



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619.231.1466 FAX 619.234.3407

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

June 12, 2008

9:00 a.m.

James R. Mills Building
Board Meeting Room, 10th Floor
1255 Imperial Avenue, San Diego

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ADLs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

ACTION RECOMMENDED

- 1. Roll Call
- 2. Approval of Minutes - May 22, 2008 Approve
- 3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

CONSENT ITEMS

- 6. MTS: Uniform Report of DBE Awards or Commitments and Payments Approve
Action would receive the Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments. Budget Impact - None.

Please turn off cell phones and pagers during the meeting



Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and the owner of the San Diego and Arizona Eastern Railway Company. MTS member agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

CONSENT ITEMS - CONTINUED -

7. MTS: 9th Avenue and C Street Rail Crossing Replacement - Fund Transfer Approve
Action would request from the San Diego Association of Governments (SANDAG) Board of Directors a transfer of funds from the Orange Line Head Span Replacement Project (CIP 1115600) to the City College Station Realignment Project (CIP 1049400) as shown in the Fund Transfer Summary. Budget Impact - No change to the overall CIP amount. \$300,000 would be added to the City College Station Realignment Project from the Orange Line Head Span Replacement Project in SANDAG's CIP budget.
8. MTS: Senior and Disabled Lift Replacement Project – Fund Transfer and Contract Award Approve
Action would: (1) approve a fund transfer request from Capital Improvement Programs (CIPs) 11216 and 11221 to CIP 11148; and (2) authorize the CEO to execute MTS Doc. No. L0826.0-08 with Complete Coach Works, Inc. to furnish and install senior and disabled lifts on the fleet of 52 SD 100 light rail vehicles (LRVs). Budget Impact - The total contract cost of \$348,580.35, including training, spares, and freight, would come from CIP 11148-0800 (Senior and Disabled Lift Replacement Project).
9. MTS: Poway Transit Services Approve
Action would: (1) authorize the Chief Executive Officer (CEO) to exercise two carryover months allowable under the current contract (MTS Doc. No. B0339.0-02 in substantially the same format as Attachment A) with First Transit (formerly Laidlaw Transit Services, Inc.) for Poway transit Route Nos. 844 and 845 from July 1, 2008, through August 30, 2008; and (2) assign the service to Southland Transit to operate effective Sunday, August 31, 2008, for a projected savings of approximately \$50,000 annually. Budget Impact - The carryover months for Poway's First Transit fixed-route service result in no additional budget impacts. The current unit rates for the First Transit agreement remain in effect for July and August 2008 and are within the FY 09 budget for MTS contract services. The assignment of the service will save approximately \$50,000 annually.
10. MTS: Poway Transit Vehicles Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Document No. B0478.1-07 with Creative Bus Sales to purchase up to eight additional medium-duty buses utilizing the public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No.1-05-23-16). Budget Impact - The purchase of eight additional medium-duty buses requires an expenditure of not more than \$910,000 in funds from MTS CIP 11419-1300 (MCS Medium-Small DART Fixed Buses). There are sufficient capital funds within this project for this expenditure after July 1, 2008 (vehicle deliveries and the resultant payments are expected no earlier than July 1, 2008).
11. MTS: Contract Award for MTS Americans with Disabilities Act (ADA) Certification and Evaluation Services Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1149.0-08 with ADAride.com, LLC for ADA certification and evaluation services. Budget Impact - The agreement would include a three-year base contract with two one-year options in an amount not to exceed \$929,098.68. The funding for these services is approved by the MTS Board on an annual basis and is within MTS's operating budget.

CLOSED SESSION

24. a. MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Possible Action
Pursuant to California Government Code Section 54956.9(a): Balfour Beatty/Ortiz v. Metropolitan Transit System (Superior Court Case No. GIC 868963)
- b. MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Possible Action
Pursuant to California Government Code section 54956.9: OPM, Inc. v. MTDB, Et Al. (Superior Court Case No. GIS 8067-1)

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. MTS: FY 2009 Budget: Public Hearing and Adoption Adopt
Action would: (1) hold a public hearing, receive testimony, and review and comment on the fiscal year 2009 budget information presented in this report; and (2) adopt Resolution No. 08-8 approving the operating and capital budget for MTS and approving the operating budgets for San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, Chula Vista Transit, and the Coronado Ferry. Budget Impact - The action today establishes the fiscal year 2009 budget.

DISCUSSION ITEMS

30. SDTC: Retirement Plans Actuarial Valuation as of July 1, 2007 Approve
Action would receive the actuarial valuation as of July 1, 2007, and approve the pension contribution rate of 14.285 percent for San Diego Transit Corporation's (SDTC's) pension plans in FY 09. Budget Impact - Approval would result in an annual pension contribution of approximately \$4,718,000.

REPORT ITEMS

45. MTS: Report on Route 923 Weekend Service Changes Receive
Action would receive a report on the proposed Route 923 adjustments.
60. Chairman's Report Information
61. Audit Oversight Committee Chairman's Report Information
62. Chief Executive Officer's Report Information
63. Board Member Communications
64. Additional Public Comments Not on the Agenda
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.
65. Next Meeting Date: June 26, 2008
66. Adjournment



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MEMORANDUM

DATE: June 6, 2008 ADM 110.1
TO: MTS Board of Directors
FROM: Gail Williams, Clerk of the Board
SUBJECT: Minutes for May 22, 2008, Board Meeting (To Be Approved by Board on June 12, 2008)

The minutes for the May 22, 2008, Board of Directors meeting will be forwarded to you via fax.

Copies will also be available at the Board meeting.





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Agenda

Item No. 6

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

LEG 430 (PC 50121)

June 12, 2008

SUBJECT:

MTS: UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

RECOMMENDATION:

That the Board of Directors receive the Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments (Attachment A).

Budget Impact

None.

DISCUSSION:

MTS is a subrecipient of Division of Mass Transportation Federal Transit Administration (FTA) funds and, as such, must report on DBE participation in its contracting opportunities. Twice yearly, subrecipients must submit a completed Awards/Commitments and Actual Payments spreadsheet. These spreadsheets were submitted by MTS to the California Department of Transportation (Caltrans) program representative on May 7, 2008, for the period of October 1, 2007, through March 31, 2008.

History

The DBE Program was originally created to ensure nondiscrimination in the award and administration of Department of Transportation (DOT)-assisted contracts. The DBE Program required that on all federally funded contracts, a contract-specific DBE goal be



established and met by the successful bidder. In order to qualify as a DBE, a company has to be certified by the grantee or designated state agency. Award of all federally funded contracts was conditioned upon meeting the DBE goal. If a firm was unable to meet the DBE goal, the firm was required to demonstrate that it made a good-faith effort to find a DBE subcontractor.

In 2005, the Ninth Circuit Court of Appeals published an opinion specifying that the State of Washington's contract-specific goal for a paving contract was unconstitutional. In that case, a bidder had submitted the lowest bid for the project but failed to meet the DBE goal. The state awarded the contract to a minority-owned company whose bid was higher. The low bidder then sued the FTA, the State of Washington, and the City of Vancouver claiming its constitutional rights had been violated. After several years of litigation and appeals, the federal Ninth Circuit Court of Appeals ruled that on its face, the premise behind the FTA's DBE Program was constitutional but as applied to this particular bidder, its constitutional rights had been violated. The court based its decision on the fact that the State of Washington had not conducted a disparity study to determine whether any discrimination was occurring in the award of its contracts; the state had simply ordered all contracts to have a DBE goal.

On December 21, 2005, in response to the Ninth Circuit's ruling, the nine states affected by the decision (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) were required by DOT to submit proof of discrimination in their respective contracting opportunities. Caltrans took the lead for gathering this evidence for all transportation agencies within California. Caltrans considered past disparity studies, comments, and written evidence received during a 90-day public comment period ending on March 20, 2006. While there was some indirect evidence of discrimination contained in the information received, Caltrans concluded that the data lacked sufficient evidence to continue with a race-conscious DBE Program. In order to comply with the Ninth Circuit ruling, Caltrans then issued a directive that all federal transportation assistance subrecipients would implement a DBE Race-Neutral Program until a comprehensive state-wide disparity study was completed. MTS is still awaiting the results of the final study.

In addition, MTS is currently participating in a Southern California DBE Disparity Study, which will take about 18 months to complete. In summary, the DBE Program has changed from a contract-specific program (where goals are set for each federally funded contract) to a DBE availability program (DBE goals are set for the year and attainment is monitored). During this time, MTS will continue to comply with all DBE requirements.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, tiffany.lorenzen@sdmts.com

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Attachment: A. Uniform Report of DBE Awards or Commitments and Payments

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS AWARDS/COMMITMENTS

A. Subrecipient/Agency: San Diego Metropolitan Transit System

B. DBE Liaison Officer and Phone: Tiffany Lorenzen - 619.557.4512 **C.** Date: 5/5/08

D. Report due April 15 for the period October 1 to March 31 Report due October 15 for the period April 1 to Sept 30

	E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount
1	San Diego Association of Governments	Fund Transfer Agree	N		\$150,000.00
2	San Diego Association of Governments	Fund Transfer Agree	N		250,000.00
3	Corvel Enterprise	Prof Consult Services	N		283,730.00
4	United Transmission Exchange	Purch of Equip	N		2,331,854.38
5	Wismar & Barber	Prof Consult Services	N		50,000.00
6	Bureau Veritas/San Diego Association of Governments	Prof Consult Services	Y		250,000.00
	- Aguirre & Associates (Subcontractor)			6729	
	- Estrada Land Planning (Subcontractor)			7103	
	- J L Patterson Associates, Inc. (Subcontractor)			7770	
	- Manuel Oncina Architects, Inc. (Subcontractor)			12582	
	- R2H Engineering, Inc. (Subcontractor)			22945	
	- Wiggans & Willett, Inc. (Subcontractor)			31308	
7	IBI Group	Prof Consult Services	N		100,000.00
8	United Pumping	Haz Waste Disposal	N		258,449.50

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS AWARDS/COMMITMENTS

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount
9 Fuel Solutions Inc.	Prof Consult Services	N		83,074.00
10 Hecht, Solberg, Robinson	Prof Consult Services	N		500,000.00
11 Orthopaedic Hospital	Prof Consult Services	N		417,000.00
12 Hanson Bridgett Marcus	Prof Consult Services	N		50,000.00
13 Best Best & Krieger	Prof Consult Services	N		100,000.00
14 San Diego Association of Governments	Time Ext for Grant	N		0
15 Asbury Environmental Services	Pumping Services	N		41,650.96
16 Siemens Transport	Materials	N		0
17 Motorola	Purch of Equip	N		99,712.00
18 County of San Diego	Construction	N		19,500.00
19 Allied Weed Control	Weed Abatement	N		32,327.90
20 TMD Inc.	Prof Consult Services	N		20,000.00
21 Washington Group International	Prof Consult Services	N		168,082.00
22 Telliard Construction	Construction	N		297,000.00
23 Add-On's Inc.	Prof Consult Services	N		30,000.00
24 Creative Bus Sales	Purch of Equip	N		2,256,773.00
25 Bureau Veritas/San Diego Association of Governments	Prof Consult Services	Y		450,000.00
- Aguirre & Associates (Subcontractor)			6729	
- Estrada Land Planning (Subcontractor)			7103	

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS AWARDS/COMMITMENTS

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount
- J L Patterson Associates, Inc. (Subcontractor)			7770	
- Manuel Oncina Architects, Inc. (Subcontractor)			12582	
- R2H Engineering, Inc. (Subcontractor)			22945	
- Wiggins & Willett, Inc. (Subcontractor)			31308	
26 San Diego Association of Governments	Prof Consult Services	N		25,000.00
27 Giro, Inc.	I.T. Services	N		2,210,713.00
28 Giro, Inc.	I.T. Services	N		47,363.00
29 Giro, Inc.	I.T. Services	N		9,000.00
30 Advanced Rail Management	Rail Grinding Services	N		99,500.00
31 Hanson, Bridgett, Marcus	Prof Consult Services	N		65,000.00
32 Peachez, Inc. DBA Air Management	Construction	N		0.00
33 Select Electric	Construction	N		542,058.50
34 Union Switch	Purch of Equip	N		91,650.00
35 Siemens Energy & Automation	Purch of Equip	N		63,318.00
36 Telliard Construction	Construction	N		26,184.00
37 Electro Specialist Systems	Construction	N		183,324.52
38 Canon Business Solutions	Purch of Equip	N		43,447.25
39 New Flyer of America	Purch of Equip	N		28,626,658.06
40 AAA Printing	Printing Services	N		1,553,141.64

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS AWARDS/COMMITMENTS

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount
41 Best Best & Krieger	Prof Consult Services	N		30,000.00
42 Peachez Inc. DBA Air Management	Construction	N		0.00
43 Bureau Veritas	Prof Consult Services	N		28,473.00
44 Berryman Henigar	Prof Consult Services	N		5,811.00
45 Berryman Henigar	Prof Consult Services	N		7,000.00
46 Bureau Veritas	Prof Consult Services	N		9,835.00
47 Bureau Veritas	Prof Consult Services	N		13,000.00
48 Berryman & Henigar	Prof Consult Services	N		6,246.00
49 Bureau Veritas	Prof Consult-Time Ext	N		28,473.00
50 Bureau Veritas	Prof Consult Services	N		33,500.00
51 Berryman & Henigar	Prof Consult Services	N		5,020.00
52 LAN Engineering Corp.	Prof Consult Services	N		2,764.24

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Agenda

Item No. 7

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

CIP 10494, 11156

June 12, 2008

SUBJECT:

MTS: 9TH AVENUE AND C STREET GRADE CROSSING REPLACEMENT – FUND TRANSFER

RECOMMENDATION:

That the Board of Directors request from the San Diego Association of Governments (SANDAG) Board of Directors a transfer of funds from the Orange Line Head Span Replacement Project (CIP 1115600) to the City College Station Realignment Project (CIP 1049400) as shown in the Fund Transfer Summary (Attachment A).

Budget Impact

No change to the overall CIP amount. \$300,000 would be added to the City College Station Realignment Project from the Orange Line Head Span Replacement Project in SANDAG's CIP budget.

DISCUSSION:

On June 14, 2007, the MTS Board requested that the SANDAG Transportation Committee transfer funds to the City College Realignment Project so a change order could be issued to the contractor for relocation and replacement of old worn track crossover between 8th and 9th Avenues and C Street. The fund transfer was approved and preliminary field work began early this year. During this investigation, it was discovered that rails in the 9th Avenue and C Street grade crossing, which is adjacent to track crossover scheduled to be replaced, were extremely worn creating wide gauge, which is beyond the Federal Railway Administration's (FRA's) limit for Class 3. Train-speed restrictions were implemented immediately to reduce the operation to FRA Class 1. These worn rails need to be replaced urgently so that continuing rail wear does



