



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
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

March 10, 2005

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 - February 24, 2005
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 furnish a copy of the Clerk of the Board.
4. Presentation of Employee Awards

Approve

Receive



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.

5. Closed Session Items
None.

Possible Action

Oral Report of Final Actions Taken in Closed Session

CONSENT ITEMS - RECOMMENDED BY THE CHIEF EXECUTIVE OFFICER (indicated by *)

- * 6. SDTI: Second and Final One-Year Extension of Nightly Cleaning Services - Contract Amendment Approve
Action would authorize the President-General Manager of San Diego Trolley, Inc. to execute a contract amendment with Calderon Building Maintenance, Inc. for a second and final one-year extension of light rail vehicle nightly cleaning services.
- * 7. SDTI: Coupler Parts Procurement: Contact Award Approve
Action would authorize the President-General Manager of San Diego Trolley, Inc to execute a Standard Procurement Agreement with Siemens Transportation Systems, Inc. for supplying SD100 light rail vehicle coupler parts.
- * 8. MTS: New Flyer Bus Contract Amendment and Fund Transfer for 47 Low-Floor Compressed Natural Gas Buses Approve
Action would authorize the CEO to (1) execute Amendment No. 3 to Document No. B0441.3-05 for the addition of manufacturer-supplied tires, and (2) transfer funds into the SDTC CNG Bus Purchase.
- * 9. MTS: Election to Fill Vacant Position of San Diego and Arizona Eastern (SD&AE) Railway Company Director Approve
Action would approve a recommendation from the San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors to elect: (1) Douglas Verity as director to replace the position vacated by Scott Treece; (2) Gene Shepard as the alternate for Douglas Verity; (3) Mike Ortega as the alternate for Thomas Schlosser; and (4) Peter Tereschuck as the alternate for Paul Jablonski.

NOTICED PUBLIC HEARINGS

25. None.

NOTE: A FIVE-MINUTE RECESS WILL BE TAKEN AT APPROXIMATELY 10:30 A.M.

DISCUSSION ITEMS

- | | | |
|-----|---|-----------------|
| 30. | <u>MTS: Proposed Changes to Metropolitan Transit System Enabling Legislation</u>
Action would receive a report on the proposed changes to MTS's enabling legislation and provide direction to staff on modifications to the legislation. | Possible Action |
| 31. | <u>MTS: Coca-Cola Partnership: 2005 Community Relations Events</u>
Action would approve the Coca-Cola Community Relations Events for 2005. | Approve |

REPORT ITEMS

- | | | |
|-----|---|-----------------|
| 45. | <u>MTS: Ridership Trend Analysis</u>
Action would receive this report for information. | Receive |
| 46. | <u>MTS: Year-End Security Report</u>
Action would receive this report for information. | Receive |
| 47. | <u>MTS: Status Report on Intelligent Transportation Systems</u>
Action would receive this report for information. | Receive |
| 60. | <u>Chairman's Report</u> | Possible Action |
| 61. | <u>Chief Executive Officer's Report</u> | Information |
| 62. | <u>Board Member Communications</u> | |
| 63. | <u>Additional Public Comments Not on the Agenda</u>
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. | Possible Action |
| 64. | <u>Next Meeting Date:</u> March 24, 2005 | |
| 65. | <u>Adjournment</u> | |

JGarde

AGENDAS EC 3-3-05 BD 3-10-05

3/4/2005

JOINT MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS),
SAN DIEGO TRANSIT CORPORATION (SDTC),
AND SAN DIEGO TROLLEY, INC. (SDTI)

February 24, 2005

BOARD OF DIRECTORS MEETING ROOM, 10TH FLOOR
1255 IMPERIAL AVENUE, SAN DIEGO

MINUTES

Finance Workshop – 8:00 a.m.

1. Roll Call

Budget Development Committee Chairman Rindone called the meeting to order at 8:12 a.m. A roll call sheet listing Board member attendance is attached.

Introduction of New Alternate: Chairman Williams introduced Santee Councilmember Brian Jones, newly appointed alternate for Santee Councilmember Hal Ryan.

2. a. MTS: Operators Budget Status Report for December FY 05 (FIN 310.1, PC 30100)

Mr. Jablonski gave a brief overview of what staff would be reviewing for the Finance Workshop portion of the meeting. He pointed out that preliminary revenue numbers from the San Diego Association of Governments (SANDAG) are trending positive over the last couple weeks due to increases in sales-tax revenues. Mr. Larry Marinesi, MTS Budget Manager, reviewed the Combined Net Operating Subsidy Variance Summary reporting a favorable net subsidy variance of \$77,000 as of December 31, 2004.

In response to a question from Mr. Monroe, Mr. Marinesi stated that wages exceeded budget due to operator and maintenance overtime that has occurred as a result of SDTC's understaffed position for operators and its efforts to improve on-time performance and equipment reliability. Mr. Cliff Telfer, MTS Interim Chief Financial Officer, reported that substantial progress has been made in improving these performance indicators, and an upcoming job fair should help alleviate the understaffing problem. Mr. Jablonski stated that overtime hours will probably trend higher over the next six months as significant steps are being taken to improve on-time performance, and realignment of running times will add to the number of operating hours. Mr. Monroe suggested that overtime should be anticipated during the budgeting process.

Action Taken

No action was taken. Staff's recommendation was that the Board receive this report.

b. MTS: FY 05 Midyear Budget and Capital Improvement Project Adjustments
(FIN 310.1, PC 30100)

Mr. Marinesi reviewed elements of the combined MTS FY 2005 midyear budget adjustment, which would consist of a midyear budgetary increase of \$650,000. Mr. Marinesi also reviewed options for making the midyear adjustment including offsetting the midyear adjustment against pension savings, which would be discussed later in the Finance Workshop, or continue cost-cutting measures to balance the budget. Mr. Marinesi pointed out that continued cost cutting may negatively impact service levels and quality. He added that, at this time, staff recommends offsetting the \$650,000 midyear adjustment against the FY 04 positive budget variance. Mr. Jablonski emphasized that operational problems are being addressed as Mr. Marinesi indicated. He briefly discussed changes in passenger levels, higher energy costs, recruitment of operators, and efforts already underway that are starting to reduce some overtime. He added that MTS can continue to cut costs but those efforts will have a negative impact on system performance and may not yield savings adequate to balance the budget.

Mr. Jablonski also explained that MTS is in a position to save \$1.5 million on the annual expenditure to fund the SDTC pension plan as a result of the recent issuance of pension obligation bonds (POBs), and these funds could be used to balance the budget. He stated that staff will bring a report back to the Board in one to two months after actuarial studies of the pension plan have been completed and will bring experts (actuary and bond counsel) to ensure the Board is comfortable with this option.

In response to a question from Mr. Monroe, Mr. Jablonski stated that MTS used \$5 million in reserves in FY 2004. Mr. Monroe stated that he would like to see a presentation on the ridership recovery that was projected when the last fare increase was approved and asked if it would be prudent to go ahead with the scheduled increase in pass prices in 2006. Mr. Jablonski stated that the MTS Planning Department will be making a fairly extensive presentation on ridership that shows some interesting conclusions and may provide some of the information Mr. Monroe is requesting. Mr. Jablonski also stated that, in a static environment, ridership dips in response to fare increases and then recovers. He stated that ridership for the entire system is up 3+ percent, but mode switches have caused some modes to experience declines while other modes experience improvements. In response to a comment from Mr. Monroe, Mr. Jablonski stated that external factors always influence ridership; e.g. opening of Petco Park and the opening of adjacent parking facilities.

In response to a question from Mr. Young, SDTI President-General Manager Peter Tereschuck reviewed SDTI's security needs in connection with Street Scene and Padres/Chargers games. He also reported that SDTI receives full

cost recovery for extraordinary costs of services provided for special events with the exception of Padres/Chargers games as that service is not directly related to the event. Mr. Young stated that he has reports from constituents regarding problems with gang activity on trolleys. He stated that he would like to hear more about this topic. Mr. Tereschuck stated that SDTI's year-end security report is currently on the Board's March 10 agenda. Mr. Young pointed out that people will not ride a system they don't feel is safe. Chairman Williams stated that the trolley's incident rate is low compared to the City's but also expressed concern regarding perceptions that the system might not be safe. Mr. Young suggested that MTS visit with some of the parents in his community who are concerned for the safety of their children.

Mr. Marinesi explained that the CIP midyear adjustment consists of transfers between items.

Action Taken

Mr. Lewis moved to approve the MTS FY 05 Midyear Adjustment (Resolution No. 05-2 [Attachment A of the agenda item]). Mr. Emery seconded that motion, and the vote was 10 to 0 in favor.

Mr. Lewis moved to forward a recommendation to the San Diego Association of Government (SANDAG) Transportation Committee to transfer FY 05 capital improvement project funds for various projects. Mr. Emery seconded the motion, and the vote was 10 to 0 in favor.

c. SDTC: Pension Bond Results Update (FIN 310.0, PC 30100)

Mr. Telfer provided the Board with an update on the calculation of the pension contribution requirement and results of the Pension Obligation Bond (POB) issue, including an explanation of how the bond issue generated \$4,325,000 in funds that would be available in FY 05. He pointed out that work is underway with the plan's actuary to determine final projected results. Mr. Telfer stated that these funds could be used to pay down the bond debt, for operations thus reducing the amount needed from the contingency reserve to balance the budget, or to create a pension reserve. He stated that creating a contingency reserve could help MTS move closer to its goal of having all employees in the California Public Employee Retirement System (CALPERS). He stated that no decision should be made until the actuarial work is completed.

In response to a question from Mr. Young, Mr. Telfer reported that the fund is currently close to 90 percent funded. Mr. Young cautioned the Board not to use the funds for operations.

Public Comment

Steve Alcove: Mr. Alcove, President of the Amalgamated Transit Union (ATU), Local 1309, stated that the ATU has membership on the plan's Pension Investment Committee. He stated that they are pleased with recent decisions

and the results of those decisions. He stated that excess funds should only be used for the pension plan. He stressed that operators depend on the pension plan.

Mr. Jablonski stated that MTS is very sensitive to this issue and takes the future of its employees very seriously. He stated that this is a very complex issue and reminded the Board that experts will be brought in to help with the discussion of these decisions. Mr. Jablonski briefly discussed how the plan is managed to accommodate changes in investment returns, and Mr. Telfer pointed out that the plan has 10 different investment managers. Mr. Telfer added that a presentation on the pension plan will be given to the Board at one of its March meetings.

Action Taken

Ms. Sterling moved to receive this report for information. Mr. Clabby seconded the motion, and the vote was 12 to 0 in favor.

d. MTS: FY 2006 Budget Development (FIN 310.1, PC 30100)

MTS Controller Tom Lynch reviewed projections for nonoperating and operating revenues for FY 06. He stated that all figures have taken into consideration the opening of Mission Valley East but not service adjustments that will result from the Comprehensive Operational Analysis (COA). He also pointed out that \$4,300,000 in Federal Congestion Mitigation and Air Quality (CMAQ) funds will not be available in 2009 and will need to be replaced. He reviewed projections for operating revenue by operator, energy, revenue miles, revenue hours, and passengers.

Mr. Jablonski stated that there has been an increase in sales-tax revenues recently. He said that it is very possible that, aside from CMAQ funds for MVE start up, MTS may have a balanced budget for FY 06. He stated that, with upcoming decisions on service adjustments, MTS could be in a good position to be closely aligned with its operating revenues.

Action Taken

Mr. Emery moved to receive this report for information. Mr. Clabby seconded the motion, and the vote was 12 to 0 in favor.

e. MTS: Amendment to FY 06 Capital Improvement Program (FIN 310.1, PC 30100)

Mr. Jablonski explained that, because of a miscommunication between SANDAG and MTS, \$700,000 in SANDAG regional planning funds were not subtracted from MTS's FY 06 Capital Improvement Program (CIP). He stated that staff will deduct this amount from miscellaneous capital. He added that the SANDAG Transportation Committee has already approved this item contingent on MTS Board approval.

Action Taken

Mr. Williams moved to approve a \$700,000 reduction of federal formula program funding within the 2006 Capital Improvement Project fund. Mr. Emery seconded the motion, and the vote was 12 to 0 in favor.

Board Meeting – 9:00 a.m.

3. a. Roll Call

Chair Williams called the meeting to order at 9:25 a.m. A roll call sheet listing Board member attendance is attached.

b. Approval of Minutes

Mr. Lewis moved to approve the minutes of the January 27, 2005, Board of Directors meeting. Mr. Clabby seconded the motion, and the vote was 12 to 0 in favor with Mr. Jones abstaining.

c. Public Comment

Chuck Lungerhausen: Mr. Lungerhausen provided the Board with an update on the location for the Team Water Walkers MS water walk. He also stated that 1/6 of a cent is not enough to sustain and expand future transit operations. He stated that a sales tax of one percent, like that received by Los Angeles, is needed. He added that raising fares every few years is counterproductive.

Gordy Shields: Mr. Shields requested that the Board reconsider its decision not to provide open space at the front of each trolley car for wheelchairs and bicycles. He stated that seats have to be flipped up on the new trolley cars in order to make room for this purpose. He added that the new cars are superior in terms of accessibility. He requested that the Board make changes to the new cars to remove three seats and designate the space for wheelchairs and bicycles and provide some time of securement system as well.

Cathy Cieri: Ms. Cieri reported to the Board that rail cars operated by the Carrizo Gorge Railway (CZRy) are idling their trains in front of her house 24 hours a day, 7 days a week. She explained the problems that this is creating for residents in the vicinity of these tracks in Jacumba. She also reviewed the history of how CZRy has addressed these issues with her. She stated that for a period of time, CZRy did park the train cars further away from residents, but they have since started parking the cars right next to her house again. She stated that she has been threatened and harassed by CZRy regarding this issue.

Mr. Jablonski stated that information has been received by staff on this issue. He added that the MTS Board has a subcommittee that deals with SD&AE as well as CZRy, and this issue will be brought before that subcommittee when it meets again in April. He stated that staff will do an investigation of the issues prior to developing the report for that meeting. Mr. Young stated he would like to visit

Ms. Cieri's residence to see this problem first hand. Mr. Monroe expressed surprise that a procedure like this would be part of CZRy's operating plan.

Jeannie Bagrie: Ms. Bagrie also explained the effect the idling rail cars are having on her. She stated that she moved to Jacumba for the peace and quiet.

John Hogue: Mr. Hogue stated that he felt Jacumba was not receiving the kind of attention that would be generated if this problem existed in another community. He added that this issue has created tension between railroad employees and the residents of Jacumba. He also stated that these idling rail cars are old and generate pollution. He stated that CZRy does not respect the residents, and regulations are needed to control CZRy. He stated that idling these cars by residences 24 hours a day is not reasonable.

4. Presentation of Employee Awards

There were no Employee Awards.

5. Closed Session Items (ADM 122)

The Board convened to Closed Session at 9:37 a.m. for:

- a. MTS: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – California Government Code Section 54956.9(a): Save our Heritage Organisation (SOHO) v. City of San Diego, Et. Al., Superior Court Case No. GIC 837743
- b. MTS: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – California Government Code Section 54956.9(a): OPM/Gateway Inn v. MTDB, San Diego Superior Court Case No. GIS 008067
- c. MTS: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – California Government Code Section 54956.9(a): MTDB v. Wells Fargo Bank (Jack in the Box), San Diego Superior Court Case No. GIC 777301-1

The Board reconvened to Open Session at 9:58 a.m.

Oral Report of Final Actions Taken in Closed Session

Ms. Tiffany Lorenzen, MTS General Counsel, reported the following actions taken in Closed Session:

- a. The Board received a report from the Office of the General Counsel. City of San Diego council members were not present during the discussion of this item.
- b. The Board received a report from outside counsel and gave direction to staff.
- c. The Board received a report from outside counsel and gave direction to staff.

Written Report of Final Actions Taken in Closed Session: AGENDA ITEM No. 5e, December 9, 2004, MTDB: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – California Government Code Section 54956.9(a): MTDB v. The Price Company, San Diego Superior Court Case No. GIC 774603-1. The Board received a report from outside counsel and gave direction to staff and outside counsel to approve a change in the area of the property to be acquired for the project, reducing the take to 4,731 square feet of fee simple interest, 38,199 square feet of temporary construction easement, and 24,057 square feet of temporary access easement.

CONSENT ITEMS

6. MTS: Mission Valley East Light Rail Transit Project: Mitigation Monitoring and Reporting Program CIP 10426

Recommend that the Board of Directors receive the final Mitigation Monitoring and Reporting Program Status Report (Attachment A of the agenda item) for the Mission Valley East (MVE) Light Rail Transit (LRT) Project.

7. SDTC: Drug and Alcohol Policy for San Diego Transit Corporation (OPS 960.10, PC 30101)

Recommend that the Board of Directors adopt SDTC Resolution No. 05-01 approving the Federal Transit Administration (FTA)-mandated Drug and Alcohol Policy.

8. SDTI: Renaming of the Weld Boulevard Station to Gillespie Field Station (OPS 970.2, PC 30102)

Recommend that the Board of Directors authorize changing the name of the Weld Boulevard Station to Gillespie Field Station to more accurately reflect its regional identity, in conjunction with opening the MVE LRT extension.

Motion on Recommended Consent Items

Mr. Clabby moved to approve Consent Agenda Item Nos. 6, 7, and 8. Mr. Lewis seconded the motion, and the vote was 12 to 0 in favor.

NOTICED PUBLIC HEARINGS

There were no Noticed Public Hearings.

DISCUSSION ITEMS

30. MTS: Contract Change Orders for Mission Valley East (CIP 10426.7.3)

Mr. Bill Prey, SANDAG, reported that staff underestimated the signal systems needed for MVE, and this contract change order would authorize the utilization of available funds in the Track and Systems Construction Contingency to pay for the required additional signal systems.

Action Taken

Ms. Sterling moved to authorize the Chief Executive Office (CEO) to execute Contract Change Order No. 124, Supplement No. 1, to Contract LRT-426.5 with Stacy and Witbeck, Inc., in substantially the same form attached (Attachment A of the agenda item) for increases in contract quantities for bid item work under the Track and Systems Construction, in an amount not to exceed \$136,810. Mr. Emery seconded the motion, and the vote was 11 to 0 in favor.

31. MTS: Access and ADA Suburban Paratransit Contract Amendments
(OPS 980.8, PC 301170)

Mr. Jablonski advised the Board that the current contract with Laidlaw for the provision of this service expires June 30, 2005. He stated that because of the good job they are doing and because of the excellent rate Laidlaw is charging MTS for this service, the Board is being asked to make an exception, as allowed by MTS policy, to not use the competitive bid process for the next contract period. He stated that no renewal provision exists in the current contract with Laidlaw. Mr. Monroe stated that he would like to see performance indicators for Laidlaw, especially in the area of customer service, and stated that it would be a good time to add this requirement into MTS's contract with them. Ms. Susan Hafner, Director of Multimodal Operations, reported that Laidlaw would need to update its equipment for collecting data before that information would become available.

Action Taken

Mr. Monroe moved to (1) find that it is in the best interest of MTS to extend the MTS Access and Americans with Disabilities Act (ADA) Suburban/Flex Route contracts with Laidlaw Transit Services (Laidlaw) until June 30, 2008 with two one-year options, without going through a competitive bid process; (2) authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 (MTS Doc. No. B0338.0-02) in substantially the same format as attached (Attachment A of the agenda item) for MTS Suburban services with Laidlaw to extend the contract for ADA services for a period of three years with two one-year options; and (3) authorize the CEO to execute Amendment No. 3 (MTS Doc. No. B0368.0-03) in substantially the same format as attached (Attachment B of the agenda item) for MTS Access services with Laidlaw to extend the contract for ADA services for a period of three years with two one-year options. Ms. Sterling seconded the motion, and the vote was 11 to 0 in favor.

32. MTS: IFAS to Ellipse System Migration Service Agreement (CIP 10776)

Mr. Lynch stated that, under this service agreement, Mincom, Inc. would provide professional services to migrate MTS from its current system onto Mincom's Ellipse Enterprise Resource Planning System (ERP), which is currently being used by SDTI and SDTC. He reviewed the benefits and implementation costs for making this decision and stated that there would be an annual savings of \$15,000 in support maintenance contracts because the new contract would replace two existing contracts.

Mr. Monroe stated that, given MTS's awareness that inadequate training of staff can interfere with an efficient migration from one system to the other, staff should ensure that adequate training occurs prior to the actual migration. Mr. Lynch confirmed that training is part of the conversion plan. Mr. Jablonski stated that many of the problems encountered with the ERP system resulted from the program being web-based instead of Windows-based and from poor contract support. He stated that MTS has a recovery plan and the necessary commitment from Mincom to provide support staff for this effort. He stated that MTS now needs a system that is more operations based as opposed to MTS's current system, which is government based.

Action Taken

Mr. Monroe moved to approve an agreement, in substantially the same form as attached (Attachment A of the agenda item) with Mincom, Inc. to provide professional services to migrate Sungard/Bi-Tech's Integrated Financial Application System into Mincom's Ellipse Enterprise Resource Planning System. Mr. Emery seconded the motion, and the vote was 11 to 0 in favor.

33. MTS: Liability Insurance Renewal (LEG 491, PC 30100)

A revised agenda item was provided to Board members. Mr. Jim Dow, MTS Risk Management Coordinator, reported on the insurance markets that were approached and reviewed the recommended coverage levels and resulting premiums. He also reviewed the ratings of the insurance carriers. He confirmed for Mr. Lewis that all carriers are rated in California. Mr. Jablonski complimented Mr. Dow on a good job in obtaining a premium approximately \$120,000 less than the previous year's premium. He also advised the Board that MTS is doing some risk assessment work in this area as MVE is being opened. He stated that this item may be brought back to the Board in the spring after staff completes its review of options.

Action Taken

Mr. Emery moved to authorize the CEO to place the liability insurance policy (limits of \$75 million less a \$2 million self-insurance retention), at an annual cost of approximately \$2,789,742, effective March 1, 2005, through March 1, 2006. Mr. Clabby seconded the motion, and the vote was 11 to 0 in favor.

34. MTS: 2005 Joint Federal Legislative Program (LEG 470, PC 30100)

Ms. Ellen Roundtree, SANDAG Director of Governmental Affairs, reviewed the proposed 2005 Joint Federal Legislative Program. She stated that this is the third time a joint agenda has been pursued at the APTA Legislative Conference, which makes it easier for the congressional delegation to prioritize the items presented for the San Diego region. Staff reported that Mr. Young and Ms. Kaltenborn will represent the MTS Board at the conference. Mr. Morrison will represent SANDAG.

Mr. Jablonski stated that MTS has three projects on the list – 117 ADA vehicles, the South Bay Operations & Maintenance Facility, and the East County Bus Maintenance Facility. He stated that these projects need funding in order to be completed. He stated that he has followed up with letters to the congressional delegation and staff members

that he, SANDAG Executive Director Gary Gallegos, North County Transit District Executive Director Karen King, and Ms. Roundtree met with earlier this month. He added that he will be sending letters to Board members encouraging them to contact representatives to request support of MTS projects. He stressed the importance of consistently contacting members of the congressional delegation about MTS's funding needs.

Mr. Morrison stated that the joint program has been very effective. He stated that San Diego has received increased funding when other regions have experienced reductions. He also stated that elected officials from San Diego understand operational issues.

Mr. Rindone stated that, as the Board's representative on the Los Angeles-San Diego Rail Corridor Agency (LOSSAN), he was very concerned about Amtrak's loss of \$2.1 billion in subsidies from the federal government. He strongly suggested including this issue in the recommended legislative program.

Action Taken

Mr. Lewis moved to approve the 2005 Joint Federal Legislative Program. Mr. Emery seconded the motion, and the vote was 11 to 0 in favor.

35. MTS: Washington, D.C. Representation Services Contract Extension
(LEG 470, PC 30100)

MTS General Counsel Tiffany Lorenzen reviewed the proposed contract extension. She stated that a joint Request for Proposals (RFP) is in the process of being developed, and the current contract would be extended to provide these services until the contract process is completed. In response to a comment from Mr. Monroe, Ms. Lorenzen stated that MTS's current contractor, Mr. Tom Walters, would be happy to appear at a Board meeting. Mr. Clabby stated that Mr. Walters has done an excellent job, and he feels very comfortable with extending the contract. Chairman Williams stated that MTS needs to ensure that, under the new joint contract, MTS has no weaker representation that it currently enjoys.

Action Taken

Mr. Clabby moved to authorize the CEO to execute a final amendment to the Washington, D.C. Representation Services Contract (MTS Doc. No. G0548.0-00), in substantially the same format as attached (Attachment A of the agenda item), with Thomas Walters and Associates, Inc. to extend our Washington, D.C. representation services until the completion of the joint Request for Proposals for Federal Legislative services currently in process at the San Diego Association of Governments. Mr. Morrison seconded the motion, and the vote was 11 to 0 in favor.

REPORT ITEMS

45. MTS: December Monthly Performance Indicators
(OPS 920.1, 960.5, 970.5, PC 30101, 102, 103)

Ms. Anika deSilva, Associate Transportation Planner, reviewed the December 2004 monthly performance indicators. Mr. Cheung pointed out that this particular report is still a work in progress and has been adjusted based on comments made at the last Board meeting by Mr. Monroe. He stated that subsequent comments from Mr. Monroe will be incorporated into next month's report. Ms. deSilva briefly reviewed system ridership, bus on-time performance, rail on-time performance, bus mean distance between failures, rail mean distance between failures, customer complaints, and collision accidents.

Mr. Mathis stated that underlying causes should also be explored when these performance indicators are presented to the Board. He also requested follow-up information on the collision accident indicator; e.g. training, policies regarding classification of preventable and nonpreventable.

Mr. Cheung stated that future presentations will include data about the operating environment.

Action Taken

Mr. Monroe moved to receive a report on MTS operators' performance for the month of December 2004. Mr. Zucchet seconded the motion, and the vote was 11 to 0 in favor.

46. MTS: Comprehensive Operational Analysis: Project Update (ADA 121.10, PC 20484)

Mr. Cheung brought the Board up to date on recent activities related to this project. He stated that the Blue Ribbon Committee will be meeting on Friday, March 4, and the Citizens Advisory Committee will be meeting on Wednesday, March 9. He projected that a public hearing will be held April 28 at MTS for Phase I efficiency measures. Mr. Cheung reported that, during Phase II, staff will be looking at the types of services and equipment MTS uses to ensure it meets the markets being served. Mr. Lewis made comments regarding the use of jitneys. Chairman Williams stated that the city proposed changes to ordinances to allow jitneys to operate but they were never implemented. He added that, in other parts of the world, more people are transit dependent and cost issues are different. In response to a question from Mr. Rindone, Mr. Cheung stated that members of the public will be provided with an opportunity to make comments at the end of each community meeting.

Mr. Monroe complimented staff on their execution of this project. He stated that Phase I is really about making efficiency adjustments where possible, and Phase II is really where the COA takes place.

Public Comment

Steve Alcove: Mr. Alcove thanked the Board for the opportunity to sit on a COA committee.

Action Taken

Mr. Emery moved to receive this status report on the Comprehensive Operational Analysis of MTS services. Mr. Clabby seconded the motion, and the vote was 11 to 0 in favor.

47. SDTI: San Diego Chargers 2004 Year-End Summary (OPS 970.2, PC 30102)

Mr. Tom Doogan, SDTI Event Coordinator, provided the Board with an overview of trolley service to the San Diego Chargers games for 2003/2004. He provided the Board with an overview of the service provided. He also provided the Board with data on attendance & ridership, ridership history, manual ticket sales, ridership & booth sales, and ticket booth revenue. He also discussed 2004 season highlights and records and briefly discussed how Chargers team performance affects ridership. Ms. Sterling complimented staff's report and stated that environmental issues that are integrated into the data in the report give a better picture of results. In response to a comment from Mr. Monroe about wait time to board a trolley after a game, SDTI President-General Manager Peter Tereschuck stated that wait time is a function of volume and the characteristics of the game; e.g. if it is a close game. He stated that the average wait is approximately 25 to 35 minutes. He stated that trolley cars need to be appropriately spaced, and this factor is maximized to the extent possible to ensure that service is provided as frequently as possible. Mr. Doogan stated that a four-minute interval between trains is optimal. In response to a question from Mr. Jones, Mr. Doogan stated that there will be direct service to Qualcomm from Santee.

Action Taken

Mr. Monroe moved to receive this report for information. Ms. Sterling seconded the motion, and the vote was 11 to 0 in favor.

60. Chairman's Report (ADM 121.7, PC 30100)

There was no discussion of this item.

61. Chief Executive Officer's Report (ADM 121.7, PC 30100)

There was no discussion of this item.

62. Board Member Communications

California Public Employees' Retirement System (CalPers) Changes at the State Level:
Mr. Emery stated that it is important for MTS to be aware of and understand changes that are being discussed at the state level with regard to public employee pension plans

as these decisions will affect the retirements of MTS and SDTI employees. He stated that this information should be brought to the Board, and the Board may take a position at some time in the future.

Pension Plan Discussions: Mr. Zucchet discussed sensitivity to pension issues and respectfully urged Board members to exercise caution in this area. He reminded the Board about the recent MTS issuance of pension obligation bonds and discussions that took place at that time. He also respectfully suggested that if Board members go to their own cities, they may find common themes. Chairman Williams stated that current city council members are bearing the burden of decisions made by previous city council members.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

64. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, March 10, 2005, at 9:00 a.m. in the same location.


65. Adjournment

Chairman Williams adjourned the meeting at 12:03 p.m.



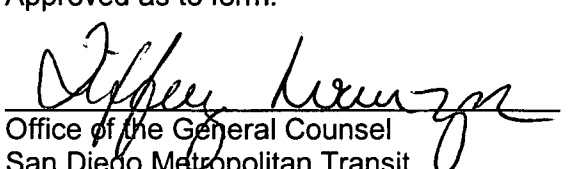
Chairman
San Diego Metropolitan Transit
Development Board

Filed by:



Office of the Clerk of the Board
San Diego Metropolitan Transit
Development Board

Approved as to form:



Office of the General Counsel
San Diego Metropolitan Transit
Development Board

Attachment: A. Roll Call Sheet

gail.williams/minutes

METROPOLITAN TRANSIT DEVELOPMENT BOARD
FINANCE WORKSHOP

ROLL CALL

MEETING OF (DATE): 2/24/05

CALL TO ORDER (TIME): 8:12 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 9:25 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS	<input type="checkbox"/> (Vacant) <input type="checkbox"/>		<input checked="" type="checkbox"/>
CLABBY	<input checked="" type="checkbox"/> (J Jones) <input type="checkbox"/>		
EMERY	<input checked="" type="checkbox"/> (Cafagna) <input type="checkbox"/>		
KALTENBORN	<input checked="" type="checkbox"/> (N/A) <input type="checkbox"/>		
LEWIS, Mark	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
MAIENSCHIN	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>	8:58 a.m. during AI 2.b	
MATHIS	<input checked="" type="checkbox"/> (N/A) <input type="checkbox"/>		
MONROE	<input checked="" type="checkbox"/> (Tierney) <input type="checkbox"/>		
MORRISON	<input checked="" type="checkbox"/> (Zarate) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Davis) <input type="checkbox"/>		
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		<input checked="" type="checkbox"/>
ROSE	<input type="checkbox"/> (Janney) <input type="checkbox"/>		<input checked="" type="checkbox"/>
RYAN	<input type="checkbox"/> (B Jones) <input checked="" type="checkbox"/>		
STERLING	<input checked="" type="checkbox"/> (Ewin) <input type="checkbox"/>		
WILLIAMS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
YOUNG	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
ZUCCHET	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>	8:58 a.m. during AI 2.b	

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

Gail Williams
Tiffany Hoverson

NOT TURNED IN TO ACCOUNTING FOR THE PAYMENT OF FEES. ONLY THE ROLL CALL FOR THE MAIN MEETING ON THIS DATE WAS TURNED IN FOR PAYMENT OF FEES.

METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL

MEETING OF (DATE): 2/24/05

CALL TO ORDER (TIME): 9:25 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:37 a.m.

RECONVENE: 9:58 a.m.

ORDINANCES ADOPTED: _____

ADJOURN: 11:25 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS	<input type="checkbox"/> (Vacant) <input type="checkbox"/>		<input checked="" type="checkbox"/>
CLABBY	<input checked="" type="checkbox"/> (J. Jones) <input type="checkbox"/>		
EMERY	<input checked="" type="checkbox"/> (Cafagna) <input type="checkbox"/>		
KALTENBORN	<input checked="" type="checkbox"/> (N/A) <input type="checkbox"/>		
LEWIS, Mark	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
MAIENSCHIN	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		9:58 a.m. at end of Closed Session
MATHIS	<input checked="" type="checkbox"/> (N/A) <input type="checkbox"/>		
MONROE	<input checked="" type="checkbox"/> (Tierney) <input type="checkbox"/>		
MORRISON	<input checked="" type="checkbox"/> (Zarate) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Davis) <input type="checkbox"/>		
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		<input checked="" type="checkbox"/>
ROSE	<input type="checkbox"/> (Janney) <input type="checkbox"/>		<input checked="" type="checkbox"/>
RYAN	<input type="checkbox"/> (B. Jones) <input checked="" type="checkbox"/>		
STERLING	<input checked="" type="checkbox"/> (Ewin) <input type="checkbox"/>		
WILLIAMS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
YOUNG	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
ZUCCHET	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

Gail Williams
Tiffany Korman

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

1

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM**** @ 8:23

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date March 10, 2005
Name (PLEASE PRINT) Chuck Lumberhausen
Address 5308 Monroe Ave, #124, SD 92115
Telephone 619.546.5610
Organization Represented (if any) Relp

Subject of your remarks: Public Comment: Water
Walkers

Agenda Item Number on which you request to speak # 3
Your comments are presenting a position of: SUPPORT ☐ OPPOSITION ☐

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

1.
Mar. 10, 2005
MTS mtg.
AGENDA ITEM #3 (Public Comment)

**Good morning Chair Williams, Board members, Staff, and other fellow citizens. Chuck Lungerhausen of 5308 Monroe Ave. #124 which is in the SDSU neighborhood of San Diego. 92115
Phone 619-546-5610**

As you may see have my fund raising garb present. There is less than a month until the Water Walkers do their water activities at "The Splash" Frogs Club One in Spring Valley on Sat. April 2nd 10:30 am. All of you are welcome to come by and observe. Would like to point out this is the day after April Fools Day, so there will be no foolishness just dedicated swimmers and fund raisers.

Again I request your sponsorship donations of \$20 , \$25 or larger amounts if you are able to be so generous. Actually any size amount is most welcome

Your checks should be made out to the National MS Society or a cash donation should be accompanied with a business card or note indicating your address so a thank you message can be sent.

Now on the transportation front, understand there has been some grumbling about train whistles or horns from a few new downtown residents. My younger years were spent in a small town of 800 + people and we had four railroad crossing through town and the track passed less than 100 yards from my home. Iron ore trains came at all hours and yes the train horn blasted at each crossing. Not a single person complained or went by the litigation trough, cause that horn was the sound progress.

Thank you for listening and the opportunity to speak

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

2

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date

3/10/05

Name (PLEASE PRINT)

THERESA QUIROZ

Address

4719 BAILY PL

SAN DIEGO CA 92105

Telephone

(619) 263-3457

Organization Represented (if any)

Subject of your remarks:

FEB 24 MEETING

Agenda Item Number on which you request to speak

PUBLIC COMMENT

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☐

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

3

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 3-10-05
Name (PLEASE PRINT) MARK CARLSON
Address 1295 UNIVERSITY AVE.
SD, CA 92103
Telephone 619-293-3500
Organization Represented (if any) THE ACCESS CENTER

Subject of your remarks: CONTRACT RENEWAL

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

My name is Mark Carlson, and I am the Assistive Technology Specialist at the Access Center of San Diego, a position I have held for four years. I moved to San Diego in 1984, and for the 21 years since, have been depending on MTS for the majority of my transportation needs.

Having witnessed the gamut of service from good to bad, I consider myself to be a savvy and experienced rider. I know what works and what doesn't. being disabled adds a further variable to riding and being dependent on public transit.

In my work and daily life, I frequently have appointments all over the county. For the most part, I use MTS with confidence. But in some cases, because of location or time, I must make other arrangements for transport, either a ride from a friend, or Paratransit.

To me, the latter is not even an option. My time, and that of the persons I am meeting, is valuable. I won't risk missing an appointment or incurring antipathy and a bad opinion of myself by letting the unreliable service and less than efficient system currently being run by Laidlaw determine my ability to travel with confidence.

I have consumers on a weekly basis who are unable to keep appointments because they use paratransit. This happens to people who, like me are experienced and able riders. Yet they can't depend on it.

There are thousands of riders whose jobs and lives depend on public transit. I owe my longevity at the Access Center to being able to get there every day. But many riders don't feel that way. They fight and try, to get efficient service, but eventually have to give up. That's wrong. It shouldn't be that way.

It is my opinion the system under its current management needs to become more efficient, reliable and take complaints seriously before being given a lucrative contract by MTS which would not be an incentive to improve their service.

The barn door is open, the horse has run off. Are you going to shut it out? Or go and get the horse? Actually, I think a horse would be more reliable, so I'll go and ride it instead.

Thank you for your time, and I await a wise and logical decision.

Access Control SD
PERMANENT UNRELEASABLE 21 yrs.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

4

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 3.10.05Name (PLEASE PRINT) ANNIKA ANDERSONAddress 1295 UNIVERSITY AVE #10
SD, CA 92103Telephone 619 293-3500Organization Represented (if any) THE ACCESS CENTERSubject of your remarks: CONTRACT RENEWAL

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

Hello, my name is Annika Anderson and I am the Systems Change Advocate of The Access Center of San Diego, Inc.

It was with great concern that I come before you today. I was informed that MTS was renewing their contract with Laidlaw with the reasoning that they have provided quality service and have received minimal complaints. I oppose the contract renewal and I am here today not only on the behalf of myself, but all of my consumers that would have liked to be here, but were unable to get a ride.

For the past several months I, along with many other local advocates have been trying to find a way to make Paratransit more efficient to those who utilize its service. We have held three public transportation forums to address how the paratransit system has failed its riders. Two out of three forums were attended by MTS personnel who seemed to be interested in our concerns and willing to work with us. At each forum personal testimony was given with many emotional stories about how the poor service has affected people's ability to maintain their jobs, health, safety and personal lives. We have collected about a 100 customer complaints and have shared many with the MTS representatives. Renewing the Laidlaw contract implies that our complaints have not been heard and instead swept under the rug to never be followed up on.

I urge you to stop this contract renewal, investigate the customer satisfaction issues and look at how the ADA is being violated and ask yourselves how important is safety to you and your loved ones.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

5

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 3.10.05Name (PLEASE PRINT) ~~MARY CARLSON~~ LINDA FLORESAddress 5922 EL CAJON BLVD
SD, CATelephone 619-583-1542Organization Represented (if any) SAN DIEGO CENTER FOR THE
BLINDSubject of your remarks: CONTRACT RENEWAL

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

112

March 9, 2005.

To Whom This May Concern:

I am writing this cover letter to represent myself as well as other people who are disabled throughout the community. The renewal of the Laidlaw paratransit contract is not acceptable because of so many flaws in the system. As there are many people who are frail, they are left in the elements at long periods of time as well as arriving to important appointments late. The law states that if there are practices and patterns of untimely scheduling, this is considered a violation of the Ada.

Over the past six months three agencies have conducted public meetings regarding this issue. Verbal and written complaints have been given to Max Calder from MTDB, as well as the systems' change advocate for the Access Center. The disabled community feels as if we have not been heard clearly and want the chance to express how serious this matter is. Thank you in advance for taking these concerns in to consideration.

Sincerely

Linda Flores

Advocate

Te: (858-603-9141

Access Center

DEVEL

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

6

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 3-10-05Name (PLEASE PRINT) RUBEN CEBALLOSAddress 1295 UNIVERSITY AVE.SD, CA 92103Telephone 619-293-3500Organization Represented (if any) THE ACCESS CENTERSubject of your remarks: CONTRACT RENEWAL

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

Access cover

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

4

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date MARCH 10, 2005Name (PLEASE PRINT) DONALD T. STILLWELLAddress 6308 RANCHO MISSION RD #173SAN DIEGO CA 92108Telephone (619) 232-7760Organization Represented (if any) NONESubject of your remarks: GRANTVILLE TROLLEY

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☐

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

GLADIOLUS
FINE MASTERS

#13, #14, #18

MESQUIT BLOOM
DRANGE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

8

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

@
9:07

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 3/10/05
Name (PLEASE PRINT) Betty Baron
Address 5667 Fontaine St
SD 92120
Telephone (619) 583-3871
Organization Represented (if any) _____

Subject of your remarks: MTS Paratransit

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

ORDER REQUEST RECEIVED

9

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

@ 9:16

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 2005-03-10
Name (PLEASE PRINT) Clive Richard
Address 5153 La Dorna St.
San Diego, CA 92115-1530
Telephone 619.582.4036
Organization Represented (if any) _____

Subject of your remarks: Bus & Trolley Service

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☐

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

SERVICE - DESIGNED TO MEET ADA

CONTRACTOR -

901 O LIVE 7 minutes. (LH)

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3
63

ORDER REQUEST RECEIVED

10

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

@ 9:18

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 3/11/05
 Name (PLEASE PRINT) Linda Woodbury, #
 Address 1200 Third Avenue, Ste. 924 San Diego, CA 92101
 Telephone (619) 236-5985
 Organization Represented (if any) City of San Diego
 Subject of your remarks: Paratransit

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

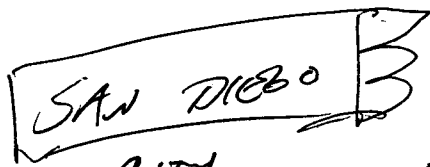
3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****



CITY

721, 000



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

Agenda

Item No. 6

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

OPS 970.6 (PC 30102)

March 10, 2005

Subject:

SDTI: SECOND AND FINAL ONE-YEAR EXTENSION OF NIGHTLY CLEANING
SERVICES - CONTRACT AMENDMENT

RECOMMENDATION:

That the Board of Directors authorize the San Diego Trolley, Inc. (SDTI) President-General Manager to execute Contract Amendment No. 2 to SDTI Doc. No. C.O.001.0-01 (Attachment A) for a second and final one-year extension of light rail vehicle (LRV) nightly cleaning services with Calderon Building Maintenance, Inc. (Calderon), for an amount not to exceed \$986,452.30.

Budget Impact

The \$986,452.30, including taxes, for this amendment will come from the LRV Maintenance line item of the FY 05 (\$328,817.43) and FY 06 (\$657,634.87) SDTI operating budgets.

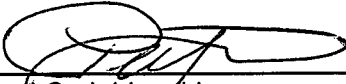
DISCUSSION:

On February 1, 2001, the SDTI Board awarded Calderon a three-year contract for nightly cleaning services for the LRV fleet and miscellaneous cleaning services. The contract included an option for two one-year extensions, subject to a rate adjustment, to be negotiated, but not to exceed the San Diego All Urban Consumer Price Index (CPI) of the previous 12 months. This amendment will exercise the second and final one-year options.



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.

The quality of service provided by Calderon has been very good. Calderon's willingness and flexibility to adjust to the needs of SDTI for special events extra service and emergencies has been excellent. Calderon has agreed to a contract extension of one year at the same contract rates agreed to in March 2001. Staff believes the rates are very reasonable.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Russ Desai, 619.595.4908, RDesai@sdti.sdmtns.com

JGarde
MAR10-05.6.RDESAI
2/9/05

Attachment: A. SDTI Doc. No. C.O.001.2-01

San Diego Trolley, Inc.

An Operator in the Metropolitan Transit System



1255 Imperial Avenue
Suite 900
San Diego, CA 92101-7492
(619) 595-4949
Telefax: (619) 238-4182

Att. A, AI 6, 3/10/05, OPS 970.6

March 10, 2005

DRAFT

SDTI Doc. No. C.O.001.2-01
OPS 970.6

Mr. Andres J. Calderon
President
Calderon Building Maintenance, Inc.
3822 Sherman Street
San Diego, CA 92110

Dear Mr. Calderon:

Subject: AMENDMENT NO. 2 TO SDTI DOC. NO. C.O.001.0-01; NIGHTLY CLEANING
SERVICES FOR SDTI LRV FLEET

This letter will serve as Amendment No. 2 to SDTI Doc. No. C.O.001.0-01 for the above-referenced services, as further described below.

Scope of Services

In accordance with an option in the original contract dated February 1, 2001, Calderon Building Maintenance, Inc. will provide nightly cleaning services, as defined in the original contract, for one year from the expiration date of the first one-year extension, for a total cost (including sales tax), not to exceed \$986,452.30.

Schedule

The tasks and schedule as defined in the original contract shall remain unchanged for this second one-year extension.

Payment

The labor rates and payment terms of the original contract shall remain unchanged for the one-year extension. The total cost of this one-year extension shall not exceed \$986,452.30. All other terms and conditions of the original contract shall remain unchanged. If you agree with the above, please sign in the space provided below and return the document marked "Original" to Rima Abi-Najm at San Diego Trolley, Inc. A copy is included for your records.

Sincerely,

Accepted:

Peter D. Tereschuck
President-General Manager

Andres J. Calderon
Calderon Building Maintenance, Inc.

RAbiNajm/JGarde
CL-CO001.2-01.RDESAI

Date: _____

Enclosure (Not attached)

cc: E. Wayne Terry, Mitchell Campbell, Russ Desai

A-1





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

Agenda

Item No. 7

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

OPS 970.6 (PC 30102)

March 10, 2005

Subject:

SDTI: COUPLER PARTS PROCUREMENT: CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the General Manager to execute a Standard Procurement Agreement (Attachment A) with Siemens Transportation Systems, Inc. (Siemens) for supplying SD100 light rail vehicle (LRV) coupler parts for a total cost, including delivery and taxes, not to exceed \$97,096.22.

Budget Impact

The \$97,096.22 for the coupler parts would come from the LRV Maintenance-Materials and Supplies line item of the FY 06 SDTI operating budget.

DISCUSSION:

San Diego Trolley, Inc.'s (SDTI's) LRV mechanical couplers are worn after 15 to 20 years of constant use. The Maintenance Department is in the process of rehabilitating these couplers, and they need several replacement parts. On January 31, 2005, an invitation for bids was sent out to known suppliers, and the project was advertised in newspapers according to Board policy. In response, on February 21, two qualified bids were received. Siemens submitted the lowest bid. Staff recommends awarding procurement to Siemens. The Workforce Report for Siemens (Attachment B) is attached for your information.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Russ Desai, 619.595.4908, rdesai@sdti.sdmts.com

JGarde/MAR10-05.7.RDESAI/2-23-05

Attachments: A. Standard Procurement Agreement } **Board Only**
B. Workforce Report for Siemens }



Agenda

Item No. 8

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

CIP 10486, 10487

March 10, 2005

Subject: MTS: NEW FLYER BUS CONTRACT AMENDMENT AND FUND TRANSFER FOR
47 LOW-FLOOR COMPRESSED NATURAL GAS (CNG) BUSES

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to:

1. execute Amendment No. 3 to New Flyer Document No. B0441.3-05 for the addition of manufacturer-supplied tires (shown in Attachment A), in an amount not to exceed \$120,820.55; and
2. transfer a total of \$275,000 into SDTC CNG Bus Purchase (Project Code 1048600). This amount consists of \$185,000 from Contract Services CNG Buses (Project 1048700), \$90,000 from Chula Vista CNG Buses Project (1048800).

Budget Impact

1. Amendment No. 3 increases the project by \$120,820.55 (\$2,570.65 per bus) bringing the total project amount to \$17,056,232.32.
2. The transfer of \$275,000 (\$95,000 net) increases the total available funds to \$17,287,408; \$180,000 was already in the project previously transferred from the Contract Services Bus project (1048700) and the Chula Vista Bus project (1048800) to the SDTC Bus Project (1048600). Minus the amount of this amendment, the total project balance remaining in Project Codes 1048600 and 1048700 is \$231,167.

DISCUSSION:

Background

New Flyer recommends the 305/70R/22.5 tire for the current MTS bus order because it is a larger tire, which is rapidly becoming the industry standard for low-floor buses, and is New Flyer's current standard. The advantages of the larger tire are higher ground clearance, improved vehicle ride, and reductions in the probability of damage to the undercarriage, side skirting, and wheels.



clearance, improved vehicle ride, and reductions in the probability of damage to the undercarriage, side skirting, and wheels.

The larger 305/70R/22.5 tire is new to SDTC's fleet and is not included in its current tire lease agreement with Goodyear Tire and Rubber Co. Inc (Goodyear). It was SDTC's intention to have Goodyear supply the 305 tires to New Flyer at assembly and then amend the lease contract to include the 305-size tire. However, Goodyear was unable to provide tires that met SDTC's speed requirements of 65 miles per hour in the time frame established by the New Flyer production schedule. Because of this, staff considered leasing or purchasing the tires from a different tire manufacture that met the speed requirements and delivery schedule. It was decided that negotiating a new and separate lease contract for the 305 tires was undesirable because it would be very difficult to track and administer parallel contracts. Purchasing the tires with the buses from New Flyer would free up desperately needed operating funds and allow SDTC adequate time to competitively bid a new tire lease and service contract that includes the new 305/70R/22.5 tire. The tires purchased under the New Flyer Bus Contract No. B0441.0-05 will eventually be replaced under normal wear with leased tires covered under the new agreement.

Budget Transfer

Staff recommends Board approval to transfer the funds to this project to purchase the 305/70R/22.5 tires supplied by the bus manufacturer and provide additional funds for administrative expenses. The funds would be transferred into CIP 1048600 (SDTC Bus Acquisition) from 1048700 (Contract Services Bus Acquisition) and 1048800 (Chula Vista Bus Purchase). This fund transfer would result in a total project remaining balance of \$231,167. The remaining funds would be used for administrative expenses (plant inspections, etc.), miscellaneous painting, and radio/farebox installation.



Paul G. Jablonski
Chief Executive Officer

Key Staff Contact: Claire Spielberg, 619.238.0100, Ext. 400, claire.spielberg@sdmts.com

JGarde
MAR3-05.8.KTSUBAK
2/23/05

Attachment: A. Amendment No. 3

Attachment A

Technical Specification Change Detail
New Flyer Contract No. B0441.3-05
Amendment No. 3
March 10, 2005

No.	Group	Description	Adjustment Per Coach	Extended Amount
1	Tires	Add (65 MPH rated) Michelin 305/70R/22.5 tires (7 per bus)	\$ 2,385.75	\$ 112,130.25
		CA Sales Tax 7.75%	\$ 184.90	\$ 8,690.30
		Total Cost of Changes	\$2,570.65	\$120,820.55
		Adjusted Cost (per Bus/total Contract)	\$ 362,898.56	\$ 17,056,232.32

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

Agenda

Item No. 9

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

SDAE 710.1 (PC 40099)

March 10, 2005

Subject:

**MTS: ELECTION TO FILL VACANT POSITION OF SAN DIEGO AND ARIZONA
EASTERN (SD&AE) RAILWAY COMPANY DIRECTOR**

RECOMMENDATION:

That the Board of Directors approve a recommendation from the San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors to elect:

1. Douglas Verity as director to replace the position vacated by Scott Treece;
2. Gene Shepard as the alternate for Douglas Verity;
3. Mike Ortega as the alternate for Thomas Schlosser; and
4. Peter Tereschuck as the alternate for Paul Jablonski.

Budget Impact

None.

DISCUSSION:

At its meeting on April 29, 2004, the MTS Board of Directors elected Thomas Schlosser, Scott Treece, and Paul Jablonski as directors of the San Diego and Arizona Eastern (SD&AE) Railway Company. Scott Treece recently left RailAmerica, and a new director is needed to fill the vacancy.

At its meeting on February 15, 2005, the SD&AE Railway Company Board of Directors approved forwarding a recommendation to the MTS Board of Directors that Douglas Verity be appointed to replace Scott Treece, Gene Shepard be appointed as his alternate, and Mike Ortega be appointed as the alternate for Thomas Schlosser.



Pursuant to RailAmerica's Operating Agreement, it holds two positions on the SD&AE Board of Directors, and MTS holds one position.

Staff also recommends appointing Peter Tereschuck as Paul Jablonski's alternate to replace Thomas Larwin who recently retired.



Paul C. Jablonski
Chief Executive Officer

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

JGarde
MAR10-05.9.TLOREN
2/24/05



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

Agenda

Item No. 30

Joint Meeting of the Board of Directors for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

LEG 410 (PC 30100)

March 10, 2005

Subject:

MTS: PROPOSED CHANGES TO METROPOLITAN TRANSIT SYSTEM (MTS)
ENABLING LEGISLATION

RECOMMENDATION:

That the Board of Directors receive a report on the proposed changes to MTS's enabling legislation and provide direction to staff on modifications to the legislation.

Budget Impact

None.

Executive Committee Recommendation

At its meeting on March 3, 2005, the Executive Committee recommended forwarding this report to the Board of Directors for its review and comments regarding the proposed legislative changes.

DISCUSSION:

MTS is a California public agency created by the Mills-Deddeh Transit Development Act in 1976. California Public Utilities Code, sections 120000-120720, set forth the terms and conditions under which MTS may conduct business and operate public transportation services within the County of San Diego.




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.

On January 1, 2003, Senate Bill 1703 (SB 1703) consolidated portions of MTS's planning, programming, engineering, and construction functions and transferred them to the San Diego Association of Governments (SANDAG). As a result of this consolidation, staff was asked to conduct a comprehensive review of MTS's enabling legislation and propose changes and modifications to MTS's powers and responsibilities consistent with the intent of SB 1703.

Attached to this item are the proposed changes (Attachment A). Highlights include:

- additional language specifying that MTS subsidiaries are considered public agencies for purposes of the California Tort Claims Act (consistent with MTS's existing Claims Policy);
- comprehensive changes to procurement procedures to allow for a more flexible and economic procurement process and emergency procurements;
- judicial review procedures for protests consistent with other local public agencies;
- clarification on MTS's focus on operations post-consolidation;
- flexibility to legally merge San Diego Trolley, Inc. (SDTI) and San Diego Transit Corporation (SDTC) into MTS; and
- clarification that MTS, SDTC, and/or SDTI may issue pension obligation bonds.

Staff is seeking direction from the Board regarding these and any other proposed changes. Senator Christine Kehoe has agreed to carry this bill for MTS. Staff will be presenting the proposed changes to Senator Kehoe and other representatives during Transit Lobby Day on March 15, 2005.



Paul C. Jablonski
Chief Executive Officer

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

JGarde
MAR10-05.30.TLOREN
2/22/05

Attachment: A. 2005 Proposed Changes to MTS Enabling Legislation

PUBLIC UTILITIES CODE

SECTION 120000-120001

DIVISION 11. TRANSIT DEVELOPMENT BOARDS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS	<u>120000-120001</u>
CHAPTER 2. CREATION OF BOARDS	<u>120050-120054</u>
CHAPTER 3. ADMINISTRATION	<u>120100-120109</u>
CHAPTER 4. POWERS AND FUNCTIONS	
Article 1. Corporate Powers	<u>120200-120202</u>
Article 2. Contracts	<u>120220-120229</u>
Article 3. Property	<u>120240-120244</u>
Article 4. Facilities and Services	<u>120260-120266</u>
Article 5. Transportation Planning	<u>120300-120301</u>
Article 6. Transportation Funding	<u>120350-120354</u>
Article 7. Public Contributions, Grants, Loans, and Contracts	
Cooperation	<u>120400</u>
Article 8. Penalties	<u>120450-120452</u>
Article 9. Investments	<u>120470-120473</u>
Article 10. Transit Service Dispute Resolution	<u>120475-120478</u>

CHAPTER 5. PERSONNEL

Article 1. Employee Relations	<u>120500-120509</u>
Article 2. Rights of Employees of Existing Facilities	<u>120520-120523</u>
Article 3. Employee Protection	<u>120540-120550</u>
CHAPTER 6. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS	
Article 1. Revenue Bonds	<u>120630-120631</u>
Article 2. Equipment Trust Certificates	<u>120650-120654</u>
Article 3. Improvement Acts and Special Benefit Districts	<u>120670-120671</u>
Article 4. Temporary Borrowing	<u>120680-120682</u>
Article 5. Miscellaneous	<u>120700-120702</u>

120000. This division shall be known and may be cited as the Mills-Deddeh Transit Development Act.

120001. As used in this division, "board" means a county transit development board created pursuant to Chapter 2 (commencing with Section 120050).

120050. (a) There is hereby established the San Diego Metropolitan Transit Development Board in that portion of the County of San Diego as described in Section 120054.

(b) The board shall also be known as the San Diego Metropolitan Transit System. Any reference in law to the board shall be construed to include a reference to the San Diego Metropolitan Transit System.

120050.2. The board consists of 15 members selected as follows:

(a) One member of the County of San Diego Board of Supervisors, appointed by the board of supervisors.

(b) Four members of the City Council of the City of San Diego, one of whom may be the mayor, appointed by the city council.

(c) One member of each city council appointed individually by the City Councils of the Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee.

(d) One person, a resident of San Diego County, elected by a two-thirds vote of the board, a quorum being present, who shall serve as chairperson of the board. The chairperson shall serve for a term of four years, except that he or she is subject to removal at any time by a two-thirds vote of the board, a quorum being present. If the person elected chairperson is also a member of the board, the appointing power may not fill the vacancy created by the election of that member as chairperson as long as that member remains chairperson and, if removed as chairperson, that person shall resume the position on the board he or she vacated upon election as chairperson.

Section 120102.5 does not apply to any vote taken under this subdivision. Further, in the event that the chairperson is elected from the membership of the board, the County of San Diego shall then have two members appointed by the board of supervisors and the board membership shall remain at 15. In the event the subsequently elected chairperson is not a member, the membership on the board of the second appointee of the County of San Diego shall be suspended and the board membership shall remain at 15.

120050.5. (a) Any person who is a member of the board may be appointed by his or her appointing authority to continue to serve as a member of the board after the termination of his or her term of office for a period not to exceed four years after the date of termination of his or her term of elected office.

(b) The board may also appoint up to two ex-officio members to serve as advisors to the board. The ex-officio members may only be appointed if they previously served on the board of directors for the Metropolitan Transit System, the San Diego Transit Corporation or San Diego Trolley, Inc. An ex-officio member may be appointed for a one-year term. Each ex-officio member may serve no more than two one-year terms. Ex-officio members shall have no right to vote or take action on any item before the board, but they may participate in any open or closed session.

120051. The member of the board of supervisors appointed pursuant to subdivision (a) of Section 120050.2 shall represent one of the two supervisorial districts with the greatest percentage of its area within the incorporated area of the County of San Diego within the area under the jurisdiction of the transit development board as defined in Section 120054.

120051.1. The member of the board of supervisors appointed pursuant to subdivision (d) of Section 120050.2 shall represent the supervisorial district with the greatest percentage of its area within the unincorporated area of the County of San Diego under the jurisdiction of the transit development board as defined in Section 120054.

120051.6. The alternate members of the board shall be appointed as follows:

(a) The County of San Diego Board of Supervisors shall appoint any other county supervisor who qualifies for appointment pursuant to Section 120051 to serve as an alternate member of the transit development board.

(b) The City Council of the City of San Diego shall appoint a member of the city council not already appointed pursuant to subdivision (b) of Section 120050.2 to serve as an alternate member of the transit development board for each of the members appointed by the city council to the transit development board.

(c) The city councils specified in subdivision (c) of Section 120050.2 shall each individually appoint a member of their respective city councils not already appointed pursuant to that subdivision to serve as an alternate member of the transit development board.

(d) If the board elects a person other than a member of the board to serve as chairperson, the board may, upon a two-thirds vote, a quorum being present, appoint a San Diego County resident as an alternate member of the board for that person elected chairperson. If the board elects a person who is a member of the board to serve as chairperson, the County of San Diego shall appoint an alternate supervisor for the supervisor appointed pursuant to subdivision (d) of Section 120050.2.

120054. The area of the board shall consist of all of the following:

(a) The Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, and Santee.

(b) All of the unincorporated area of the County of San Diego, except as otherwise included within the North San Diego County Transit Development Board in Section 125052.

(c) All the unincorporated area of the County of San Diego surrounded by the cities specified in subdivisions (a) and (b).

120100. The board at its first meeting, and thereafter annually at the first meeting in January, shall elect a vice chairman who shall preside in the absence of the chairman. In the event of the absence

or inability to act by the chairman or vice chairman, the chair pro tem shall preside over the meeting.

120101. The board shall establish rules for its proceedings.

120102.5. (a) A majority of the members of the board constitutes a quorum for the transaction of business. All official acts of the board require the affirmative vote of the majority of the members of the board. However, after a vote of the members is taken, a weighted vote may be called by any two members, at least one of whom is not a City of San Diego representative.

(b) In the case of a weighted vote, each of the four representatives of the City of San Diego shall exercise $12\frac{1}{2}$ weighted votes, for a total of 50 votes. The County of San Diego and each city, other than the City of San Diego, shall, in total, exercise 49 weighted votes to be apportioned annually by population. The chairperson, if not chosen from the membership of the board, shall exercise one weighted vote.

(c) Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the board.

(d) The weighted vote procedure shall not be used on any matter of purely intracity local service, unless it is the desire of the affected city or jurisdiction.

(e) The weighted vote procedure shall not be used for purposes of subdivision (c) of Section 120265.

(f) For purposes of subdivision (c), the population of the County of San Diego is the population in the unincorporated area of the county within the area of jurisdiction of the transit development board.

(g) The board shall adopt a policy and procedure to implement this section.

120103. The acts of the board shall be expressed by motion, resolution, or ordinance.

120104. All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code).

120105. The board shall:

(a) Determine whether to operate exclusive public mass transit guideways or to let contracts for such operation and the means to finance such operations.

(b) Adopt an annual budget and fix the compensation of its officers and employees.

(c) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of board officers, the method of appointment of board employees, and methods, procedures, and systems of operation and management of the board. The administrative code shall also provide for, among other things, the appointment of a General Manager or Chief Executive officer, and the organization of

the employees of the board into units for finance and administration, planning and operations, property acquisition and management, and community relations and such other units as the board deems necessary.

(d) Cause a postaudit of the financial transactions and records of the board to be made at least annually by a certified public accountant.

(e) Adopt all ordinances and make all rules and regulations proper or necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services operating within its area of jurisdiction, and to carry into effect the powers granted to the board.

(f) Appoint such advisory commissions as it deems necessary.

(g) Do any and all things necessary to carry out the purposes of this division.

120105.5. The board shall appoint a General Manager or chief executive officer with experience in the management, planning, and development of urban mass transportation systems.

120106. Notice of time and place of the public hearing for the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code, and shall be published not later than the 15th day prior to the date of the hearing.

The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

120107. (a) Each member of the board, including alternate members appointed pursuant to Section 120051.6 when serving in the absence of a regular member, shall be compensated for each day the member attends meetings of the board and committees of the board, not to exceed six committee meetings in any one quarter, and for his or her necessary and reasonable expenses in performing his or her duties as a board member.

(b) In addition, the board may, by resolution, authorize and designate members and alternates to be compensated for representing the board by attendance at specified meetings of other governmental entities and public agencies.

(c) The board shall, by ordinance, after a public hearing, fix the amounts of compensation payable pursuant to subdivisions (a) and (b).

120108. The board shall maintain accounting records and shall report accounting transactions in accordance with generally accepted accounting principles as adopted by the Government Accounting Standards Board (GASB) of the Financial Accounting Foundation for both public reporting purposes and for reporting of activities to the Controller. The activities of any nonprofit corporation or other legal entity wholly owned or controlled by the board and operating a public transit system shall be reported separately in the board's annual report to the Controller.

120109. (a) The clerk of the board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the board, to be published at least once, in a newspaper of general circulation published and circulated in the board's area of jurisdiction.

(b) The publication of an ordinance, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The board may publish a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by a person designated by the board. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the clerk of the board at least five days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board shall publish a summary of the ordinance or amendment with the names of those board members voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those board members voting for and against the ordinance or amendment.

(2) If the person designated by the board determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the board so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the board's area of jurisdiction shall be published at least five days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information regarding, the adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those board members voting for and against the ordinance or amendment.

120200. The board has perpetual succession and may adopt a seal and alter it at its pleasure.

120201. The board may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

120202.

a) All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workers' compensation, and other benefits that apply to the activity of officers, agents, or employees of a public agency when performing their respective functions shall apply to employees of the board, and any non-profit public benefit corporation of which the board is the sole member.

(b) All claims for money or damages against the board or its employees, and any non-profit public benefit corporation of which the board is the sole member or its employees, shall be governed by Part 1 (commencing with Section 810), Part 2 (commencing with Section 814), Part 3 (commencing with Section 900), and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code applicable to public agencies and their employees, or by other statutes or regulations expressly applicable thereto.

120220. The board may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this division.

120221. The board may provide and maintain, by contract with a public agency or by other means, a security force to enforce its regulations, preserve and protect any public transit system or project financed pursuant to this chapter, and preserve and protect the public peace, health, and safety with respect to its system or projects. Alternatively, the board may contract with a private patrol operator licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, with the county sheriff and municipal police departments within the areas described in Section 120054, and with other transit development boards for security, police, and related services.

120222. The board may contract with any department or agency of the United States of America, with any public agency, or with any person upon such terms and conditions as the board finds is in its best interest.

120223. (a) The Legislature finds and declares that there is a compelling interest in ensuring that all federal, state, local, and private funds available to the board are captured and used in a timely manner. In order to maximize the use of federal, state, local, and private funds and to maintain a competitive posture in seeking supplemental federal funds, the board shall have the authority to establish and use a flexible contracting process to maximize efficient use of public funds.

(b) Notwithstanding any provision of the Public Contract Code or any other provision of law, the board may contract for the construction of buildings, public transportation structures, and related facilities as permitted by the San Diego Regional Transportation Consolidation Act (Chapter 3 (commencing with Section 132350) of Division 12.7 of the California Public Utilities Code) and in accordance with Article 6.8 (commencing with Section 20209.5) of Chapter 1 of Part 3 of Division 2 of the Public Contracts Code.

(c) Except in cases when an article of a specified brand or trade name is the only article that will properly meet the needs of the board or in emergency declared by the vote of two-thirds of the membership of the board, all contracts for the acquisition or lease of materials, supplies, or equipment in an amount of one hundred thousand dollars (\$100,000) or a higher amount as may be authorized by the board, shall be made or entered into with the lowest responsible bidder meeting specifications. For purposes of determining the lowest bid, the amount of sales tax shall be excluded from the total amount of the bid. When the expected purchase contract exceeds five thousand dollars (\$5,000) and does not exceed one hundred dollars (\$100,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared.

(d) Except in cases of an emergency declared by the vote of two-thirds of the membership of the board, for contracts involving the acquisition of services that exceed one hundred thousand dollars (\$100,000) that will not be performed by an entity described in Section 120221, and that are not within the category of services defined in Section 4525 of the Government Code, the board shall solicit bids in writing and shall award the work in a competitive procurement process that is in the best interest of the board, including but not limited to a negotiated procurement that may or may not evaluate price as a consideration. When the expected service contract exceeds five thousand dollars (\$5,000) and does not exceed one hundred dollars (\$100,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared.

(e) Contracts for architectural, landscape architectural, engineering, environmental, land surveying services, and construction project management services in excess of one hundred thousand dollars (\$100,000) shall be let in accordance with the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(f) Notwithstanding any other provisions of this chapter, the board is authorized to use any procurement method authorized for state or local agencies by state or federal law, including, but not limited to, use of a competitive negotiation process in accordance with the provisions of Article 7.5 (commencing with Section 20216) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code. The board shall maintain acquisition and contracting guidelines to be followed by the board with respect to procurement of all goods and services.

(g) Provisions in any federally funded contract concerning disadvantaged business enterprises, which provisions are in accordance with the request for proposals, shall not be subject to negotiation with the successful bidder.

120224. (a) If, after rejecting bids received under Section 120223, the board determines and declares by a two-thirds vote of all of its members that, in its opinion, the supplies, equipment, or materials may be purchased at a lower price in the open market, the board may proceed to purchase these supplies, equipment, or materials in the open market without further observance of the provisions regarding

contracts, bids, or advertisements.

(b) If, after solicitation of bids under Section 120223, the board determines and declares by a majority vote that it has not received a responsive bid, the board may proceed to purchase the supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

120224.1. (a) Upon determining that immediate remedial measures to avert or alleviate damage to, or to repair or restore damaged or destroyed property of the board, are necessary in order to insure that the facilities of the board are available to serve the transportation needs of the general public or to comply with any state or federal regulation with respect to the operation of public transportation services, and upon determining that available remedial measures, including procurement in compliance with Sections 120223 and 120224, are inadequate, the general manager or Chief Executive Officer may authorize the expenditure of money previously appropriated by the board specifically for the direct purchases of goods and services, without observance of the provisions of those sections.

(b) The General Manager or Chief Executive Officer, after any such expenditure, shall submit to the board a full report explaining the necessity for that action.

120224.2. Notwithstanding Section 120223 and upon a finding by two-thirds of all members of the board that a purchase in compliance with Sections 120223 and 120224 does not constitute a method of procurement adequate for the operation of board facilities or equipment, the board may direct the procurement of prototype equipment or modifications in an amount sufficient to conduct and evaluate operational testing without further observance of any provisions requiring contracts, bids, or advertisements.

120224.3. Notwithstanding Section 120223, the board may direct the purchase of any supply, equipment, or materials without observance of any provision requiring contracts, bids, or advertisements upon a finding by two-thirds of all members of the board that there is only a single source of procurement therefor and that the purchase is for the sole purpose of duplicating, repairing or replacing supply, equipment, or materials which are in use, including upgrades or migrations of proprietary intellectual property.

120225 A person who submits, or who plans to submit, a proposal in response to a procurement solicitation may protest any acquisition conducted in accordance with Sections 120223 and 120224 as follows:

(1) Protests based on the content of the procurement solicitation shall be filed with the board within 10 calendar days after the procurement solicitation is first advertised. The General Manager or Chief Executive Officer or his or her designee shall issue a written decision on the protest prior to opening of procurement solicitation. A protest may be renewed by refiling the protest with the board within 15 calendar days after the mailing of the notice of the intent award.

(2) Any bidder may protest the recommended award on any ground not

based upon the content of the procurement solicitation by filing a protest with the board within 15 calendar days after the mailing of the notice of the recommended award.

(3) Any protest shall contain a full and complete written statement specifying in detail the grounds of the protest and the facts supporting the protest. Protestors shall have an opportunity to appear and be heard before the board prior to the opening of procurement solicitations in the case of protests based on the content of the request for proposals, or prior to final award in the case of protests based on other grounds or the renewal of protests based on the content of the procurement solicitation. The decision of the board shall be in writing and shall constitute a final administrative decision subject to judicial review under California Code of Civil Procedure, section 1094.6.

(

120226. The board may insure against any accident or destruction of the system or any part thereof. The board may also provide insurance as provided in Part 6 (commencing with Section 989), Division 3.6, Title 1 of the Government Code.

120227. The board may contract for the services of independent contractors.

120228. The board and the Board of Administration of the Public Employees' Retirement System shall enter into a contract, and the board shall make all of its officers and employees members of the system, except as follows:

(a) Members of the board.

(b) Officers and employees excluded pursuant to Section 20492 of the Government Code.

120229. Subject to Section 120260, the board may enter into joint powers agreements to operate exclusive public mass transit guideways.

120240. The board may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property necessary to the full or convenient exercise of its powers.

120241. Whenever a portion of a parcel of real property is to be taken for board purposes and the remainder is to be left in such state or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the board may acquire the whole parcel and may sell the excess portion or exchange it for other property suitable for board purposes.

120242. The board shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The board may take any property necessary or convenient to the exercise of the powers granted in this division, whether the property is already devoted to the same use or

otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the board has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this division. The board shall proceed in the name of the board in condemnation proceedings. The board, in exercising such power, shall, in addition to the damages for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public agency or utility which is required to be moved to a new location. If property is condemned by the board, the board may take possession and use the property in accordance with the provisions of Section 1243.5 of the Code of Civil Procedure.

120243. The Public Utilities Commission of the state shall have and exercise power and jurisdiction to fix just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings brought by the board. No taking or acquisition by the board which would involve the abandonment, removal, relocation, or use of the property of a railroad corporation, as defined in Section 230, shall be permitted, unless the Public Utilities Commission, after a hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service. The board may commence and maintain such eminent domain proceedings in the Public Utilities Commission or the superior court at its option.

120244. The board is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to any public agency to construct or maintain roads, highways, or other crossings over any public or private lands.

120260. The board shall provide input to the San Diego Association of Governments on the planning and construction of exclusive public mass transit guideways in the area under its jurisdiction in conformance with the California Transportation Plan and the regional transportation plan developed pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code.

120261. Subject to Section 120260, if the board determines that there is a countywide agency capable of operating exclusive public mass transit guideways, the board shall contract with that agency for such operation.

120262. The transit development board may acquire, construct, maintain, and operate (or let a contract to operate) public transit systems and related transportation facilities and services as it

deems necessary to carry out the purposes of this division in conformity with, and to the extent provided for in, the San Diego Regional Transportation Consolidation Act (Chapter 3 (commencing with Section 132350) of Division 12.7 of the California Public Utilities Code). The various systems, facilities, and services may be administered by the transit development board under the name of the San Diego Metropolitan Transit System.

120263. (a) The San Diego Metropolitan Transit Development Board may enter into contracts with any city in its area of jurisdiction and with the County of San Diego to license or regulate by ordinance any transportation services rendered wholly within the city's corporate limits or within the unincorporated area.

(b) The board shall levy the fees necessary to recover the full cost of licensing and regulating these services.

120264. (a) The board may, by ordinance, regulate vehicle safety and driver qualifications for passenger jitney service operating between cities and between a city and unincorporated portions of San Diego County within the area of its jurisdiction.

(b) The board shall levy the fees necessary to recover the full cost of regulating these services.

(c) For purposes of this section, the term "passenger jitney service" includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of a passenger transportation service by motor vehicles of not more than 15 passenger capacity, excluding the driver, which operate between fixed termini and over a regular route and generally on short, nonscheduled, headways.

120265. The board may enter into cooperative agreements with cities within its area of jurisdiction and with the County of San Diego to establish uniform policies and regulations governing the use of bus passenger loading zones and establishing responsibility and standards for the maintenance of bus loading zones and any associated improvements.

120266. (a) If the board licenses or regulates any transportation service, pursuant to Section 120266, or any passenger jitney service, pursuant to Section 120267, and the licensed or regulated service employs, or contracts with, any driver who (1) is not required to be tested for controlled substances and alcohol pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code, Section 1032.1 of this code, or Section 34520 of the Vehicle Code, and (2) is not exempted under Section 34520 of the Vehicle Code, the board shall adopt, by ordinance or resolution, a mandatory controlled substance and alcohol testing certification program for those drivers.

(b) The program adopted pursuant to subdivision (a) shall meet substantially the requirements set forth in paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code.

(c) Evidence derived from a positive test result collected pursuant to the program adopted under subdivision (a) shall not be

admissible in a criminal prosecution concerning unlawful possession, sale, or distribution of controlled substances.

120300. The San Diego Association of Governments which includes the area of the board shall be responsible for long-term transportation system planning in such area.

Such planning shall be directed to, among other things:

- (a) Identification of corridors of travel.
- (b) Definition of the transportation problems of each corridor.
- (c) Definition of the transportation goals for each corridor.
- (d) Definition of land use goals, with the concurrence of affected local jurisdiction, to be supported by transportation investment decisions in each corridor.
- (e) Recommendation of priority corridors for guideway development.
- (f) Recommendation of the mix of alternative transportation modes appropriate for deployment in light of transportation needs and goals for each corridor.
- (g) Recommendation of environmental, economic, energy, and social policies that should guide transportation investment decision within corridors.

120301. With respect to the area under its jurisdiction, the board shall be responsible for operational planning . Operational planning is defined as all planning and monitoring necessary for the operation, implementation, modification and elimination of public transportation services operated by the Board and includes:

- (a) Providing input to the San Diego Association of Governments on short, mid and long range transportation studies and analysis, including but not limited to the Regional Transportation Plan and Short-Range Transportation Plan and other Long-Range and Mid-Range transit service development plans.
- (b) Providing input to other public, private, and not for profit agencies on issues relatd to planned and existing transit services under its jurisdiction.
- (c) Adjustments and restructuring of existing transit services including routing and stops.
- (d) Conducting community outreach regarding public transit services operated by the Board.
- (e) Scheduling.
- (f) Service Implementation.
- (g) Performance Monitoring.

120302. Notice of the time and place of a public hearing by the board shall be published pursuant to Section 6061 of the Government Code, and shall be published not later than the 15th day prior to the date of the hearing.

The materials for the public hearing shall be available for public inspection at least 15 days prior to the hearing.

120350. Sections 120351 through 120400 shall be in conformity with, and subject to, the San Diego Regional Transportation Consolidation Act (Chapter 3 (commencing with Section 132350) of Division 12.7 of the California Public Utilities Code).

120351. The designated recipient for purposes of Section 1604 of

Title 49 of the United States Code shall be the San Diego Association of Governments, who shall be responsible for allocating federal transit funds to eligible recipients. The board shall prepare the program of projects for transit capital and operating assistance projects in its area of jurisdiction for receipt of federal funds. The San Diego Association of Governments shall allocate the funds to the board to fund its projects. If a dispute regarding the allocation of funds arises between the board and the North San Diego County Transit Development Board, the two boards shall negotiate in good faith to resolve the dispute. If the negotiation does not result in resolving the dispute prior to adoption of the annual regional transportation improvement program, the San Diego Association of Governments shall resolve the dispute and allocate the funds accordingly.

120352. The board may receive any money pursuant to Section 1604 of Title 49 of the United States Code for mass transit purposes, and reallocate such money for such purposes in accordance with federal law and rules and regulations.

120353. (a) No other public entity within the area of the board's jurisdiction may file an application for funds for public transportation under Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code.

(b) The board shall consolidate all available local, state, and federal transit financial resources for public mass transit operators and systems within its jurisdiction and, in coordination with the various operators, shall adopt a policy for annually prioritizing the use of those funds for all of the following:

(1) Services provided pursuant to the Americans with Disabilities Act of 1990 (Public Law 101-336).

(2) Local match requirements for federal and state transit capital grants.

(3) The local and regional service base.

(4) Any additional planning and operation of transit services and development and implementation of capital programs approved by the board.

120354. The board may take all action necessary to obtain funding available pursuant to Chapter 53, Subtitle III of Title 49 of the United States Code.

120355. The board may establish and maintain reserve funds for its planning, procurement, construction, and acquisition programs with moneys received from private and public contributions, donations and assessments, licenses, leases, sales, and rental income, and any other revenues of the board, except revenues received pursuant to Sections 99260, 99275, 99312, 99313, and 99319.

120400. The board may accept contributions, grants, or loans from any public agency or the United States or any department, instrumentality, or agency thereof, for the purpose of financing the

planning, acquisition, construction, or operation of public transportation services, and may enter into contracts and cooperate with, and accept cooperation from, any public agency or the United States, or agency thereof, in the planning, acquisition, construction, or operation of any such public transportation services in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or any public agency in the planning, acquisition, construction, or operation of any such public transportation services. The board may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted.

120450. Violation of any ordinance, rule, or regulation enacted by the board relating to the nonpayment of a fare on any transit vehicle or in any transit station owned, controlled, or used by the board shall be an infraction punishable by a fine not exceeding seventy-five dollars (\$75), except that a violation by a person, after the second conviction under this section, shall be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

120450.5. No person shall give, either orally or in writing, information to a public officer or employee engaged in the enforcement of the provisions of this article when that person knows that the information is false. A violation of this section is an infraction punishable by a fine not to exceed fifty dollars (\$50), except that such a violation by a person, after the second conviction of a violation of this section, shall be a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail not to exceed six months, or by both that fine and imprisonment.

This section is in addition to, and does not supersede or limit, any and all other remedies, civil or criminal.

120451. Violation of any ordinance, rule, or regulation enacted by the board prohibiting unauthorized operation or manipulation of transit facilities owned, controlled, or used by the board, or prohibiting unauthorized tampering or interference with, or loitering in or about, transit facilities owned, controlled, or used by the board, including, but not limited to, transit centers, rail stations, bus shelters, and bus stops on public and private property, is an infraction punishable by a fine not exceeding fifty dollars (\$50), except that such a violation by a person, after the first conviction under this section, is a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both that fine and imprisonment.

120452. Violation of any ordinance, rule, or regulation enacted by the board prohibiting the unauthorized entering into, climbing upon, holding onto, or in any manner attaching oneself to vehicles operated upon exclusive public mass transit guideways owned or controlled by the board, is an infraction punishable by a fine not exceeding fifty dollars (\$50), except that such a violation by a person, after the first conviction under this section, is a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both that fine and imprisonment.

120470. Subject to any agreement or covenant between the board and the holders of any of its obligations limiting or restricting classes of investments, the board may invest any surplus money in its treasury, including money in any sinking fund, reserve fund, or other fund created or established for the benefit of holders of any outstanding obligations of the board, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act (12 U.S.C. Sec. 1421 et seq.) or the National Housing Act (12 U.S.C. Sec. 1701 et seq.).

(d) Treasury notes or bonds of this state, or of any public corporation, municipal corporation, public district, or political subdivision within this state which are legal security for the deposit of public funds.

(e) Any investment in which county funds may be placed pursuant to the general laws of the state.

120471. The investment may be made by direct purchase of any issue of the bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

120472. Any bonds, treasury notes, or obligations purchased and held as investments by the board may, from time to time, be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

120473. Sales of any bonds, treasury notes, or obligations purchased and held by the board shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the board.

120475. The board shall coordinate the operation of all regional public transit services which operate within the area under the jurisdiction of the board so as to achieve efficient operation thereof and shall establish procedures to resolve disputes between public transit operators and local agencies. The objective of the coordination is to ensure that regional operators, the local operators, and local public agencies do not compete or unnecessarily duplicate services, but assist each other to provide the maximum

level of transit service to the general public at the lowest possible cost.

120476. The board shall act in full cooperation and coordination with the regional operators, the local operators, and the local public agencies in such matters as schedules, routes, and exchange of transfers. The role of the board in coordinating, reviewing, and resolving conflicts, approving plans, and developing programs shall be a cooperative effort with the operators and public agencies and shall be executed so as not to unnecessarily impede or slow the transportation planning and programming process. The board shall adopt procedures which shall include a provision that would provide a process whereby any operator or agency involved in a dispute could settle the matter without requiring board involvement.

120477. (a) The board shall resolve regional transit service disputes between local agencies and transit operators which provide services in the area, pursuant to the rules and regulations adopted by the board.

(b) In resolving a regional transit service dispute pursuant to rules and regulations it has adopted, the board, on a case-by-case basis, may, by affirmative vote of two-thirds of the voting members, resolve the dispute, notwithstanding Sections 99280 and 99281.

(c) Nothing in this article shall supersede the lawful authority of any local public agency to regulate and provide for transit services within its jurisdiction or the duties and authority of the North San Diego County Transit Development Board pursuant to Sections 125105 and 125260.

(d) Regional service shall be characterized by operating speed above the system average, limited stops, and moderate service frequencies connecting different communities or cities.

120478. The rules and regulations adopted by the board shall include, but not be limited to, the following:

(a) Criteria to determine the definition and validity of a regional transit service dispute.

(b) Procedures for the submission of a regional transit service dispute to the board.

(c) The information, such as the matter in dispute, to be included in the notice to be sent to the parties in the regional transit service dispute.

(d) The procedure for mediation prior to a hearing before a transit coordination and service committee.

(e) The appointment, if mediation fails, of a transit coordination and service committee, consisting of board members, to hold a public hearing on the regional transit service dispute in the locality of the dispute and to make reports of its findings of fact and its recommendations regarding the dispute to the board.

(f) The adoption of one or more alternative procedures for the review and resolution of regional disputes involving the San Diego Transit Corporation, to be mutually agreed upon by the parties to the dispute.

(g) If the regional dispute involves one or more local agencies

not within the area governed by the board, the adoption of one or more alternative procedures for the review and resolution of the dispute, to be mutually agreed upon by the parties to the dispute.

(h) Actions the board may take to resolve the dispute.

120500. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities as permitted under the Federal Labor Management Relations Act, 1947, as amended, for the purpose of collective bargaining or other mutual aid or protection.

It is declared to be in the public interest that the board shall not express any preference for one union over another.

120501. Whenever a majority of the employees employed by the board in a unit that is the appropriate unit for collective bargaining indicate a desire to be represented by a labor organization and upon determining as provided in Section 120505, that such labor organization represents the majority of the employees in that appropriate unit, the board shall meet and confer in a good-faith effort to agree on the terms of a written contract with the recognized representatives of such employees governing wages, salaries, hours, working conditions, and benefits, including, but not limited to, health and welfare, sick leave, insurance, or pension or retirement provisions.

120502. In case of a labor dispute over wages, salaries, hours, working conditions, and benefits on the making or maintaining of collective-bargaining agreements and the terms to be included in such agreements, which is not resolved by negotiations in good faith between the board and the labor organization, upon the joint request of both, the board and the labor organization may submit the dispute to the decision of the majority of an arbitration panel.

The arbitration panel shall be composed of one representative of the board, and one representative of the labor organization, and they shall endeavor to agree upon the selection of the third member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the State Conciliation Service. The labor organization and the board shall, alternately, strike a name from the list so supplied, and the name remaining, after the labor organization and the board have stricken four names, shall be designated as the third arbitrator. The labor organization and the board shall determine by lot who shall first strike a name from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear its own costs.

120503. In the event the board and the representatives of the employees do not agree to submit the dispute to an arbitration panel as provided in Section 120502, the State Conciliation Service may be notified by either party that a labor dispute exists and that there is no agreement to arbitrate.

The service shall determine whether or not the labor dispute may be resolved by the parties and, if not, the issues concerning which the dispute exists. Upon such determination, the service shall certify its findings to the Governor of the State of California who shall, within 10 days of receipt of certification, appoint a factfinding commission consisting of three persons. The commission shall immediately convene and inquire into and investigate the issues involved in the dispute and shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission, and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the labor dispute arose and service to the public shall be provided.

120504. No contract or agreement shall be made with any labor organization, association, or group which denies membership to, or in any manner discriminates against, any employee on the grounds of race, creed, color, or sex.

The board shall not discriminate in regard to employment against any person because of race, creed, color, or sex.

120505. If there is a question of whether a labor organization represents a majority of employees or whether the proposed unit is the appropriate unit for collective bargaining, the question shall be submitted to the State Conciliation Service for disposition. The service shall promptly hold a public hearing, after due notice to all interested parties, and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions and the conduct of hearings and elections, the service shall be guided by relevant federal law and administrative practice developed under the Labor Management Relations Act, 1947, as amended.

The service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective-bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective unit exists until the lapse of one year from the date of certification or the expiration of any collective-bargaining agreement, whichever is later, except that no collective-bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

120506. The obligation of the board to meet and confer in good faith with the duly certified labor organization and to agree on the terms of a written collective-bargaining agreement with such labor organization covering the wages, hours, working conditions, and benefits of the employees represented by such labor organization in the appropriate unit, and to comply with the terms thereof, shall not be limited or restricted by the provisions of the Government Code or other laws or statutes. The obligations of the board to bargain collectively shall extend to all subjects of collective bargaining

which are, or may be, mandatory subjects of collective bargaining with a private employer, including retroactive provisions and benefits for retired employees.

120507. Notwithstanding the provisions of the Government Code, employees of the board may authorize and, upon such authorization, the board may make deductions from wages and salaries of such employees:

(a) Pursuant to a collective-bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(c) For any purpose for which deductions may be authorized by employees of any private employer.

120508. (a) This article also applies to the employee relations of employees of a nonprofit entity which operates public mass transit services and which is solely owned by the board. For employee relations regarding these employees, the term "board," as used in this article, means the board and the board of directors of the nonprofit entity as the joint employer of the employees.

(b) The board may, at any time in its sole discretion, abolish or merge any nonprofit entity with any other nonprofit entity or with the Board.

(c) Upon abolishing a nonprofit entity pursuant to subdivision (b), the board shall become the sole employer of the employees of the nonprofit entity and shall assume sole responsibility to observe all existing labor contracts established and maintained pursuant to this article.

(d) Except as may be agreed upon through the collective bargaining process, nothing in this section shall prohibit or limit the right of the board to contract with common carriers of persons operating under a franchise, license, or other agreement. Any provision in an existing collective bargaining agreement made applicable to the board in its capacity as a joint employer with a nonprofit entity pursuant to subdivision (a) or sole successor employer pursuant to subdivision (b) that is intended to prohibit or limit the right of a nonprofit entity to contract out covered bargaining unit services to another common carrier of persons shall not be binding upon the board with respect to any contract for services entered into, renewed, or extended by the board prior to January 1, 2004, and thereafter shall apply only to contracts for bargaining unit services covered by an existing collective bargaining agreement assumed by the board unless otherwise agreed upon through the collective bargaining process.

120509. (a) Upon the request of the board, as defined in Section 120508, with the consent of any labor organization acting as the exclusive representative of employees whose collective bargaining rights are subject to Section 120508, the board may enter into a contract to enroll the collectively bargained employees as members of the Public Employees' Retirement System or another retirement system.

(b) A contract to enroll employees in the Public Employees' Retirement System shall be subject to the provisions of Part 3

(commencing with Section 20000) of Division 5 of Title 2 of the Government Code.

(c) Employees transferred from any existing retirement system or pension plan to the Public Employees' Retirement System or any other retirement system by operation of this section shall receive benefits immediately after enrollment in, or transfer to, the system that are at least equal to, or greater than, the benefits the employees would have been entitled to immediately before enrollment in, or transfer to, the system.

120520. Whenever the board acquires ownership of existing facilities from a privately or publicly owned corporation or utility, either in proceedings by eminent domain or otherwise and terminates the legal existence of the corporation or utility, and operates the facilities itself, to the extent necessary for operation of facilities, any of the employees whose duties pertain to the facilities acquired who have been employed by the corporation or utility, as the case may be, for at least 75 days shall be appointed to comparable positions by the board without examination. These employees shall be given sick leave, seniority, and vacation credits in accordance with the records of the corporation or other acquired utility, as the case may be. No employee of the former corporation or utility shall suffer any worsening of wages, seniority, pension, vacation, or other benefits as they exist at the time of and by reason of the acquisition.

The board shall assume and observe all existing labor contracts of the former corporation or utility, as the case may be, insofar as they relate to the acquired facilities.

This section applies only to those officers or supervisory employees of the former corporation or utility, as the case may be, as shall be designated by the board.

120521. (a) Whenever the board acquires ownership of existing facilities from a privately or publicly owned corporation or public utility, either in proceedings in eminent domain or otherwise, and terminates the corporation or operates the facilities itself, that has a pension plan in operation, the members and beneficiaries of the pension plan shall continue to have the rights, privileges, benefits, obligations, and status with respect to the plan.

The board shall consider, and take into account, the outstanding obligations and liabilities of the corporation or of the publicly or privately owned public utility, as the case may be, by reason of the pension plan, and may negotiate an allowance in the purchase price of the corporation or the utility for the assumption of those obligations and liabilities when acquiring the corporation or the utility.

(b) Instead of maintaining an existing pension plan applicable to bargaining unit employees of an acquired facility, the board, with the consent of any exclusive collective bargaining representative of employees of an acquired facility whose rights are protected by Section 120520, may enroll the employees in, or transfer them to, the Public Employees' Retirement System or another retirement system.

(c) A contract to enroll employees in the Public Employees' Retirement System shall be subject to the provisions of Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code.

(d) Employees participating in an existing pension plan shall

receive benefits immediately after enrollment in, or transfer to, the system that are at least equal to, or greater than, the benefits the employees would have been entitled to immediately before enrollment in, or transfer to, the system.

120522. Whenever the board acquires ownership of existing facilities from a privately or publicly owned corporation or public utility, either in proceedings in eminent domain or otherwise and maintains the corporation or utility, by whatever name, as a separate, legal corporate entity, the board of directors of the corporation or utility shall continue its responsibilities with regard to its employees' wages, hours, and other terms and conditions of employment, existing labor contracts, and existing pension plans.

120523. (a) Any pension plan maintained by the board pursuant to this division for employees of the board who are members of a unit appropriate for collective bargaining shall be maintained pursuant to a collective bargaining agreement and this section.

(b) The pension plan and the funds of the plan shall be managed and administered by a retirement board composed of equal representation of labor and management. Any deadlock among the members of the board with respect to that management and administration shall be resolved in the manner specified in Section 302 of the federal Labor Management Relations Act, 1947 (29 U.S.C. Sec. 186(c)(5)).

(c) The duties and responsibilities of the retirement board shall be executed in accordance with Section 17 of Article XVI of the California Constitution.

(d) This section does not apply if the board has, pursuant to a collective bargaining agreement, provided membership for the board's represented employees in the Public Employees' Retirement System, a retirement system established pursuant to the County Employees Retirement Law of 1937, or a pension trust subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et seq.).

120540. It shall be a condition of the operation of any transit facility owned or controlled by the board that Section 5333 of Chapter 53 of Subtitle III of Title 49 of the United States Code shall be given effect to the extent required by law.

120550. The board may establish and maintain a police force. Those employees of the board appointed by the General Manager or Chief Executive officer to the police force and who are duly sworn are peace officers and are subject to the powers set forth in Section 830.33 of the Penal Code. The board shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code.

120630. The board may issue bonds, payable from revenue of any facility or enterprise to be acquired or constructed by or on behalf of the board, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of

the Government Code), and all of the provisions of that law are applicable to the board.

120631. The board is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise," as used in the Revenue Bond Law of 1941, for all purposes of this article, includes the transit system or any or all transit facilities and all additions, extensions, and improvements thereto authorized to be acquired, constructed, or completed by the board.

The board may issue revenue bonds under the Revenue Bond Law of 1941 for any one or more transit facilities authorized to be acquired, constructed, or completed by or on behalf of the board or, in the alternative, the board may issue revenue bonds under the Revenue Bond Law of 1941 for the acquisition, construction, and completion of any one of those transit facilities.

Nothing in this article prohibits the board from availing itself of, or making use of, any procedure provided in this chapter for the issuance of bonds of any type or character for any of the transit facilities authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the board may determine.

120650. The board may purchase transit equipment such as cars, trolley buses, motorbuses, light rail vehicles, or rolling equipment, and may execute agreements, leases, and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect the purchase and leasing of transit equipment, and may dispose of the equipment trust certificates upon the terms and conditions that the board may deem appropriate.

Payment for transit equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates that are or will be legally available to the board. Title to the equipment shall not vest in the board until the equipment trust certificates are paid.

120651. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company duly authorized to transact business in the state as trustee for the benefit and security of the equipment trust certificates, and may direct the trustee to deliver the rolling equipment to one or more designated officers of the board and may authorize the board to simultaneously therewith execute and deliver an installment purchase agreement or a lease of the equipment to the board.

120652. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds.

The agreements, leases, and equipment trust certificates shall be authorized by resolution of the board and shall contain covenants, conditions, and provisions which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates

from legally available source or sources of funds specified in the certificates.

120653. The covenants, conditions, and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes, or certificates of the board.

120654. An executed copy of each agreement and lease shall be filed in the office of the Secretary of State, who shall be entitled to receive one dollar (\$1) for each copy filed.

The filing constitutes notice to any subsequent judgment creditor or any subsequent purchaser.

120670. The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), and the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), are applicable to the board.

120671. Chapter 1 (commencing with Section 99000) of Part 11 of Division 10 is applicable to the board.

120680. The board may borrow money in accordance with Article 7 (commencing with Section 53820), Article 7.6 (commencing with Section 53850), or Article 7.7 (commencing with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

120681. The board may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time, but the maximum maturity of any bond anticipation notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

The bond anticipation notes may be paid from any money of the board available therefor and not otherwise pledged. If not previously otherwise paid, the bond anticipation notes shall be paid from the proceeds of the next sale of the bonds of the board in anticipation of which they were issued. The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of bonds which the board has been authorized to issue, less the amount of any bonds of the authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding.

The bond anticipation notes shall be issued and sold in the same manner as the bonds. The bond anticipation notes and the resolution or resolutions authorizing them may contain any provisions, conditions, or limitations which a resolution of the board authorizing the issuance of bonds may contain.

120682. The board, or any nonprofit public benefit corporation of which the board is the sole member, may issue pension obligation bonds.

120700. The board may bring an action to determine the validity of any of its bonds, equipment trust certificates, warrants, notes, or other evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

120701. All bonds and other evidences of indebtedness issued by the board under this chapter, and the interest thereon, are free and exempt from all taxation within the state, except for transfer, franchise, inheritance, and estate taxes.

120702. Notwithstanding any other provisions of this division or any other law, the provisions of all ordinances, resolutions, and other proceedings in the issuance by the board of any bonds, bonds with a pledge of revenues, bonds for improvement districts, revenue bonds, equipment trust certificates, notes, or any and all evidences of indebtedness or liability constitute a contract between the board and the holders of the bonds, equipment trust certificates, notes, or evidences of indebtedness or liability, and the provisions thereof are enforceable against the board or any or all of its successors or assigns, by mandamus or any other appropriate suit, action, or proceeding in law or in equity in any court of competent jurisdiction.

Nothing in this division or in any other law shall be held to relieve the board or the territory included within it from any bonded or other debt or liability contracted by the board. Upon dissolution of the board or upon withdrawal of territory therefrom, that territory formerly included within the board, or withdrawn therefrom, shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of the dissolution or withdrawal as if the board had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the successors or assigns to provide for the payment of the bonded and other indebtedness and liabilities.

Except as may be otherwise provided in the proceedings for the authorization, issuance, and sale of any revenue bonds, bonds secured by a pledge of revenues, or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities, or property owned, operated, or controlled by the board shall be pledged, charged, assigned, and have a lien thereon for the payment of the bonds as long as they are outstanding, regardless of any change in ownership, operation, or control of the revenue-producing improvements, works, facilities, or property and it shall, in any later event or events, be the duty of the successors or assigns to continue to maintain and operate the revenue-producing improvements, works, facilities, or property as long as bonds are outstanding.

PUBLIC CONTRACT CODE

SECTION 20340-20342

20340. The provisions of this article shall apply to contracts by the San Diego Metropolitan Transit Development Board, as provided for in Division 11 (commencing with Section 120000) of the Public Utilities Code.

20341. (a) Except as provided in subdivision (c), contracts for construction in excess of fifty thousand dollars (\$50,000) shall be awarded to the lowest responsible bidder submitting a responsive bid after competitive bidding, except in emergency declared by the vote of two-thirds of the membership of the board. When the expected construction contract exceeds one thousand dollars (\$1,000) and does not exceed fifty thousand dollars (\$50,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared, and award the contract to the bidder that submitted the lowest quotation.

(b) If no bids are received, the project may be performed by a negotiated contract.

(c) This section does not apply to the Los Angeles County Metropolitan Transportation Authority.

20342. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:

(a) Cash.

(b) A cashier's check made payable to the board.

(c) A certified check made payable to the board.

(d) A bidder's bond executed by an admitted surety insurer, made payable to the board.

Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the board beyond 60 days from the time the award is made.

PUBLIC UTILITIES CODE

SECTION 120000-120001

DIVISION 11.. TRANSIT DEVELOPMENT BOARDS

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS	<u>120000-120001</u>
CHAPTER 2. CREATION OF BOARDS	<u>120050-120054</u>
CHAPTER 3. ADMINISTRATION	<u>120100-120109</u>
CHAPTER 4. POWERS AND FUNCTIONS	
Article 1. Corporate Powers	<u>120200-120202</u>
Article 2. Contracts	<u>120220-120229</u>
Article 3. Property	<u>120240-120244</u>
Article 4. Facilities and Services	<u>120260-120269</u>
Article 5. Transportation Planning	<u>120300-120302</u>
Article 6. Transportation Funding	<u>120350-120356</u>
Article 7. Public Contributions, Grants, Loans, and Contracts	
Cooperation	<u>120400</u>
Article 8. Penalties	<u>120450-120452</u>
Article 9. Investments	<u>120470-120473</u>
Article 10. Transit Service Dispute Resolution	<u>120475-120478</u>
CHAPTER 5. PERSONNEL	
Article 1. Employee Relations	<u>120500-120509</u>
Article 2. Rights of Employees of Existing Facilities	<u>120520-120523</u>
Article 3. Employee Protection	<u>120540-120550</u>
CHAPTER 6. BONDS AND OTHER EVIDENCES OF INDEBTEDNESS	
Article 1. Revenue Bonds	<u>120630-120631</u>
Article 2. Equipment Trust Certificates	<u>120650-120654</u>
Article 3. Improvement Acts and Special Benefit Districts	<u>120670-120671</u>
Article 4. Temporary Borrowing	<u>120680-120682</u>
Article 5. Miscellaneous	<u>120700-120702</u>

120000. This division shall be known and may be cited as the Mills-Deddeh Transit Development Act.

120001. As used in this division, "board" means a county transit development board created pursuant to Chapter 2 (commencing with Section 120050).

120050. (a) There is hereby established the San Diego Metropolitan Transit Development Board in that portion of the County of San Diego as described in Section 120054.

(b) The board shall also be known as the San Diego Metropolitan Transit System. Any reference in law to the board shall be construed to include a reference to the San Diego Metropolitan Transit System.

120050.2. The board consists of 15 members selected as follows:

(a) One member of the County of San Diego Board of Supervisors, appointed by the board of supervisors.

(b) Four members of the City Council of the City of San Diego, one of whom may be the mayor, appointed by the city council.

(c) One member of each city council appointed individually by the City Councils of the Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee.

(d) One person, a resident of San Diego County, elected by a two-thirds vote of the board, a quorum being present, who shall serve as chairperson of the board. The chairperson shall serve for a term of four years, except that he or she is subject to removal at any time by a two-thirds vote of the board, a quorum being present. If the person elected chairperson is also a member of the board, the appointing power may not fill the vacancy created by the election of that member as chairperson as long as that member remains chairperson and, if removed as chairperson, that person shall resume the position on the board he or she vacated upon election as chairperson.

Section 120102.5 does not apply to any vote taken under this subdivision. Further, in the event that the chairperson is elected from the membership of the board, the County of San Diego shall then have two members appointed by the board of supervisors and the board membership shall remain at 15. In the event the subsequently elected chairperson is not a member, the membership on the board of the second appointee of the County of San Diego shall be suspended and the board membership shall remain at 15.

120050.5. (a) Any person who is a member of the board may be appointed by his or her appointing authority to continue to serve as a member of the board after the termination of his or her term of office for a period not to exceed four years after the date of termination of his or her term of elected office.

(b) The board may also appoint up to two ex-officio members to serve as advisors to the board. The ex-officio members may only be appointed if they previously served on the board of directors for the Metropolitan Transit System, the San Diego Transit Corporation or San Diego Trolley, Inc. An ex-officio member may be appointed for a one-year term. Each ex-officio member may serve no more than two

one-year terms. Ex-officio members shall have no right to vote or take action on any item before the board, but they may participate in any open or closed session.

120051. The member of the board of supervisors appointed pursuant to subdivision (a) of Section 120050.2 shall represent one of the two supervisorial districts with the greatest percentage of its area within the incorporated area of the County of San Diego within the area under the jurisdiction of the transit development board as defined in Section 120054.

120051.1. The member of the board of supervisors appointed pursuant to subdivision (d) of Section 120050.2 shall represent the supervisorial district with the greatest percentage of its area within the unincorporated area of the County of San Diego under the jurisdiction of the transit development board as defined in Section 120054.

120051.6. The alternate members of the board shall be appointed as follows:

(a) The County of San Diego Board of Supervisors shall appoint any other county supervisor who qualifies for appointment pursuant to Section 120051 to serve as an alternate member of the transit development board.

(b) The City Council of the City of San Diego shall appoint a member of the city council not already appointed pursuant to subdivision (b) of Section 120050.2 to serve as an alternate member of the transit development board for each of the members appointed by the city council to the transit development board.

(c) The city councils specified in subdivision (c) of Section 120050.2 shall each individually appoint a member of their respective city councils not already appointed pursuant to that subdivision to serve as an alternate member of the transit development board.

(d) If the board elects a person other than a member of the board to serve as chairperson, the board may, upon a two-thirds vote, a quorum being present, appoint a San Diego County resident as an alternate member of the board for that person elected chairperson. If the board elects a person who is a member of the board to serve as chairperson, the County of San Diego shall appoint an alternate supervisor for the supervisor appointed pursuant to subdivision (d) of Section 120050.2.

120054. The area of the board shall consist of all of the following:

(a) The Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, and Santee.

(b) All of the unincorporated area of the County of San Diego, except as otherwise included within the North San Diego County Transit Development Board in Section 125052.

(c) All the unincorporated area of the County of San Diego surrounded by the cities specified in subdivisions (a) and (b).

120100. The board at its first meeting, and thereafter annually at

the first meeting in January, shall elect a vice chairman who shall preside in the absence of the chairman. In the event of the absence or inability to act by the chairman or vice chairman, ~~the members present, by an order entered in the minutes, shall select one of their members to act as the chairman pro tem, who, while so acting, shall have all of the authority of the chairman. shall preside over the meeting.~~

120101. The board shall establish rules for its proceedings.

120102.5. (a) A majority of the members of the board constitutes a quorum for the transaction of business. All official acts of the board require the affirmative vote of the majority of the members of the board. However, after a vote of the members is taken, a weighted vote may be called by any two members, at least one of whom is not a City of San Diego representative.

(b) In the case of a weighted vote, each of the four representatives of the City of San Diego shall exercise 12 1/2 weighted votes, for a total of 50 votes. The County of San Diego and each city, other than the City of San Diego, shall, in total, exercise 49 weighted votes to be apportioned annually by population. The chairperson, if not chosen from the membership of the board, shall exercise one weighted vote.

(c) Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the board.

(d) The weighted vote procedure shall not be used on any matter of purely intracity local service, unless it is the desire of the affected city or jurisdiction.

(e) The weighted vote procedure shall not be used for purposes of subdivision (c) of Section 120265.

(f) For purposes of subdivision (c), the population of the County of San Diego is the population in the unincorporated area of the county within the area of jurisdiction of the transit development board.

(g) The board shall adopt a policy and procedure to implement this section.

120103. The acts of the board shall be expressed by motion, resolution, or ordinance.

120104. All meetings of the board shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code).

120105. The board shall:

(a) ~~Determine whether to operate exclusive public mass transit guideways to be acquired and constructed, the means to finance such systems, and whether to operate such systems or to let contracts for such operation and the means to finance such operations.~~

(b) Adopt an annual budget and fix the compensation of its officers and employees.

(c) Adopt an administrative code, by ordinance, which shall

prescribe the powers and duties of board officers, the method of appointment of board employees, and methods, procedures, and systems of operation and management of the board. The administrative code shall also provide for, among other things, the appointment of a ~~general manager~~General Manager or ~~chief executive officer~~Chief Executive officer, and the organization of the employees of the board into units for finance and administration, design and construction, planning and operations, property acquisition and management, and community relations and such other units as the board deems necessary.

(d) Cause a postaudit of the financial transactions and records of the board to be made at least annually by a certified public accountant.

(e) Adopt all ordinances and make all rules and regulations proper or necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services operating within its area of jurisdiction, and to carry into effect the powers granted to the board.

(f) Appoint such advisory commissions as it deems necessary.

(g) Do any and all things necessary to carry out the purposes of this division.

120105.5. The board shall appoint a ~~general manager~~General Manager or chief executive officer with experience in the management, planning, and development of urban mass transportation systems.

120106. Notice of time and place of the public hearing for the adoption of the annual budget shall be published pursuant to Section 6061 of the Government Code, and shall be published not later than the 15th day prior to the date of the hearing.

The proposed annual budget shall be available for public inspection at least 15 days prior to the hearing.

120107. (a) Each member of the board, including alternate members appointed pursuant to Section 120051.6 when serving in the absence of a regular member, shall be compensated for each day the member attends meetings of the board and committees of the board, not to exceed six committee meetings in any one quarter, and for his or her necessary and reasonable expenses in performing his or her duties as a board member.

(b) In addition, the board may, by resolution, authorize and designate members and alternates to be compensated for representing the board by attendance at specified meetings of other governmental entities and public agencies.

(c) The board shall, by ordinance, after a public hearing, fix the amounts of compensation payable pursuant to subdivisions (a) and (b).

120108. The board shall maintain accounting records and shall report accounting transactions in accordance with generally accepted accounting principles as adopted by the Government Accounting Standards Board (GASB) of the Financial Accounting Foundation for

both public reporting purposes and for reporting of activities to the Controller. The activities of any nonprofit corporation or other legal entity wholly owned or controlled by the board and operating a public transit system shall be reported separately in the board's annual report to the Controller.

120109. (a) The clerk of the board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the board, to be published at least once, in a newspaper of general circulation published and circulated in the board's area of jurisdiction.

(b) The publication of an ordinance, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The board may publish a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by a person designated by the board. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the clerk of the board at least five days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the board shall publish a summary of the ordinance or amendment with the names of those board members voting for and against the ordinance or amendment and the clerk shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those board members voting for and against the ordinance or amendment.

(2) If the person designated by the board determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the board so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the board's area of jurisdiction shall be published at least five days prior to the board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information regarding, the adopted ordinance or amendment, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those board members voting for and against the ordinance or amendment.

120200. The board has perpetual succession and may adopt a seal and alter it at its pleasure.

120201. The board may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

120202. ~~All claims for money or damages against the board are governed by Division 3.6 (commencing with Section 310) of Title 1 of the Government Code except as provided therein, or by other statutes~~

~~or regulations expressly applicable thereto.~~

a) All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workers' compensation, and other benefits that apply to the activity of officers, agents, or employees of a public agency when performing their respective functions shall apply to employees of the board, and any non-profit public benefit corporation of which the board is the sole member.

(b) All claims for money or damages against the board or its employees, and any non-profit public benefit corporation of which the board is the sole member or its employees, shall be governed by Part 1 (commencing with Section 810), Part 2 (commencing with Section 814), Part 3 (commencing with Section 900), and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code applicable to public agencies and their employees, or by other statutes or regulations expressly applicable thereto.

120220. The board may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, ~~to contract with a private patrol operator licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, with the county sheriff and municipal police departments within the areas described in Section 120054, and with other transit development boards for security, police, and related services, and to do all acts necessary and convenient for the full exercise of the powers granted in this division.~~

120221. The board may provide and maintain, by contract with a public agency or by other means, a security force to enforce its regulations, preserve and protect any public transit system or project financed pursuant to this chapter, and preserve and protect the public peace, health, and safety with respect to its system or projects. Alternatively, the board may contract with a private patrol operator licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, with the county sheriff and municipal police departments within the areas described in Section 120054, and with other transit development boards for security, police, and related services.

120222~~1~~. The board may contract with any department or agency of the United States of America, with any public agency, or with any person upon such terms and conditions as the board finds is in its best interest.

120223~~2~~. (a) The Legislature finds and declares that there is a compelling interest in ensuring that all federal, state, local, and private funds available to the board are captured and used in a timely manner. In order to maximize the use of federal, state, local, and private funds and to maintain a competitive posture

in seeking supplemental federal funds, the board shall have the authority to establish and use a flexible contracting process to maximize efficient use of public funds.

(b) Except in cases when an article of a specified brand or trade name is the only article that will properly meet the needs of the board or in emergency declared by the vote of two-thirds of the membership of the board, all contracts for the acquisition or lease of materials, supplies, or equipment in an amount of one hundred thousand dollars (\$100,000) or a higher amount as may be authorized by the board, shall be made or entered into with the lowest responsible bidder meeting specifications. For purposes of determining the lowest bid, the amount of sales tax shall be excluded from the total amount of the bid. When the expected purchase contract exceeds five thousand dollars (\$5,000) and does not exceed one hundred dollars (\$100,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared.

(c) Except in cases of an emergency declared by the vote of two-thirds of the membership of the board, for contracts involving the acquisition of services that exceed one hundred thousand dollars (\$100,000) that will not be performed by an entity described in Section 120221, and that are not within the category of services defined in Section 4525 of the Government Code, the board shall solicit bids in writing and shall award the work in a competitive procurement process that is in the best interest of the board, including but not limited to a negotiated procurement that may or may not evaluate price as a consideration. When the expected service contract exceeds five thousand dollars (\$5,000) and does not exceed one hundred dollars (\$100,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared.

(d) Contracts for architectural, landscape architectural, engineering, environmental, land surveying services, and construction project management services in excess of one hundred thousand dollars (\$100,000) shall be let in accordance with the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(e) Notwithstanding any other provisions of this chapter, the board is authorized to use any procurement method authorized for state or local agencies by state or federal law, including, but not limited to, use of a competitive negotiation process in accordance with the provisions of Article 7.5 (commencing with Section 20216) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code. The board shall maintain acquisition and contracting guidelines to be followed by the board with respect to procurement of all goods and services.

(f) Provisions in any federally funded contract concerning disadvantaged business enterprises, which provisions are in accordance with the request for proposals, shall not be subject to negotiation with the successful bidder.

Contracts for the purchase of supplies, equipment, and materials in excess of fifty thousand dollars (\$50,000) shall be awarded to the lowest responsible bidder submitting a responsive bid after competitive bidding, except in emergency declared by the vote

~~of two-thirds of the membership of the board. When the expected purchase contract exceeds two thousand five hundred dollars (\$2,500) and does not exceed fifty thousand dollars (\$50,000), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared.~~

1202243. (a) If, after rejecting bids received under Section 1202232, the board determines and declares by a two-thirds vote of all of its members that, in its opinion, the supplies, equipment, or materials may be purchased at a lower price in the open market, the board may proceed to purchase these supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

(b) If, after solicitation of bids under Section 1202232, the board determines and declares by a majority vote that it has not received a responsive bid, the board may proceed to purchase the supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisements.

120224.1. (a) Upon determining that immediate remedial measures to avert or alleviate damage to, or to repair or restore damaged or destroyed property of, the board, are necessary in order to insure that the facilities of the board are available to serve the transportation needs of the general public or to comply with any state or federal regulation with respect to the operation of public transportation services, and upon determining that available remedial measures, including procurement in compliance with Sections ~~120222~~, 120223, and 120224, are inadequate, the general manager or Chief Executive Officer may authorize the expenditure of money previously appropriated by the board specifically for the direct purchases of goods and services, without observance of the provisions of those sections.

(b) ~~The general manager~~ General Manager or Chief Executive Officer, after any such expenditure, shall submit to the board a full report explaining the necessity for that action.

120224.2. Notwithstanding Section 1202232 and upon a finding by two-thirds of all members of the board that a purchase in compliance with Sections 1202223 and 1202234 does not constitute a method of procurement adequate for the operation of board facilities or equipment, the board may direct the procurement of prototype equipment or modifications in an amount sufficient to conduct and evaluate operational testing without further observance of any provisions requiring contracts, bids, or advertisements.

120224.3. Notwithstanding Section 1202223, the board may direct the purchase of any supply, equipment, or materials without observance of any provision requiring contracts, bids, or advertisements upon a finding by two-thirds of all members of the board that there is only a single source of procurement therefor and that the purchase is for the sole purpose of duplicating, repairing or replacing supply, equipment, or materials which ~~is~~ are in use, including upgrades or migrations of proprietary intellectual property.

~~120224.4. (a) The Legislature finds and declares that the award of purchase contracts by the board under competitive bid procedures may not be feasible for products and materials which are undergoing rapid technological changes or for the introduction of new technologies into board operations, and that in these circumstances it is in the public interest to consider the broadest possible range of competing products and materials available, fitness of purpose, manufacturer's warranty, and other similar factors in addition to price in the award of these contracts.~~

~~(b) Notwithstanding Section 120222 the board may, after a finding by a two-thirds vote that a particular procurement qualifies under subdivision (g), direct that the procurement be conducted through competitive negotiation under this section. For purposes of this section, competitive negotiation includes, but is not limited to, all of the following requirements:~~

~~— (1) The request for proposals shall be prepared and submitted to an adequate number of qualified sources, as determined by the board, to permit reasonable competition consistent with the nature and requirements of the procurement. In addition, notice of the request for proposals shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals. The board shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposals is received.~~

~~— (2) The request for proposals shall identify all significant evaluation factors, including price, and their relative importance.~~

~~— (3) The board shall provide reasonable procedures for technical evaluation of the proposals received, identification of qualified sources, and selection for contract award.~~

~~— (4) Contract awards shall be made to the qualified proposer whose proposal will be most advantageous to the board, with price and all other factors considered. If award is not made to the bidder whose proposal contains the lowest price, the board shall make a finding setting forth the basis for the award.~~

~~— (c) The board may reject any and all proposals and request new proposals, at its discretion.~~

~~— (d) Prior to making an award, the board shall prepare a price analysis and shall find that the final negotiated price is fair and reasonable based upon comparable procurements in the marketplace.~~

~~— (e) Upon making an award to a qualified proposer, the board, upon request, shall make available to all other proposers and to the public, an analysis of the award which provides the basis for the selection of that particular qualified proposal.~~

120225 ~~(f)~~ A person who submits, or who plans to submit, a proposal in response to a procurement solicitation may protest any acquisition conducted in accordance with this ~~Sections~~ Sections 120223 and 120224 as follows:

(1) Protests based on the content of the request for proposals procurement solicitation

shall be filed with the board within 10 calendar days after the request for proposals procurement solicitation is first advertised in accordance with subdivision (e). The board General Manager or Chief Executive Officer or his or her designee shall issue a written decision on the

protest prior to opening of ~~proposals~~ procurement solicitation. A protest may be renewed by refiling the protest with the board within 15 calendar days after the mailing of the notice of the ~~recommended intent~~ award.

(2) Any bidder may protest the recommended award on any ground not based upon the content of the ~~request for proposals~~ procurement solicitation by filing a protest with the board within 15 calendar days after the mailing of the notice of the recommended award.

(3) Any protest shall contain a full and complete written statement specifying in detail the grounds of the protest and the facts supporting the protest. Protestors shall have an opportunity to appear and be heard before the board prior to the opening of ~~proposals~~ procurement solicitations in the case of protests based on the content of the request for proposals, or prior to final award in the case of protests based on other grounds or the renewal of protests based on the content of the ~~request for proposals~~ procurement solicitation. The decision of the board shall be in writing and shall constitute a final administrative decision subject to judicial review under California Code of Civil Procedure, section 1094.6.

~~(g) This section applies only to the purchase by the board of specialized rail transit equipment, computers, telecommunications equipment, fare collection equipment, microwave equipment, and other related electronic equipment and apparatus, and of rail cars. This section does not apply to contracts for construction or for the procurement of any product available in substantial quantities to the general public.~~

~~(h) Provisions in any contract concerning women and minority business enterprises, which provisions are in accordance with the request for proposals, shall not be subject to negotiation with the successful bidder.~~

120225~~6~~. The board may insure against any accident or destruction of the system or any part thereof. The board may also provide insurance as provided in Part 6 (commencing with Section 989), Division 3.6, Title 1 of the Government Code.

120226~~7~~. The board may contract for the services of independent contractors.

120227~~8~~. The board and the Board of Administration of the Public Employees' Retirement System shall enter into a contract, and the board shall make all of its officers and employees members of the system, except as follows:

(a) Members of the board.

(b) Officers and employees excluded pursuant to Section 20492 of the Government Code.

120228~~9~~. Subject to Section 120260, the board may enter into joint powers agreements to operate exclusive public mass transit guideways.

120240. The board may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or

personal property necessary to the full or convenient exercise of its powers.

120241. Whenever a portion of a parcel of real property is to be taken for board purposes and the remainder is to be left in such state or condition as to be of little value to its owner, or to give rise to claims or litigation concerning severance or other damage, the board may acquire the whole parcel and may sell the excess portion or exchange it for other property suitable for board purposes.

120242. The board shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The board may take any property necessary or convenient to the exercise of the powers granted in this division, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right, the board has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this division. The board shall proceed in the name of the board in condemnation proceedings. The board, in exercising such power, shall, in addition to the damages for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables, or poles of any public agency or utility which is required to be moved to a new location. If property is condemned by the board, the board may take possession and use the property in accordance with the provisions of Section 1243.5 of the Code of Civil Procedure.

120243. The Public Utilities Commission of the state shall have and exercise power and jurisdiction to fix just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings brought by the board. No taking or acquisition by the board which would involve the abandonment, removal, relocation, or use of the property of a railroad corporation, as defined in Section 230, shall be permitted, unless the Public Utilities Commission, after a hearing, shall find and determine that the public interest and necessity require the abandonment, removal, relocation, or use of such property and that such taking or acquisition will not unreasonably impair the ability of the railroad corporation involved to provide safe, adequate, economical, and efficient service. The board may commence and maintain such eminent domain proceedings in the Public Utilities Commission or the superior court at its option.

120244. The board is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to any public agency to construct or maintain roads, highways, or other crossings over any public or private lands.

120260. The board shall provide input to the San Diego Association of Governments on the planning and construction of exclusive public mass transit guideways in the area under its jurisdiction in conformance with the California Transportation Plan and the regional transportation plan developed pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code.

120261. Subject to Section 120260, if the board determines that there is a countywide agency capable of operating exclusive public mass transit guideways, the board shall contract with that agency for such operation.

~~120262. (a) The Legislature finds that it is in the public interest that the construction of exclusive public mass transit guideways commence as soon as possible so that their operation may also commence as soon as possible. Therefore, in planning and constructing such guideways, the board shall give priority consideration to guideway technology presently available and in use.~~

~~— (b) Such a guideway system shall be planned in such a manner that it may be constructed, and brought into operation, on an incremental basis so that available fiscal resources may be utilized as early as possible and, if the guideway system is a medium capacity system, it shall be capable of being upgraded to a higher service capacity when necessary.~~

~~— (c) To the extent feasible, transportation rights-of-way of public entities shall be utilized to minimize the cost of construction.~~

~~120263. Priority for guideway development shall be given to meeting the transportation needs of areawide corridors of travel. If the transit development board determines that a guideway system intended solely for an activity center is appropriate, the approval of the California Transportation Commission is necessary prior to the use of funds allocated from the State Highway Account in the State Transportation Fund for the guideway system.~~

1202624. The transit development board may acquire, construct, maintain, and operate (or let a contract to operate) public transit systems and related transportation facilities and services as it deems necessary to carry out the purposes of this division in conformity with, and to the extent provided for in, the San Diego Regional Transportation Consolidation Act (Chapter 3 (commencing with Section 132350) of Division 12.7 of the California Public Utilities Code). The various systems, facilities, and services may be administered by the transit development board under the name of the San Diego Metropolitan Transit System.

1202636. (a) The San Diego Metropolitan Transit Development Board may enter into contracts with any city in its area of jurisdiction and with the County of San Diego to license or regulate by ordinance any transportation services rendered wholly within the city's corporate limits or within the unincorporated area.

(b) The board shall levy the fees necessary to recover the full cost of licensing and regulating these services.

1202647. (a) The board may, by ordinance, regulate vehicle safety and driver qualifications for passenger jitney service operating between cities and between a city and unincorporated portions of San Diego County within the area of its jurisdiction.

(b) The board shall levy the fees necessary to recover the full cost of regulating these services.

(c) For purposes of this section, the term "passenger jitney service" includes every corporation or person engaged as a common carrier, for compensation, in the ownership, control, operation, or management of a passenger transportation service by motor vehicles of not more than 15 passenger capacity, excluding the driver, which operate between fixed termini and over a regular route and generally on short, nonscheduled, headways.

120268~~5~~. The board may enter into cooperative agreements with cities within its area of jurisdiction and with the County of San Diego to establish uniform policies and regulations governing the use of bus passenger loading zones and establishing responsibility and standards for the maintenance of bus loading zones and any associated improvements.

120266~~9~~. (a) If the board licenses or regulates any transportation service, pursuant to Section 120266, or any passenger jitney service, pursuant to Section 120267, and the licensed or regulated service employs, or contracts with, any driver who (1) is not required to be tested for controlled substances and alcohol pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code, Section 1032.1 of this code, or Section 34520 of the Vehicle Code, and (2) is not exempted under Section 34520 of the Vehicle Code, the board shall adopt, by ordinance or resolution, a mandatory controlled substance and alcohol testing certification program for those drivers.

(b) The program adopted pursuant to subdivision (a) shall meet substantially the requirements set forth in paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code.

(c) Evidence derived from a positive test result collected pursuant to the program adopted under subdivision (a) shall not be admissible in a criminal prosecution concerning unlawful possession, sale, or distribution of controlled substances.

120300. ~~The council of governments~~ San Diego Association of Governments which includes the area of the board shall be responsible for long-term transportation system planning in such area.

Such planning shall be directed to, among other things:

(a) Identification of corridors of travel.

(b) Definition of the transportation problems of each corridor.

(c) Definition of the transportation goals for each corridor.

(d) Definition of land use goals, with the concurrence of affected local jurisdiction, to be supported by transportation investment decisions in each corridor.

(e) Recommendation of priority corridors for guideway development.

(f) Recommendation of the mix of alternative transportation modes appropriate for deployment in light of transportation needs and goals for each corridor.

(g) Recommendation of environmental, economic, energy, and social policies that should guide transportation investment decision within corridors.

120301. With respect to the area under its jurisdiction, the board shall be responsible for ~~near-term operational planning directed to:~~. Operational planning includes all planning and monitoring necessary for the operation, implementation, modification and elimination of public transportation services operated by the Board.

- ~~(a) Determination of the amount of funds available for transportation development.~~
- ~~— (b) Selection of appropriate transportation technology.~~
- ~~— (c) Determination of capacity for exclusive public mass transit guideway technology.~~
- ~~— (d) Determination of operating performance criteria and costs for such guideway system.~~
- ~~— (e) Location of routes and access points to the guideway system.~~
- ~~— (f) Overall staging of the guideway system.~~

120302. Notice of the time and place of ~~the a~~ public hearing for the adoption of the plan prepared pursuant to Section 120301, or amendments to the plan, by the board shall be published pursuant to Section 6061 of the Government Code, and shall be published not later than the 15th day prior to the date of the hearing.

The ~~proposed plan, or amendments thereto, as the case may be,~~ materials for the public hearing shall be available for public inspection at least 15 days prior to the hearing.

120350. The Legislature finds and declares:

- ~~— (a) That the near-term programming and budgeting requirements of state and federal law is a cooperative intergovernmental planning process intended to determine the foreseeable capital and operational needs of a multimodal transportation system.~~
- ~~— (b) That there is an absence of an adequate forum in which local officials may exercise leadership in multimodal near-term transportation planning and programming.~~

120350. Sections 120351 through 120400 shall be in conformity with, and subject to, the San Diego Regional Transportation Consolidation Act (Chapter 3 (commencing with Section 132350) of Division 12.7 of the California Public Utilities Code).

120351. The designated recipient for purposes of Section 1604 of Title 49 of the United States Code shall be the San Diego Association of Governments, who shall be responsible for allocating federal transit funds to eligible recipients. The board shall prepare the program of projects for transit capital and operating assistance projects in its area of jurisdiction for receipt of federal funds. The designated recipientSan Diego Association of Governments shall allocate the funds to the board to fund its projects. If a dispute regarding the allocation of funds arises between the board and the North San Diego County Transit Development Board, the two boards shall negotiate in good faith to resolve the dispute. If the negotiation does not result in resolving the dispute prior to adoption of the annual regional transportation improvement program, ~~the designated recipient~~the San Diego Association of Governments shall resolve the dispute and allocate the funds accordingly.

120352. The board may receive any money pursuant to Section 1604 of Title 49 of the United States Code for mass transit purposes, and reallocate such money for such purposes in accordance with federal law and rules and regulations.

~~120353. The board shall be responsible for near-term, five-year transportation planning and the development of an annual transportation improvement program. Where required by federal law, the program shall be subject to review by the council of governments which includes the area under the jurisdiction of the board.~~

120354. (a) No other public entity within the area of the board's jurisdiction may file an application for funds for public transportation under Chapter 4 (commencing with Section 99200) of Part 11 of Division 10 of the Public Utilities Code.

(b) The board shall consolidate all available local, state, and federal transit financial resources for public mass transit operators and systems within its jurisdiction and, in coordination with the various operators, shall adopt a policy for annually prioritizing the use of those funds for all of the following:

(1) Services provided pursuant to the Americans with Disabilities Act of 1990 (Public Law 101-336).

(2) Local match requirements for federal and state transit capital grants.

(3) The local and regional service base.

(4) Any additional planning and operation of transit services and development and implementation of capital programs approved by the board.

~~120355. The board may take all action necessary to obtain funding available pursuant to Section 1602 Chapter 53, Subtitle III of Title 49 of the United States Code.~~

~~No other public entity in the area under the jurisdiction of the board shall file application for such funds for exclusive public mass transit guideway purposes. Any project of such other public entity funded by such funds shall be in conformance with the transportation improvement program of the board.~~

120356. The board may establish and maintain reserve funds for its planning, procurement, construction, and acquisition programs with moneys received from private and public contributions, donations and assessments, licenses, leases, sales, and rental income, and any other revenues of the board, except revenues received pursuant to Sections 99260, 99275, 99312, 99313, and 99319.

120400. The board may accept contributions, grants, or loans from any public agency or the United States or any department, instrumentality, or agency thereof, for the purpose of financing the planning, acquisition, construction, or operation of ~~exclusive public mass transit guideways~~ public transportation services, and may enter into contracts and cooperate

with, and accept cooperation from, any public agency or the United States, or agency thereof, in the planning, acquisition, construction, or operation of any such ~~guideways~~ public transportation services in accordance with any legislation which Congress or the Legislature of the State of California may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States or any public agency in the planning, acquisition, construction, or operation of any such ~~guideways~~ public transportation services. The board may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal or state legislation now or hereafter enacted.

120450. Violation of any ordinance, rule, or regulation enacted by the board relating to the nonpayment of a fare on any transit vehicle or in any transit station owned, controlled, or used by the board shall be an infraction punishable by a fine not exceeding seventy-five dollars (\$75), except that a violation by a person, after the second conviction under this section, shall be a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six months, or by both the fine and imprisonment.

120450.5. No person shall give, either orally or in writing, information to a public officer or employee engaged in the enforcement of the provisions of this article when that person knows that the information is false. A violation of this section is an infraction punishable by a fine not to exceed fifty dollars (\$50), except that such a violation by a person, after the second conviction of a violation of this section, shall be a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500) or by imprisonment in the county jail not to exceed six months, or by both that fine and imprisonment.

This section is in addition to, and does not supersede or limit, any and all other remedies, civil or criminal.

120451. Violation of any ordinance, rule, or regulation enacted by the board prohibiting unauthorized operation or manipulation of transit facilities owned, controlled, or used by the board, or prohibiting unauthorized tampering or interference with, or loitering in or about, transit facilities owned, controlled, or used by the board, including, but not limited to, transit centers, rail stations, bus shelters, and bus stops on public and private property, is an infraction punishable by a fine not exceeding fifty dollars (\$50), except that such a violation by a person, after the first conviction under this section, is a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both that fine and imprisonment.

120452. Violation of any ordinance, rule, or regulation enacted by the board prohibiting the unauthorized entering into, climbing upon,

holding onto, or in any manner attaching oneself to vehicles operated upon exclusive public mass transit guideways owned or controlled by the board, is an infraction punishable by a fine not exceeding fifty dollars (\$50), except that such a violation by a person, after the first conviction under this section, is a ~~misdeameanor~~ misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both that fine and imprisonment.

120470. Subject to any agreement or covenant between the board and the holders of any of its obligations limiting or restricting classes of investments, the board may invest any surplus money in its treasury, including money in any sinking fund, reserve fund, or other fund created or established for the benefit of holders of any outstanding obligations of the board, in any of the following:

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act (12 U.S.C. Sec. 1421 et seq.) or the National Housing Act (12 U.S.C. Sec. 1701 et seq.).

(d) Treasury notes or bonds of this state, or of any public corporation, municipal corporation, public district, or political subdivision within this state which are legal security for the deposit of public funds.

(e) Any investment in which county funds may be placed pursuant to the general laws of the state.

120471. The investment may be made by direct purchase of any issue of the bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

120472. Any bonds, treasury notes, or obligations purchased and held as investments by the board may, from time to time, be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

120473. Sales of any bonds, treasury notes, or obligations purchased and held by the board shall, from time to time, be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the board.

120475. The board shall coordinate the operation of all regional public transit services which operate within the area under the jurisdiction of the board so as to achieve efficient operation thereof and shall establish procedures to resolve disputes between public transit operators and local agencies. The objective of the coordination is to ensure that regional operators, the local operators, and local public agencies do not compete or unnecessarily duplicate services, but assist each other to provide the maximum level of transit service to the general public at the lowest possible cost.

120476. The board shall act in full cooperation and coordination with the regional operators, the local operators, and the local public agencies in such matters as schedules, routes, and exchange of transfers. The role of the board in coordinating, reviewing, and resolving conflicts, approving plans, and developing programs shall be a cooperative effort with the operators and public agencies and shall be executed so as not to unnecessarily impede or slow the transportation planning and programming process. The board shall adopt procedures which shall include a provision that would provide a process whereby any operator or agency involved in a dispute could settle the matter without requiring board involvement.

120477. (a) The board shall resolve regional transit service disputes between local agencies and transit operators which provide services in the area, pursuant to the rules and regulations adopted by the board.

(b) In resolving a regional transit service dispute pursuant to rules and regulations it has adopted, the board, on a case-by-case basis, may, by affirmative vote of two-thirds of the voting members, resolve the dispute, notwithstanding Sections 99280 and 99281.

(c) Nothing in this article shall supersede the lawful authority of any local public agency to regulate and provide for transit services within its jurisdiction or the duties and authority of the North San Diego County Transit Development Board pursuant to Sections 125105 and 125260.

(d) Regional service shall be characterized by operating speed above the system average, limited stops, and moderate service frequencies connecting different communities or cities.

120478. The rules and regulations adopted by the board shall include, but not be limited to, the following:

(a) Criteria to determine the definition and validity of a regional transit service dispute.

(b) Procedures for the submission of a regional transit service dispute to the board.

(c) The information, such as the matter in dispute, to be included in the notice to be sent to the parties in the regional transit service dispute.

(d) The procedure for mediation prior to a hearing before a transit coordination and service committee.

(e) The appointment, if mediation fails, of a transit coordination and service committee, consisting of board members, to hold a public hearing on the regional transit service dispute in the locality of the dispute and to make reports of its findings of fact and its recommendations regarding the dispute to the board.

(f) The adoption of one or more alternative procedures for the review and resolution of regional disputes involving the San Diego Transit Corporation, to be mutually agreed upon by the parties to the dispute.

(g) If the regional dispute involves one or more local agencies not within the area governed by the board, the adoption of one or more alternative procedures for the review and resolution of the

dispute, to be mutually agreed upon by the parties to the dispute.

(h) Actions the board may take to resolve the dispute.

120500. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities as permitted under the Federal Labor Management Relations Act, 1947, as amended, for the purpose of collective bargaining or other mutual aid or protection.

It is declared to be in the public interest that the board shall not express any preference for one union over another.

120501. Whenever a majority of the employees employed by the board in a unit that is the appropriate unit for collective bargaining indicate a desire to be represented by a labor organization and upon determining as provided in Section 120505, that such labor organization represents the majority of the employees in that appropriate unit, the board shall meet and confer in a good-faith effort to agree on the terms of a written contract with the recognized representatives of such employees governing wages, salaries, hours, working conditions, and benefits, including, but not limited to, health and welfare, sick leave, insurance, or pension or retirement provisions.

120502. In case of a labor dispute over wages, salaries, hours, working conditions, and benefits on the making or maintaining of collective-bargaining agreements and the terms to be included in such agreements, which is not resolved by negotiations in good faith between the board and the labor organization, upon the joint request of both, the board and the labor organization may submit the dispute to the decision of the majority of an arbitration panel.

The arbitration panel shall be composed of one representative of the board, and one representative of the labor organization, and they shall endeavor to agree upon the selection of the third member. If they are unable to agree, the names of five persons experienced in labor arbitration shall be obtained from the State Conciliation Service. The labor organization and the board shall, alternately, strike a name from the list so supplied, and the name remaining, after the labor organization and the board have stricken four names, shall be designated as the third arbitrator. The labor organization and the board shall determine by lot who shall first strike a name from the list. The decision of a majority of the arbitration board shall be final and binding upon the parties thereto. The expenses of arbitration shall be borne equally by the parties. Each party shall bear its own costs.

120503. In the event the board and the representatives of the employees do not agree to submit the dispute to an arbitration panel as provided in Section 120502, the State Conciliation Service may be notified by either party that a labor dispute exists and that there is no agreement to arbitrate.

The service shall determine whether or not the labor dispute may be resolved by the parties and, if not, the issues concerning which

the dispute exists. Upon such determination, the service shall certify its findings to the Governor of the State of California who shall, within 10 days of receipt of certification, appoint a factfinding commission consisting of three persons. The commission shall immediately convene and inquire into and investigate the issues involved in the dispute and shall report to the Governor within 30 days of the date of its creation.

After the creation of such commission, and for 30 days after such commission has made its report to the Governor, no change, except by mutual agreement, shall be made by the parties to the controversy in the conditions out of which the labor dispute arose and service to the public shall be provided.

120504. No contract or agreement shall be made with any labor organization, association, or group which denies membership to, or in any manner discriminates against, any employee on the grounds of race, creed, color, or sex.

The board shall not discriminate in regard to employment against any person because of race, creed, color, or sex.

120505. If there is a question of whether a labor organization represents a majority of employees or whether the proposed unit is the appropriate unit for collective bargaining, the question shall be submitted to the State Conciliation Service for disposition. The service shall promptly hold a public hearing, after due notice to all interested parties, and shall thereupon determine the unit appropriate for the purposes of collective bargaining. In making such determination and in establishing rules and regulations governing petitions and the conduct of hearings and elections, the service shall be guided by relevant federal law and administrative practice developed under the Labor Management Relations Act, 1947, as amended.

The service shall provide for an election to determine the question of representation and shall certify the results to the parties. Any certification of a labor organization to represent or act for the employees in any collective-bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective unit exists until the lapse of one year from the date of certification or the expiration of any collective-bargaining agreement, whichever is later, except that no collective-bargaining agreement shall be construed to be a bar to representation proceedings for a period of more than two years.

120506. The obligation of the board to meet and confer in good faith with the duly certified labor organization and to agree on the terms of a written collective-bargaining agreement with such labor organization covering the wages, hours, working conditions, and benefits of the employees represented by such labor organization in the appropriate unit, and to comply with the terms thereof, shall not be limited or restricted by the provisions of the Government Code or other laws or statutes. The obligations of the board to bargain collectively shall extend to all subjects of collective bargaining which are, or may be, mandatory subjects of collective bargaining with a private employer, including retroactive provisions and

benefits for retired employees.

120507. Notwithstanding the provisions of the Government Code, employees of the board may authorize and, upon such authorization, the board may make deductions from wages and salaries of such employees:

(a) Pursuant to a collective-bargaining agreement with a duly designated or certified labor organization for the payment of union dues, fees, or assessments.

(b) For the payment of contributions pursuant to any health and welfare plan or pension or retirement plan.

(c) For any purpose for which deductions may be authorized by employees of any private employer.

120508. (a) This article also applies to the employee relations of employees of a nonprofit entity which operates public mass transit services and which is solely owned by the board. For employee relations regarding these employees, the term "board," as used in this article, means the board and the board of directors of the nonprofit entity as the joint employer of the employees.

(b) The board may, at any time in its sole discretion, abolish or merge any nonprofit entity with any other nonprofit entity or with the Board.

(c) Upon abolishing a nonprofit entity pursuant to subdivision (b), the board shall become the sole employer of the employees of the nonprofit entity and shall assume sole responsibility to observe all existing labor contracts established and maintained pursuant to this article.

(d) Except as may be agreed upon through the collective bargaining process, nothing in this section shall prohibit or limit the right of the board to contract with common carriers of persons operating under a franchise, license, or other agreement. Any provision in an existing collective bargaining agreement made applicable to the board in its capacity as a joint employer with a nonprofit entity pursuant to subdivision (a) or sole successor employer pursuant to subdivision (b) that is intended to prohibit or limit the right of a nonprofit entity to contract out covered bargaining unit services to another common carrier of persons shall not be binding upon the board with respect to any contract for services entered into, renewed, or extended by the board prior to January 1, 2004, and thereafter shall apply only to contracts for bargaining unit services covered by an existing collective bargaining agreement assumed by the board unless otherwise agreed upon through the collective bargaining process.

120509. (a) Upon the request of the board, as defined in Section 120508, with the consent of any labor organization acting as the exclusive representative of employees whose collective bargaining rights are subject to Section 120508, the board may enter into a contract to enroll the collectively bargained employees as members of the Public Employees' Retirement System or another retirement system.

(b) A contract to enroll employees in the Public Employees' Retirement System shall be subject to the provisions of Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code.

(c) Employees transferred from any existing retirement system or pension plan to the Public Employees' Retirement System or any other retirement system by operation of this section shall receive benefits immediately after enrollment in, or transfer to, the system that are at least equal to, or greater than, the benefits the employees would have been entitled to immediately before enrollment in, or transfer to, the system.

120520. Whenever the board acquires ownership of existing facilities from a privately or publicly owned corporation or utility, either in proceedings by eminent domain or otherwise and terminates the legal existence of the corporation or utility, and operates the facilities itself, to the extent necessary for operation of facilities, any of the employees whose duties pertain to the facilities acquired who have been employed by the corporation or utility, as the case may be, for at least 75 days shall be appointed to comparable positions by the board without examination. These employees shall be given sick leave, seniority, and vacation credits in accordance with the records of the corporation or other acquired utility, as the case may be. No employee of the former corporation or utility shall suffer any worsening of wages, seniority, pension, vacation, or other benefits as they exist at the time of and by reason of the acquisition.

The board shall assume and observe all existing labor contracts of the former corporation or utility, as the case may be, insofar as they relate to the acquired facilities.

This section applies only to those officers or supervisory employees of the former corporation or utility, as the case may be, as shall be designated by the board.

120521. (a) Whenever the board acquires ownership of existing facilities from a privately or publicly owned corporation or public utility, either in proceedings in eminent domain or otherwise, and terminates the corporation or operates the facilities itself, that has a pension plan in operation, the members and beneficiaries of the pension plan shall continue to have the rights, privileges, benefits, obligations, and status with respect to the plan.

The board shall consider, and take into account, the outstanding obligations and liabilities of the corporation or of the publicly or privately owned public utility, as the case may be, by reason of the pension plan, and may negotiate an allowance in the purchase price of the corporation or the utility for the assumption of those obligations and liabilities when acquiring the corporation or the utility.

(b) Instead of maintaining an existing pension plan applicable to bargaining unit employees of an acquired facility, the board, with the consent of any exclusive collective bargaining representative of employees of an acquired facility whose rights are protected by Section 120520, may enroll the employees in, or transfer them to, the Public Employees' Retirement System or another retirement system.

(c) A contract to enroll employees in the Public Employees' Retirement System shall be subject to the provisions of Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code.

(d) Employees participating in an existing pension plan shall receive benefits immediately after enrollment in, or transfer to, the system that are at least equal to, or greater than, the benefits the

employees would have been entitled to immediately before enrollment in, or transfer to, the system.

120522. Whenever the board acquires ownership of existing facilities from a privately or publicly owned corporation or public utility, either in proceedings in eminent domain or otherwise and maintains the corporation or utility, by whatever name, as a separate, legal corporate entity, the board of directors of the corporation or utility shall continue its responsibilities with regard to its employees' wages, hours, and other terms and conditions of employment, existing labor contracts, and existing pension plans.

120523. (a) Any pension plan maintained by the board pursuant to this division for employees of the board who are members of a unit appropriate for collective bargaining shall be maintained pursuant to a collective bargaining agreement and this section.

(b) The pension plan and the funds of the plan shall be managed and administered by a retirement board composed of equal representation of labor and management. Any deadlock among the members of the board with respect to that management and administration shall be resolved in the manner specified in Section 302 of the federal Labor Management Relations Act, 1947 (29 U.S.C. Sec. 186(c)(5)).

(c) The duties and responsibilities of the retirement board shall be executed in accordance with Section 17 of Article XVI of the California Constitution.

(d) This section does not apply if the board has, pursuant to a collective bargaining agreement, provided membership for the board's represented employees in the Public Employees' Retirement System, a retirement system established pursuant to the County Employees Retirement Law of 1937, or a pension trust subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. Sec. 1001 et seq.).

120540. It shall be a condition of the operation of any transit facility owned or controlled by the board that ~~sub~~Section 5333(e) of ~~Section 1609~~Chapter 53 of Subtitle III of Title 49 of the United States Code shall be given effect to the extent required by law.

120550. The board may establish and maintain a police force. Those employees of the board appointed by the ~~general manager~~General Manager or Chief Executive officer to the police force and who are duly sworn are peace officers and are subject to the powers set forth in Section 830.33 of the Penal Code. The board shall adhere to the standards for recruitment and training of peace officers established by the Commission on Peace Officer Standards and Training pursuant to Title 4 (commencing with Section 13500) of Part 4 of the Penal Code.

120630. The board may issue bonds, payable from revenue of any facility or enterprise to be acquired or constructed by or on behalf of the board, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), and all of the provisions of that law are

applicable to the board.

120631. The board is a local agency within the meaning of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code). The term "enterprise," as used in the Revenue Bond Law of 1941, for all purposes of this article, includes the transit system or any or all transit facilities and all additions, extensions, and improvements thereto authorized to be acquired, constructed, or completed by the board.

The board may issue revenue bonds under the Revenue Bond Law of 1941 for any one or more transit facilities authorized to be acquired, constructed, or completed by or on behalf of the board or, in the alternative, the board may issue revenue bonds under the Revenue Bond Law of 1941 for the acquisition, construction, and completion of any one of those transit facilities.

Nothing in this article prohibits the board from availing itself of, or making use of, any procedure provided in this chapter for the issuance of bonds of any type or character for any of the transit facilities authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the board may determine.

120650. The board may purchase transit equipment such as cars, trolley buses, motorbuses, light rail vehicles, or rolling equipment, and may execute agreements, leases, and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect the purchase and leasing of transit equipment, and may dispose of the equipment trust certificates upon the terms and conditions that the board may deem appropriate.

Payment for transit equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates that are or will be legally available to the board. Title to the equipment shall not vest in the board until the equipment trust certificates are paid.

120651. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company duly authorized to transact business in the state as trustee for the benefit and security of the equipment trust certificates, and may direct the trustee to deliver the rolling equipment to one or more designated officers of the board and may authorize the board to simultaneously therewith execute and deliver an installment purchase agreement or a lease of the equipment to the board.

120652. The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds.

The agreements, leases, and equipment trust certificates shall be authorized by resolution of the board and shall contain covenants, conditions, and provisions which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from legally available source or sources of funds specified in the

certificates.

120653. The covenants, conditions, and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes, or certificates of the board.

120654. An executed copy of each agreement and lease shall be filed in the office of the Secretary of State, who shall be entitled to receive one dollar (\$1) for each copy filed.

The filing constitutes notice to any subsequent judgment creditor or any subsequent purchaser.

120670. The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), and the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), are applicable to the board.

120671. Chapter 1 (commencing with Section 99000) of Part 11 of Division 10 is applicable to the board.

120680. The board may borrow money in accordance with Article 7 (commencing with Section 53820), Article 7.6 (commencing with Section 53850), or Article 7.7 (commencing with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

120681. The board may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time, but the maximum maturity of any bond anticipation notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

The bond anticipation notes may be paid from any money of the board available therefor and not otherwise pledged. If not previously otherwise paid, the bond anticipation notes shall be paid from the proceeds of the next sale of the bonds of the board in anticipation of which they were issued. The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of bonds which the board has been authorized to issue, less the amount of any bonds of the authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding.

The bond anticipation notes shall be issued and sold in the same manner as the bonds. The bond anticipation notes and the resolution or resolutions authorizing them may contain any provisions, conditions, or limitations which a resolution of the board authorizing the issuance of bonds may contain.

120682. The board, or any nonprofit public benefit corporation of which the board is the sole member, may issue pension obligation bonds.

120700. The board may bring an action to determine the validity of any of its bonds, equipment trust certificates, warrants, notes, or other evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

120701. All bonds and other evidences of indebtedness issued by the board under this chapter, and the interest thereon, are free and exempt from all taxation within the state, except for transfer, franchise, inheritance, and estate taxes.

120702. Notwithstanding any other provisions of this division or any other law, the provisions of all ordinances, resolutions, and other proceedings in the issuance by the board of any bonds, bonds with a pledge of revenues, bonds for improvement districts, revenue bonds, equipment trust certificates, notes, or any and all evidences of indebtedness or liability constitute a contract between the board and the holders of the bonds, equipment trust certificates, notes, or evidences of indebtedness or liability, and the provisions thereof are enforceable against the board or any or all of its successors or assigns, by mandamus or any other appropriate suit, action, or proceeding in law or in equity in any court of competent jurisdiction.

Nothing in this division or in any other law shall be held to relieve the board or the territory included within it from any bonded or other debt or liability contracted by the board. Upon dissolution of the board or upon withdrawal of territory therefrom, that territory formerly included within the board, or withdrawn therefrom, shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of the dissolution or withdrawal as if the board had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the successors or assigns to provide for the payment of the bonded and other indebtedness and liabilities.

Except as may be otherwise provided in the proceedings for the authorization, issuance, and sale of any revenue bonds, bonds secured by a pledge of revenues, or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities, or property owned, operated, or controlled by the board shall be pledged, charged, assigned, and have a lien thereon for the payment of the bonds as long as they are outstanding, regardless of any change in ownership, operation, or control of the revenue-producing improvements, works, facilities, or property and it shall, in any later event or events, be the duty of the successors or assigns to continue to maintain and operate the revenue-producing improvements, works, facilities, or property as long as bonds are outstanding.

PUBLIC CONTRACT CODE

SECTION 20340-20342

20340. The provisions of this article shall apply to contracts by the San Diego Metropolitan Transit Development Board, as provided for in Division 11 (commencing with Section 120000) of the Public Utilities Code.

20341. (a) Except as provided in subdivision (c), contracts for construction in excess of ~~twenty-five~~ thousand dollars (\$~~520,000~~) shall be awarded to the lowest responsible bidder submitting a responsive bid after competitive bidding, except in emergency declared by the vote of two-thirds of the membership of the board. When the expected construction contract exceeds one thousand dollars (\$1,000) and does not exceed ~~twenty-five~~ thousand dollars (\$~~520,000~~), the board shall seek a minimum of three quotations, either written or oral, which permit prices and other terms to be compared, and award the contract to the bidder that submitted the lowest quotation.

(b) If no bids are received, the project may be performed by a negotiated contract.

(c) This section does not apply to the Los Angeles County Metropolitan Transportation Authority.


20342. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:

- (a) Cash.
- (b) A cashier's check made payable to the board.
- (c) A certified check made payable to the board.
- (d) A bidder's bond executed by an admitted surety insurer, made payable to the board.

Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the board beyond 60 days from the time the award is made.



**Proposed changes to
Metropolitan Transit System
Enabling Legislation**

California Public Utilities Code
Sections 120000-120702

MTS 2005 Legislative Changes



- MTS was created by the Mills-Deddeh Transit Development Act in 1976.
- California Public Utilities Code, sections 120000-120720, contains the provisions for how MTS conducts business.
- Post-Consolidation with SANDAG, staff was asked to proposed changes to MTS's enabling legislation.

MTS 2005 Legislative Changes

Legislative Highlights:

- Addition to Section 120050.5 legally permits appointment of Ex Officio Board Members (p. A-2).
- Addition to Section 120202 makes all claims for money or damages against SDTI and SDTC subject to the California Tort Claim Act, consistent with MTS Policy (p. A-7).

MTS 2005 Legislative Changes

Legislative Highlights:

- Comprehensive overhaul to Sections 120223-120227 regarding procurement to give more flexibility to MTS to obtain products more quickly and economically (p. A-7 to A-11).
- Addition of judicial review for protest decisions consistent with other local public agencies (p. A-11).



MTS 2005 Legislative Changes

Legislative Highlights:

- Modifications to Section 120301 to clarify that MTS responsibilities post-consolidation shall be to:
 - Determine the expenditure of funds on public transportation services
 - Select appropriate transportation technology to provide public transportation services
 - Determine operating performance criteria and costs for bus/guideway systems
 - Determine the location of routes and access points for bus and guideway systems (p. A-15)



MTS 2005 Legislative Changes

Legislative Highlights:

- Addition of language to allow for the merger of SDTI, SDTC and MTS (p. A-22).
- Addition of language to clarify that MTS may issue pension obligation bonds (p. A-27).



MTS 2005 Legislative Changes

Recommendation:

- Provide input to staff regarding proposed changes
- Authorize staff to discuss the first draft of legislation with Senator Kehoe on Transit Lobby Day





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

Agenda

Item No. 31

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

MKPC 620.8 (PC 40053)

March 10, 2005

Subject:

MTS: COCA-COLA PARTNERSHIP: 2005 COMMUNITY RELATIONS EVENTS

RECOMMENDATION:

That the Board of Directors approve the Coca-Cola Community Relations Events for 2005.

Budget Impact

None.

DISCUSSION:

MTS and the Coca-Cola Bottling Company of San Diego (Coca-Cola) entered into a partnership agreement for a term of five years (from September 2002 to September 2007). The annual contribution to the partnership is \$100,000 per calendar year. The agreement could be extended for up to three 1-year options after 2007. The goals of the agreement are as follows:

1. Increase awareness of public transportation and its benefits to the community.
2. Increase the outreach potential of the MTS Community Relations team by partnering with Coca-Cola to fund 16 events, evoke larger event presence, and increase event staffing.
3. Create a scholarship program in the spring of 2003 to reward 15 high school seniors for excellence in academics, community service, and a transit essay. (Important to note: in 2005, 30 high school seniors will be winners.)
4. Create excitement and interest at various trolley stations by having customer appreciation events with music, arts, entertainment, and/or food and beverages.



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.

The Marketing and Community Relations staff is requested to participate in events from many different community organizations throughout the San Diego region. Therefore, it is important to develop criteria to select those events as follows.

1. The geographic area of the event.
2. The event's proximity to already existing public transportation.
3. Reach as many people as possible.

Geographic Area

MTS riders and potential riders live, work, and play in many San Diego communities, be it from the south, north, east, and west. It is important to stage events in as many geographically varied communities as possible.

Proximity to Public Transportation

Because our responsibility in staging an event in a given community is to promote MTS, the event has to be implemented close to the trolley or bus system. We can then bring informational pieces that properly promote the system and support the transportation needs of this community.

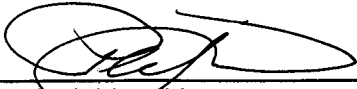
Reaching as Many People as Possible

We consider the nature of an event and the number of people attending. Will this event reach as many San Diegans, riders, and nonriders as possible? Is this a tried and true event—in other words, is it worthy of our consideration? We want to talk with and distribute information to as many people as possible, thereby promoting the system and encouraging its use and, by doing so, obtaining the most beneficial return on our investment.

COCA-COLA COMMUNITY RELATIONS PROPOSED EVENTS FOR 2005		
JANUARY		
➤	Martin Luther King Festival and Parade	\$1,000
MARCH		
➤	Customer Appreciation Event	\$3,000
APRIL		
➤	Earth Day Festival	\$2,000
MAY		
➤	Chula Vista Taste of the Arts	\$1,500
JUNE		
➤	Scholarship Activities	\$35,000
JULY		
➤	Gay Pride Parade	\$2,000
➤	Customer Appreciation Event	\$3,000
AUGUST		
➤	Customer Appreciation Event	\$3,000
SEPTEMBER		
➤	Customer Appreciation Event	\$3,000
➤	Mariachi Festival	\$5,000
➤	Trolley Dances	\$1,000
NOVEMBER		
➤	Boo Parade in the College Area (MVE)	\$2,500
DECEMBER		
➤	Customer Appreciation Event	\$3,000
Mission Valley East (MVE) Promotion		\$30,000
Miscellaneous/Additional MVE Materials/Activities		\$5,000
TOTAL		\$100,000

CONCLUSION

Finally, in all of its community outreach plans, the Marketing and Community Relations Department has one overriding goal in mind. This is to enthusiastically promote MTS by creating good will, thanking our current riders, and influencing as many nonriders as possible to use the system.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Gonzalo Lopez, 619.557.4526, gonzalo.lopez@sdmts.com

JGarde
MAR10-05.32.PGILBERT
3/2/05



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

Agenda

Item No. 45

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

SRTP 825 (PC 20271)

March 10, 2005

Subject:

MTS: RIDERSHIP TREND ANALYSIS

RECOMMENDATION:

That the Board of Directors receive this report for information.

Budget Impact

None.

Executive Committee Recommendation

At its meeting on March 3, 2005, the Executive Committee recommended forwarding this item to the Board for approval.

DISCUSSION:

Introduction

Changes in MTS ridership levels prior to FY 2001 have corresponded with the amount of service provided. Since FY 2001, however, ridership has decreased despite increases in the level of service as well as in the population and the employment market base. This trend indicates that transit services have not adjusted to changes in market demand. The attached analysis (Attachment A) was undertaken to identify the reasons for this recent ridership decline. The results of the analysis will be used to develop



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.

recommendations through the Comprehensive Operational Analysis (COA) to realign MTS services with the market in the San Diego region.

Key Findings

The trend in MTS ridership from FY 2001 to FY 2004 does not indicate that the market size is contracting; rather, that the composition of the market has shifted, and MTS services are no longer optimally aligned with the travel demand and characteristics of the market. Furthermore, the ridership decline appears to be systemic and cannot be fully attributed to a specific operation, service type, geographic area, or corridor. Both external and internal factors can be attributed to the misalignment in service versus demand, as follows.

Market Composition (External Factors)

- School and work commute trips are a large percentage of MTS's market, with work trips accounting for 51 percent of ridership. As such, many of MTS's services are focused on established employment centers, such as downtown San Diego, Kearny Mesa, and University Town Center.
- While employment is growing, it is changing both in geography and in industries. The relocation of businesses from established employment centers to newer suburban business parks and the shift from manufacturing to service jobs have not been met with complementary changes in transit routes and schedules.
- The significant population increase in the suburban areas of the region and southwestern Riverside County has further added to the misalignment of transit services with travel patterns.
- In addition to transit's increasing inability to meet travel demand efficiently and effectively with currently designed services, nontransit travel modes, including driving, carpools, vanpools, and other travel demand management offerings, have expanded or been enhanced significantly during the last five years with the increase in parking availability, travel and high-occupancy-vehicle (HOV) lanes, and employer subsidies. The attractiveness of other modes is likely diverting former and potential riders away from using transit for commuting.

Service Changes (Internal Factors)

- Over the past four years, system changes have been implemented that resulted in decreases in ridership and productivity. Fares have been increased, contributing to ridership loss. In addition, service changes have not uniformly yielded the ridership results anticipated.

Conclusion

As population and employment increases are projected to continue throughout the San Diego region, MTS has an opportunity to recapture and expand its ridership base by adjusting services to the changes in the market composition. The success of transit will be contingent on the degree to which MTS matches services with changes in travel

demand, as influenced by shifts in industries, occupations, and corresponding travel needs. In addition, understanding the role and attractiveness of transit service relative to other travel options will enable MTS to design services that are more competitive with other options, as well as to identify travel markets that are difficult to serve and should not be pursued. Finally, to increase ridership and productivity, transit services should be restructured to maximize efficiency and effectiveness by reallocating unproductive services to more productive applications.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Conan Cheung, 619.515.0933, conan.cheung@sdmts.com

JGarde
MAR10-05.45.MTHOMSEN
2/23/05

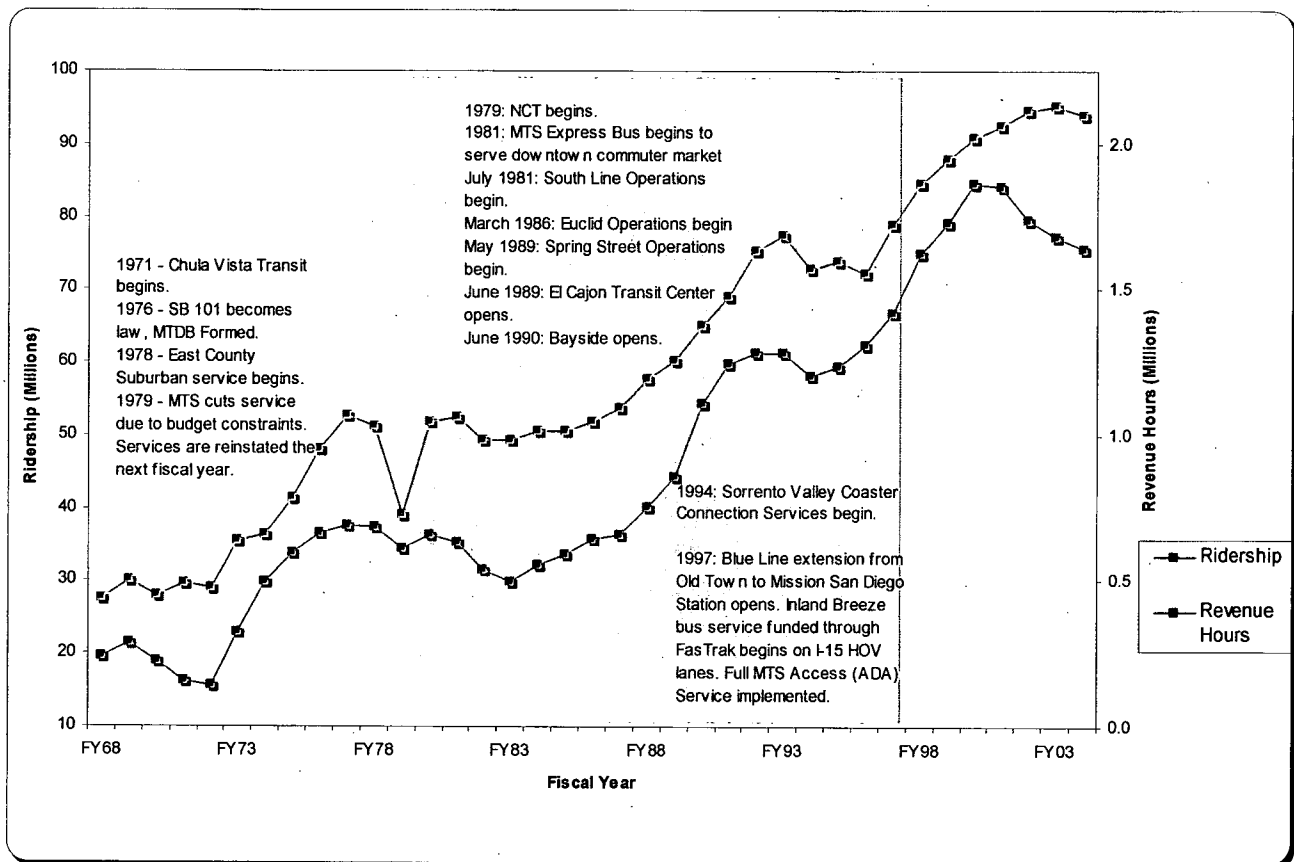
Attachment: A. MTS Ridership Trend Analysis (FY 2001 – FY 2004)

MTS Ridership Trend Analysis (FY 2001 – FY 2004)

INTRODUCTION

Metropolitan Transit System (MTS) ridership has increased by 300 percent since the start of public transit service in 1967. As illustrated in Figure 1, ridership changes prior to FY 2001 were consistent with the amount of service provided, as measured in revenue hours. This trend indicates that changes experienced in ridership were a result of changes in service levels rather than a change in market demand.

Figure 1
MTS Historical Ridership and Revenue Hour Trends



Source: Metropolitan Transit System (MTS)

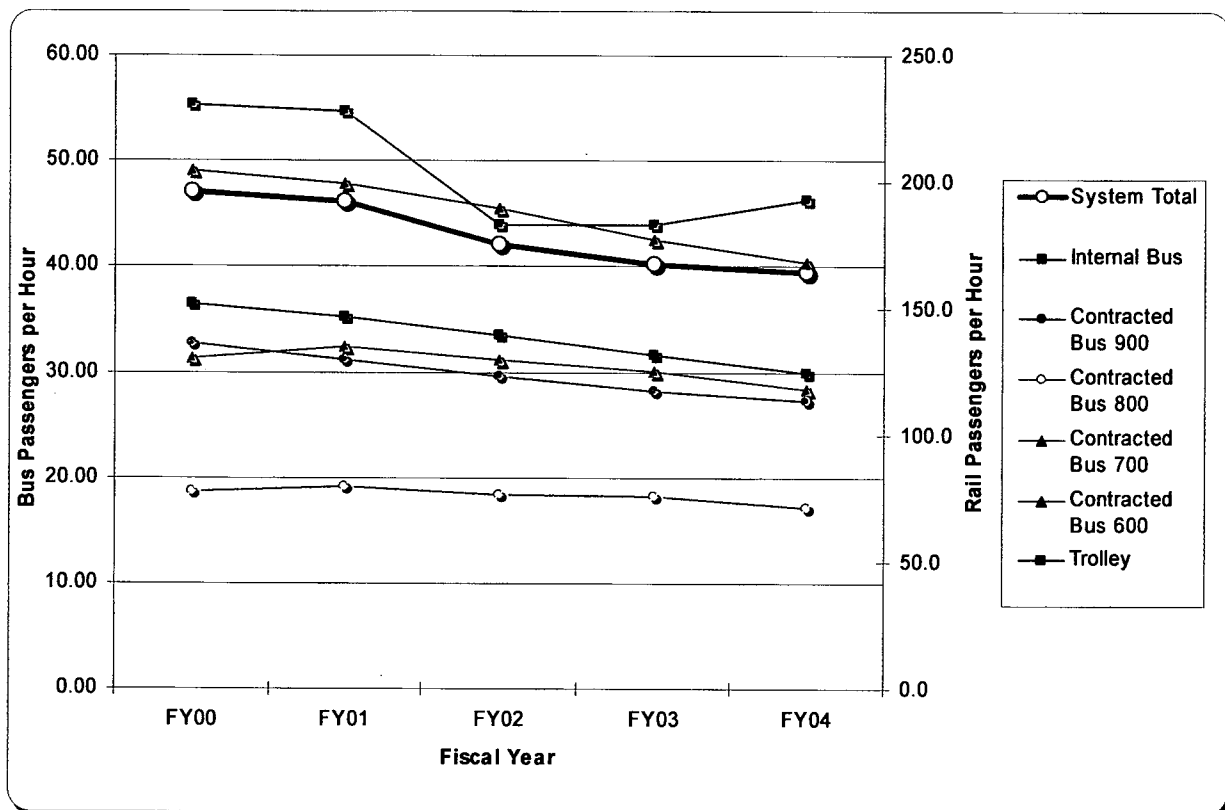
In contrast, ridership declined significantly since FY 2001, despite a continued increase in revenue hours, marking the first time in MTS history that the ridership trend did not mirror the service level. This trend is alarming since it indicates that transit services have not adjusted to changes in market demand. The purpose of this study is to identify the reasons for the recent ridership decline. The results of this analysis will help us develop recommendations through the Comprehensive Operational Analysis (COA) to realign our services with our market.

MTS RIDERSHIP TRENDS (FY 2000 - FY 2004)

Systemic Decline

MTS ridership declined by approximately 8.86 million boardings per year in FY 2004 when compared to FY 2000. This decline comprised 2.20 million rail and 6.66 million bus passengers. To better understand the ridership trend relative to the amount of service provided, we evaluated passengers per revenue hour as an indication of ridership per unit of service provided. The results of this evaluation reveal that the multi-year decline in ridership occurred throughout the system, irrespective of operator and mode, as shown in Figure 2 and detailed in Appendix A-1.

Figure 2
Productivity Trends by Operator



Source: Metropolitan Transit System (MTS)

The results also show that the decline for all MTS operators was fairly similar, with an average decline for bus operators of 17.6% and a decline of 16.1% for the Trolley. As a result, the overall system declined 16.4% in passengers per revenue hour from FY 2000 to FY 2004.

Ridership Trends by Market Segment

A market segmentation analysis was conducted to further identify ridership trends by service type, geographic area and corridor. Trolley ridership was not included in this analysis because ridership appears to have stabilized and is on a positive trend. It should be noted, however, that Trolley ridership benefited from two phenomena during the period:

- Petco Park generated 421,257 more riders to baseball games in FY 2004 compared to Qualcomm Stadium in FY 2003 (the full season difference was 809,693), and
- The deletion of the downtown San Diego-Old Town segment on Route 34 increased Trolley ridership by an estimated 80,000 riders in FY 2004 (190,000 on an annual basis).

These factors account for 2.0 percent of the 5.4 percent increase in Trolley ridership from FY 2003 to FY 2004. A summary of the market segment analysis is presented in Figure 3 and described below.

Service Type

MTS fixed bus routes were classified as either Express (featuring faster service involving highway or freeway travel and few stops with an “end-to-end” travel pattern), Urban/Limited Stop (line haul service on arterial roads or larger streets with high passenger turnover) or Suburban/Feeder (primarily neighborhood service to local destinations or to transfer points to Trolley or other bus service). While all three service types experienced significant declines in productivity, express services declined 7.3 percent, almost 50 percent greater than loss of Urban/Limited Stop and Suburban Feeder ridership, which were down by 5.0 percent and 5.1 percent, respectively. Refer to Appendix A-2 for detailed information.

Geographical Area

The MTS service area was subdivided into nine homogeneous geographical areas for evaluation. Seven of the nine areas showed decreases in the number of passengers per hour between FY 2003 and FY 2004. The exceptions were the Central Coast area (Point Loma, Mission Beach and Pacific Beach) and the La Jolla/University City/Sorrento Valley area, which saw productivity increases of 4.0 percent and 2.3 percent, respectively. Three areas showed declines of greater than 5.0 percent, including Mid-City, Central Mesa (Clairemont, Kearny Mesa and Serra Mesa) and Centre City, which, at 8.3 percent, declined the most. Refer to Appendix A-3 for detailed information.

Corridor

Comparative ridership trends along the eight major freeway and highway corridors in the MTS service area were also analyzed. All corridors experienced ridership declines, ranging from a decrease of 3.9 percent in the I-5 North corridor to a decrease of 6.8 percent on SR 94. Refer to Appendix A-4 for detailed information.

Figure 3
MTS Passengers per Revenue Hour by Market Segment
(FY 2003 – FY 2004)

By Mode	FY 2003	FY 2004	Change
Bus	29.0	27.4	-5.6%
Trolley	183.4	193.2	5.4%
System	40.2	39.4	-2.0%

By Mode (bus only)	FY 2003	FY 2004	Change
Urban/Limited Stop	35.1	33.4	-5.0%
Suburban/Feeder	21.8	20.7	-5.1%
Express	22.8	21.2	-7.3%
Total	29.0	27.4	-5.6%

By Area (bus only)	FY 2003	FY 2004	Change
Central Coastal	25.0	26.0	4.0%
La Jolla/UC/Sorrento Valley	24.8	25.4	2.3%
Southeast San Diego	24.8	23.9	-3.8%
I-15	18.1	17.4	-3.9%
East County	19.2	18.3	-4.7%
South Bay	33.4	31.8	-4.8%
Mid-City	35.7	33.6	-5.7%
Central Mesa	25.4	23.6	-7.1%
Centre City	29.7	27.3	-8.3%
Total	28.2	26.9	-4.9%

By Corridor (bus only)	FY 2003	FY 2004	Change
I-5 NORTH	25.4	24.5	-3.9%
I-5 SOUTH	32.7	31.3	-4.2%
I-15	26.7	25.6	-4.4%
SR 163	29.2	27.5	-5.7%
I-8	38.0	35.5	-6.6%
SR 94	29.8	27.8	-6.8%
Total	31.0	29.4	-5.4%

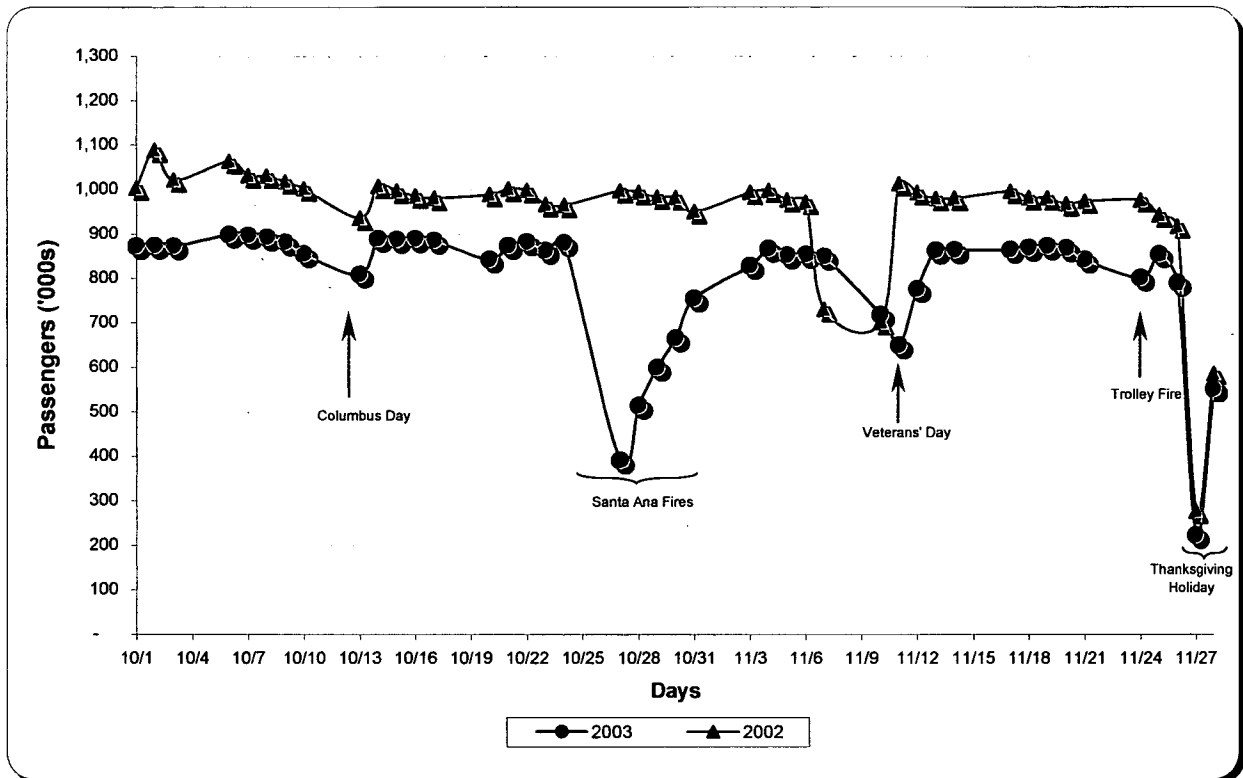
Note: Route 40, 70 & 210 were omitted due to incomplete data.

Source: Metropolitan Transit System (MTS)

Impacts of Unique Events

Two unique events that plausibly impacted ridership trends in fact had very temporary or minor effects. The Cedar and Paradise wildfires that burned during the week of October 26, 2003 affected ridership levels for 10 days only, as shown in Figure 4.

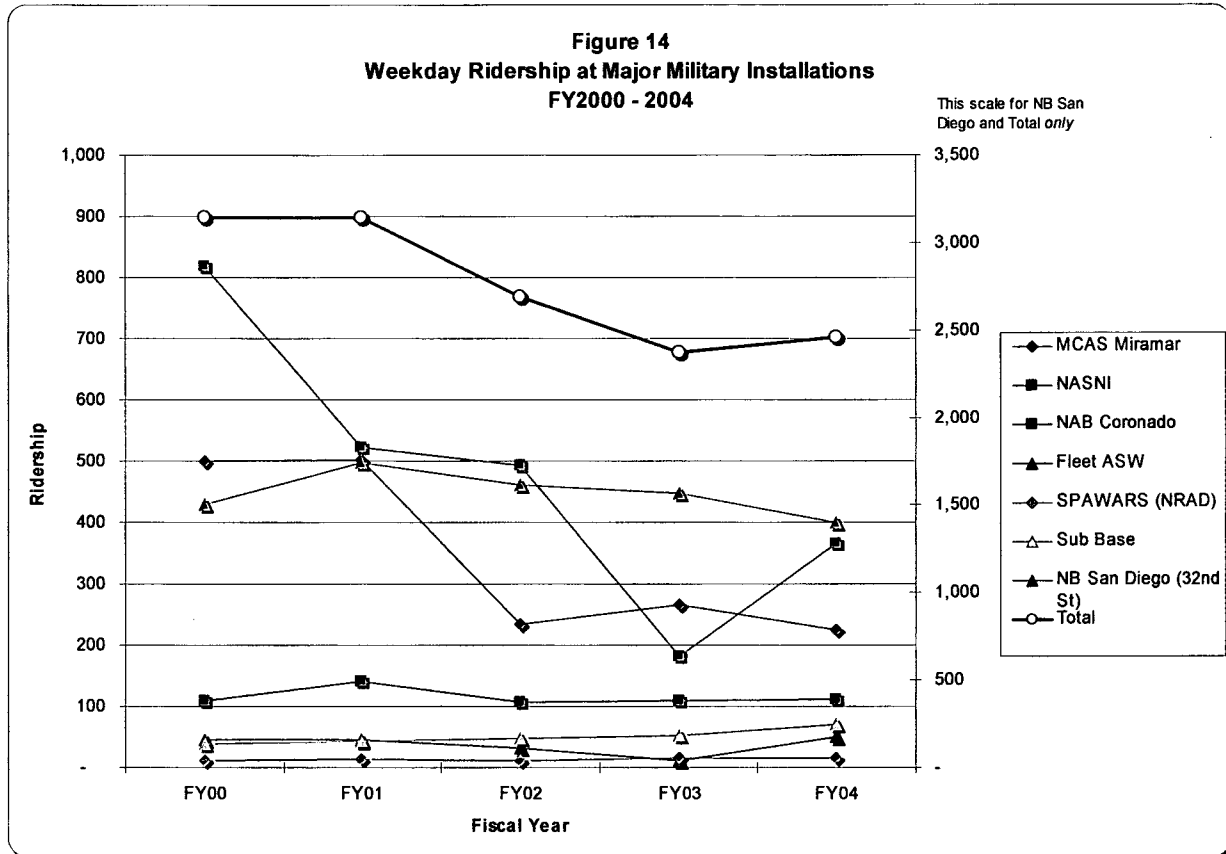
Figure 4
Wildfire Impacts on Ridership



Source: Metropolitan Transit System (MTS)

The other potential factor was the military deployments from San Diego associated with the wars in Afghanistan and Iraq that began in late 2001. As depicted in Figure 5 and detailed in Appendix B, ridership at the 7 military installations presumed to be the largest trip generators declined only by approximately 700 riders per weekday from FY 2000 to FY 2004, primarily attributed to the two air stations, NASNI in Coronado and MCAS Miramar.

Figure 5
Change in Ridership at Major Military Installations
(FY 2000 – FY 2004)



Source: Metropolitan Transit System (MTS)

Given that the ridership decline appears to be systemic and not due to any specific segment of the market, we evaluated ridership trends at peer transit properties to determine the impacts of any national trends on our ridership.

PEER RIDERSHIP COMPARISON

As a starting point for our investigation into the causes of MTS's recent ridership loss, we looked at ridership trends at other transit properties similar in size and characteristic to San Diego. Criteria included ridership, level of service, demographic and employment trends. Data was gathered from the National Transit Database, agency performance reports, and the Federal Bureau of Labor Statistics. Agency staff were also contacted to obtain their assessment of trends within their systems. The peer agencies selected are:

- **Denver Regional Transit District (RTD)** – *operates bus and light rail transit (LRT) service.*
- **Houston “Metro”** – *primarily operates bus service and in 2004 began a short light rail line.*
- **Phoenix “Valley Metro”** – *operates bus service. An LRT system is undergoing planning and design.*
- **Portland “TriMet”** – *operates bus and light rail service. TriMet is often cited as a system to emulate.*
- **Orlando “Lynx”** – *operates bus service. No LRT service is provided. Orlando is home to Disney World and has a high number of visitors to the region.*
- **Santa Clara “Valley Transportation Agency”** – *operates bus and light rail service.*
- **Seattle’s “King County Metro”** – *primarily operates fixed-route bus service. A short-run streetcar service is also provided; however, service levels are minor relative to the system.*

When asked about the factors influencing ridership, the majority of our peer agencies identified employment as a primary reason. Figure 6 shows the employment and ridership trends from FY 2000 to FY 2004 for each of the peer agencies. Most other agencies experienced a direct correlation between changes in employment and transit ridership. Portland and San Diego are exceptions to this rule. However, Portland’s trend is positive (less jobs, but more riders), compared to San Diego (more jobs, but less riders).

Portland TriMet planning staff explained their anomalous increase in ridership, despite employment decreases, with the extension of the MAX LRT system to Portland International Airport and an overall frequency increase on MAX. TriMet also boosted ridership figures with additional off-peak and weekend bus service.

Figure 6
Peer Agency Comparison of Employment and Ridership Trend
(FY 2000 - FY 2004)

	SAN DIEGO	DENVER	HOUSTON	ORLANDO	PHOENIX	PORTLAND	SAN JOSE	SEATTLE
Jobs	7.8%	3.8%	5.1%	4.9%	10.4%	-2.2%	-16.6%	-0.5%
System Ridership	-10.6%	1.2%	4.6%	9.3%	54.8%	12.1%	-30.1%	-3.8%

Source: National Transit Database, Federal Bureau of Labor Statistics, Interviews with transit agency staff.

In addition to the correlation between ridership and employment, there is a strong correlation between ridership and service levels, as shown in Figure 7. Seattle and San Diego are exceptions where ridership declined despite increases in the level of service. Seattle's King County Metro planners attributed their ridership decline to the stagnant local economy and to the decreased cost of parking in the downtown core, which increased the attractiveness of driving.

Figure 7
Peer Agency Comparison of Service Level and Ridership Trend
(FY 2000 - FY 2004)

	SAN DIEGO	DENVER	HOUSTON	ORLANDO	PHOENIX	PORTLAND	SAN JOSE	SEATTLE
Service Hours	7.6%	2.3%	20.0%	18.1%	47.2%	8.5%	-15.9%	7.0%
System Ridership	-10.6%	1.2%	4.6%	9.3%	54.8%	12.1%	-30.1%	-3.8%

Source: National Transit Database, Federal Bureau of Labor Statistics, Interviews with transit agency staff.

Based on this review, our recent ridership trend appears to be abnormal compared to peer agencies. Most other agencies have experienced increases or decreases in ridership that are consistent with overall employment trends, as well as changes in the amount of service provided. These trends indicate that ridership and service levels are generally aligned with changes in market demand, both in size and composition (i.e. travel demand and demographic characteristics) of the market. In San Diego, however, ridership continues to decline despite increases in the size of the population and employment base. Therefore, our ridership decline is primarily a result of changes in market composition rather than a contracting of market size.

MARKET COMPOSITION (EXTERNAL FACTORS)

As with all products and services, our continued success relies on understanding how our market is changing, and then adjusting services accordingly. Understanding how the change in market composition negatively influenced ridership requires a multidimensional analysis of how various aspects of the market have shifted, including origin and destination travel patterns, changes in other travel mode attractiveness, demographics, economics, and travel preferences, and why these changes result in ridership declines.

Origin/Destination Travel Patterns

Recent surveys indicate that transit travel is markedly more sensitive to commute factors than other travel modes. The latest onboard transit passenger survey (published by SANDAG in 2004) indicates that 51 percent of transit trips are work related (almost entirely between home and work) and 21 percent are school related. In contrast, work travel comprises just 27 percent of all highway travel and school-related trips constitute the smallest share of all daily trips (SANDAG, 2003).

Given the high percentage of commuter transit trips, it is important to analyze the trends in travel patterns, primarily between residential and employment locations. Regional commutes are increasing in length and travel patterns are changing. As documented in SANDAG's FY 2004-2008 Regional Short-Range Transit Plan, residential development is shifting away somewhat from the traditional urban centers and toward the newer suburban communities of East Chula Vista, Spring Valley, Rancho San Diego and the North County Coastal inland areas east of Del Mar, Encinitas, Carlsbad, and Oceanside.

Employment is also developing more rapidly outside of established employment centers, as show in Figure 8. Prime examples of this trend are the net losses of jobs between FY 2000 and FY 2003 in the following areas that are currently significant focal points for multiple MTS routes and services:

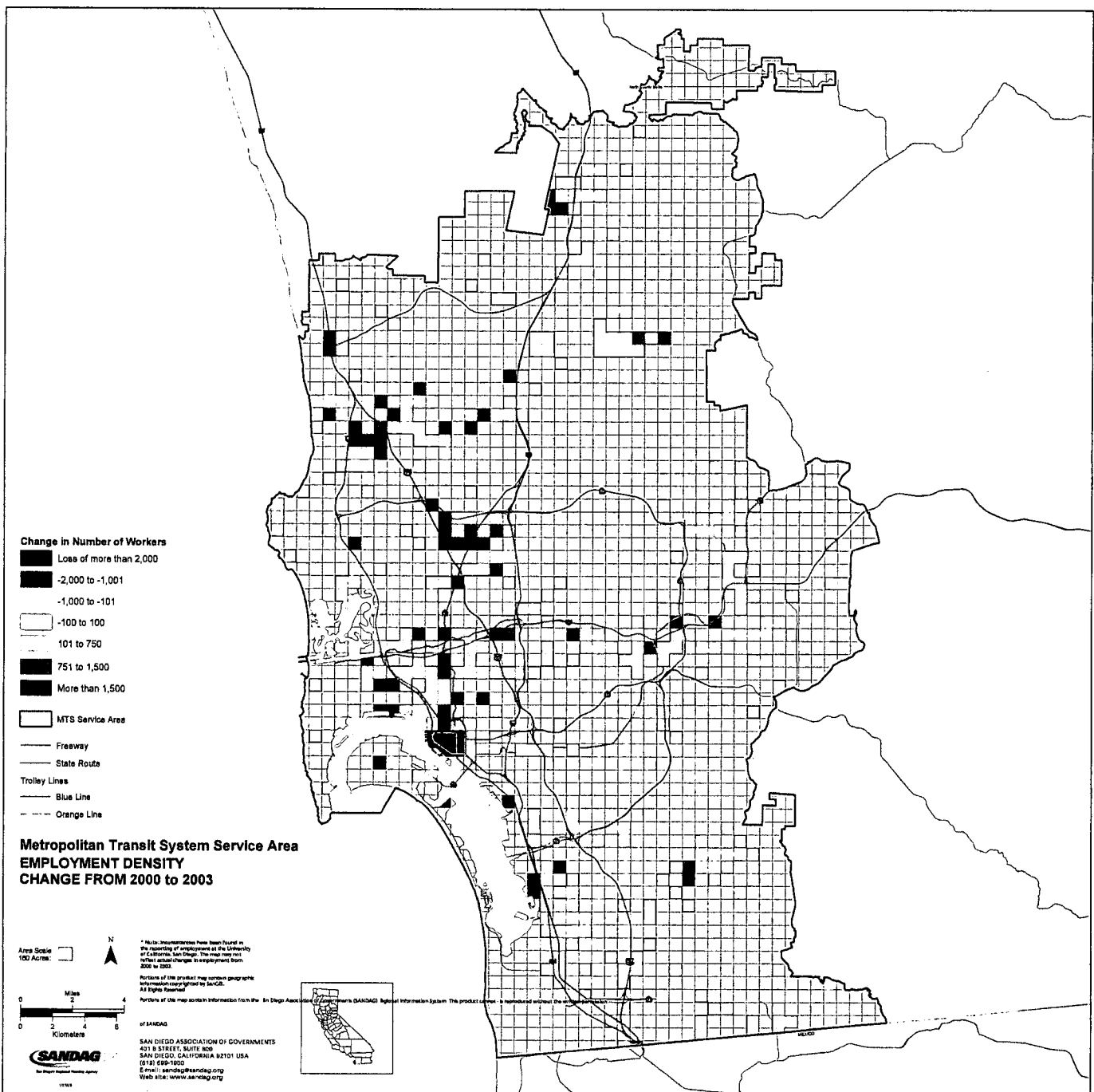
	NET JOB LOSS	
	(Number)	(Percent)
Downtown San Diego	6,011	11%
UTC Area	3,453	17%
Kearny Mesa	1,789	5%

Source: San Diego Association of Governments (SANDAG)

Interregional commuting is also a growing phenomenon. As presented in the final report of SANDAG's I-15 Interregional Partnership, an estimated 29,000 residents of southwestern Riverside County were commuting into the San Diego Region by the year 2000. Of those, approximately half had been doing so for less than five years. Among those living in southwestern Riverside County less than 10 years, 60 percent moved there from the San Diego region. Approximately 85 percent of the interregional commuters in the corridor were found to drive alone to work, representing a significant potential new market for transit.

Key Findings: Given that commute trips represent 72 percent of our ridership, many of our services are currently focused on established employment centers. Therefore, the geographic shift in employment and residential locations appear to have contributed to our ridership decline.

Figure 8
Employment Change Map



Mode Attractiveness

The ability of transit to attract customers depends in part on the relative attractiveness of competing modes of travel. For commuters, our largest market segment, the important factors in mode choice are perceived trip duration (speed), the availability and cost of parking, and the overall travel experience. The type of transit service that is designed most closely to the needs of the commuter is express service. Ironically, express ridership declined more than any other type of service between FY 2000 and FY 2004. In addition, downtown San Diego ridership declined most significantly compared to other areas, despite its transit orientation and smart growth characteristics. This abnormal ridership phenomenon illustrates the attractiveness of other travel modes despite our best efforts at providing an efficient and effective alternative.

Since 2000, the attractiveness of non-transit commute alternatives was enhanced in several ways:

- Overall parking capacity in the downtown increased by 10,250 spaces, with the core of the City, including the Courts, Civic Center, Cortez Hill and Gaslamp areas, increasing by almost 2,000 spaces since 2003 (refer to Appendix C).
- Lane miles on the region's highway network increased by 80 miles, or 2.4 percent, between 2000 and 2005. Not only did capacity increase, but these enhancements improved the efficiency of the network. Among the improvements were:

Major Highway Improvement	Completed
I-15 gap closure between I-805 and SR94	2001
SR 125 gap closure linking I-8 and SR 52	2003
SR 56 gap closure linking I-5 and I-15	2004

Source: Caltrans

- High Occupancy Vehicle (HOV) lanes increased by 6.1 miles and had design improvements since 2000:

HOV Segment Improvement	Completed
I-5 from I-5/I-805 "Merge" to Via De La Valle	2001
I-805 northbound 0.5 miles to the Merge	2001
I-15 between SR 163 and SR 56	2003

Source: Caltrans

- In addition, the average daily use of the extensive I-15 managed lanes facility increased as follows (additional improvements are planned or already under construction):

	2000	2003	Change	
			(Number)	(Percent)
HOV	13,000	16,700	3,700	28%
FasTrak	3,900	5,200	1,300	33%
Total	16,900	21,900	5,000	30%

Source: Caltrans

- SANDAG's "RideLink" Travel Demand Management (TDM) programs are significantly more successful in diverting single occupant-vehicle (SOV) drivers into carpools, vanpools, telework, and bike- and walk-to-work modes rather than to transit.
 - In 2004, the RideLink employer services program identified 84 area companies, consisting of approximately 110,000 employees, which provide various subsidies and amenities for choosing non-SOV forms of commuting, as shown in Appendix D. These incentives include financial-incentive programs such as SANDAG's reimbursement of employees of up to \$65 per month.
 - SANDAG-subsidized vanpools increased from 142, serving 1,381 commuters in FY 2000, to 338 vanpools serving 3,171 commuters by FY 2004.
 - The estimated number of new carpools per year established through RideLink increased from 143 in FY 2000 to 211 in FY 2004.

Key Finding: The non-transit travel modes of driving, carpools, vanpools, and other Travel Demand Management offerings, have expanded or been enhanced significantly during the last 5 years and may be diverting former and potential riders away from using transit for commuting.

Demographics and Economy

According to the most recent on-board survey conducted by SANDAG, roughly three quarters of our ridership consists of people aged 15 to 54. In 2000, this cohort represented 61 percent of the population in the MTS area, while persons aged 55 and above represented 18 percent of the population. By 2004, the number of 15 to 54 year olds increased by 6 percent, while persons aged 55 and above grew by 12 percent as the Baby Boomer generation (born between 1946 and 1964) began to reach this age group. SANDAG estimates that by 2030, persons aged 55 and above will account for 30 percent of the population in the region, while our market base of 15 to 54 year olds will be reduced to 52 percent.

However, since work related trips account for 51 percent of our ridership, it is important to analyze trends in the labor force as a component of the population. In 2000, the region's labor force represented 51 percent of the population. By 2004, the labor force increased 9 percent, compared to the 6 percent increase in our market base of 15 to 55 year olds. This trend indicates that the labor force is getting older; therefore, we have an opportunity to expand our market base by continuing to focus on efficiently and effectively serving the growing labor force.

To explain our negative ridership trends given the increase in overall labor force requires further investigation into the characteristics of the local economy. As shown in Figure 9, total employment in the region grew by five percent from 2000 to 2004. The largest industries continue to be Services, Government, Retail and Manufacturing, which accounted for 80 percent of total employment in 2004. The industries that posted the greatest gains in number of jobs (over 10,000 new jobs each) included the top two industries, Services and Government, as well as Construction and Finance, Insurance, and Real Estate (FIRE). The industry posting the greatest decline in employment between 2000 and 2004 was Manufacturing, which lost 15 percent, or 18,700 jobs. These trends indicate that the region's manufacturing industry (machinery, computers and electronics, aerospace, shipbuilding, and other goods) are shifting to more service related activities, including state and local government, leisure and hospitality, financial, health and education, professional and business services, as well as construction. Therefore, the shift from a large, centrally located and well served ridership base with predictable work shift schedules (manufacturing), to a much more dispersed ridership base, often with flexible travel schedules (service industry), appears to have contributed to our ridership declines.

Figure 9
San Diego Region Employment by Industry
(2000 – 2004)

	2000	2001	2002	2003	2004	CHANGE (00-04)	
						(Number)	(Percent)
Construction & Mining	70,000	75,400	76,700	79,900	81,800	11,800	17%
Manufacturing	122,600	119,000	112,300	105,400	103,900	(18,700)	(15%)
Transportation & Utilities	29,800	32,000	29,300	27,300	33,300	3,500	12%
Wholesale	39,100	41,500	41,300	41,300	40,900	1,800	5%
Retail	133,800	135,600	138,000	140,000	137,000	3,200	2%
Finance, Insurance, Real Estate	71,200	72,000	75,000	80,500	82,000	10,800	15%
Services	481,700	490,500	500,800	510,700	509,500	27,800	6%
Information	39,200	38,800	37,700	37,100	N/A	(2,100) ¹	(5%) ¹
Government	206,600	213,800	219,700	219,800	220,300	13,700	7%
Total (Non-Farm)	1,154,800	1,179,800	1,193,100	1,204,900	1,208,700	53,900	5%

¹ Represents change from 2000-2003.

Source: California Economic Development Department, San Diego regional Economic Development Corporation

On a positive note, the California Economic Development Department (EDD) estimates that the three industries with the largest projected employment growth into the near future include Services, Government, and Retail. Figure 10 shows the occupations within these industries that are projected to have the greatest increase in number of jobs. Roughly 85 percent of the new jobs within these occupations earn annual salaries less around \$25,000 or less. Given that the most recent on-board survey indicates that over half of our ridership is from households that

earn less than \$20,000 per year, with close to 66 percent earning under \$30,000 per year, we have an opportunity to serve this new market assuming that our services are aligned with their travel patterns.

Figure 10
Occupations with Greatest Projected Growth in the San Diego Region

Services	Ann New Jobs	Mean Wage
Janitors and Cleaners	507	\$19,819
Office Clerks	473	\$25,105
General Managers and Top Executives	450	\$89,348
Landscaping and Groundskeeping Workers	406	\$20,427

Retail	Ann New Jobs	Mean Wage
Retail Salespersons	1,011	\$23,201
Cashiers	479	\$19,534
Waiters and Waitresses	352	\$17,684
Combined Food Preparation and Serving Workers	264	\$14,606

Government	Ann New Jobs	Mean Wage
Police and Sheriff's Patrol Officers	119	\$57,898
Computer Systems Analysts	12	\$66,343
Correctional Officers and Jailers	45	\$43,769
Office Clerks	44	\$25,105

	Ann New Jobs	Mean Wage
Total	4,162	\$29,811

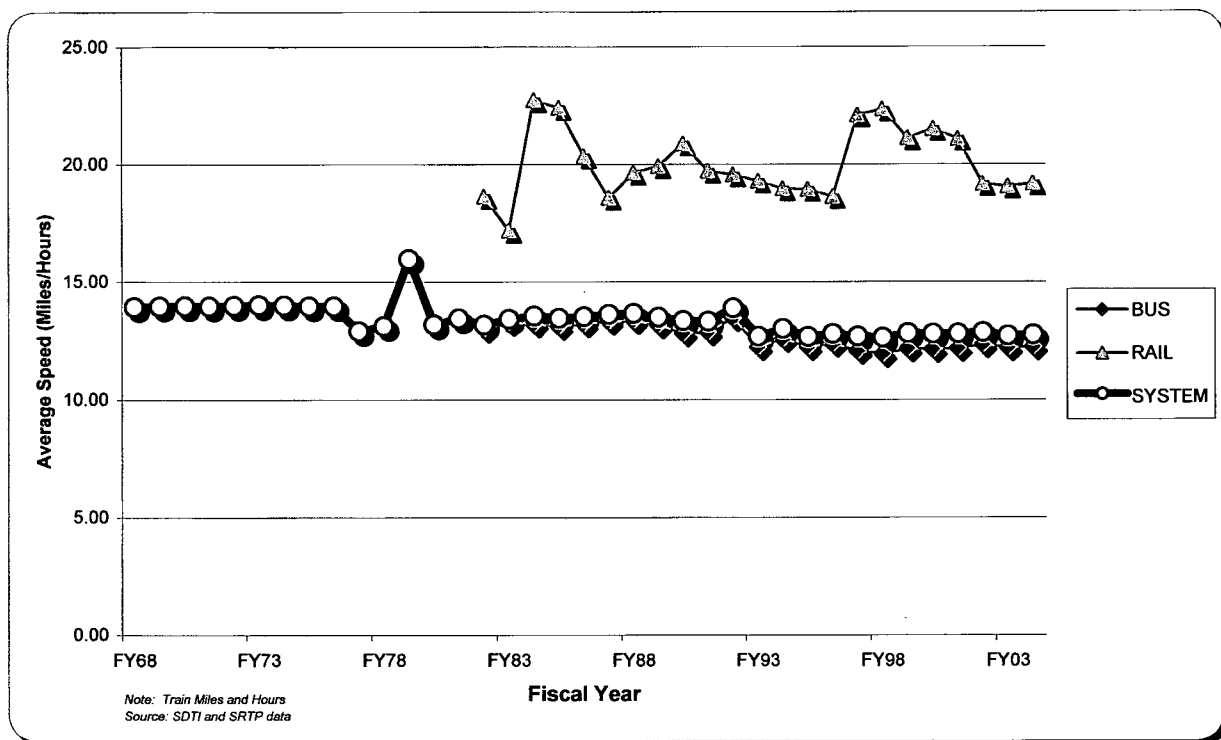
Source: California Economic Development Department

Key Finding: The shift in manufacturing to service industries appears to have contributed to our overall ridership declines, particularly as the transit system is largely structured to serve traditional manufacturing centers such as the areas around downtown San Diego and Kearny Mesa. Given the increase in the size of the labor force, we have an opportunity to regain our ridership. However, the success of transit will be contingent on our ability to match our services with the shift in industries, occupations, and corresponding travel needs.

Service Performance

The market research conducted for the development of Transit First indicates that, aside from ensuring that service levels and routing are consistent with travel patterns, speed and schedule reliability are the two most important performance factors in people's decision to use transit. Figure 11 shows that system-wide bus speeds declined from 13.9 miles per hour to 12.2 miles per hour between FY 1968 and FY 2004. Although not a significant decrease, when considered along with the increase in average trip distances, as stated in SANDAG's Mobility 2030 Regional Transportation Plan (RTP), the perception of bus speeds decreasing is likely to be much greater than the actual decrease, making transit less attractive as a travel option.

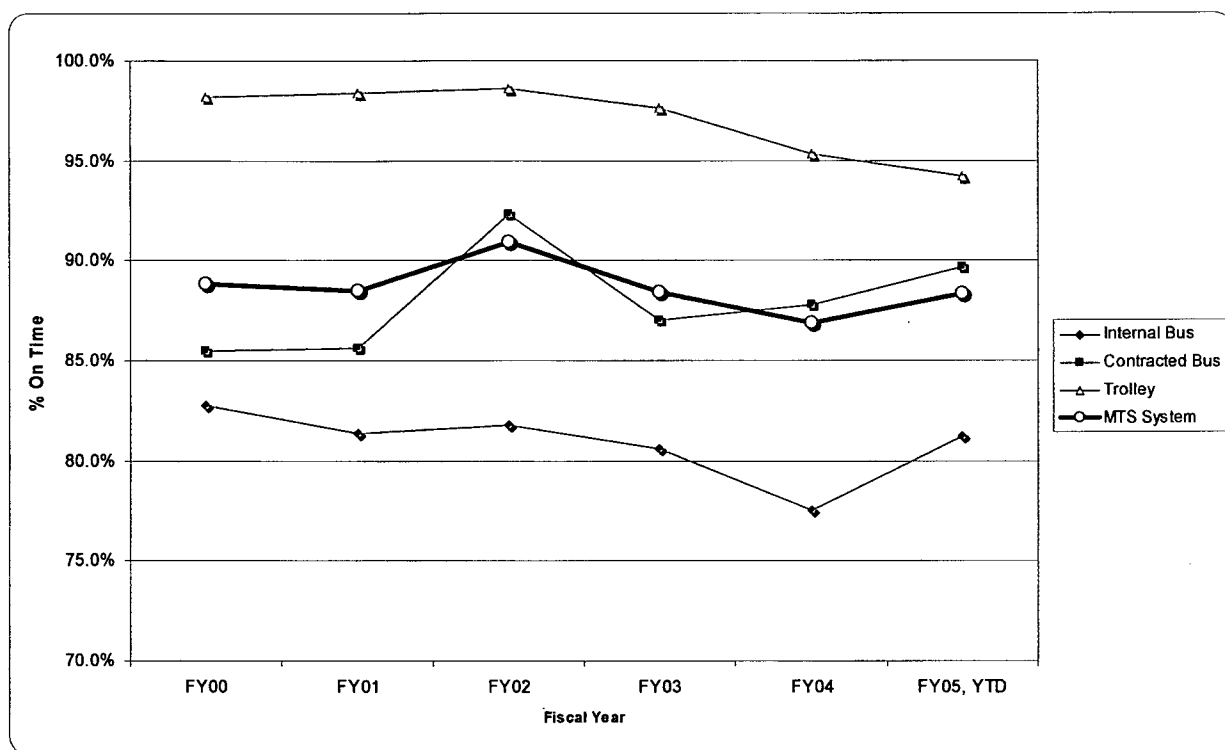
Figure 11
Bus Speeds Historical Trends



Source: Metropolitan Transit System (MTS)

As shown in Figure 12, on time performance on internal bus service was significantly lower than contracted bus and rail operations between FY 2000 and FY 2004. However, significant efforts have been made to improve on time performance on internal bus operations, as indicated in the upward trend since FY 2004. On time performance for rail operations has declined since FY 2002. As with travel speeds, the perception of on time performance is greater than actual performance. Therefore, negative trends in on time performance will also negatively influence ridership.

Figure 12
On Time Performance by Mode
(2000 – 2005, Year-To-Date)



Note: Contracted Bus excludes CVT and NCT. Data for 800 series unavailable prior to 2004.

Source: Metropolitan Transit System (MTS)

Key Finding: *Speed and schedule reliability are the two most important performance factors in people's decision to use transit. We should be aware of not only our actual performance in these two areas, but also our perceived performance, particularly as trip distances increase.*

SERVICE CHANGES (INTERNAL FACTORS)

The decline in ridership, and more importantly in productivity, cannot be fully attributed to external factors. System changes over the past few years have also contributed to the decrease in passengers per hour of service provided. System changes include fare increases, service restructurings, and increases in service levels that were inconsistent with demand.

Fare Increases

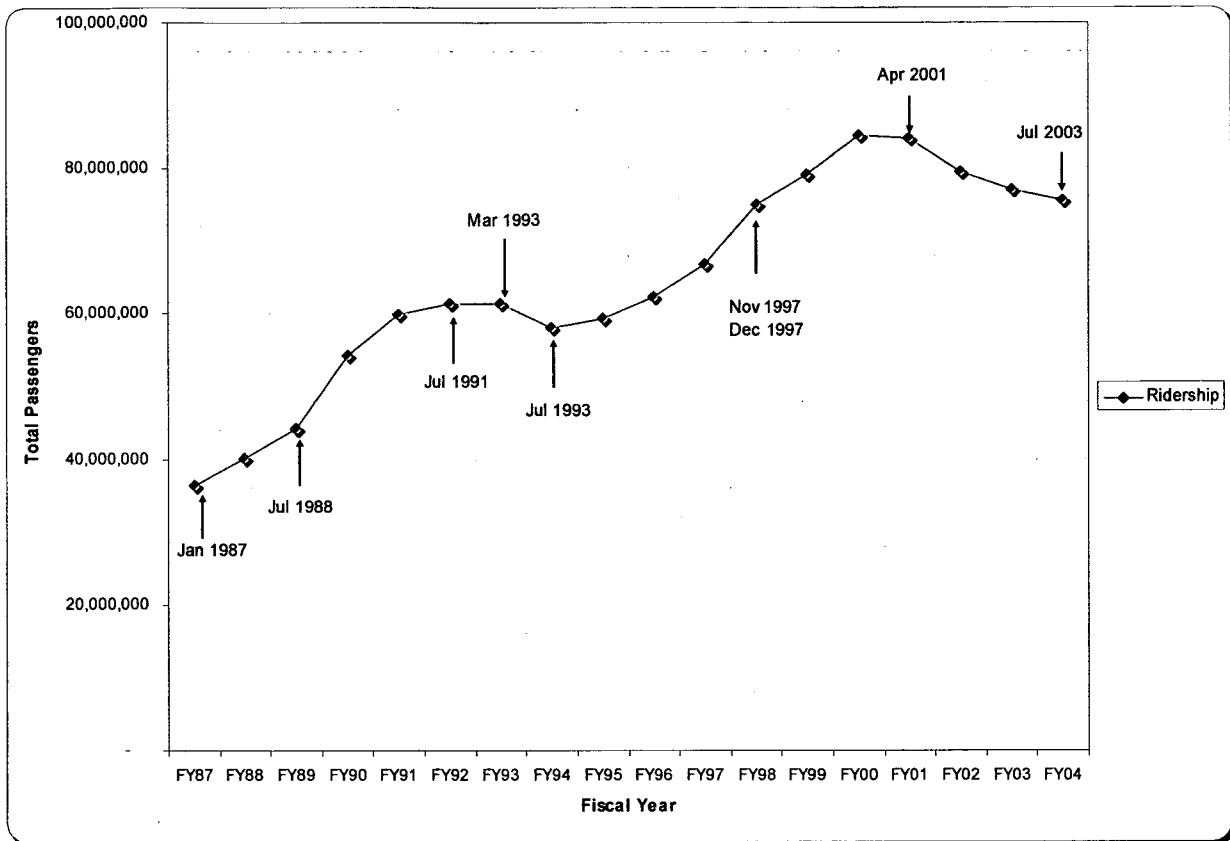
During the period FY 2000 through FY 2004, MTS implemented fare increases on April 1, 2001 and on July 1, 2003. The amount of the increases in individual fare components are as follows:

Fare Component	Fare Increase Amount		Fare
	April 2001	July 2003	July 2003
<i>Cash Fares:</i>			
- Express	\$0.25	\$0.25	\$2.50
- Urban	\$0.25	\$0.25	\$2.25
- Local/Suburban	\$0.25	\$0.25	\$1.75
- Senior/Disabled	\$0.25	\$0.00	\$1.00
<i>Monthly Passes:</i>			
- Adult Bus + Trolley	\$4.00	\$2.00	\$56.00
- Senior/Disabled	\$1.00	\$0.50	\$14.00
- Youth	\$1.00	\$2.00	\$28.00

Industry experience indicates that a fare increase usually causes a temporary decrease in ridership. However, the duration and degree of the decline are uncertain, particularly when other factors occur simultaneously, such as changes in service levels, economic and demographic trends, operating environment, and the availability of other fare media that mitigate the impact, among others.

As illustrated in Figure 13, MTS has increased fares approximately seven times in the last eighteen years. During the fiscal year immediately following the increases, ridership increased four of the times and decreased in the other three, indicating that the fare changes alone cannot explain the ridership trend. Furthermore, the continuous ridership decline over the last four years appears to be atypically long, which strongly suggests that factors other than fare changes are more significant causes of the ridership decline.

Figure 13
MTS Ridership and Fare Changes
FY 1988 – FY 2004



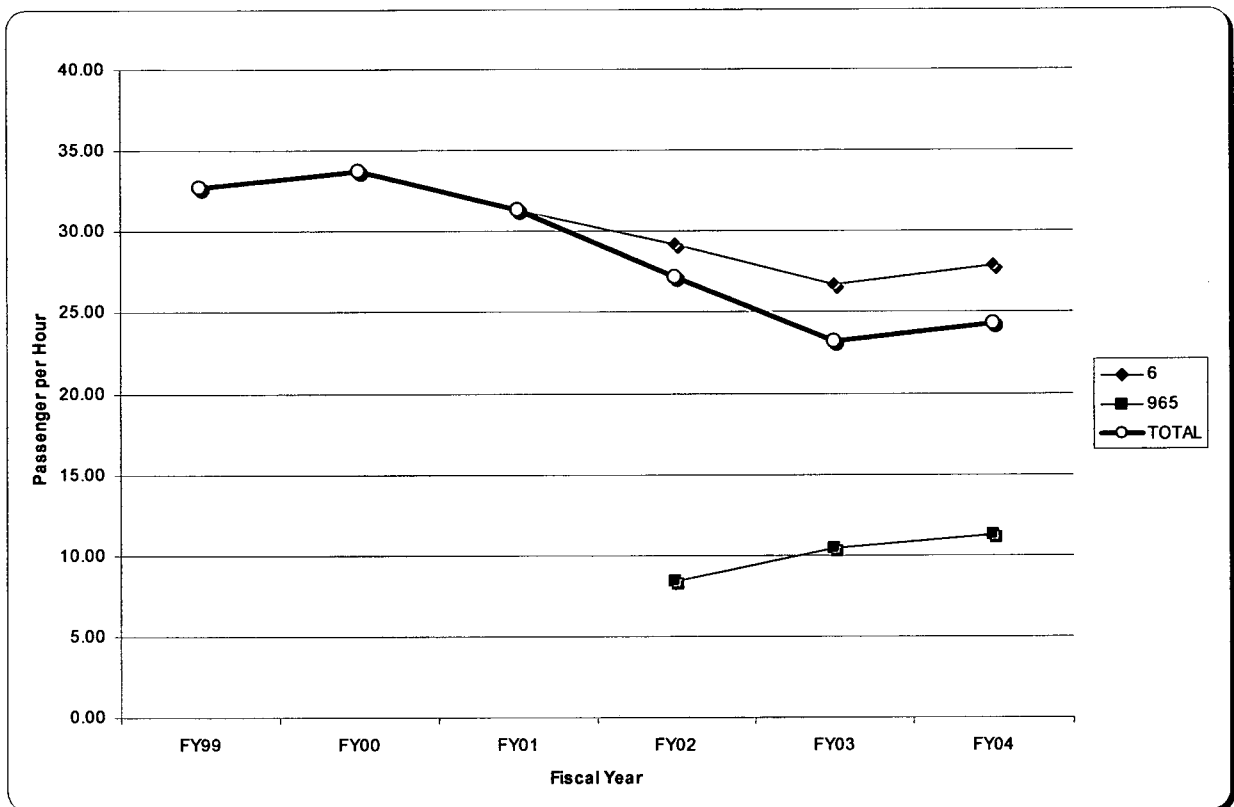
Source: Metropolitan Transit System (MTS)

Key Finding: While a fare increase is expected to temporarily result in ridership decline, it is only one factor influencing ridership. Therefore, it cannot solely be used to explain our current ridership decline.

Service Restructurings

The two most significant changes in service since FY 2001 included the Route 6/965 restructure, and the Route 16/27/927/928 restructure. In January 2001, the Route 6 service through the residential areas of North Park (along Redwood, Boundary, and Landis Streets) were eliminated due to concerns from community residents of having large buses operate along narrow residential streets. As a result, this segment of Route 6 was replaced with shuttle Route 965 using smaller vehicles. This change resulted in a decrease in productivity compared to the original Route 6 service (Figure 14).

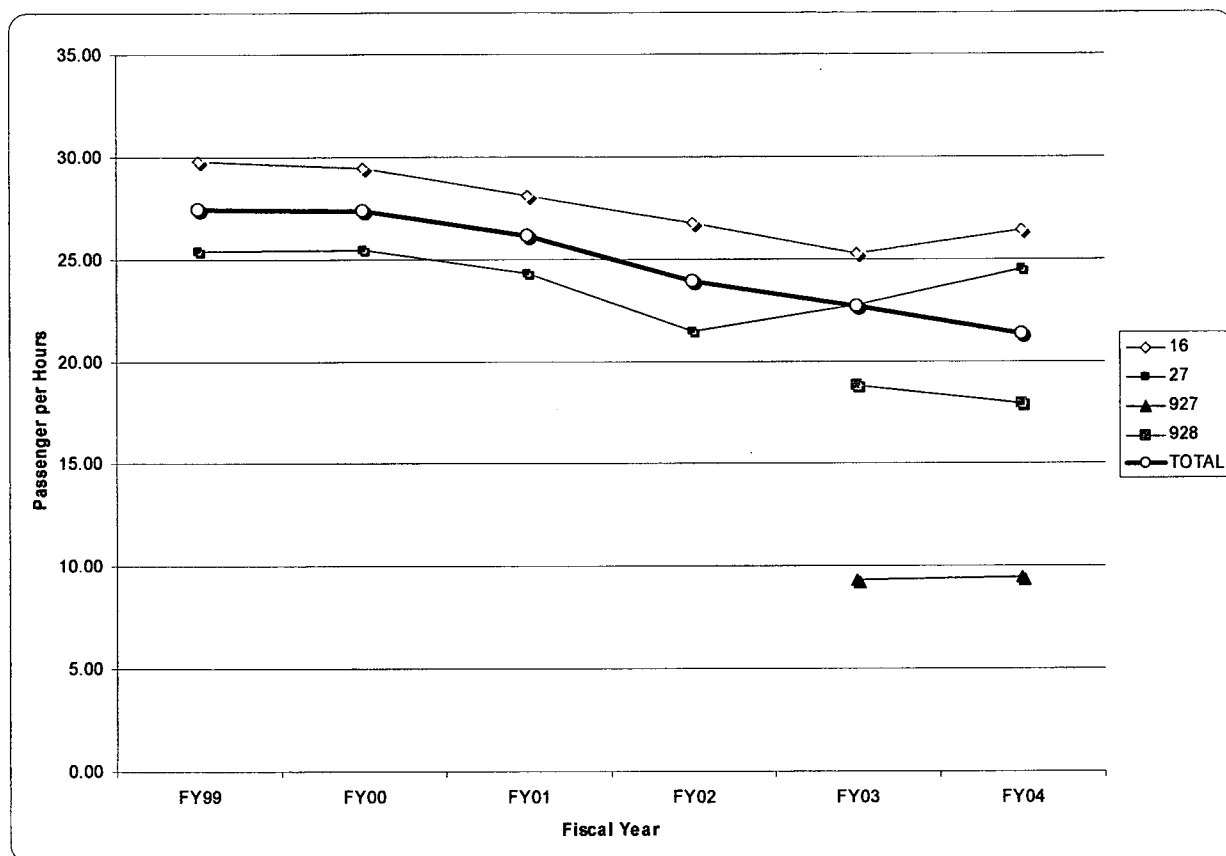
Figure 14
Routes 6 and 965 Productivity Trend
(FY 1999 – FY 2004)



Source: Metropolitan Transit System (MTS)

Routes 16 and 27 were restructured in February 2003 to provide additional coverage through Tierrasanta and Serra Mesa. This service change resulted in the reallocation of a portion of these routes into two new services, Routes 927 and 928. As indicated in Figure 15 the additional coverage through these two suburban communities resulted in an overall decrease in productivity compared to the original service provided by Routes 16 and 27.

Figure 15
Routes 16, 27, 927, 928 Productivity Trend
(FY 1999 – FY 2004)



Source: Metropolitan Transit System (MTS)

Key Finding: To increase ridership and productivity, transit services should be restructured to maximize efficiency and effectiveness by reallocating unproductive services to more productive applications, not the opposite.

Increases in Service Levels

MTS increased the number of revenue hours of service operated by 6.9 percent from FY 2000 to FY 2004 (from 1.774 million to 1.897 million, respectively). At the same time, the number of passengers carried per revenue hour decreased from 47.1 to 39.4, a 16.4 percent drop. While much of the increase in revenue hours was for schedule maintenance purposes (adding running time to existing trips to reflect increased congestion and slower speeds), some of it was for new service on existing routes, such as adding frequency or extending routes to new terminals.

Although the new service generally increased ridership, not all new service was productive and more effective uses of the scarce resources may have been available. Some examples of unproductive new service are:

Route	Base Service Riders/Hour	New Service		New Riders/ New Hour
		FY	Hours	
41	37.7	2002	4,017	50,390
848	22.5	2003	4,487	31,420
929	35.7	2004	4,705	6,575
932	42.2	2002	6,207	29,956

Key Finding: Proposed new or increases in service need to be evaluated carefully in order to maintain and improve system efficiency and equity.

CONCLUSION

Throughout our history, MTS services have been responsive to changes in transit demand. However, since FY 2001, ridership has decreased despite increases in the level of service as well as the population and the employment market base. This trend does not indicate that our market size is contracting; rather the composition of the market has shifted and our services are no longer optimally aligned with the travel demand and characteristics of the market. Furthermore, the ridership decline appears to be systemic and cannot be fully attributed to a specific operation, service type, geographic area, nor corridor. Both external and internal factors can be attributed to the misalignment in service versus demand, as follows:

Market Composition (External Factors)

- School and work commute trips are a large percentage of our market, with work trips accounting for 51 percent of our ridership. As such, many of our services are focused on established employment centers such as downtown San Diego, Kearny Mesa, and University Town Center.
- While employment is growing, it is changing both in geography and in industries. The relocation of businesses from established employment centers to newer suburban business parks and the shift from manufacturing to service jobs have not been met with complementary changes in transit routes and schedules.
- The significant population increase in the suburban areas of the region, as well as southwestern Riverside County, has further added to the misalignment of transit services with travel patterns.
- In addition to transit's increasing inability to efficiently and effectively meet travel demand with currently designed services, non-transit travel modes, including driving, carpools, vanpools, and other Travel Demand Management offerings, have expanded or been enhanced significantly during the last 5 years with the increase in parking availability, travel and HOV lanes, and employer subsidies. This attractiveness of other modes is likely diverting former and potential riders away from using transit for commuting.

Service Changes (Internal Factors)

- Over the past four years, system changes have been implemented that have resulted in decreases in ridership and productivity. Fares have been increased, resulting in ridership losses. In addition, service changes have not uniformly yielded the ridership results anticipated.

As population and employment increases are projected to continue throughout the San Diego region, we have an opportunity to recapture and expand our ridership base by adjusting our services to the changes in the market composition. The success of transit will be contingent on our ability to match services with changes in travel demand, as influenced by shifts in industries, occupations, and corresponding travel needs. In addition, understanding the role and attractiveness of transit service relative to other travel options will help us design services that are more competitive with other options, as well as identifying travel markets that are difficult to serve, and should not be pursued. Finally, to increase ridership and productivity, transit services should be restructured to maximize efficiency and effectiveness by reallocating unproductive services to more productive applications.

MTS BUS PASSENGERS PER REVENUE HOUR BY CORRIDOR
Fiscal Years 2000-2004

Corridor	Passengers						Revenue Hours						Passengers per Hour					
	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004
I-5 North	6,949,535	6,795,913	6,526,644	6,144,840	5,596,081		241,927	241,546	245,139	241,488	228,771		28.7	28.1	26.6	25.4	24.5	
Annual Change	--	-153,622	-269,269	-381,804	-548,760	-1,353,454	--	-381	3,593	-3,651	-12,717	-13,157	--	-0.6	-1.5	-1.2	-1.0	-4.3
%	--	-2.2%	-4.0%	-5.8%	-8.9%	-19.5%	--	-0.2%	1.5%	-1.5%	-5.3%	-5.4%	--	-2.1%	-5.4%	-4.4%	-3.9%	-14.8%
I-5 South	5,295,038	5,453,583	5,455,121	5,284,600	5,241,675		144,709	150,098	158,937	161,619	167,281		36.6	36.3	34.3	32.7	31.3	
Annual Change	--	158,545	1,538	-170,521	-42,925	-53,363	--	5,389	8,839	2,682	5,662	22,572	--	-0.3	-2.0	-1.6	-1.4	-5.3
%	--	3.0%	0.0%	-3.1%	-0.8%	-1.0%	--	3.7%	5.9%	1.7%	3.5%	15.6%	--	-0.7%	-5.5%	-4.7%	-4.2%	-14.4%
I-8	12,756,937	12,298,881	11,823,520	11,570,851	10,572,123		303,110	307,003	312,162	304,681	298,164		42.1	40.1	37.9	38.0	35.5	
Annual Change	--	-458,056	-475,362	-252,669	-998,728	-2,184,814	--	3,893	5,158	-7,481	-6,517	-4,946	--	-2.0	-2.2	0.1	-2.5	-6.6
%	--	-3.6%	-3.9%	-2.1%	-8.6%	-17.1%	--	1.3%	1.7%	-2.4%	-2.1%	-1.6%	--	-4.8%	-5.5%	0.3%	-6.6%	-15.8%
I-15	4,004,768	3,917,009	3,995,387	3,742,585	3,611,388		129,119	131,482	141,860	139,949	141,193		31.0	29.8	28.2	26.7	25.6	
Annual Change	--	-87,759	78,377	-252,802	-131,196	-393,380	--	2,363	10,378	-1,912	1,245	12,074	--	-1.2	-1.6	-1.4	-1.2	-5.4
%	--	-2.2%	2.0%	-6.3%	-3.5%	-9.8%	--	1.8%	7.9%	-1.3%	0.9%	9.4%	--	-3.9%	-5.5%	-5.0%	-4.4%	-17.5%
SR-163	5,137,009	5,098,155	4,859,882	4,353,456	4,024,868		147,955	149,418	153,741	149,122	146,214		34.7	34.1	31.6	29.2	27.5	
Annual Change	--	-38,853	-238,274	-506,425	-328,588	-1,112,140	--	1,463	4,323	-4,619	-2,908	-1,742	--	-0.6	-2.5	-2.4	-1.7	-7.2
%	--	-0.8%	-4.7%	-10.4%	-7.5%	-21.6%	--	1.0%	2.9%	-3.0%	-2.0%	-1.2%	--	-1.7%	-7.4%	-7.6%	-5.7%	-20.7%
SR-94	4,750,412	4,692,159	4,507,023	4,144,933	3,919,977		123,987	128,647	135,253	139,004	141,006		38.3	36.5	33.3	29.8	27.8	
Annual Change	--	-58,252	-185,136	-362,090	-224,956	-830,434	--	4,660	6,606	3,751	2,002	17,018	--	-1.8	-3.2	-3.5	-2.0	-10.5
%	--	-1.2%	-3.9%	-8.0%	-5.4%	-17.5%	--	3.8%	5.1%	2.8%	1.4%	13.7%	--	-4.8%	-8.6%	-10.5%	-6.8%	-27.4%

Note: Express Routes 40, 70 and 210 are omitted due to data inaccuracies.

Appendix A-1

MTS PASSENGERS PER REVENUE HOUR BY SERVICE TYPE
Fiscal Years 2000-2004

Service Type	Passengers						Revenue Hours						Passengers per Hour					
	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004
Bus																		
Express	3,844,187	3,775,962	3,559,774	3,250,722	2,962,255		140,634	140,926	144,635	142,335	139,913		27.3	26.8	24.6	22.8	21.2	
Annual Change	--	-68,225	-216,188	-309,052	-288,467	-881,932	--	292	3,709	-2,300	-2,421	-721	--	-0.5	-2.2	-1.8	-1.7	-6.2
%	--	-1.8%	-5.7%	-8.7%	-8.9%	-22.9%	--	0.2%	2.6%	-1.6%	-1.7%	-0.5%	--	-2.0%	-8.1%	-7.2%	-7.3%	-22.5%
Urban/Ltd Stop	36,617,119	35,710,220	34,759,349	32,971,284	30,822,450		907,992	914,354	945,481	938,136	922,816		40.3	39.1	36.8	35.1	33.4	
Annual Change	--	-906,899	-950,871	-1,788,065	-2,148,834	-5,794,669	--	6,362	31,127	-7,345	-15,320	14,824	--	-1.3	-2.3	-1.6	-1.7	-6.9
%	--	-2.5%	-2.7%	-5.1%	-6.5%	-15.8%	--	0.7%	3.4%	-0.8%	-1.6%	1.6%	--	-3.2%	-5.9%	-4.4%	-5.0%	-17.2%
Suburban/Feeder	14,412,394	14,903,758	14,795,486	14,766,395	14,432,113		600,809	623,938	635,445	676,835	697,086		24.0	23.9	23.3	21.8	20.7	
Annual Change	--	491,364	-108,272	-29,091	-334,282	19,719	--	23,129	11,507	41,389	20,252	96,277	--	-0.1	-0.6	-1.5	-1.1	-3.3
%	--	3.4%	-0.7%	-0.2%	-2.3%	0.1%	--	3.8%	1.8%	6.5%	3.0%	16.0%	--	-0.4%	-2.5%	-6.3%	-5.1%	-13.7%
Bus Total	54,873,700	54,389,940	53,114,609	50,988,401	48,216,818		1,649,435	1,679,218	1,725,561	1,757,305	1,759,816		33.3	32.4	30.8	29.0	27.4	
Annual Change	--	-483,760	-1,275,331	-2,126,208	-2,771,583	-6,656,882	--	29,783	46,343	31,744	2,511	110,381	--	-0.9	-1.6	-1.8	-1.6	-5.9
%	--	-0.9%	-2.3%	-4.0%	-5.4%	-12.1%	--	1.8%	2.8%	1.8%	0.1%	6.7%	--	-2.6%	-5.0%	-5.7%	-5.6%	-17.6%
Rail Total	28,743,326	28,885,554	25,432,952	25,174,791	26,538,238		124,861	126,740	138,821	137,298	137,383		230.2	227.9	183.2	183.4	193.2	
Annual Change	--	142,228	-3,452,602	-258,161	1,363,447	-2,205,088	--	1,879	12,081	-1,523	85	12,522	--	-2.3	-44.7	0.2	9.8	-37.0
%	--	0.5%	-12.0%	-1.0%	5.4%	-7.7%	--	1.5%	9.5%	-1.1%	0.1%	10.0%	--	-1.0%	-19.6%	0.1%	5.4%	-16.1%
System Total	83,617,026	83,275,494	78,547,561	76,163,192	74,755,056		1,774,296	1,805,958	1,864,382	1,894,603	1,897,199		47.1	46.1	42.1	40.2	39.4	
Annual Change	--	-341,532	-4,727,933	-2,384,369	-1,408,136	-8,861,970	--	31,662	58,424	30,221	2,596	122,903	--	-1.0	-4.0	-1.9	-0.8	-7.7
%	--	-0.4%	-5.7%	-3.0%	-1.8%	-10.6%	--	1.8%	3.2%	1.6%	0.1%	6.9%	--	-2.2%	-8.6%	-4.6%	-2.0%	-16.4%

Note: Express Routes 40, 70 and 210 are omitted due to data inaccuracies.

MTS PASSENGERS PER REVENUE HOUR BY OPERATING ENTITY
Fiscal Years 2000-2004

Operating Entity	Passengers						Revenue Hours						Passengers per Hour					
	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004
Bus																		
- SDTC	34,520,760	33,330,239	31,588,669	28,677,147	25,308,982		945,092	948,046	943,948	906,146	847,685		36.5	35.2	33.5	31.6	29.9	
Annual Chg	--	-1,190,521	-1,741,570	-2,911,522	-3,368,165	-9,211,778	--	2,954	-4,098	-37,802	-58,461	-97,407	--	-1.4	-1.7	-1.8	-1.8	-6.7
%	--	-3.4%	-5.2%	-9.2%	-11.7%	-26.7%	--	0.3%	-0.4%	-4.0%	-6.5%	-10.3%	--	-3.7%	-4.8%	-5.4%	-5.7%	-18.3%
- NCT	2,050,045	1,986,276	1,891,509	1,781,878	1,696,485		41,747	41,542	41,587	41,901	42,029		49.1	47.8	45.5	42.5	40.4	
Annual Chg	--	-63,769	-94,767	-109,631	-85,393	-353,560	--	-205	45	314	128	282	--	-1.3	-2.3	-3.0	-2.2	-8.7
%	--	-3.1%	-4.8%	-5.8%	-4.8%	-17.2%	--	-0.5%	0.1%	0.8%	0.3%	0.7%	--	-2.6%	-4.9%	-6.5%	-5.1%	-17.8%
- CVT	3,268,869	3,389,533	3,375,567	3,335,155	3,158,329		104,533	104,320	108,099	110,953	111,198		31.3	32.5	31.2	30.1	28.4	
Annual Chg	--	120,664	-13,966	-40,412	-176,826	-110,540	--	-213	3,779	2,854	245	6,665	--	1.2	-1.3	-1.2	-1.7	-2.9
%	--	3.7%	-0.4%	-1.2%	-5.3%	-3.4%	--	-0.2%	3.6%	2.6%	0.2%	6.4%	--	3.9%	-3.9%	-3.7%	-5.5%	-9.2%
- MCS 800	4,296,193	4,096,538	4,104,261	4,637,392	4,415,025		229,589	213,183	222,481	253,749	257,955		18.7	19.2	18.4	18.3	17.1	
Annual Chg	--	-199,655	7,723	533,131	-222,367	118,832	--	-16,406	9,298	31,268	4,206	28,366	--	0.5	-0.8	-0.2	-1.2	-1.6
%	--	-4.6%	0.2%	13.0%	-4.8%	2.8%	--	-7.1%	4.4%	14.1%	1.7%	12.4%	--	2.7%	-4.0%	-0.9%	-6.3%	-8.5%
- MCS 900	10,737,833	11,587,354	12,154,603	12,556,829	13,637,997		328,474	372,127	409,446	444,556	500,948		32.7	31.1	29.7	28.2	27.2	
Annual Chg	--	849,521	567,249	402,226	1,081,168	2,900,164	--	43,653	37,319	35,110	56,392	172,474	--	-1.6	-1.5	-1.4	-1.0	-5.5
%	--	7.9%	4.9%	3.3%	8.6%	27.0%	--	13.3%	10.0%	8.6%	12.7%	52.5%	--	-4.7%	-4.7%	-4.8%	-3.6%	-16.7%
Bus Total	54,873,700	54,389,940	53,114,609	50,988,401	48,216,818		1,649,435	1,679,218	1,725,561	1,757,305	1,759,816		33.3	32.4	30.8	29.0	27.4	
Annual Chg	--	-483,760	-1,275,331	-2,126,208	-2,771,583	-6,656,882	--	29,783	46,343	31,744	2,511	110,381	--	-0.9	-1.6	-1.8	-1.6	-5.9
%	--	-0.9%	-2.3%	-4.0%	-5.4%	-12.1%	--	1.8%	2.8%	1.8%	0.1%	6.7%	--	-2.6%	-5.0%	-5.7%	-5.6%	-17.6%
Rail Total	28,743,326	28,885,554	25,432,952	25,174,791	26,538,238		124,861	126,740	138,821	137,298	137,383		230.2	227.9	183.2	183.4	193.2	
Annual Chg	--	142,228	-3,452,602	-258,161	1,363,447	-2,205,088	--	1,879	12,081	-1,523	85	12,522	--	-2.3	-44.7	0.2	9.8	-37.0
%	--	0.5%	-12.0%	-1.0%	5.4%	-7.7%	--	1.5%	9.5%	-1.1%	0.1%	10.0%	--	-1.0%	-19.6%	0.1%	5.4%	-16.1%
System Total	83,617,026	83,275,494	78,547,561	76,163,192	74,755,056		1,774,296	1,805,958	1,864,382	1,894,603	1,897,199		47.1	46.1	42.1	40.2	39.4	
Annual Chg	--	-341,532	-4,727,933	-2,384,369	-1,408,136	-8,861,970	--	31,662	58,424	30,221	2,596	122,903	--	-1.0	-4.0	-1.9	-0.8	-7.7
%	--	-0.4%	-5.7%	-3.0%	-1.8%	-10.6%	--	1.8%	3.2%	1.6%	0.1%	6.9%	--	-2.2%	-8.6%	-4.6%	-2.0%	-16.4%

Note: Express Routes 40, 70 and 210 are omitted due to data inaccuracies.

MTS BUS PASSENGERS PER REVENUE HOUR BY SERVICE AREA
Fiscal Years 2000-2004

Service Area	Passengers						Revenue Hours						Passengers per Hour					
	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004	2000	2001	2002	2003	2004	2000>2004
Centre City	12,394,164	12,340,973	11,849,012	11,484,740	10,403,005		374,415	378,178	386,937	386,095	381,353		33.1	32.6	30.6	29.7	27.3	
Annual Change	--	-53,191	-491,961	-364,272	-1,081,735	-1,991,159	--	3,764	8,758	-842	-4,743	6,938	--	-0.5	-2.0	-0.9	-2.5	-5.8
%	--	-0.4%	-4.0%	-3.1%	-9.4%	-16.1%	--	1.0%	2.3%	-0.2%	-1.2%	1.9%	--	-1.4%	-6.2%	-2.9%	-8.3%	-17.6%
Central Coastal	4,527,510	4,361,033	3,973,542	3,783,130	3,858,302		164,051	163,286	148,472	151,062	148,121		27.6	26.7	26.8	25.0	26.0	
Annual Change	--	-166,478	-387,491	-190,411	75,171	-669,208	--	-764	-14,814	2,590	-2,941	-15,929	--	-0.9	0.1	-1.7	1.0	-1.5
%	--	-3.7%	-8.9%	-4.8%	2.0%	-14.8%	--	-0.5%	-9.1%	1.7%	-1.9%	-9.7%	--	-3.2%	0.2%	-6.4%	4.0%	-5.6%
Central Mesa	5,394,655	5,363,481	5,266,246	4,772,379	4,626,827		166,933	180,336	186,457	188,188	196,339		32.3	29.7	28.2	25.4	23.6	
Annual Change	--	-31,174	-97,235	-493,867	-145,551	-767,828	--	13,404	6,121	1,730	8,151	29,406	--	-2.6	-1.5	-2.9	-1.8	-8.8
%	--	-0.6%	-1.8%	-9.4%	-3.0%	-14.2%	--	8.0%	3.4%	0.9%	4.3%	17.6%	--	-8.0%	-5.0%	-10.2%	-7.1%	-27.1%
East County	5,220,481	5,150,639	4,870,937	5,111,396	4,843,926		252,423	245,460	247,873	266,035	264,748		20.7	21.0	19.7	19.2	18.3	
Annual Change	--	-69,843	-279,702	240,460	-267,471	-376,556	--	-6,962	2,413	18,162	-1,287	12,325	--	0.3	-1.3	-0.4	-0.9	-2.4
%	--	-1.3%	-5.4%	4.9%	-5.2%	-7.2%	--	-2.8%	1.0%	7.3%	-0.5%	4.9%	--	1.5%	-6.4%	-2.2%	-4.8%	-11.5%
I-15	1,254,991	1,226,351	1,169,041	1,127,831	1,100,451		64,341	62,672	63,364	62,313	63,258		19.5	19.6	18.4	18.1	17.4	
Annual Change	--	-28,640	-57,310	-41,211	-27,380	-154,541	--	-1,669	691	-1,050	945	-1,083	--	0.1	-1.1	-0.4	-0.7	-2.1
%	--	-2.3%	-4.7%	-3.5%	-2.4%	-12.3%	--	-2.6%	1.1%	-1.7%	1.5%	-1.7%	--	0.3%	-5.7%	-1.9%	-3.9%	-10.8%
La Jolla/UC/SV	2,860,433	2,847,639	2,812,017	2,615,978	2,564,718		102,631	103,753	108,405	105,489	101,096		27.9	27.4	25.9	24.8	25.4	
Annual Change	--	-12,794	-35,622	-196,040	-51,260	-295,716	--	1,122	4,652	-2,916	-4,393	-1,535	--	-0.4	-1.5	-1.1	0.6	-2.5
%	--	-0.4%	-1.3%	-7.0%	-2.0%	-10.3%	--	1.1%	4.5%	-2.7%	-4.2%	-1.5%	--	-1.5%	-5.5%	-4.4%	2.3%	-9.0%
Mid-City	12,888,919	12,173,290	12,040,259	11,464,255	10,479,034		311,356	314,326	324,371	321,368	311,634		41.4	38.7	37.1	35.7	33.6	
Annual Change	--	-715,629	-133,031	-576,004	-985,221	-2,409,885	--	2,970	10,045	-3,003	-9,733	278	--	-2.7	-1.6	-1.4	-2.0	-7.8
%	--	-5.6%	-1.1%	-4.8%	-8.6%	-18.7%	--	1.0%	3.2%	-0.9%	-3.0%	0.1%	--	-6.4%	-4.2%	-3.9%	-5.7%	-18.8%
South Bay	14,262,137	14,727,874	14,888,092	14,342,633	13,963,718		382,353	393,791	416,677	429,369	439,236		37.30	37.40	35.73	33.52	31.79	
Annual Change	--	465,737	160,217	-545,458	-378,915	-298,420	--	11,437	22,886	12,692	9,867	56,883	--	0.1	-1.7	-2.2	-1.7	-5.5
%	--	3.3%	1.1%	-3.7%	-2.6%	-2.1%	--	3.0%	5.8%	3.0%	2.3%	14.9%	--	0.3%	-4.5%	-6.2%	-5.2%	-14.8%
S.E. San Diego	5,875,601	6,185,911	5,893,097	5,562,214	5,381,466		196,900	210,347	220,631	224,004	225,222		31.29	29.69	27.85	25.76	24.93	
Annual Change	--	310,310	-292,814	-330,882	-180,748	-494,135	--	13,447	10,285	3,373	1,218	28,322	--	-1.6	-1.8	-2.1	-0.8	-6.4
%	--	5.3%	-4.7%	-5.6%	-3.2%	-8.4%	--	6.8%	4.9%	1.5%	0.5%	14.4%	--	-5.1%	-6.2%	-7.5%	-3.2%	-20.3%

Appendix A-4

Note: Express Routes 40, 70 and 210 are omitted due to data inaccuracies.

Appendix B

Weekday Ridership at Major Military Installations FY 2000 - FY 2004

Base	Route	Dir	FY 2000			FY 2001			FY 2002			FY 2003			FY 2004		
			Ons	Offs	Sum	Ons	Offs	Sum	Ons	Offs	Sum	Ons	Offs	Sum	Ons	Offs	Sum
MCAS Miramar	20	IB	144	56		156	77		55	24		59	67		69	21	
		OB	<u>73</u>	<u>219</u>		<u>72</u>	<u>198</u>		<u>21</u>	<u>129</u>		<u>37</u>	<u>99</u>		<u>27</u>	<u>99</u>	
	Total		217	275	492	228	275	503	76	153	229	96	166	262	96	120	216
	210	IB	6	2		0	0		1	1		1	1		6	0	
		OB	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>2</u>		<u>0</u>	<u>2</u>		<u>0</u>	<u>4</u>	
	Total		6	2	8	0	0	0	1	3	4	1	3	4	6	4	10
Total			500			503			233			266			226		
NASNI	901	NB	299	107		130	108		108	114		52	49		113	69	
		SB	<u>108</u>	<u>304</u>		<u>84</u>	<u>136</u>		<u>61</u>	<u>143</u>		<u>21</u>	<u>44</u>		<u>36</u>	<u>138</u>	
	Total		407	411	818	214	244	458	169	257	426	73	93	166	149	207	356
	903	NB	--	--		7	0		12	0		8	2		0	0	
		SB	--	--		<u>0</u>	<u>58</u>		<u>1</u>	<u>54</u>		<u>0</u>	<u>5</u>		<u>0</u>	<u>10</u>	
	Total					7	58	65	13	54	67	8	7	15	0	10	10
Total			818			523			493			181			366		
NAB Coronado	901	NB	35	24		55	20		46	22		36	34		32	26	
		SB	<u>23</u>	<u>28</u>		<u>15</u>	<u>50</u>		<u>16</u>	<u>23</u>		<u>18</u>	<u>22</u>		<u>23</u>	<u>30</u>	
	Total		58	52	110	70	70	140	62	45	107	54	56	110	55	56	111
Fleet ASW	922	EB	10	5		10	0		10	0		3	0		0	0	
		WB	<u>1</u>	<u>13</u>		<u>0</u>	<u>9</u>		<u>1</u>	<u>12</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>21</u>	
	Total		11	18	29	10	9	19	11	12	23	3	0	3	0	21	21
	923	EB	15	1		26	0		9	0		8	0		24	4	
		WB	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>	
	Total		15	1	16	26	0	26	9	0	9	8	0	8	24	4	28
Total			45			45			32			11			49		
SPAWARS (NRAD)	26	EB	15	0		15	0		20	0		13	0		24	0	
		WB	<u>0</u>	<u>11</u>		<u>1</u>	<u>14</u>		<u>0</u>	<u>12</u>		<u>0</u>	<u>25</u>		<u>0</u>	<u>19</u>	
	Total		15	11	26	16	14	30	20	12	32	13	25	38	24	19	43
	922	EB	5	0		4	0		1	0		2	0		6	0	
		WB	<u>0</u>	<u>6</u>		<u>0</u>	<u>10</u>		<u>0</u>	<u>7</u>		<u>0</u>	<u>12</u>		<u>0</u>	<u>9</u>	
	Total		5	6	11	4	10	14	1	7	8	2	12	14	6	9	15
Sub Base	923	EB	0	0		0	0		0	0		5	0		0	0	
		WB	<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>		<u>0</u>	<u>0</u>	
	Total		0	0	0	0	0	0	0	0	0	5	0	5	0	0	0
Total			37			44			40			57			58		
Sub Base	28	EB	70	2		70	1		78	9		92	10		117	13	
		WB	<u>4</u>	<u>57</u>		<u>1</u>	<u>79</u>		<u>7</u>	<u>73</u>		<u>3</u>	<u>78</u>		<u>18</u>	<u>96</u>	
	Total		74	59	133	71	80	151	85	82	167	95	88	183	135	109	244
NB San Diego (32nd St)	6	EB	0	38		0	53		0	47		0	53		0	41	
		WB	<u>3</u>	<u>0</u>		<u>22</u>	<u>0</u>		<u>8</u>	<u>0</u>		<u>3</u>	<u>0</u>		<u>3</u>	<u>0</u>	
	Total		3	38	41	22	53	75	8	47	55	3	53	56	3	41	44
	Trolley	IB	439	305		443	453		435	400		463	334		398	287	
		OB	<u>378</u>	<u>338</u>		<u>372</u>	<u>396</u>		<u>357</u>	<u>367</u>		<u>390</u>	<u>322</u>		<u>333</u>	<u>338</u>	
	Total		817	643	1,460	815	849	1,664	792	767	1,559	853	656	1,509	731	625	1,356
Total			1,501			1,739			1,614			1,565			1,400		
Grand Total			3,144			3,145			2,686			2,373			2,454		

Source: SANDAG PCP

Downtown Parking Spaces: CY2000, 2003, 2005

Area		Total Spaces			Change			
#	Name	<u>2000</u>	<u>2003</u>	<u>2005</u>	<u>2000-2005</u>		<u>2003-2005</u>	
					#	%	#	%
1	Little Italy	2,285	1,700	3,381	1,096	48.0%	1,681	98.9%
2	Bayside / Embarcadero	7,355	7,388	5,895	-1,460	-19.9%	-1,493	-20.2%
3	Courts	5,220	5,319	5,599	379	7.3%	280	5.3%
4	Civic Center	6,486	6,420	6,970	484	7.5%	550	8.6%
5	Cortez Hill	2,729	2,729	2,963	234	8.6%	234	8.6%
6	Gaslamp	7,174	7,019	7,789	615	8.6%	770	11.0%
7	Ballpark / East Village	3,234	3,772	12,136	8,902	275.3%	8,364	221.7%
Total:		34,483	34,347	44,733	10,250	29.7%	10,386	30.2%
Total Excluding Areas 1, 2 & 7: (downtown core only)		21,609	21,487	23,321	1,712	7.9%	1,834	8.5%

Note: Parking space count equals the approximate total of all parking spaces (excluding metered street spaces) available to the general public on an all-day basis.

Source: Ace Parking
January 2005

**Employee Commute Program Incentives Offered by
Companies in the San Diego Region
December 2004**

Incentive	Number of	
	Companies	Employees
Bike Subsidies (including purchase, lockers, racks, showers)	22	18,377
Carpool Subsidies	9	10,292
Company Shuttle to Coaster Station	1	3,300
Flex Hours	22	17,514
Guaranteed Ride Home program (<i>RideLink</i>)	7	10,117
Parking Cash Out	1	110
Pass (Transit) Subsidies	41	59,928
Preferred Parking for Ridesharers	15	24,685
Pre-Tax Deductions for Transit Passes	18	30,496
Subsidies for all non-SOV Commuting	4	452
Telework Options (including paying for home equipment)	14	9,153
Van Pool Cost Reimbursement (including pre-tax deductions)	28	63,545

Total Companies and Employees in Non-SOV Commute Programs: 84 110,000+
(List is limited to participating companies known to *RideLink*)

Source: SANDAG *RideLink* Program

Metropolitan Transit System

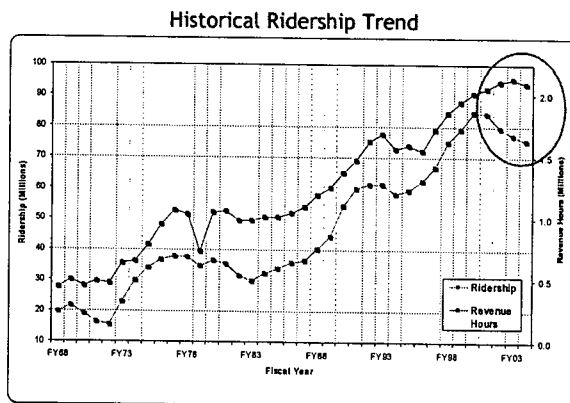
MTS Ridership Trends

March 10, 2005



Overview

- MTS ridership increased 300% since 1967.
- Before FY 2001, ridership changes were consistent with service provided.
- Since FY 2001, ridership declined significantly despite increases in service hours.

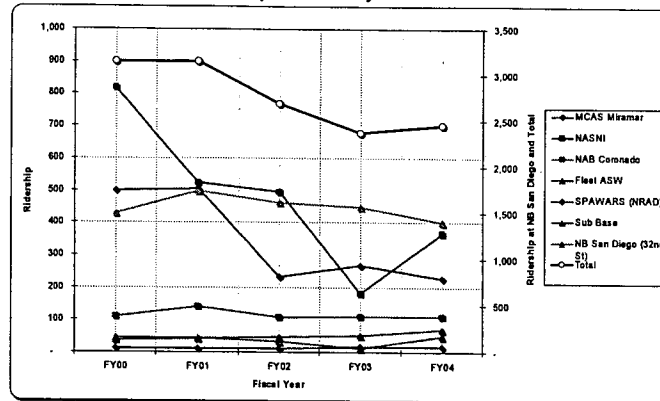


Purpose of analysis is to identify probable causes for the recent ridership decline.



Post 9/11 - Military Action

Ridership at Military Installations

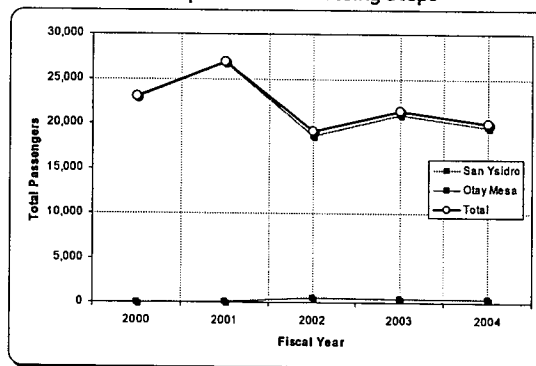


- Ridership declined by only 700 passengers after 9/11, primarily at the two air stations.



Post 9/11 - Border Crossing

Ridership at Border Crossing Stops

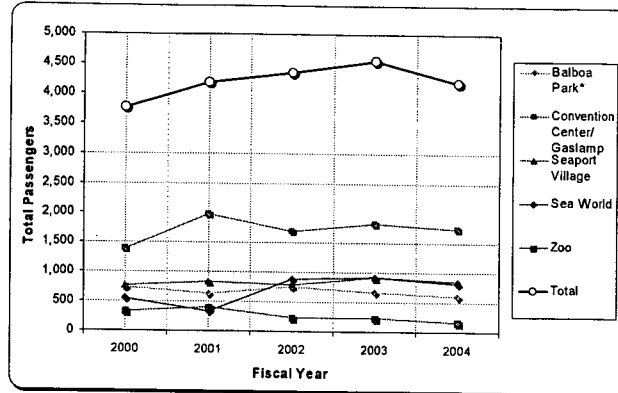


- Overall border crossing rebounded after 9/11.
- Ridership at Otay Mesa/San Ysidro declined after 9/11, but has not rebounded.
- Previous riders shifted to cars/buses out of Mexico and did not return to MTS.



Post 9/11 and Economy - Tourism

Ridership at Tourist Destinations

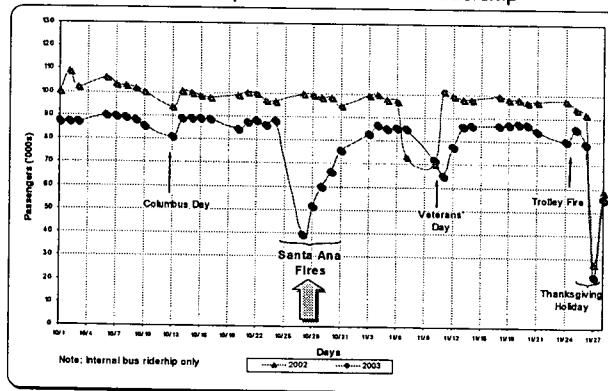


- Ridership at tourist destinations increased steadily between FY 2000 and 2003.



October 2003 Wildfires

Wildfire Impact on Internal Bus Ridership

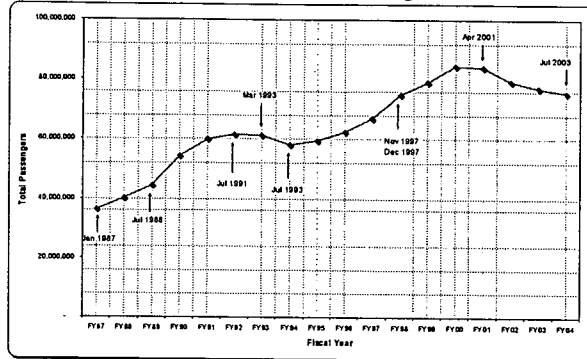


- Cedar and Paradise wildfires during week of October 26, 2003 affected ridership for 10 days only.



Fare Changes

Ridership and Fare Changes



- Fare increases generally result in temporary ridership decreases.
- Half of fare increases followed by ridership increases, and half by decreases.
- Continuing ridership decline suggests other factors more significant.



Impacts of Unique Events

Summary

- **Military Deployment** - *minor impacts at two air stations.*
- **Border Crossings** - *impact immediately after 9/11, but has remained constant since.*
- **Tourism** - *no impact.*
- **October 2003 Wildfires** - *temporary impact.*
- **Fare Increases** - *minor and temporary impact.*

Finding: *Unique events do not appear to be root causes of the continued decline in ridership.*



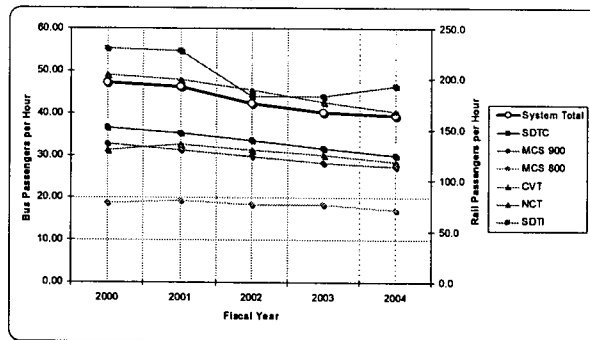
Methodology

- **Segmentation Analysis** - *identify if decline is due to specific segments of the system.*
- **Peer Review** - *identify national trends.*
- **External Factors** - *identify changes in market and operating environment.*
- **Internal Factors** - *impacts of service changes.*



Ridership by Operator (Segmentation Analysis)

Passengers/Revenue Hour



- System ridership declined 10.6% (9 million).
- Productivity declined 16.4%.
- Declines by all operators, but Trolley rebounding since FY 2002.



Ridership by Service Type and Area

(Segmentation Analysis)

Passengers/Revenue Hour

By Service Type

- All service types declined.
- Express services declined most significantly (-7.3%).

By Service Type	FY 2003	FY 2004	Change
Urban/Limited Stop	35.1	33.4	-5.0%
Suburban/Feeder	21.8	20.7	-5.1%
Express	22.8	21.2	-7.3%
Total	29.0	27.4	-5.6%

By Geographic Area

- All areas declined except for I-5 North communities.
- Centre City services declined most significantly (-8.3%).

By Area	FY 2003	FY 2004	Change
Central Coastal	25.0	26.0	4.0%
La Jolla/UC/Sorrento Valley	24.8	25.4	2.3%
Southeast San Diego	24.8	23.9	-3.8%
I-15	18.1	17.4	-3.9%
East County	19.2	18.3	-4.7%
South Bay	33.4	31.8	-4.8%
Mid-City	35.7	33.6	-5.7%
Central Mesa	25.4	23.6	-7.1%
Centre City	29.7	27.3	-8.3%
Total	28.2	26.9	-4.9%

Note: Bus service only



Ridership by Corridor

(Segmentation Analysis)

Passengers/Revenue Hour

By Corridor

- All corridors declined.
- East-West corridors declined most significantly.

By Corridor	FY 2003	FY 2004	Change
I-5 NORTH	25.4	24.5	-3.9%
I-5 SOUTH	32.7	31.3	-4.2%
I-15	26.7	25.6	-4.4%
SR 163	29.2	27.5	-5.7%
I-8	38.0	35.5	-6.6%
SR 94	29.8	27.8	-6.8%
Total	31.0	29.4	-5.4%

Note: Bus service only



Segmentation Analysis

Findings

- Ridership decline is systemic - *all segments down.*
- Greatest bus declines appear to be connected with downtown SD - *express, Centre City, SR 94.*
- Trolley ridership appears to be rebounding since FY 2002
 - *Petco Park and Route 34 truncation.*
 - *Increase in ridership along Bayside and from downtown SD north to Old Town and Fashion Valley.*



National Trends

(Peer Comparison)

Change in Ridership, Employment, and Service Levels (2000-2004)

	SAN DIEGO	DENVER	HOUSTON	ORLANDO	PHOENIX	PORTLAND	SAN JOSE	SEATTLE
System Ridership	-10.6%	1.2%	4.6%	9.3%	54.8%	12.1%	-30.1%	-3.8%
Jobs	7.8%	3.8%	5.1%	4.9%	10.4%	-2.2%	-16.6%	-0.5%
Service Hours	7.6%	2.3%	20.0%	18.1%	47.2%	8.5%	-15.9%	7.0%

- Employment identified as primary factor influencing ridership.
- Most agencies experienced ridership trend consistent with changes in economy and service level.
- San Diego experienced ridership declines despite increase in employment and service levels.

Finding: San Diego ridership decline appears to be a result of changes in market composition (demand/characteristics), not size.



Transit Market Composition

- Rider profile is consistent.
- Overall travel patterns are changing:
 - Residential locations have dispersed.
 - Employment locations have dispersed.
 - Route network is misaligned with current travel patterns.
- Transit services are less competitive:
 - Other transportation modes have become more attractive.
 - Current service is less attractive as market changes.



Ridership Profile

Characteristic		1995	2002
Trip Purpose	School	22%	20%
	Work	44%	50%
Household Income*	Less than \$30,000	75%	67%
	\$30,000 or more	25%	33%
Car Available	no	75%	74%

*San Diego's median household income is \$48,000.

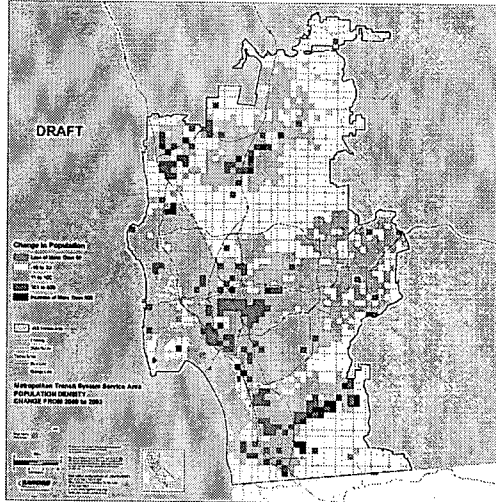
Finding: Transit travel continues to be focused on work and school trips, and our core market continues to be transit dependent.



Change in Residential Location

(Changing Travel Patterns)

- Population increasing in suburban communities.
- San Diegans moving to Riverside County:
 - 29,000 Riverside residents commute to San Diego jobs.
 - Half have been doing this for less than 5 years.
 - 60% of Riverside residents that have lived there for less than 10 years came from SD.

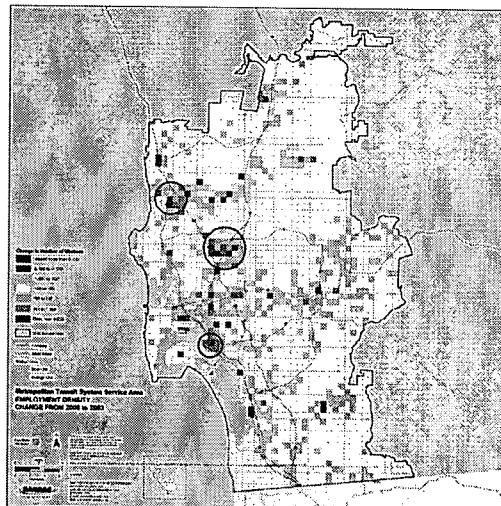


Change in Employment Location

(Changing Travel Patterns)

- Labor force increased 9% from 2000 to 2004.
- Employment increased 5% from 2000 to 2004.
- However, employment shifting from well served job centers to new and dispersed locations.

	NET JOB LOSS	
	(Number)	(Percent)
Downtown SD	-6,011	-11%
UTC Area	-3,453	-17%
Kearny Mesa	-1,789	-5%



Change in Industry (Changing Travel Patterns)

San Diego Region Employment by Industry						CHANGE (00-04)	
	2000	2001	2002	2003	2004	(Number)	(Percent)
Construction/Mine	70,000	75,400	76,700	79,900	81,800	11,800	17%
Manufacturing	122,600	119,000	112,300	105,400	103,900	(18,700)	(15%)
Trans/Utilities	29,800	32,000	29,300	27,300	33,300	3,500	12%
Wholesale	39,100	41,500	41,300	41,300	40,900	1,800	5%
Retail	133,800	135,600	138,000	140,000	137,000	3,200	2%
FIRE	71,200	72,000	75,000	80,500	82,000	10,800	15%
Services	481,700	490,500	500,800	510,700	509,500	27,800	6%
Information	39,200	38,800	37,700	37,100	N/A	(2,100) ¹	(5%) ¹
Government	206,600	213,800	219,700	219,800	220,300	13,700	7%
Total (Non-Farm)	1,154,800	1,179,800	1,193,100	1,204,900	1,208,700	53,900	5%

¹Change from 2000-2003

- Shift from centralized (easily served) manufacturing industry to dispersed (difficult to serve) service activities.



Changing Travel Patterns

Findings

- Labor force and employment are both growing.
- Employment and population growing outside of well served urban centers.
- Manufacturing industry (centralized) shifting to service activities (dispersed).
- Transit services (routing and schedules) are not aligned with changes in travel patterns.



Non-Transit Modes More Attractive

(Transit Competitiveness)

Highway Network Capacity Increase	Change
General Purpose Lanes (2000-2005)	80 miles
HOV Lanes (2000-2003)	6 miles

I-15 HOT Use Increase (2000-2003)	Change
HOV	28% / +3,700
FasTrak	33% / +1,300
Total	30% / +5,000

Downtown Parking Increase (2003-2005)*	# Spaces
Core (Civic Center, Cortez Hill, Gaslamp)	1,834
Other downtown areas	8,552

* Parking decreased from 2000-2003.



Non-Transit Modes More Attractive

(Transit Competitiveness)

Employer Non-transit TDM Incentives
Carpool/Vanpool subsidies.
Preferential parking for rideshare.
Other (bike subsidies, flex schedules).

Carpool/Vanpool Increase (2000-2004)	Change
Carpools (formal)	48% / +68
Vanpools (subsidized by SANDAG up to \$400)	138% / +196

Major Vanpool Origins
Chula Vista (24)
Poway/RB/RP/SR (24)
El Cajon/Santee (16)
Mira Mesa (7)

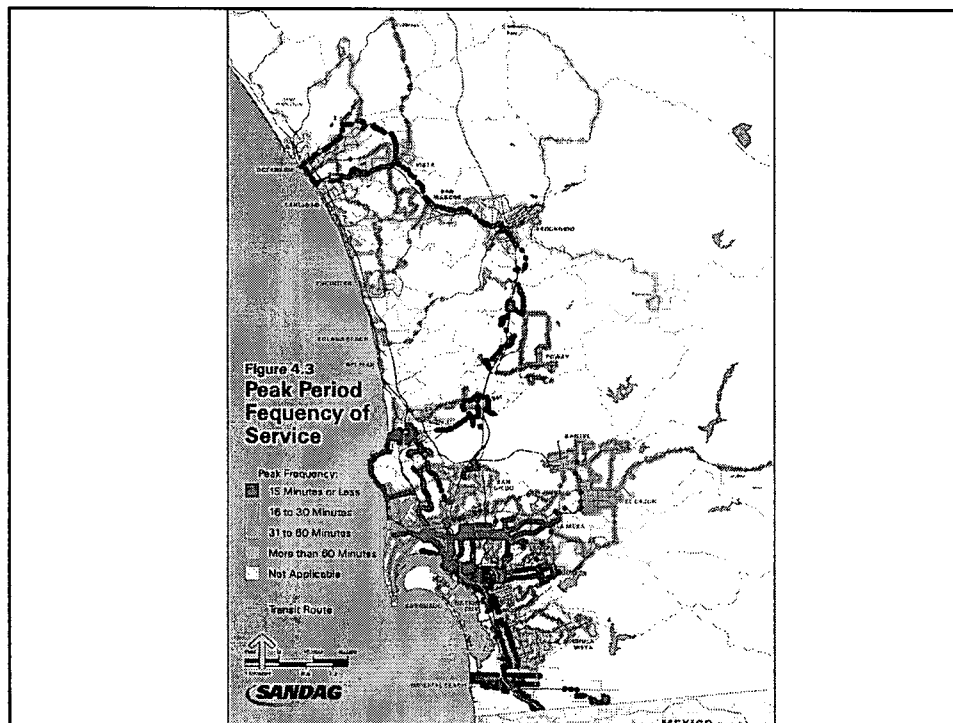
Major Vanpool Destinations
UCSD (34)
NASNI (28)
Downtown/Zoo (10)
Kearny Mesa (7)



Transit Less Attractive

(Transit Competitiveness)

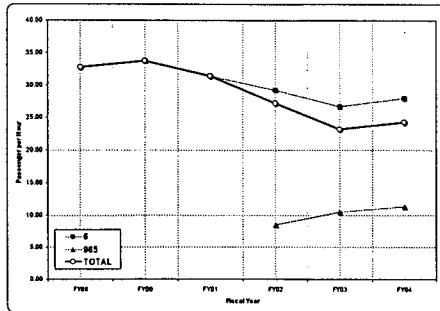
- **Transit travel times are long compared to other modes:**
 - 39% of past riders stopped using transit because “it took too long”.
 - Transit speeds constant despite increase in trip lengths.
- **Declining on-time performance on internal bus and trolley important given:**
 - Impact on timed transfers.
 - Low frequencies.



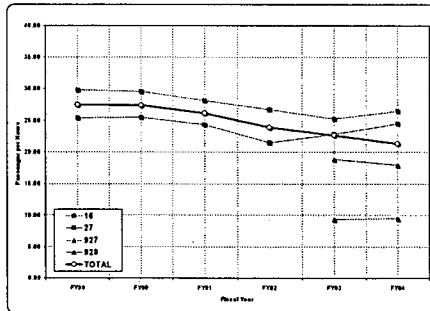
Transit Less Attractive

(Transit Competitiveness)

Routes 6 and 965 Productivity



Routes 16, 27, 927, 928 Productivity



- Service changes not consistent with overall transit demand.



Transit Competitiveness

Findings

- **Non-transit modes becoming more attractive:**
 - Increased downtown parking.
 - Increased highway network capacity.
 - Increased use of I-15 HOT.
 - Non-transit modes such as carpools/vanpools heavily subsidized.
- **Transit less attractive:**
 - Transit travel times long compared to other modes.
 - Network connectivity reduced with poor on-time performance.
 - Service changes not consistent with overall travel demand.

Finding: Transit is less competitive than other modes that may be attracting former and potential riders away from transit.



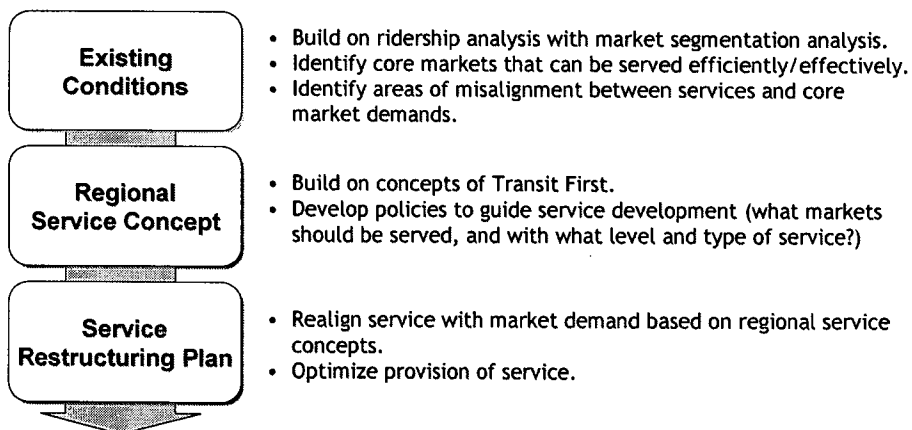
Conclusions

- Current ridership decline is systemic.
- Unique local events do not appear to be significant factors in the continual ridership decline.
- Decline appears to be a result of a shift in travel demand and market characteristics that are misaligned with MTS services.
 - MTS services are focused on serving established employment and residential areas.
 - Employment, while growing, is changing in terms of geography and industry.
 - Population is increasing in suburban areas, including southwestern Riverside County.
 - Difficult for transit to compete as other modes become more attractive and transit becomes less attractive.



Comprehensive Operational Analysis

- Ridership analysis validates need for the COA:



Metropolitan Transit System
Executive Committee

MTS Ridership Trends

March 3, 2005



Did not speak

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

45

ORDER REQUEST RECEIVED

1

****PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM****

@ 8:29

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date March 10 2005

Name (PLEASE PRINT) Chuck Runggerhausen

Address 5308 Monroe, #124 S.D. 92115

Telephone 619.546.5610

Organization Represented (if any) Self

Subject of your remarks: MTS: Ridership Trend Analysis

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☐

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

****REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.****

1.

March 10, 2005

MTS mtg.

AGENDA ITEM #45 (Ridership Trend Analysis)

**Chairperson Williams, Board members, Staff, and other fellow citizens. Chuck Lungerhausen of 5308 Monroe Ave. #124 which is in the SDSU neighborhood of San Diego. 92115
Phone 619-546-5610**

Congratulation to Conan Cheung and staff for trying to discern why ridership has gone down over the last few years.

Am still of the opinion that going beyond \$ 2.00 in fares has a lot to do with this trend.

Thank you for listening and the opportunity to speak



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

Agenda

Item No. 46

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

OPS 970.11
(PC 30102)

March 10, 2005

Subject:

MTS: 2004 YEAR-END SECURITY REPORT

RECOMMENDATION:

That the Board of Directors receive this report for information.

Budget Impact

None.

DISCUSSION:

Statistics related to security incidents concerning the transit system are compiled by staff based on reports generated by security personnel and Code Compliance inspectors. This information is augmented by reports from local police authorities. This information is then compiled and summarized and submitted to the Board of Directors on a midyear and year-end basis. The final 2004 year-end report covers the period from January 1, 2004, through December 31, 2004.

C Street Corridor Project

In July 2003, the MTS Transit Enforcement Department was invited to participate in a Problem-Oriented Policing (POP) Project with local law enforcement agencies relative to the C Street Corridor.

This joint effort involved personnel from the Office of the City Attorney, the Probation Department, and the San Diego Police Department. The purpose of this project was to



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.

address quality-of-life issues along the C Street Corridor by deterring criminal conduct and taking enforcement action, or obtaining stay-away orders, when necessary. Police radios were issued to Trolley Enforcement Officers to enhance communications between agencies and enable San Diego Trolley, Inc. (SDTI) staff to run warrant checks on suspected violators through San Diego Police dispatch. Narcotics transactions and usage, gang activity, and disorderly conduct were examples of conduct that was addressed.

In late 2004, a new city prosecutor was assigned to coordinate the C Street Corridor Enforcement Program and related crime issues. In meetings with our legal counsel and the city prosecutor, issues were identified relative to loitering laws. A resolution covering these issues and plans for enhanced signage specific to loitering are currently underway.

Aggressive enforcement continues in the area to further reduce crime and quality of life issues. Code Compliance and Security Officers concentrated on the Civic Center Station, the Fifth Avenue Station, and adjacent bus stops. Quality of life issues and fare evasion were addressed during this detail.

Other Joint Projects

In addition to the C Street POP Project, transit enforcement officers worked with San Diego Police during Operation Safe Crossing. Operation Safe Crossing is a combined effort of numerous law enforcement agencies to prevent youths under 18 years of age from entering Mexico without parental consent and to reduce driving under the influence (DUI), alcohol-related crashes and other alcohol-related crimes, and violence along the Tijuana/San Diego border region.

Collaboration with the San Diego Police Department Gang Unit took place during certain conventions (particularly the skateboard convention) to curtail vandalism on transit and city property.

Officers worked with the La Mesa Police Department for several truancy sweeps throughout the year as well as during the annual Oktoberfest.

From time to time, officers worked with El Cajon Police, the San Diego Sheriff's Department, and the Chula Vista Police Department to address the criminal element in those jurisdictions.

Prisoner Bookings

In June 2003, the San Diego Police Department and San Diego Sheriff's Department entered into an agreement with SDTI authorizing Code Compliance supervisors to process and book prisoners for felony or domestic violence warrants or public drunkenness refused by the Detoxification Center.

The overall evaluation of the booking procedure remains positive and worthwhile. There were 182 prisoner bookings during this reporting period compared to 106 for the same reporting period in 2003.

Training

During this reporting period, all Code Compliance Inspectors and Transit Systems Security Officers attended training sponsored by the United States Border Patrol that dealt with terrorist events involving ground transportation. Additional training conducted by the San Diego Sheriff's Department included the recognition and handling of incendiary devices and other bomb-related items.

Several Code Compliance Inspectors completed a 40-hour training course certified by the California Peace Officers Standards and Training (P.O.S.T.) Agency. Ongoing training includes courses sponsored by the Federal Bureau of Investigation (FBI) as well as continued P.O.S.T.-certified courses.

Legal updates and officer safety advisories, obtained through the District Attorney's Office and law enforcement agencies, are a regular part of the ongoing training program. Pertinent Homeland Security alerts relative to light rail and bus transportation are also distributed to officers when received.

Transit Enforcement Office – San Diego Transit Corporation Facility

As part of the ongoing effort to increase enforcement presence at San Diego Transit Corporation (SDTC), a security office was established at the Imperial Avenue Division. Code Compliance supervisors visited SDTC six times daily for approximately three hours per day. During this time, supervisors wrote reports using the computer in the office, met with officers, conducted perimeter checks, and met with various SDTC personnel. This helped build rapport and provide an avenue for SDTC personnel to ask questions or report issues of security concern to uniformed officers.

SDTC Security Survey

A security survey and vulnerability assessment of SDTC's Imperial Avenue Division was completed during 2004. The survey recommended short and long-term security solutions based on realistic probabilities, prioritizing them in concert with existing threat levels. The study addressed physical security, field operations, bus security, emergency preparedness, and disaster recovery.

Security Awareness Brochure

A security awareness brochure was developed in late 2004. It addresses crime prevention awareness amongst patrons by encouraging the riding public to report suspicious packages or people to uniformed personnel. The goal is to make patrons and employees aware that security is everyone's business.

San Diego Trolley, Inc. (SDTI)

Statistics compiled for calendar year 2004 indicate that reports of Part I incidents decreased moderately compared to 2003.

<u>PART I INCIDENTS</u>	<u>January – December 2003</u>	<u>January – December 2004</u>
Robbery	25	17
Theft	42	37
Aggravated Assault	18	11
Motor Vehicle Theft	26	18
Burglary	00	00
Arson	<u>00</u>	<u>00</u>
TOTAL	111	83

Arrests for nonfare related Part II offenses also declined overall.

<u>PART II ARRESTS</u>	<u>January – December 2003</u>	<u>January – December 2004</u>
Other Assaults	44	39
Vandalism	61	48
Sex Offenses	01	03
Drug Abuse Violations	235	292
D.U.I.	04	01
Drunkenness	172	119
Disorderly Conduct	612	686
Trespassing	380	145
Curfew and Loitering	<u>156</u>	<u>105</u>
TOTAL	1,665	1,438

Excluding fare evasion, there were 1,438 Part II arrests made during calendar year 2004, compared to 1,665 arrests made during calendar year 2003.

Fare evasion citations remained relatively constant at 23,964 in calendar year 2003 to 23,192 in calendar year 2004.

Passenger Inspections

During calendar year 2004, the inspection rate was approximately 28.39%:

<u>Onboard Trains</u>	<u>Fare-Paid Zones</u>	<u>Total Passengers Inspected</u>
4,021,037	4,148,510	8,169,547

Total Part I Incidents per 100,000 passengers compare as follows:

	<u>Passengers Carried</u>	<u>Part I Incidents/100,000</u>
January – December 2003	25,379,176	.44
January – December 2004	28,772,441	.29

Total Part II Arrests per 100,000 passengers is reflected below:

	<u>Passengers Carried</u>	<u>Part II Arrests/100,000</u>
January – December 2003	25,379,176	6.56
January – December 2004	28,772,441	5.00

In addition to the categories that appear on the Federal Transit Administration (FTA) Form 405, over 1,300 additional arrests were made for other violations occurring systemwide (SDTI, SDTC, and MTS), the majority of which involved alcoholic beverages.

Additionally, the San Ysidro bus loop and bus parking area were opened to bus and taxicab traffic in January 2004. Although adequate signage designating agencies authorized for use was posted, many private or unauthorized vehicles continued to enter these controlled areas, interfering with bus, taxicab, and sometimes trolley operations.

Private vehicles entering and parking in the bus loop, which is designated for specific commercial carriers only or pedestrians crossing in areas not designated for crossing, caused traffic to back up into the intersection, delaying vehicular and train movement. Initially, most of the persons contacted were warned verbally. During the first year, however, nearly 1,000 citations were issued to vehicles not authorized to park in these areas or to pedestrians for disregarding notices specific to crossing areas.

Special Enforcement Unit (SEU)

One hundred percent of passengers at specially selected trolley stations and on trains passing through these stations were inspected for fare compliance.

During calendar year 2004, inspectors and officers contacted 104,620 passengers during 30 scheduled SEU "sweeps" systemwide. Of the passengers inspected, 3,363 passengers did not comply with the published fare structure. Annual statistics from these special fare evasion inspections indicate a fare evasion rate of only 3.21%.

Of the 3,363 who were not in fare compliance, 1,765 were issued citations, 862 were allowed to purchase an upgraded fare in order to meet compliance requirements, and the remainder received verbal warnings. A total of \$1,610.65 in revenue was collected from patrons who were allowed to purchase or upgrade fares when found in noncompliance.

In addition to fare compliance, officers made arrests for quality-of-life violations, such as possession of alcohol and illegal substances.

Citation Revenue

While the annual number of notice-to-appear citations issued over the last several years has increased moderately, the amount of revenue generated or collected by the court system has increased significantly.

Officers have become more effective in obtaining better identification of suspects. Use of the Transit Watch database system as well as San Diego Police Department dispatch makes it possible to obtain more accurate suspect information at the time of arrest. Attachment A depicts the increase in citation revenue.

Multiagency Emergency Preparedness Drill

In July 2004, MTS performed an Emergency Preparedness Drill at the Bayfront/E Street Station. This exercise was videotaped, and the final edited product will be distributed to the participating agencies. The tape will also be made available to agencies that wish to learn how to create or design an emergency preparedness drill or for use in training to prepare for such events.

In June 2005, MTS and local emergency response agencies plan to perform another such drill at the San Diego State University (SDSU) Transit Center. As with previous drills, this drill will involve numerous emergency response agencies, hospitals, volunteers, law enforcement, and the media.

Multiagency Training Manual

This \$25,000 grant project builds upon the emergency preparedness drills that MTS and its operating agencies conducted in 2002-2004. A transit/trolley emergency preparedness training manual for use by SDTI, SDTC, and other agency staff will be developed based on the experiences of those who participated in previous drills. This manual will provide valuable experience and training for transit professionals that will enhance MTS's and its operators' ability to respond to emergencies.

Closed-Circuit Television (CCTV)

CCTV is presently functioning at the Old Town Transit Center (12 cameras), Euclid Avenue Station (8 cameras), Fashion Valley Transit Center (5 cameras), Qualcomm Stadium Station (16 cameras), 47th Street Station (5 cameras), and the El Cajon Transit Center (2 cameras).

Investigators from various law enforcement agencies have worked in concert with Code Compliance and security in reviewing archived video on crime activity. Two noteworthy cases occurred in 2004 wherein the system greatly aided the San Diego Police Department; a homicide near the 47th Street Station and a gang-related shooting at the Euclid Avenue Station. Earlier in the year, the CCTV system was again pressed into service and assisted San Diego Bomb Squad personnel with identifying a suspicious object left abandoned at the Fashion Valley Transit Center.

Enhancements to the program will include a 16-camera system located at the SDSU Transit Center and the Alvarado Medical Center Station. This system is scheduled to go on-line in late spring of 2005.

Cost estimates have been obtained for future installation in Chula Vista at the H Street, Palomar Street, and Bayfront/E Street Stations. The Spring Street Station in La Mesa and 8th Street and 24th Street Stations in National City are also being considered for 2005.

San Diego Transit Corporation

Statistics compiled for calendar year 2004 indicate that reports of Part I incidents against persons decreased significantly compared to calendar year 2003.

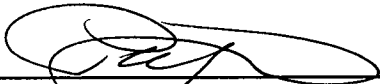
<u>INCIDENTS</u>	<u>January – December 2003</u>	<u>January – December 2004</u>
Motor Vehicle Theft	01	00
Robbery	06	03
Theft	06	00
Aggravated Assault	09	02
Homicide	01	00
Forcible Rape	<u>00</u>	<u>00</u>
TOTAL	23	05

Arrests for Part II offenses fell compared to previous years figures. Including fare evasion, there were 273 arrests for Part II offenses during calendar year 2003, compared to 197 arrests made during calendar year 2004.

<u>PART II ARRESTS</u>	<u>January – December 2003</u>	<u>January – December 2004</u>
Other Assaults	13	09
Vandalism	40	27
Sex Offenses	00	00
Drug Abuse Violations	91	73
D.U.I.	00	00
Drunkenness	18	08
Disorderly Conduct	40	31
Trespassing	01	02
Fare Evasion	17	06
Curfew and Loitering	<u>53</u>	<u>41</u>
TOTAL	273	197

Contract Services

MTS Contract Services experienced 36 Part II arrests and one report of a Part I incident for this reporting period. In 2003, there were 27 Part II arrests and one report of a Part I incident.



Paul C. Jablonski
Chief Executive Officer

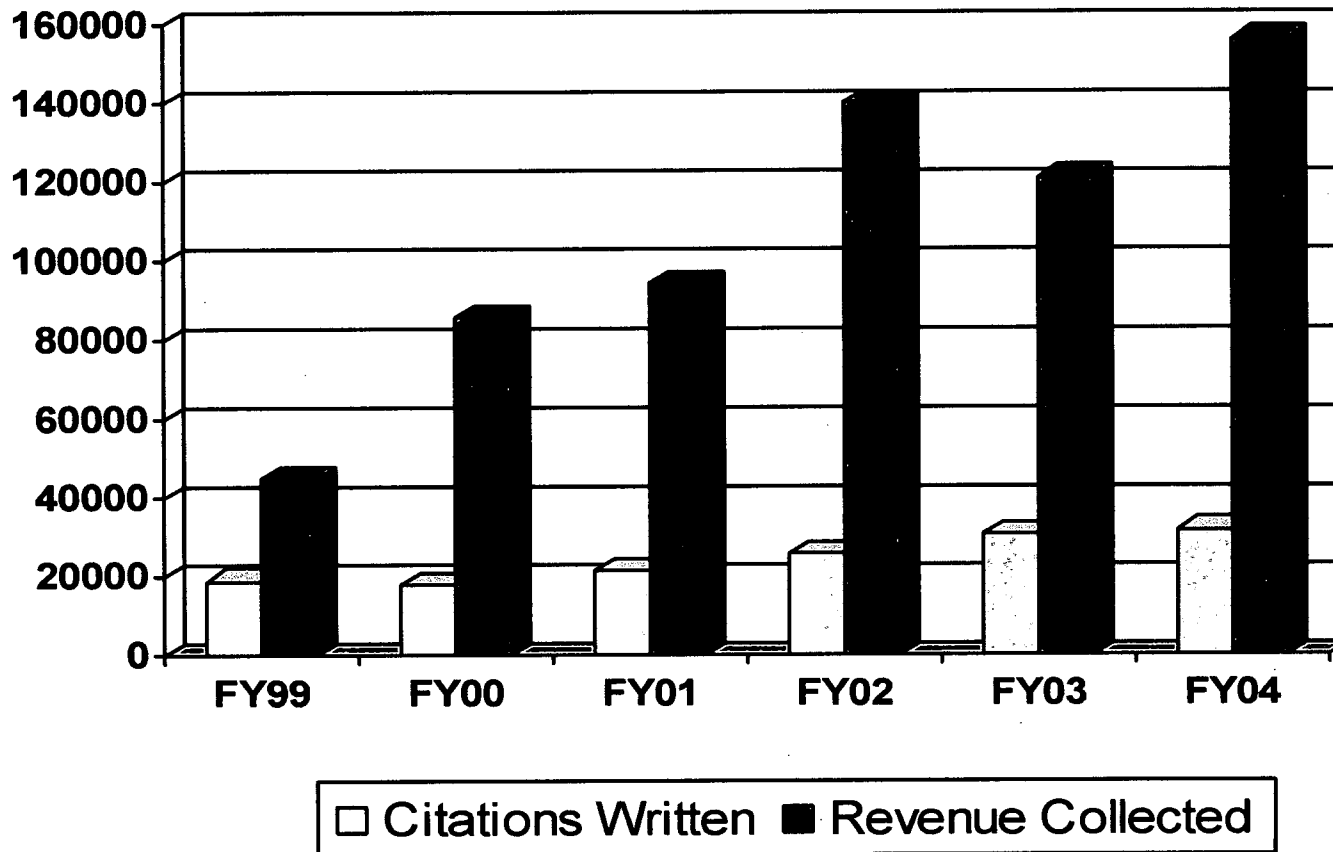
Key Staff Contact: Bill Burke, 619.595.4947, Bill.Burke@sdti.sdmts.com

JGarde/MAR10-05.46.BBURKE
2/28/05

- Attachments:
- A. Citation to Revenue Comparison – FY 99 to FY 04
 - B. Board FTA 405 Reports (January-December 2003 SDTI)
 - C. Board FTA 405 Reports (January-December 2004 SDTI)
 - D. Board FTA 405 Reports (January-December 2003 SDTC)
 - E. Board FTA 405 Reports (January-December 2004 SDTC)

Citation to Revenue Comparison

(Notice to Appear/Parking)
Fiscal Years 1999 - 2004



<input type="checkbox"/> Form not applicable NTD ID <input type="checkbox"/> Form 005 Included		<h2 style="margin: 0;">BOARD 405 REPORT</h2> <p style="font-size: small; margin: 5px 0;">Based on the Uniform Crime Reporting Handbook</p>		<div style="border: 1px solid black; padding: 2px; font-size: x-small;"> Required from transit agencies serving UZAs of 200,000 or more population. </div> <div style="margin-top: 5px;"> Mode Type of Service </div>	
Security Items		In Vehicle	In Station	Other Transit Prop.	
Location SDTI					
Part I Offenses (Reports)					
Violent Crime	Inc Inv	Arrests			
Homicide	0	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Forcible rape	0	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Robbery	25	6			
			Patrons 5	20	0
			Employees 0	0	0
			Others 0	0	0
Aggravated assault	18	6			
			Patrons 8	4	0
			Employees 0	1	0
			Others 2	5	2
Property Crime	Inc Inv	Arrests			
Burglary	0	0			
			0	0	0
Larceny/theft	42	3			
			Patrons 5	6	21
			Employees 0	0	0
			Others 0	5	5
Motor vehicle theft	26	1			
			Patrons 0	0	23
			Employees 0	0	0
			Others 0	0	3
Arson	0	0			
			0	0	0
Part II Offenses (Arrests)		Inc Inv	Arrests		
Other assaults	79	44		10	30
				23	37
Vandalism	129	61		1	0
Sex offenses	1	1		1	0
Drug abuse violations	231	235		37	187
Driving under the influence	4	4		0	0
Drunkenness	173	172		47	117
Disorderly conduct	649	612		199	388
Trespassing	403	380		0	27
Fare evasion	25,399	23,964		16,563	7,400
Curfew & loitering laws	175	156		0	153
Total Transit Property Damage					
				\$ 7,602.59	
<h1 style="margin: 0;">Internal Use Only</h1>					
Report Run Date		Report Run Time		Reporting Period	
02/08/2005		07:49:20AM		01/01/2003 To 12/31/2003	

BOARD 405 REPORT☐ Form not applicableNTD ID ☐☐☐☐☐ Form 005 included

Required from transit agencies serving UZAs of 200,000 or more population.

Mode ☐☐Type of Service ☐☐

Based on the Uniform Crime Reporting Handbook

Security Items			In Vehicle	In Station	Other Transit Prop.
Location SDTI					
Part I Offenses (Reports)					
Violent Crime	Inc Inv	Arrests			
Homicide	1	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	1
Forcible rape	0	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Robbery	17	12			
			Patrons 6	11	0
			Employees 0	0	0
			Others 0	1	1
Aggravated assault	11	2			
			Patrons 0	3	0
			Employees 0	1	0
			Others 0	8	2
Property Crime	Inc Inv	Arrests			
Burglary	0	0	0	0	0
Larceny/theft	37	5			
			Patrons 5	2	19
			Employees 0	0	2
			Others 0	3	6
Motor vehicle theft	18	0			
			Patrons 0	0	18
			Employees 0	0	0
			Others 0	0	0
Arson	0	0	0	0	0
Part II Offenses (Arrests)					
	Inc Inv	Arrests			
Other assaults	57	39	15	24	0
Vandalism	101	48	14	28	6
Sex offenses	8	3	1	1	1
Drug abuse violations	291	292	52	225	15
Driving under the influence	1	1	0	0	1
Drunkenness	120	119	27	87	5
Disorderly conduct	714	686	196	468	22
Trespassing	161	145	0	10	135
Fare evasion	24,438	23,192	18,218	4,974	0
Curfew & loitering laws	107	105	4	98	3
Total Transit Property Damage			\$ 4,514.18		

Internal Use Only

Report Run Date

Report Run Time

Reporting Period

02/08/2005

07:48:05AM

01/01/2004 To 12/31/2004

BOARD 405 REPORT☐ Form not applicableNTD ID ☐☐☐☐☐ Form 005 Included

Required from transit agencies serving UZAs of 200,000 or more population.

Mode ☐☐Type of Service ☐☐

Based on the Uniform Crime Reporting Handbook

Security Items			In Vehicle	In Station	Other Transit Prop.
Location SDTC					
Part I Offenses (Reports)					
Violent Crime	Inc Inv	Arrests			
Homicide	1	1	Patrons 0	1	0
			Employees 0	0	0
			Others 0	0	0
Forcible rape	0	0	Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Robbery	6	0	Patrons 3	3	0
			Employees 0	0	0
			Others 0	0	0
Aggravated assault	9	0	Patrons 4	2	0
			Employees 1	0	1
			Others 3	0	1
Property Crime	Inc Inv	Arrests			
Burglary	0	0	0	0	0
Larceny/theft	6	0	Patrons 1	0	0
			Employees 1	0	0
			Others 4	0	0
Motor vehicle theft	1	0	Patrons 0	0	0
			Employees 0	0	1
			Others 0	0	0
Arson	0	0	0	0	0
Part II Offenses (Arrests)					
	Inc Inv	Arrests			
Other assaults	60	13	5	8	0
Vandalism	134	40	27	13	0
Sex offenses	9	0	0	0	0
Drug abuse violations	83	91	2	81	8
Driving under the influence	0	0	0	0	0
Drunkenness	21	18	6	11	1
Disorderly conduct	185	40	18	22	0
Trespassing	4	1	0	1	0
Fare evasion	37	17	11	6	0
Curfew & loitering laws	55	53	0	38	15
Total Transit Property Damage			\$ 3,991.24		

Internal Use Only

Report Run Date

Report Run Time

Reporting Period

02/08/2005

07:49:20AM

01/01/2003 To 12/31/2003

BOARD 405 REPORT☐ Form not applicableNTD ID ☐ ☐ ☐ ☐☐ Form 005 Included

Required from transit agencies serving UZAs of 200,000 or more population.

Mode ☐ ☐Type of Service ☐ ☐

Based on the Uniform Crime Reporting Handbook

Security Items			In Vehicle	In Station	Other Transit Prop.
Location SDTC					
Part I Offenses (Reports)					
Violent Crime	Inc Inv	Arrests			
Homicide	0	0	Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Forcible rape	0	0	Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Robbery	3	1	Patrons 0	2	0
			Employees 0	0	0
			Others 0	1	0
Aggravated assault	2	0	Patrons 0	1	0
			Employees 1	0	0
			Others 1	0	0
Property Crime	Inc Inv	Arrests			
Burglary	0	0	0	0	0
Larceny/theft	0	0	Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Motor vehicle theft	0	0	Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Arson	0	0	0	0	0
Part II Offenses (Arrests)					
	Inc Inv	Arrests			
Other assaults	18	9	3	6	0
Vandalism	72	27	17	9	1
Sex offenses	1	0	0	0	0
Drug abuse violations	72	73	8	55	10
Driving under the influence	0	0	0	0	0
Drunkenness	8	8	1	5	2
Disorderly conduct	40	31	12	19	0
Trespassing	2	2	0	0	2
Fare evasion	10	6	4	2	0
Curfew & loitering laws	41	41	0	39	2
Total Transit Property Damage			\$ 2,410.22		

Internal Use Only

Report Run Date

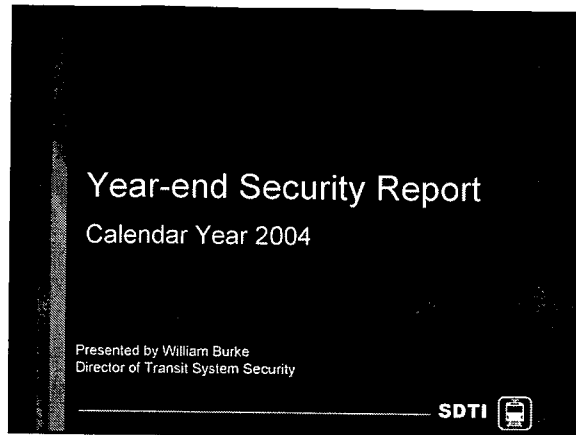
Report Run Time

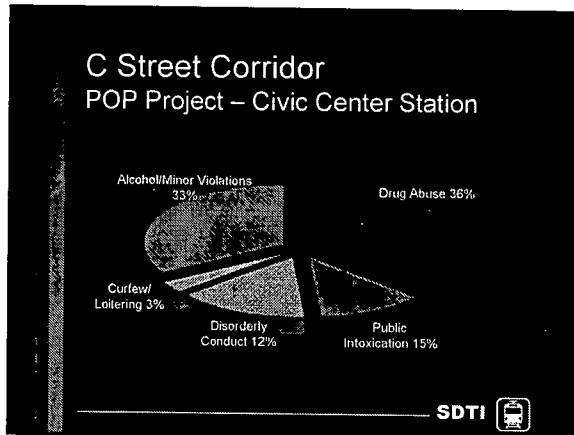
Reporting Period

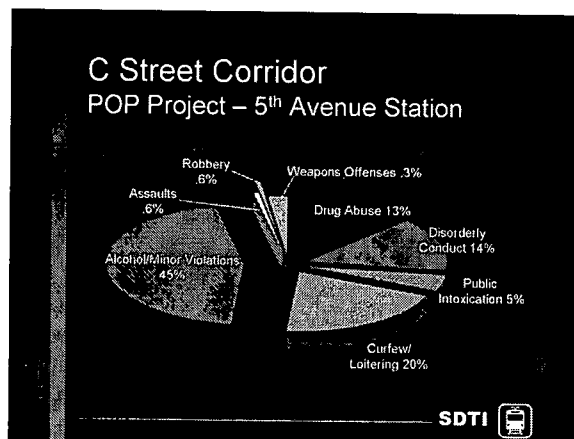
02/08/2005

07:48:05AM

01/01/2004 To 12/31/2004



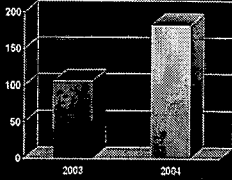





Prisoner Bookings

Calendar Years 2003 - 2004

- Prisoner Bookings - 182
 - Public Drunkenness
 - Felony Warrants
 - Domestic Violence
- Agencies
 - County Jail
 - Las Colinas Detention Center
 - Juvenile Hall



Year	Prisoner Bookings
2003	~110
2004	182

SDTI 


Security Awareness Brochure


Security is Everyone's Business

What is System Security?


What Should You Be Aware Of?


What Should You Do?

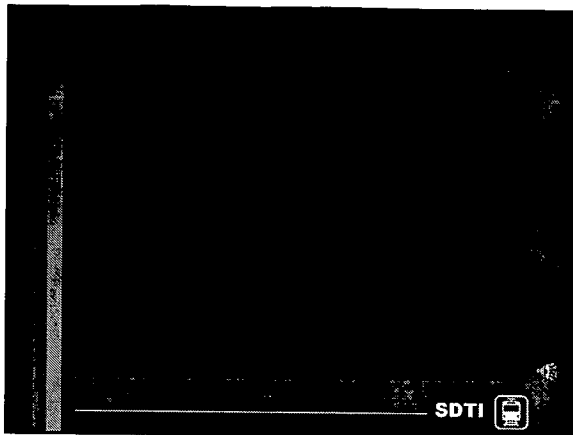


SDTI 

Multi-Agency Emergency Preparedness Drill





SDTI 



Special Enforcement Unit

- Warning vs. Citation
 - Issued in some cases
 - Issued for 2nd offense
 - Repeat offenders determined by Transit Watch
- Revenue SEUs
 - Opportunity to purchase or upgrade
 - Relieves overcrowded courts
 - Extensive fines for repeat offenders

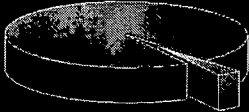


SDTI 

Special Enforcement Unit


104,620 Patrons Inspected during SEUs

96.79%



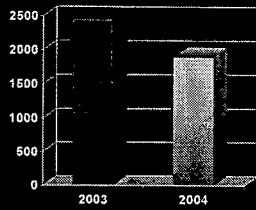
3.21% Fare Evasion

☐ Patrons In Compliance 101,257
☒ Patrons Not In Compliance 3,363

SDTI 

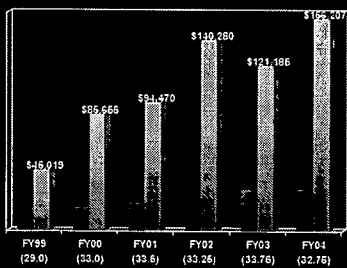
4-10 Workweek

Reduction in Sick Hours
Code Compliance Department



SDTI 

Citation to Revenue Comparison (Notice to Appear/Parking)



~ Citations Written
■ Revenue Collected

Number in parenthesis () = Number of Full Time CCI Employees

SDTI 

Closed-Circuit

Television

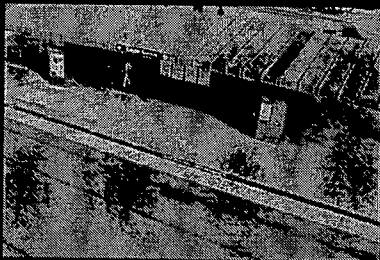
SDTI 

Closed-Circuit Television (CCTV)



SDTI 

Closed-Circuit Television Euclid Avenue Station



SDTI 

Part I Incidents

Per 100,000 Passengers



SDTI 

Part II Arrests

	2003	2004
Other Assaults	44	39▽
Vandalism	61	48▽
Sex Offenses	01	03▲
Drug Abuse Violations	235	292▲
DUI	04	01▽
Drunkenness	172	119▽
Disorderly Conduct	612	686▲
Trespassing	380	145▽
Curfew/Loitering	156	105▽

SDTI 

Passenger Inspections



Passengers Inspected
Onboard and in Stations
28.39%

8,169,547 Passengers Inspected during 2004

SDTI 



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

Agenda

Item No. 47

Joint Meeting of the Board of Directors for
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

CIP 10940

March 10, 2005

Subject:

MTS: STATUS REPORT ON INTELLIGENT TRANSPORTATION SYSTEMS

RECOMMENDATION:

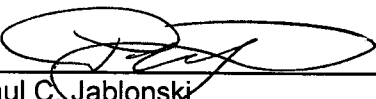
That the Board of Directors receive the report and provide comments.

Budget Impact

None.

DISCUSSION:

Samuel Johnson, ITS Chief Technology Officer for the San Diego Association of Governments, will be present at the MTS Board of Directors meeting to present the attached report on the status of regional intelligent transportation systems.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Samuel Johnson, 619.699.6958, sjo@sandag.org

Attachment: A. Status Report on Regional Intelligent Transportation Systems

JGarde/MAR10-05.47.SJOHNSON
3/2/05



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.

UPDATE ON REGIONAL INTELLIGENT TRANSPORTATION SYSTEMS

The region has been involved in the planning, deployment, and management of intelligent transportation systems (ITS) for over ten years. Working in partnership with local cities, the County of San Diego (County), transit operators, California Highway Patrol (CHP), the California Department Transportation (Caltrans), the Federal Transit Administration (FTA), and the Federal Highway Administration (FHWA), the region has developed a vision for the deployment of advanced technologies and coordinated operations that will serve to improve the region's surface transportation system, support public safety, and provide travelers with system information. As referenced in the ITS Regional Architecture adopted as part of the MOBILITY 2030 Regional Transportation Plan, our working vision statement for deploying ITS is to:

Develop a comprehensive regional transportation management system utilizing advanced technologies to improve system management and services, develop traveler information services to promote more efficient system usage, and support public/safety needs for transportation information.

The San Diego Association of Governments (SANDAG), in its responsibility as the region's transportation planning and implementation agency, plays a significant role in achieving this vision. SANDAG has adopted the mission to:

- develop and maintain regional strategic and implementation plans that support deployment of advanced technologies;
- facilitate the design, implementation, and management of individual agency systems to enhance operations and provide value to the public;
- build consensus and partnerships between transportation organizations and with public safety agencies for data sharing and coordinated operations to maximize the value and resulting benefit of regional ITS investments; and
- design, implement, and manage the integration of agency/modal systems to create regional intermodal transportation and traveler information systems.

Through SANDAG's vision and mission, the region has focused ITS efforts and deployments on five key transportation management areas:

1. Freeway Management
2. Transit Management
3. Arterial Management
4. Event/Incident Management
5. Traveler Information

Our initial efforts have not only developed and/or implemented systems for these specific areas, but also maintained our vision to deploy a comprehensive regional solution that integrates these various transportation systems, providing for information sharing and coordinated operations, and ultimately supporting the data needs for a broad and inclusive traveler information system.

KEY TRANSPORTATION MANAGEMENT AREAS

1. Freeway Management

Our objective for freeway management is consistent with the goals identified for Systems and Demand Management in the MOBILITY 2030 Regional Transportation Plan. Utilizing technologies, such as traffic-monitoring cameras, vehicle detection, automatic vehicle location, and changeable message signs to support dynamic management, performance monitoring, and ultimately more efficient management of our transportation resources.

- Associated Projects

- Advanced Transportation Management System (ATMS) – Deploys an integrated management system for Caltrans operations staff to monitor freeway performance through vehicle-detection systems, automatically detect incidents, and provide access to and control over traffic cameras and changeable message signs.
- Automatic Vehicle Classification – Provides for the collection and analysis of vehicle detection data to identify vehicle types and enhance planning and management capabilities.
- Freeway Service Patrol/Traffic Management Team Automatic Vehicle Location System – Implements a real-time management tool for use by Caltrans and CHP staffs to monitor assistance vehicle locations and performance, automate data collection, and improve incident management.

2. Transit Management

Our focus for transit is to produce an efficient regional management system that promotes seamless travel for patrons, enhances safety, and becomes more competitive with the automobile. The objectives for transit management are comprehensive and focus on operational efficiency as well as customer safety and convenience. Regional approaches to technologies such as smart cards, wireless communications for voice and data, computer-aided dispatch, automatic vehicle location, signal priority, and electronic message boards will provide for real-time management of operations, promote customer confidence in system reliability, ease frustration with fare payment, and collectively increase ridership.

- Associated Projects

- Regional Automatic Vehicle Location – Provides for the demonstration/pilot and early deployment of key transit technologies, such as automatic vehicle location, electronic message boards for predictive arrival of buses, and signal priority along Harbor Drive.
- Regional Scheduling System – Deploys a single automated fixed-route scheduling system for use by the region's transit operators. The system will allow for better coordination of services across the region regardless of the operator and provide a single data source for use by the region's telephone information system, on-line transit trip planner, the Regional Transit Management

System, and SANDAG's passenger counting program.

- Regional Transit Management System – Implementation of a single system, which will provide wireless voice and data communications, computer-aided dispatch, automatic vehicle location based on the global positioning system, and real-time customer information for use by region's operators.
- Automated Fare Collection System – Installs the foundation for the region's electronic payment system through deployment of new bus fareboxes and station ticket vending machines with smart card capabilities. This system will achieve a major milestone in promoting seamless travel for patrons by reducing the complexities of fare payment and improving operations by reducing cash and eliminating multiple fare media throughout the region.
- Central Train Control System – Implementation of a comprehensive backend system for: train tracking, system monitoring, and control; integration of San Diego State University (SDSU) tunnel systems; and initial deployment of field devices to address San Diego Trolley, Inc.'s (SDTI's) critical operational needs and improve operations' management capabilities.

3. Arterial Management

Our objective for arterial technology deployment is to create a synchronized traffic signal system, which provides for increased efficiency/capacity and improved coordination for event/incident management.

- Associated Projects

- Regional Arterial Management System – Deploys a common traffic signal management system enabling local jurisdictions, transit operators, and Caltrans to work together. The system will allow for better management of traffic through coordination of traffic signal timing across jurisdictional boundaries, between arterials and freeways, and in support of transit services to optimize traffic flow and create an improved system for all travelers.

4. Event/Incident Management

Our objective for incident management is to provide transportation and public safety agencies with information regarding the impacts of planned and unplanned events that affect our transportation system. This would provide for proactive real-time management by transit and public safety operations, resulting in fewer increases in travel time for travelers and faster on-scene arrival by emergency personnel.

- Associated Projects

- Integrated Advanced Transportation Management System – Through the user interface for the regional transportation management system, transportation and public safety agencies would be able to create and receive information regarding incidents affecting the transportation network and their traffic impacts.

5. Traveler Information

The objective for our traveler information system effort is to implement an automated service that utilizes advanced technologies and effective information dissemination to serve the broad range of traveler information needs of the region, providing travelers with reliable and timely information to manage individual trips for optimum safety, efficiency, and economy.

- Associated Projects

- Automated Traveler Information System/511 – Develops and implements a comprehensive set of technologies and services utilizing data from the regional transportation system for the deployment of traveler information services. The system would provide travelers with real-time information on freeway speeds, freeway and transit travel times, the ability to create driving and transit trip plans, and receive incident information regarding impacts to these services through internet, phone, and wireless mediums.

SYSTEMS INTEGRATION AND COORDINATED OPERATIONS

Key to our vision for a regional transportation system is the integration of various modal technology deployments into a comprehensive management system that provides a unified view of the region's surface transportation system and resources. Our vision seeks to have transportation and public safety agencies utilize the system and promote coordinated operations through shared and/or virtual facilities.

Projects under development that will benefit all transportation areas:

- Intermodal Transportation Management System – Develops the umbrella and core of our regional transportation management system through the development of several key systems and integration of these elements and the various modal systems for transit, freeway, and arterial management into the integrated regional system. This development and integration provide for implementation of the Automated Traveler Information Management Server, which will collect and forward the real-time data necessary for the traveler information system. (Development/Implementation)
- Fiber-Optic Communication System – To support the data connectivity needs of the regional systems and the operators/agencies using them, Caltrans and SANDAG are each working to install and/or enhance their communication networks. These efforts will result in the creation of a logical regional network connecting transit, freeway, and arterial systems for integration, traveler information, and coordinated operations. (Design/Development)
- Regional Operations Center - As a means to maximize use of the resulting transportation management system and promote coordinated operations, SANDAG is working with the transit operators and the City of San Diego to construct a regional transportation management center. The facility would house the central/integrated components of our ITS deployments, transit dispatch/control operations, City of San Diego special events traffic management operations, and provide virtual coordinated operations through communications and data sharing with the Caltrans Traffic Management Center and other traffic management and emergency operation facilities in the region. SANDAG is currently seeking participation from public safety agencies to

identify direct and regional benefits from their use or virtual connection to the facility.
(Preliminary Design)

CHALLENGES AND FUTURE STEPS

The region is making considerable progress in planning and deployment of intelligent transportation systems. Projects/efforts that will result in significant benefits for the region are underway, and their completions will provide transportation operators, public safety, and travelers with vital tools to improve mobility in the region. However, SANDAG, local cities, transit operators, the County, and Caltrans face major hurdles in resource limitations for project funding and program/systems management, increased expectations for system usage, commitments to ownership and operation of the systems, and agency agreements for shared use of communications and field devices. These financial and operational issues are currently being worked on and must be resolved on existing projects and before any new projects are started. As these hurdles are surpassed, SANDAG will facilitate the following efforts:

- Completion of major phases of in-progress ITS deployments and identification of funding for expansion phases;
- Reestablishment of regional ITS executive, operations management, technology managers' committees, and increased participation of stakeholders;
- Expansion of field devices for traffic monitoring, vehicle detection stations/systems, and changeable message signs;
- Incorporation of parking management and border technologies into key initiatives;
- Initiation of planning for expansion of the transit smart card to a regional electronic payment/access medium for all regional transportation services; and
- Update the Regional Strategic Plan and ITS architecture to reflect standards/systems changes, Federal Highway Administration (FHWA) requirements for incorporation of an architecture maintenance plan, and strategy for continued and new deployments.

SUMMARY

SANDAG's involvement in the regional application of intelligent transportation systems dates back to the early 1990s when initial planning efforts were formalized. Under its leadership, the region developed a strategic plan, adopted a regional ITS architecture that provides the framework for our technology deployments, and initiated project implementations through participation in the FHWA Priority Corridor Showcase Projects. These early efforts formed the region's vision for our intelligent transportation systems, and established SANDAG's role/mission in bringing this vision to fruition.

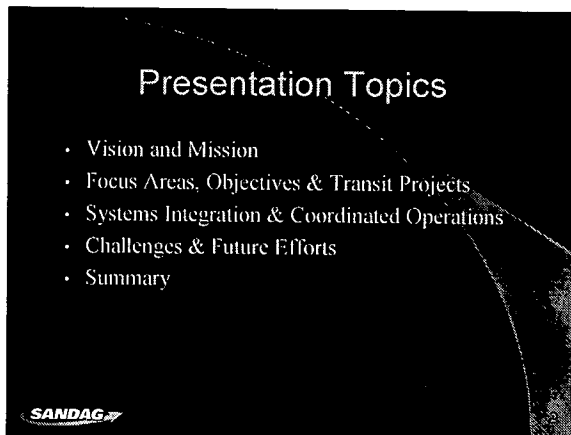
SANDAG has worked diligently with transportation stakeholders to fulfill its mission and manage the deployment and integration of technology solutions that improve operations and provide efficiency improvements to our transportation system. We have focused our vision and efforts on key objectives in the freeway, arterial, transit, and event/incident management areas with the ultimate goal of deploying a state-of-the-art traveler information system using the integrated data from each modal area.

The completed system will provide travelers with the information they need to change behaviors and plan their trips to make use of our transportation system more efficient.

While financial hurdles do exist in making our vision of a regional transportation management system a reality, the continued commitment to this effort will result in a more efficient system that not only supports transportation operations but also aids public safety and delivers tangible products to the public. SANDAG has already taken the first steps to achieving our vision through the consolidation effort by establishing the ITS program under project implementation so projects can be delivered faster.

\\Sdmtsna1\mtdb_netshar\Global\Agenda_Items\
2005 Agenda Items\MAR10-05.47.SJOHNSON.doc







ITS Program Mission

- Develop regional strategic plans and technology framework;
- Facilitate the design and implementation of individual agency/modal systems;
- Build consensus and operational partnerships between transportation and/or public safety organizations; and
- Design, implement, and manage the integration of agency/modal systems into the regional system.

SANDAG

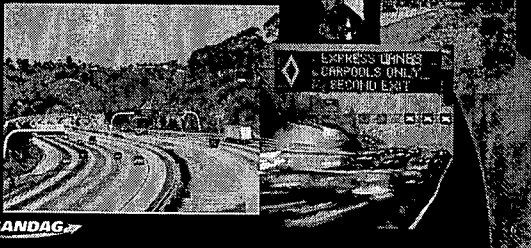
ITS Program Focus Areas

1. Freeway Management
2. Transit Management
3. Major Streets/Arterial Management
4. Incident Management
5. Traveler Information

SANDAG

1. Freeway Management

- Improve Transportation System Monitoring
- More Efficient Management
- Reduce Congestion



SANDAG

2. Transit Management

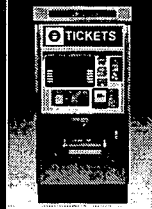
- Operations & Service Improvements
- Improved Reliability
- Simplify Fare Media Usage & Schedule Information
- More Competitive & Increased Ridership



SANDAG

Electronic Payment/Fare Collection

- Regional Smartcard Deployment
- Initial Transit Deployment
 - Customer Convenience
 - Operational Improvements
- Future Plans – “Compass Card”
 - Tolls and Parking
 - Border Crossing



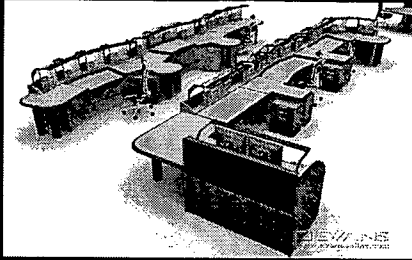
SANDAG

Centralized Train Control (CTC)

- Modern Control Center Operations
 - Train Tracking
 - Switch Control
 - Power Sub-Station Health Monitoring
 - Fire/Life & Safety for Tunnel Operations
 - Control of Passenger Information Signs
- Improved Operations
- Improved Safety

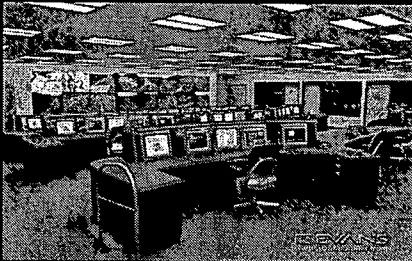
SANDAG

Artist Concept of ITCC Console & Workstations



SANDAG

Artist Concept of Completed ITCC

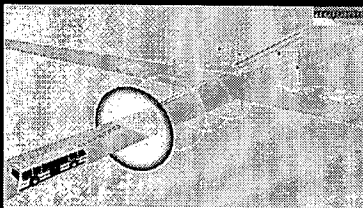


SANDAG

Regional Automatic Vehicle Location

- Transit Technology Demonstration
 - Electronic Message Boards
 - Signal Priority


6	To Galtz Rd	5 Min
15	Parkrose TC	7 Min
6	To Galtz Rd	1:24
15	Parkrose TC	1:13



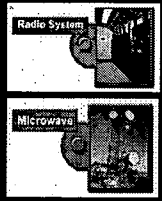
SANDAG

Regional Transit Management System


Dispatch <ul style="list-style-type: none"> • Voice/Data • Real-time Status • Performance Monitoring 	Communications <ul style="list-style-type: none"> • Digital Voice/Data • County RCS • Service Area Coverage 	Smart Buses <ul style="list-style-type: none"> • Onboard Computer • Global Positioning • Performance Reporting
--	---	--




Voice Dispatch
AVL



Radio System
Microwave



NGU
Voice & Data Radio

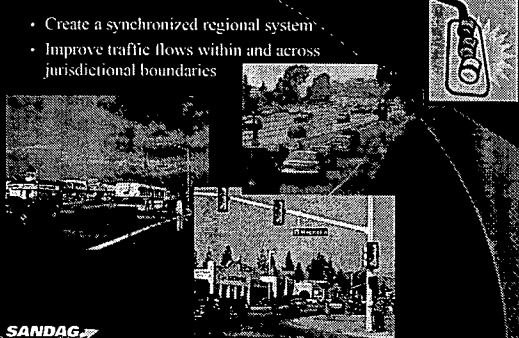
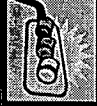


CIRCS
Scheduling System

SANDAG

3. Arterial Management

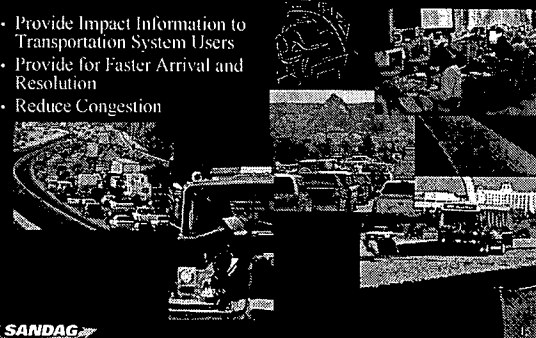

- Create a synchronized regional system
- Improve traffic flows within and across jurisdictional boundaries

SANDAG

4. Event/Incident Management

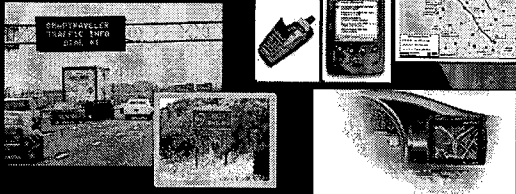
- Provide Impact Information to Transportation System Users
- Provide for Faster Arrival and Resolution
- Reduce Congestion

SANDAG

5. Traveler Information

- Provide private and commercial vehicle operators with reliable and timely information
- Influence Travel Patterns and Reduce Congestion
- Maximize System Efficiency



SANDAG

16

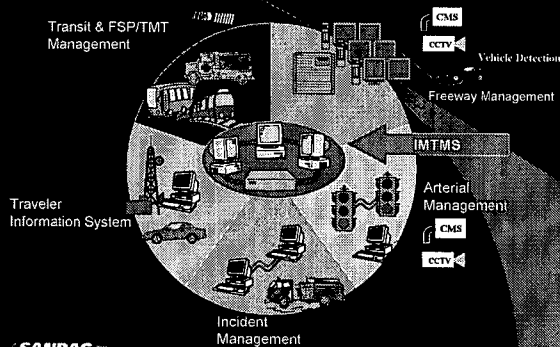
Systems Integration & Coordinated Operations

- Comprehensive management of our transportation system
- Utilization by transportation and public safety agencies
- Promote coordinated operations
- Provide travelers with system information

SANDAG

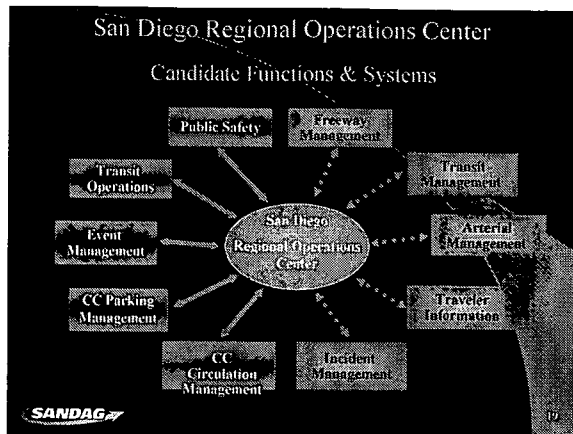
17

Inter-Modal Transportation Management System



SANDAG

18



Challenges

- Project and Program Funding
- Increased Expectations for System Usage
- Commitments to Ownership and Operation
- Agency Agreements for Shared Use of Communications and Field Devices

SANDAG

Future Steps

- Completion of current deployments, evaluation, and determination for expansion phases;
- Establishment of regional working groups;
- Exploring Collaborative Opportunities with Public Safety, Homeland Security, other Regional Partners; and
- Update Regional Strategic Plan and ITS Architecture.

SANDAG

Summary

- Strong Regional Vision and Mission
- Major ITS Projects in Implementation or Planning
- Challenges to Overcome
- Initiating evaluation and planning for next program phase.

SANDAG



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

Agenda

Item No. 61

Chief Executive Officer's Report

ADM 121.7 (PC 30100)

March 10, 2005

Minor Contract Actions

- Trapeze Software Group, Inc. for software maintenance agreements for Americans With Disabilities (ADA) Paratransit service.
- The Wiggans Group for right-of-way services for the Mission Valley East (MVE) Light Rail Transit (LRT) extension.
- Berryman and Henigar for construction management services for 12th Avenue corridor improvements.
- Shaller Consulting for taxi consulting services for Taxicab Administration.

Contract Matters

There were no Contract Matters to report.

gail.williams@mts.org/agenda item 61



Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a California public agency, San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is Taxicab Administrator for eight cities. MTDB is owner of the San Diego and Arizona Eastern Railway Company. MTDB 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.