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Agenda

JOINT MEETING OF THE EXECUTIVE COMMITTEE

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

November 6, 2008

Executive Conference Room
9:00 a.m.

ACTION RECOMMENDED

- A. ROLL CALL
- B. APPROVAL OF MINUTES - October 23, 2008 Approve
- C. COMMITTEE DISCUSSION ITEMS
1. MTS: Legislative Workshop Possible Action
Action would: (1) receive a report on 2008 legislative and intergovernmental activities; (2) discuss approaches to advocacy in 2009; and (3) review staff recommendations for state and federal legislative programs and recommended approval by the Board of Directors.
2. MTS: Airport Express Bus Pilot Program Possible Action
Action would provide input regarding the submittal of a letter of support for the use of the Old Town Transit Center by Lindbergh Field employee shuttles.
3. MTS: Annual Performance Monitoring Receive
Action would receive a report for information.
- D. RECOMMENDED FOR BOARD CONSENT AGENDA
1. MTS: KMD Bus Wash Renovation Project Approve
Action would forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. PWB106.0-09 to Telliard Construction for the Kearny Mesa Division (KMD) Bus Wash Renovation Project. Budget Impact - This project is federally funded under CIP 11207 for a total of \$340,000.

**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.

2. MTS: Rail Profile-Grinding Services - Contract Award Approve
Action would forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. PWL104.0-09 with Advanced Rail Management Corporation for rail profile-grinding services for a five-year period. Budget Impact - This contract would be for a five-year period with a total cost not to exceed \$1,625,197. Funding would come from CIP 11206-088 (FY 09 through FY 13). The CIP budget is comprised of 80% federal and 20% local funds.
3. MTS: Third-Party Administration Services for Workers' Compensation - Contract Award Approve
Action would forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. G1182.0-08 with TRISTAR Risk Management for third-party administration services for workers' compensation for a five-year period with two 1-year options. Budget Impact - This contract would cover a five-year period with two 1-year options, and the total fixed cost should not exceed \$1,726,914. Specific costs directly charged to individual claims are estimated to be approximately \$355,236 plus a percentage of savings realized from medical auditing services provided. Funding would come from the Risk Administration operating budget (FY 2009 through FY 2015).
4. MTS: Southland Transit, Inc. - Contract Option Year Approve
Action would forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. B0449.1-06 for: (1) one 12-month option period for central minibuss fixed-route with Southland Transit, Inc. (Southland); and (2) one 12-month option period for Sorrento Valley Coaster Connection (SVCC) with Southland contingent upon securing sustainable funding for this service. Budget Impact - Southland's rate of service will contractually increase by 3% to \$40.25 per revenue hour for MTS-owned vehicles for the central minibuss routes and by 2.2% to \$54.07 per revenue hour for contractor-owned vehicles operated on the SVCC shuttle routes. The total central minibuss fixed-route projected transportation cost for option 1 would be approximately \$2,820,000 plus an estimated \$545,000 in pass-through fuel costs. The estimated total cost would be \$3,365,000 for the option period. The total SVCC projected transportation cost for option 1 would be approximately \$810,000 plus an estimated \$155,000 in pass-through fuel costs. The estimated total cost would be \$965,000 for the option period.
5. MTS: Increased Authorization for Legal Services - Liebman, Quigley, Sheppard & Soulema, APLC Approve
Action would forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. G1087.3-07 with Liebman, Quigley, Sheppard & Soulema, APLC for legal services and ratify prior amendments entered into under the CEO's authority. Budget Impact - Not to exceed \$45,000 for Liebman, Quigley, Sheppard & Soulema, APLC. The recommended amounts are contained within the fiscal year 2009 budget.

- E REVIEW OF DRAFT NOVEMBER 13, 2008, JOINT BOARD AGENDA
- F. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA Possible Action
Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting.
- G. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- H. PUBLIC COMMENTS
- I. NEXT MEETING DATE: December 4, 2008
- J. ADJOURNMENT

DRAFT

EXECUTIVE COMMITTEE MEETING FOR THE METROPOLITAN TRANSIT SYSTEM (MTS), SAN DIEGO TRANSIT CORPORATION (SDTC), AND SAN DIEGO TROLLEY, INC. (SDTI)

October 23, 2008

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

A. ROLL CALL

Chairman Mathis called the meeting to order at 9:02 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Mr. Ewin moved approval of the minutes of the September 18, 2008, Executive Committee meeting. Mr. Emery seconded the motion, and the vote was 4 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

There were no Committee Discussion Items.

D. RECOMMENDED BY THE EXECUTIVE COMMITTEE FOR THE BOARD CONSENT AGENDA

In response to a question from Mr. Ewin, Ms. Sharon Cooney, Director of Government Affairs and Community Relations, explained that the funding being recommended for transfer from the CIP project for CCTV surveillance equipment to cover ticket vending machine reprogramming (Agenda Item No. D1) was being replaced by Homeland Security funding. She further explained that there are currently no other CCTV projects in the Capital Improvement Program for 2009. She stated, however, that MTS anticipates receiving both Proposition 1B and Homeland Security funds in 2009 that are specifically for security-related expenditures and could be used for the installation of additional surveillance systems.

1. MTS: Ticket Vending Machine Reprogramming (CIP 11166)

That the Executive Committee forward a recommendation to the Board of Directors to (1) authorize the CEO to execute a Memorandum of Understanding (in substantially the same form as Attachment A of the agenda item) with SANDAG for Ticket Vending Machine reprogramming; and (2) approve a fund transfer from Capital Improvement Project (CIP) 11166 – CCTV Surveillance Equipment to SANDAG's CIP 1145700 – Fare Technology (in substantially the form as shown on Attachment B of the agenda item – Budget Transfer Summary).

2. MTS: Increased Authorization for Legal Services – Law Offices of R. Martin Bohl LEG 491

That the Executive Committee forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. G1072.2-07 (in substantially the same form as Attachment A of the agenda item) with the Law Offices of R. Martin Bohl for legal services and ratify prior amendments entered into under the CEO's authority.

Public Comment

Chairman Mathis explained that the Committee was simply approving the placement of Agenda Item Nos. D1 and D2 on the Board's Consent Agenda for October 30 but allowed Mr. Richard to make public comment.

Clive Richard: Mr. Richard asked about the implementation of the Compass Card project. Ms. Cooney reported that this program will be implemented on January 2 and will be phased in by the end of FY 2009. She stated that the Board agenda for October 30 includes an amendment to MTS's fare ordinance in order to incorporate this program. She added that SANDAG will be bringing a report on this item to its Transportation Committee in the near future. Ms. Cooney confirmed for Mr. Monroe that there will be an option for a 30-day rolling pass and added that paper passes will also still be available.

Action Taken

Mr. Ewin moved to approve placing Agenda Items D1 and D2 on the Consent portion of the October 30, 2008, Board agenda. Mr. Monroe seconded the motion, and the vote was 6 to 0 in favor.

E. REVIEW OF DRAFT OCTOBER 30, 2008, BOARD AGENDA

Recommended Consent Items

6. MTS: San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Railway Company Board of Directors at its October 10, 2008 Special Meeting (SDAE 710)

Recommend that the Board of Directors (1) receive the San Diego and Imperial Valley Railroad, Pacific Southwest Railway Museum Association, and Carrizo Gorge Railway, Inc. quarterly reports (Attachment A of the agenda item); and (2) ratify actions taken by the SD&AE Railway Company Board of Directors at its Special Meeting on October 10, 2008.

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

Recommend that the Board of Directors adopt Resolution 08-22 (Attachment A of the agenda item) approving fiscal year 2009 STA claims.

8. MTS: Office of Homeland Security Grant Applications (AG 210.9)

Recommend that the Board of Directors adopt Resolution No. 08-23 (Attachment A of the agenda item) authorizing the CEO to submit applications for fiscal year 2008-2009 California Transit Security Grant Program – State Transit Assistance Agencies funding.

9. MTS: Public Transportation Modernization, Improvement, and Service Enhancement Account Funding (AG 210.9)

Recommend that the Board of Directors adopt Resolution No. 08-24 (Attachment A of the agenda item) authorizing the CEO to submit applications for fiscal year 2008-2009 California Public Transportation Modernization, Improvement, and Service Enhancement Account – State Transit Assistance Agencies funding.

Recommended Consent Items

There was no discussion of the recommended Consent Items.

Recommended Board Discussion Items

There was no discussion of recommended Discussion Items.

F. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

Ms. Cooney reported that the SANDAG Board of Directors would be discussing how recent market fluctuations are impacting SANDAG's financial statements during its meeting on Friday, October 24. In response to a question from the Executive Committee, Mr. Cliff Telfer, Chief Financial Officer, reported that sales tax revenues are now projected to decrease by four percent or \$7 million for MTS. He stated that MTS is currently \$5 million to \$6 million over budget in revenues and about \$1 million under budget in fuel expense, which will almost equal this revised projected shortfall in sales tax revenues. He cautioned that MTS revenues may decrease if ridership declines in response to lower fuel prices. Ms. Claire Spielberg, Chief Operating Officer – Transit Services, reported that MTS bus ridership is still up about 100,000 passengers per day or 12 percent. Chairman Mathis requested that staff make regular reports to the Board on transit ridership in response to the drop in fuel prices. Mr. Telfer added that the level of funding that will come from the state is still in question. He also reported that the information on the decrease in sales tax revenues was based upon sources other than SANDAG. He reported that he will be meeting with SANDAG finance personnel tomorrow to get their perspective on the impact of sales tax revenue projections on MTS's budget. Mr. Monroe requested that Mr. Telfer inform SANDAG staff that he will be asking questions about this matter at tomorrow's SANDAG Board meeting.

G. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Bayshore Bikeway: Mr. Cox thanked General Counsel Tiffany Lorenzen and CEO Paul Jablonski for their help in bringing everyone together toward the completion of this project. He stated that groundbreaking for the start of this project was held the previous Monday. He briefly discussed where this bikeway would be routed and reported that it will alleviate

the most dangerous bike route in San Diego. He added that the project would be completed by February 15.

Mr. Monroe stated that many bicycle riders will be riding to transit centers to connect with bus and trolley service and asked if MTS could accommodate these riders. Ms. Spielberg briefly discussed some new on-bus bike-rack equipment that is available to transit. Mr. Rindone stated that it may make more sense to provide bicycle-storage lockers at transit centers. Ms. Spielberg reported that France has a bicycle subscription program, and, under that program, passengers pick up a bike provided by the program at the beginning of their trip and leave the bike where they board public transportation or end their trip.

Pedestrian Bridge Over Harbor Drive: Chairman Mathis reported that the groundbreaking ceremony for the pedestrian bridge over Harbor Drive at Park Boulevard would be held at 10:30 a.m. He described how pedestrians will no longer be able to cross Park Boulevard at the bayside walkway.

H. PUBLIC COMMENTS

There were no Public Comments.

I. NEXT MEETING DATE:

The next meeting is scheduled for Thursday, November 6, 2008, at 9:00 a.m., in the Executive Conference Room.

J. ADJOURNMENT

Chairman Mathis adjourned the meeting at 9:24 a.m.

Chairman

Attachment: A. Roll Call Sheet
gail.williams/minutes

**EXECUTIVE COMMITTEE
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) 10/23/08

CALL TO ORDER (TIME) 9:02 a.m.

RECESS _____

RECONVENE _____

CLOSED SESSION _____

RECONVENE _____

ADJOURN 9:24 a.m.

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS <input checked="" type="checkbox"/> (Young) <input type="checkbox"/>	9:10 a.m. during AI E	
EMERY <input checked="" type="checkbox"/> (Cafagna) <input type="checkbox"/>		
EWIN <input checked="" type="checkbox"/> (Clabby) <input type="checkbox"/>		
MATHIS <input checked="" type="checkbox"/>		
MONROE <input checked="" type="checkbox"/> (McLean) <input type="checkbox"/>		
RINDONE <input checked="" type="checkbox"/> (Emery) <input type="checkbox"/>	9:07 a.m. during AI D1	
ROBERTS <input type="checkbox"/> (Cox) <input checked="" type="checkbox"/>	9:07 a.m. during AI D1	

SIGNED BY OFFICE OF THE CLERK OF THE BOARD Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL: [Signature]



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Agenda

Item No. C1

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

LEG 410

November 6, 2008

SUBJECT:

MTS: LEGISLATIVE WORKSHOP

RECOMMENDATION:

That the Executive Committee:

1. receive a report on 2008 legislative and intergovernmental activities;
2. discuss approaches to advocacy in 2009; and
3. review staff recommendations for state and federal legislative programs and recommend approval by the Board of Directors.

Budget Impact

None.

DISCUSSION:

2008 FEDERAL YEAR IN REVIEW

Transit Security Grant Program

Department of Homeland Security (DHS) 2008 grant awards totaled \$844 million divided among the Port Security Grant Program, Transit Security Grant Program, Intercity Bus Security Grant Program, Trucking Security Grant Program, and a Buffer Zone Protection Program. The total was \$189 million more than 2007. The transit grant program went from \$257 million to \$350 million, and MTS's share was \$1.5 million. This represented a slight increase from the \$1.2 million awarded to MTS from the federal FY 2007 program. In addition, this year the program was changed to give awards directly to the transit operators rather than as a pass-through from the state.



Rail Safety Improvement Act of 2008

Enacted on October 1, this legislation reauthorizes the Federal Railroad Administration (FRA) and provides \$1.65 billion for the nation's rail safety program for fiscal years 2009 through 2013. It also clarifies that the primary mission of the FRA is to ensure safety on the nation's railways, creates a new Chief Safety Officer, and provides resources for an additional 200 safety and rail inspection employees. The legislation increases penalties for violations of safety laws and gives the FRA more enforcement tools. The legislation also contains provisions to improve the conditions of rail bridges and tunnels.

Amendments to the bill in response to the Metrolink collision include a requirement that all Class I railroads and intercity passenger and commuter railroads implement a positive train control system by December 31, 2015, on all main-line tracks where intercity passenger railroads and commuter railroads operate and where toxic-by-inhalation hazardous materials are transported. In addition, it includes a grant program for the deployment of various positive train control technologies, electronically controlled pneumatic brakes, rail integrity inspection and warning systems, switch position indicators, remote control power switch technologies, track integrity circuit technology, and other technologies.

The amendments also mandate the following limits to hours of service for signal and train crews:

- prohibits them from working in excess of 12 hours;
- extends hours-of-service standards to railroad contractors;
- limits time off during split shifts; and
- requires railroads to develop fatigue management plans through a mandatory risk-reduction program.

It is not clear from the language how much of the new safety regulations will apply to MTS's light rail operations or its freight property. Assurances from the authors' offices indicated that the regulations would not impact light rail. However, staff will advocate for cleanup legislation that will specifically exempt light rail operations and operations in which there is a temporal separation between freight and light rail.

Reaction to Economic Downturn

An economic stimulus package was passed in an effort to halt the downturn in the nation's economy. Many have called for a second stimulus package—one that would include funding for infrastructure projects. As with the first package, MTS has advocated to have transit capital projects included in the package. Congress may take up a package after the election.

Energy Security and Climate Change

Various forms of climate-change legislation were introduced in 2008, which is a reflection of the increased awareness of issues related to energy security and emissions reduction in the electorate. The Saving Energy through Public Transportation Act was introduced to provide \$1.7 billion over 2 years for transit grants associated with increasing transit service or reducing fares. This legislation has not been enacted.

Other legislation, the Climate Security Act of 2007, would establish declining "caps" on carbon emissions from power plants and other stationary sources over a 40-year period and then establish credits to entities to emit greenhouse gas emissions that will be traded as commodities. This market would generate revenues for allocations parceled out to activities to reduce emissions or to benefit sectors impacted by rising emissions or energy prices. In 2008, Senator Barbara Boxer's Senate Bill 3036 sought to amend the legislation to include (among other things) \$171 billion from the auction for public transit. MTS staff will continue to advocate to the Senator and others for the inclusion of public transportation as a beneficiary of any cap and trade program.

Charter Regulations and MTS Chargers Express Service

MTS sought a favorable decision from the Federal Transit Administration (FTA) to permit the continuance of Chargers Express service during the 2008-2009 football season. MTS received two different opinions, at which point staff launched a campaign to gain a favorable ruling from Administrator James Simpson. In the end, MTS was able to continue to operate all of its service to the games. However, the decision did not set a precedent for future years, and staff will continue to urge the FTA to create a more reasonable interpretation of its Charter Regulations.

Funding for Transit to Military Bases

Staff met with several congressional members and committee offices to discuss potential funding sources to address public transportation needs at military facilities in the region. MTS's legislative representative, Blank Rome, LLC, provided research support and strategic advice. While the overall reaction was positive, agreement on the vehicle for beginning a pilot project in the San Diego region was not reached. Staff will continue to advocate for funding in 2009.

FY 2009 Appropriations

The Fiscal Year 2009 Transportation, Housing and Urban Development, and Related Agencies (THUD) budget has not been approved. Federal programs are being funded under a continuing resolution. Inclusion of federal transit earmarks in the appropriation language remains unlikely.

Reauthorization

The Surface Transportation Act is scheduled to be reauthorized for 2010. Staff has been actively working through our Congressional delegation and the American Public Transportation Association to achieve favorable results in the reauthorization process. Among other objectives, staff is seeking a favorable change to the Rail Modernization formula program. Staff is also participating with the San Diego Association of Governments (SANDAG) in a strategy to have the Mid-Coast Light Rail Extension Project designated as a New Start in reauthorization thereby making it more likely to gain a Full-Funding Grant Agreement from the FTA. Activities have included meetings with FTA officials and San Diego delegation members. Most recently, MTS staff hosted several key Senate Banking Committee staff on a tour of MTS facilities that focused on the positive results to be achieved through expansion of the trolley system.

San Ysidro Border Reconfiguration Project

The United States Customs and Border Protection Agency determined that the existing 30-year-old facility at the San Ysidro border cannot support enforcement activities. The General Services Administration (GSA) is working on the reconfiguration of the Port. \$190 million has been authorized to date. MTS has been working with the agency to minimize impacts to the pedestrian and transit facilities; however, current designs would have a significant impact on the pedestrian and transit movements in the area. MTS has briefed the Congressional delegation on several occasions and continues to work to gain changes to the GSA's plans that will preserve transit's access to the area and provide favorable conditions for pedestrian border crossings.

2008 STATE YEAR IN REVIEW

Fiscal Year 2009 State Budget

Governor Schwarzenegger signed the 2008-09 State Budget Assembly Bill (AB) 1781 (Committee on Budget), the Conference Committee report along with a series of budget trailer bills, including AB 88 and AB 268, the transportation omnibus bill on Tuesday, September 23. The budget, which was late by a record 85 days, ostensibly resolved the state's \$25 billion shortfall. With his signature, the Governor took action to reduce State General Fund expenditures by \$510 million below the expenditure levels authorized by the legislature. Despite aggressive advocacy efforts, nearly \$1.7 billion of traditional public transportation dollars were diverted to pay General Fund expenditures. Attachment A shows the breakdown of transit funding as it would have been distributed by law. \$969 million should have been available in State Transit Assistance (STA), of which \$44.54 million would have been allocated to MTS.

The Budget Act diverts approximately \$1.67 billion from "spillover" and other traditional transit funding sources to the General Fund as follows:

- \$857 million to the General Fund for transportation-related general obligation bond debt;
- \$589 million to the General Fund for home-to-school transportation;
- \$138 million to the Department of Developmental Services for regional center transportation; and
- \$83 million to reimburse the General Fund for repayment of a prior loan from Proposition 42 transit funds to the General Fund.

The Budget appropriated \$306 million for STA. This is slightly less than the amount allocated in FY 2008 (\$316 million). According to the State Controller, MTS's allocation will be \$14.08 million (\$520,000 less than FY 2008). No funding was provided for transit capital projects in the State Transportation Improvement Account. In total, 71% of all available revenues for public transportation were diverted to the General Fund.

Proposition 1B Infrastructure Bonds

The \$19.9 billion in bonds for infrastructure approved by the voters in November 2006 requires subsequent legislative action to allocate funds for specific programs in a given year. In the FY 2009 budget, the following allocations directly impact MTS:

- Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA). For FY 2008, \$600 million of the \$3.6 billion was appropriated. For FY 2009, \$338 million is available for this program. It is anticipated that this will result in \$15.65 million for MTS capital expenditures.
- Transit System Safety, Security, & Disaster Response Account (TSSSDRA). In FY 2008, \$101 million of the \$1 billion was appropriated. For FY 2009, \$60 million is available for this program of which \$2.78 million should be available for MTS security-related expenditures.

AB 32 Implementation and Other Climate Change Activities

Staff has been actively involved in efforts to favorably impact climate change legislation. AB 32 (Nunez and Pavley), California's Global Warming Act of 2006, is intended to reduce statewide greenhouse gas emissions to 1990 levels, which is a 15% reduction from today's levels. Implementation of a strategy to reach the goals of AB 32 is the responsibility of the California Air Resources Board (CARB). AB 32 has the potential to reshape the way California develops and does business. Dramatic rollback of emission levels throughout the state will require multiple initiatives spanning a broad spectrum of activities.

Public transportation could be significantly affected through regulations designed to lower transit's carbon footprint and through statewide goals for lowering single-occupancy vehicle use and vehicle miles travelled (VMT). To significantly reduce VMT, regions would need to alter land-use practices that induce longer auto trips. There would also be a greater demand for alternative methods of transportation, including transit.

CARB staff recently published the draft *Climate Change Scoping Plan: A Framework for Change*, which will be reviewed by its Board at the November meeting. The draft plan looks at implementation of AB 32 with a phased approach. This initial plan does not address VMT reduction nor does it recommend additional investment in transit. However, it does look forward past 2020 when the state has committed to even greater emissions reductions. Executive Order S-3-05 requires an 80% reduction in greenhouse gases from 1990 levels by 2050. It is evident that future phased implementation to achieve higher goals for reduction will require a significant change in land use and transportation policy making.

Similarly, an implementation process will soon begin for SB 375 (Steinberg) signed into law on September 30, 2008. This law seeks dramatic changes in the way land use and transportation decisions will be made at the regional and local level as a way of reducing climate change emissions. While there is no clear strategy or funding mechanism for implementation of this legislation, staff will continue to advocate for favorable outcomes with respect to any technical "cleanup" legislation or implementation planning.


AB 118 (Nunez) the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 was enacted in October 2007. This legislation provides funding to CARB and the California Energy Commission (CEC) from an increase in the vehicle license fee that went into effect in July 2008 and is anticipated to generate \$100 million annually. Staff has been engaged in advocacy for favorable implementation of these programs to enhance MTS's alternative fuel program. The CEC anticipates that funding awards will be made as early as April 2009.

Legislation Related to Copper Wire Theft

A source of considerable financial impact to public agencies has been the rise in copper wire theft. MTS has experienced a surge in the number of incidents, with the associated impact on service operations and a financial burden on the agency. Multiple laws were enacted this year in support of reporting to law enforcement by junk dealers, enhanced identification requirements at salvage yards, delays in payments to individuals bringing copper wire to salvage yards, and fingerprinting and photographing of individuals salvaging materials.

2009 LEGISLATIVE PROGRAM

The draft state and federal legislative programs are attached (Attachments B and C). The federal legislative program includes recommended capital project appropriation requests. Upon recommendation of the Executive Committee and approval by the MTS Board, these programs will be used to define our legislative advocacy efforts in calendar year 2009, and MTS will forward its capital project appropriation requests to SANDAG to meet the region's December 15 deadline for submission.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, sharon.cooney@sdmts.com

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Attachments: A. Transit Funding Under State Law Provisions
B. Draft Federal Legislative Program
C. Draft State Legislative Program

Transit Funding Under State Law Provisions

The following is a breakdown of FY 2009 transit funding as it would have been allocated if all existing state laws were respected.

Statewide Revenues Generated for Transit

\$1,427 million in spillover
\$ 492 million from Proposition 111
\$ 268 million from Proposition 42
\$ 65 million sales tax on diesel
\$ 93 million non-article XIX revenue (state and regional programming)
\$ 2.345 billion Total generated revenue

Total Public Transportation Account (PTA) Resources Available Pursuant to Current Law (Had It Been Honored)

\$2.345 billion Total Generated Revenue
~~-\$713.5 million (Mass Transportation Fund contribution-1/2 of the spillover)~~
\$1.632 billion available to the PTA
~~\$ 108 million Misc. (loan from TCRF, beginning balance, etc.)~~
\$1.739 billion TOTAL PTA Resources

Breakdown of Revenue Distribution Within The PTA Pursuant To Current Law

State Transit Assistance (STA) Revenue

\$ 476 million (1/3 of \$1.427 billion in spillover)
\$ 246 million (1/2 of Prop 111 revenue)
\$ 214.5 million (75% of Prop 42 revenue)
~~\$ 32.5 million (1/2 of sales tax on diesel)~~
\$ 969 million total STA that SHOULD be made available

State and Regional Programming Priorities Revenue

\$ 238 million (1/6 of \$1.427 billion in spillover)
\$ 246 million (1/2 of Prop 111 revenue)
\$ 71.5 million (25% of Prop 42)
\$ 32.5 million (1/2 of sales tax on diesel)
\$ 93 million (non-article XIX)
~~\$108 million Misc. (loan from Traffic Congestion Relief Fund, beginning balance, etc.)~~
\$789 million TOTAL state and regional programming priorities that SHOULD be made available

Transit Capital Projects in the State Transportation Improvement Plan (STIP)

\$ 789 million Total state regional programming priorities revenue
- \$ 154 million Caltrans (Intercity Rail, planning, Div. Mass Trans.)
- \$ 53 million Caltrans Local Assistance
- \$ 5.6 million High-Speed Rail
- \$ 3.4 million CPUC operations
- \$ 1.5 million UC ITS planning
~~- \$ 1.4 million CTC Operations~~
\$ 570 million that SHOULD be made available for transit capital projects in the STIP

San Diego Metropolitan Transit System (MTS) 2009 Federal Legislative Program

I. Transit Funding

1. Oppose legislation that would reduce direct funding to transit agencies or transportation funding in general.
2. Reauthorize the Surface Transportation Act: support appropriation of MTS earmarks and New Starts designation for Mid-Coast Rail Extension. Seek favorable revision of the Rail Modernization Program.
3. Support legislation that would help offset the impact on transit budgets caused by increases in fuel costs.
4. Support legislation that would generate new revenue for transit projects and operating costs.
5. Support legislation to bring funding to railroad corridors.
6. Seek funding for railroad bridge and infrastructure rehabilitation.
7. Seek funding to offset the costs associated with implementation of hybrid and alternative technologies in the transit fleet.
8. In partnership with interested cities, seek funding dedicated to grade-separation projects.
9. Seek a permanent compressed natural gas credit program for transit operators.
10. Support programs in the defense appropriation process that would help offset the cost to provide transit services for military facilities.
11. Oppose attempts to discontinue federal funding for school paratransit services or for nonemergency medical transport.
12. Oppose actions by the General Services Administration that might adversely impact transit functions at the San Ysidro Border and seek funding to mitigate any changes to transit facilities currently used or owned by MTS.

II. Public Safety

1. Seek Tier 1 status under the Transit Security Grant Program.
2. Seek stiffer criminal penalties for vandalism or theft of transit property.
3. Seek clarification of 2008 legislation regarding rail safety.
4. Support legislation that increases funding for transit security projects and personnel.
5. Support legislation that provides reimbursement to transit operators for lost employee work hours due to emergency preparedness and antiterrorism training.
6. Oppose legislation or regulations that would have an adverse impact on transit agencies' ability to provide safe transportation to their customers.
7. Support legislation that assists transit operators to carry out their responsibilities as first responders to emergency situations.
8. Support efforts to enhance the transit agency's ability to coordinate with other local emergency personnel for disaster response and evacuation preparedness.

III. Regulatory Matters

1. Support legislation that would facilitate the delivery of capital projects.
2. Oppose unfunded mandates that impact transit operators.
3. Support efforts to increase competition in the fuel market.
4. Support legislation that would require manufacturers of wheelchairs and scooters to notify customers prior to purchase of any vehicles that are larger than what the Americans with Disabilities Act requires transit agencies to accommodate for boarding.

5. Oppose proposals that limit the use of eminent domain for public transportation projects.
6. Monitor and respond to legislation in the areas of finance, employment, and safety that could affect agency governance or operations, including issues related to contractors.
7. Support efforts to ensure that climate change legislation recognizes that transit investment can help achieve emission reduction goals.
8. Seek clarification of the charter bus regulations to permit transit agencies to serve special events.
9. Oppose efforts to enlarge the universe of paratransit service eligibility to classifications of individuals that could effectively be served through fixed-route services.
10. Monitor and respond to attempts to alter access guidelines in a way that would financially burden transit operators without providing funding.

IV. Support for Legislative Programs of Other Agencies or Organizations

1. Support the legislative programs of other agencies, such as SANDAG and NCTD, where consistent with the MTS legislative program.
2. Support provisions in the legislative programs of organizations, such as the California Transit Association and American Public Transportation Association, where consistent with the MTS legislative program.

V. Capital Projects

1. Seek the following capital project earmarks in the Fiscal Year 2009 Transportation, Housing and Urban Development Appropriations Bill:

• MTS Bus Replacement Vehicles	\$13.53 million
• East County Bus Maintenance/Paratransit Facility	\$10 million
• Blue Line Station Improvements	\$2.25 million
• Regional Transportation Management System for Contract Services	\$8.3 million
2. Seek funding earmarks for MTS under any economic stimulus package.

San Diego Metropolitan Transit System (MTS) 2009 State Legislative Program

I. Transit Funding

1. Seek legislation to expedite the allocation of state infrastructure bond funding designated for transit operators/projects.
2. Oppose legislation that would reduce direct funding to transit agencies, or transportation funding in general; support legislation that would generate new revenue for transit projects and operating costs.
3. Support legislation that would help offset the impact on transit budgets caused by increases in fuel costs.
4. Support legislation to bring funding to railroad corridors and for railroad bridge and infrastructure rehabilitation.
5. Support actions that would protect against the diversion of Transportation Development Act (TDA), Public Transportation Account (PTA), Traffic Congestion Relief Program (TCRP), and other transit funds to state and local agencies for other purposes.
6. In partnership with interested cities, seek funding dedicated to grade-separation projects.
7. Seek legislation to exempt transit agencies from sales tax.

II. Transit-Oriented Development

1. Seek legislation to expedite the allocation of state infrastructure bond funding for transit-oriented development.
2. Support legislation that provides funding incentives for mixed-use projects and transit-oriented development.
3. Support legislation that aids transit operators' efforts to create transit-oriented development.

III. Public Safety

1. Seek actions that would expedite the allocation of the \$1 billion in Proposition 1B bond funding designated for transit security projects.
2. Oppose legislation or regulations that would have an adverse impact on transit agencies' ability to provide safe transportation to their customers.
3. Support legislation that assists transit operators to carry out their responsibilities as first responders to emergency situations.
4. Support efforts to enhance penalties for crimes against transit staff or related to transit property, such as wire theft.
5. Seek legislation that would protect the records of transit code compliance officers to the same degree as sworn officers.
6. Seek legislation that would allow agencies to pass an ordinance to allow national criminal background checks for taxicab operators.

IV. Climate Change

1. Advocate for favorable implementation of AB 32.
2. Seek funding under AB 118 for MTS alternative fuel projects.

V. Regulatory Matters

1. Support legislation that would facilitate the delivery of transit capital projects—especially through the availability of alternative procurement practices, such as design build and construction manager at risk.
2. Oppose unfunded mandates that impact transit operators.
3. Support legislation that would require manufacturers of wheelchairs and scooters to notify customers prior to purchase of any vehicles that are larger than what the Americans with Disabilities Act requires transit agencies to accommodate for boarding.
4. Monitor proposals that limit the use of eminent domain for public transportation projects.
5. Support legislation that would remedy Bonanno v. Central Contra Costa Transit Authority, which is a case that substantially broadened the liability exposure of transit agencies.
6. Seek relief from regulations which prevent MTS from providing service in the most cost efficient way possible.
7. Support legislation that would clarify Public Utilities Commission rail oversight authority.
8. Monitor and respond to efforts to regulate MTS operations.
9. Seek clarification of regulations governing the disposition of real property purchased with TDA funds to prevent using the property for nontransit purposes.
10. Oppose efforts to eliminate or restrict transit exemption provisions in the California Environmental Quality Act. Seek clarification that service and fare adjustments are always exempt.

VI. Labor Relations

1. Monitor and respond to legislation relating to personnel matters.
2. Support legislation that protects the integrity of collective bargaining agreements, and oppose efforts to mandate benefits or working conditions.

VII. Support Legislative Programs of Other Agencies or Organizations

1. Support the legislative programs of other agencies, such as SANDAG and NCTD, where consistent with the MTS legislative program.
2. Support provisions in the legislative programs of organizations, such as the California Transit Association and American Public Transportation Association, where consistent with the MTS legislative program.



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Agenda

Item No. C2

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

OPS 960.2

November 6, 2008

SUBJECT:

MTS: AIRPORT EXPRESS BUS PILOT PROGRAM

RECOMMENDATION:

That the Executive Committee provide input regarding the submittal of a letter of support for the use of the Old Town Transit Center by Lindbergh Field employee shuttles.

Budget Impact

None.

DISCUSSION:

The parking lot at the Old Town Transit Center is owned by the California Department of Parks and Recreation (Parks). The Airport Authority has approached Parks to launch a pilot shuttle service in the lot for employees at Lindbergh Field using the Airport Authority's red minibuses (Attachment A describes the Airport's proposed project). Parks has agreed to the pilot shuttle service so long as they secure a letter of support from MTS for use of the facility.

MTS staff has discussed concerns regarding use of the lot as a park-and-fly location for airport customers as well as safety issues related to congestion in the lot. To address these concerns, Airport Authority staff has agreed to a requirement that an individual must show both an airport employee badge and a transit pass to gain access to the shuttle. As proposed by the Airport, the shuttle would operate along the path shown in Attachment B.

MTS staff also recommends that Parks only authorize the use of the lot with a contingency whereby Parks would discontinue the shuttle's access if MTS determines that it is interfering with MTS transit operations, creating an unsafe condition, or the shuttle is being abused and patrons of the shuttle are parking in the lot. The Airport



Authority and MTS would work out a protocol for monitoring the use of the shuttle to ensure that nonemployee or nontransit users were not gaining access to the shuttles. If MTS were to incur a cost for enforcement, then staff would seek reimbursement from the Airport Authority. MTS staff also would reserve the ability to choose where its buses would stop in the center.

If the Executive Committee agrees, MTS staff would work with Parks to ensure that these conditions for the program are met prior to sending the letter of support. The Airport Authority would like to tentatively begin service the week of November 13.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, sharon.cooney@sdmts.com

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Attachments: A. Proposed Airport Shuttle
B. Proposed Shuttle Routing



PROJECT DESCRIPTION

OLD TOWN TRANSIT CENTER (OTTC) EXPRESS BUS DEMONSTRATION PROGRAM

SAN DIEGO INTERNATIONAL AIRPORT (SDIA)

Introduction: The Airport Authority proposes an express bus service from the OTTC to the Airport to increase public transit ridership for Airport employees, reduce vehicle emissions, and contribute towards the Airport Authority's efforts to create and maintain sustainable operations. This service would also assist the Airport Authority in meeting the obligations of the Greenhouse Gas Memorandum of Understanding (GHG MOU) with the California State Attorney General.

Project Goal: Provide an incentive for an estimated 4,000 to 5,000 Airport employees to increase public transit ridership and reduce the number of employee private trips to San Diego International Airport.

Project Description: This project fulfills two of the Recommended Transit Improvements identified in the Airport Transit Plan.

- II-4: Airport Employee Transit Incentive Program
- II-8: Express Bus to the Old Town Transit Center

A shuttle bus, operating Monday through Friday, with a capacity of approximately 35 passengers would depart from the SDIA Commuter Terminal Building (CT) at four or five scheduled times each in the morning and afternoon. The scheduled arrival and departure times of the service between the CT and the OTTC would be synchronized with the North County Transit District (NCTD) Coaster schedule. Tests have already been conducted to determine the travel time of the bus. The one-way trip would be approximately 12 minutes. The bus would pick-up and drop passengers west of the OTTC in the parking lot adjacent to the entrance of the pedestrian tunnel that extends from the parking lot to the rail tracks that are used by the San Diego Trolley, the NCTD Coaster, and AMTRAK. This service would be available for Airport employees that are currently using transit or who would use transit to commute to the Airport. Airport employees would be required to show an SDCRAA-issued security badge and a Coaster, Trolley, or MTS bus ticket or pass to ride the OTTC Express Bus.

Schedule of Service:

*OTTC AM Pick-Up

**CT PM Pick-Up

6:08 am	3:25 pm
6:55 am	4:07 pm
7:37 am	4:37 pm
8:08 am	5:08 pm
8:36 am	5:55 pm

Source: NCTD Coaster Schedule 2008.

* Scheduled arrival time for Coaster.

** Allows 20 minutes for travel time to OTTC.

Project Coordination: There will be extensive coordination with the Metropolitan Transit System (MTS), California State Parks - Old Town, NCTD, the San Diego Association of Governments (SANDAG), and the California Department of Transportation - District 11(Caltrans) throughout the planning process for this project. These agencies will be kept apprised of the details of this project, if necessary, through periodic meetings.

Project Contacts: Brett Caldwell - (619) 400-2482, Jim Myhers - (619) 400-2690



**OLD TOWN TRANSIT CENTER (OTTC)
EXPRESS BUS**

SAN DIEGO INTERNATIONAL AIRPORT (SDIA)

"DRAFT"

FREQUENTLY ASKED QUESTIONS

Who may use the Airport employee transit bus to/from Old Town?

This service would be available for all Airport employees.

Where does the employee transit bus pick-up at the Airport?

The bus would pick-up and drop passengers in front of the Commuter Terminal at the "Red Bus" stop.

Where does the employee transit bus pick-up at the Old Town Transit Center?

The bus would pick-up and drop passengers west of the OTTC in the parking lot adjacent to the entrance of the pedestrian tunnel that extends from the parking lot to the rail tracks that are used by the San Diego Trolley, the NCTD Coaster, and AMTRAK.

What is the timetable for departures from the Old Town Transit Center to the Commuter Terminal? **(Bold)**

<u>OTTC AM Pick-Up</u>	<u>CT PM Pick-Up</u>
6:08 am	3:25 pm
6:55 am	4:07 pm
7:37 am	4:37 pm
8:08 am	5:08 pm
<u>8:36 am</u>	<u>5:55 pm</u>

What is the timetable for departures from the Commuter Terminal to the Old Town Transit Center? (**Bold**)

<u>OTTC AM Pick-Up</u>	<u>CT PM Pick-Up</u>
6:08 am	3:25 pm
6:55 am	4:07 pm
7:37 am	4:37 pm
8:08 am	5:08 pm
<u>8:36 am</u>	<u>5:55 pm</u>

What if I need to contact the employee transit bus driver?

The driver can be contacted by cell phone.

Will the shuttle bus operate on weekends (Trolley Runs Daily, 4 Coaster Runs on Saturday; None on Sunday)?

The service would be available Monday through Friday.

Where can I find Coaster information and a timetable of coaster stops at the Old Town Transit Center?

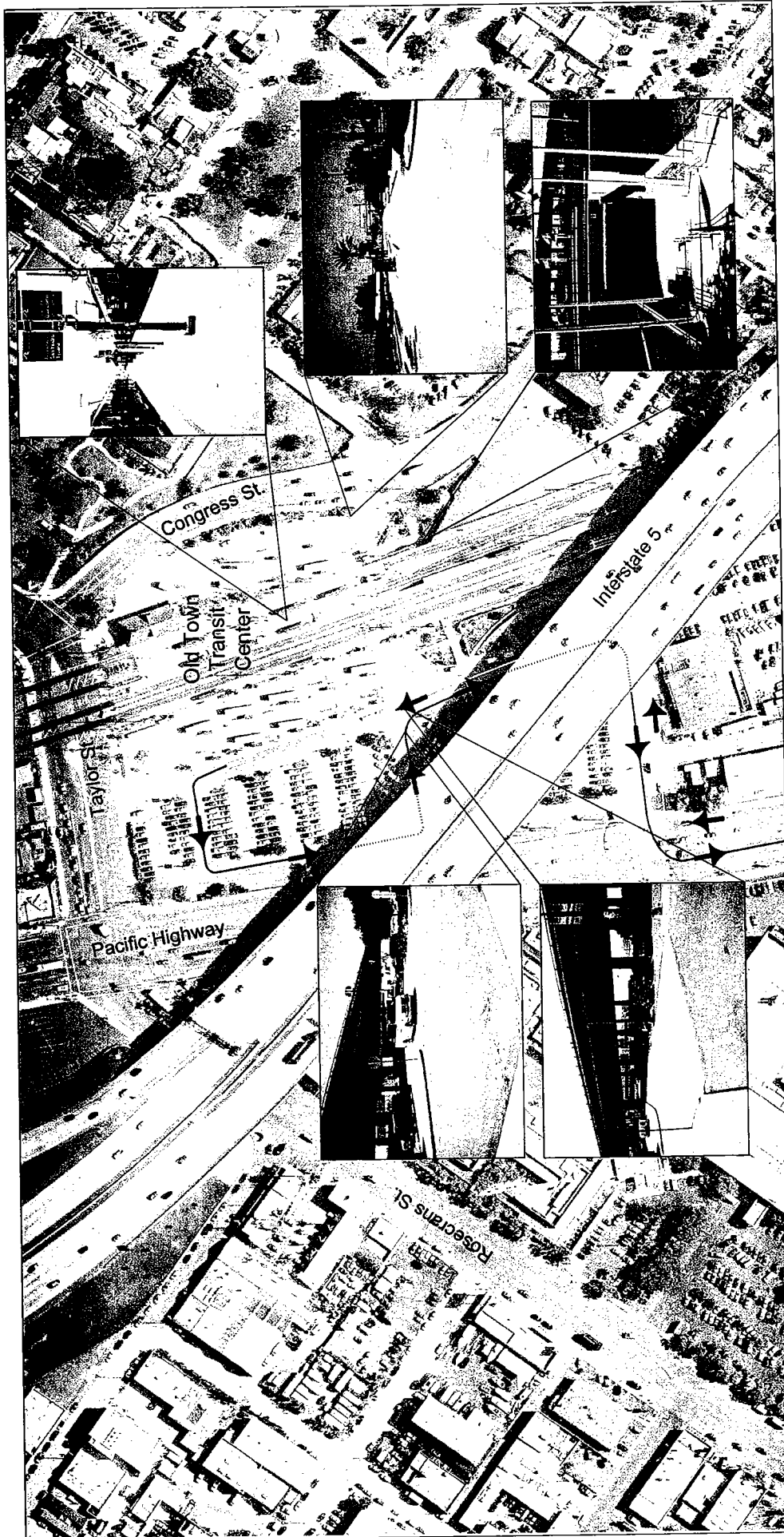
**This information can be found online at:
http://www.gonctd.com/coaster_schedules.htm**

Where can I find trolley and/or bus Information for connections at the Old Town Transit Center?

This information can be found online at <http://www.sdmts.com>

Is there a site map available showing that shows the proposed location of the Old Town Transit Center bus pick-up?

A draft map showing route and pick-up location at OTTC has been prepared.



Note: Travel time from Old Town Transit Center to Commuter Terminal: Approximately 12 minutes

Shuttle route to Transit Center

Shuttle route from Transit Center

Shuttle Stop (Proposed Area)

**Proposed Employee Express Bus
Old Town Transit Center
Demonstration Project Shuttle Route**

DRAFT - For Discussion purposes only



HNTB



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Agenda

Item No. C3

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

SRTP 830 (PC 50451)

November 6, 2008

SUBJECT:

MTS: ANNUAL SERVICE PERFORMANCE MONITORING REPORT

RECOMMENDATION:

That the Executive Committee receive a report for information.

Budget Impact

None.

DISCUSSION:

MTS Board Policy No. 42 establishes a process for evaluating existing transit services to achieve the objective of developing a customer-focused, competitive, integrated, and sustainable system. The policy states that services will be evaluated annually, and provides a set of measures for evaluation.

This report represents the annual service evaluation for FY 2008. This is the first full fiscal year in which the system operated under the results of the Comprehensive Operational Analysis (COA). Some of the definitions have been standardized across the divisions in keeping with definitions used by the National Transit Database, and this has had an impact on some of the trends reported. The narrative indicates instances where that is the case.

In Attachment A, routes are designated into seven service categories based on route characteristics and compared against other similar services in the same category.



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.

Develop a Customer-Focused and Competitive System

The following measures of productivity and service quality are used to ensure that services are focused on providing competitive and attractive transportation that meets our customers' needs.

- **Total Passengers** - *Percent change in passengers should equal or exceed percent change in average daily traffic within the MTS urban network area*

Route Categories	FY 2006	FY 2007	FY 2008	Chg. 06-07	Chg. 07-08
Premium Express	273,161	254,099	280,691	-7.0%	10.5%
Express	2,135,309	2,077,456	2,217,331	-2.7%	6.7%
Light Rail	33,829,833	35,114,385	37,620,944	3.8%	7.1%
Urban Frequent	30,582,865	34,464,253	37,005,041	12.7%	7.4%
Urban Standard	13,670,763	12,091,618	11,949,335	-11.6%	-1.2%
Circulator	1,695,443	1,279,247	1,179,296	-24.5%	-7.8%
Rural	41,909	24,323	25,822	-42.0%	6.2%
Demand-Responsive	351,040	372,619	374,500	6.1%	0.5%
Total MTS Passengers	82,580,323	85,678,000	90,652,960	3.8%	5.8%

System-wide ridership increased 5.8 percent (4,974,960 passengers) between FY 2007 and FY 2008. The greatest ridership increase (2,540,788) was experienced in the Urban Frequent route category while the Urban Standard routes had the largest decrease (-142,283). In terms of percentages, the Premium Express route category had the largest gains in ridership (10.5%) most likely because the new coaches plus competitive travel time and cost make the service an attractive alternative to driving. Higher fuel prices have contributed significantly.

The Circulator category had the largest percentage decrease in ridership (-7.8%, or 99,951 passengers). The Urban Standard routes are slightly down reflecting service cuts made to those routes as a result of the COA and anticipated passenger preference for Urban Frequent routes to complete their trips. These trends reflect the strategies of the COA that passengers will ride routes with better frequencies.

Average daily traffic (ADT) statistics are not yet available for FY 2008; therefore, the increase in ridership cannot be compared to the ADT for this report. However, a decline in auto traffic has been reported and attributed to higher gas prices and the economic downturn.

- **Average Weekday Passengers** - *Improve ratio between ridership and average daily traffic within the MTS urban network area*

Route Categories	FY 2006	FY 2007	FY 2008	Chg. 06-07	Chg. 07-08
Premium Express	1,046	977	1,108	-6.6%	13.3%
Express	7,318	7,403	7,936	1.2%	7.2%
Light Rail	100,593	104,037	113,858	3.4%	9.4%
Urban Frequent	95,127	106,384	119,396	11.8%	12.2%
Urban Standard	41,860	38,148	39,573	-8.9%	3.7%
Circulator	5,357	4,214	4,133	-21.3%	-1.9%
Rural	140	130	144	-7.0%	10.7%
Demand-Responsive	1,264	1,142	1,381	-9.6%	20.9%
Avg. Weekday Passengers	252,706	262,438	287,530	3.9%	9.6%

Average weekday ridership increased 9.6 percent (25,092 passengers) between FY 2007 and FY 2008. The greatest increase occurred in the Urban Frequent category with an increase of 13,012 daily passengers. In terms of percentages, the

I-15 Premium Express routes increased substantially over the previous year in part due to increased ridership resulting from the high cost of fuel for personal-commuting vehicles. The Premium Express routes provide a competitive alternative to the car for such a long commute on a congested corridor, and the introduction of the new coaches makes the ride more comfortable. The Demand-Responsive routes increased substantially showing an increased demand by disabled passengers on ADA paratransit services. Circulator routes showed the only decrease in year-over-year weekday ridership mostly due to service cuts.

Transit's percent of Average Daily Traffic (ADT), or mode split, cannot be calculated at this time since ADT statistics are not yet available for FY 08.

• **Passengers per Revenue Hour – Improve route category average**

Route Categories	FY 2006	FY 2007	FY 2008	Chg. 06-07	Chg. 07-08
Premium Express	19.0	20.9	21.6	10.0%	3.4%
Express	20.2	22.4	25.3	10.9%	13.3%
Light Rail	190.6	198.5	212.4	4.1%	7.0%
Urban Frequent	31.2	31.9	32.9	2.5%	2.9%
Urban Standard	24.5	22.6	23.1	-8.1%	2.4%
Circulator	16.4	16.9	14.9	2.6%	-11.4%
Rural	3.3	5.7	5.6	73.4%	-3.0%
Demand-Responsive	2.2	2.2	2.1	1.7%	-5.1%
MTS System	39.0	39.9	41.5	2.2%	3.9%

Passengers per revenue hour is an industry standard for assessing service productivity. Revenue hours include the time that vehicles are transporting passengers (in service) as well as the recovery time at the end of each trip.

Overall, passengers per revenue hour for the system improved by 3.9 percent from 39.9 to 41.5. Fixed-route bus service improved from 43.2 to 45.0 passengers per revenue hour or a 4.3 percent increase over FY 2007. Circulator routes exhibited the largest percent decline in passengers per hour, which may be reflective of passenger shifts to more frequent routes as planned by the COA. While there was a 5.1% decrease for the Demand-Responsive category, the numeric drop was from 2.2 passengers per hour to 2.1 passengers per revenue hour, which is a .1 passenger difference.

• **Passengers per In-Service Hour – Improve route category average**

Route Categories	FY 2007	FY 2008	Change 07-08
Premium Express	18.2	22.5	23.5%
Express	28.8	32.3	12.3%
Light Rail	228.0	249.6	9.5%
Urban Frequent	38.1	42.4	11.4%
Urban Standard	30.7	31.6	2.8%
Circulator	32.6	26.4	-19.1%
Rural	4.5	5.78	25.2%
Demand-Responsive			
MTS System	52.9	57.5	8.7%

Passengers per in-service hour represents a more accurate picture of productivity because in-service hours only include hours of operations dedicated to transporting passengers and does not include recovery time. This statistic is only available for FY 2007 and beyond.

All categories of services had productivity increases per in-service hour except the Circulator category, which had a decrease of 19.1 percent. Staff has already begun to pare down Circulator service where necessary (especially at night and on weekends). Premium Express routes saw the greatest percentage productivity increase since they are carrying more passengers for nearly the same level of service.

-
- **Passenger Load Factor** – *No more than 20% of revenue hours exceeding one standee per 4 ft² on local street operation (55 passengers on a standard bus, and 90 passengers on an articulated bus) and seating capacity on freeway operations and minibuses service*
-

Route	Type of Route	% Trips With Overcrowding
3	Regular	2.4%
5	Regular	0.8%
7	Regular	1.0%
11	Regular	0.7%
15	Regular	2.2%
20	Freeway	7.1%
25	Minibus	3.4%
30	Regular	1.5%
41	Regular	1.6%
48	Regular	5.4%
115	Regular	1.6%
150	Freeway	34.0%
701	Regular	0.9%
704	Regular	1.7%
705	Regular	3.3%
709	Regular	13.8%
712	Regular	3.3%
833	Regular	2.2%
844	Regular	5.9%
845	Regular	2.2%
848	Regular	1.5%
855	Regular	2.9%
856	Regular	1.5%
905	Freeway	2.2%
921	Regular	5.6%
929	Regular	15.2%
932	Regular	5.3%
933	Regular	2.6%
934	Regular	3.9%
955	Regular	3.2%
960	Freeway	38.5%
962	Regular	3.3%
964	Minibus	3.4%

Due to a change in the passenger reporting system administered by SANDAG, overcrowding is only available on the trip level for FY 2008; therefore, a figure for overcrowding is not available. As a result, the number of trips that had overcrowding at some point in the trip are reported above. These figures do not mean that buses were overcrowded for the whole trip, but rather at some time during the trip they experienced overcrowding.

Routes 20, 25, 150, 905, 960, and 964 have overcrowding over the threshold specified by Policy No. 42. Route 150 and 960 service has been supplemented with extra trips to help with overcrowding. The rest of the routes have sporadic overcrowding during peak hours typically due to school passengers.

-
- **On-Time Performance** – 85% for Urban Frequent, and 90% for all other route categories
-

Route Categories	Service Changes					
	Jun-06	Sep-06	Jan-07	Jun-07	Sep-07	Jan-08
Premium Express	81%	68%	90%	64%	79%	66%
Express	63%	72%	84%	82%	81%	86%
Light Rail	96%	95%	97%	97%	96%	96%
Urban Frequent	76%	80%	81%	84%	84%	86%
Urban Standard	81%	83%	79%	83%	85%	89%
Circulator	92%	87%	88%	95%	88%	89%
Rural	N/A	N/A	N/A	N/A	N/A	N/A
Demand-Responsive	N/A	N/A	N/A	N/A	N/A	N/A
MTS System	79%	81%	82%	85%	86%	87%

On-time performance is calculated as departing within 5 minutes of the scheduled time.

MTS system-wide, on-time performance has increased gradually over each service change. Both the Planning and Scheduling and Bus Operations Departments have been working to improve on-time performance through driver counseling, improved running times, and strict oversight of contract operations. The Planning and Scheduling Department has been able to use new technologies in place on routes operated by MTS Bus to analyze running times in order to provide more realistic times.

Urban Frequent routes are now above their 85% threshold while all other routes are close to the 90% level of on-time performance.

Premium Express routes have had a decline in on-time performance due to their reroute onto Broadway from other downtown San Diego streets. Premium Express route on-time performances are sampled only on their arrivals into downtown in the morning and their departures from downtown in the afternoon after they have picked up their passengers through the downtown area. Arrivals into downtown are almost at 100% while departures from downtown are lower. Scheduling has shortened the running times leaving downtown so that the passengers will not have to wait on the bus at a time point if they arrive at the point early. This allows the bus to move throughout the entire trip in downtown, but it also means that traffic on Broadway can have a more unpredictable impact on whether or not the bus exits downtown on time.

On-time performance is reported at service changes in order to isolate the changes so that we can monitor the impact of scheduling changes on on-time performance and adjust as needed.

• **Accidents per 100,000 Miles – Improve operator average**

Operator	FY 2006	FY 2007	FY 2008	Chg 06-07	Chg 07-08
MTS Bus	1.74	1.57	1.53	(9%)	(2.5%)
MTS Contract Services	1.86	2.19	2.56	18.2%	16.5%
MTS Rail	0.0	0.0	0.03	0%	100%

Accidents reported are preventable accidents. MTS Rail experienced one preventable accident in 2008, while the total accidents for MTS Rail increased from 16 to 29. MTS Bus had 276 total accidents in FY 2008, which is up from 190 the previous year. However, the number of preventable accidents declined. Continued operator retraining and improved driver safety-awareness programs and materials were used throughout the year to maintain relatively low incident levels for bus and trolley operators. Staff will continue to strive to improve the operator average.

• **Complaints per 100,000 Passengers – Improve operator average**

Operator	FY 06	FY 07	FY 08	Chg 06-07	Chg 07-08
MTS Bus	13.0	11.4	13.6	(12.1%)	19.5%
MTS Contract Services FR	4.2	7.3	14.7	68.8%	100.6%
MTS Contract Services DR	20.2	16.6	27.8	(15.8%)	67.4%
MTS Rail	1.63	1.25	.94	(23%)	(.25%)

All bus operators are showing an increase in the number of customer complaints. However, this number is reflective of the new, centralized customer service database—one point of contact for all customers utilizing any MTS bus route. As a result of the centralized database, complaints are closely tracked and reported uniformly across all services and operators. The complaints for FY 2008 include any complaint received by the database, including scheduling concerns, requests for service, or complaints about a service change. Separating out just complaints about the trip experience and the driver shows an average of 8.75 complaints per 100,000 for MTS Bus and 11.43 for Contract Bus. It is unclear how much of this increase in complaints is due to better tracking and how much is due to the customer experience; however, staff will continue to aggressively address complaints and seek to drive down the number of incidents.

Develop a Sustainable System

The following measures are used to ensure that transit resources are deployed as efficiently as possible and do not exceed budgetary constraints.

• **In-Service Miles - Not to exceed budget**

Operator	FY 2008		Difference	
	Actual	Budget	Number	Percent
MTS Bus	9,534,910	9,570,407	(35,497)	-0.4%
MTS Contract Service FR	9,218,022	9,068,839	149,183	1.6%
MTS Rail	8,002,889	7,959,350	43,539	0.5%

In FY 2008, actual in-service miles were slightly below budget for MTS Bus and slightly above budget for contracted fixed-route and MTS Rail.

• **In-Service Hours - *Not to exceed budget***

Operator	FY 2008		Difference	
	Actual	Budget	Number	Percent
MTS Bus	870,793	872,208	(1,415)	(0.2%)
MTS Contract Service FR	824,244	817,107	7,137	0.9%
MTS Rail	439,377	468,154	(28,777)	(6.1%)

MTS Bus and MTS Rail were below budget for in-service hours. MTS fixed-route Contract Services were 0.9% over budget, which was mostly due to increased running times for better on-time performance.

• **Peak-Vehicle Requirement - *Not to exceed budget***

Operator	June 07	Sept 07	Jan 2008	Chg Jun-Sept	Chg Sept-Jan
MTS Bus	200	199	199	(1)	0
MTS Contract Services FR	442	443	437	1	(6)
MTS Rail	96	96	97	0	1

The peak-vehicle requirement is the maximum number of vehicles available to provide scheduled service during the heaviest service period of the week. Peak vehicles have been mostly level over the fiscal year except for fixed-route contract services, which saw a decrease of 6 buses due to elimination of some services and scheduling and vehicle-blocking efficiencies.

• **In-Service Speeds - *Improve operator average***

Operator	June 07	Sept 07	Jan 2008	Chg Jun-Sept	Chg Sept-Jan
MTS Bus	13.3	13.4	13.3	0.8%	(0.8%)
MTS Contract Services FR	14.1	14.0	14.1	(0.7%)	0.7%
MTS Rail	20.8	21.2	21.1	1.92%	(0.5%)

In-service speeds were almost neutral for all modes of service between the June 2007 to January 2008 service periods.

• **In-Service/Total Miles - *Improve operator average***

Operator	June 07	Sept 07	Jan 08	Chg Jun-Sept	Chg Sept-Jan
MTS Bus	89.6%	89.5%	89.2%	(0.1%)	(0.3%)
MTS Contract Services FR	N/A	N/A	N/A	N/A	N/A
MTS Rail	N/A	N/A	N/A	N/A	N/A

In-service miles per total miles is only calculated for MTS bus operations as the contract is responsible for bus and driver assignments (run cutting), which determines total mileage. MTS bus ratios have been generally consistent over time with only a minor decrease in the ratio. MTS rail does not incur out-of-service mileage.

- **In-Service/Total Hours - Improve operator average**

Operator	June 07	Sept 07	Jan 2008	Chg Jun-Sept	Chg Sept-Jan
MTS Bus	94.2	94.2	94.2	0.0%	0.0%
MTS Contract Services FR	N/A	N/A	N/A	N/A	N/A
MTS Rail	N/A	N/A	N/A	N/A	N/A

As with the mileage statistic, in-service hours per total hours can only be calculated for MTS Bus operations. Efficiency of scheduling has shown that the in-service to total vehicle hours has remained steady over the past three service changes for MTS Bus.

- **Farebox Recovery Ratio - TDA requirement of 31.9 percent system wide for fixed-route (excluding regional routes that have a 20 percent requirement)**

Operator	FY 2007	FY 2008	Chg 07-08
MTS (excluding Premium Exp)	37.1%	38.6%	1.5%
Premium Express	32.0%	45.0%	13.0%
MTS Rail	49.0%	55.4%	6.4%
System	37.0%	38.7%	1.7%

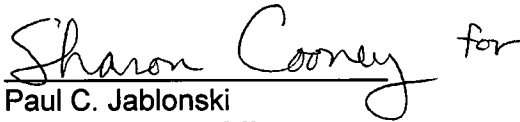
For both system wide and Premium Express services, farebox recovery ratios continue to exceed the Transportation Development Act (TDA) target and are improving. This is due to more efficient service based on the implementation of the COA, an increase in ridership in the urban core, and fare adjustments.

- **Subsidy per Passenger - Improve route category average**

Route Categories	FY 06	FY 07	FY 08	Chg 06-07	Chg 07-08
Premium Express	\$5.70	\$5.72	\$3.38	0.3%	(40.9%)
Express	\$4.33	\$3.68	\$2.76	(15.1%)	(25.0%)
Light Rail	\$0.80	\$0.81	\$0.66	1.6%	(18.3%)
Urban Frequent	\$1.46	\$1.42	\$1.55	(2.4%)	9.2%
Urban Standard	\$1.86	\$1.75	\$1.90	(6.0%)	8.5%
Circulator	\$2.58	\$2.47	\$2.68	(4.1%)	8.5%
Rural	\$21.29	\$21.41	\$24.11	0.5%	12.6%
Demand-Responsive	\$20.60	\$22.23	\$25.21	7.9%	13.4%
<i>Fixed-Route Bus Average</i>	<i>\$1.76</i>	<i>\$1.65</i>	<i>\$1.71</i>	<i>(6.7%)</i>	<i>3.6%</i>
MTS System	\$1.46	\$1.40	\$1.38	(4.1%)	(1.4%)

Overall, system-wide subsidy per passenger has improved from \$1.46 in FY 2006 to \$1.38 in FY 2008. For fixed-route bus service, subsidy per passenger decreased from \$1.76 in FY 2006 to \$1.71 in FY 2008 but increased \$0.06 per passenger between FY 2007 and FY 2008. Light rail decreased to \$0.66 over the last year, which is a result of ridership increasing faster than cost.

Premium Express routes have shown marked decreases in subsidy per passenger as a result of rising gas prices and a fare increase, which has led to higher passenger loads.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Devin Braun, 619.595.4916, devin.braun@sdmts.com

NOV6-08.C3.PERF MONITORING.DBRAUN.doc

Attachment: A. Key Route Statistics

FY 2008 ANNUAL ROUTE STATISTICS

Updated: 10/30/2008

Route	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
1	1,398,655	4,574	27.6	\$2.43	26.2%
2	1,698,026	5,422	37.6	\$1.60	34.1%
3	1,953,012	6,405	41.6	\$1.35	38.4%
4	814,302	2,574	35.6	\$1.74	31.9%
5	872,697	2,940	44.2	\$1.24	40.0%
6	606,206	1,907	32.8	\$1.92	31.0%
7	3,651,241	11,533	44.2	\$1.20	41.7%
8	670,419	1,862	27.3	\$2.49	25.3%
9	725,553	2,035	29.5	\$2.22	27.9%
10	1,414,634	4,362	33.6	\$1.90	30.3%
11	2,615,245	8,529	31.6	\$2.04	29.2%
13	1,708,936	5,575	37.6	\$1.57	35.6%
14	460,435	1,530	14.5	\$5.43	13.2%
15	1,528,740	4,853	34.2	\$1.83	31.5%
18	35,110	138	11.8	\$3.32	17.1%
20	1,297,149	4,315	24.4	\$2.88	22.9%
25 (New)	104,190	371	13.3	\$2.78	21.8%
27	360,331	1,250	21.4	\$1.39	39.6%
28	439,807	1,434	27.3	\$0.79	51.5%
30	1,997,923	6,444	27.1	\$2.50	25.7%
31	130,664	513	16.8	\$5.44	14.1%
35	469,569	1,398	26.8	\$0.41	69.0%
41	1,131,913	3,782	32.8	\$1.86	30.4%
44	1,108,020	3,665	32.5	\$1.94	30.7%
48/49	498,051	1,605	25.4	\$1.15	37.5%
50	283,177	1,115	21.4	\$3.43	19.3%
83	57,625	215	15.6	\$2.31	23.9%
84	26,356	216	14.4	\$2.53	22.8%
86	11,185	84	6.8	\$6.19	11.3%
105	518,722	1,568	25.4	\$2.72	24.0%
120	933,992	3,061	26.9	\$2.57	23.9%
150	454,196	1,785	31.0	\$2.17	26.1%
210	77,085	303	26.0	\$2.71	22.6%
Blue Line	20,826,129	62,967	278.3	\$0.48	62.6%
Orange Line	7,704,265	23,320	137.3	\$1.32	38.6%
Green Line	9,090,550	27,571	196.9	\$0.52	62.2%
701	687,639	2,443	25.7	\$1.41	37.1%
704	560,247	1,926	28.6	\$1.65	34.7%
705	265,132	906	22.5	\$1.56	34.7%
707	52,609	208	22.0	\$2.17	30.1%
709	1,079,036	3,794	36.6	\$0.95	47.5%
712	876,140	3,146	34.3	\$0.86	49.5%
810	97,869	387	18.1	\$4.31	39.3%
115/815/848	1,109,634	3,529	26.5	\$1.41	39.6%
816	287,684	1,134	27.3	\$1.19	42.9%
820	45,274	178	25.4	\$3.40	44.8%
832	67,347	232	17.3	\$3.11	22.9%
833	95,790	324	17.6	\$1.89	29.7%
834	22,401	93	19.1	\$3.15	24.8%
844/845	203,601	725	13.4	\$2.64	26.8%
850	65,362	258	27.6	\$2.18	55.8%
851	90,105	355	19.3	\$1.55	36.7%
854	141,926	491	15.9	\$3.40	19.5%
855	282,621	959	22.6	\$1.68	33.9%
856	675,390	2,373	25.2	\$1.73	33.6%
860	59,643	235	23.2	\$2.82	49.5%

Route	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
864	476,159	1,494	17.5	\$3.90	20.6%
870	12,543	49	15.1	\$5.05	35.6%
871/872	253,214	802	16.5	\$2.05	33.0%
874/875 (New)	489,511	1,492	24.3	\$1.68	35.4%
878	36,012	186	17.7	\$1.89	29.3%
888	2,015	19	3.6	\$47.64	3.5%
891	1,243	24	3.9	\$41.50	5.4%
892	761	15	2.5	\$64.31	4.4%
894	21,803	86	6.3	\$19.54	15.5%
901	1,035,208	3,184	21.4	\$2.69	25.6%
904	41,589	115	13.1	\$1.28	39.8%
905	418,817	1,452	25.5	\$2.24	33.4%
916/917	254,002	834	16.6	\$2.95	22.5%
921	337,461	1,196	21.0	\$1.93	31.4%
923	313,450	1,054	16.4	\$1.88	35.3%
926/927	9,998	228	9.5	\$5.04	15.4%
928	280,758	940	18.3	\$2.93	22.2%
929	2,992,665	9,613	32.9	\$0.61	60.2%
932	2,224,889	7,091	34.8	\$0.66	58.1%
933/934	2,223,567	7,191	33.8	\$1.23	41.6%
936	560,592	1,632	26.1	\$1.00	45.3%
955	1,434,397	4,700	34.4	\$0.71	53.7%
960	105,724	417	30.0	\$2.11	32.1%
961/962/963	1,240,893	4,355	28.6	\$1.10	44.5%
963 (Old)/964	147,373	580	15.7	\$2.20	27.1%
965	72,663	243	12.9	\$2.96	19.8%
966	10,336	47	5.6	\$7.75	8.4%
967	74,700	241	13.8	\$2.70	24.5%
968	84,890	281	15.7	\$2.76	24.0%
992	436,288	1,286	15.2	\$1.93	36.0%
ADA SUBURBAN	165,613	610	2.2	See Access	See Access
MTS ACCESS	201,114	740	2.0	\$25.35	14.8%
RB DART	2,465	10	2.1	\$24.57	5.4%
SR DART	5,308	21	3.2	\$15.49	8.3%
SVCC	215,253	847	14.7	\$3.50	14.3%
SVCC Cal Trans	30,126	118	12.9	\$3.51	18.4%

SERVICE CATEGORY	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
Premium Express	280,691	1,108	21.6	\$3.38	45.0%
Express	2,217,331	7,936	25.3	\$2.76	23.3%
Light Rail	37,620,944	113,858	212.4	\$0.66	55.4%
Urban Frequent	37,005,041	119,396	32.9	\$1.55	35.8%
Urban Standard	11,949,335	39,573	23.1	\$1.90	31.8%
Circulator	1,179,296	4,133	14.9	\$2.68	23.2%
Rural	25,822	144	5.6	\$24.11	12.2%
Demand-Responsive	374,500	1,381	2.1	\$25.21	14.7%

MODE	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
Light Rail	37,620,944	113,858	212.4	\$0.66	55.4%
Fixed Route Bus	52,631,694	172,147	28.9	\$1.71	33.8%
Demand-Responsive	374,500	1,381	2.1	\$25.21	14.7%
Rural	25,822	144	5.6	\$24.11	12.2%



**Recommended
for Board Consent
on 11/13/08**

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619/231-1466
FAX 619/234-3407

Agenda

Item No. D1

**JOINT MEETING OF THE EXECUTIVE COMMITTEE
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.**

CIP 11207

November 6, 2008

SUBJECT:

MTS: KMD BUS WASH RENOVATION PROJECT

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB106.0-09 (in substantially the same format as Attachment A) to Telliard Construction for the Kearny Mesa Division (KMD) Bus Wash Renovation Project.

Budget Impact

This project is funded under CIP 11207 for a total of \$340,000.

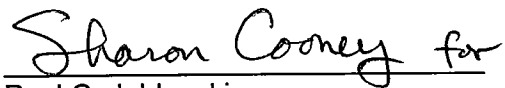
DISCUSSION:

An Invitation for Bids (IFB) for the KMD Bus Wash Renovation Project was issued on August 8, 2008. The project was advertised, and a letter of interest was mailed directly to ten contractors on August 8, 2008. A prebid conference was held on September 3, 2008 at KMD with a site visit immediately following the prebid conference. A total of four sealed bids were received on October 9, 2008.

An investigation of responsiveness and responsibility was conducted in accordance with MTS Policy No. 52 (Procurement of Goods and Services), which requires a formal competitive bid process for procurements of goods and services exceeding \$100,000 and a bid summary was prepared (Attachment B).



After evaluating the bids and fully reviewing the prices compared to the Engineer's Estimate, it was found that Telliard Construction provided the lowest responsive and responsible bid. Therefore, staff recommends that MTS award a contract to Telliard Construction for Schedule A in the amount of \$340,000.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Frank Toth, 619.238.0100, Ext. 6511, frank.toth@sdmts.com

NOV6-08.D1.KMD BUS WASH PROJECT.JMILLER.doc

Attachments: A. Draft MTS Standard Construction Agreement Doc. No. PWB106.0-09
B. Bid Summary

STANDARD CONSTRUCTION AGREEMENT

DRAFT

PWB106.0-09
 CONTRACT NUMBER
 CIP 11207
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2008, 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: Telliard Construction Address: 740 Amiford Drive
 Form of Business: Sole Proprietor San Diego, CA 92104
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: (619) 224-4725

Authorized person to sign contracts: David Telliard Owner
 Name Title

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

Contractor shall provide all management, tools, supplies, equipment, and skilled labor necessary for demolition of existing bus wash system, including all wash equipment, wash controllers, all material storage and transport equipment, electrical and electronics equipment, and any ancillary equipment; saw cutting of concrete pavement; refurbishing of structural steel frame, procurement and installation of Concrete Masonry Unit (CMU) wall, metal roof systems, engineered drawings, and installation of a new bus washer system, including relocation of power for new control station, finishing of all structures including sealants, and procuring all materials and performing all other work necessary to complete the work in accordance with the Project CIP-11207 plans and Special Provisions and based upon MTS's IFB No. PWB106.0-09, Addendum No. 1, MTS's Responses to Questions and Clarifications, and in accordance with MTS's Standard Construction Agreement, including the Standard Conditions Procurement, Federal Requirements, and Telliard Construction's bid dated October 10, 2008 (collectively "Contract Documents"). If there are any inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract: (1) MTS's IFB No. PWB106.0-09 for KMD Bus Wash Renovation Project, including Addendum No. 1 and MTS's Responses to Questions and Clarifications; (2) Telliard Construction's bid; and (3) the Standard Construction Agreement, including Standard Conditions Procurement and Federal Requirements. The total amount of contract shall not exceed \$340,000.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer	Firm: _____
Approved as to form:	By: _____ Signature
By: _____ Office of General Counsel	Title: _____
AMOUNT ENCUMBERED \$340,000	BUDGET ITEM CIP 11207
	FISCAL YEAR FY 09

By: _____
 Chief Financial Officer _____ Date

Updated: 10/17/2008

BID SUMMARY
KMD BUS WASH RENOVATION PROJECT
IFB-2008

SCHEDULE "A" TOTAL BID

Item		Montgomery General		Randall Construc.		St. Thomas Enter.		Trellard Construc.	
Spec. Ref.	No.	Item	Qty.	Unit Price	Total	Unit Price	Total	Unit Price	Total
10-1.01	1	Mobilization	1	\$ 21,896.05	\$ 21,896.05	\$ 7,000.00	\$ 7,000.00	\$ 41,000.00	\$ 41,000.00
11	2	Demolition	1	\$ 26,565.00	\$ 26,565.00	\$ 88,000.00	\$ 88,000.00	\$ 48,000.00	\$ 48,000.00
12	3	Equipment	1	\$ 333,774.05	\$ 333,774.05	\$ 207,000.00	\$ 207,000.00	\$ 440,000.00	\$ 440,000.00
13	4	Earthwork	1	\$ 8,538.75	\$ 8,538.75	\$ 25,000.00	\$ 25,000.00	\$ 26,000.00	\$ 26,000.00
15	5	Concrete Pavement	1	\$ 10,849.59	\$ 10,849.59	\$ 55,000.00	\$ 55,000.00	\$ 33,000.00	\$ 33,000.00
16-3.02	6	Roofing-Refurb.	1	\$ 24,035.00	\$ 24,035.00	\$ 40,000.00	\$ 40,000.00	\$ 10,000.00	\$ 10,000.00
16-3.04	7	Corrugated Roof Sys.	1	\$ 67,109.83	\$ 67,109.83	\$ 75,000.00	\$ 75,000.00	\$ 35,000.00	\$ 35,000.00
17	8	Concrete Masonry Wall	1	\$ 49,901.09	\$ 49,901.09	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
Sub-Total:					\$ 542,669.36		\$ 527,000.00		\$ 663,000.00

SCHEDULE "B" TOTAL BID

Item		Montgomery General		Randall Construc.		St. Thomas Enter.		Trellard Construc.	
Spec. Ref.	No.	Item	Qty.	Unit Price	Total	Unit Price	Total	Unit Price	Total
16-3.06	9	Corrugated Roof Sys.	1	\$ 46,915.69	\$ 46,915.69	\$ 34,000.00	\$ 34,000.00	\$ 40,000.00	\$ 40,000.00
12	10	Slab Drain	1	\$ 18,397.91	\$ 18,397.91	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
12	11	Blower System	1	\$ 63,658.60	\$ 63,658.60	\$ 90,000.00	\$ 90,000.00	\$ 75,000.00	\$ 75,000.00
Sub-Total:					\$ 128,972.20		\$ 144,000.00		\$ 135,000.00

Grand Total Basis of Award:				\$ 671,641.56	\$ 671,000.00	\$ 798,000.00	\$ 487,000.00
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**Recommended
for Board Consent
on 11/13/08**

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

Agenda

Item No. D2

**JOINT MEETING OF THE EXECUTIVE COMMITTEE
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.**

CIP 11206

November 6, 2003

SUBJECT:

MTS: RAIL PROFILE-GRINDING SERVICES – CONTRACT AWARD

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc No. PWL104.0-09 (in substantially the same form as Attachment A) with Advanced Rail Management Corporation for rail profile-grinding services for a five-year period.

Budget Impact

This contract would be for a five-year period with a total cost not to exceed \$1,625,197.00. Funding would come from the Capital Improvement Program (CIP) 11206-0800 (FY 09 through FY 13). The CIP budget is comprised of 80% federal and 20% local funds.

DISCUSSION:

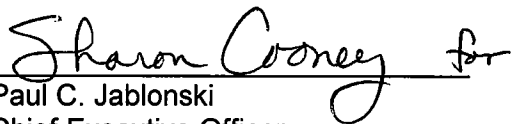
MTS Policy No. 52, Procurement of Goods and Services, requires a formal competitive bidding process for procurements exceeding \$100,000. In accordance with Federal Transit Administration Circular 4220.1F, a cost analysis is required when only a single responsive bid is received for any type of formal procurement.

MTS issued an Invitation for Bids on September 4, 2008, for rail profile grinding services for a five-year period with San Diego Trolley, Inc.'s rail divisions. One responsive bid was received from Advanced Rail Management Corporation. A cost analysis



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.

(Attachment B) was conducted, which concludes that the bid prices are fair and reasonable.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Marco Yniguez, 619.557.4576, marco.yniguez@sdmts.com

NOV6-08.D2.RAILPROFILEGRINDING.MYNIGUEZ.doc

Attachments: A. Draft MTS. Doc. No. PWL104.0-09
B. Cost Analysis
C. Bid Pricing

STANDARD SERVICES AGREEMENT

DRAFT

PWL104.0-09
 CONTRACT NUMBER
 OPS 970.4
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____, 2008, 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: Advanced Rail Management Corporation Address: 507 Latana Palm Drive

Form of Business: Corporation Indialantic, FL 32903
 (Corporation, partnership, sole proprietor, etc.)

Telephone: 321.984.1474

Authorized person to sign contracts: Gordon S. Bachinsky President
 Name Title

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

Provide rail profile grinding services for MTS's rail operations as stipulated in its Invitation for Bids (IFB), including the Addenda, Responses to Approved Equals/Clarifications; and in accordance with the Standard Services Agreement, including the Standard Conditions for Services, Federal Requirements, MTS's Safety Program, and Bid Proposal (hereinafter "Contract Documents"). If there are any inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of the contract.

1. IFB, Addenda, Responses to Approved Equals/Clarifications, MTS Safety Program, and Contractor's Bid.
2. Standard Services Agreement, including the Standard Conditions Services and Federal Requirements.

This contract shall be for a five-year base period effective December 1, 2008, through November 30, 2013. The total contract amount shall not exceed \$1,625,197.00

SAN DIEGO METROPOLITAN TRANSIT SYSTEM		CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer		Firm: _____
Approved as to form:		By: _____ Signature
By: _____ Office of General Counsel		Title: _____
AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$ 1,625,197.00	CIP 11206	09-13

By: _____
Chief Financial Officer Date

Purchasing Department
1255 Imperial Ave., Suite 1000
San Diego, CA 92101
619.557.4576 FAX 619.696.7084

Att. B, AI D2, 11/6/08

MEMORANDUM

DATE: October 21, 2008
TO: Procurement file
FROM: Marco Yniguez
SUBJECT: Cost Analysis / Single Responsive Bidder

Background

San Diego Trolley, Inc. (SDTI) solicited for Rail Profile Grinding Services for five (5) year period. Of eight potential bidders; SDTI received a single responsive bid from Advance Rail Management. The Contractor is required to pay prevailing wages for this project, and will need to comply with all Federal Requirements. The following is a breakdown of cost associated with the Rail Grinding Project which include the following items below:

	MTS	VTA
> Rail Grinding Operation (up to 40 miles per year)	\$202,400	\$198,492.97
> Mobilization and Transportation of equipment to west cost from the east cost	\$40,000	\$35,000
> Rail inspection and grinding plan, (per year) (Survey before and after grinding)	\$95,000	\$60,000
	MTS (2009)	VTA (2007/2008)
	\$337,400	\$293,492.97

Total Year 2009:	\$ 337,400.00
Total Year 2010:	\$317,120.00
Total Year 2011:	\$ 317,336.00
Total Year 2012:	\$318,053.00
Total Year 2013:	\$335,288.00
GRAND TOTAL:	\$1,625,197.00

Cost Comparison / Fair and Reasonable Determination

Procurement staff reviewed 2007/2008 past invoices from Santa Clara VTA, and did a cost comparison/evaluation. Staff found that the pricing is comparable and similar to the quotation breakdown that Advance Rail Management provided both agencies. The above information is based on the mileage, of 33.84 miles for VTA and 40 miles for MTS.

Conclusion

In light of the above, the staff has determined that the cost for this project is fair and reasonable, and is recommending that the contract be awarded to Advance Rail Management for the amount of \$1,625,197.00 for a five (5) year period

Contract officer
Marco B. Yniguez

NOV6-08.D2.AttB.RAILGRINDCOSTANALYSIS.MYNIGUEZ.doc

B-1



BID PRICING**GRAND TOTALS - BASIS OF AWARD:**

		<i>Advanced Rail Management Corporation</i>	
1	Total Year 2009:	\$	337,400.00
2	Total Year 2010:	\$	317,120.00
3	Total Year 2011:	\$	317,336.00
4	Total Year 2012:	\$	318,053.00
5	Total Year 2013:	\$	335,288.00
GRAND TOTAL:		\$	1,625,197.00



**Recommended
for Board Consent
on 11/13/08**

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

Agenda

Item No. D3

**JOINT MEETING OF THE EXECUTIVE COMMITTEE
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.**

OPS 960.2, 970.2

November 6, 2008

SUBJECT:

**MTS: THIRD-PARTY ADMINISTRATION SERVICES FOR WORKERS'
COMPENSATION CONTRACT AWARD**

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1182.0-08 (in substantially the same format as Attachment A) with TRISTAR Risk Management for third-party administration services for workers' compensation for a five-year base period with two 1-year options.

Budget Impact

This contract would cover a five-year base period with two 1-year options, and the total fixed cost would not exceed \$1,726,914. Specific costs directly charged to individual claims are estimated to be approximately \$355,236 plus a percentage of savings realized from medical auditing services provided. Funding would come from the Risk Administration operating budget (FY 2009 through FY 2015).

DISCUSSION:

Background

MTS Policy No. 52 governing procurement of goods and services requires a formal competitive bid process for procurements exceeding \$100,000.

MTS's third-party administration services for workers' compensation contract expired in March 2008. MTS is currently on a month-to-month contract until a new contract is awarded. MTS initiated a Request for Proposals (RFP) for a new third-party administration for worker's compensation to secure a multiyear contract that includes claims administration, medical review, managed care (utilization review/nurse case management), and medical provider network services.



On May 1, 2008, MTS issued an RFP to interested parties for third-party administration services for workers' compensation for a five-year base period with two 1-year options. The RFP was advertised and mailed to 19 firms. On August 13, 2008, MTS received eight proposals.

Proposals were found to meet the minimum requirements established in the RFP and deemed responsive and responsible. The proposals were evaluated by a committee consisting of representatives from MTS Procurement, Finance, Risk, Human Resources, and North County Transit District. While considering the primary objectives of the RFP, the committee evaluated and ranked the proposals using the following four criteria and their relative weights of importance:

- | | | |
|----|---|-----|
| 1. | Qualifications and prior experience of firm or individual | 25% |
| 2. | Staffing, firm organization, and management plan | 25% |
| 3. | Proposed methodology and work plan | 25% |
| 4. | Cost | 25% |

It was the unanimous finding of the evaluation committee that the proposal submitted by TRISTAR Risk Management represented the best value to the MTS. This finding was based on the procurement objectives, the evaluation criterion contained in the RFP, and a consideration of both technical and price factors.

TRISTAR Risk Management received the highest overall rankings in almost every area. Its proposal included a clear understanding of the scope of work with a highly knowledgeable and experienced management team.

Overall, TRISTAR Risk Management's proposal was the best combination of a clear understanding of the scope of work, highly knowledgeable and experienced management team, and financial approach that MTS staff believes would provide the best service and value for the agency. The negotiation committee is recommending that the MTS Board approve TRISTAR Risk Management for contract award.

Factoring in the maximum annual Consumer Price Index increase during the life of the contract, MTS should realize an estimated annual savings of over \$122,000 based on current third-party administrator charges for FY 2008. An additional estimated annual savings of up to \$50,000 is anticipated to be realized for medical auditing services and managed care reviews, which are charged directly against individual workers' compensation claims.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contacts: Jim Dow, (619) 557-4562, jim.dow@sdmts.com
Carmen Naranjo, (619) 557-4502, carmen.naranjo@sdmts.com

NOV6-08.D3.3rdPARTYWORKERSCOMP.JDOW.doc

Attachment: A. Draft Agreement for TRISTAR Risk Management

STANDARD SERVICES AGREEMENT

MTS Doc. No. G1182.0-08
 CONTRACT NUMBER
 LEG 491 50633
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2008, 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: TRISTAR Risk Management Address: 203 N. Golden Circle, Suite 200
 Form of Business: Corporation Santa Ana, CA 92705
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: 805.517.2928
 Authorized person to sign contracts: Tom Veale President
 Name Title

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

Provide third-party administration services for workers' compensation for MTS, and its bus and rail operations, as stipulated in MTS's Request for Proposals (RFP) for Third-Party Administration Services for Workers' Compensation, MTS Doc. No. G1182.0-08; including Addendum Nos. 1, 2, and 3, MTS's Responses to Questions/Clarifications; and in accordance with the Standard Services Agreement, including the Standard Conditions Services, Federal Requirements, and TRISTAR Risk Management's Revised Proposal dated 10/17/08. If there are inconsistencies between the RFP and Addendum, Responses to Questions/Clarifications, Standard Services Agreement, and/or the Standard Conditions Services, the following order of precedence will govern the interpretation of this contract:

1. MTS's Third-Party Administration Services for Workers' Compensation RFP, Addendum Nos. 1, 2, and 3, MTS's Responses to Questions/Clarifications, and TRISTAR Risk Management's Revised Proposal dated 10/17/08.
2. Standard Services Agreement, including the Standard Conditions Services, and Federal Requirements.

This contract shall be for a five-year base period with two 1-year options exercisable at MTS's discretion, effective December 1, 2008, through November 30, 2015. The annual Claims Administration Services fee will be reduced by \$9,600 per year assuming MTS's utilization of TRISTAR Risk Management's medical review auditing services, managed care and medical provider network. It is understood that Claims Administration Proposed staffing level is predicated on service requirements as stated in the RFP. These proposed levels may be adjusted if volume of open indemnity claims count change significantly ($\pm 15\%$). An annual increase in claims administration service costs shall be tied to the U.S Department of Labor Consumer Price Index – All Urban Consumers [All Items/Not Seasonally Adjusted] for San Diego, California area. The annual increase shall not exceed 4% and should be calculated when posted and shall be retroactive to the beginning of the contract year of the current period.

Total contract amount for Claims Administration Services shall not exceed \$1,726,914. Specific costs directly charged to individual claims [medical review auditing and managed care] are estimated to be approximately \$355,236 plus a percentage of savings realized from medical auditing services provided.

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
\$1,726,914	PC 50633 (Risk/Liability Claims)	2009-2015

By: _____
Chief Financial Officer

_____ Date

(___ total pages, each bearing contract number)

NOV6-08.D3.AttA.TRISTAR CONTRACT.JDOW.doc



**Recommended
for Board Consent
on 11/13/08**

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

Agenda

Item No. D4

**JOINT MEETING OF THE EXECUTIVE COMMITTEE
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.**

OPS 920.6

November 6, 2008

SUBJECT:

MTS: SOUTHLAND TRANSIT, INC. – CONTRACT OPTION YEAR

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0449.1-06 (in substantially the same format as Attachment A) for:

1. one 12-month option period for central minibus fixed-route with Southland Transit, Inc. (Southland); and
2. one 12-month option period for Sorrento Valley Coaster Connection (SVCC) with Southland contingent upon securing sustainable funding for this service.

Budget Impact

Southland's rate of service will contractually increase by 3% to \$40.25 per revenue hour for MTS-owned vehicles for the central minibus routes and by 2.2% to \$54.07 per revenue hour for contractor-owned vehicles operated on the SVCC shuttle routes.

The total central minibus fixed-route projected transportation cost for option 1 would be approximately \$2,820,000 plus an estimated \$545,000 in pass through fuel costs. The estimated total cost would be \$3,365,000 for the option period.

The total SVCC projected transportation cost for option 1 would be approximately \$810,000 plus an estimated \$155,000 in pass-through fuel costs. The estimated total cost would be \$965,000 for the option period.



Due to the current unpredictable and volatile nature of the state and federal budgets, it is important to note that the availability of ongoing sustainable transit funding for projects like the Sorrento Valley Coaster Connection shuttle routes is in jeopardy at this time. Article 2 General Provisions Section K titled "Special Funding Consideration" of the contract states in essence that this agreement is contingent upon the receipt of funds by MTS. In the event that funding from the sources is eliminated or decreases, MTS reserves the right to terminate this agreement or modify it accordingly. Thus, if funding cannot be secured in the very near term, MTS will be forced to cease operating the SVCC service due to lack of funding.

DISCUSSION:

Southland currently operates MTS-owned minibuses on 12 fixed-routes using a fleet of new 2008 gasoline-powered, medium-duty Type VII minibuses. Southland also provides contractor-owned 2006 Type II propane-powered minibuses for shuttle routes serving various locations between the Sorrento Valley Coaster Station and surrounding business centers. Southland minibus routes are a variety of community circulator, urban, local, and shuttle-type services.

In FY 08, Southland operated an estimated 52,000 revenue hours of minibus service and an estimated 15,000 revenue hours of SVCC service. During this time, Southland transported an estimated 711,000 passengers on its minibus service and an estimated 215,000 passengers on the SVCC service. In late August 2008, Southland also assumed the two routes serving the City of Poway without incident.

Southland provides MTS with a cost-effective approach to community-based service needs by providing a low incremental service cost relative to larger, big-bus providers. The Southland option period rate per revenue hour is over 30% lower than a comparable big-bus fixed-route rate. Southland also provides MTS with a more flexible fiscal option when lower-capacity, less-expensive vehicles can be used more effectively to serve our passengers.

Currently, Southland is operating under the base term of the contract, which began on January 1, 2006, and extends through December 31, 2008. Exercising one option year would extend the agreement from January 1, 2009, through December 31, 2009.

Southland provides an operation geared toward minibus operations. Southland operates out of a contractor-leased facility that is centrally located in Mira Mesa. In addition to the services that Southland provides for MTS, Southland also provides fixed-route and demand-response transit services for other transit agencies in Southern California. These operations are provided under contract with 11 Los Angeles County cities, the County of Los Angeles Department of Public Works, San Luis Obispo Regional Transit Authority, Riverside Transit Agency, and three regional centers for the developmentally disabled.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Scott Transue, 619.235.2648, scott.transue@sdmts.com

NOV6-08.D4.SOUTHLAND.JDAVENPORT.doc

Attachment: A. Draft MTS Doc. No. B0449.1-06

DRAFT

November 13, 2008

MTS Doc. No. B0449.1-06
OPS 920.6

Mr. Dave Daley
Chief Operating Officer
Southland Transit, Inc.
3650 Rockwell Avenue
El Monte, CA 91731

Dear Mr. Daley:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. B0449.0.06 FOR MTS CENTRAL MINIBUS
FIXED-ROUTE AND SORRENTO VALLEY COASTER CONNECTION SERVICES

This letter shall serve as our agreement for professional services as further described below.

SCOPE OF SERVICES

Continue to provide fixed-route transit services pursuant to the original terms and conditions of the contract during the option year.

SCHEDULE

Work shall begin on January 1, 2009, and continue through December 31, 2009.

PAYMENT

Payment shall be based upon the original contract rates under the option years of the price proposal of the original contract. The total cost for option 1 of the service is expected to be approximately \$3,630,000 excluding fuel.

All other contractual conditions remain unchanged. If you agree with the above, please sign below and return the copy marked "original" to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted

Paul C. Jablonski
Chief Executive Officer

Dave Daley
Southland Transit, Inc.

Date: _____

NOV6-08.D4.SOUTHLAND.AttA.
B0449.1-06.JDAVENPORT.doc



**Recommended
for Board Consent
on 11/13/08**

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

Agenda

Item No. D5

**JOINT MEETING OF THE EXECUTIVE COMMITTEE
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.**

LEG 491 (PC 50633)

November 13, 2008

SUBJECT:

**MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES – LIEBMAN,
QUIGLEY, SHEPPARD & SOULEMA, APLC**

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1087.3-07 (in substantially the same form as Attachment A) with Liebman, Quigley, Sheppard & Soulema, APLC for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$45,000 for Liebman, Quigley, Sheppard & Soulema, APLC. The recommended amounts are contained within the fiscal year 2009 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. All attorneys listed have multiple cases that are

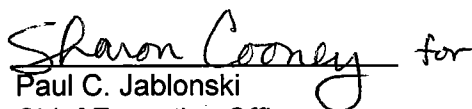


Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a California public agency, San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is Taxicab Administrator for eight cities. MTDB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

scheduled to proceed to trial, and the total cost of their legal services will exceed the CEO's authority.

Liebman, Quigley, Sheppard & Soulema, APLC is currently under contract with the Agencies for \$100,000. Attorney John Madsen has successfully defended the Agencies in a number of tort liability matters. Pending invoices for recent and current services are anticipated to exceed current contract authority due to legal defense costs.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1087.3-08 with Liebman, Quigley, Sheppard & Soulema, APLC for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.

 for
Paul C. Jablonski
Chief Executive Officer

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

NOV6-08.D5.LEGALSVCS.JDOW.doc

Attachment: A. MTS Doc. No. G1087.3-07

DRAFT

November 13, 2008

MTS Doc. No. G1087.3-07
LEG 491 (PC 50633)

Mr. James J. Rij
Liebman, Quigley, Sheppard & Soulema, APLC
110 W C Street, Suite 2100
San Diego, CA 92101-3947

Dear Mr. Rij:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1087.0-07: LEGAL SERVICES – GENERAL
LIABILITY

This letter will serve as Amendment No. 3 to MTS Doc. No. G1087.0-07. This contract amendment authorizes additional costs not to exceed \$45,000 for professional services. The total value of this contract, including this amendment, is \$145,000. Additional authorization is contingent upon MTS approval.

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

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Mr. James J. Rij
Liebman, Quigley, Sheppard & Soulema, APLC

NOV6-08.D5.AttA.LEGAL SVCS.JDOW.doc

Date: _____



Metropolitan Transit System

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

DRAFT

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS for the

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

November 13, 2008

9:00 a.m.

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

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

ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - October 30, 2008 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.
4. MTS: Appointment of Ad Hoc Nominating Committee for Recommending Appointments to MTS Committees for 2009 Appoint
Action would appoint less than a quorum of members to an Ad Hoc Nominating Committee (pursuant to MTS Board Policy No. 22 - Rules of Procedure for the Metropolitan Transit System) to make recommendations to the Board with respect to the appointment of members of the Board to serve on MTS and non-MTS committees for 2008.

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.

The Executive Committee will determine if the following items will be on the Board agenda as Consent or Discussion (see Executive Committee items under Section D).

CONSENT ITEMS

- | | | |
|-----|--|---------|
| 7. | <u>MTS: Increased Authorization for Legal Services - Liebman, Quigley, Sheppard & Soulema, APLC</u>
Action would authorize the CEO to execute MTS Doc. No. G1087.3-07 with Liebman, Quigley, Sheppard & Soulema, APLC for legal services and ratify prior amendments entered into under the CEO's authority. | Approve |
| 8. | <u>MTS: KMD Bus Wash Renovation Project</u>
Action would authorize the CEO to execute MTS Doc. No. PWB106.0-09 to Telliard Construction for the Kearny Mesa Division (KMD) Bus Wash Renovation Project. | Approve |
| 9. | <u>MTS: Rail Profile-Grinding Services - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. PWL104.0-09 with Advance Rail Management Corporation for rail profile-grinding services for a five-year period. | Approve |
| 10. | <u>MTS: Third-Party Administration Services for Workers' Compensation - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. G1182.0-08 with Tristar Risk Management for third-party administration services for workers' compensation for a five-year period with two 1-year options. | Approve |
| 11. | <u>MTS: Southland Transit, Inc. - Contract Option Year</u>
Action would authorize the CEO to execute MTS Doc. No. B0449.1-06 for: (1) one 12-month option period for central minibus fixed-route with Southland Transit, Inc. (Southland); and (2) one 12-month option period for Sorrento Valley Coaster Connection (SVCC) with Southland contingent upon securing sustainable funding for this service. | Approve |

CLOSED SESSION

- | | | |
|-----|---|-----------------|
| 24. | a. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION Pursuant to California Government Code section 54956.9(b) (One <u>Potential Case</u>) | Possible Action |
| | b. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION Pursuant to California Government Code section 54956.9(b) (One <u>Potential Case</u>) | Possible Action |
| | <u>Oral Report of Final Actions Taken in Closed Session</u> | |

NOTICED PUBLIC HEARINGS

- | | |
|-----|-------|
| 25. | None. |
|-----|-------|

DISCUSSION ITEMS

- | | | |
|-----|--|---------|
| 30. | <u>MTS: Fare Ordinance Changes for January 2009 - Second Reading</u>
Action would adopt the ordinance entitled "An Ordinance Amending Ordinance No. 4, an Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule" and the ordinance (Attachment B) entitled "An Ordinance Amending Ordinance No. 13, an Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop" and direct publication of ordinance summaries. This action is necessary to make the MTS ordinances consistent with the San Diego Association of Governments' (SANDAG's) Regional Comprehensive Fare Ordinance. This item is being placed before the Board for its final reading. | Adopt |
| 31. | <u>MTS: State Legislative Representative Contract</u>
Action would authorize the CEO to execute MTS Doc No. G1204.0-09 with California Strategies and Advocacy, LLC for state legislative representation for a five-year period. | Approve |
| 32. | <u>MTS: 2009 Legislative Program</u>
Action would: (1) receive a report on 2008 legislative and intergovernmental activities; (2) accept the proposed MTS 2009 Federal Legislative Program; (3) accept the proposed MTS 2009 State Legislative Program; and (4) authorize the CEO to direct MTS's Sacramento and Washington representatives to advocate the state and federal legislative programs. | Approve |

REPORT ITEMS

- | | | |
|-----|--|-------------|
| 45. | <u>MTS: Annual Performance Monitoring</u>
Action would receive a report for information. | Receive |
| 46. | <u>MTS: Padres Year-End Report</u>
Action would receive a report for information. | Receive |
| 47. | <u>MTS: Route 28 Service on Shelter Island</u>
Action would receive a report for information. | Receive |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |

64. Additional Public Comments Not on the Agenda
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.
65. Next Meeting Date: December 11, 2008
66. Adjournment