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10-12-07 A11:28 IN

Agenda

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

October 18, 2007

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 - September 27, 2007
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Approve

Please turn off cell phones and pagers
during the meeting



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

CONSENT ITEMS

- | | | |
|-----|---|---------------|
| 6. | <u>MTS: Hazardous Materials Disposal Services - Contract Award</u>
Action would authorize the CEO to execute a contract with United Pumping Services to provide hazardous materials disposal services for San Diego Transit Corporation and San Diego Trolley, Inc. at the Imperial Avenue and Kearny Mesa Divisions and San Diego Trolley, Inc. | Approve |
| 7. | <u>MTS: Investment Report</u>
Action would receive a report for information. | Receive |
| 8. | <u>MTS: Adoption of 2008 MTS Executive Committee and Board of Directors Meeting Schedule</u>
Action would adopt the 2008 Executive Committee and Board of Directors Meeting Schedule. | Adopt |
| 9. | <u>MTS: Increased Authorization for Legal Services</u>
Action would authorize the CEO to enter into contract amendments with The Law Offices of Wismar & Barber for legal services and ratify prior amendments entered into under the CEO's authority. | Approve |
| 10. | <u>MTS: Uniform Report of DBE Awards or Commitments and Payments</u>
Action would receive the Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments. | Receive |
| 11. | <u>MTS: State Transit Assistance Claim Amendment</u>
Action would adopt Resolution No. 07-14 amending Fiscal Year 2007 State Transit Assistance claims. | Adopt |
| 12. | <u>MTS: Engineering Services for H Street Trolley Hazardous Waste Contamination Investigation.</u>
Action would authorize the CEO to execute a Work Order for engineering services for H Street Trolley hazardous waste contamination investigation. | Approve |
| 13. | <u>MTS: Resolution Supporting an Increase in State Funding for Public Transportation and Update on the Status of California Transit Association Litigation.</u>
Action would (1) approve Resolution No. 07-15 in support of California Transit Association (CTA) legislation; and (2) receive a report regarding CTA legislation. | Approve/Adopt |

CLOSED SESSION

24. None.

NOTICED PUBLIC HEARINGS

25. MTS: Public Hearing on Proposed Changes to MTS Bus Service and Fares Approve
Action would (1) conduct a public hearing on the recommended service changes; (2) conduct a public hearing on the recommended fare changes; and (3) approve the service changes for implementation in January 2008.

DISCUSSION ITEMS

30. MTS: An Ordinance Amending Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule Approve
Action would (1) read the title of Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-pricing Schedule (2) waive further readings of the ordinance; (3) introduce the ordinance for further consideration at the next Board meeting on November 8, 2007; and (4) direct publication of an ordinance summary.

REPORT ITEMS

45. SDTI: FY 07 Year-End Rail Operations Report Receive
Action would receive a report for information.
46. MTS: Year-to-Date Operations Budget Status Report Through August 2007 Receive
Action would receive the MTS Year-to-Date Operations Budget Status Report through August 2007.
60. Chairman's Report Possible Action
61. Audit Oversight Committee Chairman's Report Possible Action
62. Chief Executive Officer's Report Information
63. Board Member Communications
64. Additional Public Comments Not on the Agenda Possible Action
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.
65. Next Meeting Date: November 8, 2007
66. Adjournment

**METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL**

MEETING OF (DATE): 10/18/07

CALL TO ORDER (TIME): 9:01 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 12:21 p.m.

BOARD MEMBER (Alternate)				PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>	9:08 a.m. during AI 3	12:17 p.m. during AI 60
CLABBY	<input checked="" type="checkbox"/>	(Selby)	<input type="checkbox"/>		
EMERY	<input checked="" type="checkbox"/>	(Cafagna)	<input type="checkbox"/>		
EWIN	<input checked="" type="checkbox"/>	(Allan)	<input type="checkbox"/>		
FAULCONER	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>	9:04 a.m. during AI 3	
HANSON-COX	<input type="checkbox"/>	(Lewis)	<input checked="" type="checkbox"/>		
MAIENSCHIN	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/>	(Vacant)	<input type="checkbox"/>		
MCLEAN	<input checked="" type="checkbox"/>	(Janney)	<input type="checkbox"/>		
MONROE	<input type="checkbox"/>	(Downey)	<input checked="" type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/>	(McCann)	<input type="checkbox"/>		
ROBERTS	<input checked="" type="checkbox"/>	(Cox)	<input type="checkbox"/>	9:22 a.m. during AI 25	11:55 a.m. during AI 25
RYAN	<input type="checkbox"/>	(B. Jones)	<input checked="" type="checkbox"/>		12:15 p.m. during AI 45
YOUNG	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>	9:13 a.m. during Consent Agenda	11:45 a.m. during AI 25
ZARATE	<input type="checkbox"/>	(Parra)	<input type="checkbox"/>		<input checked="" type="checkbox"/>

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

Jeff Huerfano

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

September 27, 2007

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

1. Roll Call

Chairman Mathis called the meeting to order at 9:06 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Monroe moved to approve the minutes of the September 13, 2007, Board of Directors meeting. Mr. McLean seconded the motion, and the vote was 9 to 0 in favor.

3. Public Comment

Penelope Madrid: Ms. Madrid reported that MTS's ordinance prohibiting smoking is not being adequately enforced. She stated that this is a health issue for her. She also stated that the signs posted at bus and trolley stops are too small. She stated that she requested that a security guard help her on one occasion but the guard informed her that he was unable to issue citations. She clarified for Chairman Mathis that the guard was willing to talk to the smoker in question.

Mr. Peter Tereschuck, SDTI General Manager, reported that only Code Compliance Officers can actually issue citations, but that security guards can issue verbal and written warnings. He reported that records of warnings and citations, including who they were issued to, are maintained. He reported that MTS officers have issued over 250 citations since the ordinance was approved. Chairman Mathis reported that the size of MTS's system makes it an extreme challenge to enforce this ordinance.

CONSENT ITEMS

6. MTS: Contract Assignments for On-Call Engineering and Construction Services (LEG 122.2)

Recommend that the Board of Directors authorize the CEO to execute assignments of contracts (Attachment A of the agenda item) from the San Diego Association of Governments (SANDAG) for on-call construction and engineering services with Bureau Veritas/Berryman and Henigar, PGH Wong, Kimley-Horn and Associates, and LAN Engineering.

7. MTS: Budget Transfer and Construction Management Contract Amendment for Mission Valley East (MVE) (ADM 110.2)

Recommend that the Board of Directors authorize the CEO to (1) transfer \$100,000 from the MVE Light Rail Transit (LRT) Project Right-of-Way line item (10426-0900) into the Construction Management line item (10426-0700) (as shown in Attachment A of the agenda item); and (2) execute Contract Amendment No. 47 (Attachment B of the agenda item) to MTS Doc. No. L6343.0-01 with Washington Group International, Inc. in an amount not to exceed \$168,082.00 for construction management services on the MVE LRT Project and the extension of those services through June 30, 2008.

8. MTS: State Transit Assistance (STA) Claims (FIN 340.2)

Recommend that the Board of Directors adopt Resolution No. 07-12 (Attachment A of the agenda item) approving Fiscal Year 2008 STA claims.

9. MTS: SANDAG Memorandums of Understanding (MOU) and Budget Transfers (CIP 11427, 10496, 11222, 10490)

Recommend that the Board of Directors (1) authorize the CEO to execute an MOU (in substantially the same form as Attachment A) with SANDAG to fund a change order not to exceed \$250,000 to construct a steam rack at the East County Bus Maintenance Facility; (2) authorize the CEO to execute an MOU (in substantially the same form as Attachment B of the agenda item) with SANDAG to fund a change order not to exceed \$150,000 to install fire system upgrades at the Imperial Avenue Division bus facility; and (3) forward a request to the SANDAG Board of Directors to approve the transfer of \$251,260 from the SANDAG Compressed Natural Gas Fuel Stations Project (CIP 1049000) to the SANDAG East County Maintenance CNG Station Project (CIP 1142700).

10. MTS: Federal Transit Administration 5311 Program of Projects (OPS 950.7)

Recommend that the Board of Directors approve Resolution No. 07-13 (Attachment A of the agenda item) authorizing the use of \$224,355 of FTA Section 5311 funds for operating assistance in nonurbanized areas.

Action on Recommended Consent Items

Mr. Emery moved to approve Consent Agenda Items No. 6, 7, 8, 9, and 10. Mr. Rindone seconded the motion, and the vote was 10 to 0 in favor.

CLOSED SESSION:

24. Closed Session Items (ADM 122)

The Board convened to Closed Session at 9:14 a.m.

- a. MTS: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9(a) MTDB v. RV Communities,
(California Supreme Court Case No. S133786)

- b. **MTS: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9(a) Balfour Beatty/Ortiz v. MTS, (Superior Court Case No. GIC 868963)
- c. **MTS: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** Pursuant to California Government Code Section 54956.9(a): Harry Eustace, Fed Ex, Nadia Hanna and Hisham Razzoki Hanna v. SDTC (TS 18890)

The Board reconvened to Open Session at 9:46 a.m.

Oral Report of Final Actions Taken in Closed Session

Mr. Jablonski, MTS CEO, reported the following:

- a. The Board received a report from outside counsel.
- b. The Board received a report from general counsel and staff.
- c. The Board received a report from general counsel.

NOTICED PUBLIC HEARINGS

25. MTS: Public Hearing on FY 2008 Budget-Related Service Changes (S RTP 830)

Mr. Conan Cheung, Director of Planning and Scheduling, advised the Board that the \$9 million budget deficit projected for FY 2008 is now expected to grow to \$11 million. He also advised the Board that because staff was able to identify ways to increase revenues and reduce the cost of operations, MTS will need to cut \$1.8 million in service instead of \$9 million. Mr. Cheung reviewed each of the recommended service cuts. Mr. Cheung called attention to the recap of public hearing comments that was placed at each member's place before the start of the meeting. In response to a question from Ms. Atkins, Mr. Cheung reported that staff responded to all public comments that were submitted.

Mr. Cheung reported that his planners had met with the groups of riders who would be affected by the changes to Route No. 28. He stated that service will basically be maintained but using mini buses instead of regular coaches. He stated that staff is recommending that only two hours of daily service be discontinued for a savings of \$122,000.

Mr. Cheung also explained that the changes being recommended for Route No. 921 are being made because MTS is losing its layover location at the VA Hospital. He reported that staff has been working with UCSD to identify a new layover location on campus, and if those discussions are successful, the service changes to Route No. 921 will not be made. He stated that the Board will be provided with an update at its October meeting regarding the layover matter. In response to a question from Ms. Atkins, Mr. Cheung stated that two of the five routes that serve the VA hospital terminate at the location, and that the VA wants that location back for parking and the drop off of patients.

Mr. Cheung advised the Board that DART service in Rancho Bernardo is carrying only three passengers per hour and that this service could be provided through mini grant programs. He

stated that MTS would be willing to write the grants and otherwise facilitate the grant process as needed. He added that there are also volunteer programs in Rancho Bernardo that could cover this service.

Chairman Mathis opened the Public Hearing at 9:58 a.m. and described the process for the calling of speakers.

Jeff Gattas, UCSD: Mr. Gattas stated that UCSD was comfortable with staff's recommendation regarding Route No. 921. He made the point that elimination of this service would cause a significant increase in traffic congestion. He also stated that UCSD provides incentives to students and faculty to use public transit and distributed written materials to the Board members about UCSD's Transit/Coaster Club. He stated that UCSD is currently working with MTS staff to identify a layover location that can be used until the one that will be located within the future UCSD Transit Center is ready.

Lucinda Dalley: Ms. Dalley felt that discontinuation of DART in Rancho Bernardo would have a negative impact on the residents, businesses, and agencies located there. She stated that this area has a large population of seniors with limited mobility for whom this service is a lifeline. She stated that this service allows her to function independently and prevents her from having to move into an assisted-living facility. She stated that this service has not been fully utilized because residents are not aware of this option and felt that increasing resident awareness would increase ridership and financial return to MTS. She stated that it would be more economical to improve on that which already exists rather than discontinue the program and start a new system.

Ruth Ann Dalley: Ms. Dalley pointed out that senior citizens pay their taxes and are not on the dole. She pointed out that many of them cannot drive but don't know about this service. She also stated that there are no other viable options – that the volunteer service is not reliable. She also stated that she has not seen Access vans in Rancho Bernardo. She made the following suggestions – raise prices, create a monthly pass for \$35.00 or more, provide service for three days a week, combine the service between Rancho Bernardo and Scripps Ranch, and/or increase advertising of this service.

Rosell Chapin: Ms. Chapin stated that bus trips take too long.

Aaron Seavey: Mr. Seavey stated that the Route No. 28 bus is too slow and that a shuttle bus would be too small for the passenger load on this route.

John Switlik, Electrical Engineering, Navy's SPAWAR Systems Center: Mr. Switlik requested that MTS consider retaining the first two daily Route No. 28C trips as well as the last two trips of the day in order to accommodate this route's ridership. He stated that, since August 1, buses have been averaging 26 passengers per trip by the time the bus turns onto Canon. He also suggested that MTS contact the base about using McLellan Avenue, which passes through the base and goes up to Catalina, which would shorten the trip.

Phillip Dodge, SPAWAR Systems Center: Mr. Dodge reiterated Mr. Switlik's request regarding the first and last two trips of the day and stated that this span of service is needed because most of the individuals who use the bus to get to SPAWAR have a nine-hour workday. He also

stated that, during peak hours, the shuttle bus will not be big enough to carry the passenger load.

Ed Quismorio, SPAWAR: Mr. Quismorio stated that he has a nine-hour workday and needs the additional trips that were requested by the previous two speakers. He also stated that the Navy provided funding to MTS of \$205,000 this year and \$200,000 last year.

Command Master Chief David Chmielewski, Naval Base, Pt. Loma: Mr. Chmielewski advised the Board that there are 22,000 people at the naval base. He stated that 8 new mine sweepers (with 4,000 people) are expected along with 2 additional submarines. He stated that these individuals will be relying on public transportation at least until they are able to move their families to the area. He reported that the Navy provides incentives for using public transportation and requested that service on Route No. 28 not be changed. He also stated that most base personnel are on nine-hour shifts and a reduction in the span of service would be unacceptable. In response to a question from Mr. Faulconer, he stated that Base Commander Mark Patton is in agreement with his statements.

Diane Burroughs, Naval Health Research Center: Ms. Burroughs stated that she lives downtown and takes Route No. 28C to the base. She stated that there are 40 people who ride the early morning bus and 40 to 50 who ride the late trips. She suggested retaining the first three and the last three trips of the day.

Martha Zapata: Ms. Zapata was not present when she was called to speak.

Lorraine Leighton: Ms. Leighton stated that she uses Route No. 28 to go to the Fort Rosecrans cemetery to visit her loved ones. She expressed concern about the passenger capacity of the shuttle buses. She also suggested combining Route Nos. 26 and 28 and retaining full-size coaches.

Mr. Cheung stated that the shuttle buses have sufficient capacity to handle this route.

Monica Feier: Ms. Feier stated that she was representing Scripps Ranch residents who depend on DART service. She said that she uses it to connect to Route No. 210. She stated that this service is so well utilized that, after 6:40 a.m., service is denied because vehicles are full. She stated that inaccurate numbers were given to the Rancho Bernardo Journal about the ridership on this service. She stated that ridership has dropped because of bad service and service reductions. She felt that San Diego had the worst transportation system she had ever seen.

Sandra Condon: Ms. Condon appealed to the Board to increase, not decrease service, so that disabled people would have transportation to their jobs.

Andrew Johnson: Mr. Johnson asked how the Board could make decisions about service when they don't ride the bus. He also stated that it wasn't fair to raise prices.

Lorene Joosten: Ms. Joosten stated that she was speaking on behalf of her mother-in-law who cannot drive or walk to a bus stop. She stated that her mother-in-law depends on DART service and only found out about the service after visiting a senior center. She stated that this service allows her mother-in-law to live independently and to buy groceries, medicine, and get to doctor appointments. She stated that there is a lack of awareness of this valuable service that needs

to be addressed. She requested that the Board delay the discontinuation of DART service until a reasonable effort is made to raise the public's awareness of this option.

Matthew Scallon: Mr. Scallon stated that the Route No. 28 travel times are negatively impacted by train traffic through the Old Town Transit Center. He also stated that the buses are full and passing up people who are waiting at bus stops.

Chairman Mathis closed the Public Hearing at 10:40 a.m.

Mr. Cheung pointed out that staff is recommending only a 2-hour reduction out of 54 hours of service on Route No. 28 and replacing a full-size coach with a shuttle for a cost savings of \$122,000. He stated that staff has observed about 20 passengers on this route, but that they would continue to monitor ridership to ensure that the shuttle is adequate. He also advised the Board that, after listening to public input about this route, a couple of hours were added to the service span. He advised the Board that DART is being discontinued because of low ridership and reiterated that staff is willing to write grant applications and further facilitate the turnover of this service to a nonprofit organization. He added that Rancho Bernardo has a community volunteer-driver program that could be utilized by current customers of DART.

Mr. Faulconer recognized the difficult job that staff faces when dealing with these issues. He added that he has received phone calls regarding Route No. 28 and was concerned about the additional personnel that will be added in Pt. Loma. He suggested that staff contact Base Commander Mark Patton and added that Mr. Patton is very open and good at problem solving. He stated that he would not be prepared to support Route No. 28 service cuts until a discussion has been held with Mr. Patton. He stated that he would also contact the Navy about these additional personnel and indicated that he would be willing to act as a go-between between MTS and the Navy. Mr. Mathis pointed out that Command Master Chief David Chmielewski, who made comments earlier, represents the Base Commander, Mr. Patton.

Mr. Maienschein pointed out that DART provides more than just transportation in Rancho Bernardo, which has a large senior population. He stated that residents depend on DART for their independence and to get proper medical care. He also stated that public awareness of the service should be pursued and that ridership increases should result from such an effort. He pointed out that one public speaker indicated that DART riders would be willing to pay a higher fare. He also stated that staff should look into doing a modified schedule as was suggested by Ruth Ann Dalley and thanked her for presenting suggestions and reasonable alternatives. He stated that his office would work with any community group that would be willing to assume responsibility for this type of service in Rancho Bernardo if DART were to be discontinued. He added that he would not be supporting staff's recommendation to discontinue it.

Mr. Emery reminded the Board of MTS's \$9 million deficit for FY 2008 and pointed out that the Board is not considering service cuts because it wants to but rather because adequate funding is not available. He stated that MTS's goal is supposed to be to provide the best service to the most people. He reminded everyone that San Diego County only gets one-third of a half cent for transportation. He added that MTS cannot afford to provide these kinds of highly subsidized services and pointed out that all other DART services have been discontinued. He reminded the Board that it had approved the modification or discontinuation of other routes in the past that carried riders who depended upon the service to get to their jobs.

Mr. Monroe asked Mr. Cheung if the hours staff added back into the Route No. 28 will address the needs of individuals working nine-hour shifts at the base. Mr. Brandon Farley, MTS Sr. Transportation Planner, stated that the Route No. 28 schedule does coordinate with the Trolley and the Coaster. Mr. Monroe suggested that staff meet outside the room with the public speakers to determine if the recommended schedule will accommodate their needs. Mr. Farley later returned to the room and reported that a solution that was palatable to all involved was not reached. In response to a question from Mr. Mathis, Mr. Cheung confirmed that the shuttle will be on a timed transfer and will have a "wait" order.

Mr. Monroe explained the Full Access and Coordinated Transportation (FACT) program and his involvement. He stated that Rancho Bernardo may be able to take advantage of their program at some time in the future. He reported that their pilot project should begin in North County in about 9 to 12 months. He also pointed out that MTS is basically providing a \$30 round trip subsidy on DART.

Ms. Atkins stated that she was happy that staff was working on the resolution of issues surrounding Route No. 921. She then asked if people who missed the last Green Line trip would have other transit options. Mr. Cheung reported that bus service stops by 1:30 a.m. Ms. Atkins also stated that she understood the frustrations of the speakers who were concerned about the discontinuation of DART service. She stated that she was frustrated about funding for transportation and the state's diversion of transportation funding to balance the state budget. She also expressed her frustration that MTS has to take these types of actions in the face of rider quality-of-life issues and stated that Board members are sensitive to that. She stated that she felt that Mr. Cheung and his staff did a good job of listening and responding to the public on these issues. She also expressed frustration with the public's level of knowledge regarding the transportation funding issue and felt that the state was being short-sighted in diverting this funding. She added that the Board should formulate a strategy for carrying its message regarding transportation funding to state and federal officials.

Mr. Madrid observed that the issues being discussed were the same types of issues that were being discussed by the MTDB Board in previous years. He agreed with Mr. Maienschein's comments regarding DART service. He pointed out that the people who use DART are slightly different because they are seniors, many with physical limitations, and have more challenges than most. He requested that staff revisit this issue one more time. He stated that he would not support the elimination of DART until all other options have been explored.

Mr. Rindone stated that voter approval of funding for transportation was a mandate, and it was inappropriate of the state to divert those funds to balance the state budget. He felt the Board should take a higher responsibility for conveying that message to the state and should become more proactive in this regard. Mr. Young suggested that staff develop a resolution that expresses the Board's displeasure with the state's action.

Mr. Jablonski stated that, in November, the vast majority of CEOs from California transit properties will be meeting to address this issue.

Action Taken

Motion #1:

Mr. Monroe moved to accept staff's recommendations for service changes for Route Nos. 31, 921 (unless an alternate layover location is identified, in which case the service would not be cut), 964, 992, and the Green Line for implementation in January 2008 with the exception of DART service in Rancho Bernardo and Route No. 28, which are to be voted on separately. Mr. Emery seconded the motion, and the vote was 11 to 2 in favor, with Mr. Maienschein and Mr. Young casting the dissenting votes.

Mr. Jablonski stated that the subsidy for the three services being excluded from the motion totals \$375,000 and this savings will have to be realized somehow. He stated that service cuts were added to the budget savings package only after staff scrutinized the budget and identified almost 25 different initiatives to help address the deficit. He added that only limited service cuts could be implemented because the Comprehensive Operational Analysis (COA) had already streamlined and made the system more efficient. He added that it is for those reasons that a fare increase is also being recommended. Mr. Monroe felt that the Board should wait to see what action the Board takes when the service changes for DART and Route No. 28 are brought back to the Board before trying to assess the financial impact of the service cuts on the budget.

Motion #2:

Mr. Monroe moved that the recommended service change for Route No. 28 be sent back for further study and negotiation with the Navy and brought back to the Board within 30 days. Mr. Faulconer seconded the motion, and the vote was 13 to 0 in favor.

Motion #3:

Mr. Monroe moved to approve staff's recommendation to discontinue DART service in Rancho Bernardo. Mr. Emery seconded the motion, and the vote was 5 to 8 against, with Ms. Atkins, Mr. Madrid, Mr. Faulconer, Mr. Lewis, Mr. Maienschein, Mr. McLean, Mr. Jones, and Mr. Young casting the dissenting votes.

Mr. Madrid suggested that staff's recommendation to discontinue this service would be appropriate if FACT cannot provide an alternate resource within 90 days.

Mr. Monroe pointed out that this action means that \$150,000 in cost savings is lost. Mr. Monroe stated that if all of the DART vehicles were filled, MTS would still be losing money and reiterated that the subsidy on DART is \$30 per person. He added that adding ridership may bring the subsidy down to \$20 per person, but MTS would still be losing money. Mr. Jablonski stated that a fare increase could be considered for this service. Mr. Emery stated that, at the time of the COA hearings, he raised the DART issue and asked specifically that it be evaluated within one year. He added that this service is now being brought back under dire circumstances, and it doesn't meet the subsidy test. He stated that MTS can no longer afford to provide this type of service.

Motion #4:

Mr. Maienschein moved to direct MTS to work with community and organizational stakeholders to resolve the DART issue and that the Board vote again on this issue in 30 days. Mr. Young seconded the motion and amended the motion to include directing staff to develop a resolution

objecting to the diversion of voter-approved transportation funds to balance the state budget. The vote was 13 to 0 in favor.

Ms. Atkins suggested that Mr. Jablonski approach the CEO's group about litigating the state funding matter. Mr. Jablonski stated that the California Transit Association did file a lawsuit two to three weeks ago on this matter. Mr. Jablonski advised the Board that he would keep them informed as this action proceeds. Mr. Young stated that MTS should consider its own legal options. Mr. Jablonski stated that MTS could consider filing an amicus brief.

DISCUSSION ITEMS

There were no Discussion Items on the agenda.

REPORT ITEMS

46. MTS: Preliminary Operations Budget for FY 2007 (FIN 310) *(Taken Out of Order)*

Mr. Larry Marinesi, MTS Budget Manager, provided the Board with an overview of MTS's actual performance compared to the amended budget for FY 2007. He pointed out that more detailed information will be provided once the annual financial audit is completed. Mr. Jablonski stated that part of the surplus from the FY 2007 budget will be used as a one-time source to cover the portion of the deficit in the FY 2008 budget that resulted from not being able to implement service changes and fare cuts early enough.

Action Taken

Mr. Rindone moved to receive a report on the preliminary operations budget for FY 2007. Mr. Emery seconded the motion, and the vote was 9 to 0 in favor.

45. MTS: FY 2007 Year-End Report (SRTP 830)

Mr. Jim Byrne, SDTC Director of Transportation, provided the Board with an overview of MTS Bus's performance for FY 2007. He reported on ridership, annual revenue miles and hours, operating expense, budget savings, and annual fare revenues. He also reviewed the details of the strong operational results for farebox recovery ratio, passengers per revenue hour, complaints per 100,000 passengers, preventable accidents per 100,000 miles, cost per revenue hour, and fuel cost per revenue hour. Mr. Byrne pointed out that on-time performance has been negatively impacted by a 25 percent increase in lift utilizations. He added that MTS Planning staff members are adjusting schedules in response to this factor, and where adjustments have already been made, on-time performance has improved. He also briefly discussed the benefits of remedial training for bus operators, which has resulted in a reduction in passenger complaints.

Ms. Claire Spielberg, Chief Operating Officer – Transit Services, reviewed the performance of MTS's contract services - paratransit, which achieved at 96 percent on-time performance rate. In response to a question from Mr. Monroe, Ms. Susan Hafner, Director of Contract Services, stated that on-time is based on a 15-minute window. Mr. Paul Jablonski, MTS CEO, reported that this is extremely good compared to the national average. Ms. Hafner confirmed for Mr.

Emery that MTS Access service is provided in the Rancho Bernardo area. Ms. Spielberg then presented information on the maintenance of the MTS bus fleet and showed the Board charts that illustrated the significantly higher cost of maintaining MTS's older buses.

Ms. Spielberg then reported that MTS has entered into a partnership with ISE, New Flyer, the South Coast Air Quality District, and the Air Pollution Control District for the development of a CNG/electric hybrid bus. She stated that this bus is currently being road tested and will soon be tested in revenue service.

In response to a question from Mr. Monroe, Ms. Spielberg stated that on-time performance numbers are somewhat skewed because the Regional Transit Management System records every single time point including when a bus arrives early at its final destination. In response to a question from Mr. Madrid, Ms. Spielberg attributed the increase in ridership to the COA, which concentrated service in areas with the highest potential ridership and ensured that buses were traveling to the desired destinations. She stated that having cleaner and more reliable buses along with more customer-oriented operators also contributed to the increase in ridership. In response to another question from Mr. Madrid, Ms. Spielberg reported that most individuals hired for bus operator positions do not have commercial drivers' licenses and that MTS trains them and they are then recruited by other companies.

In response to a question from Mr. Clabby regarding a recent article in the San Diego Union-Tribune stating that public transportation carries only about three percent of the population, Chairman Mathis stated that the three percent represents public transportation's share of the number of trips, including all auto trips, in the region.

Action Taken

Mr. Emery moved to receive this report for information. Mr. Jones seconded the motion, and the vote was 9 to 0 in favor.

47. MTS: FY 2007 Year-End Rail Operations Report (FIN 310)

This report was deferred to the October 18, 2007, Board meeting.

60. Chairman's Report

The Chairman had nothing to report.

61. Audit Oversight Committee Chairman's Report

No report was given on this item.

62. Chief Executive Officer's Report

The CEO had nothing to report.

63. Board Member Communications

There were no Board member communications.

64. Additional Public Comments on Items Not on the Agenda

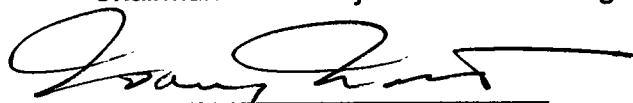
There were no additional public comments made.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, October 18, 2007, at 9:00 a.m. in the same location.

66. Adjournment

Chairman Mathis adjourned the meeting at 12:15 p.m.

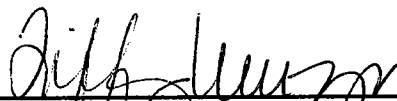


Chairperson
San Diego Metropolitan Transit System
Filed by:



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

Approved as to form:



Office of the General Counsel
San Diego Metropolitan Transit System

Attachment: A. Roll Call Sheet

[gail.williams/minutes](#)

METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL

MEETING OF (DATE): 9/27/07

CALL TO ORDER (TIME): 9:06 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:14 a.m.

RECONVENE: 9:46 a.m.

ORDINANCES ADOPTED: _____

ADJOURN: 12:15 p.m.

BOARD MEMBER (Alternate)				PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>	9:18 a.m. during AI 24	
CLABBY	<input checked="" type="checkbox"/>	(Selby)	<input type="checkbox"/>		
EMERY	<input checked="" type="checkbox"/>	(Cafagna)	<input type="checkbox"/>		
EWIN	<input type="checkbox"/>	(Allan)	<input type="checkbox"/>	Art Madrid <input checked="" type="checkbox"/>	
FAULCONER	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>		11:50 a.m. after AI 25
HANSON-COX	<input type="checkbox"/>	(Lewis)	<input checked="" type="checkbox"/>		
MAIENSCHIEIN	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/>	(Vacant)	<input type="checkbox"/>		
MCLEAN	<input checked="" type="checkbox"/>	(Janney)	<input type="checkbox"/>		
MONROE	<input checked="" type="checkbox"/>	(Downey)	<input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/>	(McCann)	<input type="checkbox"/>	9:11 a.m. during AI 3	11:59 a.m. during AI 45
ROBERTS	<input type="checkbox"/>	(Cox)	<input type="checkbox"/>		<input checked="" type="checkbox"/>
RYAN	<input type="checkbox"/>	(B. Jones)	<input checked="" type="checkbox"/>	10:02 a.m. during AI 25	
YOUNG	<input checked="" type="checkbox"/>	(Hueso)	<input type="checkbox"/>	9:13 a.m. during AI 24	11:54 a.m. after AI 25
ZARATE	<input type="checkbox"/>	(Parra)	<input type="checkbox"/>		<input checked="" type="checkbox"/>

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

Duff

8:31



AGENDA ITEM NO.

3

REQUEST TO SPEAK FORM

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****

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 2007-10-18
 Name (PLEASE PRINT) Clive Richard
 Address 5053 Ca Dorna St
San Diego, CA 92115
 Telephone 619.582.4036
 Organization Represented (if any) Self

Subject of your remarks: Transit infrastructure cost

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.****



REQUEST TO SPEAK FORM

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 any written statement to this form). Communications on hearings and agenda items are generally limited to three 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 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.

(PLEASE PRINT)

Date	10-18-07		
Name	Dwight Davis		
Address	941 # 1st Ave		
Telephone	338-0384-		
Organization Represented			
Subject of Your Remarks	Trolley Stop Progress		
Regarding Agenda Item No.	Question		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> 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 speakers with three 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.

11th + BROADWAY



AGENDA ITEM NO.

13

REQUEST TO SPEAK FORM

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****

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 2007-10-18
Name (PLEASE PRINT) Clive Richard
Address 5153 La Donna St
San Diego, CA 92115
Telephone 619.582.4036
Organization Represented (if any) Self

Subject of your remarks: _____

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.

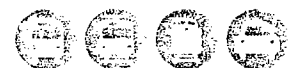
3. DISCUSSION OF AGENDA ITEMS

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.****





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

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 960.2, 970.2

October 18, 2007

SUBJECT:

MTS: HAZARDOUS MATERIALS DISPOSAL SERVICES – CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute a contract (in substantially the same form as Attachment A – MTS Doc No. G1098.0-08) with United Pumping Services to provide hazardous materials disposal services for San Diego Transit Corporation (SDTC) and San Diego Trolley, Inc. (SDTI) at the Imperial Avenue Division (IAD), Kearny Mesa Division (KMD), and SDTI.

Budget Impact

This contract would cover a five-year period, and the total cost would not exceed \$258,449.50. Funding would come from bus and rail division (FY 08 through FY 12) operating budgets comprised of 80% percent federal and 20% percent local funds.

DISCUSSION:

MTS Policy No. 52, Procurement of Goods and Services, requires a formal competitive bidding process for procurements exceeding \$100,000. In the event that the circumstances dictate other than a competitive bid process, a written explanation is required by staff stating the reasons for not pursuing all or part of any of the processes. MTS issued an Invitation for Bids on August 2, 2007, to interested parties for hazardous materials disposal services for the bus and rail divisions. On September 5, 2007, three responsive bids were received (see Bid Summary, Attachment B). United Pumping Services was the lowest responsive, responsible bidder for the services; therefore, pursuant to MTS policy, staff is recommending approval of contract award to United Pumping Services.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Marco Yniguez, 619.238.6494, marco.yniguez@sdmts.com

OCT18-07.6.HAZARDOUS MATERIALS.MYNIGUEZ.doc

Attachments: A. Draft MTS. Doc. No. G1098.0-08
B. Bid Summary



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.

DRAFT

Att. A, AI 6, 10/18/07

STANDARD SERVICES AGREEMENT

Doc. No. G1098.0-08
CONTRACT NUMBER
OPS 960.2, 970.2
FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2007, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: United Pumping Services Address: 1400 East Valley Boulevard
Form of Business: Corporation City of Industry, CA 91746
(Corporation, partnership, sole proprietor, etc.)
Telephone: 626.961.9326
Authorized person to sign contracts: Pamela Heintz Sales
Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS services and materials, as follows:

Provide hazardous materials disposal services for MTS bus and rail operations as stipulated in MTS's Invitation for Bids (IFB), MTS Doc. No. G1098.0-08; in accordance with the Standard Services Agreement, including the Standard Conditions Services, Federal Requirements, and United Pumping Services' bid dated September 5, 2007. If there are inconsistencies between the IFB, Standard Services Agreement, Standard Conditions Services, or Federal Requirements, the following order of precedence will govern the interpretation of the contract:

1. MTS's IFB, United Pumping Services' bid proposal dated September 5, 2007.
2. Standard Services Agreement, including the Standard Conditions Services and Federal Requirements.

This contract shall be effective for five years (November 1, 2007, through October 31, 2012). The total amount over the five-year period shall not exceed \$258,449.50.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer	Firm: _____
Approved as to form:	By: _____
By: _____ Office of General Counsel	Signature
	Title: _____

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$ 68,783.50	33153710	FY 08 – FY 12
\$ 59,968.00	33253710	FY 08 – FY 12
\$129,698.00	35053710	FY 08 – FY 12

By: _____ Date
Chief Financial Officer

(___ total pages, each bearing contract number)

OCT18-07.6.AttA.HAZARD MATERIALS CONTRACT.MYNIGUEZ.doc

United Pumping Service*	
IAD - 5 Year TOTAL	\$ 68,783.50
KMD - 5 Year TOTAL	\$ 59,968.00
SDTI - 5 Year TOTAL	\$ 129,698.00
GRAND TOTAL	\$ 258,449.50

Asbury Environmental Services	
IAD - 5 Year TOTAL	\$ 82,190.48
KMD - 5 Year TOTAL	\$ 42,948.33
SDTI - 5 Year TOTAL	\$ 179,443.87
GRAND TOTAL	\$ 304,582.68

MS Environmental Solutions	
IAD - 5 Year TOTAL	\$ 224,697.76
KMD - 5 Year TOTAL	\$ 994,698.76
SDTI - 5 Year TOTAL	\$ 127,385.51
GRAND TOTAL	\$ 1,346,782.03

*Lowest responsive, responsible bidder.



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.

FIN 300 (PC 50601)

October 18, 2007

SUBJECT:

MTS: INVESTMENT REPORT

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

The attached schedule (Attachment A) is a report of MTS's investments as of August 2007. The schedule is broken into two columns—the first column relates to investments restricted for capital support or for debt service, and the second column is the unrestricted portion. As the schedule shows, the overwhelming bulk of investments are restricted primarily for debt service related to the payments on the 1989/1990 and 1995 lease and leaseback transactions.

The second column (unrestricted assets) provides the working capital for MTS operations allowing for payments to employees for payroll and vendors for goods and services.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tom Lynch, 619.557.4538, tom.lynch@sdmts.com

OCT18-07.7.INVESTMENT RPT.LMUSENGO.doc



Attachment: A. Investment Report

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.

**San Diego Metropolitan Transit System
Investment Report
8/31/2007**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Avg. Rate of Return</u>
<u>Cash and Cash Equivalents</u>	\$ <u>546,073</u>	<u>47,041,812</u>	4.09%
<u>Investments - Working Capital</u>	<u>-</u>	<u>39,885,273</u>	5.23%
<u>Cash - Restricted for Capital Support</u>	<u>5,764,306</u>	<u>-</u>	N/A
<u>Investments - Restricted for Debt Service</u>	<u>139,059,756</u>	<u>-</u>	3.85%
Total Cash and Investments	\$ <u>145,370,136</u>	\$ <u>86,927,085</u>	

Controller: _____

Date: _____



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

Agenda

Item No. 8

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

ADM 110.1

October 18, 2007

SUBJECT:

MTS: ADOPTION OF 2008 MTS EXECUTIVE COMMITTEE AND BOARD OF
DIRECTORS MEETING SCHEDULE

RECOMMENDATION:

That the Board of Directors adopt the 2008 Executive Committee and Board of Directors Meeting Schedule (Attachment A).

Budget Impact

None.

DISCUSSION:

The MTS Board of Directors annually adopts its meeting schedule for the next year. Attached is the proposed 2008 Executive Committee and Board of Directors meeting schedule for MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC).

This year's schedule reflects one Executive Committee and one Board meeting in January and February. As is customary, one meeting each is also recommended for the months of July and August in anticipation of summer vacations and avoidance of conflicts with city councils' legislative recesses. In addition, one meeting is recommended for each of the months of November and December to avoid conflicts with the Thanksgiving and Christmas holidays.

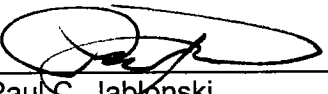


Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a California public agency, San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is Taxicab Administrator for eight cities. MTDB 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.

The American Public Transportation Association (APTA) Annual Meeting is scheduled for the week of October 5. It is recommended that an Executive Committee meeting be scheduled for October 2, that there be no meeting the following week, and that the corresponding Board meeting be held October 16.

The League of California Cities is holding its Mayors/Councilmember Forums June 4-7 and its Annual Meeting September 24-27. Some members of our Executive Committee/Board of Directors attend these meetings. If a quorum cannot be obtained for the MTS meetings proposed for June 5 (Executive Committee) and/or September 25 (Board), they may have to be cancelled.

There are no other meeting conflicts.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Gail Williams, 619.557.4515, gail.williams@sdmts.com

OCT18-07.8.2008 MTG SCHEDULE.GWILLIAMS.doc

Attachment: A. 2008 MTS Executive Committee and Board of Directors Meeting Schedule

**2008 JOINT BOARD AND
EXECUTIVE COMMITTEE MEETING SCHEDULE
JAMES R. MILLS BUILDING, 10TH FLOOR
1255 IMPERIAL AVENUE, SAN DIEGO**

<u>Executive Committee</u> <u>Thursday, 9:00 a.m.</u>			<u>MTS Board Meetings</u> <u>Thursday, 9:00 a.m.</u>	
January	10		January	17
February	14		February	21
March	6 20	9:00 a.m. Finance Workshop >>	March	13 27
April	3 17	8:00 a.m. Finance Workshop >>	April	10 24
May	1 15	8:00 a.m. Finance Workshop >>	May	8 22
June	5 19		June	12 26
July	10		July	17
August	14		August	21
September	4 18		September	11 25
October	2*		October	16*
November	6		November	13
December	4		December	11

* The 2008 APTA Annual Meeting & Expo is being held October 5-8, 2007 (second week in October). Meetings in October have been structured accordingly.



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.

LEG 491 (PC 50633)

October 18, 2007

SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to enter into contract amendments with The Law Offices of Wismar & Barber (MTS Doc. No. G1075.2-07, in substantially the same form as Attachment A) for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$50,000 for The Law Offices of Wismar & Barber. Recommended amounts are contained within the FY 2008 budget.

DISCUSSION:

On January 18, 2007, the Board approved a list of qualified attorneys for general liability and workers' compensation for use by MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC) (hereinafter referred to as the Agencies) staffs on an as-needed basis. Thereafter, MTS began to contract with approved attorneys for various amounts depending upon current and anticipated needs.

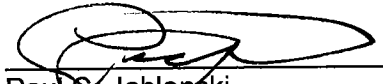
Pursuant to Board Policy No. 52 (Procurement of Goods and Services), the CEO may enter into contracts with service providers for up to \$100,000. The Board must approve all agreements in excess of \$100,000. Some attorneys have multiple cases that are or have proceeded to trial, and the total cost of their legal services will exceed the CEO's \$100,000 authority.



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.

The Law Offices of Wismar & Barber are currently under contract with the Agencies for \$100,000. Attorney Mark Barber and Steven Wismar have successfully assisted MTS in a number of workers' compensation-related cases. Invoices for current services recently received exceed current contract authority due to legal defense costs.

The CEO has approved contracts up to the \$100,000 authority level. Board ratification of the prior contracts/amendments is also requested.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, jim.dow@sdmts.com

OCT18-07.9.LEGAL SERVICES.JDOW.doc

Attachment: A. Draft MTS Doc. No. G1075.2-07

DRAFT

October 18, 2007

MTS Doc. No. G1075.2-07
LEG 491 (PC 50633)

Mr. Mark Barber
The Law Offices of Wismar & Barber
2727 Camino Del Rio South, Suite 220
San Diego, CA 92108

Dear Mr. Barber:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1075.0-07: LEGAL SERVICES – WORKERS'
COMPENSATION LEGAL LIABILITY

This letter will serve as Amendment No. 2 to MTS Doc. No. G1075.0-07.

PAYMENT

This amendment authorizes additional costs not to exceed \$50,000 for professional services. The total value of this contract, including this amendment, is \$150,000. Additional authorization is contingent upon MTS approval. All other terms of this contract shall remain unchanged.

If you agree with the above, please sign below and return the document marked "original" to Melissa Fernandez, Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Mark Barber
The Law Offices of Wismar & Barber

OCT18-07.9.AttA.LEGAL SVCS.JDOW.doc

Date: _____



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

Agenda

Item No. 10

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

LEG 430 (PC 50121)

October 18, 2007

SUBJECT:

MTS: UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

Division of Mass Transportation subrecipients of Federal Transit Administration (FTA) funds must report on DBE participation in their contracting opportunities. Twice yearly, subrecipients must submit a completed Awards/Commitments and Actual Payments spreadsheet. The spreadsheets are due to the transit program representative on December 1 for the period of April 1 through September 30.

History

The DBE Program was originally created to ensure nondiscrimination in the award and administration of Department of Transportation (DOT)-assisted contracts by providing a level playing field on which DBEs could compete fairly. The DBE Program required that on all federally funded contracts, a contract-specific DBE goal be established and met by the successful bidder. In order to qualify as a DBE, a company has to be certified by the grantee or designated state agency. Award of all federally funded contracts was



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conditioned upon meeting the DBE goal. If a firm was unable to meet the DBE goal, the firm was required to demonstrate that it made a good-faith effort to find a DBE subcontractor.

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

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

In summary, the DBE Program has changed from a race-conscious program (where goals are set for each federally funded contract) to a race-neutral program (DBE goals are set for the year and attainment is monitored). During this time, MTS will continue to comply with all DBE requirements.



Paul C. Jablonski
Chief Executive Officer

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

OCT18-07.10.DBE.MFERNANDEZ.doc

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

UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

*****Please refer to the Instructions sheet for directions on filling out this form*****

1. Submitted to (check only one):	<input type="checkbox"/> FHWA	<input type="checkbox"/> FAA	<input checked="" type="checkbox"/> FTA--Vendor Number					
2. AIP Numbers (FAA Recipients Only):								
3. Federal fiscal year in which reporting period falls:	FY 07	4. Date This Report Submitted: 10/15/2007						
5. Reporting Period	<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31)							
6. Name of Recipient:	<input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)							
7. Annual DBE Goal(s):	Race Conscious Goal	%	Race Neutral Goal					
	1.6	%	OVERALL Goal					
	1.6	%						
A	B	C	D	E	F	G	H	I
Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)	Total to DBEs /Race Conscious	Total to DBEs/Race Conscious (number)	Total to DBEs/Race Neutral (dollars)	Total to DBEs/Race Neutral (number)	Percentage of total dollars to DBES
14,531,951.03	79	0	0	0	0	0	0	
\$144,000.00	19	\$144,000.00	19	\$144,000.00	19	\$0.00	0	1%
TOTAL		\$144,000.00	19	\$144,000.00	19	0	0	1%
A	B	C	D	E	F	G	H	I
Black American	Hispanic American	Native American	Subcont. Asian American	Asian-Pacific American	Non-Minority Women	Other (i.e. not of any other group listed here)	TOTALS (for this reporting period only)	Year-End TOTALS
0	9	0	0	2	0	8	19	19
0	\$53,000.00	0	0	\$40,250.00	0	\$50,750.00	\$144,000.00	\$144,000.00
11. Total Dollar Value								
ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD								
A	B	C	D	E	F	G	H	I
Number of Prime Contracts Completed	Total Dollar Value of Prime Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percentage of Total DBE Participation				
0	0	0	0	0%				
16	\$1,182,111.83			0%				
16	\$1,182,111.83			0%				
14. Totals								
15. Submitted by : Tiffany Lorenzen								
16. Signature of Authorized Representative								
18. Fax Number:								
7. Phone Number: 619-557-4512								



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

Agenda

Item No. 11

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

FIN 340.2

October 18, 2007

SUBJECT:

MTS: STATE TRANSIT ASSISTANCE CLAIM AMENDMENT

RECOMMENDATION:

That the MTS Board of Directors adopt Resolution No. 07-14 (Attachment A) amending Fiscal Year (FY) 2007 State Transit Assistance (STA) claims.

Budget Impact

This action would result in the receipt of an additional \$267,318 in STA funds. This is an amendment from the original claim of \$28,663,136.

DISCUSSION:

The final STA allocation of \$28,930,454 from the State Controller's Office is slightly higher than the modified estimate of \$28,663,136. Resolution No. 07-14 would authorize the claim of the remaining STA funding totaling \$267,318.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Larry Marinesi, 619.557.4542, larry.marinesi@sdmts.com

OCT18-07.11.STA AMDMT.AGOTTWIG.doc

Attachment: A. Resolution No. 07-14



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.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 07-14

Resolution Approving the MTS-Area FY 07 STA Claim Amendment

WHEREAS, California Public Utilities Code Sections 99313.3 and 99313.6 established a State Transit Assistance (STA) fund and grants the Metropolitan Transit System (MTS) authority to allocate monies from this fund; and

WHEREAS, MTS Policy No. 20 established procedures for allocating these STA funds;
and

WHEREAS, MTS, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contracted Services, Chula Vista, and La Mesa (claimants), qualify for STA monies under the provision of Public Utilities Code Section 99260 et seq.; and

WHEREAS, the sum of the claimants' allocations of STA and Transportation Development Act (TDA) funds do not exceed the amounts that they are eligible to receive during the fiscal year; and

WHEREAS, the claimants are receiving the maximum of allowable amounts from the local transportation fund; and

WHEREAS, the San Diego Association of Governments (SANDAG) has determined the claimants have participated in efforts to define transit productivity recommendations and have made a reasonable effort toward implementing these recommendations in FY 07; and

WHEREAS, the claimants are operating in conformance with Policy No. 17, "Transportation Development Act Rules and Regulations;" and

WHEREAS, the claimants' proposed expenditures of STA monies are in conformance with the *Regional Transportation Plan* and *Transportation Improvement Program*; and

WHEREAS, priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel to enhance existing public transportation services and to meet high-priority, area-wide public transportation needs; and

WHEREAS, the claims are consistent with the requirements of Public Utilities Code Section 99314.5, California Code of Regulations Title 21, Section 6754, and MTS Policy No. 20; and

WHEREAS, the claimants are not precluded by any contract or administrative code entered into on or after June 28, 1979, from employing part-time drivers or from contracting with common carriers or persons operating under a franchise or license; and

WHEREAS, no full-time employee of the claimants on June 28, 1979, has had his or her employment terminated or regular hours of employment reduced, excluding drivers or contracting with common carriers; NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board does hereby direct and empower MTS staff to prepare and transmit allocation instructions to the County Auditor to disburse to MTS the FY 07 additional amounts totaling \$267,318, shown in the FY 07 STA Claims Summary (attached) to this resolution.

PASSED AND ADOPTED by the Board of Directors this ____ day of _____ 2007,
by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

Office of the General Counsel
San Diego Metropolitan Transit System

OCT18-07.11.AttA.RES NO 07-14.STA.AGOTTWIG.doc

Attachment: FY 07 STA Claims Summary

FY 07 STA CLAIMS SUMMARY

Original Estimate from the State Controller	\$28,663,136
Current Estimate from the State Controller	\$28,930,454
Increase in STA claim allocation	<u>\$ 267,318</u>



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Agenda

Item No. 12

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

ADM 160.2 (PC 50788)

October 18, 2007

SUBJECT:

**MTS: ENGINEERING SERVICES FOR H STREET TROLLEY STATION HAZARDOUS
WASTE CONTAMINATION INVESTIGATION**

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. 08.06 to MTS contract MTS Document No. G1127.0-08 with Bureau Veritas/Berryman & Henigar, Inc.

Budget Impact

A total of \$166,366 would be expended from the Land Management line item #50788-53114.

DISCUSSION:

A right of entry permit was issued to Secor in 2001 for entry onto the H Street Trolley Station property to construct a monitoring well. The purpose of the well was to further characterize a release from an ARCO station across H Street. During the course of its investigation, Secor determined that the contamination found in the well on MTS property, and some of the contamination found on the ARCO property, had a different source. Secor opined that the source was a gas station that formerly occupied the MTS site. A survey of old photographs showed the gas station, but there is no evidence in San Diego County's records found to date about a station or if it was properly demolished under County of San Diego Department of Environmental Health (DEH)



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supervision. DEH subsequently agreed with Secor's assessment and created a new file for the MTS site.

A work plan to construct four additional monitoring wells on the MTS property, prepared by Testing Engineers, was approved by DEH on January 4, 2005. The additional wells were constructed some time thereafter. Results of tests on the new wells were provided in a report entitled "Phase II Site Assessment" prepared by Clayton Group dated April 7. Clayton prepared a Groundwater Investigation Work Plan dated June 19, 2006, to further identify the limits of contamination by constructing six additional monitoring wells proposed in the median of H Street.

Work to further investigate the groundwater contamination was completed and summarized in the H Street Transit Station Preliminary Groundwater Investigation Report submitted to the DEH by the Clayton Group dated August 20, 2007. The results of the preliminary investigation indicated the presence of floating hydrocarbons on the groundwater (referred to as light non-aqueous phase liquid [LNAPL]) in six of the eight wells installed at the site and dissolved hydrocarbons in the remaining two wells. Based on the investigation, neither the northern edges of the LNAPL nor the dissolved-phase plumes have been established.

This work order would provide general engineering services for performing and completing various environmental activities for the continued investigation and mitigation of petroleum hydrocarbon-impacted groundwater in accordance with the DEH letter dated September 5, 2007. The detailed work effort is shown in the attached work order (Attachment A) including the scope of work for the additional studies.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tim Allison, 619.595.4903, tim.allison@sdmts.com

OCT18-07.12.H ST HAZARD WASTE INVESTIGATION.TALLISON.doc

Attachment: A. Work Order No. 08.06 to MTS Doc. No. G1127.0-08

October 18, 2007

MTS Doc. No. G1127.0-08
Work Order No 08.06
ADM 160.2 (PC 50788)

Mr. Philip R. Kern
Program Manager
Bureau Veritas/Berryman & Henigar
11590 West Bernardo Drive
San Diego, CA 92127-1624

Dear Mr. Kern:

Subject: MTS DOC. NO. G1127.0-08, WORK ORDER NO. 08.06, GENERAL ENGINEERING SERVICES FOR THE PHASE 2 ENVIRONMENTAL SITE ASSESSMENT FOR THE H STREET TROLLEY STATION PARK-N-RIDE LOT AND BUS STATION IN CHULA VISTA, CA.

This letter will serve as our agreement for professional services under the General Engineering Consultant Agreement as further described below.

SCOPE OF SERVICES

Provide services to perform various environmental activities for the continued investigation and mitigation of petroleum hydrocarbon-impacted groundwater in accordance with the San Diego County Department of Environmental Health (DEH) letter dated September 5, 2007. The DEH letter is based upon findings from the H Street Transit Station Groundwater Investigation Report, dated August 20, 2007, previously developed for a preliminary groundwater investigation at the H Street Station.

The results of the preliminary investigation indicated the presence of floating hydrocarbons on the groundwater (referred to as light non-aqueous phase liquid [LNAPL]) in six of the eight wells installed at the Site and dissolved hydrocarbons in the remaining two wells. Based on the investigation, neither the northern edges of the LNAPL nor the dissolved-phase plumes have been established.

The scope of work for this Work Order will include the following four tasks:

- Task 1.0 - Conduct additional groundwater investigation
- Task 2.0 - Begin LNAPL removal
- Task 3.0 - Conduct quarterly groundwater monitoring
- Task 4.0 - Upload existing site data and reports to the GeoTracker Web site

These tasks shall be performed in accordance with the attached Scope of Services (Exhibit I).

SCHEDULE

The scope of services, as described above, shall extend through February 28, 2011, if all options to the master contract are exercised.

Mr. Philip R. Kern
October 18, 2007
Page 2

PAYMENT

Payment shall be based on actual costs, not to exceed \$166,366.00 without prior authorization.

If you agree with the above, please sign below and return the document marked "original" to Melissa Fernandez, Contracts Specialist at MTS. The other copy for your records. All other terms and conditions shall remain the same and in effect.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Phillip R. Kern
Bureau Veritas/Berryman & Henigar

OCT18-07.12.AttA.G1127.0-07.WO 08.06.TALLISON.doc

Date: _____

Attachment: Scope of Services

EXHIBIT I

SCOPE OF SERVICES

GENERAL ENGINEERING SERVICES FOR THE PHASE 2 ENVIRONMENTAL SITE ASSESSMENT FOR THE H STREET TROLLEY STATION PARK-N-RIDE LOT AND BUS STATION IN CHULA VISTA, CA

MTS DOC. NO. G1127.0-08
WORK ORDER NO. 08.06

DESCRIPTION

The General Engineering Consultant (GEC) will provide general engineering services for the Phase 2 Environmental Site Assessment for the H Street Trolley Station Park-N-Ride Lot and Bus Station in Chula Vista, CA.

Under this work order, the GEC will provide general engineering services for performing and completing various environmental activities for the continued investigation and mitigation of petroleum hydrocarbon-impacted groundwater in accordance with the San Diego County Department of Environmental Health (DEH) letter dated September 5, 2007. The DEH letter is based upon findings from the H Street Transit Station Groundwater Investigation Report, dated August 20, 2007, previously developed for a preliminary groundwater investigation at the H Street Transit Station.

TASKS

TASK 1.0 – PROJECT MANAGEMENT

- Conduct project management and coordination.
- Field data review.
- Maintain status of project and communication with MTS.

TASK 2.0 – CONDUCT ADDITIONAL GROUNDWATER INVESTIGATION

Currently the northern lateral extent of the LNAPL and dissolved phase hydrocarbon plumes has not been delineated. In addition, at the request of the DEH, the vertical extent of the dissolved-phase hydrocarbon plume requires delineation. The vertical and lateral delineation of the petroleum hydrocarbon plume will be addressed as follows:

- A) Perform a Membrane Interface Probe (MIP) investigation with groundwater Hydropunch confirmation sampling to determine the vertical extent of the dissolved-phase hydrocarbon plume. Soil sample confirmation will also be performed in a selected boring.
- B) Install and sample three additional groundwater monitoring wells to roughly 26 feet below ground surface (MW-8, MW-9, and MW-10) to delineate the northern extent of the LNAPL and dissolved-Phase hydrocarbon plume.
- C) Install and sample three “deep” groundwater monitoring wells screened between roughly 35 and 45 feet below ground surface (bgs) in order to delineate the vertical extent of dissolved-phase hydrocarbons in groundwater and to provide monitoring points for “deep” groundwater.

A work plan will be prepared detailing the proposed scope-of-work for submittal to and approval by the DEH prior to starting the proposed field activities.

Each of the subtasks noted above are described below.

Task 2A - MIP Investigation, Soil and Hydropunch Sampling

Six MIP borings will be advanced to depths of roughly 45 feet bgs. The MIP will be used to screen for volatile organic compound (VOC) contaminants in the subsurface and determine their vertical and lateral extent. The MIP is a direct-push tool that produces continuous chemical and physical logs of the vadose and saturated zones. It measures VOCs relative to the geologic and hydrologic units. As the MIP advances, it heats the soils and groundwater to 120° C, which increases volatility and the vapor phase diffuses across a membrane into a closed, inert gas loop that carries the vapors to the Photoionization Detector (PID) and Flame Ionization Detector (FID) in the surface. The physical characteristics of the soil are obtained in a similar manner used by conventional Cone Penetrometer Test (CPT) technologies.

For vertical contamination extent confirmation purposes, depth-discrete Hydropunch groundwater samples will be collected in separate borings located immediately adjacent to each of the six MIP borings at depths indicated by the PID and FID data to either not contain or contain low levels of dissolved-phase petroleum hydrocarbons. Hydropunch groundwater samples will be submitted to a California-certified laboratory for analysis for total petroleum hydrocarbons as gasoline range organics (TPH-gros), VOCs, and fuel oxygenates using USEPA method 8260B modified and for total petroleum hydrocarbons as diesel and oil range organics (TPH-dros and TPH-oros) using EPA Method 8015M. In addition to Hydropunch groundwater sampling for MIP confirmation, soil samples for confirmation purposes will also be collected from one of the MIP confirmation borings. The MIP confirmation boring located closest to or within the former Humble gasoline station underground storage tank pit (to be located using figures provided by the City of Chula Vista Building Department) will be chosen for soil sampling and analysis. For cost-estimating purposes, we have assumed that four soil samples collected from this boring will be submitted for laboratory analyses and analyzed for the same parameters as the groundwater samples.

Task 2B - Install and Sample Three Additional Groundwater Monitoring Wells

These wells will be located in the north portion of the trolley station parking lot to the north of existing monitoring wells at the site.

One well (MW-8) will be placed due north of existing well MW-5 to delineate the northern extent of the LNAPL plume. Two wells (MW-9 and MW-10) will be installed to the north of former Hydropunch Borings HP-4, HP-5, and HP-6 to delineate the northern extent of the dissolved phase hydrocarbon plume.

Each groundwater monitoring well will be drilled using a hollow stem auger drill rig to a total depth of approximately 26 feet below ground surface (bgs) and be constructed of 4-inch diameter polyvinyl chloride (PVC) casing and screen. Each well will contain 15 feet of 0.020-inch slotted PVC screen with a filter pack consisting of No. 3 Monterey sand. Well construction specifications will be based on Site Assessment and Mitigation (SAM) manual and DEH permit requirements.

Following the installation of the groundwater monitoring wells, the static water level in each new well will be measured using an oil/water interface probe. In the event that LNAPL is present in a monitoring well, the thickness of the LNAPL will be measured and recorded, and the well will not be developed. In

this instance, the well will be used to measure the LNAPL thickness and will likely be utilized as a LNAPL recovery well during remedial activities.

If a well does not contain LNAPL, it will be developed and incorporated into future groundwater monitoring events. All monitoring wells will be surveyed by a licensed surveyor in accordance with the State of California GeoTracker requirements at the time that development occurs.

Task 2C - Install and Sample Three "Deep" Groundwater Monitoring Wells

One well (MW-4D) will be placed directly adjacent to well MW-4, one well (MW-5D) will be placed directly adjacent to well MW-5, and one well (MW-9D) will be placed directly adjacent to proposed Well MW-9. These wells are proposed for delineation of the vertical extent of dissolved-phase hydrocarbons and to provide long-term monitoring points for monitoring "deep" zone water quality.

Each groundwater monitoring well will be drilled using a hollow stem auger drill rig to a total depth of approximately 25 feet below ground surface (bgs) and be constructed of 4-inch diameter polyvinyl chloride (PVC) casing and screen. Each well will contain 10 feet of 0.020-inch slotted PVC screen with a filter pack consisting of No. 3 Monterey sand. Each well will be slotted from approximately 45 to 35 feet bgs. Well construction specifications will be based on Site Assessment and Mitigation (SAM) manual and SDDEH permit requirements.

Following the installation of the groundwater monitoring wells, the static water level in each new well will be measured using an oil/water interface probe. In the event that LNAPL is present in a monitoring well, the thickness of the LNAPL will be measured and recorded, and the well will not be developed. In this instance, the well will be used to measure the LNAPL thickness and will likely be utilized as a LNAPL recovery well during remedial activities.

If a well does not contain LNAPL, it will be developed, and incorporated into future groundwater monitoring events. All monitoring wells will be surveyed by a licensed surveyor in accordance with the State of California GeoTracker requirements, at the time that development occurs.

Tasks Associated with all Three Task 1 Subtasks

The three new "standard" monitoring wells and three new "deep" monitoring wells will be monitored/sampled on a quarterly basis for hydrocarbon constituents under Task 3.0 below. If LNAPL is present in a monitoring well, the monitoring will be limited to measurements of product thickness and bailing and if dissolved phase hydrocarbons are present, the well will be purged and samples will be collected for laboratory analyses as described below.

The results of the groundwater investigation, including the MIP investigation, will be included in the Fourth Quarter 2007 Groundwater Monitoring Report. The report will also include a description of the field activities related to the installation of the groundwater monitoring wells including field methodology, boring logs, handling and disposal of investigation derived waste and the well survey information.

TASK 3.0 – BEGIN LNAPL REMOVAL

LNAPL was measured in monitoring wells MW-1, MW-2, MW-3, MW-4, MW-5, and MW-23 at a maximum thickness of 1.34 feet.

Passive product skimmers will be inserted in each of the six groundwater monitoring wells mentioned above and collect LNAPL product at weekly intervals for 3 months. Passive skimmers function by allowing LNAPL floating on the water table to flow through a hydrophobic filter and into a down-well reservoir that can hold approximately 4 liters of product. The skimmers can be adapted to function as active skimmers by installing compressed air lines that activate each time the product reservoir is filled automatically discharging the product into a reservoir.

The installation of passive skimmers and the removal of free product during a 3-month (12-week) period will serve as an interim removal action (IRA) with the objective of minimizing the impacts or potential threats to human health and the environment. This activity does not provide a final remedy for the remediation of the impacted groundwater and will not address the presence of the dissolve plume of hydrocarbons present at the site.

Free product removal presents cost-effective technology and proven technology for the removal of a source of contamination and it will significantly decrease any remediation costs associated with the treatment of the dissolved hydrocarbon plume.

During each weekly visit, a field technician will first empty the reservoir of each skimmer, measure the thickness of LNAPL, and then remove the LNAPL remaining on the well by hand bailing. Based on the recovery rate of LNAPL, LNAPL may remain in the wells after bailing.

The LNAPL thickness measured in groundwater monitoring wells typically exceeds the actual thickness of LNAPL in the surrounding soil formation by a factor ranging from approximately 2 to 10. Due to this difference the thickness of LNAPL measured in a groundwater monitoring well is referred to as the "apparent thickness." This variance in thickness is mainly attributed to capillary forces in the formation. The greatest difference between LNAPL soil formation thickness and apparent thickness is observed in areas of fine-grained soils, such as silts and clays.

To estimate the thickness of LNAPL in the soil formation, a bail-down test will be conducted. This test involves measuring the rate of LNAPL recharge following removal of LNAPL from the well by bailing or pumping. The LNAPL thickness is then qualitatively estimated by interpreting the depth-to-product, depth-to-water, and product thickness as a function of time. This information will be used to estimate the total volume of LNAPL on the groundwater table beneath the Site and aid in developing a long-term remedial approach for removing LNAPL from the entire site at a faster rate. Removal of LNAPL from the entire site will likely require the installation of an active extraction system and additional wells (not included in this proposal).

LNAPL will be stored onsite in 55-gallon drums until analytical results are received and then disposed of. A proposed fenced drum storage area will be constructed to prevent public access to the drums of LNAPL stored onsite pending disposal. Hazardous-waste manifests will need to be signed by a MTS representative for disposal of the LNAPL drums.

TASK 4.0 - CONDUCT GROUNDWATER MONITORING, SAMPLING, AND ANALYSES

Quarterly groundwater monitoring will be conducted at the site in accordance with DEH SAM Manual. Two of the existing eight groundwater monitoring wells located at the site do not contain LNAPL (MW-6 and MW-7). It is anticipated that the six proposed monitoring wells to be installed (three standard depth and three "deep" wells) as described above will not contain LNAPL and will be sampled on a quarterly basis.

Each event will include measuring depth to LNAPL and depth to groundwater in each of the 14 groundwater monitoring wells (eight existing wells and six proposed wells) at the site. A total of eight groundwater monitoring wells (existing wells MW-6, MW-7 and proposed wells MW-8, MW-9, W-10, MW-4D, MW-5D, and MW-9D) will be sampled on a quarterly basis. Each sampling event will include purging three to five well volumes of groundwater (including measuring water parameters), sampling the groundwater, and submitting the samples to a California-certified laboratory for analysis for TPH-gros, VOCs, and fuel oxygenates using USEPA method 8260B modified, and for TPH-dros and TPH-oros using EPA Method 8015M.

For each sampling event, it is assumed that a total of eight groundwater samples will be submitted for analysis (samples from 8 on-site wells [two currently existing and six proposed] assumed to not contain LNAPL). Quality assurance and quality control (QA/QC) samples consisting of one field duplicate, one rinsate blank, and one trip blank (3 OQ/QC samples total) will be collected and analyzed during each quarterly event; however, these samples will only be analyzed if anomalous groundwater sample results are reported. In addition, the laboratory will provide all data in GeoTracker format as is required by the State of California.

After each quarterly sampling episode and following receipt of the analytical data, a report will be prepared for submittal to the DEH documenting groundwater monitoring activities and results of the groundwater analyses. A State of California registered professional, according to DEH requirements, will sign the report. One draft will be prepared and submitted to MTS for review prior to submittal to the DEH. Each report will be uploaded to the GeoTracker Web site.

All work will be conducted under the direct supervision of a California Registered Geologist or California Registered Professional Engineer.

Groundwater and decontamination water will be stored on-site in 55-gallon drums or a larger volume poly-tank (i.e. "Baker" Tank) until analytical results are received and then disposed of. Manifests will need to be signed by an MTS representative.

TASK 5.0 - UPLOAD EXISTING SITE DATA AND REPORTS TO THE GEOTRACKER WEBSITE

To comply with DEH requirements, previous Site data collected will be uploaded to the State of California GeoTracker website. This Site information will include the location of groundwater monitoring wells, results of groundwater samples, and PDF copies of reports.

All future Site data will be uploaded to the GeoTracker website.

ITEMS TO BE PROVIDED BY MTS

None.

CLARIFICATIONS AND EXCLUSIONS

1. For Task No. 2, costs for disposal of up to 28 55-gallon drums of nonhazardous soil cuttings and 15 55-gallon drums of nonhazardous purge water from well development are included in this Work Order Amendment. Actual disposal costs will be based on the volume of waste and hazardous classification. If soil and/or groundwater disposal costs are greater than anticipated, MTS will be notified.

2. For Task No. 3, costs for 12 weekly bailing events for removal of LNAPL and costs to dispose of up to 12 55-gallon drums of LNAPL have been included in this proposal. If additional drums of LNAPL require disposal, additional costs will be incurred.
3. For Task No. 4, it is assumed that 8 wells will be sampled and analyzed on a quarterly basis. Costs for four quarters of groundwater monitoring in these 8 wells are included in this proposal. In addition, it is assumed that 10 QA/QC samples may be required. Costs for these 10 QA/QC samples are included in this proposal. Also, if additional wells are found not to contain LNAPL in the future, these wells will also be purged and sampled on a quarterly basis; costs for additional groundwater samples are not included in this proposal.
4. Right of entry permit is excluded.
5. The GEC and its constituents are to be indemnified and held harmless from any claim or liability for injury or loss which may arise as a result of waste materials being left on site after their containerization and storage placement.
6. It is assumed that monitoring well installation will be completed using a hollow-stem auger drill rig. If bedrock, cobbles, flowing sands, or other adverse drilling conditions are encountered, drilling may be continued, if possible, on a time-and-material basis or terminated at the discretion of Bureau Veritas, the drilling subcontractor, or MTS. Bureau Veritas will contact MTS immediately if any of the above conditions are encountered.
7. This proposal does not include utility protection, storm water control, or damage. This proposal does not account for delays due to others or beyond Bureau Veritas' control.
8. The location of all subsurface utilities and pipes within the property line shall be correctly designated by MTS. If MTS fails to provide that information or the information provided is inaccurate, Bureau Veritas shall not be held responsible for the unknown or the incorrectly designated utilities or structures nor for any injury to persons or damages to utilities and structures that result from the improper designation.
9. Cancellation of the project by the MTS after the subcontractors have been scheduled may result in cancellation fees being charged to the MTS.
10. It is assumed that access to all locations is unrestricted, that the trolley station has been notified of the proposed work, and that MTS is responsible for clearing the parking areas to allow drill rig access. Our proposal includes estimated costs for disposal wastes generated during the performance of the above mentioned scope of work; actual disposal costs may vary.
11. Please note that DEH required quarterly monitoring extends field work beyond the expiration of L0606.6-02 contract extension date of December 31, 2007.

PROJECT SCHEDULE

1. Groundwater Investigation Work Plan, including draft submittals to both MTS and DEH, reviews, incorporation of comments for both agencies, and final submittal to DEH for approval – **NTP + 2.5 months.**

2. Additional Groundwater Investigation, including permitting, MIP field work, well installation, well development and survey, and prepare groundwater investigation report – **Submittal of Draft Work Plan to DEH + 2.75 months.**
3. Free-Product Removal, including weekly to bimonthly bailing events and install passive skimmers – **NTP + 3.25 months.**
4. Quarterly Groundwater Monitoring and Reporting, including fourth quarter 2007, first quarter 2008, second quarter 2008, and third quarter 2008 – **Completion of well development and survey + 9.5 months.**

OCT18-07.12.AttA.G1127.0-07.WO 08.06.TALLISON.doc

Task Order Estimate Summary

Contract No. **G1127.0-08**
Task Order No. **08.06**
Attachment: **B**

Task Order Title: **PHASE 2 ESA FOR THE H STREET TRANSIT STATION**

Project No: **AMD160.2(PC
50788)**

Table 1 - Cost Codes Summary (Costs & Hours)

Item	Cost Codes	Cost Codes Description	Total Costs
1	0100-0100	Project Management	\$6,432.44
	1600-0165	Environmental Studies	\$152,625.00
	1600-0180	Prepare and Approve Project Report and Final Environmental Document	\$7,308.00
2			

Totals = **\$166,365.44**

Table 2 - TASKS/WBS Summary (Costs & Hours)

Item	TASKS/WBS	TASKS/WBS Description	Labor Hrs	Total Costs
1	0100-0100	Project Management	56.0	\$6,432.44
2	0600-0265	Environmental Studies	249.0	\$102,386.00
3	1600-0165	Environmental Studies	174.0	\$16,674.00
4	1600-0165	Environmental Studies	296.0	\$33,565.00
5	1600-0180	Prepare and Approve Project Report and Final Environmental Document	48.0	\$7,308.00
6				
7				
8				
9				
10				

Totals = **823.0** **\$166,365.44**

Table 3 - Consultant/Subconsultant Summary (Costs & Hours)

(If Applicable, Select One)				Consultant	Labor Hrs	Total Costs
DBE	DVBE	SBE	Other			
			x	Bureau Veritas / Berryman & Henigar - Management Team	56.0	\$6,432.44
			x	Bureau Veritas / Berryman & Henigar - Environmental Team	767.0	\$159,933.00

Totals = **823.0** **\$166,365.44**

Task Order Estimate
Other Direct Costs

Consultant/ Subconsultant: Bureau Veritas/ Berryman & Henigar

Contract No: G1127.0-08

Task Order No: 8.06

Attachment: B

Task Order Title: PHASE 2 ESA FOR THE H STREET TRANSIT STATION

TASKS/WBS (1-5)																					
ODC Item	Description	Unit	Unit Cost	0100-0100		1600-0165		1600-0165		1600-0165		1600-0180									
				Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total								
1	Hydropunch Boring Permit Fees	EA	\$750.00			1	\$750.00														
2	Monitoring Well Permit Fees	EA	\$232.00			6	\$1,392.00														
3	Travel/Milage	EA	\$185.00			9	\$1,665.00					8	\$1,480.00								
4	Passive Skimmers	EA	\$700.00					6	\$4,200.00												
5	Drums	EA	\$55.00					12	\$660.00			36	\$1,980.00								
6	Shipping/Copying/Printing	LS	\$891.00							1	\$891.00										
7	Lab Analyses	LS	\$10,410.00							1	\$10,410.00										
8	Equipment	LS	\$11,150.00				1	\$11,150.00													
9	Drilling , disposal, and surveying	LS	\$65,633.00				1	\$65,633.00													
10																					
Subtotal =						Subtotal =		\$80,590.00		Subtotal =		\$4,860.00		Subtotal =		\$11,301.00		Subtotal =		\$3,460.00	

TASKS/WBS (6-10)											
ODC Item	Description	Total		Total		Total		Total		Totals	
		Quantity	Quantity	Total	Total	Quantity	Total	Quantity	Total	Quantity	Total
1	Hydropunch Boring Permit Fees									1	\$750.00
2	Monitoring Well Permit Fees									6	\$1,392.00
3	Travel/Milage									17	\$3,145.00
4	Passive Skimmers									6	\$4,200.00
5	Drums									48	\$2,640.00
6	Shipping/Copying/Printing									1	\$891.00
7	Lab Analyses									1	\$10,410.00
8	Equipment									1	\$11,150.00
9	Drilling , disposal, and surveying									1	\$65,633.00
10											
Subtotal =				Subtotal =		Subtotal =		Subtotal =		Totals = \$100,211.00	



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

Agenda

Item No. 13

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

AG 210.9

October 18, 2007

SUBJECT:

**MTS: RESOLUTION SUPPORTING AN INCREASE IN STATE FUNDING FOR
PUBLIC TRANSPORTATION AND UPDATE ON THE STATUS OF CALIFORNIA
TRANSIT ASSOCIATION LITIGATION**

RECOMMENDATION:

That the Board of Directors (1) approve Resolution No. 07-15 in support of California Transit Association (CTA) litigation; and (2) receive a report regarding CTA litigation.

Budget Impact

None.

DISCUSSION:

At the September 27, 2007, Board of Directors meeting, staff was directed to prepare a resolution stating the Board of Directors position regarding the recent loss of state funding for public transportation and supporting the return of those funds from the state's general fund. Attached to this agenda item is MTS Resolution number 07-15 summarizing the Board's position on the state funding issue and authorizing MTS to vigorously pursue the return of those funds from the state's general fund. Staff is seeking Board adoption of the resolution.

In addition, the Board requested an update on the status of the CTA's lawsuit that was filed against the State of California. Shortly following the enactment of the fiscal year 2008 state budget, which included a \$1.3 billion diversion of transit funding and resulted in an estimated \$14 million loss of funding for MTS, the CTA filed a Petition for Writ of Administrative Mandamus in the state court. The lawsuit alleges this fund diversion was unconstitutional and violates the provisions of the laws which established the funding source originally. The CTA is seeking the following relief from the court:

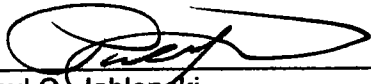
1. For an injunction prohibiting the State Controller and the Director of Finance from transferring the PTA spillover funds for the payment of debt service and to the Department of Education and the Department of Developmental Services;



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.

1. For an injunction prohibiting the State Controller and the Director of Finance from transferring the PTA spillover funds for the payment of debt service and to the Department of Education and the Department of Developmental Services;
2. For a declaration that future use of the spillover revenues for other than public transportation services would be a violation of the California Public Utilities Code and the Revenue and Taxation Code; and
3. For attorney's fees pursuant to statute.

MTS Staff has been informed that, at this time, CTA does not wish to have amicus curie briefs filed in support of its Petition for Writ of Mandamus. CTA believes that additional briefs from state transit agencies will cause a delay in the court's review and decision on this matter. If the lawsuit proceeds by way of an appeal, CTA will make a call for amicus curie briefs at that time. In lieu of filing a brief, language supporting the CTA's position has been included in the attached resolution.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557-4512, tiffany.lorenzen@sdmts.com

OCT18-07.13 CTA LITIG RES 07-15.LORENZEN.DOC

Attachment: A: Resolution No. 07-15
B: Copy of Josh Shaw, et. al. v. John Chiang, a California State Controller and Michael C. Genest, California Director of Finance, in their official capacity

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 07-15

Resolution Supporting An Increase in State Funding for Public Transportation, the Prohibition of Utilization of Transportation Funds for Purposes Other than Public Transportation, and Supporting the California Transit Association in its Litigation Against the State of California for Misuse of State Funds

WHEREAS, the voters of the State of California and the California State Legislature did enact and adopt Public Utilities Code section 99310.5 and Revenue and Taxation Code section 7102(a)(1), (2) and (3) which require specified revenues from the sales tax on motor vehicle fuel be deposited into a special account known as the Public Transportation Account (PTA) ; and

WHEREAS, the voters of the State of California and the California State Legislature did enact and adopt California Constitution Article XIX A, a legislative constitutional amendment precluding the California State Legislature from making unauthorized diversions from the PTA to the state General Fund except through loans which much be repaid; and

WHEREAS, commencing in fiscal year 2001-2002, the California State Legislature did amend Revenue and Taxation Code section 7102(a)(1) to divert revenues away from the PTA for purposes other than providing public transportation; and

WHEREAS, commencing in fiscal year 2007-2008, the California State Legislature did further amend Revenue and Taxation Code section 7102(a)(1), (2), and (3) and Public Utilities Code section 99310.5 to further divert funds from the PTA and establish a new Mass Transportation Fund going forward for the same unauthorized purpose of diverting state transportation funds enacted by the voters of the State of California; and

WHEREAS, MTS strongly opposes any misuse of state public transportation funds for any purpose other than the provision of public transportation services; NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that MTS does herby authorize the Chief Executive Officer, or his designated representative, to vigorously oppose any misappropriation of state public transportation funds as follows:

1. Forward a copy of this resolution along with a supporting letter delineating MTS's position regarding the misappropriation and misuse of the PTA to the members of the California State Legislature.
2. Coordinate with other California public transportation agencies to vigorously oppose any future state efforts to misappropriate or misuse public transportation funds in any manner.
3. Support the lawsuit filed by the California Transit Association against the State of California entitled Josh Shaw, et. al. v. John Chiang, a California State Controller and Michael C. Genest, California Director of Finance, in their official capacity, by filing an Amicus Curie brief at the appropriate time.
4. To take any and all other action to ensure that public transportation funds are directed only to California public transportation agencies.

PASSED AND ADOPTED, by the Board of Directors this _____ day of ____ 2007, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

MARCH8-07.10.AttA.RESOLUTION 07-04.BFARLEY

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9 Attorneys for Petitioners Josh Shaw, Taxpayer and
 10 Executive Director of California Transit Association;
 and California Transit Association, a nonprofit corporation

12 SUPERIOR COURT OF CALIFORNIA

13 COUNTY OF SACRAMENTO

15 JOSH SHAW, Taxpayer and Executive
 Director of California Transit Association; and
 16 the CALIFORNIA TRANSIT
 ASSOCIATION, a nonprofit corporation,

17 Petitioners,

18 v.

19 JOHN CHIANG, California State Controller
 20 and MICHAEL C. GENEST, California
 Director of Finance, in their official capacity,

21 Respondents.
 22

CASE NO.

VERIFIED PETITION FOR WRIT OF
 MANDATE (CCP 1085), DECLARATORY
 RELIEF (CCP 1060), INJUNCTION (CCP
 526) AND FOR ATTORNEYS' FEES
 (CCP1021.5)

Date:
 Time:
 Ctrm.
 Judge:

23 I.

24 INTRODUCTION

25 1. This petition challenges provisions of the 2007-2008 state budget act and related
 26 legislation on the grounds that these acts effect a clever but unauthorized and illegal diversion of
 27 revenues in the Public Transportation Account (hereafter the "PTA") for purposes inconsistent with
 28

1 Public Utilities Code section 99310.5 and Revenue and Taxation Code section 7102(a)(1),(2) and
2 (3). These sections were amended by Proposition 116, an initiative statute adopted by the voters at
3 the June 1990 Primary Election. Together, these provisions require that specified revenues from the
4 sales taxes on motor fuel be deposited in the PTA and be used "only for transportation planning and
5 mass transportation purposes." Both of these amended sections provide that they may be amended
6 only by two-thirds vote of the Legislature and only if the "amendments are consistent with and
7 further the purposes of " these sections.

8 2. Pursuant to California Constitution Article XIX A, a legislative constitutional
9 amendment placed on the November 1998 General Election Ballot as Proposition 2 and adopted by
10 the voters, the Legislature is precluded from making unauthorized diversions from the PTA to the
11 General Fund except through loans from the PTA that must be repaid. The legislation challenged in
12 this petition makes unauthorized diversions from the PTA without any repayment provisions or
13 protections whatsoever.

14 3. Commencing in fiscal year 2001-2002, Revenue and Taxation Code section 7102(a)(1)
15 has been amended by the Legislature to divert revenues away from the PTA for purposes other than
16 transportation planning and mass transportation. In fiscal year 2005-2006, none of the required
17 revenues were placed in the PTA. (See Rev. & Tax. Code § 7102(a)(1)(E).) In fiscal year 2006-2007,
18 \$200 million was diverted from the PTA to meet the General Fund's obligation to the Transportation
19 Deferred Investment Fund. (See Rev. & Tax. Code § 7102(a)(1)(F).) These amendments were
20 improper but are not challenged in this lawsuit.

21 4. The legislation challenged in this petition is for fiscal year 2007-2008 and subsequent
22 years. Although that legislation was enacted by a two-thirds vote of the Legislature, the legislation is
23 not consistent with, and does not further the purposes of, Public Utilities Code section 99310.5 or
24 Revenue and Taxation Code section 7102(a)(1),(2) and (3) because the diverted revenues are not
25 used for transportation planning or mass transportation purposes. Not only does the legislation divert
26 \$905,231,982 dollars from the PTA for unauthorized purposes for fiscal year 2007-2008, it
27 perpetuates these unauthorized diversions by requiring that, commencing in fiscal year 2008-2009
28

1 and every year thereafter, 50 percent of revenues received pursuant to Revenue and Taxation Code
2 section 7102(a)(1) be diverted away from the PTA to a new "Mass Transportation Fund" to be used
3 for these same unauthorized purposes.

4 5. This petition seeks (i) a writ of mandate and injunction to prohibit these diversions for
5 unauthorized purposes from being made in fiscal year 2007-2008 and thereafter, and (ii) a
6 declaration that for fiscal year 2007-2008, and in fiscal years 2008-2009 and thereafter, these
7 diversions violate the restrictions in Public Utilities Code section 99310.5 and Revenue and Taxation
8 Code section 7102(a)(1),(2) and (3) that any amendments to these sections must be consistent with
9 and further their intent that revenues from the PTA be used "only" for transportation planning and
10 mass transportation purposes.

11 II.

12 PARTIES

13 6. Petitioner, JOSH SHAW, is a resident, taxpayer and qualified elector of the State of
14 California. Petitioner is also the Executive Director of the California Transit Association.

15 7. Petitioner, CALIFORNIA TRANSIT ASSOCIATION, is a non-profit corporation formed
16 to support the needs of California's public transit systems through advocacy and education.

17 8. Respondent JOHN CHIANG is the Controller of the State of California and responsible
18 under the legislation challenged in this petition for making directed diversions from the Public
19 Transportation Account.

20 9. Respondent, MICHAEL C. GENEST is the California Director of Finance and
21 responsible under the legislation challenged in this petition for making directed diversions from the
22 PTA.

23 III.

24 GENERAL ALLEGATIONS

25 A. RESTRICTIONS IN PROPOSITION 116, AN INITIATIVE BOND ACT 26 ADOPTED BY THE VOTERS AT THE JUNE 1990 PRIMARY ELECTION.

27 10. The PTA, formerly known as the State Transportation Planning and Development
28

1 Account, is an account within the State Transportation Fund. (Pub. Util. Code § 99310.) Specified
2 revenues from sales taxes on motor fuel are required to be deposited in the Public Transportation
3 Account. Those specified revenues consist of: a portion of the revenue from the sales tax on gasoline
4 (Rev. & Tax. § 7102(a)(1); the incremental sales tax revenue arising from the increase in the separate
5 excise tax on gasoline in 1989 (Rev. & Tax. § 7102(a)(2)); the sales tax on diesel fuel (Rev. & Tax.
6 Code § 7102(a)(3)) and another portion of the sales tax on gasoline (Cal. Const. Article XIX B, §
7 1(a) and (b)(1) and (2)) .

8 11. At the June 1990 Primary Election, the people adopted Proposition 116. Section 2 of
9 Proposition 116 amended Public Utilities Code section 99310.5 as follows:

10 99310.5. (a) *The account is hereby designated as a trust fund.*

11 (b) *The funds in the account shall be available, when appropriated by the Legislature,*
12 *only for transportation planning and mass transportation purposes, as specified by the*
Legislature.

13 (c) *The Legislature may amend this section by statute passed in each house of the*
14 *Legislature by rollcall vote entered in the journal, two-thirds of the membership*
concurring, if the statute is consistent with, and furthers the purposes of, this section.

15 (Italics represent text amended by Proposition 116.)

16 12. Section 4 of Proposition 116 amended Revenue and Taxation Code section 7102.

17 Relevant to this petition is the amendment to section 7102(a)(1) and the addition of subdivision (d).

18 7102. The money in the fund shall, upon order of the Controller, be drawn therefrom
19 for refunds under this part, and pursuant to Section 1793.25 of the Civil Code, or be
transferred in the following manner:

20 (a)(1) All revenues less refunds, derived under this part at the 4¾ percent rate,
21 including the imposition of sales and use taxes with respect to the sale, storage, use,
22 or other consumption of motor vehicle fuel which would not have been received if the
23 sales and use tax rate had been 5 percent and if motor vehicle fuel, as defined for
24 purposes of the Motor Vehicle Fuel License Law (Part 2 commencing with section
25 7301) had been exempt from sales and use taxes, shall be estimated by the State
26 Board of Equalization, with concurrence of the Department of Finance, and shall be
27 transferred ~~during each fiscal year~~ quarterly to the Transportation Planning and
28 Development Account,¹ *a trust fund* in the State Transportation Fund for
~~appropriation pursuant to section 99312 of the Public Utilities Code.~~

* * * *

¹ This is now known as the Public Transportation Account. (Public Utilities Code § 99310(a).)

1 *(d) The Legislature may amend this section, by statute passed in each house of the*
2 *Legislature by rollcall vote entered in the journal, two-thirds of the membership*
3 *concurring, if the statute is consistent with, and furthers the purpose of, this section.*

4 (Italics represent text amended by Proposition 116; strikethrough indicates text deleted by
5 Proposition 116.)

6 13. Since the adoption of Proposition 116 in 1990, Revenue and Taxation Code section
7 7102(a)(1) has been amended several times. (See §7102(a)(1)(A) through (F).) For fiscal year 2005-
8 2006, no transfers were made *into* the PTA. (See § 7102(a)(1)(E).) For fiscal year 2006-2007, \$200
9 million was diverted away from the PTA. (See § 7102(a)(1)(F).) None of these diversions were for
10 transportation planning or mass transportation purposes.

11 **B. UNAUTHORIZED DIVERSION OF PTA REVENUES TO PAY FOR**
12 **CURRENT BOND DEBT SERVICE AND "REIMBURSE" GENERAL**
13 **FUND FOR PAYMENT OF PRIOR BOND DEBT SERVICE.**

14 **(1) Amendment of Revenue and Taxation Code Section 7102 to Create**
15 **Mass Transportation Fund and Divert \$621,967,348 of PTA Revenues to**
16 **Fund.**

17 14. Senate Bill 79, Chap. 173, Stats. 2007, § 4, page 9 amends Revenue and Taxation
18 Codes section 7102(a)(1) by adding two new subdivisions (G) and (H), which divert revenues away
19 from the PTA:

20 *(G) For the 2007-2008 fiscal year, the first one hundred fifty-five million four*
21 *hundred ninety-one thousand eight hundred thirty seven dollars (\$155,491,837) in*
22 *revenue estimated pursuant to this paragraph each quarter shall, notwithstanding*
23 *any other provision of this paragraph or any other provision of law, be transferred*
24 *quarterly to the Mass Transportation Fund. If revenue in any quarter is less than that*
25 *amount, the transfer in the subsequent quarter or quarters shall be increased so that*
26 *the total transferred for the fiscal year is six-hundred twenty-one million nine*
27 *hundred sixty-seven thousand three hundred forty-eight dollars (\$621,967,348).*

28 *(H) For the 2008-09 fiscal year and every fiscal year thereafter, 50 percent of the*
29 *revenue estimated pursuant to this paragraph each quarter shall, notwithstanding*
30 *any other provision of this paragraph or any other provision of law, be transferred to*
31 *the Mass Transportation Fund.*

32 **(2) Addition of Revenue and Taxation Code section 7103 to Retransfer**
33 **\$539,289,348 of PTA Revenues in the Mass Transportation Fund to the**
34 **Transportation Debt Service Fund.**

35 15. SB 79, Chap. 173, Stats. 2007, § 5, page 10 adds section 7103 to the Revenue and

1 Taxation Code. Section 7103(a) establishes the Mass Transportation Fund. For fiscal year 2007-
2 2008, section 7103(b) transfers \$539,289,348 of the \$621,967,348 in PTA revenues diverted to the
3 Mass Transportation Fund pursuant to subdivision (a)(1)(G) of section 7102 to a new Transportation
4 Debt Service Fund. The balance of \$82,678,000 is transferred to the General Fund:

5 *(b). From moneys transferred to the fund pursuant to subparagraph (G) of*
6 *paragraph (1) of subdivision (a) of Section 7102 in the 2007-2008 fiscal year, the sum*
7 *of five-hundred thirty-nine million two hundred eighty-nine thousand three hundred*
8 *forty-eight dollars (\$539,289,348) shall be transferred to the Transportation Debt*
9 *Service Fund and eighty-two million six hundred seventy-eight thousand dollars*
10 *(\$82,678,000) shall be transferred to the General Fund as reimbursement for the*
11 *payments made by the General Fund pursuant to subdivision (f) of Section 1 of*
12 *Article XIX B of the California Constitution.*

13 The Governor's line item veto message for SB 79 eliminated the transfer of \$82,678,000 to
14 the General Fund but did not cause the funds to be retransferred to the PTA.

15 **(3) Addition of Government Code Section 16965 to Appropriate**
16 **\$339,289,345 of PTA Revenues in the Transportation Debt Service**
17 **Fund for Payment of Current Debt Service on Bonds Issued**
18 **Pursuant to Propositions 108 (1990), 116 (1990) and 192 (1996).**

19 16. SB 79, Chap.173, Stats. 2007, § 1, page 6 adds Government Code section 16965 to the
20 Government Code which creates the Transportation Debt Service Fund. Section 16965(b)(1)
21 appropriates from the PTA revenues transferred first to the Mass Transportation Fund, and from
22 there to the Transportation Debt Service Fund, \$339,289,345 to pay *current* debt service on three
23 bond issues:

24 Passenger Rail and Clean Air Bond Act of 1990 (Proposition 108) - \$70,983,363;

25 Clean Air and Transportation Improvement Act of 1990 (Proposition 116) - \$123,973,493;
26 and

27 Seismic Retrofit Bond Act of 1996 (Proposition 192) - \$144,332,489.

28 17. Government Code Section 16965(b)(2) transfers \$200 million from the PTA revenues
diverted to the Mass Transportation Fund for reimbursement of the General Fund for debt service
payments "*made in prior years for public-transportation-related* " bond expenditures. The
Governor's line item veto message for SB 79 eliminated the transfer of \$200,000,000 to the General

1 Fund but did cause the funds to be retransferred to the PTA.

2
3 **(4) Addition of Section 24.80 to the Budget Act to Authorize the**
4 **Director of Finance to Divert \$409 Million from the PTA to the**
5 **General Fund to "Reimburse" the General Fund for Payment of**
6 **Prior Debt Service on "Public-Transportation-Related" Bonds.**

7 18. SB 78, Chap. 172, Stats. 2007, § 71, page 67 adds section 24.80 to the Budget Act (SB
8 77, Chap.177, Stats. 2007), which authorizes the Director of Finance to reimburse the General Fund
9 from the PTA in the amount of \$409 million for debt service payments "*made in prior years for*
10 *public-transportation-related*" bond expenditures. These prior debt service expenditures refer to
11 expenditures made for bonds issued pursuant to Propositions 108, 116, and 192.

12 **(5) Challenges to Use of PTA Revenues for Payment of Current**
13 **Debt Service and Reimbursement of General Fund for Payment of**
14 **Prior Debt Service.**

15 19. Petitioners do not challenge the use of PTA revenues to pay for *current* debt service on
16 bonds issued pursuant to Proposition 108. Proceeds from bonds issued pursuant to Proposition 108
17 are to be used for mass transportation purposes to acquire rolling stock for inter city rail, commuter
18 rail, and rail transit systems.

19 20. Use of PTA revenues for payment of current debt service, and reimbursement of General
20 Fund expenditures for payment of prior debt service, on bonds issued pursuant to Proposition 116 is
21 precluded by Public Utilities Code section 99611, added by Section 1 of Proposition 116. The courts
22 have construed Section 99611 as prohibiting the use of PTA funds to pay debt service on Proposition
23 116 bonds.

24 21. Use of PTA revenues for payment of current debt service and reimbursement of General
25 Fund expenditures for payment of prior debt service on bonds issued pursuant to Proposition 192 is
26 inconsistent with, and does not further the purposes of, Public Utilities Code section 99310.5 or
27 Revenue and Taxation Code section 7102(a)(1),(2) and (3) as amended by Proposition 116.
28 Proposition 192 bonds are dedicated to seismic retrofit of bridges and highways, purposes which do
not qualify as transportation planning or mass transportation purposes.

1 22. Use of PTA revenues for reimbursement of General Fund expenditures for payment of
2 prior debt service on bonds issued pursuant to Proposition 108 is not authorized because, based on
3 Petitioner's information and belief, during fiscal years 2005-2006 and 2006-2007, pursuant to
4 Revenue and Taxation Code sections 7102(a)(1)(E) and (F), PTA revenues in an amount exceeding
5 General Fund debt service expenditures for this bond issue were diverted to purposes other than
6 transportation planning or mass transportation. Transfer of additional PTA revenues for payment of
7 prior debt service compounds the original unauthorized diversions. Further, as the obligation for
8 prior debt service has previously been discharged, this diversion of PTA revenues to support the
9 General Fund is totally unrelated to transportation planning or mass transportation purposes.

10 **C. UNAUTHORIZED DIVERSION OF \$99,120,000 OF PTA REVENUES**
11 **TO THE HOME TO SCHOOL TRANSPORTATION AND SMALL**
12 **SCHOOL DISTRICT TRANSPORTATION PROGRAMS.**

13 23. Senate Bill 78, Chap. 172, Stats. 2007, § 56, page 52 adds Item 6110-111-0046 to
14 section 2.00 of the Budget Act (SB 77, Chap. 171 Stats 2007) and appropriates \$99,120,000 from the
15 PTA for transfer to the State School Fund for the Home To School Transportation program (Ed.
16 Code §§ 41850 et seq.) and the Small School District Transportation program (Ed. Code §§ 42290 et
17 seq.). The transfer of PTA revenue for this purpose is inconsistent with, and does not further the
18 purposes of, Public Utilities Code section 99310.5 or Revenue and Taxation Code section
19 7102(a)(1),(2) and (3) as amended by Proposition 116. The Home to School Transportation program
20 and the Small School District Transportation program are not for the purpose of transportation
21 planning or mass transportation.

22 **D. UNAUTHORIZED DIVERSION OF \$128,806,000 OF PTA REVENUES**
23 **TO PAY FOR TRANSPORTATION TO VOCATIONAL**
24 **REHABILITATION REGIONAL CENTERS.**

25 24. Senate Bill 77 (the 2007-2008 Budget Act), Chap. 171, Stats. 2007, Item 4300-101-0001,
26 Schedule (5), Provision 3, pages 399-400 appropriates \$128,806,000 for local assistance to the
27 Department of Developmental Services' Regional Centers for transporting clients receiving
28 vocational rehabilitation services. The transfer of PTA revenue for this purpose is inconsistent with,
and does not further the purposes of, Public Utilities Code section 99310.5 or Revenue and Taxation

1 Code section 7102(a)(1),(2) and (3) as amended by Proposition 116. Provision of transportation for
2 regional centers is not for the purpose of transportation planning or mass transportation.

3 **E. UNAUTHORIZED PLANNED DIVERSION OF \$82,678,00 OF PTA**
4 **REVENUES TO REIMBURSE THE GENERAL FUND FOR THE**
5 **GENERAL FUND'S OBLIGATION TO THE TRANSPORTATION**
6 **INVESTMENT FUND.**

7 25. Senate Bill 79, Chap.173, Stats. 2007, § 5, page 11 adds section 7103(b) to the Revenue
8 and Taxation Code, which transfers \$82,678,000 from the PTA to the General Fund "as
9 reimbursement for the payments made by the General Fund pursuant to subdivision (f) of Section 1
10 of Article XIX B of the California Constitution." The transfer of PTA revenue for this purpose is
11 inconsistent with, and does not further the purposes of, Public Utilities Code section 99310.5 or
12 Revenue and Taxation Code section 7102(a)(1),(2) and (3) as amended by Proposition 116. Eighty
13 percent of the moneys – and actually more in fiscal year 2007-2008 – in the Transportation
14 Investment Fund are dedicated to purposes *other* than transportation planning or mass transportation.
(Cal. Const. Art. XIX B, § 1(b) and (c).)

15 The transfer of PTA revenues to the Transportation Investment Fund is also not consistent
16 with the purpose of subdivision (f) of Section 1 of Article XIX B. The General Fund's obligation to
17 reimburse the Transportation Investment Fund for suspending payments of transportation revenues to
18 that fund is mandated by California Constitution Article XIX B due to amendments adopted by the
19 voters as Proposition 1A in the November 2006 General Election.

20 As alleged in paragraph 15, the Governor's line item veto message for SB 79 eliminated the
21 transfer of \$82,678,000 to the General Fund, but did not cause the funds to be retransferred to the
22 PTA. As alleged in paragraph 26, one of the authorized purposes of funds deposited in the Mass
23 Transportation Fund is reimbursement for payments made by the General Fund pursuant to
24 subdivision (f) of Section 1 of Article XIX B of the California Constitution. By remaining in the
25 Mass Transportation Fund, the \$82,678,000 is subject to future appropriation for this unauthorized
26 purpose.

1 **F. UNAUTHORIZED PLANNED DIVERSIONS OF PTA REVENUES**
2 **FOR FISCAL YEARS 2008-2009 AND THEREAFTER.**

3 26. Senate Bill 79, Chap. 173, Stats. 2007, § 5, pages 10-11 adds section 7103 to the
4 Revenue and Taxation Code. Section 7103(a) creates the Mass Transportation Fund and specifies
5 that its purposes shall be, but are not necessarily limited to:

6 (1) Payment of debt service on transportation bonds, or reimbursement to the General
7 Fund for past debt service payments on transportation bonds.

8 (2) Funding of the Department of Developmental Services for regional center
9 transportation.

10 (3) Reimbursement of the General Fund for payments made by the General Fund
11 pursuant to subdivision (f) of Article XIX B of the California Constitution.

12 (4) Funding of home-to-school transportation, pursuant to Article 10 (commencing
13 with section 41850) of Chapter 5 of Part 24 of the Education Code and Small School
14 District Transportation pursuant to Article 4.5 (commencing with Section 422990) of
15 Chapter 7, Part 24 of the Education Code.

16 27. Senate Bill 79, Chap.173, Stats. 2007, § 4, page 9 amends Revenue and Taxation Code
17 section 7102(a)(1) to add subdivision (H). Subdivision (H) requires that for fiscal year 2008-2009
18 and every year thereafter, 50 percent of the revenue required to be deposited in the PTA pursuant to
19 section 7201(a)(1) shall be transferred to the Mass Transportation Fund. PTA funds deposited in the
20 Mass Transportation Fund and used for the purposes specified in Revenue and Taxation Code
21 section 7103(a) would be unauthorized as not consistent with Public Utilities Code section 99310.5
22 or Revenue and Taxation Code section 7102(a)(1),(2) and (3) as amended by Proposition 116.

23 **IV.**

24 **FIRST CAUSE OF ACTION FOR MANDATE**

25 **(CODE CIV. PROC. § 1085)**

26 28. Petitioners re-allege paragraphs 1 through 27 as though fully set forth herein. The
27 Director of Finance and the State Controller are responsible for implementing the unauthorized
28 transfers or diversions from the PTA challenged herein. Proposition 116, Public Utilities Code
section 99310.5, and Revenue and Taxation Code section 7102(a)(1),(2) and (3) impose a mandatory
duty on the State Controller and the Director of Finance to transfer revenues from specified sales

1 taxes on motor vehicle fuel to the PTA and use them "only for transportation planning and mass
2 transportation purposes." Unless mandated to refrain from making unauthorized transfers or
3 diversions, the State Controller and the Director of Finance will cause revenues in the PTA, or
4 otherwise required to be transferred to the PTA, to be redirected during fiscal year 2007-2008 for
5 purposes other than transportation planning or mass transportation.

6 29. Petitioners have no administrative means to challenge the transfers at issue in this
7 petition nor an adequate remedy at law. Therefore, Petitioners seek a peremptory writ of mandate
8 pursuant to Code Civ. Proc. section 1085 prohibiting the State Controller and the Director of Finance
9 from diverting or transferring PTA revenues for the unauthorized purposes identified in this petition.

10 **V.**

11 **SECOND CAUSE OF ACTION FOR DECLARATORY RELIEF**

12 **(CODE CIV. PROC. § 1060)**

13 30. Petitioners re-allege paragraphs 1 through 29 as though fully set forth herein. Senate Bill
14 79, Chap. 173, Stats. 2007, § 4, amends Revenue and Taxation Code section 7102(a)(1) to add a new
15 subdivision (H) requiring that for the 2008-2009 fiscal year and every year thereafter, 50 percent of
16 the revenue estimated by the Director of Finance and Board of Equalization to be deposited in the
17 PTA pursuant to section 7102(a)(1) be transferred instead to the Mass Transportation Fund. Senate
18 Bill 79, Chap. 173, Stats. 2007, § 5 adds section 7103(a) to the Revenue and Taxation Code.
19 Subdivision (a) specifies the purposes for which funds in the Mass Transportation Fund shall be
20 used. There is a controversy whether these purposes constitute transportation planning or mass
21 transportation purposes, and whether the statutes in question are consistent with, and further the
22 purpose of, Public Utilities Code section 99310.5 and Revenue and Taxation Code section
23 7102(a)(1),(2) and (3) as amended by Proposition 116.

24 31. It is appropriate that the court issue a declaratory judgment pursuant to Code Civ. Proc.
25 section 1060 declaring that the purposes set forth in Revenue and Taxation Code section 7103(a) for
26 the use of PTA revenues transferred to the Mass Transportation Fund pursuant to Revenue and
27 Taxation Code section 7102(a)(1)(H) do not constitute transportation planning or mass transportation
28

1 purposes and the statutes in question are not consistent with, and do not further the purpose of,
2 Public Utilities Code section 99310.5 and Revenue and Taxation Code section 7102(a)(1),(2) and (3)
3 as amended by Proposition 116.

4 **VI.**

5 **THIRD CAUSE OF ACTION FOR INJUNCTIVE RELIEF**
6 **(CODE CIV. PROC. § 526)**

7 32. Petitioners re-allege paragraphs 1 through 31 as though fully set forth herein.

8 33. Commencing with fiscal year 2008-2009, Revenue and Taxation Code section
9 7102(a)(1)(H) will require 50 percent of the revenues otherwise required to be transferred to the PTA
10 pursuant to Revenue and Taxation Code section 7102(a)(1) to instead be transferred to the Mass
11 Transportation Fund for the purposes specified in Revenue and Taxation Code section 7103(a).
12 Unless enjoined from using these funds for the purposes specified in section 7103(a), these funds
13 may be used commencing in fiscal year 2008-2009 and every year thereafter for these purposes,
14 forcing Petitioners to bring annual petitions for writ of mandate to prohibit the use of PTA funds for
15 these purposes. Petitioners have no plain, speedy or adequate remedy at law to prohibit future
16 unauthorized diversions of PTA revenues except through injunctive relief.

17 34. It is appropriate for the court to grant injunctive relief under the provisions of Code Civ.
18 Proc. section 526 to permanently enjoin the State Controller and the Director of Finance from
19 spending PTA revenues in the Mass Transportation Fund for the purposes stated in Revenue and
20 Taxation Code section 7103(a).

21 **VII.**

22 **FOURTH CAUSE OF ACTION FOR ATTORNEYS FEES**
23 **(CODE CIV. PROC. § 1021.5)**

24 35. Petitioners have incurred attorney fees in bringing this action. This action seeks to
25 preserve revenues in the PTA for the transportation planning and mass transportation purposes set
26 forth in Public Utilities Code section 99310.5 and Revenue and Taxation Code section 7102(a)(1),(2)
27 and (3) as amended by Proposition 116. If Petitioners prevail, this will be a significant benefit to the
28

1 public generally and to the large class of persons that rely on mass transportation in their daily
2 activities. If Petitioners prevail, it is appropriate for this court to award Petitioners reasonable
3 attorney fees pursuant to Code Civ. Proc. section 1021.5.

4 **WHEREFORE**, petitioners pray for relief as follows:

5 1. For fiscal year 2007-2008, a writ of mandate and/or injunction prohibiting the State
6 Controller and the Director of Finance from transferring from the PTA the amount of \$409,000,000
7 for reimbursement of the General Fund for payment of prior debt service, on bonds issued pursuant
8 to Propositions 108, 116 and 192. (SB 78, Chap. 172, Stats. 2007, § 71.)

9 2. For fiscal year 2007-2008, a writ of mandate and/or injunction prohibiting the State
10 Controller and the Director of Finance from transferring from the PTA \$268,305,982 for payment of
11 current debt service on bonds issued pursuant to Propositions 116 and 192. (SB 79, Chap. 173, Stats.
12 2007, § 1, Govt. Code § 16965(b)(1).)

13 3. For fiscal year 2007-2008, a writ of mandate and/or injunction prohibiting the State
14 Controller and Director of Finance from transferring \$99,120,000 from the PTA to the Department
15 of Education. (SB 78, Chap. 1, Stats. 2007, § 56.)

16 4. For fiscal year 2007-2008, a writ of mandate and/or injunction prohibiting the State
17 Controller and Director of Finance from transferring \$128,806,000 from the PTA to the Department
18 of Developmental Services. (SB 77, Chap. 171, Stats. 2007, Item 4300-101-0001, Schedule (5),
19 Provision 3.)

20 5. A declaration that:

21 (a). Use of PTA revenues to fund the purposes set forth in Revenue and Taxation Code
22 section 7103(a)(2),(3) and (4) for fiscal year 2007-2008 and thereafter would be a violation of Public
23 Utilities Code section 99310.5 and Revenue and Taxation Code section 7102(a)(1),(2) and (3).

24 (b). Use of revenues from the PTA for the purposes set forth in Revenue and Taxation Code
25 section 7103(a)(1) for fiscal years 2007-2008 and thereafter would be a violation of Public Utilities
26 Code section 99310.5 Revenue and Taxation Code section 7102(a)(1),(2) and (3) if the debt service
27 is for bonds that are not issued for transportation planning or mass transportation purposes.

1 6. For an injunction enjoining the future use of any PTA revenues in the Mass Transportation
2 Fund for the purposes set forth in Revenue and Taxation Code section 7103(a) except as to PTA
3 revenues used to pay current debt service on bonds issued for transportation planning and mass
4 transportation purposes.

5 7. For attorneys fees pursuant to Code Civ. Proc. section 1021.5.

6 8. For such other and further relief as the court deems appropriate.

7 Dated: Sept 5, 2007

Respectfully Submitted,

8 Nielsen, Merksamer, Parrinello,
9 Mueller & Naylor, LLP

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11 Richard D. Martland
12 Richard D. Martland
13 Attorneys for Petitioners
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VERIFICATION

I, ANNE LOUISE RICE, declare that I am Vice-Chair and Acting Chair of the CALIFORNIA TRANSIT ASSOCIATION, a nonprofit corporation, one of the Petitioners herein. I have read the foregoing VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE (CCP 1085), DECLARATORY RELIEF (CCP 1060), INJUNCTION (CCP 526) AND FOR ATTORNEYS' FEES (CCP 1021.5) and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5 day of September 2007 at 2:22pm in Los Angeles, California.



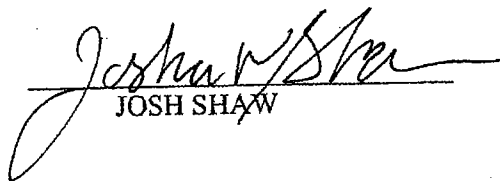
ANNE LOUISE RICE

VERIFICATION

I, JOSH SHAW, declare that I am one of the petitioners herein.

I have read the foregoing VERIFIED PETITION FOR PEREMPTORY WRIT OF MANDATE (CCP 1085), DECLARATORY RELIEF (CCP 1060), INJUNCTION (CCP 526) AND FOR ATTORNEYS' FEES (CCP 1021.5) and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of September 2007 at 1415 L St., Sacramento, 3^{00P} California.


JOSH SHAW



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

REVISED

Agenda

Item No. 25

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

SRTP 830

October 18, 2007

SUBJECT:

MTS: PUBLIC HEARING ON PROPOSED CHANGES TO MTS BUS SERVICE
AND FARES

RECOMMENDATION:

That the Board of Directors:

1. conduct a public hearing on the recommended service changes;
2. conduct a public hearing on the recommended fare changes; and
3. approve the service changes for implementation in January 2008.

Budget Impact

If approved, implementation of the proposed service changes is expected to result in an annual operating subsidy savings of \$420,000.

DISCUSSION:

In May, the San Diego Association of Governments (SANDAG) updated its subsidy projections on TransNet and the Transportation Development Act (TDA) for fiscal years 2007 and 2008 creating a \$9.2 million budget shortfall. The MTS Board of Directors provided guidance in resolving this significant shortfall, including:

- Nonfare Revenue Adjustments
- Nonservice Expense Adjustments
- Personnel Benefit Adjustments
- Fare Adjustments
- Service Reductions



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.

Service reductions are anticipated to yield \$1.88 million in annual subsidy savings comprised of:

- **\$1.26 million** - service reductions, including:
 - \$420,000 as part of this public hearing
 - \$284,000 in minor frequency reductions to Routes 8/9, 701, 709, and 712 that were implemented in September 2007
 - \$560,000 in service changes to Routes 31, 964, 992, and the Green Line that were approved for implementation in January 2008
- **\$.62 million** - FY 2008 budget reduction originally approved for improving existing route running times.

Proposed Service Changes

The following are proposed service changes considered as part of the September 27, 2007, public hearing:

- Route 28

Route 28 provides 30-minute frequency service between Old Town Transit Center and Point Loma via Rosecrans Street with three variations of the route (A - to Shelter Island, B – to the Navy Submarine Base [Sub Base], C – to the Cabrillo National Monument [Monument]). The proposal is to terminate all Route 28 trips at Shelter Island with service along the segments between the Sub Base and Monument replaced with a minibus shuttle seven days a week. Schedules would be implemented permitting easy connectivity between Route 28 and the shuttle with trips departing for either the Sub Base or Monument approximately each hour. Connectivity at the Old Town Transit Center with other services, particularly the North County Transit District (NCTD) Coaster, is also taken into consideration.

At the September 27 public hearing on service changes, after receiving comments concerning trips times and the adequacy of the proposed change to accommodate work schedules at SPAWARs and the Sub Base, the MTS Board directed staff to work with stakeholders with the intent to clarify the proposal and possibly examine refinement of the proposal.

As of this writing, staff has presented additional clarifying material to SPAWAR staff and leadership personnel at the Sub Base, Point Loma Nazarene University, and Cabrillo National Monument for review and comment. Staff anticipates concluding comments and making any necessary changes during the week of the October 18, 2007, Board meeting and will present findings at that time.

- University City Restructure

- Routes 41 and 921 (Attachment A) – Route 921 currently provides 30-minute frequency service from Black Mountain Road to University of California San Diego (UCSD) via Mira Mesa Boulevard. Route 41 provides 15-minute frequency from Fashion Valley Transit Center to UCSD via Genesee Avenue and La Jolla Village Drive.

At the September 27 public hearing on service changes, the MTS Board authorized staff to terminate Route 921 at UTC due to the elimination of MTS's terminal space at the Veterans Administration (VA) Hospital unless a suitable alternative layover location was secured. Since then, MTS and UCSD staffs have collaborated to identify a suitable layover location for both Routes 921 and 41 on Russell Drive between Rupertus Lane and Gilman Drive. Therefore, MTS will maintain both Routes 921 and 41 directly to UCSD and the VA Hospital. The \$56,000 annual savings estimated for the termination of Route 921 at UTC will be realized as part of this as well as the changes to Route 48/49 below.

- Routes 48/49 and New Route 86 (Attachment B) – Route 48/49 provides 30-minute circulation between UTC and UCSD via Nobel Drive and Voigt Drive. Currently, the route experiences overcrowding on the southern leg of the route along Nobel Drive, Regents Road, Arriba Street, Palmilla Drive, and Lebon Drive, while the northern portion of the route serving Scripps Memorial and Thornton Hospitals is much less productive.

To increase service on the southern portion of the route while maintaining service to both hospitals, staff recommends that Route 48/49 be changed to provide 15-minute peak-direction service with 30-minute off-peak direction service. This enhancement would be funded using a portion of the resources needed to extend the route north to Voigt Drive. As a result, the Route 48/49 would operate along La Jolla Village Drive instead of Voigt Drive. A new shuttle Route 86 would maintain service between UTC and Scripps Memorial and Thornton Hospitals every 30 minutes.

- Route 89 – Route 89 currently provides peak-hour service from Sorrento Valley Coaster Station to UTC as well as Del Mar Highlands Shopping Center. Staff proposes to discontinue the segment north of Sorrento Valley Coaster Station and retain service to destinations south.

- DART

All Rancho Bernardo and Scripps Ranch DART services are recommended for discontinuation due to low productivity of 3.2 passengers per hour. Staff is currently working to identify an alternative service for the community and will present any findings at the October 18 public hearing.

Proposed Fare Changes

On October 5, 2007, SANDAG conducted a public hearing and first reading of the ordinance for a proposed fare structure change to help address the budget deficit. The changes proposed are as follows:

Figure 1 - Proposed Changes		Affecting	
		MTS	NCTD
1.	SPRINTER added to all relevant sections of the fare ordinance with the result that fares for the SPRINTER will be identical to fares for the BREEZE fares		X
2.	New provisions for juror fares including conversion of juror tickets to day passes, and establishing new pricing	X	X
3.	Eliminate all MTS-to-MTS transfers effective January 1, 2008, and offer the sale of a \$5.00 Regional Day Pass and \$11 Regional Premium Pass onboard all MTS and NCTD buses and at all MTS and NCTD Ticket Vending Machines (TVMs)	X	X
4.	NCTD Breeze Day Passes and Breeze Monthly Passes are no longer accepted for full or partial payment of fares on any MTS-operated service. NCTD will no longer issue interagency transfers for any cash or pass passenger transferring to any MTS service.	X	X
5.	Increase Regional Monthly Pass from \$60.00 to \$64.00 on January 1, 2008, and to \$68.00 on January 1, 2009	X	X
6.	Increase the cost of a Regional Senior Monthly Pass from \$15.00 to \$16.00 on January 1, 2008, and to \$17.00 effective January 1, 2009	X	X
7.	Increase the cost of a Regional Youth Monthly Pass from \$30.00 to \$32.00 on January 1, 2008, and to \$34.00 effective January 1, 2009	X	X
8.	Eliminate the bulk discount for universal token purchases and sell all tokens at \$2.25 each effective January 1, 2008	X	X
9.	Eliminate the discounted MTS Social Service Day Tripper effective January 1, 2008	X	X
10.	Increase MTS local bus fares from \$1.75 to \$2.00 effective January 1, 2008, and to \$2.25 on January 1, 2009	X	
11.	Rename Commuter Express to Premium Express and raise adult cash fare from \$4.00 to \$5.00 effective January 1, 2008	X	
12.	Rename Commuter Express Pass to Premium Express Pass and increase fare from \$84.00 per month to \$90.00 per month effective January 1, 2008	X	
13.	Increase the MTS College Monthly pass from \$45.00 to \$51.20 effective January 1, 2008, and to \$54.40 on January 1, 2009	X	
14.	Increase the MTS College Semester Pass from \$1.23 per day to \$1.34 per day effective January 1, 2008, and to \$1.43 effective January 1, 2009	X	
15.	Change the maximum discount for the MTS Eco Pass Program from 30 percent to 25 percent effective January 1, 2008	X	
16.	Introduce a Regional Premium Day Pass valid for unlimited travel on MTS Premium Express and all other regional transit services except MTS Rural Bus and NCTD COASTER (will receive \$2.00 discount when purchasing single trip COASTER ticket). Premium Day will be sold at all TVMs and onboard all NCTD and MTS vehicles. Premium Day passes will be issued free on demand to all MTS rural bus passengers	X	X
17.	The revenue allocation formula shall be changed to provide for the sharing of Regional Day Pass and Regional Premium Day Pass revenue on the basis of actual boardings as counted	X	X

At the October 18 MTS public hearing, the public will be provided an opportunity to provide additional testimony on these proposals. Comments will be forwarded to SANDAG for the second reading of the fare ordinance on October 19, 2007.

Public Testimony

A Rider Alert (Attachment C) notifying the public of the October 18, 2007 public hearing was posted onboard vehicles and on www.sdmts.com. A log of all comments will be presented to the Board of Directors at the October 18 public hearing.



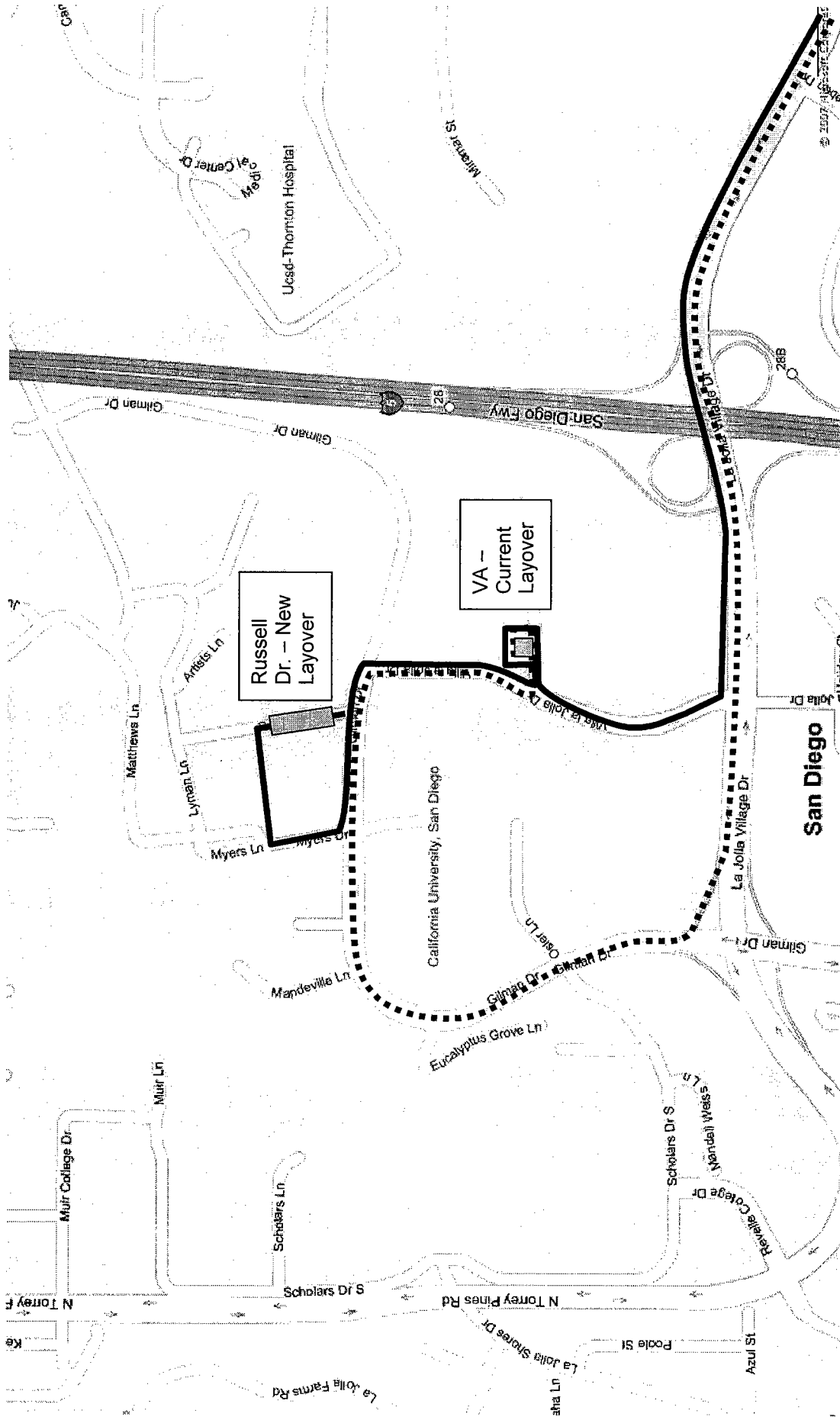
Paul C. Jablonski
Chief Executive Officer

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

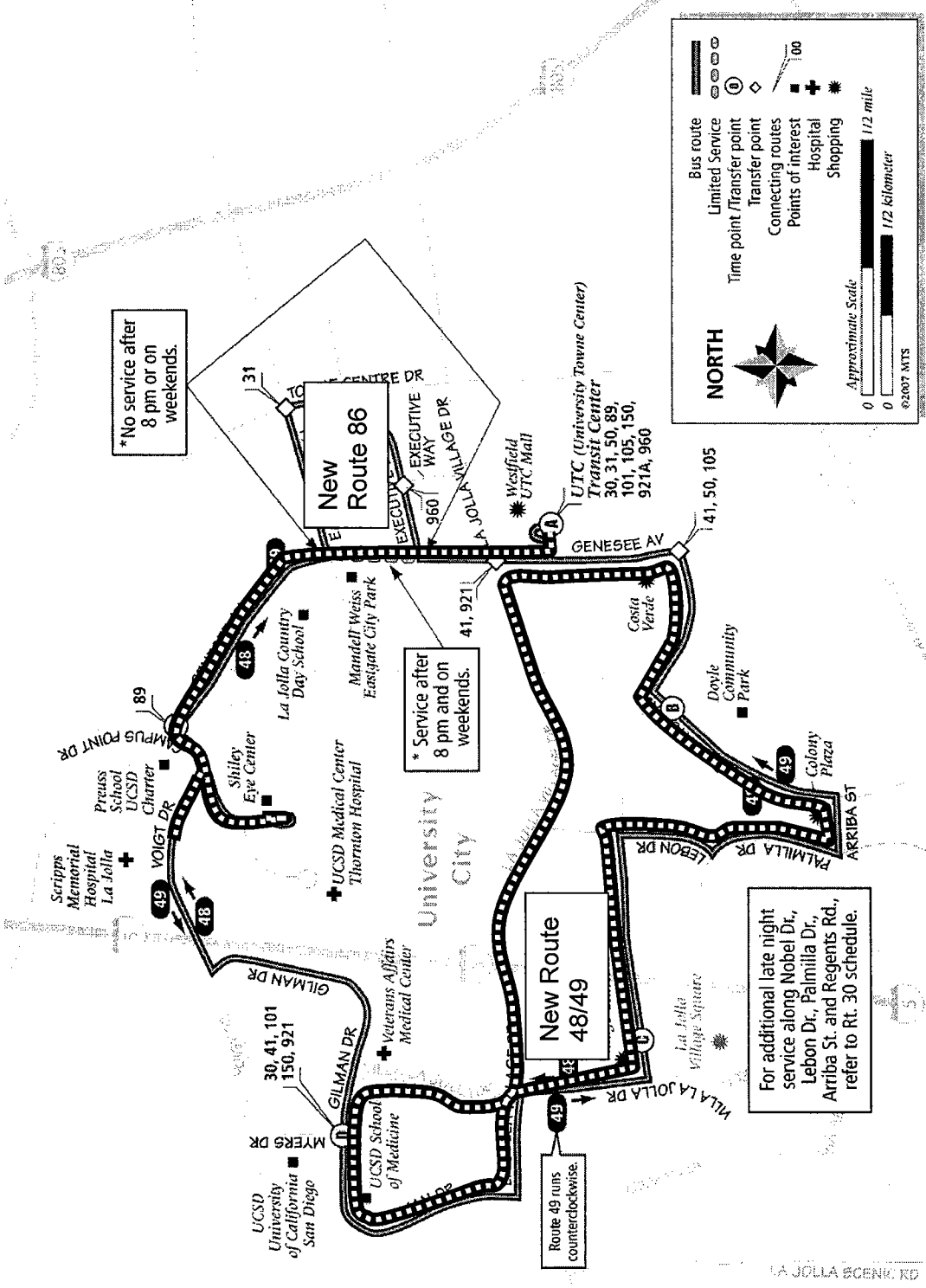
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Attachments: A. Changes to Routes 41 and 921
B. Routes 48/49 and 86 Proposal
C. Rider Alert

Attachment A
New UCSD Routing and Terminal for Routes 41 and 921



Attachment B
New UCSD Routing and Terminal for Route 48/49 and New Route 86



Post 10/3/07 – 10/18/07



Rider Alert!

THIS INFORMATION WILL BE MADE AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST. To request this notice in an alternative format, please call (619) 231-1466. The Metropolitan Transit System operators adhere to a nondiscrimination policy with regard to both services and facilities.

IMPORTANT NOTICE!

The Metropolitan Transit System (MTS) is proposing bus service changes to reduce unproductive service. Changes in the University City area are required because MTS is losing its terminal at the VA Medical Center. Additionally, MTS is proposing changes to fares, pass prices, and fare policies to close a \$9 million annual budget gap.

Members of the public are invited to provide input on the proposals. The MTS Board of Directors will not make decisions on these changes until public testimony is received and considered. Please review the proposed changes and, if you wish, provide any relevant comments by one of the four means listed below. All service changes and most fare changes are proposed to take effect in January 2008, with some additional fare changes to occur in January 2009.

MTS Public Hearing for Proposed Service and Fare Changes

Thursday, October 18, 2007, 9:00 a.m.

Your options for providing input are:

Attend: MTS PUBLIC HEARING on SERVICE CHANGES at:

1255 Imperial Avenue, 10th Floor (at the 12th/Imperial Transit Center)
San Diego, CA 92101

Telephone Hotline: (619)595-4912 (Voicemail)

E-Mail: mts.planning@sdmts.com

Mail: MTS Public Hearing Comments,
1255 Imperial Avenue, Suite 1000, San Diego, CA 92101

Comments by telephone, e-mail, or mail must be received at MTS by 1:00 p.m., Wednesday, October 17, 2007, for consideration by the Board at the public hearing.

Proposed service changes would take effect in January 2008:

ROUTE	DESCRIPTION
28	The southern terminal for all Route 28 trips would be changed to the Rosecrans St./Shelter Island Dr. area. Route 28 would no longer offer 28B or 28C service. Route 28B service to the Navy Submarine Base and Route 28C service to Cabrillo National Monument would be replaced with a limited service minibus shuttle. Route 28 between Old Town Transit Center and

Shelter Island Dr. (currently Route 28A) will remain consistent with current levels of service with buses traveling approximately every 30 minutes along Rosecrans.

41	Due to the VA Medical Center's removal of our terminal facility, and the inability to secure any space at UCSD for a new terminal, the northern terminal of Route 41 is proposed to be changed to Voigt Dr. near Scripps Hospital. Route 41 service on Gilman Dr. west of Villa La Jolla Dr. would be discontinued, but remain available on Routes 30, 48/49, 150, and 101. Route 41 stops for UCSD would be placed at Gilman Dr. and Villa La Jolla Dr. (near the VA Medical Center). See map on reverse side for more details.
48/49	The northern half of Route 48/49 would be changed to operate on La Jolla Village Dr. instead of Voigt Dr. between the VA Medical Center and UTC. MTS service to Scripps Hospital (on Voigt Dr.) would be on a revised Route 41. See map on reverse side for more details. Also, Route 48/49 would operate only until approximately 7:00 p.m., seven days a week. Route 30A would provide service to Nobel Dr., Regents Rd., Palmilla Dr., Lebon Dr., and Arriba St. starting at 7:00 pm.
89	The northern terminal of Route 89 is proposed to be changed to the Sorrento Valley Coaster Station (SVCS). All service north of the SVCS to Carmel Valley would be discontinued. Service on the southern portion of the route, between the SVCS and UTC, would be maintained with a revised schedule.
921	Western terminal would change from the V.A. Medical Center to UTC or a location on the UCSD campus, due to the elimination of terminal alternatives. Transfers to/from Routes 30, 41, 101, 48/49, or 150 serving UCSD could be made at or near UTC.
DART	Rancho Bernardo and Scripps Ranch DART services would be reduced or eliminated.

PROPOSED FARE CHANGES:

If approved by the Transportation Committee of the San Diego Association of Governments (SANDAG) at its public hearing on October 5, 2007, the MTS Board of Directors will open a public hearing at 9:00 a.m. on October 18, 2007, to receive comments on proposed amendments to the Comprehensive Fare Ordinance. The proposed ordinance amendments include changes to cash fares, pass prices, and transfer policies, to take effect in January 2008 and January 2009.

The full text of the proposed fare ordinance is available online at www.sandag.org/FareOrdinance. Details of the proposed changes to MTS fares are shown below:

Effective 1/1/08: Discontinue all MTS bus and trolley transfers and offer the sale of a \$5.00 Regional Day Pass on board all buses and at all MTS Ticket Vending Machines (invalid on MTS Premium Express service). MTS Premium Express bus service would offer a Premium Day Pass priced at \$11.00.

Effective 1/1/08: Discounts on MTS Eco-Pass, and MTS College Monthly and Semester passes would be reduced.

Effective 1/1/08: Bulk discounts for universal token purchases and the MTS Social Service Day Tripper would be eliminated.

All Trolley cash fares would remain the same. Other cash fares and monthly pass prices would change as shown in the table to the left.



*We all want a quick trip.
Use the rear door of the bus to
exit whenever possible.*

**PROPOSED FARES:
TARIFAS PROPUESTAS:**

Service Servicio	Current Actual	Effective 1/1/2008 A partir de 1/1/2008	Effective 1/1/2009 A partir de 1/1/2009
One-trip Cash Fares		Tarifas de un viaje	
Shuttle Bus	\$1.00	\$1.00	\$1.00
Local	\$1.75	\$2.00	\$2.25
Urban	\$2.25	\$2.25	\$2.25
Express	\$2.50	\$2.50	\$2.25
Premium Express	\$4.00	\$5.00	\$5.00
Trolley		No Changes	No habrán cambios
Senior/ Disabled/ Medicare	\$1.00	\$1.00	\$1.00
Mayores/ Incapacitados/ Medicare	\$1.00	\$1.00	\$1.00
Day Passes		Pases de un día	
Regular	\$5.00	\$5.00	\$5.00
Premium	—	\$11.00	\$11.00
Monthly Pass Prices		Pase Mensual	
Adult Adulto	\$60.00	\$64.00	\$68.00
Express	\$64.00	\$64.00	\$68.00
Premium Express	\$84.00	\$90.00	\$90.00
Youth Jóven	\$30.00	\$32.00	\$34.00
Senior/ Disabled/ Medicare	\$15.00	\$16.00	\$17.00
Mayores/ Incapacitados/ Medicare	\$15.00	\$16.00	\$17.00

Publicación del 3/10/07 – 18/10/07

¡Aviso al Pasajero!

ESTA INFORMACION ESTA DISPONIBLE EN DIFERENTES FORMATOS.

Para solicitar esta información en un formato diferente, por favor llame al (619) 231-1466. Los operadores del Metropolitan Transit System siguen una política que prohíbe la discriminación con respecto a los servicios e instalaciones.

¡AVISO IMPORTANTE!

El Sistema de Tránsito Metropolitano (MTS) sugiere cambios en el servicio de autobuses a fin disminuir de aquellos servicios que no resultan eficaces. Se realizarán cambios en el área de University City porque MTS ya no contará con la terminal ubicada en el centro médico VA Medical Center. Además, MTS sugiere cambios a las tarifas, precios de pases, y la política de tarifas para eliminar un déficit fiscal de \$9 millones.

Se invita al público en general a que brinde su opinión acerca de las propuestas. La Mesa Directiva de MTS no tomará ninguna decisión relativa a estos cambios hasta que no haya recibido y debatido el testimonio del público en general. Revise los cambios propuestos y, si lo desea, háganos llegar los comentarios que considere relevantes a través de alguno de los medios que se enumeran a continuación. Se sugiere que todos los cambios del servicio y la mayoría de los cambios de tarifas entren en vigencia a partir de enero del 2008, y algunos mas cambios de tarifas entren en vigencia a partir de enero del 2009.

Audiencia pública de MTS sobre la propuesta de cambios en el servicio y las tarifas

Jueves 18 de octubre del 2007 a las 9:00 a.m.

Puede brindarnos su opinión a través de uno de estos medios:

Audiencia pública de MTS sobre cambios en el servicio y las tarifas en:

1255 Imperial Avenue, 10º piso (en el 12º/Imperial Transit Center)
San Diego, CA 92101

Línea directa: (619) 595-4912 (correo de voz)

Correo electrónico: mts.planning@sdmts.com

Correo postal: MTS Public Hearing Comments,
1255 Imperial Avenue, Suite 1000, San Diego, CA 92101

Los comentarios telefónicos, por correo electrónico o postal se recibirán en MTS hasta 1:00 p.m. el miércoles 17 de octubre del 2007 para que sean considerados por la Mesa Directiva en la audiencia pública.

Las propuestas de cambios en el servicio entrarán en vigencia a partir de enero del 2008:

RUTA	DESCRIPCIÓN
28	La terminal sur para todos los viajes de la ruta 28 se trasladaría al área de Rosecrans St./Shelter Island Dr. La ruta 28 dejaría de ofrecer los servicios 28B y 28C. Se reemplazaría el servicio de la ruta 28B hasta la Base Naval Submarina y el de la ruta 28C hasta el Monumento Nacional Cabrillo por un servicio directo limitado de 'minibus'. La ruta 28 entre Old Town Transit Center y Shelter Island Dr. (actualmente la ruta 28A) permanecerá sin cambios con respecto a los niveles actuales de servicio y los autobuses realizarán viajes aproximadamente cada 30 minutos por Rosecrans.
41	Dado que MTS ya no contará con la terminal del centro médico VA Medical Center y además resulta imposible obtener una nueva terminal en UCSD, se sugiere cambiar la terminal norte de la Ruta 41 a Voigt Dr, en las cercanías de Scripps Hospital. El servicio de la Ruta 41 en Gilman Dr. al oeste de Villa La Jolla Dr. se suspenderá pero seguirá habilitado en las Rutas 30, 48/49, 150 y 101. Las paradas de la Ruta 41 en UCSD se ubicarán en Gilman Dr. y en Villa La Jolla Dr. (en las cercanías del centro médico VA Medical Center). Para obtener más información, consulte el mapa a la derecha.
48/49	El tramo norte de la Ruta 48/49 cambiará para que funcione en La Jolla Village Dr. en lugar de en Voigt Dr entre el centro médico VA Medical Center y UTC. El servicio de MTS hacia Scripps Hospital (en Voigt Dr.) se brindará con modificaciones en la Ruta 41. Para obtener más información, consulte el mapa a la derecha. Además, la Ruta 48/49 operará solo hasta las 7:00 p.m. aproximadamente, todos días de la semana. La Ruta 30A se ofrecerá servicio al Nobel Dr., Regents Rd., Palmilla Dr., Lebon Dr., y Arriba St. desde las 7:00 p.m.
89	Se sugiere que la terminal norte de la Ruta 89 cambie a la estación del Coaster de Sorrento Valley (SVCS). Se suspenderán todos los servicios desde el norte de SVCS hacia Carmel Valley. Los servicios del tramo sur de la ruta, entre SVCS y UTC, se mantendrán con modificaciones en los horarios.
921	La terminal oeste cambiaría de Hospital VA o una ubicación en UCSD, debido a una falta de terminales alternativas. Transbordos podrían ser hechos a las rutas 30, 41, 101 o 150, que sirven a UCSD, en UTC o cerca de allí.
DART	Se reducirían o se descontinuarán los servicios DART a Rancho Bernardo y Scripps Ranch.

CAMBIOS PROPUESTOS EN LAS TARIFAS:

Si el Comité de Transporte de la Asociación de Gobiernos de San Diego (SANDAG, por sus siglas en inglés) aprueba las propuestas en su audiencia pública del 5 de octubre, 2007, la Mesa Directiva del MTS llevará a cabo una audiencia pública a las 9:00 a.m. el 18 de octubre de 2007 para recibir comentarios a las enmiendas propuestas para la política de tarifas. Las enmiendas incluyen propuestas que cambiarían las tarifas, los precios de los pases, y la póliza de transbordos, a partir del enero de 2008 y enero de 2009.

El texto completo de la política de tarifas propuesta está disponible en la página de Internet www.sandag.org/FareOrdinance. Los detalles de los cambios propuestos se indican a continuación:

A partir del 01/01/08: Se discontinúa todos los transbordos de MTS y se propone la venta de un Pase Diario Regional de \$5.00 a bordo de todos los autobuses y todas las máquinas de venta de boletos de MTS (no sería válido en el servicio MTS Premium Express). El servicio de MTS Premium Express ofrecería la venta de un Pase Diario Premium de \$11.00.

A partir del 01/01/08: Los descuentos en el Eco-Pase y los pases mensuales y semestrales del colegio serían reducidos.

A partir del 01/01/08: Eliminar el descuento de volumen por compras en fichas universales y los descuentos para el Day Tripper de Servicio Social de MTS.

Todas las tarifas del Trolley se mantienen igual. Las otras tarifas y los precios de los pases mensuales cambiarían según la tabla.



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

Agenda

Item No. 25

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

SRTP 830

October 18, 2007

SUBJECT:

**MTS: PUBLIC HEARING ON PROPOSED CHANGES TO MTS BUS SERVICE AND
FARES**

RECOMMENDATION:

That the Board of Directors:

1. conduct a public hearing on the recommended service changes;
2. conduct a public hearing on the recommended fare changes; and
3. approve the service changes for implementation in January 2008.

Budget Impact

If approved, implementation of the proposed service changes is expected to result in an annual operating subsidy savings of \$420,000.

DISCUSSION:

In May, the San Diego Association of Governments (SANDAG) updated its subsidy projections on TransNet and the Transportation Development Act (TDA) for fiscal years 2007 and 2008 creating a \$9.2 million budget shortfall. The MTS Board of Directors provided guidance in resolving this significant shortfall, including:

- Nonfare Revenue Adjustments
- Nonservice Expense Adjustments
- Personnel Benefit Adjustments
- Fare Adjustments
- Service Reductions



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.

Service reductions are anticipated to yield \$1.88 million in annual subsidy savings comprised of:

- **\$1.26 million** - service reductions, including:
 - \$420,000 as part of this public hearing
 - \$284,000 in minor frequency reductions to Routes 8/9, 701, 709, and 712 that were implemented in September 2007
 - \$560,000 in service changes to Routes 31, 964, 992, and the Green Line that were approved for implementation in January 2008
- **\$.62 million** - FY 2008 budget reduction originally approved for improving existing route running times.

Proposed Service Changes

The following are proposed service changes to be considered as part of the September 27, 2007, public hearing:

- Route 28 – Route 28 provides 30-minute frequency service between Old Town Transit Center and Point Loma via Rosecrans Street with three variations of the route [A - to Shelter Island, B – to the Navy Submarine Base (Sub Base), C – to the Cabrillo National Monument (Monument)]. The proposal is to terminate all Route 28 trips at Shelter Island with service along the segments between the Sub Base and Monument replaced with a minibus shuttle seven days a week. Schedules would be implemented permitting easy connectivity between Route 28 and the shuttle with trips departing for either the Sub Base or Monument approximately each hour. Connectivity at the Old Town Transit Center with other services, particularly the NCTD Coaster, is also taken into consideration.

At the September 27 public hearing on service changes, after receiving comments concerning trips times and the adequacy of the proposed change to accommodate work schedules at SPAWAR and the Sub Base, the MTS Board directed staff to work with stakeholders with the intent to clarify the proposal and possibly examine refinement of the proposal.

As of this writing, staff has presented additional clarifying material to SPAWAR staff and leadership personnel at the Sub Base, Point Loma Nazarene University, and Cabrillo National Monument for review and comment. Staff anticipates concluding comment and making any necessary changes during the week of the October 18, 2007, Board meeting and will present findings at that time.

- University City Restructure –
 - Routes 41 and 921 (Attachment A) – Route 921 currently provides 30-minute frequency service from Black Mountain Road to University of California San Diego (UCSD) via Mira Mesa Boulevard. Route 41 provides 15-minute frequency from Fashion Valley Transit Center to UCSD via Genesee Avenue and La Jolla Village Drive.

At the September 27 public hearing on service changes, the MTS Board authorized staff to terminate Route 921 at UTC due to the elimination of MTS's terminal space at the Veterans Administration Hospital unless a suitable alternative layover location was secured. Since then, MTS and UCSD staffs have collaborated to identify a suitable layover location for both Routes 921 and 41 on Russell Drive between Rupertus Lane and Gilman Drive; therefore, MTS will maintain both Routes 921 and 41 directly to UCSD and the VA Hospital. The \$56,000 annual savings estimated for the termination of Route 921 at UTC will be realized as part of this as well as the changes to Route 48/49 below.

- Route 48/49 and New Route 86 (Attachment B) – Route 48/49 provides 30 minute circulation between UTC and UCSD via Nobel Drive and Voigt Drive. Currently, the route experiences overcrowding on the southern leg of the route along Nobel Drive, Regents Road, Arriba Street, Palmilla Drive, and Lebon Drive, while the northern portion of the route serving Scripps Memorial and Thornton Hospitals is much less productive.

To increase service on the southern portion of the route while maintaining service to both hospitals, staff recommends that Route 48/49 be changed to provide 15-minute peak direction service, with 30 minute off-peak direction service. This enhancement would be funded using a portion of the resources needed to extend the route north to Voigt Drive. As a result, the Route 48/49 would operate along La Jolla Village Drive instead of Voigt Drive. A new shuttle Route 86 would maintain service between UTC and Scripps Memorial and Thornton Hospitals every 30 minutes.

- DART- All Rancho Bernardo and Scripps Ranch DART services are recommended for discontinuation due to low productivity of 3.2 passengers per hour. Staff is currently working to identify an alternative service for the community and will present any findings at the October 18 public hearing.

Proposed Fare Changes

On October 5, 2007, SANDAG conducted a public hearing and first reading of the ordinance for a proposed fare structure change to help address the budget deficit. Figure 1 provides the specific changes being proposed.

Figure 1 - Proposed Changes	Affecting	
	MTS	NCTD
1. SPRINTER added to all relevant sections of the Fare Ordinance with the result that fares for the SPRINTER will be identical to fares for the BREEZE fares		X
2. New provisions for Juror fares including conversion of Juror tickets to day passes, and establishing new pricing	X	X
3. Eliminate all MTS to MTS transfers effective January 1, 2008, and offer the sale of a \$5.00 Regional Day Pass and \$11 Regional Premium Pass on board all MTS and NCTD buses and at all MTS and NCTD Ticket Vending Machines (TVMs)	X	X
4. NCTD Breeze Day Passes and Breeze Monthly Passes are no longer accepted for full or partial payment of fares on any MTS operated service. NCTD will no longer issue interagency transfers for any cash or pass passenger transferring to any MTS service	X	X
5. Increase Regional Monthly Pass from \$60.00 to \$64.00 on January 1, 2008, and to \$68.00 on January 1, 2009	X	X
6. Increase the cost of a Regional Senior Monthly Pass from \$15.00 to \$16.00 on January 1, 2008, and to \$17.00 effective January 1, 2009	X	X
7. Increase the cost of a Regional Youth Monthly Pass from \$30.00 to \$32.00 on January 1, 2008, and to \$34.00 effective January 1, 2009	X	X
8. Eliminate the bulk discount for universal token purchases and sell all tokens at \$2.25 each effective January 1, 2008	X	X
9. Eliminate the discounted MTS Social Service Day Tripper effective January 1, 2008	X	X
10. Increase MTS Local bus fares from \$1.75 to \$2.00 effective January 1, 2008, and to \$2.25 on January 1, 2009	X	
11. Rename Commuter Express to Premium Express and raise adult cash fare from \$4.00 to \$5.00 effective January 1, 2008	X	
12. Rename Commuter Express Pass to Premium Express Pass and increase fare from \$84.00 per month to \$90.00 per month effective January 1, 2008	X	
13. Increase the MTS College Monthly pass from \$45.00 to \$51.20 effective January 1, 2008, and to \$54.40 on January 1, 2009	X	
14. Increase the MTS College Semester Pass from \$1.23 per day to \$1.34 per day effective January 1, 2008, and to \$1.43 effective January 1, 2009	X	
15. Change the maximum discount for the MTS Eco-Pass program from 30 percent to 25 percent effective January 1, 2008	X	
16. Introduce a Regional Premium Day Pass valid for unlimited travel on MTS Premium Express and all other regional transit services except MTS Rural Bus and NCTD COASTER (will receive \$2.00 discount when purchasing single trip COASTER ticket). Premium Day will be sold at all TVMs, and onboard all NCTD and MTS vehicles. Premium Day passes will be issued free on demand to all MTS Rural bus passengers	X	X
17. The revenue allocation formula shall be changed to provide for the sharing of Regional Day Pass and Regional Premium Day Pass revenue on the basis of actual boardings as counted	X	X

At the October 18 MTS public hearing, the public will be provided an opportunity to provide additional testimony on these proposals. Comments will be forwarded to SANDAG for the second reading of the fare ordinance on October 19, 2007.

Public Testimony

A Rider Alert (Attachment B) notifying the public of the October 18, 2007, public hearing was posted onboard vehicles and on www.sdmts.com. A log of all comments will be presented to the Board of Directors at the October 18 public hearing.



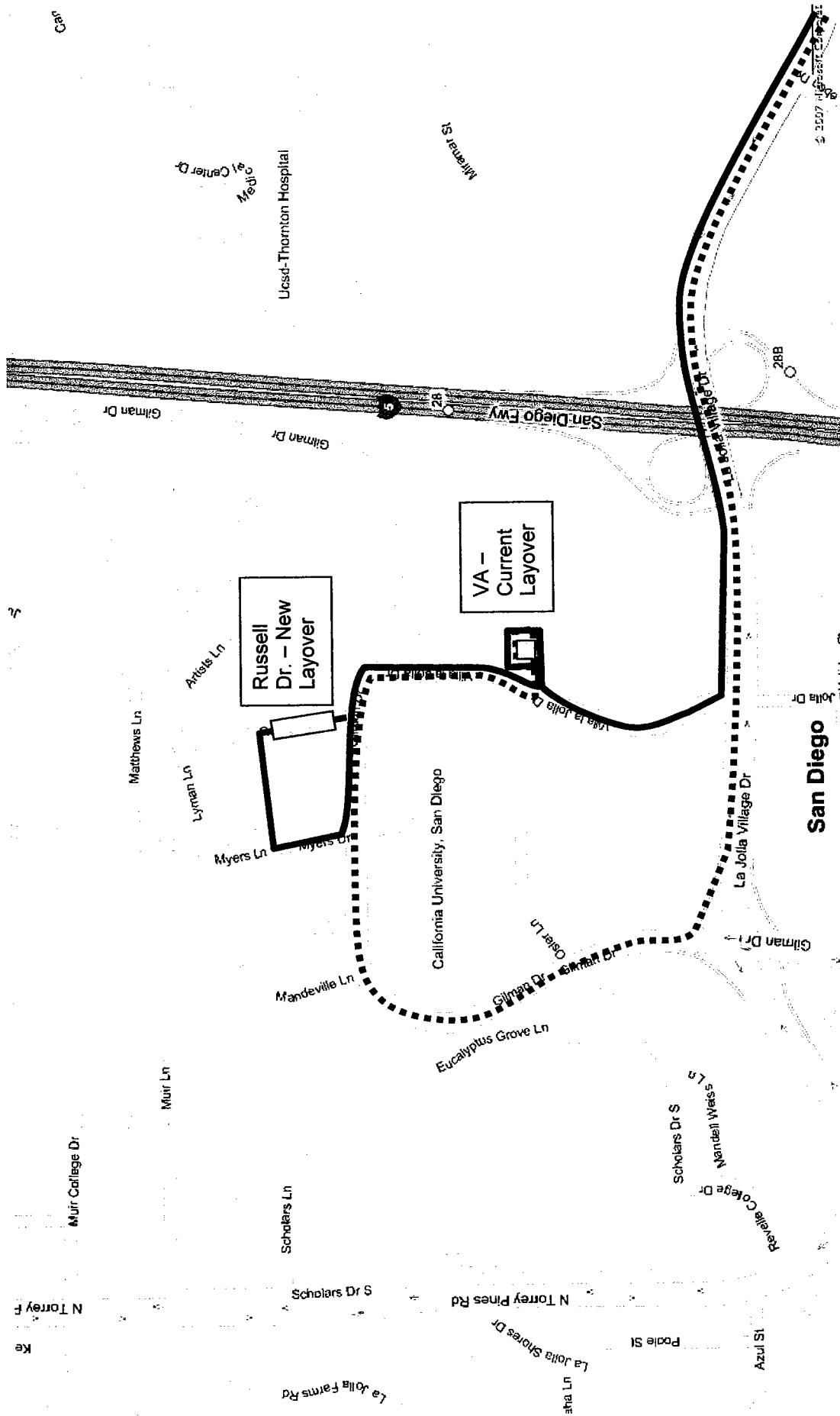
Paul C. Jablonski
Chief Executive Officer

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

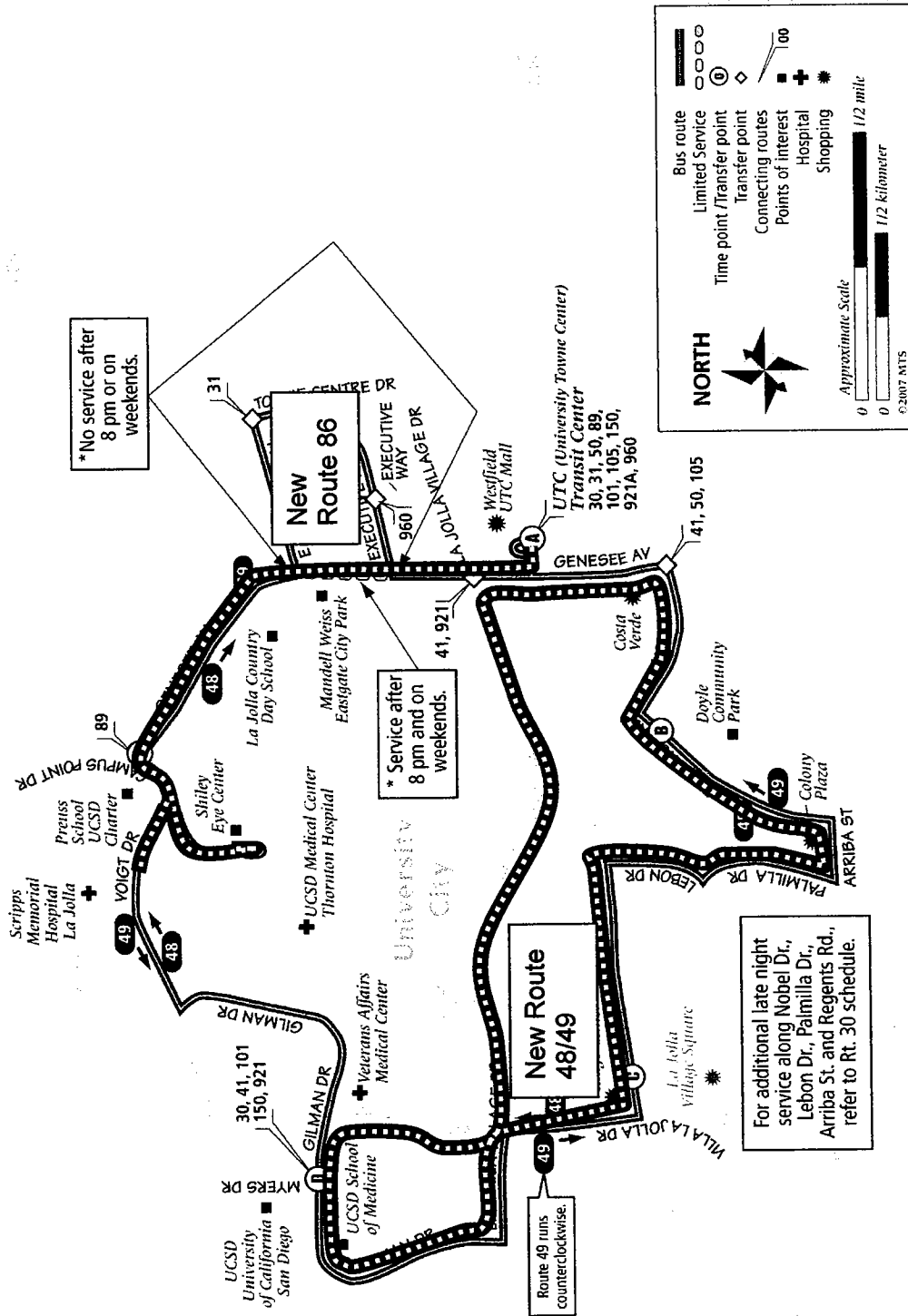
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Attachments: A. Route 41 and 921 Change
B. Route 48/49, 86 Proposal

Attachment A
New UCSD Routing and Terminal for Routes 41 and 921



Attachment B New UCSD Routing and Terminal for Routes 41 and 921



Metropolitan Transit System

Public Hearing on Proposed Changes to MTS Services and Fare Ordinance

October 18, 2007



Budget Shortfall Recommendations

- Nonfare Revenue Adjustments
- Nonservice Revenue Adjustments
- Personnel Benefit Adjustments
- ➔ • Fare Adjustments
- Service Reductions



MTS Ordinance No 4 Amendments

- **SB 1703 - SANDAG is responsible for setting fares for MTS and NCTD services**

- SANDAG Comprehensive Fare Ordinance – Sets fares for MTS and NCTD transit services
- MTS Fare Ordinance No. 4 – Mechanism to enforce SANDAG's ordinance within the MTS service area

- **Recap of Proposed Fare Changes**

- MTS requested that SANDAG adjust fares in response to the budget deficit
- SANDAG held two public hearings – NCTD (Sept. 20), SANDAG (Oct. 5) and approved the 1st reading of the SANDAG Comprehensive Fare Ordinance on Oct. 5.
- Today's public hearing is for amendments to MTS' Fare Ordinance No. 4 to comply with SANDAG's ordinance



MTS Ordinance No 4 Amendments

Summary of Proposed Changes

TRANSFERS / DAY PASS

- Eliminate all MTS to MTS transfers effective January 1, 2008, and offer the sale of a \$5.00 Regional Day Pass and \$11 Regional Premium Pass on board all MTS and NCTD buses and at all MTS and NCTD Ticket Vending Machines

MONTHLY PASS

- Increase Regional Monthly Pass from \$60.00 to \$64.00 on January 1, 2008, and to \$68.00 on January 1, 2009
- Increase Regional Senior Monthly Pass from \$15.00 to \$16.00 on January 1, 2008, and to \$17.00 effective January 1, 2009
- Increase Regional Youth Monthly Pass from \$30.00 to \$32.00 on January 1, 2008, and to \$34.00 effective January 1, 2009
- Increase Premium Express Pass from \$84.00 to \$90.00 per month effective January 1, 2008
- Increase the MTS College Monthly pass from \$45.00 to \$51.20 effective January 1, 2008, and to \$54.40 on January 1, 2009. (MTS College Semester Pass from \$1.23 per day to \$1.34 per day effective January 1, 2008, and to \$1.43)

CASH FARES

- Increase MTS Local bus fares from \$1.75 to \$2.00 effective January 1, 2008, and to \$2.25 on January 1, 2009
- Increase MTS Premium Express fare from \$4.00 to \$5.00 effective January 1, 2008

OTHER DISCOUNTS

- Adjust other discounted fares effective January 1, 2008



Budget Shortfall Recommendations

- Nonfare Revenue Adjustments
- Nonservice Revenue Adjustments
- Personnel Benefit Adjustments
- Fare Adjustments
- ➔ • Service Reductions



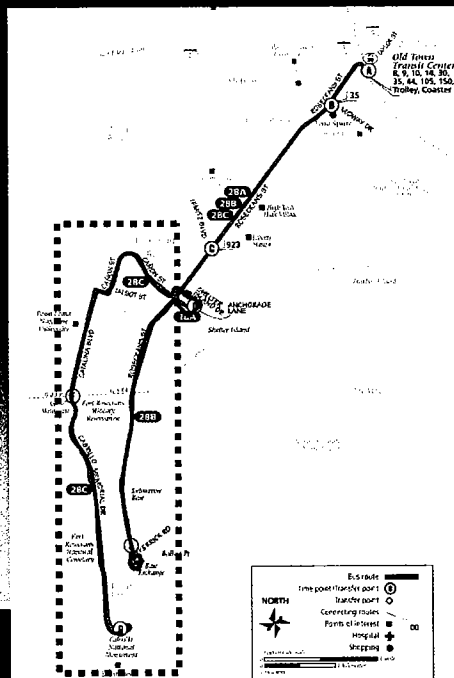
Proposed Service Reductions

- **\$1.26 million** - service reductions, including:
 - ➔ ➤ \$420,000 as part of this public hearing
 - \$284,000 in minor frequency reductions to Routes 8/9, 701, 709, and 712 that were implemented in September 2007
 - \$560,000 in service changes to Routes 31, 964, 992, and Green Line that were approved for implementation in January 2008
- **\$.62 million** - FY 2008 budget reduction originally approved for improving existing route running times.
- **Total - \$1.88 million**



Proposed Service Reductions

Route	Description	Daily Passenger Impact	Annual Savings			Performance Statistics		
			Operating Cost	Revenue	Subsidy	Subsidy /Pax	Pax/In Svc Hr	Farebox Recovery
28	Replace segments to Cabrillo and Sub Base w/ minibus	(50)	\$134,459	(\$12,396)	\$122,063	\$7.96	20.6	11%
48/49, 86	Double peak direction frequency on southern loop and replace northern loop with new Route 86	312	\$1,491	\$87,566	\$89,057			
89	Discontinue service between SV Coaster and Del Mar Highlands	57	\$41,106	(\$1,744)	\$39,362	\$4.22	11.7	4%
921	Relocate VA Terminal to Russell	-	\$24,939	\$0	\$24,939			
RB/SR DART	Discontinue	(39)	\$161,354	(\$14,522)	\$146,832	\$14.92	3.2	9%
	Total	280	\$363,349	\$58,904	\$422,253			



Route 28 Replace segments to Cabrillo National Monument and Sub Base with minibus service

134,459 Annual Operating Cost
 (\$12,396) Annual Revenue
 \$122,063 Annual Subsidy per Segment
 20.6 Passengers per Hour
 11% Farebox Recovery Rate

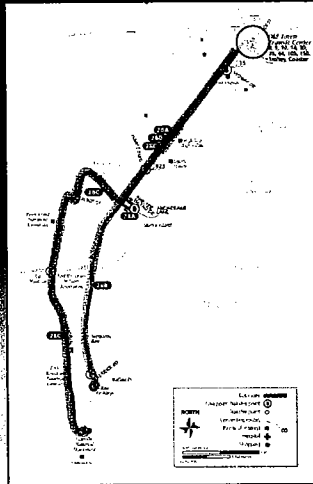
Fixed-Route System Averages:

\$1.69 Subsidy per Passenger
 27.96 Passengers per Hour
 34% Farebox Recovery Rate

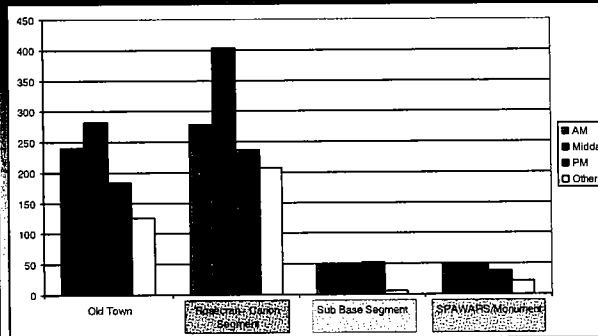


Route 28

Replace segments to Cabrillo National Monument and Sub Base with minibus service



- Need to maintain midday service



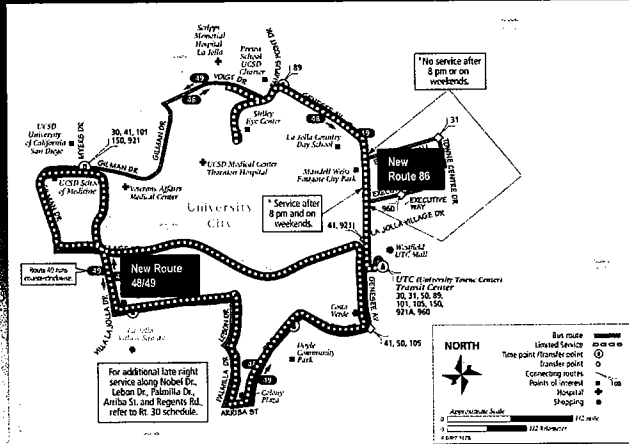
Route 28

Replace segments to Cabrillo National Monument and Sub Base with minibus service

Shuttle Proposal			Current Route 28		Current Route 28		Shuttle Proposal	
Sub Base	SPAWARS	Cabrillo Mmnt	Sub Base	SPAWARS	SPAWARS	Sub Base	SPAWARS	Sub Base
ARRIVE			ARRIVE		DEPART		DEPART	
6:50			6:42	6:40	6:50	6:50		6:50
				6:40	7:30	6:59		7:13
	7:09			7:09	7:30	7:59		7:41
				7:46	8:31	8:59	8:10	8:16
7:37	8:04	8:10		8:13	8:31	8:59	9:03	9:09
8:35			8:46		8:31	9:58		9:30
	8:57	9:03		9:13	10:31	10:58	9:56	10:02
				9:46	11:31	11:57	10:56	11:02
9:28	9:49	9:55	10:44	10:13	12:30	12:57	11:56	12:02
10:21				11:13	1:30	1:57	12:58	1:04
	11:49	11:55		12:13	2:28	2:53	1:31	1:37
12:21	12:40	12:55	12:44	1:13	3:26	3:48	2:31	2:37
	1:25	1:31		2:13	4:24	4:53		
1:56	2:25	2:31	1:44	3:11	5:29	5:56	5:31	5:37
2:56	3:25	3:31	2:44	4:12	6:33	7:02		
3:56	4:25	4:31	3:43	5:12	7:33			
4:56	5:25	5:31	4:43	6:12				
5:56			5:43	7:12				
			6:43					

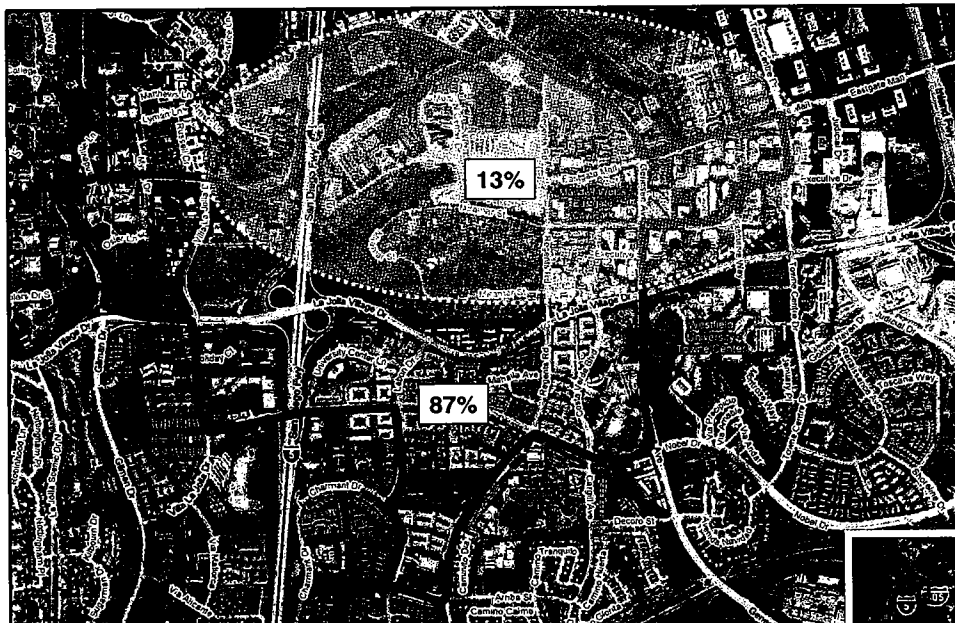


Route 48/49, 86 Reroute 48/49 and New Route 86



Provides 15min peak direction service at same cost

- Anticipated increase of 312 daily riders or \$90,000 in additional revenue per year



COMBINED ROUTES 48/49 RIDERSHIP	ON	OFF	TOTAL	
Northern Loop	184	191	375	13%
Southern Loop	1,210	1,230	2,440	87%
Total	1,394	1,421	2,815	100%

HISTORY

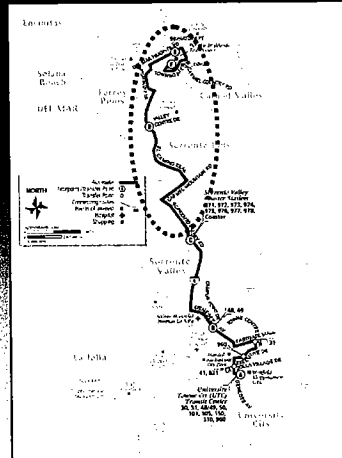
- Route started in 2004 as a mitigation for I-5/I-805 merge project (Funded by Caltrans until Spring 2007)
- Despite elimination of funding, MTS continued to operate the route as a "free" Coaster connector
- Original route provided service between SV Coaster Station and University City
- COA reallocated some of hours to provide service north to Del Mar Heights Rd
- Recommendation to reduce service levels due to budget deficit and elimination of funding (savings of \$40,000 per year)

OPTIONS

- Reduce one bus by keeping current routing but losing connection to every 3rd Coaster trip
- Reduce one bus by maintaining connection between all Coaster trips and the original destinations in University City

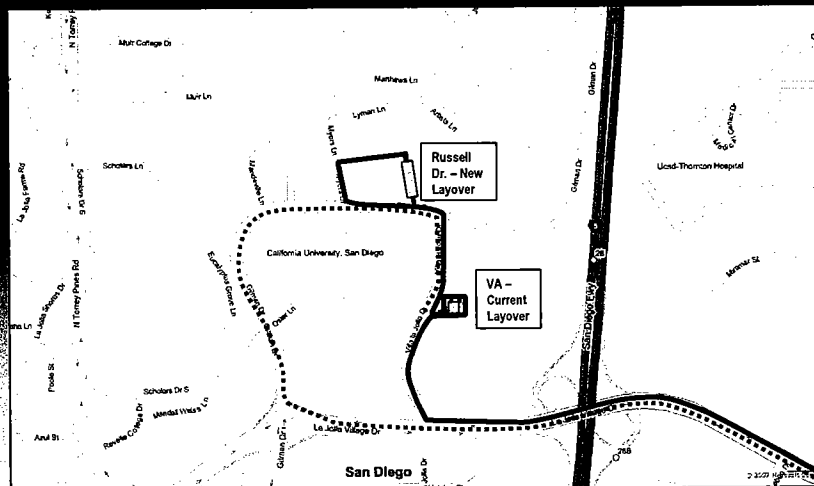
Route 89

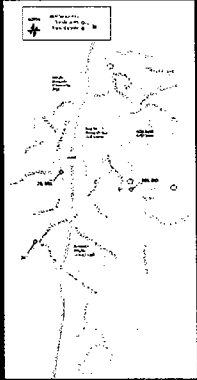
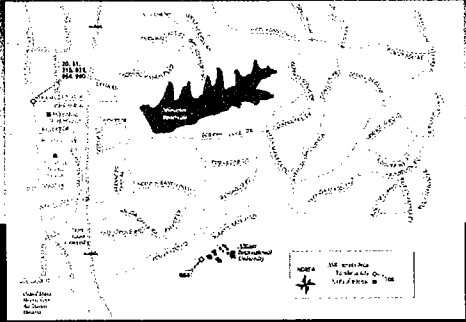
Discontinue service
between SV Coaster and
Del Mar Highland



Route 921/41

New Layover at Russell Drive



DART

Discontinue Rancho Bernardo and
Scripps Ranch DART services


Current System Averages:
 \$14.92 Subsidy per Passenger
 32 Passengers per Hour
 9% Farebox Recovery Rate

Fixed-Route System Averages:

\$1.69 Subsidy per Passenger

27.96 Passengers per Hour

34% Farebox Recovery Rate



DART

Discontinue Rancho Bernardo and
Scripps Ranch DART services


PROPOSED DART ALTERNATIVE


Concept

- All Congregations Together (ACT) to provide service to community groups on an hourly cost basis
- ACT to train driver

Action Items

- Need to identify vehicle, driver, and trip coordinator
- MTS to assist in applying for grant funding for dedicated vehicle and operating subsidies to “buy down” cost per hour





Metropolitan Transit System

Public Hearing on Proposed Changes to MTS Services and Fare Ordinance

October 18, 2007



DATE: October 11, 2007

TO: MTS – For Distribution to Board Members and for Public Viewing
at the Public Hearing October 18, 2007

SUBJECT: Many Buses Do Not Receive “Rider Alert!” Notices about
Public Hearings Until Long After the Posting Date

“Rider Alert!” notices that affect all riders, like elimination of transfers, should be on buses on the posting date, yet seldom are. It is often a week after the posting date that notices begin to be found on more than half the buses. And it is often 10 days before nearly all buses have them. MTS is a California Public Agency and has requirements regarding the public.

Plain and simple (1) the posting date is printed on the front of a notice (2) notices should be put on buses by the posting date and (3) there is no excuse, whatsoever, for all buses not getting notices within three days.

When notices are not available until the week after the posting date, then riders have only one week to prepare to speak at the hearing or write a letter that needs to be received by MTS the day before the hearing. Cutting customers short of time undoubtedly curtails customer comments and is to MTS advantage.

MTS needs to be reminded that public hearings are for the public to make comments and a requirement of a California Public Agency. MTS needs to be more timely starting with the very next notice released.

DATE: October 12, 2007

TO: MTS – For Distribution to Board Members and for Public Viewing
at the MTS Public Hearing October 18, 2007

SUBJECT: The Proposal to Discontinue Transfers and Offer a Day Pass for \$5.00
and the Need for a Senior Day Pass for \$2.50, the Customary 50% Off

The proposal to discontinue transfers and instead offer a \$5.00 Day Pass is Discriminating Against Seniors. To be fair, MTS should offer a day pass to Seniors for \$2.50, the customary 50% off rate. For that reason, this proposal should not be approved as written.

Public transportation does not travel straight to a person's destination like cars do. It often takes two buses to get there. And to ride a trolley, most people must take a bus to the trolley station. So it is common to take two separate rides on public transportation for people to get where they are going and another two to go home.

Without transfers, a great many cash customers will have to pay double what they now do and MTS could rake in a huge amount of cash. That problem, though, will virtually be eliminated for Urban cash customers because MTS is offering a day pass at \$5.00. That Day Pass will only cost them 50-Cents more than their current round trip cash fare which is \$4.50 (\$2.25 each way).

It is quite a different case, though, for Seniors. A \$5.00 Day Pass would be \$3.00 more than their current (and future) cash fare. And seniors needing two buses each way would be paying \$4.00 per day. That is 100% more than they pay today. That is huge MTS discrimination. Today Seniors get transfers that are good for two hours so they can go most anywhere for \$1.00 and return home for another \$1.00, for a total of \$2.00 per day.

Transfers should either be kept in place or else Senior Day Passes should be offered for \$2.50, the customary 50% off for Seniors.

DATE: October 13, 2007

TO: MTS – For Distribution to Board Members and for Public Viewing
at the MTS Public Hearing October 18, 2007

SUBJECT: The Proposal to Reduce the Discount on MTS College Monthly
And Semester Passes Should have a Dollar Amount Included

The proposal to reduce the discount on MTS College Monthly and Semester Passes should not be approved because it would give MTS a blank check. MTS has not specified the dollar amount they have in mind to reduce the discount. The way this proposal is stated in the "Rider Alert!" notice, it appears MTS could reduce the discount by 100% if this proposal passes.

MTS is a California Public Agency. They should not be allowed to privately determine prices. Amounts should be disclosed prior to all public hearings so the public, as well as board members, know exactly what is being voted on. Nothing should be hidden.

The Board needs to vote "no" on this current proposal and MTS can resubmit it later with a dollar amount included so everything is up front.



THE CITY OF SAN DIEGO
COUNCILMEMBER DONNA FRYE
SIXTH DISTRICT

October 16, 2007

Chairman Harry Mathis and Boardmembers
Metropolitan Transit System Board
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

RE: Proposed 2008 Metropolitan Transit System Fare-Pricing Schedule

Dear Chairman Mathis and Boardmembers,

I am writing today in regards to discussion item 30 slated for discussion on October 18, 2007 at the Joint Meeting of the MTS Board, San Diego Transit Corporation and San Diego Trolley, Inc.

As you may be aware, the City of San Diego is currently in the process of updating the General Plan, a framework document that addresses growth in our communities and includes a transportation element. Among other modes of transportation, this element analyzes mass transit opportunities within our City, and aids in preparing different guidelines for new development within the vicinity of accessible mass transit stations.

These guidelines are prepared under the assumption that mass transit is and remains accessible to all residents, regardless of their economic status. Often times these very types of development are placed in our lower-income communities to help lessen the cost burden. By increasing cash fares and eliminating transfer tickets, the Board is in turn lessening accessibility to the people who depend on these services the most.

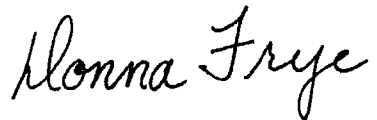
Also, it was my understanding that the changes resulting from the recent Comprehensive Operational Analysis assisted MTS in providing services in a more financially efficient manner. Our community members find it frustrating that after these changes were made for the above reason, they are almost immediately being asked to pay more for mass transit.



Finally, I realize that MTS will be asked to support a resolution for an increase in state funding for public transit. I believe a prudent thing to do would be to wait until the results are obtained, before burdening the public with any fee increases.

I do not support any of the fee increases currently being proposed and respectfully request that you consider my input and those of your constituents before proceeding.

Sincerely,



Donna Frye
Councilmember
Sixth District

DF/ps

CC: Chairman Harry Mathis
Councilmember Toni Atkins
Mayor Pro Tem Thomas Clabby
Chair Pro Tem Robert Emery
President Pro Tem Tony Young
Councilmember Jillian Hanson-Cox
Councilmember Brian Maienschein
Councilmember Phil Monroe
Councilmember Rosalie Zarate
Deputy Mayor Jerry Rindone
Supervisor Ron Roberts
Councilmember Fred MacLean
Councilmember Hal Ryan
Councilmember Ernest Ewin
Councilmember Kevin Faulconer



Metropolitan Transit System

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407
October 11, 2007

S RTP 820.11

Mr. Gary Matthews, Vice Chancellor
UCSD
9500 Gilman Drive, # 0057
La Jolla, CA 92093-0057

RE: **MTS Bus Service to UCSD**

Dear Vice Chancellor Matthews:

The Metropolitan Transit System (MTS) appreciates UCSD's continued support for public transportation as exemplified by its recent decision to provide a bus recovery location for our use. The layover locations in the heart of the West Campus will ensure that MTS will be able to continue to provide the level of service that UCSD enjoys today.

As you know, MTS must discontinue using the transit center area at the VA San Diego Medical Center (VA) as the terminal for Routes 41 and 921 on January 27, 2008. This action by the VA, taken prior to development of the new UCSD Transit Center on Gilman Drive, jeopardized MTS's ability to continue serving UCSD and the VA on these routes. In response to this challenge, your staff secured 130 feet of curb space on the west side of Russell Drive between Rupertus Lane and Gilman Drive for Routes 41 and 921 buses to recover between trips. As a result, MTS will continue to provide direct bus service on the two routes to the heart of the West Campus without interruption.

The revised on-campus routing for both routes from La Jolla Village Drive will be: right-Villa La Jolla Drive, right-VA Medical Center, right-Villa La Jolla Drive, left-Gilman Drive, right-Myers Drive, right-Rupertus Lane, right-Russell Drive (to terminal), left-Gilman Drive, right Villa La Jolla Drive, left-VA Medical Center, left-Villa La Jolla Drive, left-La Jolla Village Drive. Portions of the routes off-campus will remain the same. Passenger stops on Gilman Drive between Villa La Jolla Drive and Myers Drive will continue to be served by both routes. These routing changes will be implemented on January 27, 2008.

The provision of this terminal space on Russell Drive by UCSD also enables MTS and UCSD to continue to include Routes 41 and 921 in the four-decade-old UCSD pass program. In fiscal year 2007, this significant benefit for the faculty, staff, and students of UCSD was used for 285,523 rides on Route 41 and for 52,770 rides on Route 921.

Thank you to you and your staff for locating a recovery site and for making it possible for MTS to continue to serve the West Campus on these routes. Please do not hesitate to contact me directly if you have any questions.

Sincerely,

Paul Jablonski
Chief Executive Officer

c: Mr. Brian d'Autremont, UCSD
Councilmember Scott Peters
Ms. Dominique Cano-Stocco
MTS Board of Directors

gwilliams/fav/temp
matthews

ADDENDUM to the Public Hearing Comments October 18, 2007

Name of Caller	Date Received	RT #	What the call was in regards to:	Contact number or e-mail
Wing Choi	10/18/07	48/49	Wing uses the route to get to UCSD everyday and would greatly inconvenience if the route stops at 7pm, please continue this route the way it is currently scheduled	linguia@gmail.com
She did not leave her name	10/18/07	89	She needs the 89 to get to work, please do not cut this route	No Contact Information
Maria Luz Fajardo	10/17/07	Fares	She is opposed to the fare increase	619/929-5428
Mark Burger	10/17/07	Fares	He is with Partnership with Industry which helps people with developmental disabilities with job training. The proposed fare increase would be a hardship on the people they serve and they might have to quit their jobs.	No Contact Information

COMMENTS from DART Meeting 10/17 at Scripps Ranch Library

They would like a 3 month extension on the DART to see if there can be a solution rather than just being cut off from services

Her family members use DART for doctors appointments and other vital errands

Suggested we group rides to offer better efficiencies

MTS never came to the community and said that there was anything wrong with DART and that it might be taken away, there should have been a dialog before cutting the service

Many people do not know about DART and many more would use it if they knew about it, we should do more advertising

DART can be a viable solution it just needs leadership

Drivers are always nice the service is a lifeline

This is a public right and you need to find a way to keep this service going

Improve service and more people would take MTS, you need to increase your ridership

Comments That Have Already Been Addressed

Vucus Foster	10/17/07	921	He is transit dependant and he need the 921 to go to UCSD	530/902-8974
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Public Hearing Comments October 18, 2007

Date		What the call was in regards to:		Contact number or email	
Name of Caller	Received	RT #			
He did not leave his name	10/4/07	28	He is opposed to the changes on the 28, he goes out to Point Loma for work They wanted us to know that a lot of workers use this route to access their employment in domestic services.	No Contact Information	
Nicholas and Leslie	10/8/07	28		619/225-1740	
John Oberman	10/15/07	28	He needs the 28 to get to work and he doesn't want any changes to the route	619/768-3171	
Nicholas Ventrone	10/15/07	28	There needs to be more information and specifics given to the public	nventrone@theprincesstore.com	
				Department of the Navy Naval Base Point Loma 140 Sylvester Road San Diego, CA 92106	
M.D. Patton	10/16/07	28	He is the Commanding Officer of Naval Base Point Loma and no one contacted the Navy with the changes for the 28, he suggests making commuter service more supportive not less.		
Isabella Furth	10/9/07	89	Her job is moving and she was going to use the 89 to get to work, also she thinks that we need to make it easier for commuters living along the RT 56 corridor to use transit She wants to know how she is suppose to comment on a non-specific schedule change. She wants to know what the revised schedule will be and she wants to know if it will coincide with the Coaster.	furth@ViewpointLearning.com	
Maureen Gaare	10/9/07	89	This person uses the 89 everyday to go to work because they do not own a car. Please do not make any changes to this route	760/402-7161	
Jyotirmoy Pramanik	10/9/07	89	She wants to know why we are cancelling RT 89, please keep it the way it is	jyotirmoy.pramanik@fnis.com	
Mena	10/10/07	89	She wants us to keep the 89 she needs it to get to work, please keep the northern part of the 89 (emailed on 10/10)	858/345-7200	
Wendy Kelly	10/10/07	89	She wants us to keep the 89, a lot of people use this RT	No Contact Information	
Claudia	10/10/07	89	It is the only bus from The Coaster to Del Mar, please reconsider	619/286-0257	
He did not leave his name	10/10/07	89	She is a Coaster rider and she needs this bus, please keep it the way it is	No Contact Information	
Amy Harrington	10/10/07	89	Discontinuing RT 89 is ill-advised people use this to get to work	858/350-2545	
He did not leave his name	10/10/07	89	He uses the Coaster and if you cancel this route he will have to drive to work at Cardinal Health Care, when he is on the bus it is always full	No Contact Information	
Tom	10/10/07	89		No Contact Information	
Shauna Davis	10/10/07	89	She works at Cardinal Health Care and she uses the 89 to get to work, please keep it this person works at Fidelity National Information Services and they take this bus everyday, please do not stop this service, it is the only service to El Camino Real	858/480-7230	
Ninad Gaikwad	10/10/07	89	He thinks that if we eliminate the shuttle that many more people including himself will not take the Coaster and that we should increase the cost of the Coaster passes	ninad.gaikwad@fnis.com	
Jim Hawkins	10/10/07	89	He takes this bus from UTC to Valley Centre Dr. he is disabled and he takes this route to work, he would like to request that we increase frequencies on this route	jrhawkins@ucsd.edu	
Mike Sanders	10/10/07	89	He does not want the northern terminal changed, there are a lot of people taking the bus between UTC and Del Mar Heights Town Center, the bus is always full	mikesanders@fairisaac.com	
Archie Medrano	10/10/07	89	She works in Carmel Valley and takes the 89 to get to work. She thinks that we should try a rush-hour only schedule first before we cut the entire route.	archimedrano@fairisaac.com	
Julia Waddell	10/10/07	89	89 is the only bus that covers the northern part of the Sorrento Valley Coaster Station, there is no other way to get to El Camino Real. There is always a large amount of people that ride at night (emailed again 10/12)	juliawaddell@fairisaac.com	
Murthy Sashty	10/10/07	89	He is Chairman and General Manager of ATA Engineering, Inc. and he and his employees take the 89 from SVCS to El Camino Real, if it is eliminated then all of them would have to drive.	murthy.sashty@brandes.com	
Jeff Young	10/10/07	89		jeff.young@ata-e.com	

Name of Caller	Date Received	RT #	What the call was in regards to:	Contact number or email
Parthiv Shah	10/10/07	89	He lives in SD and commutes to Carmel Valley via Coaster and the 89 and his wife uses the Coaster as well. Carmel Valley is a growing area that is populated with high-tech employees that prefer public transportation to traffic congestion.	pshah@ata-e.com
Praveen Crasta	10/10/07	89	The route is helpful for commuters without a car in the Carmel Valley area, please do not discontinue service is would be a huge inconvenience.	praveen.crasta@fnis.com
He did not leave his name	10/11/07	89	He needs this bus to get to work, please do not cancel	855/883-6436
Charleen	10/11/07	89	Please do not cancel RT 89 she needs it to get to work	No Contact Information
Allison Golding	10/11/07	89	She is the Sr. Director, HR Operations Premier, Inc. many of their employees use this route to get to work, please reconsider	858/481-2727
mkshahidi	10/13/07	89	This person is a 78 year old senior living in Oceanside and uses this route to go to the medical center at Carmel Valley	mkshahidi@cox.net
Rajesh Raghavan	10/13/07	89	Please do not discontinue this route we are totally dependant in the 89	raj.raghavan@gmail.com
M.K.	10/14/07	89	People would not be able to get to Scripps Clinic, may patients and employees need this route, if need be you could cut back service but please do not get rid of it	manak29@gmail.com
Dack Anderson	10/14/07	89	There are many small and mid-size businesses that employ thousands of people why are you getting rid of the route. Please reconsider keeping this route	dlanderson03@hotmail.com
Farah Khatibshahidi	10/14/07	89	She is a working mother and an RN and she is transit dependant because she has vertigo and cannot drive, also people take this route to the Scripps Clinic, please reconsider	farankhatibshahidi@yahoo.com
Estella Haslup	10/15/07	89	She lives in Carlsbad and she commutes daily via the Coaster and 89, discontinuing 89 would be an economic hardship on her. Please reconsider cutting this route.	estella@ez2.net
Cathy Rowan	10/15/07	89	She rides from Oceanside to her office on El Camino Real. Please keep this route it cuts down on traffic and fuel and stressful commutes (she also called on 10/17)	Cathy Rowan@PremierInc.com
Leah Kalin	10/15/07	89	Cardinal and Qualcomm employees rely on this service to connect from the Coaster to avoid drinking and parking, this service is vital to employees and the environment	leah.kalin@cardinalhealth.com
Wayne Caldwell	10/15/07	89	He wants shuttle service in the Mira Mesa/Pacific Heights area	wayne.caldwell@cardinalhealth.com
Athans Zafropoulos	10/15/07	89	He is an employer and two of his employees are single parents and use this route to get to work, without it they would have a tremendous hardship	athansz@nadel.com
Shelly Slubowski	10/15/07	89	This is a lot of people's only way to get to and from the SVCS, please reconsider discontinuing this route	shelly.slubowski@nadel.com
Pat Waggoner	10/15/07	89	He is a daily rider, and he chooses transit which adds an extra hour to his commute because he wants to avoid driving on the congested highways.	No Contact Information
Eddie Daggett	10/15/07	89	Please reconsider cutting this route.	eddie.daggett@gmail.com
Lindsay Walsh	10/15/07	89	He is a monthly pass holder and if you cut the 89 he will not commute by train anymore	lindsay.walsh@nadel.com
Nicholas Ventrone	10/15/07	89	We are forcing people to get back into their cars on overcrowded highways	nventrone@theprincessstore.com
Jennifer Treisch	10/15/07	89	He is strongly opposed because of the high volume of employment centers in Carmel Valley	jenn@missionplayground.com
Ben Culbertson	10/15/07	89	She works off of Sorrento Valley Road, and she takes the bus every morning. The bus is always full and there are people standing. Please reconsider cutting the 89	boulbertson@crossflo.com
Jeanette Hallbick	10/16/07	89	He uses this route to get to work and if we cancel it he will be forced to drive. if you must please cut back the service or offer an alternative	jhallbick@qualtechmtg.com
Christian Van Blommestein	10/16/07	89	She rides the Coaster everyday to get to work and need the 89 to get to and from the SVCS, please keep this route	cvb@nadel.com
Kristina Mena	10/16/07	89	Please keep this route because a group of people at her work take this bus	kristine.mena@cardinalhealth.com
			She works are Cardinal Health with 16 other people who will be returning to their Torrey View location and would take the 89, please reconsider	

Name of Caller	Date Received	RT #	What the call was in regards to:	Contact number or email
Andrea Domingo	10/16/07	89	She needs this bus to get to work, please keep this route	619/674-2386
Donna Wolosin	10/16/07	89	She would like to voice her opposition to the discontinuation of RT 89, many women who make their living by working in home in Carmel Valley and use this route to get to work.	dowolosin@san.r.com
Christina Schiffrman	10/16/07	89	She would like to voice her opposition to the discontinuation of RT 89, many women who make their living by working in home in Carmel Valley and use this route to get to work.	tuttimuniz@yahoo.com
Colleen Hanna	10/16/07	89	Please do not discontinue this route, if anything you should increase the service	farmgirl10@gmail.com
Eric Gilmore	10/16/07	89	He commute to Sorrento Valley for work and just moved to North County and will be using 89, please keep the 89 (he also called on 10/16)	egilamon@yahoo.com
Taylor Crouch	10/16/07	89	She would like to voice her opposition to the discontinuation of RT 89, many women who make their living by working in home in Carmel Valley and use this route to get to work.	
Ingrid Edelman	10/16/07	89	She would like to voice her opposition to the discontinuation of RT 89, many women who make their living by working in home in Carmel Valley and use this route to get to work.	
Dennis Durmashkin	10/16/07	89	He rides the 89 every morning and afternoon, he need to get north of El Camino Real, if you have to increase the fare that's fine but please do not get rid of this route.	teck619@yahoo.com
He did not leave his name	10/16/07	89	Please keep the 89 he needs it to go to work	No Contact Information
Earnest Gildon	10/17/07	89	He made sure that his job was accessible by transit and now if you cut the 89 he will have no way to get to work	egildon@gmail.com
C. Larson	10/17/07	89	Please increase service along Del Mar Heights Road, either as part of a new bus route or a new route that connects the 101 Breeze at Camino Del Mar to Del Mar Highlands Shopping center.	clarson5@san.r.com
Aruna Raj	10/17/07	89	Please do not cut the route, perhaps you could have reduced schedule but people take this bus to and from work please keep the route	clayclump@yahoo.com
Steve Gutschow	10/17/07	89	Fair Isaac Corporation has over 400 employees at the Del Mar location and many of their employees use MTS, please keep the 89	stevegutschow@fairisaac.com
Sowjanya Palle	10/17/07	89	This person works at Cardinal Health and uses the 89 to get to the Coaster, please do not cut this route	sowjanya.palle@cardinalhealth.com
Cliff Hanna	10/17/07	89	He would like to request that there be not changes made to this route, he uses it several times	cliff.hanna@amvlin.com
William Dowler	10/17/07	89	He uses the 89 to get from the Coaster Station to Carmel Valley, please reconsider cutting this route. The benefits to the environment are also an important consideration	billdowler@fairisaac.com
He did not leave his name	10/17/07	89	He works in Valley Center Drive and lives in the UTC area, please keep the 89	609/721-2433
Paulie	10/17/07	89	She works for Cardinal Health and she needs the 89 to get to work and the Coaster	No Contact Information
Terrance Brock	10/17/07	89	He lives in El Cajon and works in Carmel Valley and he takes this route to get to work, please reconsider cutting this route	1436 Oakdale Ave. # K El Cajon, CA 92021
Patricia Edwings	10/9/07	921	She would like to see the proposed route include the corner of Gilman and Osler on UCSD campus	pedwins@ad.ucsd.edu
Alexander Hall	10/11/07	48/49	He doesn't like the proposed changes because it will make the route useless	No Contact Information
Suzi Stone	10/13/07	48/49	She lives off East Gate and there are a lot of students out there reconsider	No Contact Information

Name of Caller	Date Received	RT #	What the call was in regards to:	Contact number or email
He did not leave his name	10/15/07	48/49	He wants us to know that the changes are not good	No Contact Information
Nicholas Ventrone	10/15/07	48/49	He wants timed connections with each other at UTC	nventrone@theprincessstore.com
Martin and Barbara Granowitz	9/27/07	DART	They feel the DART is essential to the community since there is a large number of seniors living in the area, please reconsider and save DART	No Contact Information
She did not leave her name	9/27/07	DART	She wants to know why they are getting rid of DART, if anything they should increase the service because there will be more seniors because the population is getting older	No Contact Information
Florence Gallop	9/27/07	DART	She needs the DART, she would be stuck in her house with no way to get around if DART is cancelled	858/451-3026
Norma Hanes	9/27/07	DART	DART is her only means of transportation, please do not take it away from her	858/451-2994
She did not leave her name	9/27/07	DART	Please do not get rid of DART	No Contact Information
Mrs. Rubenstein	10/9/07	DART	Her husband needs DART because he cannot drive anymore, please keep DART	858/592-9225
She did not leave her name	10/10/07	DART	She is a senior that lives in RB and she doesn't drive and she uses the DART, please reconsider cancelling the DART	No Contact Information
She did not leave her name	10/10/07	DART	She is 93 years old and DART is the only way she has to get around town	No Contact Information
Rose Ann Ignell	10/10/07	DART	Her housekeeper uses DART to get to work, please keep DART (also faxed on 10/15)	858/271-8918
Nicholas Ventrone	10/15/07	DART	He is opposed to cutting the route because there is no other transit in the area	nventrone@theprincessstore.com
She did not leave her name	10/16/07	DART	Please do not take DART away she needs it to get around	No Contact Information
Marie Erwin	10/16/07	DART	She is a senior and she needs DART, please reconsider	858/592-0690
She did not leave her name	10/17/07	DART	She pays taxes and she is disabled and takes DART, please keep DART	No Contact Information
She did not leave her name	10/17/07	DART	DART is very valuable to seniors please do not cut DART	No Contact Information
Sandra Roy	10/17/07	DART	She and her husband both use DART please keep the bus	No Contact Information
Amy Winton	10/17/07	DART	She has elderly family members that take DART, please do not cut DART	No Contact Information
Mika	10/17/07	DART	She is a student and the bus stop is over a 30 min walk without DART	No Contact Information
She did not leave her name	10/16/07	DART	She is 93 and she needs DART to get around to doctors appointments and food shopping	No Contact Information
She did not leave her name	10/16/07	DART	She is a senior please keep the DART	No Contact Information
Maria Tote	9/27/07	DART RB	She is a senior and they have nothing else in the area, please do not take the DART away	No Contact Information
She did not leave her name	9/27/07	DART RB	She is begging to keep DART in RB she is a senior citizen	No Contact Information
Midge Pierce	10/11/07	DART RB	She doesn't/cannot drive and DART is the only way she has to get to her doctors appointments, please do not cancel	No Contact Information
She did not leave her name	10/12/07	DART RB	She is a senior and she needs DART, please reconsider	No Contact Information
Mrs. McKay	10/12/07	DART RB	She wants us to keep DART, and the drivers are very nice	No Contact Information
Agnes Sweet	10/15/07	DART RB	She doesn't want the DART in RB cancelled, please reconsider, they would pay more for the service. 10/14, She is a senior and she doesn't want us to get rid of DART (called again, 10/15, and wrote a letter 10/16)	sweetlum2@aol.com
Brenda Majors	10/15/07	DART RB	She does not own or drive a car, she uses DART to get to her doctors	brenda.majors@gmail.com
Lucielle	10/16/07	DART RB	and it would be 70.00 a month to take a cab, please do not cut DART	No Contact Information
Charles and Diane Lander	10/16/07	DART RB	She is a senior in Rancho Bernardo and she is a tax payer and she needs DART	No Contact Information
Maria	10/17/07	DART RB	They are willing to pay more and take a service reduction but please do not cut the service	Chuck602@aol.com
Ann	10/17/07	DART RB	She is a senior and they need DART, please do not cut DART	No Contact Information
	10/17/07	DART RB	She is has a handicapped sister that uses DART to take her to her doctors appointments	No Contact Information

Name of Caller	Date Received	RT #	What the call was in regards to:	Contact number or email
Ann Casper	10/12/07	DART RB	She needs us to keep DART because she is ill and elderly and uses DART (called again 10/15)	No Contact Information
Lucinda Dally	10/17/07	DART RB	Please keep DART	No Contact Information
Shirley Gallee	10/17/07	DART RB	Please keep DART	No Contact Information
Ruth Ann Dalley	10/17/07	DART RB SR	Please just reduce the service and do not cut it, do not isolate seniors	rrdalley@pacbell.net
Mary	10/12/07	DART SR	She wants to know the status of the DART, please call her back	858/586-6241
Hector Ramos	10/15/07	DART SR	There are seniors who need DART in the Rancho Bernardo area	hovaqui1@att.net
Monica Fejer	10/16/07	DART SR	She needs the DART to connect her to buses on Mira Mesa and Black Mountain Road, she is a tax payer and doesn't understand why they can't have DART services	arquitectosmf@hotmail.com
Martha	10/16/07	DART SR	She pays taxes and the money that she pays should be more than enough to cover DART, which is a basic service for this area	No Contact Information
She did not leave her name	10/16/07	DART SR	She opposed the discontinuation of DART because this is a basic public service	No Contact Information
Dennis Hafley	10/16/07	DART SR	He is a Scripps Ranch resident and an employee of Qualcomm, and he uses the DART to get back across the 1-15 from Black Mountain Rd.	dhaflay@qualcomm.com
She did not leave her name	10/17/07	DART SR	He uses the DART all the time, please keep the DART it is very important	No Contact Information
Peter	10/17/07	DART SR	He doesn't want us to get rid of transfers because some people do not travel a round-trip.	No Contact Information
Jay Weber	9/27/07	Fares	Also he thinks that NCTD and MTS tickets should be good on both systems	619/518-5495
HC Jay Powell	10/11/07	Fares	City Heights Community Development Corporation (CHCDC) thinks we should keep transfers, the State needs to pay us back TRANSNET, and we should lower fares to attract more people to ride MTS	619/584-1535
This person is disabled and has a fixed income and cannot afford the increase and the transfer. He thinks the bus drivers are over paid and that we do not properly utilize our real estate. He wants us to stop routes that have low/no ridership, and start to issue RFQs. businessservicesolutions@yahoo.com				
Terry Brunning	10/9/07	Fares	He is a senior citizen and if we raise the age of the senior fare to 65 it would not be good because he couldn't afford the additional fare	619/427-3952
Bill Helfman	10/10/07	Fares	She is opposed to the fare increase	No Contact Information
She did not leave her name	10/10/07	Fares	He doesn't think that we should increase fares for the disabled and the transit dependant	No Contact Information
Manuel	10/10/07	Fares	He does not approve of the increase of bus fares, please reconsider	No Contact Information
Marlin Sheen	10/11/07	Fares	She agrees with most of the fare increases but doesn't think that we should increase the fares to the seniors and disabled people	No Contact Information
She did not leave her name	10/11/07	Fares	She is calling on behalf of the Supportive Parents Information Network, and she is opposed to the fare increase. She also wants to know if the Board has already voted for an increase then why is there a public meeting, shouldn't the meeting come before the vote?	No Contact Information
Hilda Chan	10/12/07	Fares	She lives in Alpine and she opposes the fare increase	No Contact Information
Shannon Jenkins	10/12/07	Fares	We should not increase the fares for the poor, elderly, blind, disabled (called again 10/16)	619/668-1453
Dr. Swaltzi	10/12/07	Fares	He thinks that fare increase is not right, he will drive and bike instead	No Contact Information
He did not leave his name	10/12/07	Fares	MTS should not be able to privately determine prices, we should have to disclose all prices prior to all public hearings	No Contact Information
No Contact Information	10/13/07	Fares	If we increase the fare it will be prohibitive to the poor and it is not user-friendly	No Contact Information
Janet	10/14/07	Fares	He is transit dependant and he is against the raising of fares, we need more buses not less.	peacedovlove@yahoo.com
Aaron Murillo	10/14/07	Fares		

Name of Caller	Date Received	RT #	What the call was in regards to:	Contact number or email
Rebecca Moore	10/16/07	Fares	She uses the 11 to and from work and she opposes the loss of the free transfer, we are discouraging ridership This will create financial hardship for low income riders who are transit dependant. We should not eliminate transfers because the system requires so many transfers to get to a location. Higher prices make even more poor people	remoore24@gmail.com
Robert B. Clark	10/16/07	Fares		619/447-0181
Hector Hernandez	10/17/07	Fares		aztecaguila@hotmail.com
Eric Calhoun	10/17/07	Fares	He is a member of the California Council for the Blind and he wants all-day passes which will allow seniors, general public and disabilities the ride for only one fare all day long. She doesn't agree with the increase in fares, she is a mother of a low-income family	eric@pmpmail.com
She did not leave her name	10/17/07	Fares	The increase in fares is too much for disabled people and you are forcing people not to take transit	No Contact Information
She did not leave her name	10/17/07	Fares	She opposed the increase to fares while we are also cutting transfers	No Contact Information
She did not leave her name	10/17/07	Fares	She is a member of the North Park Planning Committee and she thinks that it is outrageous that the fare increase would be 100% for a one way ride. This vote should be put on hold to look for creative funding alternative	No Contact Information
Vicki Granowitz	10/17/07	Fares	He cannot believe that buses aren't going to the VA anymore, he doesn't understand why we made this change. He needs the buses to go to the VA (called again 10/9)	P.O. Box 4825 San Diego, CA 92164
Kevin Quirke	9/27/07	General	We should have public meetings weekday evenings and weekends, and he is opposed to the getting rid of transfers.	855/357-1014
He did not leave his name	10/4/07	General	She is a long time transit user and she works for a social service provider and she objects to the elimination of a reduced tokens to social service providers	No Contact Information
Debra Figueroa	10/8/07	General	The Rider Alert should be posted on the posting date, there is not enough time for people to comment on the Rider Alert	No Contact Information
No Contact Information	10/11/07	General	She doesn't drive and she doesn't understand why we would choose to reduce the number of buses to save money, surely there must be money out there	3630 6th Ave, #302 San Diego, CA 92103
Nancy Moore	10/12/07	General	Get your money from DC or Sacramento, there is money out there	No Contact Information
He did not leave his name	10/16/07	General	He thinks that; it takes too long to get to places, start times are too early and not late enough, service doesn't run often enough, scheduling is terrible, new bus drivers are rude, fares at too high, buses break down, meetings are scheduled while people are at work, comments are ignored.	
Mark-Elliott Lugo	10/17/07	General	She thinks that we should offer a Day Pass but it should be in addition to the one-time fare with transfer. She thinks that we need to find alternate sources of funding.	mlugo5@cox.net
Candace Hernandez	10/17/07	General	She thinks that the revenue recovery is going to be carried on the back of the riders who use the mid-city route, 7, 2, 11, 15, 1, and 10, and this constitutes an unfair impact on the poor and minorities.	candace.hernandez@sdcounity.ca.gov
Anna G. Daniels	10/17/07	General	He thinks that doing away with transfers is a terrible idea	619/563-8090
He did not leave his name	10/6/07	Transfers	He doesn't want us to get rid of transfers he thinks that it is unfair to ask people to pay \$5 to use transit	No Contact Information
Fred Reinstein	10/6/07	Transfers	He thinks that the elimination of transfers is a bad idea and it will put more cars in the street	freddy77@mac.com
Paul	10/8/07	Transfers	She thinks that we should keep transfers to keep public transportation affordable for the public	858/490-1805
Brenda Fass-Holmes	10/9/07	Transfers		bholmes@mail.sdsu.edu
Maureen Gaare	10/9/07	Transfers	She wants us to keep our current transfer policy	760/402-7161

Name of Caller	Date		RT #	What the call was in regards to:	Contact number or email
	Received				
No Contact Information	10/12/07	Transfers		Getting rid of transfers is discriminating to senior citizens, we should offer a day pass for \$2.50.	No Contact Information
Lemis Mansure	10/14/07	Transfers		She doesn't own a car and she uses the Trolley and she thinks that getting rid of transfers is just a money making scheme	No Contact Information
He did not leave his name	10/14/07	Transfers		She opposes the increase fare and thinks that we should have improved service	No Contact Information
He did not leave his name	10/15/07	Transfers		He opposes the changes to the transfer policy	No Contact Information
Teresa Ganger	10/16/07	Transfers		With the new changes from Sept 2006 it is almost impossible to get anywhere without transferring, please do not do away with transfers	tganger@sbcglobal.net
K. Luedtke	10/16/07	Transfers		She is a single mother of three and she doesn't own a car, she uses transit for everything. She doesn't want us to get rid of transfers and doesn't want any fare increased	thizbee@sdccs.org
He did not leave his name	10/16/07	Transfers		Why are we getting rid of transfers, this will double the cost of a short trip, what about transfers to the Coaster?	No Contact Information
He did not leave his name	10/16/07	Transfers		There is no way to get anywhere without a transfer, we should be decreasing not increasing fares	No Contact Information
He did not leave his name	10/16/07	Transfers		Proposed cancellation of transfers is ridiculous	No Contact Information
George Frank	10/16/07	Transfers		He cannot make it to the meeting, but he wanted us to know that he is opposed to not being able to transfer, it is not in the interest of the public	No Contact Information
Dave Ernst	10/16/07	Transfers		He doesn't want us to get rid of transfers because it will discourage the people that use the bus and train only a few times a week	3963 Eagle St. #7 San Diego, CA 92103
K. King	10/17/07	Transfers		This person is upset about the termination of transfers because it almost always takes more than one bus to get somewhere	kaleidoscopeiz88@aol.com
Steve Patterson	10/17/07	Transfers		Hub and spoke transit system needs to have transfers, it is very important that we keep the transfers	No Contact Information
Walter Palmroy	10/17/07	Transfers		You need a transfer to get anywhere in this city and you should not get rid of the transfer	No Contact Information
He did not leave his name	10/17/07	Transfers		She does not support getting rid of transfers	No Contact Information
She did not leave her name	10/17/07	Transfers		Please do not discontinue transfers and the Social Service reduced fare	No Contact Information
She did not leave her name	10/17/07	Transfers		She is upset about getting rid of transfers because she takes a lot of short trips and it will cost her too much money	No Contact Information
She did not leave her name	10/17/07	Transfers		She wants us to keep transfers and not fare increases	No Contact Information
Comments That Have Already Been Addressed					
Brenda Fass-Holmes	10/9/07	41		She is upset that the route is no longer going to UCSD, it will discourage transit usage.	bholmes@mail.sdsu.edu
Yaniv Rosen	10/15/07	41		She wants the route to serve the UCSD campus.	
Nicholas Ventrone	10/15/07	41/921		He would like to see the route continue to UCSD. It would add 25 mins of walking to his commute	yrosen@physics.ucsd.edu
				He wants the realignment of the northern endpoints to UCSD	nventrone@theprincessstore.com



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

31

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 any written statement to this form). Communications on hearings and agenda items are generally limited to three 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 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.

(PLEASE PRINT)

Date	12-10-18-2017		
Name	ANDREA BOWLING		
Address	3617 E 37 ST		
Telephone	1619 674-2386		
Organization Represented	SCHOOL		
Subject of Your Remarks			
Regarding Agenda Item No.	25		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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3. DISCUSSION OF AGENDA ITEMS

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4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

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25

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1

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Date 10/18/07
Name (PLEASE PRINT) Ruth Ann Dalley
Address 17105 Tam O'Shanter Dr.
Poway, CA 92064
Telephone (858) 487-7199
Organization Represented (if any) _____

Subject of your remarks: DART BUS SERVICE

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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October 18, 2007

Mr. Chairman, Board Members, Ladies and Gentlemen,

I am, Ruth Ann Dalley. I am here today to speak for Lucinda Dalley and other senior citizens in Rancho Bernardo regarding the DART BUS SYSTEM to RB and Scripps Ranch.

Since I left the MTS Public Hearing in September 27, 2007, I went home and typed up an e-mail suggesting a plan of action to meet with community leaders in RB and e-mailed it to Phil Monroe and Brian Maienschein. Neither Lucinda nor I had heard anything from MTS.

I was contacted by Khoa Nguyen, Brian Maienschein's assistant this past Monday near 10:00 a.m. about a meeting that he arranged with MTS administrators to be held at the Rancho Bernardo Public Library on Wednesday, October 17th in the early evening. Would I please let everyone know? I tried my best – too late for newspapers, too late for community newsletters. Yes, that meeting was last night. It was the first meeting to my knowledge with MTS administrators had with the public. The community leaders in RB and Scripps have not had an opportunity to meet yet with MTS administrators because of such short notice; they could not change their schedules.

It became evident throughout the meeting that MTS is not advertising and marketing their services let alone communicating with our community leaders. A few Scripps Ranch citizens heard about the meeting by word of mouth and attended. No one from MTS or Brian Maienschein's office communicated to them either.

Conan Cheung, the Director of Planning explained the problem. His main emphasis was on ridership not enough people riding the bus. Lucinda canvassed her neighborhood and the majority did not know what she was talking about. They knew nothing about DART.

People in the audience volunteered their services. One lady had ordered 25 DART pamphlets to take to the banks. Bank managers said they would run off more copies to give to their customers. Another lady offered her services to MTS to design for advertising and marketing purposes the DART Bus Services for free. I notified the Catholic Church, the Episcopal Church and Rancho Bernardo Community Presbyterian Church, and other senior services plus Lucinda called the local reporter of the newspaper.

Today, someone in Maienschein's office has an appointment with Dr. Bruce Humphrey the senior pastor at RB Community Presbyterian Church. This will be their first meeting.

Thirty days was not enough time! What do the people do? We will have nothing!!!

Another solution – since most of the public transportation is heavily downtown, how about the buses come every 15 -20 minutes downtown instead of the current every 10 minutes. Someone said in the meeting that not all those buses are full. They have seen some empty.

At last night's meeting it was evident that there is a great need for public transportation in RB and Scripps. Even the "Rides for Smiles" volunteer service was gravely concerned. They now have 300 people on their service list with another 100 people on a waiting list. They already have 100 volunteer drivers. They are afraid if DART is eliminated they will be inundated. They provide transportation mainly to doctor's appointments first then take people to the grocery store if time allows. **More seniors know about Rides and Smiles than they do the DART BUS SERVICE. Is this a report card on MTS? I believe if advertising and marketing occurs then ridership will increase. Does not MTS have some responsibility to inform the public?**

Please, at this time reduce the hours of service to M,Te,W or M,W, F. Do not eliminate the service completely. Once this service is gone; it is very difficult if not impossible to get it back. It is the only service that is a reliable, consistent service. **We will have nothing if it is eliminated.**

Communication is a two-way street. MTS should work with community leaders to come up with better solutions. They should notify communities if they have problems with a route...not just a quickie information sheet on the bus. Once communications with the community have occurred – give sufficient amount of time for ridership to increase after publicizing it.

RB and Scripps Ranch are part of San Diego City, too. These citizens might be invisible to you from this tower, but they are not invisible to their communities. There is not any cab service in either community nor is there any alternative transportation that is reliable and consistent. These people need transportation to take care of their basic needs and others need it to make other connections to go to work. **They pay taxes, too!**

Most of us in RB and Scripps want to be a part of the solution. We want to partners with MTS. Communication only one way makes us adversaries.

Please let us be partners and come up with a workable solution! Thank you.

8:22



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

2

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Date 10-18-2007

Name (PLEASE PRINT) Michelle Beattie

Address 751 E Bradley Sp 46 EL Cajon CA 92021

Telephone 619 444-5068

Organization Represented (if any) _____

Subject of your remarks: 833 Route move time frame one ^{30 Buses} Move on Route
on Please Put the sign up by 1-11 stop there been problems

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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AGENDA ITEM NO.

25

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Date 2007-10-18
 Name (PLEASE PRINT) Clive Richard
 Address 5153 La Jolla St
San Diego, CA 92115
 Telephone 619.582.4036
 Organization Represented (if any) Self

Subject of your remarks: _____

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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Time conceded to
Theresa Quinn

AGENDA ITEM NO.

25/30

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

29

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Date 10-18-07

Name (PLEASE PRINT) Leighton, Lorraine M

Address 1097 Emerald Ave

El Cason, Ca. 92020

Telephone Ø

Organization Represented (if any) Disabled Passengers

Subject of your remarks: #25 Service reduction - You have all ready done service reductions in East County through Uplima - no Buses RT 915 @ 8:17, RT 848 Ø

Agenda Item Number on which you request to speak 25 430 The Sares need to be Thoroughly

Your comments are presenting a position of: SUPPORT

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OPPOSITION

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redo properly!

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8:43



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

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4

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Date 10/18/07Name (PLEASE PRINT) Theresa QuirozAddress 4719 Bailey PlS.D. CA 92105Telephone (619) 263-3457Organization Represented (if any) Citizens for Effective TransportationSubject of your remarks: fare increaseAgenda Item Number on which you request to speak 25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

5

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Date 10-18-2007Name (PLEASE PRINT) Mrs. Rose M. ChapinAddress 1730-3rd Ave. #1404San Diego, Calif. 92101

Telephone _____

Organization Represented (if any) _____

Subject of your remarks: Transportation: VA, PASSES, TRANSFERS ETC

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☐**2. TESTIMONY AT NOTICED PUBLIC HEARINGS**

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3. DISCUSSION OF AGENDA ITEMS

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8:47



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

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Date 10/18/07
Name (PLEASE PRINT) ROB STEPPER
Address 3939 ARIZONA ST
SAN DIEGO, CA 92104
Telephone 619-297-2012
Organization Represented (if any) NORTH PARK PLANNING COMMITTEE

Subject of your remarks: ELIMINATION OF TRANSFERS

Agenda Item Number on which you request to speak 25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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8:48



AGENDA ITEM NO.

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Date October 18 2007Name (PLEASE PRINT) Robert L. BooneAddress 1571 8th Ave #69Telephone 619 237-1261Organization Represented (if any) NoneSubject of your remarks: constant breakdownsAgenda Item Number on which you request to speak 25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☐
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REQUEST TO SPEAK FORM

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Date ED QUI'S MORIO 10/18

Name (PLEASE PRINT) _____

Address SSC San Diego Pt. LomaTelephone 619.226.5293Organization Represented (if any) SSC San DiegoNAVAL BASE POINT LOMASubject of your remarks: Route 28

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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Date 10-18-2007
Name (PLEASE PRINT) Jack R. Koch
Address 720 Fourth Ave.
San Diego, CA 92101
Telephone _____
Organization Represented (if any) _____

Subject of your remarks: Increase in TAX For Reduction of Service

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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25

REQUEST TO SPEAK FORM

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Date OCT 18 2007Name (PLEASE PRINT) Judith O'BoyleAddress 2525 SAN MARCOS AVETelephone 619 283-2690Organization Represented (if any) N/ASubject of your remarks: MTS Fare increases, service cuts, need for subsidyAgenda Item Number on which you request to speak 25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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Judith O'Boyle
2525 San Marcos Avenue
San Diego Ca. 92104
619.283.2690

Highlights of Speaking Points

- It is highly regrettable that the MTS is experiencing funding problems, especially at a time when it is desirable to increase service and ridership.
- It is unclear whether these problems are solely attributed to cutbacks in State funding, or a combination of higher costs, management practices at MTS, and State cutbacks.
- Service cutbacks and fare increases fly in the face of “smart growth” planning that has been championed by SANDAG, the City and the County – that is densification of development along public transportation corridors. I know that in North Park, we have responded to “smart growth” initiatives.
- Although the proposed fare increases are applied across the board, the impact on low income core city transportation users has a much greater impact.
- Users of express buses tend to be higher income, and should have a higher increment of fare increases applied to them.
- There are other ways to combat funding shortfalls – subsidies from significant users that have “deep” pockets – rather than on the backs of the poor and working class.
- The San Diego Airport (with its dedicated bus), the Port District (that encourages public transportation along the “big bay”), the Convention Center and the Centre City Development Corporation (the redevelopment agency that encourages tourists and downtown residents to use public transportation and who represent an area where many lower-paid workers use public transportation to get to work downtown) ought to subsidize public transportation to a much greater extent than they do now.
- Think outside the box.
- Case Study: UCSD offers free bus passes to students, faculty, and staff along certain heavily used bus routes. UCSD is able to do this because they use revenues from those individuals who choose to drive and park on campus and who pay monthly parking fees. The University itself pays nothing – it is completely funded and paid for by people who elect to drive and park on campus.



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

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11

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Date 10/18/07Name (PLEASE PRINT) LINDA SMITHAddress 2800 UNIVERSITY AVETelephone 6837423Organization Represented (if any) ALL DISABLEDSubject of your remarks: COST RAISEIN ADDITION TO ADAHow much is it going to cost toAgenda Item Number on which you request to speak provide SAFETY SHIELDS

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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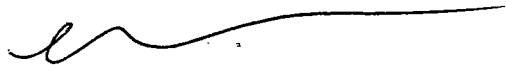
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Dear Toni

I am writing to you today in your capacity of M.T. S. board of director. On Tuesday September 4th I was on bus #2184 on the 848 bus line out of El Cajon. I had never been on this bus before. I had no idea of how to get to the 200 block of Second Street. I politely asked the bus driver to please call out the A.D.A'S. This means calling out certain streets for people who are not familiar with the route or who have a vision problem that makes it difficult to see the bus stops. The bus was at the Johnson and Arnele bus stop. I was told to get off of the bus for asking that the driver to call out the stops. A supervisor was called and all of the passengers were told to get off of this bus. We were allowed to ride on the next bus while bus #2184 was taken out of service the driver of bus 2184 was a very attractive black lady. The bus driver was also a tiny lady and it looked like her hair was in dancing curls. Toni you know of many things that have happened to me. I feel very strongly that I deserve compensation for this incident. I also feel that since this incident is just the latest incident of abuse that I deserve a generous settlement. I am willing to allow a person acceptable to your office to help me spend these funds. One way that I would spend money on would be a motor home with a garage so that I could either open a small bookstore or a lending library. Toni there is no way for me to express how sorry I am for being such a disgusting reprobate. It seems that for every twenty steps that I take in my recovery I take two steps backward. One of the things that feels the best is that no matter how bad things are in my life or even how bad things may get in my life get there is nothing that can compare to how bad my life was before I was empowered to change my life and begin to make my life what I call "My best life now." There are many things that help me feel better. Knowing deep in my heart that people with a mental illness can get better if mental health professionals reach out to consumers of the mental health system and say "I would like to help you get better if you give me a chance." Toni I know that your staff has consistently told you that when I am making a difference in the life of my peers I feel the best. I understand that with my behavior when I was a disgusting reprobate makes it difficult for anybody to want to give me credit for any change in the world of the mentally ill. I have no problems with sitting on the sideline enjoying seeing the changes that are being made by people on the treatment teams that help make the decision that help my peers get better.


LINDA SMITH
2800 UNIVERSITY AVE #168
SAN DIEGO CA 92104



AGENDA ITEM NO.

25

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Date

10-18-17

Name (PLEASE PRINT)

Hilda Reyes

Address

2715 University Ave San Diego 92104

Telephone

619-296-3402

Organization Represented (if any)

Supportive Parents
Information Network.

Subject of your remarks:

Agenda Item Number on which you request to speak

25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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Date 18 Oct 07Name (PLEASE PRINT) Evendaw CrooksAddress 6282 Lake Alamar Hdz
SD 92119Telephone 619-464-0723Organization Represented (if any) Naval Health Research CenterSubject of your remarks: Keep Bus route 28C

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT



OPPOSITION

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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.

OPS 970.2

October 18, 2007

SUBJECT:

SDTI: FY 07 YEAR-END OPERATIONS REPORT

RECOMMENDATION:

That the Board of Directors receive this report for information.

Budget Impact

None.

DISCUSSION:

This report provides a summary of performance, operational statistics and various accomplishments for MTS rail operations and maintenance for Fiscal year 2007. An overview of statistical information will be presented followed by a brief discussion of accomplishments during the fiscal year.

Staff is pleased to report a strong fiscal year in various categories and completion of significant projects in support of current and future operations.

TRANSPORTATION

Ridership

Annual ridership for FY 07 was fixed at 35,114,385 representing an increase of 3.6% over the previous fiscal year (35,114,385 vs. 33,829,833). This increase is attributed to several



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.

factors, including increased use of trolley service for work, travel, and special events; and escalating gas prices. Daily ridership to San Diego State University (SDSU) (using a comparable reporting period) is up 21.7% over FY 06 (9,531 vs. 7,459).

Operating Efficiency

MTS Rail initiated a number of adjustments to its operating plan in FY 07 resulting in greater operating efficiency. Annual revenue miles operated decreased by 3.1% while ridership increased 3.6%. Annual revenue hours went down by 4.7%; however, the number of riders carried per revenue hour increased by 9% to 81.32. More passengers were carried in FY 07 using less service and man-hours while maintaining a farebox recovery rate of 51.6%.

Light Rail Vehicle Accidents

MTS Rail achieved one of the lowest accident rates among light rail agencies in the state in addition to reducing the number of accidents experienced. During FY 07, there were 3,297,475 train miles operated. The total number of accidents during the fiscal year was 16 (eight fewer than the number in fiscal year 2006), which represents 0.5 accidents per 100,000 miles operated. When the total FY 07 accidents per 100,000 miles is compared with FY 06 (0.5 vs. 0.7), an increase in safe train miles operated is realized. Of the 16 accidents reported, only one was considered preventable. The continued low level of accidents is attributed to an effective in-house safety program for operators, an internal management/labor Accident Review Committee, and an aggressive safety information program advising operators of safety-related issues.

Operating Rule Infractions

MTS Rail continues to emphasize safe operations by reviewing all rule infractions to determine those that impact operations. In FY 07, MTS Rail experienced 99 operating rule infractions while operating 3,297,475 train miles as opposed to 95 incidents in FY 06. This figure represents a modest 4% increase in infractions from the previous year. Note: this places the number of work hours between infractions at 2,727 (FY 07) vs. 2,820 (FY 06), although there were 2,103 more work hours scheduled in FY 07. Staff remains dedicated to improving this trend and including the use of refined training modules, enhanced student operator evaluations, ongoing supervisory interaction, and oversight in the field.

Customer Complaints

MTS Rail experienced 440 complaints in FY 07 comparing favorably to FY 06 when 550 were recorded. This translates to 1.25 complaints per 100,000 passengers carried in FY 07 vs. 1.63 in FY 06.

Schedule Adherence/On-Time Performance

MTS Rail scheduled 171,853 regular train trips in FY 07. Of the number scheduled, 171,787 were operated representing a schedule adherence of 99.96%. Of the trips operated, 96.6% were on time (within five minutes of schedule). Staff continually monitors

system operations, trip times, and ridership patterns to implement timely response to significant incidents and/or events and to make appropriate adjustments when needed.

Lift Service

Total wheelchair ridership during FY 07 reached 84,032 representing a 6.5% increase over FY 06 (84,032 vs. 78,664). The new low-floor S70 LRV allows four disabled riders per LRV as opposed to the two-rider maximum per train on the U2 LRVs and three-rider maximum per train on the SD-100 LRVs.

Train Operator Training Program

The FY 07-approved train operator staffing level was 100 full-time and 51 part-time employees. There were four classes conducted in FY 07 with a total of 47 enrollees, of which 30 successfully graduated. The duration of the training program is 11 weeks, which is divided between classroom and field instruction. In terms of experience, 45% of staff have less than three years of seniority. The Transportation Department lost 30 employees during the year, 13 of whom were recruited by other rail transit systems. Staff remains challenged in terms of recruitment with a 4% unemployment market.

Special Events Service

During FY 07, MTS Rail provided service to 159 special events, including 77 Padres games, 17 Chargers games, the Holiday Bowl, Street Scene, ComicCon, and Oktoberfest. Total attendance at the 159 events was 4,291,373 with 682,782 (15.9%) using the trolley. There were over 4,510 train trips operated to support special event service to these events with revenue from manual ticket sales down 15.5% as compared to FY 06 (\$989,824 vs. \$1,171,710). Note: Chargers game attendance was up 12% over FY 06, with a corresponding increase in ridership as a percentage of the gate 25.2% vs. 23.6%.

LRV MAINTENANCE DEPARTMENT

Car Miles Between Service Failures

The LRV Maintenance Department has initiated numerous fleet tasks (component inspections/repair) throughout the year in an effort to ensure maximum efficiency and reliability with the LRV fleet. The fleet incorporates three series of Siemens vehicles beginning with 71 U2 LRVs (22 to 27 years old), 52 SD-100 LRVs (12 years old), and 11 S70 LRVs (introduced in 2005) to support Green Line service. Differing maintenance training and service programs for each series of vehicle requires that personnel maintain a high degree of technical knowledge in a variety of areas associated with the maintenance of electrical and mechanical components of each vehicle. The LRV Maintenance Department remains focused on preventative maintenance programs to address the most common component defects, enhance maintenance procedures, and reduce equipment failures and service delays. Based on the National Transit Database (NTD) criteria, the LRV Maintenance Department recorded 94,214 train miles between service failures. This NTD criterion will become the benchmark for future efficiency goals.

LRV Body Restoration and Painting Program

An aggressive body restoration and painting program continued to address the exterior appearance of the U2 LRV fleet. In FY 07, a total of eight U2 LRVs received extensive body restoration and finish paint bringing the total number restored to 66. In the U2 fleet, the five remaining vehicles will not be painted and, instead, will be wrapped in order to generate increased revenue. The current contract for body restoration was renewed in FY 08, and a similar restoration program has been initiated on the SD-100 LRV fleet.

LRV Door Failures

Rail vehicle door operations are perhaps the most significant component that generates operational efficiency. Door failures extend station dwell times and require operators to troubleshoot the problem and override the door mechanism before the train can move. The Maintenance Department maintains an aggressive preventative maintenance program to ensure that door mechanisms are properly serviced and fleet tasks meet performance standards. In FY 07, there were 35 fewer door failures reported than the previous year (555 vs. 590). LRV door failures per 100,000 train miles operated in FY 07 was 6.89 as opposed to 7.09 in FY 06.

Maintenance Management and Scheduling Efficiencies

In FY 07, a revised vehicle maintenance and scheduling strategy was implemented, which produced significant improvements including enhanced management oversight. A work plan was developed that provided improved use of maintenance labor hours and resulted in a better work product and reduction in regular labor hours and overtime reductions. The net savings to the FY 07 budget in terms of overtime labor hours was \$205,000. The revised maintenance plan also provided a significant employee benefit with additional personnel enjoying at least one day of the weekend as a rest day.

Maintenance Facility "C" Improvements

The low-floor configuration of the S70 LRV requires that a considerable amount of its mechanical equipment to be stored on the rooftop, as opposed to the undercarriage, as on the high-floor U2 and SD-100 LRVS. A \$2.4 million project was initiated as part of the Mission Valley East Project to provide an overhead platform on shop tracks C-1 and C-2 with corresponding monorail cranes for the purpose of moving heavy equipment to and from the vehicle rooftop. The project scope also included a provision to provide an under rail service pit on each of these shop tracks. The project was completed in August.

WAYSIDE MAINTENANCE DEPARTMENT

Maintenance Programs

Maintenance programs and inspection activities specific to the track structure, safety, ride quality, signaling, grade-crossing safety, and general system maintenance continued throughout the year. These programs are initiated annually to ensure that a safe operating environment is consistently maintained. The Wayside Maintenance Department continued

to improve on its preventive maintenance programs with the implementation of training modules associated with signaling, traction power, and station electrical. An enhanced substation and catenary inspection program has significantly reduced the frequency of system failures involving these critical wayside components. The FY 07 goal to replace crossties and track tamping was exceeded with a total of 1,274 crossties changed and eight miles of track resurfaced and aligned on the Blue Line.

Rail Grinding

During FY 07, the entire Blue Line had its rail surface ground to a smoother finish by a self-propelled specialized piece of equipment. A rail grinding program is part of a normal rail maintenance program and improves rail wear by surfacing the rail head and smoothing surface corrugation. This type of maintenance program helps to prevent rail defects from occurring and also extends the useful life of the rail.

REVENUE DEPARTMENT

Cubic Corporation Fare Vending Machines

During FY 07, the Revenue Department installed 94 new state-of-the-art Cubic fare vending machines. The number of machines installed at each station varied based on passenger volume. These machines utilize a graphic interface (similar to an ATM screen) and audio prompts to assist patrons with the fare vending process. The data collected by the machines can be accessed on-line by Revenue Department personnel to determine vault and coin hopper status as well as ridership information in a real-time manner from a remote location.

Platform Card Interface Device/Smart Card

In FY 07, the Revenue Department introduced the new Platform Card Interface Device (PCID) at 47 locations throughout the system. This represents about 30% of the total units that will be installed system wide in order to provide a means for passengers to effectively utilize the Smart Card technology that will be implemented in the future. The number of units installed per station varies depending on passenger volume and the number of ingress/egress locations. This project is being coordinated between the agencies by San Diego Association of Governments (SANDAG) representatives and Revenue Department personnel.

Ridership Surveyors

The Revenue Department employs eight full-time employees to survey ridership. These surveys determine the breakdown of fare media used and provide statistical information for various reporting categories. The ridership data collected consists of date, station, time, train, direction, car surveyed, fare type, and number of LRVs on the train. In FY 07, the surveyor team completed 5,356 surveys representing 54 more surveys than completed in FY 06.

CODE COMPLIANCE/SECURITY DEPARTMENT

The K-9 Team

MTS currently enjoys the enhanced security of having three explosive-detection dog teams in service through a grant from the Department of Homeland Security. This program provides rapid response to reports of suspicious packages, which reduces system delays associated with waiting for an emergency response agency bomb unit. In FY 07, a special bunker was constructed in the MTS Rail maintenance yard that stores a supply of inert explosive material that is used for training the dogs. The explosive material does not contain the devices necessary to detonate.

Closed-Circuit Television (CCTV) Installation

In FY 07, four additional stations were equipped with CCTV-monitoring capability for the purpose of providing enhanced security surveillance: E Street, H Street, and Palomar Street Stations and the San Ysidro Transit Center. This brings the total number of stations equipped with CCTVs to 16. The CCTV cameras are typically pole-mounted with full pan, tilt, and zoom capabilities available to the security dispatcher at the monitoring room housed at the MTS Rail Operations Control Center.

MAJOR/MINOR PROJECTS

City College Station/Smart Corner

On June 27, 2007, the City College Station reopened at its new home at the base of the new Smart Corner building at 11th and C Street. The station had been temporarily relocated during the construction phase to C Street between 10th and 11th Avenues. Smart Corner is a mixed-use development featuring residential, retail, and commercial spaces. During a typical weekday, this station processes approximately 4,000 passengers. The construction of this large facility (while service continued to operate) represented a significant achievement as there was not a single accident or safety-related event during the construction phase.

Park to Bay Link – Park Boulevard Improvements

This project was developed for the purpose of enhancing the corridor and providing a Balboa Park-to-San Diego Bay link while also connecting to the new Smart Corner project. The project primarily consists of improvements to the street and trackway area along 12th Avenue (renamed Park Blvd.). This two-phase, \$30 million project, which began in late 2003, is complete except for some adjacent street landscaping. MTS Rail staff coordinated with contractors and over the course of several months, conducted special operations and single-track operations in order to accommodate installation of new rails and crossovers. Specific improvements include the following:

- New track, ties and ballast on Park Boulevard
- New concrete trackway and adjacent roadway along Park Boulevard
- Newly designed Park and Market Station

- New crossover switch installations
- Sidewalk widening and enhancement of business storefronts
- Landscaping improvements along Park Boulevard
- Replacement and relocation of the 8th and C Street crossover

Broadway Wye Rail Replacement

In FY 07, special operations were conducted over two weekend periods to replace worn rail in the Broadway Wye, which is one of the busiest locations on the system in terms of train traffic. The new rail will reduce rail wear and provide enhanced ride quality. Guard rail was also installed in this location and will aid in derailment prevention. During the work closures, crews took advantage of the time to perform tie replacement, track welding, and signal work at various crossing approaches.

Old Town Transit Center – Directional Signage Improvements

In an effort to provide more efficient patron and pedestrian coordination and direction within the limits of this facility, numerous signage improvements have been made to clearly identify “the best path of travel” for the considerable foot traffic activity that is generated in and around this facility.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Wayne Terry, 619.595.4906, wayne.terry@sdmts.com

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San Diego Trolley

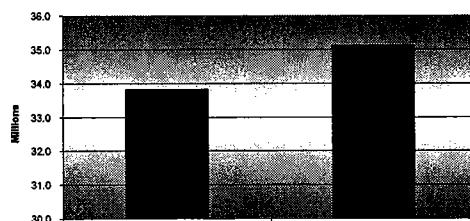
FY 07 Year End Operating Report

Board of Directors Meeting
October 18, 2007



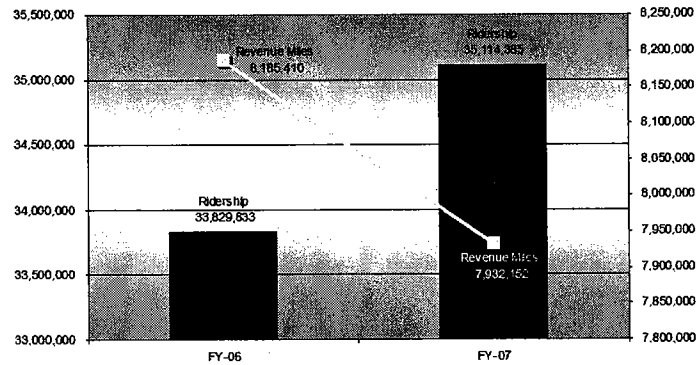
Ridership

- Annual Ridership in FY-07: 35,114,385
- Increase of 3.6% from FY-06
- SDSU ridership up 21.7% (9,531 vs. 7,459)



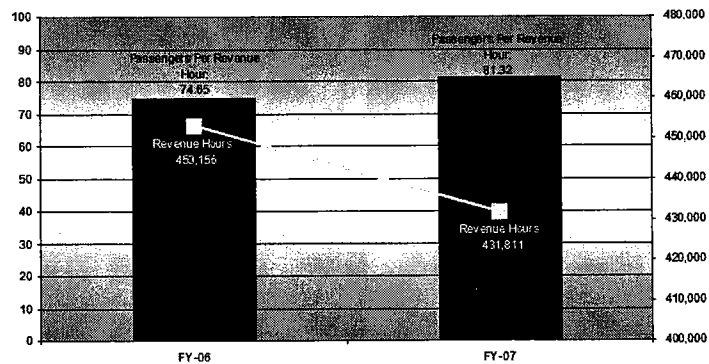
Operating Efficiency

Revenue Miles and Ridership



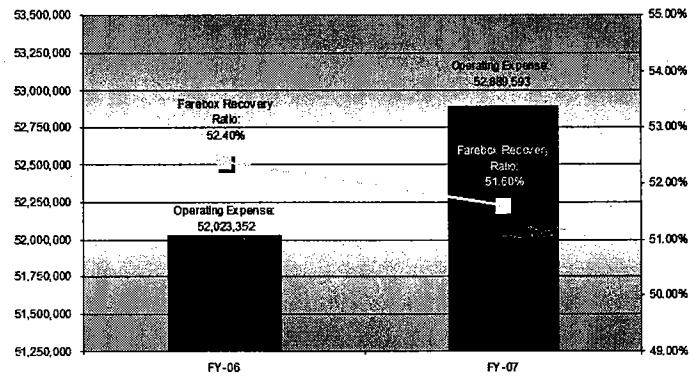
Operating Efficiency

Revenue Hours and Passengers Carried per Revenue Hour



Operating Efficiency

Operating Expense and Farebox Recovery Rate



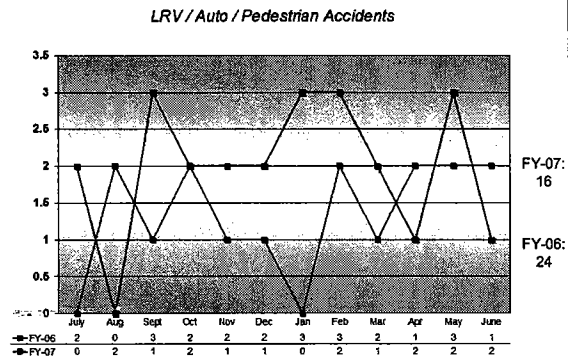
Transportation Department

FY-07



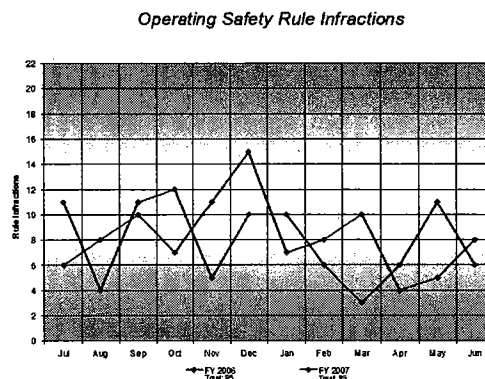
Accidents

- Accidents in FY-07: 16 (eight fewer than FY-06)
- Train Miles in FY-07: 3,297,475
- Accidents per 100K miles: 0.5 accidents



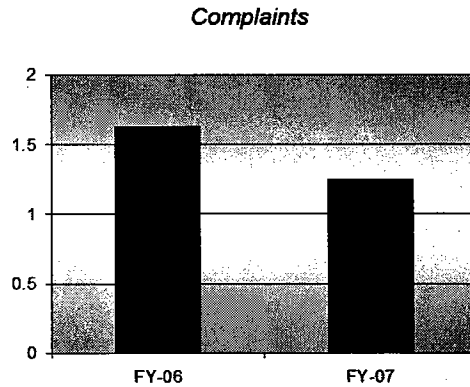
Operating Rule Infractions

- Operating Rule Infractions in FY-07: 99
- Operating Work Hours Between Infractions: 2,727
- Work Hours Increased in FY-07 by 2,103



Customer Complaints

- Complaints in FY-07: 440 (decreased from 550 in FY-06)
- Complaints per 100,000 passengers carried: 1.25 in FY-07 vs. 1.63 in FY-06



Schedule Adherence

- Train Trips scheduled: 171,853
- Train Trips operated: 171,787
- Schedule Adherence: 99.96% (trains scheduled vs. trains operated)
- Percentage operated on-time: 96.6% (trains operated within five (5) minutes or less of scheduled time)



Lift Service

- Wheelchair Ridership in FY-07: 84,032
- Increase of 6.5% from FY-06
- New low-floor LRVs carry four disabled riders per LRV, as opposed to two (2) rider maximum on U2 trains and three (3) maximum per SD-100 train



SD-100 LRV



S70 LRV



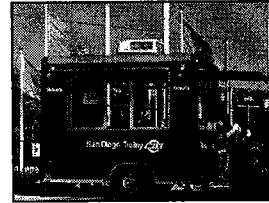
Train Operator Program

- Board-approved department staffing in FY-07:
100 full-time, 51 part-time
- Program enrollees: 47
- Graduated: 30
- Still employed from FY-07 classes: 27
- Train Operators with less than 3 years
experience: 64 (42%)



Special Events Service

- Special Events serviced: 159
- Additional ridership: 682,782
- Special Event Train trips: 4,510
- Additional revenue: \$989,824
- Charger attendance was up 12%, and gate is 25.2% vs. 23.6% over 2006



LRV Maintenance Department

FY-07



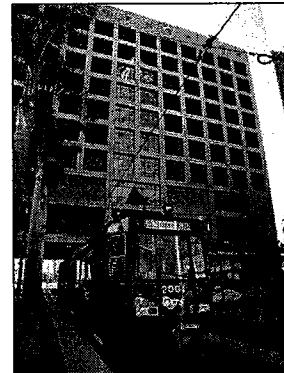
Car Miles Between Service Failures

- Three series of Siemens Light Rail Vehicles
- Different training and service required for each LRV type requiring a high degree of technical knowledge
- FY 07 train miles between assists or service failures was recorded at 94,214



LRV Body Restoration and Painting Program

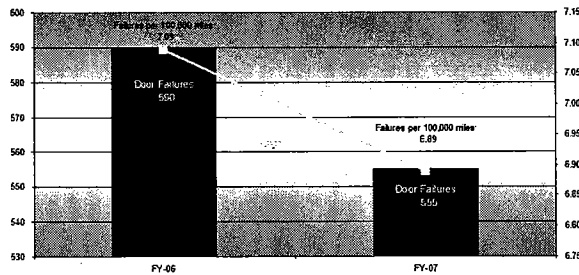
- FY 07: 8 U2 LRVs Restored
- Total U2 LRVs Restored: 66 of 71
- Remaining five (5) U2s will be wrapped



Door Failures



Door Failures and Door Failures per 100,000 Miles



Maintenance Management and Scheduling Efficiencies

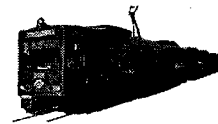
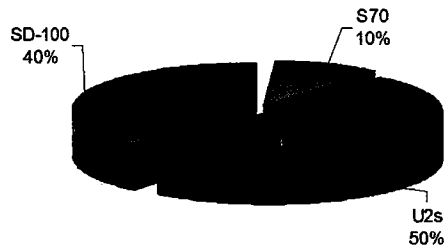
- Savings over FY-06 with shift adjustment: \$205,000

Overtime in FY 07 vs. FY 06			
	Budget	Hours per Pay Period	Hours per Week
FY 06	\$484,020	465	232
FY 07	\$247,048	237	118



Hours Dispersed by Car Type

Percentage of Time and Staffing
Spent on Vehicle Type

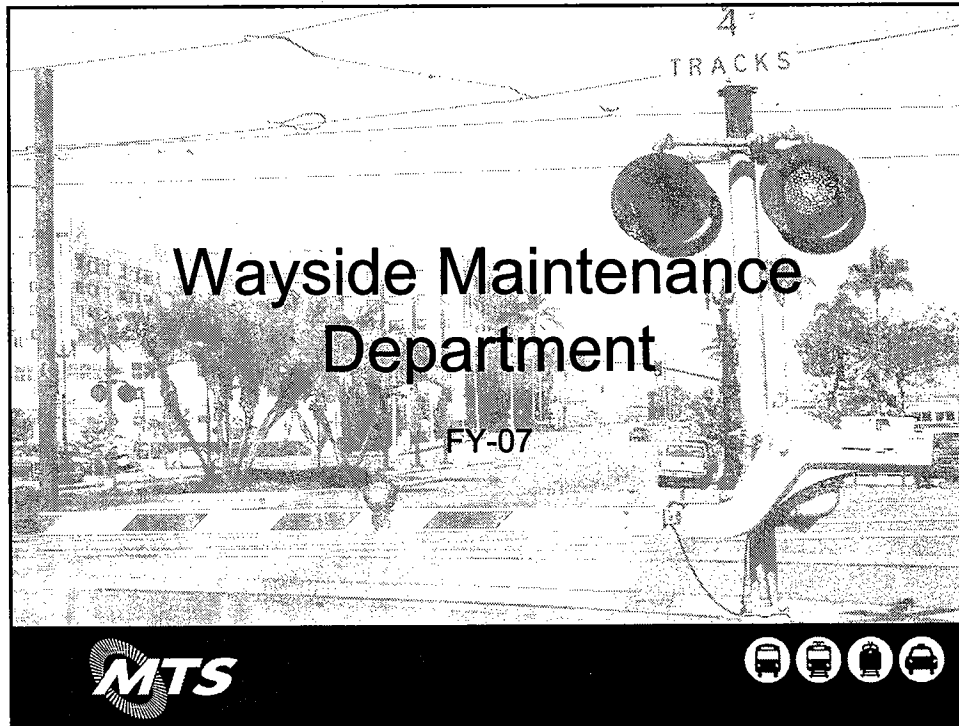


Maintenance Facility "C" Improvements

Monorail
Crane

Overhead
Platform





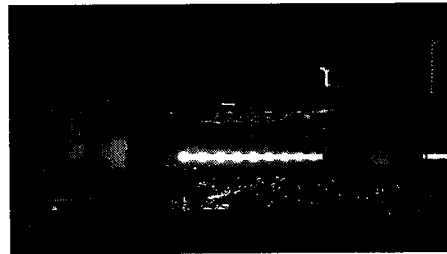
Maintenance Programs

- Crossties replaced: 1,274
- South Line Rail Realignment:
over 8 miles of rail resurfaced
and aligned



Rail Grinding

- Specialized equipment that grinds rail surface, removing flow and corrugation, as well as improving ride quality
- Improves rail wear
- Extends useful life of rail



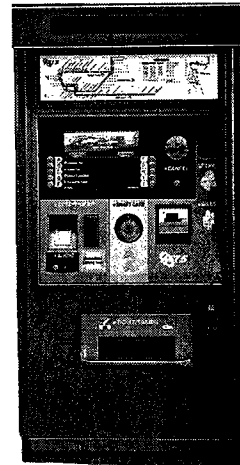
Revenue Department

FY-07



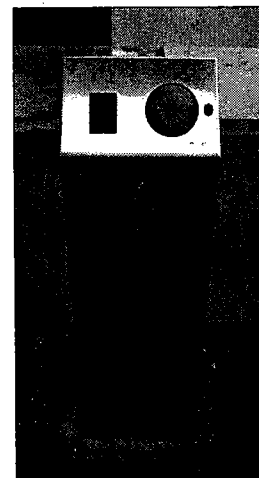
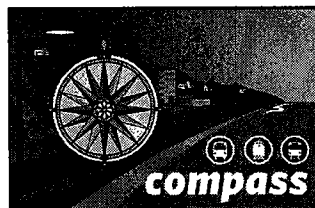
Cubic Corporation Fare Vending Machines

- The Revenue Department coordinated installation of 94 new CUBIC ticket vending machines in FY-07
- New CUBIC ticket vending machines were installed at every station



Platform Card Interface Device / Smart Card

- The Revenue Department introduced new PCID technology
- Smart Card readers installed at 47 locations in FY-07 (30% of total)

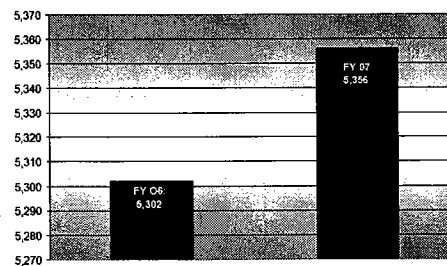


Ridership Surveyors

Information taken during survey:

- Date
- Terminal Time
- Train #
- Direction
- Car Surveyed
- Fare Type
- Counted but not surveyed
- Number of Cars on Train

Completed Surveys



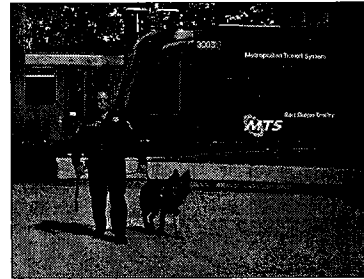
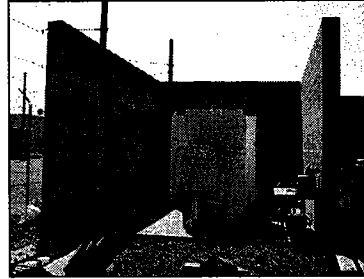
Code Compliance / Security Department

FY-07



The K-9 Team

- Explosives Bunker
 - Store explosives for K-9 Bomb Detection team training



CCTV Installation

- New CCTV installations at
 - H Street station
 - E Street station
 - Palomar Street station
 - San Ysidro



CCTV Installation

- New CCTV installations at
 - H Street station
 - E Street station
 - Palomar Street station
 - San Ysidro

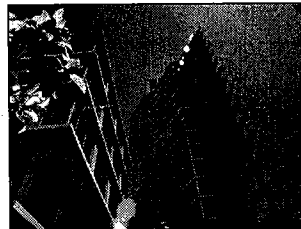
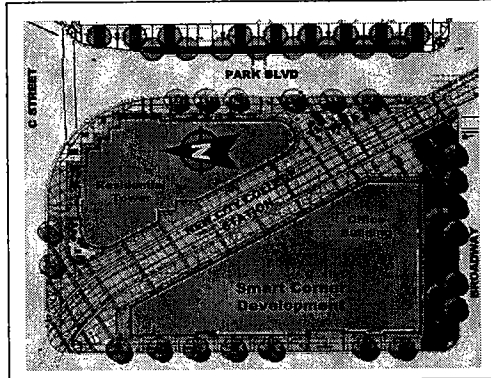


Major / Minor Changes

FY-07



City College / Smart Corner



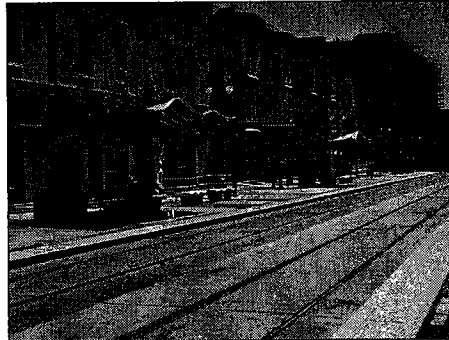
City College / Smart Corner

- Placed into service on June 27, 2007
- Temporary station on C at 10th and 11th
- Mixed use development
- Operations/Construction – no accidents
- Daily ridership – 4,000



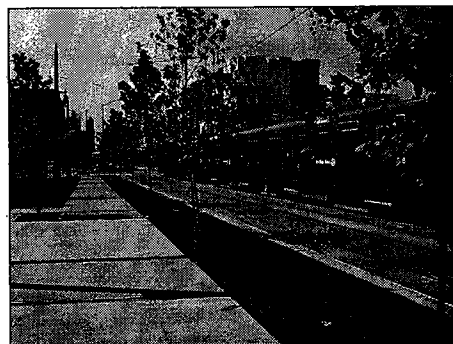
Park Blvd. Improvements

- Project cost: \$30 million
- Project began: 2003
- Park to Bay link
- Park and Market Station
- Project benefits: new track, ballast, ties and crossover switch installations, concrete trackway and roadway, sidewalk widening, landscaping and storefront enhancements
- New crossover installation on C Street



Park Blvd. Improvements

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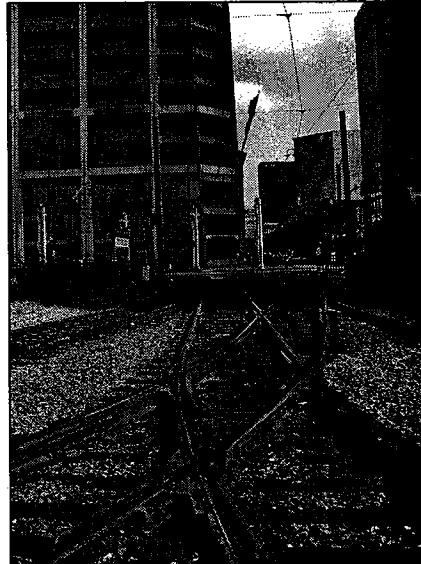
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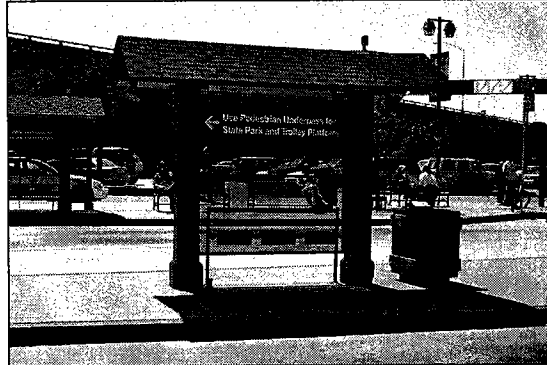
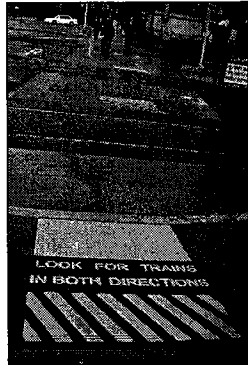


Broadway Wye Rail Replacement

- Special Operations over two weekends
- New rail installation to enhance ride quality
- New guard rail
- Tie replacement
- Track welding
- Signal work at crossing approaches



Old Town Transit Center – Directional Signage Improvements





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.

FIN 310 (PC 50601)

October 18, 2007

SUBJECT:

**MTS: YEAR-TO-DATE OPERATIONS BUDGET STATUS REPORT THROUGH
AUGUST 2007**

RECOMMENDATION:

**That the Board of Directors receive the MTS Year-to-Date Operations Budget Status
Report through August 2007.**

Budget Impact

None at this time.

DISCUSSION:

This report summarizes MTS's year-to-date operating results through August 2007. Attachment A-1 combines the operations, administration, and other activities results through August 2007. Attachment A-2 details the year-to-date August 2007 combined operations results, and Attachments A-3 to A-8 present budget comparisons for each MTS operation. Attachment A-9 details budget comparisons for MTS Administration, and A-10 provides year-to-date August 2007 results for MTS other activities (Taxicab/San Diego and Arizona Eastern Railway Company).

MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1, the year-to-date August 2007 MTS net-operating subsidy favorable variance totaled \$1,403,000 (6.3%). Operations produced a



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.

\$1,440,000 (6.5%) favorable variance, and the administrative/other activities areas were unfavorable by \$37,000 (-25.5%).

MTS COMBINED RESULTS

Operating Revenues

Year-to-date combined operating revenues through August 2007 were \$13,926,000 compared to the year-to-date budget of \$13,672,000, representing a \$254,000 favorable variance. This is due to higher farebox passenger revenues within Paratransit and Chula Vista Transit. Consolidated other operating revenues were favorable by \$238,000, primarily due to higher-than-anticipated advertising with MTS operating divisions as well as higher land management and interest income revenue than budgeted.

Expenses

Year-to-date combined expenses through August 2007 were \$34,692,000 compared to the year-to-date budget of \$35,841,000, resulting in a \$1,149,000 (3.2%) favorable variance.

Personnel Costs. Year-to-date personnel-related costs totaled \$16,103,000 compared to a year-to-date budgetary figure of \$16,678,000, producing a favorable variance of \$575,000 (3.4%). This is primarily due to operator wages and workers' compensation savings within Transit Services.

Outside Services and Purchased Transportation. Total outside services year-to-date expenses totaled \$11,797,000 compared to a budget of \$12,251,000, resulting in a year-to-date favorable variance of \$454,000 (3.7%). This is primarily due to lower-than-expected operating expenses within purchased transportation and maintenance services.

Materials and Supplies. Total year-to-date materials and supplies expenses totaled \$1,305,000 compared to a budgetary figure of \$1,213,000 resulting in an unfavorable expense variance of \$92,000 (-7.6%).

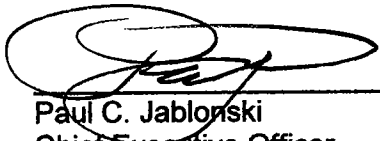
Energy – Year-to-Date August 2007. Total year-to-date energy costs were \$4,564,000 compared to the budget of \$4,696,000 resulting in a year-to-date favorable variance of \$132,000 (2.8%). Year-to-date compressed natural gas (CNG) prices averaged \$1.27 per therm compared to the budgetary rate of \$1.36 per therm, which produced a favorable variance of \$74,000. Year-to-date diesel prices averaged \$2.53 per gallon compared to a budgetary rate of \$2.45 per gallon. This resulted in an unfavorable variance of \$27,000. Year-to-date traction power, facility electricity and other utilities expenses contributed a favorable variance of \$86,000.

Risk Management. Year-to-date expenses for risk management were \$21,000 (2.7%) under budget totaling \$747,000 compared to the year-to-date budgetary figure of \$768,000.

General and Administrative. Year-to-date general and administrative costs, including vehicle and facilities leases, were \$59,000 (24.9%) under budget totaling \$177,000 through August 2007 compared to a year-to-date budget of \$235,000.

YEAR-TO-DATE SUMMARY

The August 2007 year-to-date net-operating subsidy totaled a favorable variance of \$1,403,000 (6.3%) and was produced by several factors. These factors include favorable variances in other revenue, personnel costs, purchased transportation and energy.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Larry Marinesi, 619.557.4542, Larry.Marinesi@sdmts.com

OCT18-07.47.OPS BUDGET AUG.LMARINESI

Attachment: A. Comparison to Budget

**MTS
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2008
AUGUST 31, 2007
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 12,793	\$ 12,776	\$ 17	0.1%
Other Revenue	1,133	895	238	26.6%
Total Operating Revenue	\$ 13,926	\$ 13,672	\$ 254	1.9%
Personnel costs	\$ 16,103	\$ 16,678	\$ 575	3.4%
Outside services	11,797	12,251	454	3.7%
Transit operations funding	-	-	-	-
Materials and supplies	1,305	1,213	(92)	-7.6%
Energy	4,564	4,696	132	2.8%
Risk management	747	768	21	2.7%
General & administrative	136	164	28	17.0%
Vehicle/facility leases	40	71	31	43.2%
Administrative Allocation	(0)	(0)	(0)	0.0%
Total Operating Expenses	\$ 34,692	\$ 35,841	\$ 1,149	3.2%
Operating income (loss)	\$ (20,766)	\$ (22,169)	\$ 1,403	6.3%
Total public support and nonoperating revenues	4,074	4,056	18	0.4%
Income (loss) before capital contributions	\$ (16,692)	\$ (18,113)	\$ 1,421	-7.8%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

OPERATIONS

CONSOLIDATED OPERATIONS

COMPARISON TO BUDGET - FISCAL YEAR 2008

AUGUST 31, 2007

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 12,793	\$ 12,776	\$ 17	0.1%
Other Revenue	376	245	131	53.4%
Total Operating Revenue	\$ 13,169	\$ 13,021	\$ 148	1.1%
Personnel costs	\$ 14,333	\$ 14,903	\$ 570	3.8%
Outside services	11,359	11,965	606	5.1%
Transit operations funding	-	-	-	-
Materials and supplies	1,305	1,208	(97)	-8.0%
Energy	4,527	4,649	123	2.6%
Risk management	668	686	18	2.7%
General & administrative	21	63	42	66.6%
Vehicle/ facility leases	40	71	31	43.2%
Administrative Allocation	1,499	1,499	-	0.0%
Total Operating Expenses	\$ 33,752	\$ 35,045	\$ 1,293	3.7%
Operating income (loss)	\$ (20,583)	\$ (22,023)	\$ 1,440	6.5%
Total public support and nonoperating revenues	387	369	18	4.8%
Income (loss) before capital contributions	\$ (20,196)	\$ (21,654)	\$ 1,458	-6.7%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
TRANSIT SERVICES (SAN DIEGO TRANSIT CORPORATION)
COMPARISON TO BUDGET - FISCAL YEAR 2008
AUGUST 31, 2007
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 3,845	\$ 3,847	\$ (1)	0.0%
Other Revenue	170	156	14	9.2%
Total Operating Revenue	\$ 4,016	\$ 4,002	\$ 13	0.3%
Personnel costs	\$ 9,065	\$ 9,545	\$ 479	5.0%
Outside services	308	374	67	17.9%
Transit operations funding	-	-	-	-
Materials and supplies	725	726	1	0.1%
Energy	1,417	1,416	(1)	-0.1%
Risk management	312	326	14	4.4%
General & administrative	26	30	4	14.7%
Vehicle/facility leases	7	13	6	45.5%
Administrative Allocation	725	725	-	0.0%
Total Operating Expenses	\$ 12,585	\$ 13,156	\$ 570	4.3%
Operating income (loss)	\$ (8,570)	\$ (9,153)	\$ 583	6.4%
Total public support and nonoperating revenues	(567)	(584)	18	-3.0%
Income (loss) before capital contributions	\$ (9,137)	\$ (9,738)	\$ 601	-6.2%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
RAIL OPERATIONS (SAN DIEGO TROLLEY, INCORPORATED)
COMPARISON TO BUDGET - FISCAL YEAR 2008
AUGUST 31, 2007
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 5,191	\$ 5,275	\$ (84)	-1.6%
Other Revenue	206	89	117	130.7%
Total Operating Revenue	\$ 5,397	\$ 5,364	\$ 32	0.6%
Personnel costs	\$ 5,092	\$ 5,162	\$ 70	1.4%
Outside services	1,435	1,583	148	9.3%
Transit operations funding	-	-	-	-
Materials and supplies	580	482	(98)	-20.3%
Energy	1,544	1,604	60	3.7%
Risk management	356	360	4	1.1%
General & administrative	(5)	30	35	116.8%
Vehicle/facility leases	12	14	2	11.9%
Administrative Allocation	586	586	-	0.0%
Total Operating Expenses	\$ 9,602	\$ 9,822	\$ 220	2.2%
Operating income (loss)	\$ (4,205)	\$ (4,457)	\$ 252	5.7%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (4,205)	\$ (4,457)	\$ 252	-5.7%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
MULTIMODAL OPERATIONS (FIXED ROUTE)
COMPARISON TO BUDGET - FISCAL YEAR 2008
AUGUST 31, 2007
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 3,017	\$ 3,052	\$ (35)	-1.1%
Other Revenue	-	-	-	-
Total Operating Revenue	\$ 3,017	\$ 3,052	\$ (35)	-1.1%
Personnel costs	\$ 51	\$ 66	\$ 15	22.2%
Outside services	6,842	7,059	217	3.1%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	1,117	1,220	103	8.5%
Risk management	-	-	-	-
General & administrative	0	2	1	90.9%
Vehicle/facility leases	21	40	19	48.5%
Administrative Allocation	151	151	-	0.0%
Total Operating Expenses	\$ 8,182	\$ 8,538	\$ 355	4.2%
Operating income (loss)	\$ (5,165)	\$ (5,486)	\$ 320	5.8%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (5,165)	\$ (5,486)	\$ 320	-5.8%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
MULTIMODAL OPERATIONS (PARATRANSIT)
COMPARISON TO BUDGET - FISCAL YEAR 2008
AUGUST 31, 2007
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 299	\$ 218	\$ 81	37.0%
Other Revenue	-	-	-	-
Total Operating Revenue	\$ 299	\$ 218	\$ 81	37.0%
Personnel costs	\$ 33	\$ 40	\$ 7	18.0%
Outside services	1,785	1,888	103	5.5%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	299	239	(60)	-25.2%
Risk management	-	-	-	-
General & administrative	0	0	0	91.1%
Vehicle/facility leases	-	4	4	-
Administrative Allocation	6	6	-	0.0%
Total Operating Expenses	\$ 2,122	\$ 2,176	\$ 54	2.5%
Operating income (loss)	\$ (1,823)	\$ (1,958)	\$ 135	6.9%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (1,823)	\$ (1,958)	\$ 135	-6.9%

Agenda Item 62
Chief Executive Officer's Report

October 18, 2007

Contracts

Organization	Subject	Amount
HECHT, SOLBERG, ROBINSON	LEGAL SERVICES-MISSION VALLEY EAST CONSTRUCTION	\$90,000.00
MOSSY NISSAN, INC	LEASE AGREEMENT, MAIN ST	\$290.00
JEAN ISACS SAN DIEGO DANCE	PERMIT FOR TROLLEY DANCES	\$0.00
LAW OFFICES OF DAVID SKYER	LEGAL SERVICES-GENERAL LIABILITY	\$55,000.00
MEDIA ACCESS PARTNERS INC	AGREEMENT TO WRAP ONE TROLLEY FOR FOUR MONTHS	\$40,000.00
DIAMOND CONTRACTORS	RIGHT ENTRY PERMIT-CITY OF SAN DIEGO PROJECT-CHOLLAS CREEK	\$1,800.00
SDGE	RIGHT OF ENTRY PERMIT-STATION B STABILIZATION PROJECT	\$10,000.00
ORTIZ CORP	RIGHT OF ENTRY PERMIT-SAN DIEGO CITY WATER	\$2,700.00
KETTNER & GRAPE LLC	LICENSE AGREEMENT	\$10,000.00
TROVILLION INVEISS PANTICELLO	LEGAL SERVICES-WORKERS' COMPENSATION	\$25,000.00
DIETZ, GIMORE & ASSOCIATES	LEGAL SERVICES-WORKERS' COMPENSATION	\$25,000.00
LAW OFFICES OF GRAY & PROUTY	LEGAL SERVICES-WORKERS' COMPENSATION	\$40,000.00
SANDAG	MOU FOR FUND TRANSFER-IAD FUEL SYSTEM UPGRADE	\$150,000.00
SDGE	RIGHT OF ENTRY PERMIT-TO REPLACE OVERHEAD LINE-TROLLEY YARD	\$500.00
CANON BUSINESS SOLUTIONS	MAINTENANCE FOR CANON COLOR COPIER	\$21,899.98
SDGE	RIGHT OF ENTRY PERMIT-C STREET & 7TH AVE GAS LINE SERVICE	\$1,100.00
SRM CONTRACTING & PAVING	RIGHT OF ENTRY PERMIT-COLUMBIA ST	\$800.00

Agenda Item No. 62
Chief Executive Officer's Report

October 18, 2007

Purchase Orders

WAVE IMAGING CORPORTATION	RENEWAL OF ANNUAL SUPPORT MAINTENANCE	\$4,369.62
IBM CORPORATION	IBM SOFTWARE RENEWAL	\$18,144.48
INC. ADDONS	PAYROLL CHECK ELECTRONIC FUNDS TFR. MODIFICATION	\$2,560.00
STERIL-KONI USA	STERIL-KONI TRANSMISSION JACK	\$11,522.79
COAST UNITED ADVERTISING	BUS BENCH POSTERS	\$1,950.00
SAN DIEGO METROPOLITAN	ADS	\$2,400.00
TOUCH OF GLASS PLANTS	POTTED PALM TREES, PLANTS	\$437.90
CHARRETTE CORPORATION	PAPER	\$847.31
CORPORATE EXPRESS	THOMAS GUIDE BOOKS	\$773.65
SUNGARD BI-TECH INC	PROFESSIONAL SERVICE PER QUOTE	\$900.00
MCLEAN CONSULTING	BUY AMERICA AUDIT FOR 7 SHUTTLES	\$1,500.00
101 THINGS TO DO SAN DIEGO	FULL-PAGE INCLUDING FRONT COVER ADS	\$2,498.00
ONTIRA	INSTALLATION OF TELE. INFO. SERVER	\$2,400.00
VEHICLE TECHICAL CONSULTATIONS	IN-PLANT INSPECTIONS	\$16,900.00
ACTCOM INC	FARGO RIBBON	\$861.00

Agenda Item No. 62
Chief Executive Officer's Report

October 18, 2007

Work Orders

Organization	Subject	Amount
BERRYMAN & HENIGAR	GEC SERVICES FOR KMD BUS WASHER	\$28,473.00
BERRYMAN & HENIGAR	GEC SERVICES FOR BIDDING FOR MTS REMODEL PROJECT	\$5,811.00
BERRYMAN & HENIGAR	PROPERTY SURVEYING FOR YARD-HARDENING PROJECT	\$6,246.00
BERRYMAN & HENIGAR	DESIGN AND ENGINEERING SERVICES-IAD FIRE SAFETY SYSTEM	\$7,000.00



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

15

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

1. INSTRUCTIONS

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Date 18 OCT 2007Name (PLEASE PRINT) JOHN SWAIMAddress 3928 Illinois St 203 San Diego CATelephone 619 295 4410 619 387 6809

Organization Represented (if any) _____

Subject of your remarks: Objection to cuts in service & rate increasesAgenda Item Number on which you request to speak # 25

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.

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

16

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Date 10/18/07
Name (PLEASE PRINT) LILLIAN HANSON
Address 4520 1/2 GEORGIA ST.
SAN DIEGO CA 92116
Telephone (619) 220-0172
Organization Represented (if any) SAN DIEGO WELFARE WARRIORS

Subject of your remarks: MTS RATE INCREASES

Agenda Item Number on which you request to speak AGENDA 25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒**2. TESTIMONY AT NOTICED PUBLIC HEARINGS**AGENDA #25

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.

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

18

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Date OCT 18, 2007
Name (PLEASE PRINT) SHIN-SHIN H
Address 4400 New Jersey ST
SD, CA 92116
Telephone 206
Organization Represented (if any) INTERNATIONAL RESCUE COMMITTEE
Subject of your remarks: OPPOSING FARE ORDINANCE INCREASE

Agenda Item Number on which you request to speak 25
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.

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

19

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

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Date 10/18/07Name (PLEASE PRINT) Joni HalpernAddress 2717 University Ave SD CA 92104Telephone 619 296 3402Organization Represented (if any) Supportive Parents Information NetworkSubject of your remarks: opposing the ordinanceAgenda Item Number on which you request to speak 25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒**2. TESTIMONY AT NOTICED PUBLIC HEARINGS**

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

20

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Date October
Name (PLEASE PRINT) Jay Powell
Address _____

Telephone 619 584-1535
Organization Represented (if any) Edy Heights Comm Devel Corp

Subject of your remarks: 25

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

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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.

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CITY HEIGHTS

Community Development Corporation

October 18, 2007

Harry Mathis, Chairman and Board of Directors
San Diego Metropolitan Transit System (SDMTS)
1255 Imperial Avenue, 10th Floor
San Diego, California 92101

**RE: Comprehensive Fare Ordinance Amendments
and Title VI Findings Related to Amendments**

Dear Chairman Mathis and San Diego Metropolitan Transit System Board of Directors

This is to provide comments on behalf of the City Heights Community Development Corporation (CHCDC) for your consideration regarding the subject Comprehensive Fare Ordinance Amendments and Title VI Findings Related to Amendments. CHCDC supports the goals of Citizens for Effective Transportation to find effective funding strategies, while building a more stable and viable transit development plan. We do not believe that a continued diminishment of service and increase in fares is a cost effective strategy to achieve higher rider ship and higher revenues.

1. The Comprehensive Operational Analysis and route changes adopted just last year were predicated on a integrated transit system using transfers from and to feeder systems; the transfer is an integral and necessary part of the success of this system. The amendment provision to eliminate use of transfers is not in concert with the operational changes implemented nor does it help achieve Title VI objectives and should be deleted.
2. SDMTS should seek a reallocation of short term funding of TRANSNET to offset this apparent public transit funding crisis which has been exacerbated by the State of California raiding the \$1.3 Billion transit funds that were to be allocated to local jurisdictions. The State needs to recognize this as a "loan" and commit to paying that back next year AND SANDAG and SDMTS need to set forth a special fund for purposes of maintaining or lowering fares and maintaining or raising services as necessary.
3. Absent a policy and budgetary commitment to a Transit First strategy in Transnet and the RTP, the region will never be able to attract the so-called "choice" riders necessary to make the transit system a viable alternative to Single Occupancy Vehicle travel. SDMTS should work with SANDAG to allocate funds to initiate and promote a six month to one year commitment to lower fares, expand the use of transfers and raise services to increase "choice" ridership on selected high ridership potential routes. We suggest the promotion and expansion of express services serving the Mid-City region to key job centers as a candidate for this initiative.

Sincerely,

HC Jay Powell, CHCDC Executive Director

30/TN/covenant/CompFareAmendMTS101807c



CITY HEIGHTS

Community Development Corporation

**ISSUES SUMMARY : COMPREHENSIVE FARE ORDINANCE AMENDMENTS
TITLE VI FINDINGS RELATED TO AMENDMENTS**

CITY HEIGHTS COMMUNITY DEVELOPMENT CORPORATION (CHCDC) SUPPORTS THE GOALS OF "CITIZENS FOR EFFECTIVE TRANSPORTATION" TO FIND EFFECTIVE FUNDING STRATEGIES, WHILE BUILDING A MORE STABLE AND VIABLE TRANSIT DEVELOPMENT PLAN. ATTACHED LETTER TO SDMTS REITERATES POINTS MADE AT SANDAG TRANSPORTATION COMMITTEE:

1. TRANSFERS WERE INTEGRAL TO THE SYSTEM CHANGES MADE IN 2006. THEY SHOULD NOT BE ELIMINATED.
2. SANDAG CAN REALLOCATE TRANSNET FUNDING ON AN INTERIM BASIS IN CONJUNCTION WITH ESTABLISHMENT OF A SPECIAL TRANSIT TRUST FUND THAT WILL HELP STABILIZE THE TRANSIT OPERATIONS.

THE FUND WILL BE CONSTITUTED FROM A VARIETY OF FUNDING SOURCES INCLUDING BUT NOT LIMITED TO

- TRANSNET RESERVE,
- TRANSIT FUNDS "BORROWED" by the STATE for FY 2008,
- SPECIAL REGIONAL QUALITY OF LIFE FUND
- PARKING REVENUE SURCHARGES
- TRANSIENT OCCUPANCY TAXES ALLOCATION (RECOGNIZES CRITICAL NEED FOR A VIABLE TRANSIT SYSTEM TO PROVIDE TOURIST SUPPORT AND TRANSPORTATION FOR WORKERS IN TOURIST RELATED INDUSTRIES).

3. PROMOTE AND EXPAND THE USE OF TRANSFERS AND OTHER MECHANISMS TO MAKE PUBLIC TRANSIT MORE ATTRACTIVE.

CHCDC IS INTERESTED IN EVALUATING POTENTIAL PILOT PROGRAMS TO PROMOTE EXPANDED COMMUTER EXPRESS SERVICES AND EXPANDED USE OF BUS PASSES , BUT WE DO NOT SUPPORT THE ELIMINATION OF TRANSFERS.

30/TN/covenant/FAREORDISSUESSUMM101807E



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

21

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

1. INSTRUCTIONS

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Date 10/18/07
Name (PLEASE PRINT) MARK GILSON
Address TRUSI PARK Rm SD

Telephone 619-293-3500

Organization Represented (if any) A21
OPPOSITION TO POLICY

Subject of your remarks: _____

Agenda Item Number on which you request to speak 25

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

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

22

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Date 10/18/07Name (PLEASE PRINT) Hilda ChanAddress 13934 Mennovite Pl San Diego CA 92129Telephone 510 996-2825Organization Represented (if any) Supportive Parents Information NetworkSubject of your remarks: opposing ordinance

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒**2. TESTIMONY AT NOTICED PUBLIC HEARINGS**

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

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Date 10/18/07Name (PLEASE PRINT) Mekaela Gladden

Address _____

Telephone _____

Organization Represented (if any) spokesperson for Briggs Law Corporation, who represents Theresa Quiroz and Citizens for Responsible Equitable Environmental DevelopmentSubject of your remarks: provide testimonyAgenda Item Number on which you request to speak 25

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.

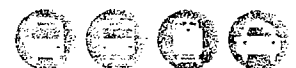
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BRIGGS LAW CORPORATION

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2705

Telephone: 858-495-9082
Facsimile: 858-495-9138

Please respond to: Inland Empire Office

Inland Empire Office:
99 East "C" Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

BLC File(s): 1504.00

ORIGINAL

18 October 2007

Metropolitan Transit System
1255 Imperial Avenue, 10th Floor
San Diego, CA 92101

CA attached. Given
to General
Counsel

Re: MTS Board of Directors October 18, 2007 Agenda Item 25--
Proposed Changes to MTS Bus Service and Fare

Dear MTS:

On behalf of Theresa Quiroz and Citizens for Responsible Equitable Environmental Development, I am writing to express my clients' opposition to the above-identified matter because the proposed changes have not been subjected to environmental review under the California Environmental Quality Act ("CEQA"). Approval of the changes constitutes a discretionary project triggering the three-tiered CEQA structure described in *No Oil, Inc. v. City of Los Angeles*, 13 Cal. 3d 68 (1974), and therefore must be reviewed under CEQA before approval. MTS has not made any of the determinations required by this three-tiered structure. Approval of the changes is therefore unlawful.

Alternatively, if you have conducted environmental review of the changes, you have not provided adequate notice of the review and the availability of draft or final environmental documents by the public.

While I assume that MTS, because of the nature of its work, is already familiar with the potential environmental impacts of taking any action that may result in fewer people using public transportation, I have nevertheless included with this letter a DVD containing ample evidence that such a decrease may increase vehicle trips and emissions and thus lead to more air pollution; more traffic, congestion, and demand for parking; and more fuel consumption and demand for fuel-providing services and infrastructure.

For the foregoing reasons, my clients and I urge you not to approve the amendments.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs

Cory J. Briggs

Enclosures (DVD)





AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

24

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(PLEASE PRINT)

Date	10-18-07
Name	Patricia Fishstein
Address	4661 Dwight St.
Telephone	619 280-8234
Organization Represented	NA
Subject of Your Remarks	Rate increase - transfers
Regarding Agenda Item No.	for Registration
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

25

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

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(PLEASE PRINT)

Date	10-18-07
Name	Dwight Davis — Dwight Davis
Address	941 11th Ave
Telephone	61 338-0384 - 200 48-54
Organization Represented	
Subject of Your Remarks	RATE INCREASE
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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AGENDA ITEM NO.

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REQUEST TO SPEAK FORM

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(PLEASE PRINT)

Date	10-18-2007		
Name	Aracely Tello		
Address	1385 3rd ave C.V		
Telephone	(619) 476-0749		
Organization Represented	STUDENTS		
Subject of Your Remarks	that students can't get to school		
Regarding Agenda Item No.	25		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

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(PLEASE PRINT)

Date	10.18.07		
Name	Mayra Jacinto		
Address	1385 3rd Ave		
Telephone	(619) 498 1037		
Organization Represented	Student		
Subject of Your Remarks	Students to get to school		
Regarding Agenda Item No.	25		
Your Comments Present a Position of:	<input type="checkbox"/>	<input type="checkbox"/> SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

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Submitted after Item open
9:35

AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

For the Record

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(PLEASE PRINT)

Date	10/18/07		
Name	Paul Hernandez		
Address	18007 Saponi, SP, CA		
Telephone	619-250-0134		
Organization Represented	MAAC PROJECT		
Subject of Your Remarks	BUS TRANSFERS		
Regarding Agenda Item No.	25		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

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SPACE IN
PLACE OF
JESSICA
NOVAK

gail.williams/board member listings...
Request to Speak Form — 7/24/07



MR. HERNANDEZ

AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

28

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

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Date 10/18/07.
Name (PLEASE PRINT) Jessica Nolan
Address 4680 Lons St. #A
San Diego, CA 92107.
Telephone 619-240-1902
Organization Represented (if any) Justice Overcoming Boundaries.

Subject of your remarks: Please slow down this process and
bring community org's to the table to help find solutions.
Agenda Item Number on which you request to speak 25

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

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AGENDA ITEM NO.

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REQUEST TO SPEAK FORM

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(PLEASE PRINT)

Date	10-18-07
Name	Joyce Madrid
Address	
Telephone	
Organization Represented	SPIN
Subject of Your Remarks	
Regarding Agenda Item No.	25
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

Date	18 OCT 2007
Name	CAPT MARK PATTON, USN
Address	140 SYLVESTER RD, SAN DIEGO
Telephone	(619) 533-7400
Organization Represented	NAVAL BASE POWT COMA
Subject of Your Remarks	OPPOSITION TO ROUTE 28 REDUCTION
Regarding Agenda Item No.	25
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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DEPARTMENT OF THE NAVY
NAVAL BASE POINT LOMA
140 SYLVESTER ROAD
SAN DIEGO, CA 92106-3521

4640
Ser N00P/289
October 16, 2007

Mr. Harry Mathis
Chairperson of the Metropolitan Transit System Board
James R. Mills Building, 10th Floor
1255 Imperial Avenue
San Diego, CA 92101

Dear Mr. Mathis:

As Commanding Officer for Naval Base Point Loma, I am responsible for the support of 65 tenant Department of Defense commands and 22,000 military and civilian personnel who come to work on my installation.

I am concerned with the current proposal to further cut MTS services to Naval Base Point Loma, particularly the Submarine Base and Topside (Catalina Blvd.) enclaves supported by Route 28. While I understand that the City is experiencing budget challenges, proposals to cut service to base military and civilian personnel, while the City maintains daily service to the National Park, is difficult to reconcile. The first priority of MTS should be not to the occasional tourist who utilize MTS to visit Cabrillo National Park, but to the City residents who utilize the service as an alternate to a private commute. Here, MTS can help reduce traffic during peak hours and support disabled and those otherwise unable to drive to work on Naval Base Point Loma.

The current MTS proposal seems backward. MTS continues to cut service during the peak morning and afternoon periods for employees of a major military-industrial complex on Point Loma, yet retain a rarely utilized service during the mid-day. Furthermore, statistics used to evaluate this service reduction do not differentiate between commuter service and tourist support. Actions taken last year that reduced MTS service have already made utilization of the Route 28 difficult, and the current proposal again decreases the service level, making further degradation in usage nearly *Fait Accompli*.

MTS should consider methods to make commuter service more supportive, not less, to the southern area of Point Loma. One approach would be to reduce the scope of Route 28, as proposed, but then utilize contract van service as an express bus from Old Town directly to the end of the line of the new Route 28 and then on to stops on Naval Base Point Loma. This would significantly decrease commute time from the primary stop at Old Town to the major employment sites on Point Loma. The van could then be used during mid-day periods for normal route coverage beyond Shelter Island.

4640
Ser N00P/289
October 16, 2007

Finally, I am also concerned that MTS would propose such fundamental changes to service without consulting officials at my command. We are the largest single employer, and land owner, on the Point Loma peninsula. It should be readily apparent that changes in service level will have a significant impact to base operations and support. Additionally, our base population is increasing, and we have unique needs such as growing foreign ship visits, and actively participate in federal programs to encourage mass transit utilization. All of these should be considered before reducing service.

I respectfully request MTS not take action to reduce Route 28 from its current configuration until more innovative options can be considered and MTS staff has a better understanding of the unique demands and needs of Naval Base Point Loma. I stand ready to support any cross functional team to make MTS more efficient and effective on Point Loma.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. D. Patton', with a large, stylized flourish at the end.

M. D. PATTON
Captain, U. S. Navy
Commanding Officer

Copy to: MTS Board Members



AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

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(PLEASE PRINT)

Date	10-18-07
Name	MONICA FEIER
Address	9966 Clemens Place
Telephone	SCRIPPS RANCH 619 341 2065
Organization Represented	SCRIPPS RANCH RESIDENT SCRIPPS RANCH PLANNING GROUP
Subject of Your Remarks	
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

Date	18 OCTOBER 2007		
Name	JAMES B. MASINGILL		
Address	12307 CAMINITO PERAL, S.D., CA 92131		
Telephone	(619) 807-4378		
Organization Represented	DART RIDER		
Subject of Your Remarks	CESSATION OF SCRIPPS RANCH DART		
Regarding Agenda Item No.	25		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

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MTS Board Hearing Comments – 18 October 2007

Good Morning MTS Board members, staff and fellow citizens of San Diego. My name is James Masingill. I am a 12 year MTS and SR/RB DART rider. I am also here on behalf of Christina Karg, a physically disabled resident who uses DART to transit to work. Ava Chan-Crowder, coordinator for special projects for Alliant University, apologized she could not be here because Alliant only recently received notification of your proposed action. Natalia Moorhead, a member of the Scripps Ranch Planning Group, could not find day care on such short notice and so asked me to inform you of her support of our request to defer action on your proposal. Mr. Dennis Hafley, a QUALCOMM employee who only recently became a DART rider due to our efforts, and not those of MTS, joins in our plea.

First of all, we rise in opposition to the MTS proposal to eliminate the DART service that currently serves the North San Diego communities of Scripps Ranch and Rancho Bernardo. Cessation of DART services for SR residents would deprive all residents residing in over 80% of SR's residential and business community land mass of any viable option to choose mass transit for their preferred direct method of travel to school, work or play.

We specifically request this body not make any final decision in the near term regarding elimination or modification of DART, but permit the community organizations representing SR and RB interests a reasonable period of time to work directly with MTS, *not Southland, Inc.*, to explore how to best increase DART ridership while helping to shape and preserve MTS service in our communities.

We propose you defer your action beyond the projected termination date of January 2008 so that meaningful consultation can proceed. You must do this because we have confirmed that inadequate community involvement has ensued by either MTS or its DART subcontractor, Southland, Inc. upon which to base such a momentous decision as totally cutting off service.

I was out of California during the previous MTS hearing on this matter but managed to submit an extensive letter dated 23 September 2007 that I emailed to MTS. I will not repeat the details of that letter nor will I comment extensively about the 14 October 2007 letter from Christina Karg,

a disabled rider who asked me to assist her in passing along her comments of the detrimental affect that elimination of DART will have on her life of already limited mobility. Those letters are now part of the public record and I trust you will review them during your deliberations on these matters.

Background: I am a retired military officer and current federal employee working for the Navy at the Broadway Complex. Use of mass transit is in my bone marrow as I was raised in Philadelphia and grew up during an era when families did not own their own cars and had to rely upon mass transit for all of their daily activities. I have lived in a number of western urban areas, some with very good mass transit systems (Denver, Seattle & San Francisco) while others were pathetic (Phoenix comes to mind). I came to San Diego in 1995 with no preconceived ideas about its mass transit systems, just the promise of what its citizens wanted to believe about San Diego. In researching where in San Diego my family would live I was pleased to learn that SR was served by DART connecting with bus routes #20 and #210 connections in Mira Mesa a distance of some 3.5 miles.

Quite by chance, in late August of this year an SDUT mid-section article first announced proposed MTS fare hikes. Almost hidden within the details was mention of a possible SR/RB DART service cessation or modification. The first MTS **Rider Alert** providing details of the proposal was not posted on routes until mid-September. We managed to place a late agenda item before the September 6, 2007 Scripps Ranch Planning Group (SRPG) and were permitted to inform the body of the proposal (no details were known by them) and its adverse impact upon the community. We have confirmed that the SRPG had no previous briefing from MTS, Southland, Inc. or elected officials regarding this proposal. We believe the same applies to the Scripps Ranch Civic Association, as the President of that body also serves on the SRPG. Group leaders suggested I prepare SRCA Newsletter articles, the first of which produced a new rider and other promising service inquiries. Customers should not have to market what is a public product and benefit! Residents should also not be the primary bearers of bad news to their community associations!

Last night I participated in an emotional public meeting ~~last night~~ at the Rancho Bernardo Library where 34 residents of these communities expressed their collective displeasure with this proposed action. The fear

and vulnerability of the RB senior citizens present was palpable. The vicissitudes of age are compounded when faced with unexpected threats of physical isolation from what they consider critical lifeline services. A representative of a non-profit organization that provides limited volunteer transportation to RB elderly readily admitted that it and other similar organizations were unable to fill their pending need and that it was a public trust and responsibility of MTS and the RB community to provide solutions to their citizen's plights. Unlike most SR DART riders, RB patrons use DART for mid-morning and early afternoon access to doctor's appointments and other necessities of life. We SR riders shared experiences and confirmed similar frustrations of inadequate marketing and the absence of timely notification that would permit communities to play a constructive role in any solutions. We also commenced discussion with MTS and elected representative officials on other options to consider about the reshaping of each community's transit systems. It is clear that totally cutting off service is not an acceptable option, particularly under past benign neglect.

It has become obvious that MTS staff and its Los Angeles-headquartered contractor, Southland, Inc., (which totally manages DART operations, from scheduling to maintenance and operations) have done a totally inadequate job of informing the public they profess to serve about DART services and the potential consequences if ridership did not increase.

You have been ill-served by Southland. Until the day its contract ends its goal, and your insistence, should be to delight MTS and all of its customers. Its response has been exactly the opposite as it has deliberately adopted practices that frustrate new ridership and harass current customers. This makes the ridership data it supplies to you suspect and unreliable, not believable, nor worthy of basing such critical decisions as cessation of transportation lifelines, particularly for the aged. Southland has constructed bureaucratic practices designed to suppress ridership. This includes inaccurate claims by schedulers that buses or routes are full (when they invariably are not) and cannot accommodate additional riders seeking reservations within DART operating hours. Instructions have been provided to drivers that they are not permitted to pick-up willing riders at the Mira Mesa MTS transfer point who possess correct fare but are without reservations, even though the drivers can easily accommodate the additional riders and it would help improve both rider volume and cashbox receipt numbers. This forces these passengers to endure lengthy walks or scramble

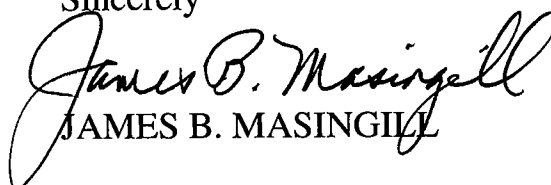
to contact friends for hoped-for assistance or pay premium fees for a cab if one is available. Drivers are threatened and intimidated to comply with policies they know do not support good customer support but fear loss of their jobs or other disciplinary action. It is clear that Southland wants out of its DART contract and has set its course to achieve just that through a practice of administrative rigidity, misstatements by its employees regarding bus availability, and employee intimidation that ensures that rider data screams out for DART elimination. To paraphrase a familiar refrain: "This is a hell of a way to run a railroad" or, for that matter, any bus system.

As a long-term MTS and DART patron I can personally confirm that Southland's management now treats me like a child as I must now make daily reservations – a practice not previously required. Other possible patrons, at my urging to use the service, have informed me of their frustrations and abandonment of efforts to use DART services. I pray these subcontractor actions increasing my difficulty in accessing DART are not attributable to my public complaints objecting to cessation of services. These matters deserve your immediate attention as well as the scrutiny of your contract compliance and Inspector General or Audit offices.

In conclusion, I know you consider your public responsibilities very seriously. You are faced with fiscal calamities that cause you to revise your plans and make painful choices. Hopefully, you make them with your customer public. As you exercise a public trust, you must ensure that your decision-making is based upon not only sound data but at the very minimum, a knowing involvement of those affected and the institutions that have their entire community's best interests in mind. We hope that the preceding discourse gives you cause to reflect whether, as a body, you truly know enough *at this point in time*, in the absence of effective prior efforts to engage two dynamic communities, both with robust civic organizations, whether cessation of DART service is a **prudent** as well as fiscally sound decision. We urge you to vote to defer action and direct MTS to engage two willing communities to find acceptable solutions to these shared challenges.

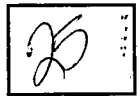
I can be reached at work at (619) 532-1423, at home at (858) 621-6090 or by cell phone at (619) 807-4378.

Sincerely

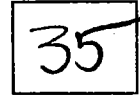

JAMES B. MASINGILL



AGENDA ITEM NO.

**REQUEST TO SPEAK FORM**

ORDER REQUEST RECEIVED



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(PLEASE PRINT)

Date	10.18.07		
Name	Karina Popilker		
Address	435 Sampson ST, SD CA 92113		
Telephone	(619) 355-7284		
Organization Represented	Self		
Subject of Your Remarks			
Regarding Agenda Item No.	25		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

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AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

37

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(PLEASE PRINT)

Date	10-18-07
Name	Connie Soucy
Address	5026 Triana Street
Telephone	(858) 573-9819
Organization Represented	Access to Independence
Subject of Your Remarks	Fare Increase
Regarding Agenda Item No.	5
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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(PLEASE PRINT)

Date	10/28/07					
Name	Patricia Thompson					
Address	POB 881613 SD, GA					
Telephone						
Organization Represented						
Subject of Your Remarks	THE INCREASE OF FARE - THE IMPACT					
Regarding Agenda Item No.						
Your Comments Present a Position of:	<table border="1"><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td>SUPPORT</td><td><input type="checkbox"/></td><td>OPPOSITION</td></tr></table>	<input type="checkbox"/>	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/>	OPPOSITION
<input type="checkbox"/>	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/>	OPPOSITION		

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(PLEASE PRINT)

Date	10/18/07	10/18/07
Name	Maricela Olague	
Address	2010 Rimbey Ave #205 S.O. 92154	
Telephone	(619) 429-7546	
Organization Represented	SPIN (Supportive Parents Information Network)	
Subject of Your Remarks	oppose ordinance	
Regarding Agenda Item No.	25	
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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AGENDA ITEM NO.

30

REQUEST TO SPEAK FORM

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6

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(PLEASE PRINT)

Date	10/18/07	Andrew Johnson	
Name			
Address	718 S. Magnolia Avenue (6)		
Telephone	619 (334-4939)		
Organization Represented	Far South Region Peer/self advocacy		
Subject of Your Remarks	Specific		
Regarding Agenda Item No.	30		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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ORDER REQUEST RECEIVED

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(PLEASE PRINT)

Date	10/18/07
Name	GUY NMOCK
Address	2094 LAURENDA PLACE
Telephone	619-266-8486
Organization Represented	CHTC
Subject of Your Remarks	↑ IN COSTS ↓ IN SERVICES
Regarding Agenda Item No.	25
Your Comments Present a Position of:	<input type="checkbox"/> NO <input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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Submitted 9:55 after item open
For the record*

AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

2*

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(PLEASE PRINT)

Date	10/18/07		
Name	Lucia Thayer		
Address	9731 Cambury Ct. San Jose, CA		
Telephone	610-357-1124		
Organization Represented	none		
Subject of Your Remarks	please do not cut Rt. 28		
Regarding Agenda Item No.	25		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

Date	10/18/07
Name	Lorene Joosten
Address	9061 Troman St
Telephone	(858) 538 1390
Organization Represented	
Subject of Your Remarks	elimination of DART
Regarding Agenda Item No.	25
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

Date	10/18/07
Name	Michelle Krug
Address	2423 Sea Breeze Dr. S.D. 92139
Telephone	619) 434-9343
Organization Represented	Citizens for Effective Transportation
Subject of Your Remarks	Opposition to changes
Regarding Agenda Item No.	25
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

Date	10-18-2007
Name	Carlos J. Aguirre
Address	2920 Bnarwood Rd. #6-7
Telephone	(619) 788 434-4831
Organization Represented	MAAC Project.
Subject of Your Remarks	Transfer
Regarding Agenda Item No.	25
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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No Show

AGENDA ITEM NO.

25

REQUEST TO SPEAK FORM

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13

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Date 10/18/07
Name (PLEASE PRINT) GENEVA J. S. Hill
Address 545 E. 40
CAVALA J. S. CA 91910
Telephone (619) 934-6870
Organization Represented (if any) _____

Subject of your remarks: NO RATE HIKES PLEASE!
NO COSTS TO BUS LINES

Agenda Item Number on which you request to speak _____

Your comments are presenting a position of: SUPPORT

☐

OPPOSITION

☒

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Noted

AGENDA ITEM NO.

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(PLEASE PRINT)

Date	10/18/07
Name	Ruben Oquita
Address	2717 University Ave
Telephone	619 296 3402
Organization Represented	SPIN
Subject of Your Remarks	opposing ordinance
Regarding Agenda Item No.	28
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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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.

ADM 110.3 (PC 50121)

October 18, 2007

SUBJECT:

**MTS: AN ORDINANCE AMENDING ORDINANCE NO. 4, AN ORDINANCE
ESTABLISHING A METROPOLITAN TRANSIT SYSTEM FARE-PRICING
SCHEDULE**

RECOMMENDATION:

That the MTS Board of Directors:

- 1. read the title of Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule;**
- 2. waive further readings of the ordinance;**
- 3. introduce the ordinance for further consideration at the next Board meeting on November 8, 2007; and**
- 4. direct publication of an ordinance summary.**

Budget Impact

The proposed increase of cash fares and monthly passes is anticipated to generate approximately \$4.8 million dollars upon full implementation.

DISCUSSION:

MTS is the San Diego region's largest public transportation provider. MTS carries approximately 163,000 bus riders and 104,000 rail riders each day, more than 267,000 daily passengers. Its annual budget is approximately \$240 million and consists of local



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.

sales tax revenue (\$18.5 million), state Transportation Development Act (TDA) revenue (\$77 million), passenger revenues (\$77 million), other state revenues (\$13 million), Federal 5307 and 5309 revenues (\$36 million), and other miscellaneous revenues (\$16 million). Under California law, MTS must be self-sustaining with respect to operating expenses and its budget (Pub. Util. Code §120105(c), (e), §120475). MTS must also provide the maximum level of transit service possible at the lowest possible cost (Pub. Util. Code §120475).

In May of 2007, MTS was notified that budgeted state and local subsidies were actually \$1.1 million short for FY 2007, over \$8.0 million short for FY 2008, and projected to be nearly \$13 million short for FY 2009. In addition, the approved FY 2008 State budget reduced funding to MTS by over \$15 million. Immediate actions by the MTS Board were necessary in order to adopt a balanced budget for FY 2008. In August, 2007, the MTS Board approved the following remedial measures:

Budget cuts	\$600,035
Elimination of management employee benefits	\$825,000
Modifying MTS Policy 21 regarding advertising to generate revenue	\$1.6 million
Real property and other misc.	\$700,000
State Transportation Assistance May revise additional funding	\$1 million
Raising fares	\$4.8 million
Eliminating service	\$1.89 million

As a public agency, MTS must operate public transit service within the confines of a balanced budget. If the state chooses to allocate funding in an alternative manner or local sales tax revenues are lower than budgeted and, as a result there are insufficient funds available to meet the operating expenses of the agency, MTS has no choice based on its enabling legislation but to respond by either adjusting the levels of incoming revenue or by reducing operating expenses (or both). Operating within a balanced budget is therefore necessary and in the public's best interest.

Maintaining service throughout the region at current or near current levels through this balanced approach (i.e. moderate fare increases and service cuts) is also critical and in the public's best interest. Encouraging residents not to drive into downtown San Diego or other regional employment centers but rather commute via public transportation, minimizes congestion and pollution levels associated with the use of private automobiles, encourages business to locate within centralized areas served by transit corridors, and provides transportation for individuals who otherwise would be unable to get to work, doctors appointments, and other critical services.

Based on the foregoing, staff recommends modifying MTS Ordinance 4 to increase cash fares, monthly passes and eliminate transfers.

Ordinance No. 4 Amendments

The Board is vested with the duty to adopt all ordinances and make all rules and regulations proper and necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services (Section 120105). The San Diego Association of Government Comprehensive Fare Ordinance governs the fare structure for public transportation services for the entire San Diego region. MTS still maintains its own identical fare

ordinance to provide for a mechanism for fare enforcement and issuing citations. The proposed amendments to Ordinance 4 are as follows:

1. New provisions for Juror fares including conversion of Juror tickets to day passes and establishing new pricing.
2. Eliminate all MTS to MTS transfers effective January 1, 2008, and offer the sale of a \$5.00 Regional Day Pass and \$11 Regional Premium Day Pass on board all MTS and NCTD buses, the Transit Store, and all MTS and NCTD Ticket Vending Machines (TVMs).
3. NCTD Breeze Day Passes and Breeze Monthly Passes will no longer be accepted for full or partial payment of fares on any MTS operated service. NCTD will no longer issue interagency transfers for any cash or pass passenger transferring to any MTS service.
4. Increase Regional Monthly Pass from \$60.00 to \$64.00 on January 1, 2008, and to \$68.00 on January 1, 2009.
5. Increase the cost of a Regional Senior/Disabled Monthly Pass from \$15.00 to \$16.00 on January 1, 2008, and to \$17.00 effective January 1, 2009.
6. Increase the cost of a Regional Youth Monthly Pass from \$30.00 to \$32.00 on January 1, 2008, and to \$34.00 effective January 1, 2009.
7. Eliminate the bulk discount for universal token purchases and sell all tokens at \$2.25 each effective January 1, 2008.
8. Eliminate the discounted MTS Social Service Day Tripper effective January 1, 2008.
9. Increase MTS Local bus fares from \$1.75 to \$2.00 effective January 1, 2008, and to \$2.25 on January 1, 2009.
10. Rename Commuter Express to Premium Express and raise adult cash fare from \$4.00 to \$5.00 effective January 1, 2008.
11. Rename Commuter Express Pass to Premium Express Pass and increase fare from \$84.00 per month to \$90.00 per month effective January 1, 2008.
12. Increase the MTS College Monthly pass from \$45.00 to \$51.20 effective January 1, 2008, and to \$54.40 on January 1, 2009.
13. Increase the MTS College Semester Pass from \$1.23 per day to \$1.34 per day effective January 1, 2008, and to \$1.43 effective January 1, 2009.
14. Change the maximum discount for the MTS Eco-Pass program from 30 percent to 25 percent effective January 1, 2008.
15. Introduce a Regional Premium Day Pass valid for unlimited travel on MTS Premium Express and all other regional transit services except MTS Rural Bus and NCTD COASTER (will receive \$2.00 discount when purchasing single trip COASTER ticket). Premium Day passes will be sold at all TVMs, onboard all

NCTD and MTS vehicles, and at the Transit Store. fiPremium Day passes will be issued free on demand to all MTS Rural bus passengers.

This item is being placed before the Board for its first reading; the second reading is scheduled for November 8, 2007. Adoption of the proposed fare increases is contingent upon the SANDAG Transportation Committee approving the proposed amendments to the SANDAG Comprehensive Fare Ordinance scheduled for its second reading on October 19, 2007. The proposed revisions to Ordinance No. 4 are provided in Attachment A.



Paul C. Jablonski
Chief Executive Officer

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

JUNE14-07.10.ORDINANCE NOS 5 & 13.TLOREN.doc

Attachment: A. Proposed Amended Codified Ordinance No. 4

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 4
(as amended through ~~12/8/05~~ 11/8/07)

An Ordinance Establishing a Metropolitan Transit System
Fare-Pricing Schedule

Section 4.1: Findings

This Ordinance is adopted to implement a Metropolitan Transit System (MTS) Fare-Pricing Schedule approved by the Metropolitan Transit System Board of Directors and to authorize future modifications or amendments to the schedule to be made by the MTS Board of Directors.

Section 4.2: Definitions

A. Senior - Any person 60 years of age or older. Acceptable proof of senior fare eligibility shall be a Medicare Card, a valid driver's license, a State of California Senior identification card, or an MTS identification card in the MTS area, or a North County Transit District (NCTD) identification card in the NCTD area. This definition applies to persons who seek to purchase and/or use a Senior/Disabled monthly pass or Senior/Disabled cash fare on fixed-route transit or general public demand-responsive services.

B. Disabled - Any person with a permanent or temporary mental or physical disability. Acceptable proof of disabled fare eligibility shall be an MTS identification card, Medicare Card, NCTD disabled identification card, State of California Department of Motor Vehicles (DMV) disabled identification card, or DMV placard identification card. This definition applies to persons who seek to purchase and/or use a Senior/Disabled monthly pass or Senior/Disabled cash fare for fixed-route transit or general public demand-responsive services.

C. Youth - Any person 6-18 years of age (inclusive). Acceptable proof of youth fare eligibility in the MTS area shall be an MTS Youth identification card, a valid driver's license, or current school photo identification card (through high school only). NCTD shall control youth pass eligibility at the point of purchase.

D. College Student - Any person enrolled as a student with a current enrollment for seven units or more in a participating accredited San Diego area post-secondary school.

E. Child - Any person five years of age or under.

F. Bus - Rubber-tired transit vehicles operated by San Diego Transit Corporation, Chula Vista Transit, National City Transit, MTS Contract Services, and NCTD.

G. Trolley - Light rail transit vehicles operated by San Diego Trolley, Incorporated.

H. Local Service - Bus service on local roads serving neighborhood destinations and feeding transit centers in the immediate area.

I. Urban Service - Moderate-speed bus service primarily on arterial streets with frequent stops.

J. Express Service - Bus service with stops only at major transit centers, residential centers and activity centers; has more than six stops outside Centre City or at collector end of route; generally traveling less than 50 percent of the one-way trip miles on freeways and averaging at least ~~42-15~~ miles per hour, with an average passenger trip length of approximately 10.0 miles or under, and uses standard transit buses. Qualifying routes are 20, 30, 50, 70, 150, and 960.

~~K. Premium Express Service - Bus service with stops only at major transit centers, residential centers and activity centers; has more than six stops outside Centre City or at collector ends of route; generally traveling 50 percent or more of the one-way trip miles on freeways; averaging at least 15 miles per hour, with an average passenger trip length of over 10.0 miles, and uses standard transit buses. Qualifying routes are 40, 210, 980, and 990.~~

~~LK. Premium Commuter Express - Bus service with stops only at major transit centers, residential centers and activity centers; generally traveling 50 percent or more of the one-way trip miles on freeways; averaging at least 20 miles per hour, with an average passenger trip length of over 10.0 miles, and using commuter coaches. Qualifying routes are 810, 820, 850, 860, and 870.~~

~~ML. Rural Service - Bus service providing limited daily or weekly service linking rural Northeastern and Southeastern San Diego County to a multimodal transit center or major shopping center generally provided on a two-lane highway or roadway with one-way vehicle trip lengths ranging from 15 to 80 miles.~~

~~MN. Centre City San Diego - That portion of downtown San Diego bordered by Laurel Street to Interstate 5 (I-5) on the north, Commercial Street to I-5 on the south, I-5 on the east, and the waterfront on west.~~

~~NO. Station - That fixed site at which the San Diego Trolley stops to load and unload passengers. For the purposes of the Fare-Pricing Schedule, all the stops within Centre City San Diego are considered one station.~~

~~OP. Zone(s) - For bus service, geographical areas defined by fixed boundaries within which particular fares are established. Zone 1 is the central urbanized area of the San Diego region bounded by the Mexican border to the south, the MTS area of jurisdiction limit to the east, the waterfront on the west, and extending north along I-5 to just south of Carmel Valley Road and north along Interstate 15 (I-15) to Los Peñasquitos Canyon. Zone 2 extends from the Zone 1 northern boundaries north to Manchester Street along I-5 and north to Lake Hodges/Pomerado/Highland Valley Road along I-15. Zone 3 extends from the Zone 2 northern boundaries north to Batiquitos Lagoon along I-5 and north to Bear Valley Parkway along I-15. Zone 4 is everything within the MTS area of jurisdiction north of the Zone 3 northern boundary. For trolley service, a zone is the number of stations from the station of boarding that a person may travel for a particular fare. The Centre City zone is considered one station for the purpose of calculating fare zones on the trolley.~~

For ADA complementary paratransit service, a zone is the geographical area defined by fixed boundaries within which particular fares are established. The boundaries for the zones are determined by each of the contracting agencies for the local operator of the paratransit service. The zones are as follows:

- Zone 1 - Central San Diego
- Zone 2 - Mid-County: Poway, Rancho Bernardo, Rancho Peñasquitos, Carmel Mountain Ranch, and Sabre Springs
- Zone 3 - East County: La Mesa, El Cajon, Santee, Lakeside, Lemon Grove, Spring Valley, and parts of Alpine
- Zone 4 - South Bay: Chula Vista, Coronado, National City, Imperial Beach, Palm City, Nestor, Otay Mesa, and San Ysidro

PQ. Transfers - The action by passengers in which they leave one bus or trolley and board a subsequent bus or trolley to complete their trips.

QR. Upgrade - An additional fare required to enhance the value of an original fare (upon transfer) or a pass to travel on a higher-fare service.

RS. ADA Complementary Paratransit Service - Specialized curb-to-curb transportation services provided to persons who qualify as eligible for such services under the guidelines of the ADA. Except for commuter bus, commuter rail, or intercity rail systems, each public entity operating a fixed-route system shall provide complementary paratransit or other special service to individuals with disabilities (who cannot access or use fixed-route transit due to a qualifying disability) that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system.

ST. Personal Care Attendant - In relation to the ADA complementary paratransit service, a personal care attendant is a person who is designated by the ADA eligible passenger to aid in their mobility. The person may be a friend, family member, or paid employee. A personal care attendant is not charged a fare on the ADA complementary paratransit service vehicle on which she/he accompanies the ADA-eligible passenger. The need for and use of a personal care attendant must be indicated at the time of eligibility certification.

TU. Dedicated Transportation Service - In relation to social services agencies or other organizations, a dedicated transportation service is defined as paratransit vehicle usage that is set apart for and guaranteed to an agency for the transportation of its eligible clients. The vehicle, for a particular time frame, is for the definite use of these persons and a ride is unavailable to other eligible persons within the community.

UV. Pass, Tokens, and Ticket Sales Commission - The amount of money that is retained from the retail purchase price by an authorized pass sales outlet on the sale of each monthly pass, token, Prepaid Ticket, or Day TripperPass. The following chart shows the Pass Sales Commissions:

FARE MEDIA	RETAIL PRICE	COMMISSION AMOUNT (\$)	COMMISSION AMOUNT (%)	EFFECTIVE DATE
Monthly Pass	\$56.00	\$0.56	1.0%	7/1/03
Monthly Pass	\$58.00	\$0.58	1.0%	7/1/04
Monthly Pass	\$60.00	\$0.60	1.0%	7/1/05
Monthly Pass	\$64.00	\$0.96	1.5%	7/1/03
Monthly Pass	\$68.00	\$0.68	1.0%	1/1/08

Monthly Pass Premium	\$90.00	\$1.35	1.5%	
1/1/08 Monthly Pass	\$84.00	\$1.26	1.5%	7/1/03
Monthly Pass Senior/Disabled	\$16.00	\$0.24	1.5%	1/1/08
Monthly Pass Senior/Disabled	\$17.00	\$0.25	1.5%	
1/1/09 Monthly Pass Senior/Disabled	\$14.00	\$0.21	1.5%	7/1/03
Monthly Pass Senior/Disabled	\$14.50	\$0.22	1.5%	7/1/04
Monthly Pass Senior/Disabled	\$15.00	\$0.23	1.5%	7/1/05
Monthly Pass Youth	\$32.00	\$0.48	1.5%	1/1/08
Monthly Pass Youth	\$34.00	\$0.51	1.5%	
1/1/09 Monthly Pass Youth	\$28.00	\$0.42	1.5%	7/1/03
Monthly Pass Youth	\$29.00	\$0.44	1.5%	7/1/04
Monthly Pass Youth	\$30.00	\$0.45	1.5%	7/1/05
\$2.25 Individual Token	\$2.25	\$0.06	N/A	2.5% N/A 1/1/08
\$2.25 Token 20-Pack	\$45.00	\$0.45	1.0%	1/1/08 \$2.25 Token 1
\$2.25 Token 40-Pack	\$83.60 \$90.00	N/A	N/A	
7/1/03 1/1/08				
One-Day Tripper Pass	\$5.00	\$0.25	5.0%	
1/1/08 7/1/03				
Two-Day Tripper Pass	\$9.00	\$0.50	5.55%	
1/1/08 7/1/03				
Three-Day Pass Tripper	\$12.00	\$0.75	6.25%	
1/1/08 7/1/03				
Four-Day Pass Tripper	\$15.00	\$1.00	6.67%	
1/1/08 7/1/03				
NB San Ysidro \$2.50 Trolley Ticket	\$2.50	\$0.12	5.0%	7/1/03
Hotel Scratch 1-Day Tripper One-Day Pass	\$5.00	\$0.25	5.0%	
7/1/03 1/1/08				
Social Services 1-Day Tripper	\$4.18	N/A	N/A	7/1/03

(Section 4.2 amended 12/8/05 11/8/07)

Section 4.3: Regional Fare-Pricing Schedule

Section 4.3.1 Regional Passes and Tickets

Section 4.3.1a Adult-Monthly Passes

1) Except as provided in Section 4.3.1b, 4.3.1c, and 4.3.1d of this Ordinance, the price of a regional adult-monthly pass shall be based on service type and zones. Local, and Urban, and Express bus Bus Zone 1 and San Diego Trolley passes shall be \$56.00 (effective 7/1/03), \$58.00 (effective 7/1/04), and \$60.00 (effective 7/1/05) \$64.00 (effective 1/1/08) and \$68 (effective 1/1/09). Express and Premium Express passes shall be \$64.00. Commuter Premium Express passes shall be \$90.00 \$84.00. The adult-monthly pass shall entitle the person to whom the pass is issued to unlimited rides during the month for which the pass is designated on any equal or lower priced regularly scheduled bus and rail service provided by MTS and NCTD, except for COASTER, for which the pass entitles the holder a \$2.00 discount per boarding. Refer to Section 4.10.3 for use on Rural services. services provided by San Diego Trolley, Inc. MTS Rail services, B San Diego Transit Corporation,

~~Chula Vista Transit, National City Transit, MTS Contract Services, and NCTD bus services. Half-price passes are available beginning the 15th of each month at The Transit Store, Pass by Mail, and certain outlets.~~

2) ~~Under the Employer-Based Group Sales Pass Program Three-Year Demonstration Program (10/17/02 – 10/17/05),~~

Employers may purchase in bulk, discounted monthly adult passes for their employees can be discounted to employers subject to the following conditions:

The discount is available for the advance purchase of 25 or more passes a month for up to three months for a "trial program." Price would be set according to what the price would be for an annual program using the same number of passes per month. Only one "trial program" is allowed per employer. The trial program agreement must be for a specific fiscal year. Advance payment for the total number of Trial Program passes is required. The discount is available for an employer purchasing 300 or more passes for an annual (12 months) program. The program can be pro-rated to accommodate the time left in the fiscal year. The annual program agreement and payment must be for a specific fiscal year. Advance payment for the total number of annual monthly passes is required.

The price of the Employer-Based Group Sales Pass Program will be tiered according to the number of annual regular adult passes purchased. The discount offered shall be as follows:

<u>Proposed Employer-Based Group Sales Pass Program</u>		
<u>Tiered Discount Table</u>		
<u>Employees Using Transit/Month</u>	<u>Passes Per Year</u>	<u>Discount</u>
25 to 50	300 to 600	10%
51 to 100	601 to 1,200	15%
101 to 250	1,201 to 3,000	20%
251 or more to 500	<u>3,001 or more to 6,000</u>	25%
501 to 1,000	6,001 to 12,000	30%

(Section 4.3.1a amended ~~12/8/05~~ 11/8/07)

Section 4.3.1b Senior/Disabled Monthly Passes

The price of a regional senior/disabled monthly pass is ~~\$14.00 (effective 7/1/03), \$14.50 (effective 7/1/04), and \$15.00 (effective 7/1/05)~~ \$16.00 (effective 1/1/08) and \$17.00 (effective 1/1/09) and shall entitle the senior or disabled passenger to unlimited trips during the month for which the pass is designated on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance, except Rural Service (as defined by Section 4.2M2L). Half price passes are available beginning the 15th of each month at The Transit Store, Pass by Mail, and certain outlets.

Section 4.3.1c Youth Monthly Passes

The price of a youth monthly pass is ~~\$28.00 (effective 7/1/03), \$29.00 (effective 7/1/04), and \$30.00 (effective 7/1/05)~~ \$32.00 (effective 1/1/08) and \$34.00 (effective 1/1/09) and shall entitle the youth passenger to unlimited trips during the month for which the pass is designated on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance, except

Rural Service (as defined by Section 4.2M2L). Half-priced passes are available beginning the 15th of each month at The Transit Store, Pass by Mail, and certain outlets.

Section 4.3.1d Day Passes - General Public

The price of a one-day (~~Day Tripper~~) pass Day Pass is \$5.00 and shall entitle the person to whom the pass is issued unlimited rides during the day for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except ~~MTS Contract Services Commuter Express Routes 810, 820, 850, 860, and 870~~ Premium Express services, ADA complementary paratransit services, and Rural Service).

The price of a two-day (~~Day Tripper~~) pass Day Pass is \$9.00 and shall entitle the person to whom the pass is issued unlimited rides during the days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except ~~Premium Express services MTS Contract Services Commuter Express Routes 810, 820, 850, 860, and 870~~, ADA complementary paratransit services, and Rural Service).

The price of a three-day (~~Day Tripper~~) pass Day Pass is \$12.00 and shall entitle the person to whom the pass is issued unlimited rides during the days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except ~~Premium Express services MTS Contract Services Commuter Express Routes 810, 820, 850, 860, and 870~~, ADA complementary paratransit services, and Rural Service).

The price of a four-day (~~Day Tripper~~) pass Day Pass is \$15.00 and shall entitle the person to whom the pass is issued unlimited rides during the days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except ~~Premium Express services MTS Contract Services Commuter Express Routes 810, 820, 850, 860, and 870~~, ADA complementary paratransit services, and Rural Service).

Section 4.3.1e Group Advance Pass Sales

Group event day passes, valid for one to seven days, may be issued to groups (minimum quantity = 100) only on a 21-day or longer advance sales basis. The price of group event advance sales passes, shall be as follows:

One-Day Pass	=	\$4.50
Two-Day Pass	=	\$8.00
Three-Day Pass	=	\$11.00
Four-Day Pass	=	\$14.00
Five-Day Pass	=	\$16.00
Six-Day Pass	=	\$18.00
Seven-Day Pass	=	\$20.00

The group event day pass shall entitle the person to whom the pass is issued unlimited rides during the corresponding number of consecutive days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance, except Rural Service (as defined by Section 4.2M2L).

Group event day passes for special events may be purchased in bulk in advance at discounted rates as follows or as otherwise agreed to by the Board:

100-999 passes	=	Full price per pass
1,000-1,999 passes	=	5 percent discount per pass
2,000-2,999 passes	=	10 percent discount per pass
3,000+ passes	=	15 percent discount per pass
4,000+ passes	=	20 percent discount per pass

Section 4.3.1f Classroom Day TripperPass

Classroom Day ~~Passes~~Trippers, valid for one day during nonpeak hours, may be issued to school and youth groups (up to 18 years of age) on an advance sales basis only. Each group shall consist of no more than 17 people (15 youths and two adult chaperons). The price of Classroom Day ~~Trippers~~Passes shall be \$1.50 per person.

Section 4.3.1g College Semester/Monthly Pass

~~MTS shall offer a~~A pass for a college or university school term of 63 or more days ~~that is priced at \$1.20 a day~~\$1.34 a day (effective 1/1/08) and \$1.43 a day (effective 1/1/09), payable in advance, sold only during the term's registration and/or a monthly pass good for a calendar month, priced at \$42.00 (effective 7/1/03), \$43.50 (effective 7/1/04), and \$45.00 (effective 7/1/05) ~~\$51.20 a month (effective 1/1/08) and \$54.40 (effective 1/1/09) a month, payable in advance. College Semester and Monthly passes are valid for travel on all regularly scheduled bus and rail services provided by MTS and NCTD, except for Premium Express, COASTER (for which the passes entitle the holder to a \$2.00), MTS Good on all MTS fixed-route bus and trolley services, Direct Access to Regional Transit (DART), and flex-route services. Not honored on local dial-a-rides or ADA complementary paratransit services and Rural services any ADA Complementary Paratransit Services, or Rural Services (as defined by Section 4.2M2L).~~ The semester and monthly college student passes are to be sold only at schools, colleges, and universities that meet the following requirements: accredited by recognized accrediting institution; provide an on-site sales location; track sales to individual students; limit sales to one pass per student currently enrolled with a minimum of seven credit hours; only issue to students with a current school year photo identification card; provide a benefit to each student purchasing the term and/or monthly pass to encourage public transit use; and promote the pass through school information materials. ~~Some services may require upgrade.~~

Section 4.3.1h Hotel Scratch 1-DayDay Tripper One-Day Pass

The Hotel Scratch One-Day Pass is a one-day Day Pass that is ~~A one-day Day Tripper~~priced at the standard one-day price, but with scratch-off instead of punched month, day, and year boxes. ~~Day Tripper~~The Day Pass has a unique serial number code, and customers may not return or exchange Day ~~Trippers~~a Day Pass. Only hotels with a pass sales agreement can sell this type of Day ~~Tripper~~Pass.

Section 4.3.1i Social Services 1-DayDay Tripper

~~———— A one-day Day Tripper priced at twice a token rate (\$2.09 x 2 = \$4.18), with hole-punched validation, and only sold to qualified social services agencies who agree to dispense Day Trippers according to MTS requirements. Day Trippers have unique serial number codes, and customers may not return or exchange Day Trippers.~~

Section 4.3.1j Northbound Trolley Ticket

The Northbound Trolley Ticket, dispensed from the San Ysidro kiosk, is good valid for a one-way northbound trip on the San Diego Trolley for a maximum fare ride of \$2.50 (up to 19 stations from San Ysidro on any San Diego Trolley route). The ticket is punched by the San Ysidro vendor at the point of sale for the hour, minute, month, date, and year of travel and expires 120 minutes after the time punched. This ticket is valid as a transfer to any MTS bus or for transfer to another trolley line route, but a cash upgrade is required for traveling past beyond 19 stations on the trolley or transferring to an MTS bus route with a higher fare. The ticket is not good valid for a return trip towards the border on the San Diego Trolley, toward the international border or for transferring to non-Trolley services. Not valid for use on or transfer to the NCTD Coaster, special services, or ADA complementary paratransit service.

Section 4.3.1k San Diego County Juror Ticket Day Pass

Upon entering an agreement with MTS that meets MTS requirements, courts located in San Diego County may purchase the following special fare media to be distributed to jurors summoned to jury duty in courts in San Diego County:

Juror Regional Day Pass valid for all regular MTS and NCTD services. The pre per day for this pass shall be 85% of the Regional Day Pass, or \$4.25.

Juror Regional Premium Day Pass valid for travel on MTS and NCTD regular and premium services except two-zone Rural bus services. The price of this pass shall be 85% of a Premium Day Pass, or \$9.35. Use of this pass for a two-zone rural trip will require payment of a \$5.00 upgrade for adults, and \$4.00 for seniors in each direction.

The San Diego County Juror Ticket, distributed to prospective jurors at the four San Diego County courthouses, allows the bearer to take one ride on any MTS transit bus or trolley (up to \$4.00 fare) or the NCTD Coaster (up to \$4.75 fare). The rider must validate the ticket before boarding by scratching off the hour, minute, month, date, and year of boarding for MTS bus and trolley routes. Upon boarding an MTS transit bus, the Juror Ticket is surrendered to the driver, and a transfer slip is used. The transfer slip will be valid for up to 90 minutes from the end of the bus route. If the Juror Ticket is used first on a trolley, it is valid for up to 2 hours from the boarding time scratched. It may be used as a transfer to a bus route or another trolley route within 2 hours of the boarding time scratched. If the Juror Ticket is used on an NCTD Coaster train, it must be validated for the Coaster trip at the station platform before boarding. The ticket is good for up to 2 hours from validation and may be used to transfer to an MTS bus or trolley within those 2 hours. A customer may complete a trip if the ticket expires during the trip, but may not transfer to another route once the ticket has expired. Not valid for use on or transfer to special services or ADA complementary paratransit service.

Section 4.3.1l San Diego Padres Game Day Pass

The Padres Game Day Pass is valid as a general public Day Tripper Pass, as defined in Section 4.3.1.d of this Ordinance, for the entire transit operating service day on days when a San Diego Padres baseball club regular season home game is played at PETCO Park. The Pass is valid for up to a \$2.25 one-way fare. For trips requiring a higher fare, the appropriate upgrade is required. The pass is valid on any day that a regular season home game has been rescheduled at PETCO Park. No refunds or discounts are provided for cancelled games or any game rescheduled as a doubleheader. The pass is not valid on playoff game days or on World Series game days. The Padres Game Day Pass price is calculated by the number of days of validity, multiplied by the Daily Equivalent Rate of the Adult Monthly Pass (Adult Monthly Pass price divided by 22). The Padres Game Day Pass may be sold as a single pass for an entire baseball season or MTS may sell as two

~~separate passes, each valid for approximately one half of a baseball season. This pass is available for a pilot program ending on September 30, 2004.~~

~~(Section 4.3.1f deleted 11/8/07 added 1/15/04)~~

Section 4.3.1m Centre City San Diego Trolley Only Round-Trip Tickets Pilot Program

~~A sponsor may purchase bulk (1,000 or more) quantities of Centre City San Diego only round-trip trolley tickets for distribution to trolley riders. The rate is determined by the advance payment of \$1.32, multiplied by the number of tickets. This rate is available for a pilot program ending on September 30, 2004. Passengers attending a San Diego Padres regular season home game at PETCO Park may ride the San Diego Trolley between any Centre City San Diego trolley station on any day when a San Diego Padres baseball club regular season home game is played at PETCO Park.~~

~~(Section 4.3.1m added 1/15/04 deleted 11/8/07)~~

Section 4.3.2 Regional Transfer Charges and Policies

~~(Section 4.3.2 deleted 11/8/07)~~

Section 4.3.2a Transfer Upgrades

~~Passengers with a valid transfer slip (as defined in Section 4.3.2b) from San Diego Trolley, San Diego Transit, Chula Vista Transit, National City Transit, MTS Contract Services, or NCTD may transfer to a bus or trolley of equal or lower cash fare value free of charge. Passengers with a valid transfer slip from any of the services listed in this section must pay the difference between the lower and higher cash fare when transferring to a bus or trolley with a higher cash fare value. Transfer upgrades range from \$0.25 to \$9.00. There shall be no transfer upgrade charges for senior/disabled passengers except when using a transfer slip to board a DART service, ADA Complementary paratransit service, or Rural Service, in which case an upgrade is required.~~

~~Eligible passengers with a valid transfer slip (as defined in Section 4.3.2b) from an ADA complementary paratransit service vehicle may transfer to a bus or trolley without the payment of a transfer upgrade charge. There will be a payment of a transfer upgrade required from a bus or trolley to an ADA complementary paratransit service as specified in Section 4.3.2c or Rural Service as set forth in Section 4.9.4. An eligible passenger is a person with a disability who has been certified as eligible under the Americans with Disabilities Act of 1990 and the MTS Regional ADA Complementary Paratransit Plan.~~

Section 4.3.2b Transfer Time

~~Transfer slips issued from buses and punched by the driver shall be valid until the date and time indicated on the transfer slip (approximately 90 minutes from the end of the bus route, rounded to the higher half hour). Transfer slips issued from buses and time stamped by the farebox shall be valid for two hours from the time of issue. Transfer slips shall only be issued when a cash fare is paid or a token is relinquished. No transfer slips shall be issued when a monthly or daily pass (as described in Sections 4.3.1a, 4.3.1b, 4.3.1c, 4.3.1d, and 4.3.1e of this Ordinance) is presented. Single-ride and round-trip trolley tickets (as described in Sections 4.4.1 and 4.4.2 of this Ordinance) shall be valid as transfer slips until the date and time indicated on the ticket (two hours from time of purchase).~~

~~Transfer slips issued from ADA complementary paratransit service vehicles shall be valid until the date and time indicated on the transfer slip (the time indicated shall be two hours from the time of drop-off by the ADA paratransit vehicle, to the nearest half hour). Transfers are not valid for a return trip on the ADA paratransit vehicle.~~

~~Any transfer slip issued when a previously issued transfer slip is presented for fare payment shall be punched for no more time than is remaining on the initial transfer slip unless an upgrade is paid. The initial transfer slip shall be relinquished to the driver.~~

Section 4.3.2c Other Transfer Considerations for ADA Complementary Paratransit Service

~~• A transfer received upon any fare payment on a fixed-route vehicle will be worth a maximum of \$1.00 toward the payment of the fare upgrade on the ADA complementary paratransit vehicle. The fare upgrade (from the bus or trolley fixed-route to the ADA paratransit service) will only be paid on the ADA paratransit service vehicle, not on the fixed-route vehicle.~~

~~• Day Trippers, monthly passes, tokens, or other prepaid fare media (except ADA paratransit tickets) will not be accepted as fare on the ADA paratransit services. Local prepaid fare media or script may be developed by individual operators, but no discounts will be allowed.~~

Section 4.3.2d Other Transfer Consideration for Dial-A-Ride (DAR) and Direct Access to Rapid Transit (DART)

~~• Transfer slips issued from DAR, Flex-Route, and DART service vehicles shall be valid until the date and time indicated on the transfer slip (the time indicated shall be 90 minutes from the time of drop-off by the DAR/Flex/DART vehicle, to the nearest half-hour). Transfers are not valid for a return trip on the DAR/Flex/DART vehicle.~~

Section 4.3.3 Regional Monthly Pass Upgrades

Section 4.3.3a Monthly Adult Pass Upgrades

~~Passengers holding a valid adult-monthly pass as described in Section 4.3.1a must pay a cash upgrade to ride Rural services. Holders of Regular and Premium Monthly passes shall receive a \$1 discount per zone. Senior/Disabled pass holders shall receive a \$0.50 discount per zone. Refer to Section 4.6.5a for upgrade requirements on DART services, with a higher cash fare value than that for which their pass is valid. Pass upgrades range from \$0.25 to \$9.00 based upon the difference in cash fares.~~

Section 4.3.3b Senior/Disabled and Youth Pass Upgrades (Section 4.3.3b deleted 11/8/07)

~~Except for travel on any DART service, which will require a \$0.50 upgrade, there shall be no cash upgrades required on senior/disabled and youth monthly passes for travel on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this ordinance, except for Rural Service, in which case a cash upgrade is required.~~

Section 4.3.4 Regional Children Fares

~~Children, as defined in Section 4.2.E, shall ride for free when accompanied by a fare-paying passenger. This shall be applicable to all fixed-route bus service, trolley service, and Rural Service.~~
(Section 4.3 amended 12/8/05)

Section 4.4: San Diego Trolley Fare-Pricing Schedule

Section 4.4.1a One-Way Cash Fares

The price of a one-way cash fare ticket to ride the trolley shall be as follows:

Centre City	=	\$1.25
1 station	=	\$1.50
2 stations	=	\$1.75
3 stations	=	\$2.00
4-10 stations	=	\$2.25
11-19 stations	=	\$2.50
20+ stations	=	\$3.00

A one-way ticket shall entitle the person to whom the ticket is issued: 1 one-way trip in a direction away from the station of issue. The one-way ticket is valid for two hours and must be valid during the entire trolley trip. ~~A valid one-way ticket may be used to transfer to any MTS bus route (upgrade may be required).~~

Section 4.4.1b Round-Trip Cash Fares

The price of a trolley round-trip ticket shall be as follows:

Round-trip 2 @ \$1.00	=	\$2.00 (Senior/Disabled fare)
Round-trip 2 @ \$1.25	=	\$2.50
Round-trip 2 @ \$1.50	=	\$3.00
Round-trip 2 @ \$1.75	=	\$3.50
Round-trip 2 @ \$2.00	=	\$4.00
Round-trip 2 @ \$2.25	=	\$4.50
Round-trip 2 @ \$2.50	=	\$5.00
Round-trip 2 @ \$3.00	=	\$6.00

A round-trip ticket shall entitle the person to whom the ticket is issued: one round-trip, which may be used at any time throughout the operating day. ~~A round-trip ticket shall be accepted on the bus as payment for fare up to the value of the ticket for up to two hours from time of purchase. The passenger shall be allowed to keep the round-trip ticket for use on another bus transfer.~~

Section 4.4.2 Senior/Disabled Cash Fares

Senior/Disabled cash fares for San Diego Trolley, Inc., shall be \$1.00 per one-way trip.

Section 4.4.3 Tokens

Universal tokens shall be available for \$2.25 each, ~~\$2.09 each in multiples of 11 (\$23.00) or 40 (\$83.60) in multiples of 20 (\$45.00) or 40 (\$90.00)~~, and shall entitle the person holding the universal token to up to a \$2.25 cash fare value trip on any MTS or NCTD regular bus or trolley service except (not including Coaster or ADA paratransit services). Some services may require a cash upgrade in conjunction with the universal token. ~~Some DAR, bus, and trolley services may require a cash upgrade in conjunction with the universal token.~~

(Section 4.4 amended 12/8/0511/8/07)

Section 4.5: San Diego Transit~~MTS~~ Bus Fare-Pricing Schedule

Section 4.5.1 Cash Fares

Section 4.5.1a Local Services

The price of a trip on ~~San Diego Transit~~MTS local service, as described in Section 4.2H of this Ordinance, shall be \$2.00 (effective 1/1/08) and \$2.25 (effective 1/1/09)~~1.75~~.

Section 4.5.1b Urban Services

The price of a trip on ~~San Diego Transit~~MTS urban service, as described in Section 4.2I of this Ordinance, shall be \$2.25.

Section 4.5.1c ~~Express, Premium Express, and Premium~~Commuter Express Services

The price of a trip on ~~express, premium-express-service, and premium~~commuter express, as described in Sections 4.2j, 4.2k, and 4.2l~~4.2J and 4.2K~~ of this Ordinance, shall be:

Express	=	\$2.50
Premium Express	=	\$2.50
Commuter <u>Premium</u> Express	=	\$4.00 <u>\$5.00</u>

Section 4.5.1d Senior/Disabled Cash Fares

The Senior/Disabled cash fares for San Diego Transit shall be \$1.00 except as otherwise provided in Section 4.9 concerning rural service.

Section 4.5.2 Special Fares

Section 4.5.2a Shuttle Fare

The price of a trip on shuttle services shall be \$1.00.

Section 4.5.2ba Tokens

Universal tokens shall be available for \$2.25 each, ~~in multiples of 20 (\$45.00) or 40 (\$90.00)~~\$2.09 each in multiples of 11 (\$23.00) or 40 (\$83.60), and shall entitle the person holding the universal token to up to a \$2.25 cash fare value trip on any MTS ~~or NCTD regular bus or trolley service~~ except (not including Coaster or ADA paratransit services). Some ~~DAR, bus, and trolley~~ services may require a cash upgrade in conjunction with the universal token.

Section 4.5.2cb Stadium/Ballpark Bus Fares

The price of a trip on special buses with the primary purpose of traveling to and from events at Qualcomm Stadium or PETCO Park shall be \$5.00 one way and \$8.00 round-trip.
(Section 4.5 renumbered and amended 12/8/0511/8/07)

Section 4.6 MTS Contract Services

(Section 4.6 deleted 11/8/07)

~~Section 4.6: MTS Contract Services~~

~~Section 4.6.1 Cash Fares~~

~~Section 4.6.1a Local Services~~

~~_____ The price of a trip on MTS Contract Services local services, as described in Section 4.2H of this Ordinance, shall be \$1.75.~~

~~Section 4.6.1b Urban Services~~

~~_____ The price of a trip on MTS Contract Services urban services, as described in Section 4.2I of this Ordinance, shall be \$2.25.~~

~~Section 4.6.1c Express Services~~

~~_____ The price of a trip on MTS Contract Services express services, as described in Section 4.2J of this Ordinance, shall be \$2.50.~~

~~Section 4.6.1d Premium Express Services~~

~~_____ The price of a trip on MTS Contract Services premium express, as described in Section 4.2K of this Ordinance, shall be \$2.50.~~

~~Section 4.6.1e Commuter Express Services~~

~~_____ The price of a trip on MTS Contract Services Commuter Express, as described in Section 4.2L of this Ordinance, shall be \$4.00.~~

~~Section 4.6.1f Senior/Disabled Cash Fares~~

~~_____ Senior/Disabled cash fares for MTS Contract Services shall be \$1.00; except as otherwise provided in Section 4.9 concerning Rural Service.~~

~~Section 4.6.2 Shuttle Fares~~

~~_____ The price of a trip on MTS Contract Services Routes 871, 872, 873, 877, and 904 shall be \$1.00.~~

~~Section 4.6.3 Tokens~~

~~_____ Universal tokens shall be available for \$2.25 each, \$2.09 each in multiples of 11 (\$23.00) or 40 (\$83.60), and shall entitle the person holding the universal token to up to a \$2.25 cash fare value trip on any MTS or NCTD regular bus or trolley service (not including Coaster or ADA paratransit services). Some DAR, bus, and trolley services may require a cash upgrade in conjunction with the universal token.~~

~~Section 4.6.4 Stadium/Ballpark Bus Fares~~

~~_____ The price of a trip on special buses with the primary purpose of traveling to and from events at Qualcomm Stadium or PETCO Park shall be \$5.00 one way and \$8.00 round trip.~~

Section 4.6.5 Demand-Responsive Cash Fares

Section 4.6.5a General Public Demand-Response Services ~~MTS DART Services~~

The price of a one-way trip on ~~MTS Contract Services demand-response services and flex routes~~ DART services shall be as follows:

MTS DART (Scripps Ranch, Rancho Bernardo) Regular/Adult	\$3.00
MTS DART – Senior/Disabled	\$1.50

East County Dial-a-Ride Regular/Adult	\$2.25
East County Dial-a-Ride Senior/Disabled	\$1.00

Routes 961-964 (to and from bus stop) Regular/Adult	\$1.75
Routes 961-964 (to and from bus stop) Senior/Disabled	\$1.00
Routes 961-964 (with route deviation) Regular/Adult	\$2.25
Routes 961-964 (with route deviation) Senior/Disabled	\$1.50

Routes 851, 853, 874 (no transfer) Regular/Adult	\$1.00
Routes 851, 853, 874 (no transfer) Senior/Disabled	\$1.00

Routes 851, 853, 874 (with transfer) Regular/Adult	\$1.75
Routes 851, 853, 874 (with transfer) Senior/Disabled	\$1.00

All other prepaid fare media, including senior/disabled, upgrade \$0.50

~~Passengers boarding and alighting from bus stops on flex routes shall have a price per trip comparable to local service as described in Sections 4.2H and 4.6.1a.~~

~~*Includes all monthly passes, Day Tripper passes, and all other MTS prepaid fare media.~~

Section 4.6.5b ADA Paratransit Services Cash Fares

The ADA complementary paratransit services, provided in accordance with the ADA, are only available to persons with qualifying disabilities that prevent them from using fixed-route transit services. These services shall have a cash fare of no more than double the predominant adult cash fare in the area of service. Section 4.2.P-O establishes the ADA paratransit zones. The urban zone (Zone 1) shall use the Urban Service fare defined in Section 4.2.I to calculate the MTS Access cash fare of \$4.50 per passenger trip. The three suburban zones (Zones 2, 3, and 4) shall use the Local Service fare defined in Section 4.2.H to calculate the GTS-ADA Suburban paratransit cash fare of \$3.50 per passenger trip. Passes are not accepted on ADA paratransit services. Transfers are accepted when an upgrade is paid for the difference in the fare paid for the transfer and the ADA paratransit fare. The upgrade must be paid on the ADA paratransit vehicle. Paying ADA paratransit passengers will be issued upon request a Premium Day Pass for use on Connecting fixed route and trolley services. Passengers transferring from ADA paratransit service in Zones 2, 3, or 4 to ADA paratransit service in Zone 1 must pay a \$1.00 upgrade on the Zone 1 vehicle. Full-price (no discount) tickets for ADA paratransit services may be sold to passengers in advance. No passes, tokens, or discounts and no other tickets are accepted on ADA paratransit services. Personal Care Attendants (PCA) required by disabled passengers are not required to pay a fare.

(Section 4.6 amended 12/8/05)

Section 4.7: County Transit System

(Section 4.7 deleted 4/10/03)

Section 4.78: Chula Vista Transit

Section 4.7.1 Cash Fares

Section 4.7.1a Local Services

~~_____ The price of a trip on Chula Vista Transit local services, as described in Section 4.2H of this Ordinance, shall be \$1.75.~~

Section 4.7.1b Urban Services

~~_____ The price of a trip on Chula Vista Transit urban services, as described in Section 4.2I of this Ordinance, shall be \$2.25.~~

Section 4.7.1c Express Services

~~_____ The price of a trip on Chula Vista Transit express services, as described in Section 4.2J of this Ordinance, shall be \$2.50.~~

Section 4.7.1d Premium Express Services

~~_____ The price of a trip on Chula Vista Transit premium express services, as described in Section 4.2K of this Ordinance, shall be \$2.50.~~

Section 4.7.2 Senior/Disabled Cash Fares

~~_____ Senior/Disabled cash fares for Chula Vista Transit shall be \$1.00, as described in Sections 4.2A and 4.2B.~~

Section 4.7.3 Shuttle Cash Fares

~~_____ The cash fare for Chula Vista Transit shuttles shall be \$1.00 for Route 706 and 706A and free for Route 708.~~

(Section 4.87 renumbered and deleted amended 11/8/07 12/8/05)

Section 4.98: National City Transit

Section 4.8.1 Cash Fares

Section 4.8.1a Local Services

~~_____ The price of a trip on National City Transit local services, as described in Section 4.2H of this Ordinance, shall be \$1.75.~~

Section 4.8.2 Senior/Disabled Cash Fares

~~_____ Senior/Disabled cash fares for National City Transit shall be \$1.00, as described in Sections 4.2A and 4.2B.~~

(Section 4.98 renumbered and deleted amended 11/8/07 12/8/05)

Section 4.109: Rural Service

Rural Service, as defined in Section 4.2LM, shall have applied to it a 2-zone based fare structure. Zone boundaries shall generally be located on a north-south axis and have zone boundaries at Ramona (Ramona Station), Alpine (Tavern Road and Alpine Boulevard), and the Tecate border crossing ((~~T~~Tecate Road and Thing Road). Passenger trips remaining within 1 zone shall have applied to them the 1-zone based fare.

Section 4.910.1 1- and 2-Zone One-Way Cash Fares:

The 1-zone cash fare shall be \$5 for each one-way trip. The 2-zone cash fare shall be \$10 for each one-way trip.

Section 4.109.2 One-Way Senior/Disabled Cash Fare:

Senior/Disabled cash fares shall be 50 percent of the regular cash fare: 1-zone Senior/Disabled cash fare shall be \$2.50 for each one-way trip. The 2-zone cash fare shall be \$5 for each one-way trip.

Section 4.109.3 Prepaid Monthly or Daily Pass Upgrade Required:

Passengers exhibiting a valid MTS or North County Transit District Monthly Adult or Youth Pass, College Semester Pass, or Daily Pass shall be provided a \$1 discount per zone for Rural Service: the 1-zone cash upgrade shall be \$4 for each one-way trip. The 2-zone cash upgrade shall be \$8 for each one-way trip. Senior/Disabled passengers exhibiting a valid Senior/Disabled Monthly Pass shall be given a \$.50 cent discount per zone: the 1-zone cash upgrade shall be \$2.00 for each one-way trip. The 2-zone cash upgrade shall be \$4 for each one-way trip.

Section 4.109.4 Use of MTS or North County Transit District Transfer Slips Upgrade Required:

~~Passengers exhibiting a valid MTS or North County Transit District Transfer Slip while boarding shall be provided a \$1 discount per zone for Rural Service: the 1-zone cash upgrade shall be \$4 while the 2-zone cash upgrade shall be \$8. Senior/disabled passengers exhibiting valid transfer shall be given a 50 percent discount per zone: the 1-zone cash fare shall be \$2 while the 2-zone cash upgrade shall be \$4.~~ **(Section 4.10.4 renumbered and deleted 11/8/07)**

Section 4.109.5 ——— Other Fare Media:

- Tokens shall be accepted at face value of \$2.25; change will not be provided in instances where token value exceeds required fare.

- San Diego County Juror Premium pass Ticket is valid for travel for one-zone Rural bus service. Use of this pass for a two-zone rural trip requires payment of a \$5.00 upgrade (\$4.00 for senior/disabled) in each direction. ~~shall be accepted at cash value up to \$4.00; change will not be provided in instances where potential value exceeds required fare.~~

- Transfers from ADA complementary service shall not require an upgrade.
(Section 4.109 renumbered and amended and added 12/8/05 11/8/07)

| ~~Section 4.10~~ 11 Special Fares

| Each agency ~~MTS~~ shall be allowed to adjust fares for special events with the approval of the General Manager ~~MTS~~ Chief Executive Officer.

| **(Section 4.11 ~~10~~ renumbered and amended 11/8/07 ~~12~~ 8/05)**

| ~~Section 4.11~~ 12 Other Metropolitan Transit System Operators and Special Cash Fares

| ~~Section 4.11~~ 12.1 Cash Fares

| Any special fares of any operator in the region not listed within this Ordinance shall be included in the Uniform Fare Structure Agreement.

| **(Section 4.12 ~~11~~ renumbered 11/8/07 ~~12~~ 8/05)**

| ~~Section 4.13~~ 2: Public Notice

| Before the expiration of fifteen (15) days after its passage, a summary of this Ordinance shall be published once with the names and members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

| **(Section 4.13 ~~2~~ renumbered 11/8/07 ~~12~~ 8/05)**

| ~~Section 4.14~~ 3: Effective Date Of Ordinance

| This Ordinance shall become effective 30 days from and after the date of its final passage.

| **(Section 4.14 ~~3~~ renumbered 11/8/07 ~~12~~ 8/05)**

| ~~DDarro/CD-ORD4.DDES~~ MO/1/22/04

Amended: 12/8/05	Amended: 11/10/88
Amended: 1/15/04	Repealed & Readopted: 02/25/88
Amended: 11/13/03	Amended: 12/10/87
Amended: 05/22/03	Amended: 10/09/86
Amended: 04/10/03	Amended: 04/24/86
Amended: 10/17/02	Amended: 03/01/86
Amended: 06/14/01	Repealed & Readopted: 12/05/85
Amended: 05/10/01	Amended: 07/11/85
Amended: 08/10/00	Amended: 05/23/85
Amended: 07/13/00	Amended: 10/04/84
Amended: 05/13/99	Amended: 07/19/84
Amended: 02/26/98	Repealed & Readopted: 02/27/84
Repealed & Readopted: 7/17/97	Amended: 07/25/83
(operative - 11/23/97)	Amended: 07/11/83
Amended: 04/28/94	Repealed & Readopted: 05/24/82
Amended: 01/13/94	Amended: 10/05/81
Amended: 07/08/93	Amended: 07/08/81
Amended: 02/11/93	Amended: 06/30/81
Repealed & Readopted: 05/28/92	Adopted: 06/08/81
Amended: 01/09/92	<u>Amended: 11/8/07</u>
Repealed & Readopted: 03/14/91	
Amended: 09/27/90	
Amended: 05/10/90	
Repealed & Readopted: 02/23/89	



AGENDA ITEM NO.

30

REQUEST TO SPEAK FORM

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****

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 10/18/07
 Name (PLEASE PRINT) Theresa Quiroz
 Address 4719 Bailey Pl
SD of Alamos
 Telephone (619) 263-3457
 Organization Represented (if any) Citizens for Effective
Transportation
 Subject of your remarks: Fare Ordinance

Agenda Item Number on which you request to speak 30

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.****





AGENDA ITEM NO.

30

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

2

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1. INSTRUCTIONS

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(PLEASE PRINT)

Date	October 18, 2007		
Name	John Gonzales		
Address	7044 Akins Avenue		
Telephone	619-262-3549		
Organization Represented	none		
Subject of Your Remarks	Support of fee increases as reasonable		
Regarding Agenda Item No.	30		
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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AGENDA ITEM NO.



REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

30
3

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(PLEASE PRINT)

Date	18 Oct 2007
Name	Rev. Patricia E. Andrews - Callori
Address	2177 Bluehaven Ct
Telephone	662-3620
Organization Represented	Justice Overcoming Boundaries
Subject of Your Remarks	raising of fares, eliminating transfers
Regarding Agenda Item No.	25
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> 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.

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AGENDA ITEM NO.

30

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

4

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(PLEASE PRINT)

Date	10/18/07
Name	Dan Hostetler
Address	3644 Quimby St SO VA 92106
Telephone	619-276-8223
Organization Represented	Citizens for effective transit
Subject of Your Remarks	Item 30
Regarding Agenda Item No.	Item 30
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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3. DISCUSSION OF AGENDA ITEMS

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AGENDA ITEM NO.

30

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

5

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(PLEASE PRINT)

Date	
Name <i>Fayne</i>	<i>Depend on MTS For Transportation</i>
Address <i>ARC North Shore</i>	<i>TO go to the program that</i>
Telephone	<i>I Attend daily</i>
Organization Represented	
Subject of Your Remarks	
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> 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

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