. Riverside / Pleasant Valley: Mapping Exercise

Participants at the Pleasant Valley Community Design Workshop were given an opportunity to drop pins on a map of the station area that identify:

- **Important Places** – where are important places for you in the station area?
- **Places of Origin and Destination** – Where are places you travel TO or FROM within the station area?
- **Barriers** – What are possible barriers to getting to the station?



Pleasant Valley/ Riverside Community Design Workshop

Welcome to the Workshop's interactive map. Please use the "drag and drop" feature to place points on places of origin and destination, important places, or places that are barriers. You can place up to 15 pins on the map. Thank you.

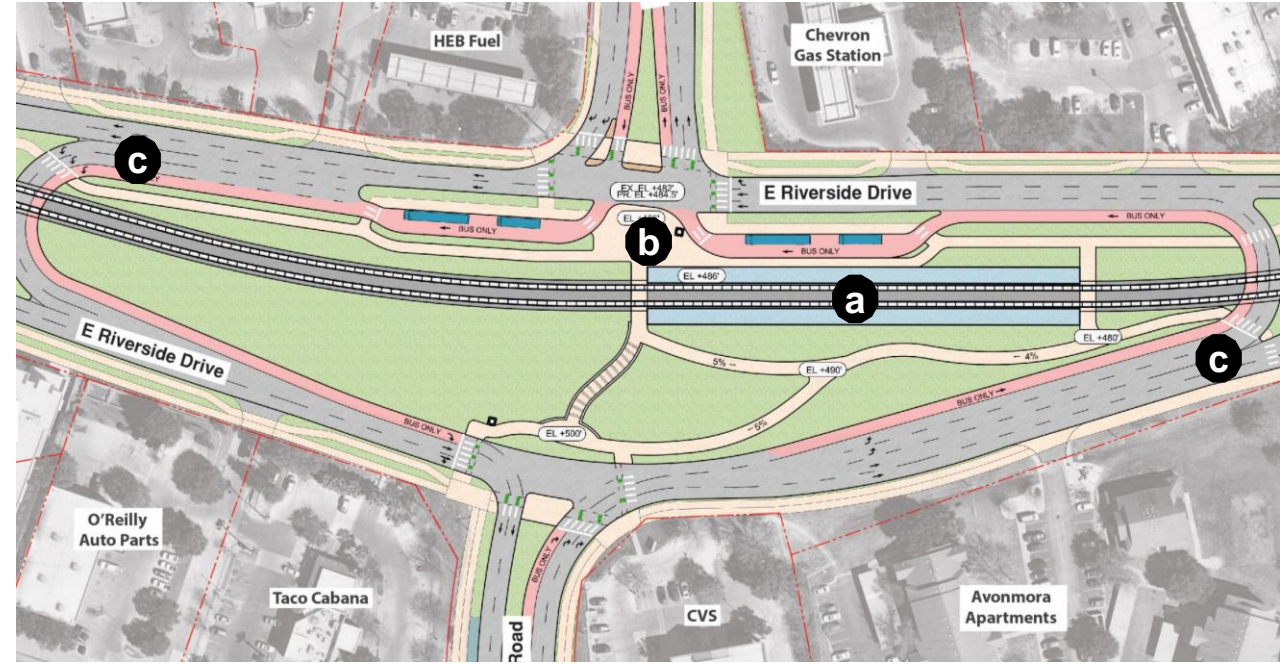
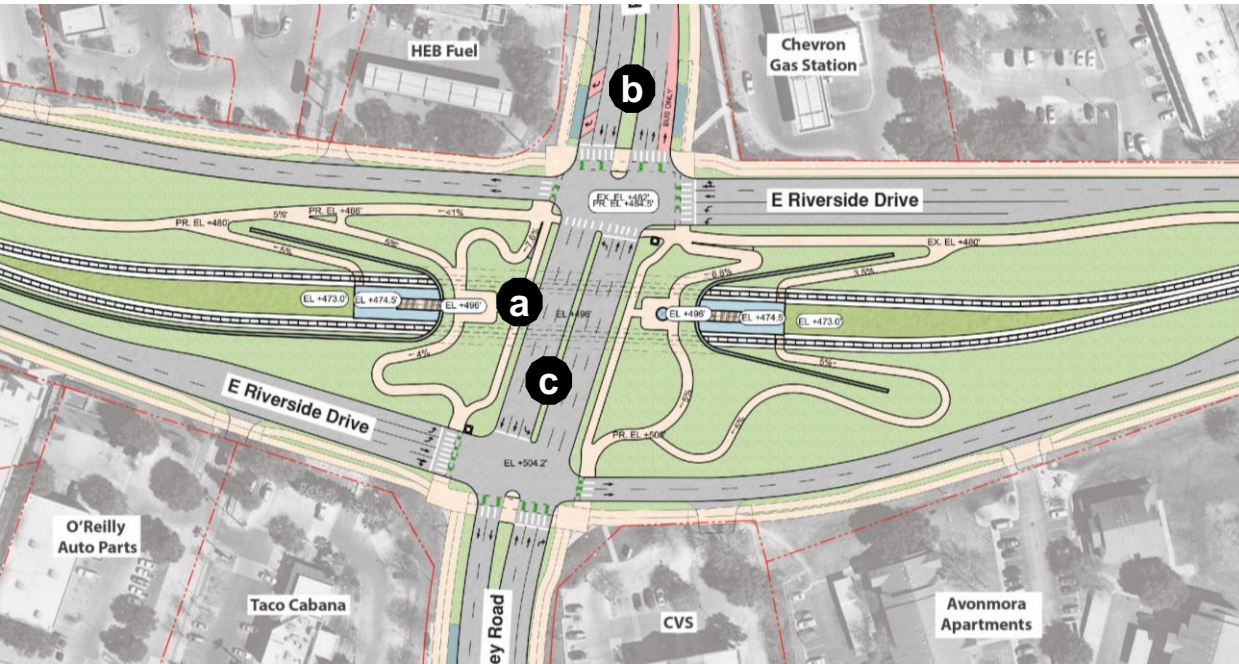
An interactive map showing the Riverside and Pleasant Valley areas. The map is overlaid with a large black circle highlighting the station area. Numerous pins are placed on the map: red pins with a person icon (barriers), blue pins (important places), and green pins (places of origin and destination). A legend in the bottom-left corner identifies these pin types. The legend includes: a person icon for "Places of origin and destination", a blue pin for "Important place", a red pin for "Barrier", and a purple line for "Pleasant Valley Metro". The map also shows various landmarks like "Raising Cane's", "La Michoacana Meat Market", "Whataburger", and "P. Terry's Burger Stand".

Legend:

- Places of origin and destination
- Important place
- Barrier
- Pleasant Valley Metro



Preliminary Transit Center Design Options



Option 1: Blue Line Underpass

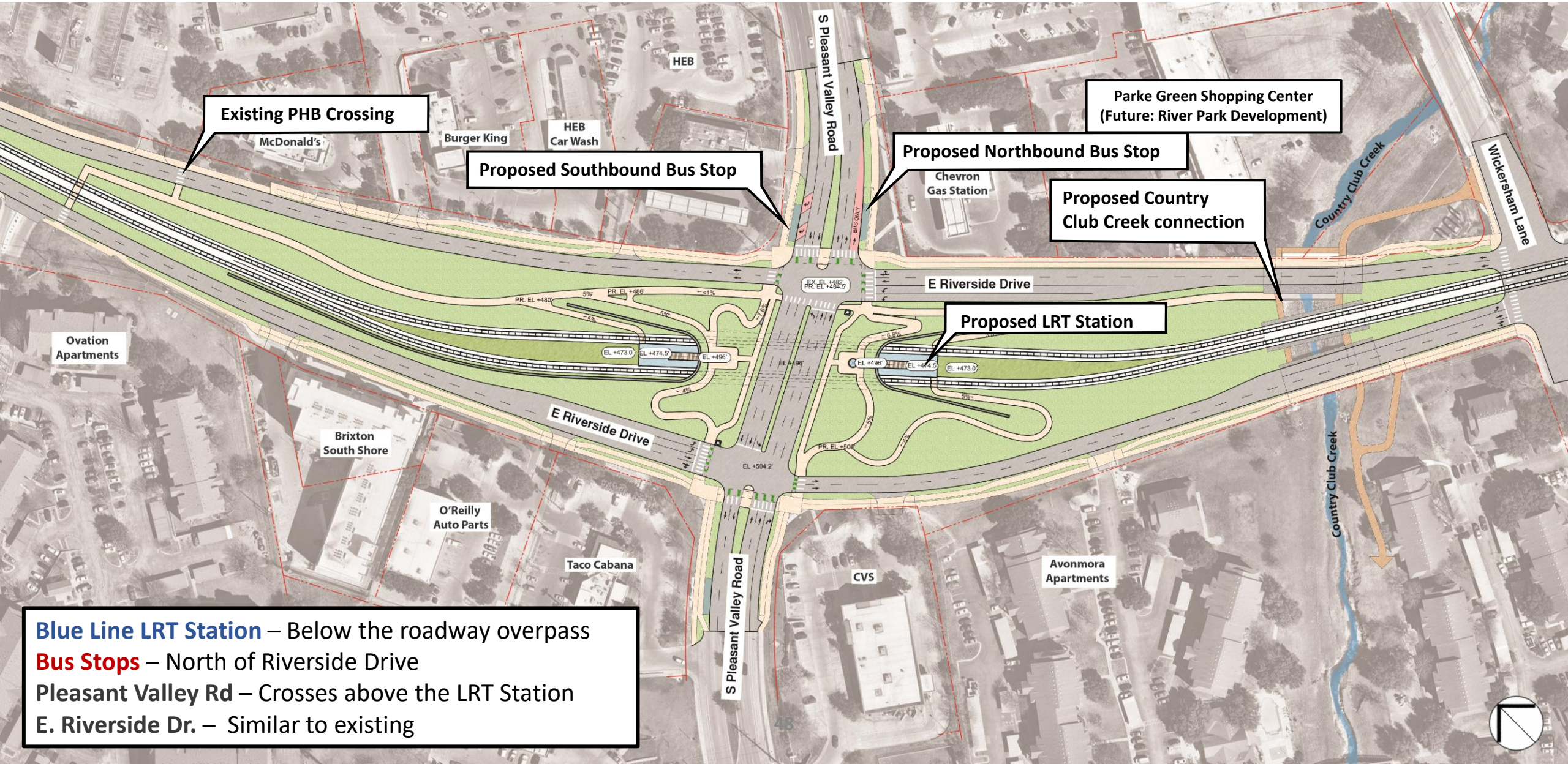
- a** Landscaped bridge and Pleasant Valley Rd above transitway
- b** MetroRapid stops located north of E Riverside Drive intersection
- c** Through-traffic remains across Pleasant Valley

Option 2: At-Grade Transit Plaza

- a** Blue Line at-grade
- b** Blue Line/ MetroRapid transit plaza on E Riverside Dr
- c** Pleasant Valley via elongated roundabout loop



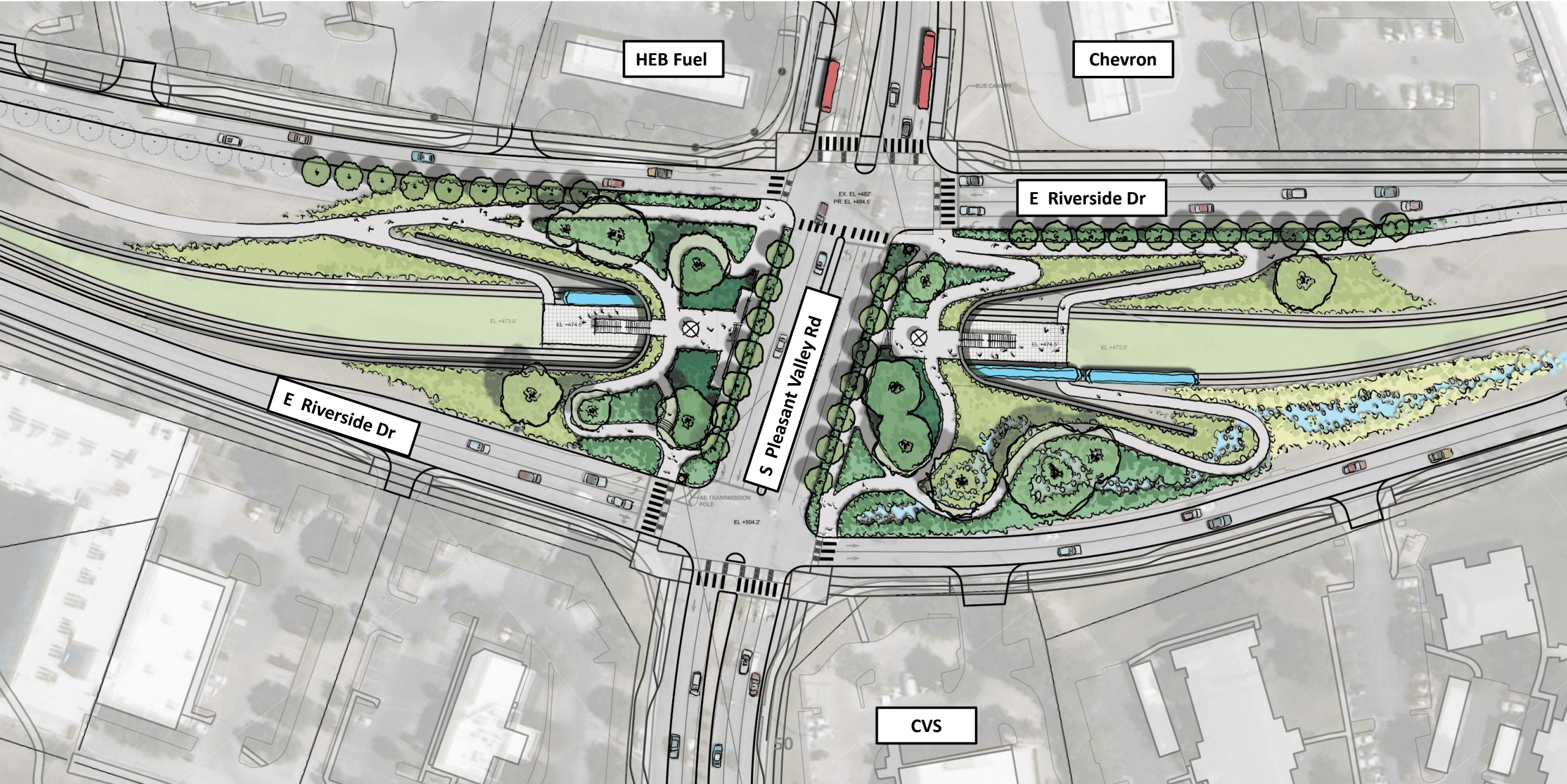
Station Design Preliminary Option 1: Blue Line Underpass



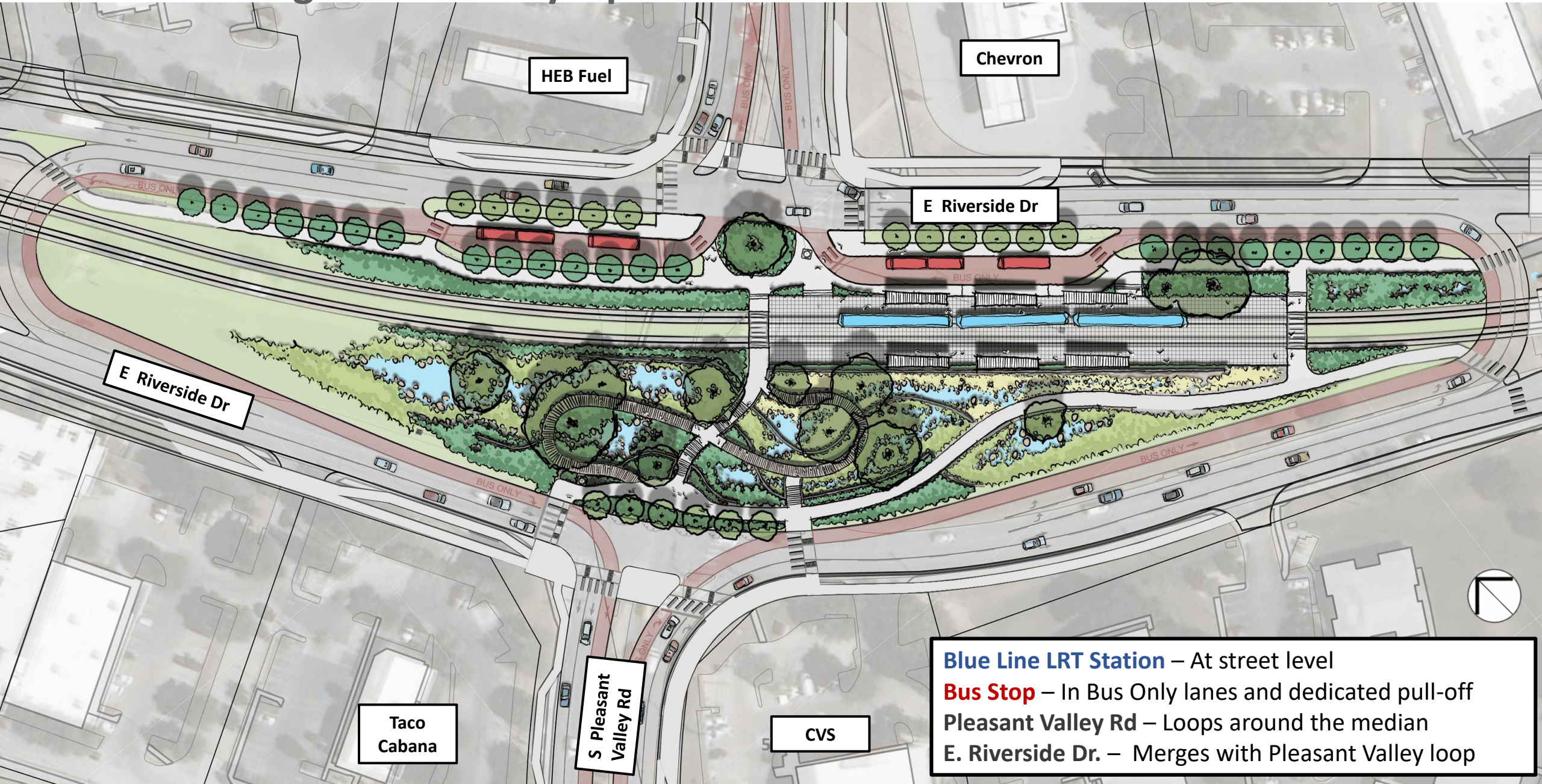
Blue Line LRT Station – Below the roadway overpass
Bus Stops – North of Riverside Drive
Pleasant Valley Rd – Crosses above the LRT Station
E. Riverside Dr. – Similar to existing



Station Design Preliminary Option 1: Blue Line Underpass



Station Design Preliminary Option 2: At-Grade Transit Plaza



HEB Fuel

Chevron

E Riverside Dr

E Riverside Dr

Taco Cabana

S Pleasant Valley Rd

CVS

Blue Line LRT Station – At street level
Bus Stop – In Bus Only lanes and dedicated pull-off
Pleasant Valley Rd – Loops around the median
E. Riverside Dr. – Merges with Pleasant Valley loop

Transit Center Design Options: Key Differences Between Options 1 and 2



Option 1: Blue Line Underpass

Opportunities

- Faster for traffic (vehicles and buses),
- Grade-separated light rail
- Pedestrians, cars, cyclists do not have to cross rail line at grade

Challenges

- Bus stops and LRT station are not integrated as transit center
- Vertical transfer between bus and rail requires elevators
- Water management challenges: may require pump station, limits water feature opportunities
- Higher cost



Option 2: At-Grade Transit Plaza

Opportunities

- Integrated transit center: Easy connection between bus and rail modes
- Transit Center activation and support space opportunities
- Public space opportunities
- Water management opportunities including water features
- Lower cost

Challenges

- At-grade crossings of light rail with vehicles/buses and pedestrians
- Slower for traffic (vehicles and buses)



E. Riverside / Pleasant Valley: Breakout Room Discussion Takeaways

OPTION 1 CONSIDERATIONS

- Concerns about safety and pedestrian crossings
- Concerns about the elevator (safety, breakdown, capacity)
- Concerns about accessibility issues and getting down to train station
- Concerns about challenging connection between travel modes
- Better for auto traffic

OPTION 2 CONSIDERATIONS

- Concerns about the impact to auto traffic flow, increased congestion, confusion for drivers
- Concerns about auto and pedestrian interactions and pedestrian crossings
- Better for transit users, pedestrians and bicyclists
- Like the open / green space
- Easier to make transfers between bus and transit



E. Riverside / Pleasant Valley: Breakout Room Discussion Takeaways

OPEN SPACE IDEAS

- Art installations and possibly space for music performances
- Restrooms
- Food vendors
- Amenities like charging stations
- Bike parking / MetroBike
- Shade
- Landscaping, gardens, green infrastructure

QUESTIONS / CONCERNS

- Safety and security
- Flooding
- Pedestrian crossings and vehicle/pedestrian interactions
- Accessibility
- Connections to Country Club Creek Trail
- Shade
- Elevators breaking down
- Right-of-way impacts (*specific concern of residents of Riverwalk Condos*)



Station Design Options: Key Differences Between Options 1 and 2



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EXECUTIVE SESSION

