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## Agenda

### JOINT MEETING OF THE BOARD OF DIRECTORS

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

October 22, 2009

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 the Minutes - September 24, 2009 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.

Please turn off cell phones and pagers  
during the meeting

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



## CONSENT ITEMS

6. MTS: Federal Legislative Representation Approve  
Action would authorize the Chief Executive Officer (CEO) to execute Task Order No. 5 of the triagency contract with Blank Rome Government Relations, LLP (MTS Doc. No. G0980.0-06) effective November 1, 2009.
7. MTS: Adoption of 2010 MTS Executive Committee and Board of Directors Meeting Schedule Adopt  
Action would adopt the 2010 Executive Committee and Board of Directors meeting schedule.
8. MTS: Increased Authorization for Legal Services - Paul, Plevin, Sullivan & Connaughton LLP Approve  
Action would authorize the CEO to execute MTS Doc. No. G1095.2-07 with Paul, Plevin, Sullivan & Connaughton LLP for legal services and ratify prior amendments entered into under the CEO's authority.
9. MTS: Increased Authorization for Legal Services - Law Offices of Julie Morris Soden Approve  
Action would execute MTS Doc. No. G1173.6-08 with the Law Offices of Julie Morris Soden for legal services and ratify prior amendments entered into under the CEO's authority.
10. MTS: Increased Authorization for Legal Services - Liebman, Quigley, Sheppard & Soulema, APC Approve  
Action would authorize the CEO to execute MTS Doc. No. G1087.6-07 with Liebman, Quigley, Sheppard & Soulema, APC for legal services and ratify prior amendments entered into under the CEO's authority.
11. MTS: Liability Claims Analysis Report Receive  
Action would receive the Liability Claims Analysis Report for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI).
12. MTS: Approval of the Old Town Transit Center Improvements and Fund Transfer Memorandum of Understanding (MOU) with SANDAG Approve  
Action would: (1) authorize the CEO to execute an MOU with the San Diego Association of Governments (SANDAG) for the construction of Public Utilities Code- (PUC)-mandated improvements at Old Town Transit Center; and (2) transfer California Department of Transportation- (Caltrans)-contributed funds to SANDAG for these improvements.
13. MTS: Light Rail Vehicle Gearbox Overhaul Kits - Contract Award Approve  
Action would authorize the CEO to execute MTS Doc. No. L0900.0-10 with Hi-Tec Enterprises to purchase up to 180 light rail vehicle (LRV) gearbox overhaul kits and an option to purchase an additional 40 if needed (contingent upon receipt of a Buy America waiver from the Federal Transit Administration (FTA)).
14. MTS: Job Access and Reverse Commute Grant Approve  
Action would approve Resolution No. 09-23 authorizing the CEO to submit applications for federal fiscal year 2009 Job Access and Reverse Commute (JARC) (5316) "Non-Urban (Rural) Areas - Federal Transit Administration" funding.

- |     |   |                    |
|-----|---|--------------------|
| 15. | <u>MTS: LRV Station CCTV Components (Phase 2) - Work Order Amendment</u><br>Action would: (1) ratify MTS Doc. No. G1246.0-09 Work Order No. 09.05 for \$99,506.02 with David Evans and Associates for engineering and design services for Capital Improvement Project (CIP) "LRV Station CCTV Components (Phase 2)" previously approved under the CEO's authority; and (2) authorize the CEO to execute MTS Doc. No. G1246.0-09 Work Order Amendment No. 09.05.01 for \$6,553.47 for changes in the scope of design work. | Ratify/<br>Approve |
|-----|---|--------------------|

CLOSED SESSION

24. None.

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

- |     |  |                    |
|-----|--|--------------------|
| 30. | <u>MTS: Proposed Changes to MTS Taxicab Administration Administrative Penalty Guidelines (John Scott)</u><br>Action would authorize proposed changes to the MTS Taxicab Administration's "Administrative Penalty Guidelines."  | Approve            |
| 31. | <u>MTS: Update on Siemens Light Rail Vehicle (LRV) Procurement (Tiffany Lorenzen and Wayne Terry)</u><br>Action would receive an update on the status of the Siemens Industry, Inc. (Siemens) procurement of 57 and up to 65 low-floor light rail vehicles (LRVs) and authorize the Chief Executive Officer to secure the contract with a parent company guaranty from Siemens Corporation in lieu of a performance and payment bond. The Executive Committee recommended forwarding this item for information and approval.   | Possible<br>Action |
| 32. | <u>MTS: Pension Obligation Bonds - Refinancing Options (Tom Lynch)</u><br><br>Action would:<br><br>(1) approve Resolution No. 09-25, which would give the Chief Executive Officer (CEO) the authority to: (A) pay off the Series B variable pension obligation bonds at a cost of \$38,800,000; (B) terminate the SWAP Agreement with UBS Investment Bank at a cost of \$2,833,000; (C) borrow \$30,000,000 from Dexia Credit Local (Dexia);<br><br>(2) amend the FY 2010 Capital Improvement Plan (CIP) budget reducing \$5,000,000 in the projects listed below to aid in the above payoff of the variable pension obligation bonds: (A) CIP 11237 East County Bus Maintenance Facility - \$3,790,000; (B) CIP 11224 Work Platform Truck - \$149,000; (C) CIP 11239 MCS Bus Purchases - \$360,000; (D) CIP 11200 Miscellaneous Operating Capital - \$701,000; and<br><br>(3) authorize the use of \$6,768,000 from MTS contingency reserves to aid in the above payoff of the variable pension obligation bonds. | Approve            |

## REPORT ITEMS

- |     |   |             |
|-----|---|-------------|
| 45. | <u>MTS: Super Loop Pilot Update (Mark Thomsen)</u><br>Action would receive a report on the Super Loop Pilot Project.  | Receive     |
| 46. | <u>MTS: FY 09 Year-End Rail Operations Report (Wayne Terry)</u><br>Action would receive a report for information.   | Receive     |
| 47. | <u>MTS: Transit Services Year-End Report (Claire Spielberg)</u><br>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. | <u>Additional Public Comments Not on the Agenda</u><br>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. | <u>Next Meeting Date:</u> November 12, 2009   |             |
| 66. | <u>Adjournment</u>  |             |

# DRAFT

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

### MINUTES

September 24, 2009

MTS  
1255 Imperial Avenue, Suite 1000, San Diego

1. Roll Call

Chairman Mathis called the Board meeting to order at 8:59 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. McClellan moved to approve the minutes of the August 20, 2009, MTS Board of Directors meeting. Mr. Ewin seconded the motion, and the vote was 10 to 0 in favor.

3. Public Comments

There were no public comments.

4. Presentation by the Transportation Security Administration

The presentation by the Transportation Security Administration was postponed.

### CONSENT ITEMS

6. MTS: Disadvantaged Business Enterprise (DBE) Approval of FY 10 Goals for Publication  
Action would approve the proposed disadvantaged business enterprise (DBE) goals for FY 10 and authorize staff to publish a notice of these proposed goals for public information and comments.
7. MTS: South Bay Bus Maintenance Facility Acquisition Project Right-of-Way Services  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. 09.01.01 to MTS Doc. No. G1246.0-09 with David Evans and Associates, Inc. for right-of-way services as required for the expansion of the South Bay Bus Maintenance Facility.
8. MTS: Resistor Blower Motor Control Systems - Contract Award  
Action would authorize the CEO to execute MTS Doc. No. L0890.0-09 with Sloan Electromechanical Service & Sales for a one-time purchase of 54 resistor blower motor conversion systems (which includes 2 spares) for light rail vehicles (LRVs).
9. MTS: Light Rail Vehicle (LRV) Heating, Ventilation, and Air-Conditioning (HVAC) Overhaul - Contract Award  
Action would authorize the CEO to execute MTS Doc. No. L0894.0-09 for a five-year contract with Ram Industrial Services, Inc. to overhaul light rail vehicle (LRV) heating, ventilation, and air-conditioning (HVAC) units.

10. MTS: Bus Rapid Transit (BRT) Station Janitorial Maintenance - Contract Award  
Action would authorize the CEO to execute MTS Doc. No. G1257.0-09 with Prizm Janitorial Services for a three-year base period with 2 one-year options for janitorial services at the Sabre Springs, Rancho Bernardo, and Del Lago bus rapid transit (BRT) stations.
11. MTS: Investment Report - July 2009  
Action would receive a report for information.
12. MTS: State Transit Assistance Claims  
Action would adopt Resolution No. 09-22 approving the revised fiscal year (FY) 2009 State Transit Assistance (STA) claims.

Action on Consent Items

Mr. Ewin moved to approve Consent Agenda Item Nos. 6-12. Mr. McClellan seconded the motion, and the vote was 10 to 0 in favor.

CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 9:01 a.m.

- a. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION Pursuant to California Government Code section 54956.9(b) (One Potential Case)
- b. MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code section 54956.8  
Property: Assessor's Parcel No. 547-200-51, 52, & 53, City of San Diego at 220 47th Street  
Agency Negotiators: Tiffany Lorenzen, MTS General Counsel; Tim Allison, Manager of Real Estate Assets; Gerald Trimble, Keyser-Marston Associates, Inc.  
Negotiating Parties: Creekside Holdings, Ltd., a Utah Limited Partnership  
Under Negotiation: Price and Terms of Payment

The Board reconvened to open session at 9:33 a.m.

Oral Report of Final Actions Taken in Closed Session

Ms. Lorenzen reported the following:

- a. The Board received a report from General Counsel.
- b. The Board received a report and gave direction to agency negotiators.

PUBLIC HEARING

25. There were no public hearings.

## DISCUSSION ITEMS

30. MTS: Southern California Consortium Disadvantaged Business Enterprise (DBE) Disparity Study

MTS General Counsel/Disadvantaged Business Enterprise (DBE) Liaison Officer Tiffany Lorenzen introduced David Keen, Managing Director with BBC Research & Consulting. Mr. Keen gave a PowerPoint presentation on the Draft Disparity Study.

Mr. Keen described the federal DBE program background and the ruling prompting MTS's discontinued use of DBE contract goals in May 2006. He reviewed the process of conducting the disparity study working jointly with SANDAG, Metro, Metrolink, and OCTA. Ms. Lorenzen clarified that the date of the public forum will be held on October 21, 2009, from 3:00 p.m. to 7:30 p.m. at SANDAG. Mr. Keen explained that those comments will be incorporated into the final report that will be developed at the end of the year.

Mr. Keen reviewed MTS's annual aspirational goal and DBE percentages of locally and Federal Transit Administration- (FTA)-funded contracts.

Mr. Keen informed the Board that MTS has a high overall utilization of minority and women-owned businesses. He wrapped up his presentation with BBC's neutral programs for MTS's consideration for next fiscal year's goals.

Ms. Lorenzen clarified for Mr. Young that staff will be implementing BBC's recommendations and will return to the Board with that information in January.

Mr. Keen clarified for Mr. Young that the time period referenced on the graph entitled "MBE/WBE Share of Prime/Subcontract Dollars" (on page 3 of the PowerPoint presentation) was the year and a half in the study immediately after MTS discontinued its DBE contracts goals program. Ms. Lorenzen added that the program was discontinued in response to the Western Paving case that she briefed the Board on wherein the court determined that the State of Washington's DBE program was unconstitutional, and in May 2006, the California Department of Transportation (Caltrans) told MTS that it could not have contract-specific goals.

Mr. Keen explained for Mr. Young the different types of contracts that MTS puts out for bid compared to other companies that have much larger contracts. He added that the change in the program suspending contracting goals did not affect MTS that much. Mr. Keen also clarified for Mr. Young that he couldn't say if MTS would have the same DBE goals results today as it did before the program was suspended.

Ms. Lorenzen clarified for Mr. Young that the graph entitled "MBE/WBE Share of Prime/Subcontract Dollars" (on page 3 of the PowerPoint presentation) illustrates that MTS had race-conscious goals prior to the program being suspended and nonrace-conscious goals afterward, and MTS's participation continued to grow.

Mr. Young stated that he feels that SANDAG is not the best forum for the public input and that other ways to hold the forum should be considered.

Ms. Lorenzen clarified for Mr. Jones that MTS and SANDAG each contributed \$50,000 for the Disparity Study. The other consortium groups contributed much more because they have more contracting opportunities that need to be studied. She added that the total for the full study was about \$700,000 and estimated that MTS spends approximately \$30,000 to \$40,000 per year on the DBE program. Ms. Lorenzen also clarified the definitions of race-neutral and race-conscious and explained the steps that MTS takes to inform the public of its DBE goals.

Ms. Lorenzen clarified for Mr. Jones that BBC identified 538 MTS procurements that were FTA-funded within the study period, and those procurements represent \$453 million. Mr. Keen will provide a figure in the final report reflecting the total dollar amounts of the percentages of DBEs in FTA-funded and locally funded contracts. Ms. Lorenzen added that Agenda Item No. 6 going to the Board today shows the value of \$7.9 million for capital projects funded for FY 2010 with opportunities for DBE participation.

Mr. Keen clarified for Ms. Lightner that the time periods reflected on the “MBE/WBE Share of Prime/Subcontract Dollars” graph reflect when the contracts were initiated. Ms. Lightner suggested breaking it out by how much is spent each year. Mr. Keen also clarified for Ms. Lightner that the final report will reflect all solicited input.

#### Action Taken

Mr. Rindone moved to receive a report regarding the Southern California Consortium DBE Disparity Study that MTS has participated in over the last 18 months. Mr. McClellan seconded the motion, and the vote was 15 to 0 in favor.

#### 31. MTS: Blue and Orange Line Rehabilitation Project Update and Light Rail Vehicle (LRV) Procurement

Chief Executive Officer (CEO) Paul Jablonski explained that the Blue and Orange Line Rehabilitation Project is a SANDAG early action project that will rehabilitate the line over the next three years and accommodate new low-floor Siemens LRVs. He stated that MTS and SANDAG staffs have been very busy this summer working on both aspects of this project—most specifically taking advantage of negotiation options for low-floor Siemens LRVs through Utah Transit Authority’s contract.

John Haggerty with SANDAG gave a PowerPoint presentation on the LRT Rehabilitation and Low-Floor System Program Update. The presentation included light rail transit improvement conceptual estimates and low-floor program projects in the FY 2010 SANDAG budget. Mr. Haggerty described the project’s organization overview and program management. He discussed current issues and planned improvements to the Green, Orange, and Blue Lines, and the downtown stations.

Mr. Roberts commented that it is overwhelming that another project is starting that is even bigger than the Mission Valley East Project. Mr. Haggerty responded to a question from Mr. Roberts stating that no contractors or subcontractors have been formally disqualified from MTS projects due to a less than favorable working relationship with MTS on past projects. Mr. Roberts stated that he would like the evaluation criteria for hiring contractors and/or subcontractors for the project to exclude any of those who might be involved in legal issues with MTS.

Per Mr. Rindone’s request, Mr. Haggerty will look into the possibility using some of the SANDAG stimulus money for the design of the overpass or grade separation at E, H, and Palomar Streets in Chula Vista and report back to the Board.

Mr. Ewin stated that he would like to have assurances that those in a position of oversight have reviewed the issues relative to subcontractor/contractor performance so that some of the issues experienced on the Green Line are not repeated.

Mr. Haggerty clarified for Mr. Gloria that the Smart Corner and Park and Market stations were designed to allow for raising the platforms at future dates as a cost-effective measure.

MTS Chief Operations Officer (Rail) Wayne Terry gave a PowerPoint presentation on the contract negotiations for the Siemens S70US LRVs. He reviewed progress to date and comparisons between the old cars and the new S70US LRVs. Mr. Terry also presented information comparing recent industry procurements and costs and a breakdown of the costs and funding for the new S70US LRVs.

Mr. Roberts stated that this project is going to be critical in resolving the issues with the LRVs on C Street, but his only concern is the name "Ultrashort" because it projects an image of less for our customers.

Mr. Faulconer commended everyone involved on their hard work on this project and added that this is a terrific movement forward for the entire system.

Mr. Jablonski clarified for Mr. Young that Siemens is giving MTS a credit in the contract to add closed-circuit televisions (CCTVs) and Automatic Passenger Counters (APCs). Mr. Mathis added that the CCTVs are recorders and do not transmit live feed. Mr. Jablonski clarified that the recordings are inspected daily and are available for two weeks.

#### Action Taken

Mr. Rindone moved to:

1. authorize the CEO to execute a contract with Siemens for procurement of a minimum of 57 low-floor S70 Ultrashort light rail vehicles, in an amount not to exceed \$224 million, contingent upon SANDAG fully funding the project and MTS staff completing all FTA procurement procedures; and
2. authorize the CEO to execute a Memorandum of Understanding with SANDAG to fully fund the project.

Mr. Young seconded the motion, and the vote was 15 to 0 in favor.

#### REPORT ITEMS

45. MTS: Operations Budget Status Report for June 2009

Assistant Budget Manager Mike Thompson gave a PowerPoint presentation on MTS's preliminary financial results through June 2009. Mr. Thompson reviewed revenues and expenses noting total revenue of \$339,000. He added that FY 2009's budget included a carryforward of \$1,750,000 to FY 2010, so revenue versus expenses was approximately \$2.1 million.

Mr. McClellan moved to receive a report on the Metropolitan Transit System's (MTS's) operations budget status for June 2009. Mr. Ewin seconded the motion, and the vote was 10 to 0 in favor.

46. Number not used

47. MTS: Report on Automatic Passenger Counters for Light Rail Data Collection and Capital Improvement Project Funds Transfer for Their Purchase

MTS Planner Devin Braun gave a PowerPoint presentation on Trolley Automatic Passenger Counters (APCs). Mr. Braun explained the current ridership estimation program conducted by SANDAG and the issues with inaccuracies, which affects federal funding and service levels. Mr. Braun described how the APCs operate adding that MTS currently uses them on 130 of its buses. He also reviewed the specifications and the costs.

Mr. Mathis clarified that the 53 APCs will be going onto cars that won't be phased out. He added that trying to track where riders are getting on and off has been problematic, and getting good statistics will help to better manage the fleet, which is very important.

Mr. Ewin asked if the APCs would enable staff to do an algorithm on actual trips or aspects of farebox recovery. Mr. Jablonski responded that fare evasion is only conducted by inspections.

Mr. Gloria moved to:

1. receive a report on Automatic Passenger Counters (APCs) as a tool for data collection for trolley operations; and
2. approve the transfer of \$1.5 million in State Transit Assistance funds and MTS Capital Improvement Program (CIP) funds from the South Bay Land Acquisition Project to create a CIP for trolley APCs.

Mr. Ovrom seconded the motion, and the vote was 11 to 0 in favor.

48. MTS: Annual Service Performance Monitoring Report

MTS Planner Devin Braun gave a PowerPoint presentation on the FY 2009 Annual Service Performance Monitoring Report. He stated that even though ridership has declined, service ran more efficiently due to service cuts and changes in FY 09. Mr. Braun reviewed the charts and graphs within the presentation, which included numbers submitted by the trolley ridership estimation program from SANDAG. Mr. Jablonski added that there is a problem with the accuracy of the trolley rider estimation calculations. He stated that the results show an increase in bus ridership and a decrease in trolley ridership when there was most likely an increase in trolley ridership. Mr. Jablonski explained that MTS is obligated to report ridership numbers for the National Transit Database as part of its funding requirements, but that the numbers presented most likely understate the true performance on the system.

Ms. Boyack moved to receive a report for information. Mr. Ewin seconded the motion, and the vote was 11 to 0 in favor.

60. Chairman's Report

Mr. Mathis announced that at noon today in the Board of Directors conference room, there will be a press conference to announce the Board's action to procure 57 low-floor S70 Ultrashort light rail vehicles.

61. Audit Oversight Committee (AOC) Chairman's Report

Mr. Jablonski stated that the next meeting will be on the same day as the next Executive Committee meeting (which has been rescheduled for October 15, 2009, at 9:00 a.m.). (The Audit Oversight Committee meeting will start at 9:00 a.m., and the Executive Committee meeting will follow immediately.)

62. Chief Executive Officer's Report

Mr. Jablonski proposed changes to the October meeting schedule—the next Audit Oversight Committee and Executive Committee meetings would be on October 15, 2009, at 9:00 a.m. (the Audit Oversight Committee meeting would begin at 9:00 a.m., and the Executive Committee meeting would follow immediately thereafter). The Board of Directors meeting would be on October 22, 2009, at 9:00 a.m., and there would be no other meetings in October. All Board members present were in agreement with the proposed changes.

63. Board Member Communications

None.

64. Additional Public Comments on Items Not on the Agenda

None.

65. Next Meeting Date

The next regularly scheduled Board meeting is October 22, 2009.

66. Adjournment

Chairman Mathis adjourned the meeting at 11:18 a.m.

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Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

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Office of the General Counsel  
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

JGardetto/  
MINUTES - Board 09-24-09.doc

**METROPOLITAN TRANSIT DEVELOPMENT BOARD  
ROLL CALL**

MEETING OF (DATE): 9/24/09

CALL TO ORDER (TIME): 8:59 a.m.

RECESS: None

RECONVENE: \_\_\_\_\_

CLOSED SESSION: 9:03 a.m.

RECONVENE: 9:33 a.m.

PUBLIC HEARING: None

RECONVENE: \_\_\_\_\_

ORDINANCES ADOPTED: None

ADJOURN: 11:18 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BOYACK	<input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/>	9:05 a.m. (during Closed Session)	
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>		
FAULCONER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		10:58 a.m.
GLORIA	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:03 a.m.	
JANNEY	<input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>		10:55 a.m.
LIGHTNER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:03 a.m.	
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>	9:03 a.m.	
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	During Closed Session	
RYAN	<input type="checkbox"/> (B. Jones) <input checked="" type="checkbox"/>		10:56 a.m.
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>		
VANDEVENTER	<input checked="" type="checkbox"/> (Zarate) <input type="checkbox"/>		10:52 a.m.
YOUNG	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		10:54 a.m.

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

*J Gardetto for Paul Williams*

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

*[Signature]*



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

Item No. 6

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

LEG 470

October 22, 2009

**SUBJECT:**

MTS: FEDERAL LEGISLATIVE REPRESENTATION

**RECOMMENDATION:**

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Task Order No. 5 (Attachment A) of the triagency contract with Blank Rome Government Relations, LLP (MTS Doc. No. G0980.0-06) effective November 1, 2009.

Budget Impact

The total annual triagency cost is \$155,297. MTS's share of the cost would be \$38,824. Recommended amounts are contained within the fiscal year 2010 budget.

**DISCUSSION:**

As part of the consolidation of the region's transportation agencies, the San Diego Association of Governments (SANDAG) initiated a joint procurement for federal legislative services in 2005. The purpose of the joint procurement was to enhance the federal advocacy efforts of North County Transit District (NCTD), the San Diego Association of Governments (SANDAG), and MTS. The MTS Board approved funding for a contract with the chosen firm, Blank Rome Government Relations, LLP (Peter Peyser, Principal), on October 27, 2005. Based on the joint agreement and with the CEO's concurrence, SANDAG authorized Task Order No. 2 in October 2006.

The contract with Blank Rome includes a one-year base contract with four option years. Each of the first two years was secured at a fixed cost of \$144,000 of which MTS was responsible for \$36,000, NCTD for \$36,000, and SANDAG for \$72,000. Execution of the third task order was authorized by the Board on November 8, 2007, at a cost of



\$147,888 based on the agreed-upon Consumer Price Index escalation, and MTS's share was \$36,972. Task Order No. 4 was authorized by the Board on October 16, 2008, at a cost of \$152,028, and MTS's share was \$38,007.

The fifth and final task order would authorize the continuation of the agreement at a cost of \$38,824 for MTS, which is based upon the agreed-upon Consumer Price Index of 2.15%. The scope of the services covered by the fifth year task order is the same as that included in the original agreement (Attachment A). Staffs from the three agencies recommend continuing the contractual relationship with Blank Rome Government Relations, LLP.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmmts.com](mailto:Sharon.Cooney@sdmmts.com)  
Victoria Stackwick, 619.699.6926, [vst@sandag.org](mailto:vst@sandag.org)

OCT22-09.6.BLANKROME.COONEY.doc.

Attachment: A. Task Order No. 5 to MTS Doc. No. G0980.0-06

**AGREEMENT FOR SERVICES BETWEEN  
THE SAN DIEGO ASSOCIATION OF GOVERNMENTS  
AND  
BLANK ROME GOVERNMENT RELATIONS, LLC**

**TASK ORDER 5 — SANDAG AGREEMENT 5000276 — OWP 7300400**

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1. Under the Agreement between the San Diego Association of Governments ("SANDAG"), North County Transit District (NCTD), Metropolitan Transit System (MTS), and Blank Rome Government Relations, LLC ("Consultant"), dated November 1, 2005, Consultant provides federal legislative representation services as described in the Scope of Work attached as Exhibit A to the Agreement. All of the terms of said Agreement are incorporated herein by reference.
  2. Task Order 5 exercises option year 5 and authorizes Consultant to continue to perform Federal Legislative Representation Services (hereinafter referred to as the "Project").
  3. The term of performance for this Task Order is November 1, 2009, through October 31, 2010. SANDAG shall not pay for services rendered by Consultant on this Task Order after October 31, 2010.
  4. Consultant shall be paid an amount not to exceed \$155,296.60 for work performed on the Project pursuant to this Task Order.
  5. This Amendment may be executed and delivered by facsimile signature, and a facsimile signature shall be treated as an original.

The persons below executed this Task Order effective this \_\_\_\_ day of \_\_\_\_, 2009.

**SAN DIEGO ASSOCIATION  
OF GOVERNMENTS**

**BLANK ROME GOVERNMENT RELATIONS, LLC**

\_\_\_\_\_  
**GARY L. GALLEGOS**  
**SANDAG Executive Director**

**Date**

\_\_\_\_\_  
**PETER A. PEYSER, JR.**  
**Senior Principal**

**Date**

\_\_\_\_\_  
**PAUL C. JABLONSKI**  
**MTS Chief Executive Officer**

**Date**

\_\_\_\_\_  
**MATTHEW TUCKER**  
**NCTD Executive Director**

**Date**

Approved as to sufficiency of form and legality:

Date \_\_\_\_\_

**JULIE WILEY**

**SANDAG Office Of General Counsel**

Approved as to sufficiency of form and legality:

Date \_\_\_\_\_

**TIFFANY LORENZEN**

**MTS Office Of General Counsel**

Approved as to sufficiency of form and legality:

Date \_\_\_\_\_

**C. MICHAEL COWETT**

**NCTD Office Of General Counsel**



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

## Agenda

## Item No. 7

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

ADM 110.1

October 22, 2009

### SUBJECT:

MTS: ADOPTION OF 2010 MTS EXECUTIVE COMMITTEE AND BOARD OF  
DIRECTORS MEETING SCHEDULE

### RECOMMENDATION:

That the Board of Directors adopt the 2010 Executive Committee and Board of Directors meeting schedule (Attachment A).

#### Budget Impact

None.

### DISCUSSION:

The MTS Board of Directors annually adopts its meeting schedule for the next year. Attached is the proposed 2010 Executive Committee and Board of Directors meeting schedule for MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC).

As is customary, this year's schedule reflects the following: (1) one Executive Committee and one Board meeting in January and February; (2) one meeting each in July and August in anticipation of summer vacations and avoidance of conflicts with city council legislative recesses; and (3) one meeting each for the months of November and December to avoid conflicts with the Thanksgiving and Christmas holidays.

It is also recommended that one meeting each be held in September because the League of California Cities is holding its Annual Meeting September 15-18. Many members of our Executive Committee/Board of Directors attend this meeting making it



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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

difficult to achieve a quorum, and the agendas in September for both the Executive Committee and the Board have historically been very short. The California League of Cities Mayors/Council Members Forum, which is usually given consideration while formulating our meeting schedule, is on a one-year hiatus and will not be held in 2010. That meeting is usually held in May.

The American Public Transportation Association (APTA) Annual Meeting is scheduled for the week of October 3. It is recommended that the full complement of meetings be held in October since it appears that APTA is no longer holding closing banquets on the last night of its Annual Meetings, and conference attendees will therefore most likely return to San Diego on Wednesday, October 6. If APTA reinstates the closing banquet in 2010, the October 7 Executive Committee could be cancelled if necessary.

There are no other meeting conflicts.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Gail Williams, 619.557.4515, [gail.williams@sdmts.com](mailto:gail.williams@sdmts.com)

OCT22-09.7.MEETING SCHEDULE 2010.GWILLIAMS.doc

Attachment: A. 2010 MTS Executive Committee and Board of Directors Meeting Schedule

**METROPOLITAN TRANSIT SYSTEM**

**2010 JOINT BOARD AND  
EXECUTIVE COMMITTEE MEETING SCHEDULE**

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

<b>Executive Committee Meetings Thursdays at 9:00 a.m.</b>	<b>Board Meetings Thursdays at 9:00 a.m.</b>
January 14	January 21
February 11	February 18
March 4	March 11 (8:00 a.m. Finance Workshop also)
March 18	March 25
April 1	April 8
April 15	April 22 (8:00 a.m. Finance Workshop also)
May 6	May 13
May 20	May 27 (8:00 a.m. Finance Workshop also)
June 3 June 17	June 10 June 24
July 8	July 15
August 12	August 19
September 9 *	September 23*
October 7 ** October 21	October 14 October 28
November 4	November 11
December 2	December 9

\* The California League of Cities is holding its annual meeting September 15 – 18. Meetings in September have been scheduled accordingly.

\*\* The APTA Annual Meeting is being held October 3 – 6. The schedule has not been adapted to accommodate this meeting, but changes may be made at a later date.



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## Agenda

Item No. 8

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

LEG 491 (PC 50633)

October 22, 2009

### SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES – PAUL, PLEVIN,  
SULLIVAN & CONNAUGHTON LLP

### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1095.2-07 (in substantially the same form as Attachment A) with Paul, Plevin, Sullivan & Connaughton LLP for legal services and ratify prior amendments entered into under the CEO's authority.

#### Budget Impact

Not to exceed \$250,000 for Paul, Plevin, Sullivan & Connaughton LLP. Recommended amounts are contained within the FY 2010 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. Our employment practices liability attorneys



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.

listed have multiple cases, and the total cost of their legal services will exceed the CEO's authority.

Paul, Plevin, Sullivan & Connaughton LLP is currently under contract with the Agencies for \$350,000. Attorney J. Rod Betts has successfully defended the Agencies in a number of employment 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. G1095.2-07 Paul, Plevin, Sullivan & Connaughton LLP for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, [jim.dow@sdmts.com](mailto:jim.dow@sdmts.com)

OCT22-09.8.LEGAL SVCS PAUL PLEVIN.JDOW.doc

Attachment: A. MTS Doc. No. G1095.2-07

**DRAFT**

October 22, 2009

MTS Doc. No. G1095.2-07  
LEG 491 (PC 50633)

Mr. J. Rod Betts  
Paul, Plevin, Sullivan & Connaughton LLP  
401 B Street, Suite 1000  
San Diego, CA 92101-4232

Dear Mr. Betts:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1095.0-07: LEGAL SERVICES-GENERAL  
LEGAL LIABILITY, EMPLOYMENT PRACTICES LIABILITY

This letter will serve as Amendment No. 2 to MTS Doc. No. G1095.0-07. This contract amendment authorizes additional costs not to exceed \$250,000 for professional services. The total value of this contract including this amendment is \$600,000. 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 Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
J. Rod Betts  
Paul, Plevin, Sullivan & Connaughton LLP

OCT22-09.8.AttA.G1095.0-07  
PAUL PLEVIN.JDOW.doc

Date: \_\_\_\_\_



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San Diego, CA 92101-7490  
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## Agenda

Item No. 9

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

LEG 491 (PC 50633)

October 22, 2009

### SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES – LAW OFFICES OF  
JULIE MORRIS SODEN

### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1173.6-08 (in substantially the same form as Attachment A) with the Law Office of Julie Morris Soden for legal services and ratify prior amendments entered into under the CEO's authority.

#### Budget Impact

Not to exceed \$75,000 for the Law Office of Julie Morris Soden. Recommended amounts are contained within the FY 2010 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 scheduled to proceed to trial, and the total cost of their legal services will exceed the CEO's authority.



The Law Office of Julie Morris Soden is currently under contract with the Agencies for \$260,000. Attorney Julie Morris Soden 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. G1173.6-08 with the Law Office of Julie Morris Soden for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, [jim.dow@sdmts.com](mailto:jim.dow@sdmts.com)

OCT22-09.9.LEGAL SVCS SODEN.JDOW.doc

Attachment: A. MTS Doc. No. G1173.6-08

# DRAFT

October 22, 2009

MTS Doc. No. G1173.6-08  
LEG 491 (PC 50633)

Ms. Julie Morris Soden  
Law Office of Julie Morris Soden  
12707 High Bluff Drive, Suite 200  
San Diego, CA 92130-2037

Dear Ms. Soden:

Subject: AMENDMENT NO. 6 TO MTS DOC. NO. G1173.0-08: LEGAL SERVICES – GENERAL  
LIABILITY

This letter will serve as Amendment No. 6 to MTS Doc. No. G1173.0-08. This contract amendment authorizes additional costs not to exceed \$75,000 for professional services. The total value of this contract including this amendment is \$335,000. 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 Specialist at MTS. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Julie Morris Soden  
Law Office of Julie Morris Soden

OCT22-09.9.AttA.G1173.6-08.SODEN.JDOW.doc

Date: \_\_\_\_\_



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San Diego, CA 92101-7490  
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## Agenda

Item No. 10

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

LEG 491 (PC 50633)

October 22, 2009

### SUBJECT:

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

### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1087.6-07 (in substantially the same form as Attachment A) with Liebman, Quigley, Sheppard & Soulema, APC for legal services and ratify prior amendments entered into under the CEO's authority.

#### Budget Impact

Not to exceed \$70,000 for Liebman, Quigley, Sheppard & Soulema, APC. The recommended amounts are contained within the fiscal year 2010 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



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.

all agreements in excess of \$100,000. All attorneys listed have multiple cases that are scheduled to proceed to trial, and the total cost of their legal services will exceed the CEO's authority.

Liebman, Quigley, Sheppard & Soulema, APC is currently under contract with the Agencies for \$245,000. 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. G1087.6-07 with Liebman, Quigley, Sheppard & Soulema, APC for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, [jim.dow@sdmts.com](mailto:jim.dow@sdmts.com)

OCT22-09.10.LEGAL SVCS.LIEBMAN G1087.6-07.JDOW.doc

Attachment: A. MTS Doc. No. G1087.6-07

## DRAFT

October 22, 2009

MTS Doc. No. G1087.6-07  
LEG 491 (PC 50633)

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

Dear Mr. Rij:

Subject: AMENDMENT NO. 6 TO MTS DOC. NO. G1087.0-07: LEGAL SERVICES – GENERAL  
LIABILITY

This letter will serve as Amendment No. 6 to MTS Doc. No. G1087.0-07. This contract amendment authorizes additional costs not to exceed \$70,000 for professional services. The total value of this contract including this amendment is \$315,000. 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 Specialist 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, APC

OCT22-09.10.Atta.LEGAL SVCS  
LIEBMAN G1087.6-07.JDOW.doc

Date: \_\_\_\_\_



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San Diego, CA 92101-7490  
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## Agenda

Item No. 11

### JOINT MEETING OF THE BOARD OF DIRECTORS for

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

LEG 491

October 22, 2009

#### SUBJECT:

MTS: LIABILITY CLAIMS ANALYSIS REPORT

#### RECOMMENDATION:

That the Board of Directors receive the Liability Claims Analysis Report (Attachment A) for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI).

#### Budget Impact

None.

#### DISCUSSION:

The Liability Claims Analysis Report (Attachment A) is the tenth since March 2002. The report identifies pertinent information regarding claims management, such as the number of claims, claim payouts, and unfunded incurred liabilities for MTS, SDTC, and SDTI through June 2009. The report encompasses loss information data from MTS, SDTC, and SDTI.

In an effort to save costs and provide for greater efficiencies, the administration of liability claims was brought in-house in October 2007. TRISTAR Risk Management was contracted to act as the third-party administrator (TPA) for workers' compensation claims effective December 2008.



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.

A total of 6,863 third-party liability claims have been submitted for processing since March 2002. Of those claims, 97 percent (6,640) have been closed. During fiscal year 2009, a total of 288 unique liability claims occurred compared to 462 in 2008. However, formal unique claims that require an individual to submit the MTS Agency Claim Form to the Board totaled 189 claims in fiscal year 2009 compared to 224 in 2008. This 17% modest decrease in formal claims reflects the ongoing efforts in employee management, training, and claims administration. The total for all formal claims reduced by 14% from 240 claims (FY 08) to 205 (FY 09). Claimants have six months from the accrual of the cause of action to submit a formal claim.

Incurred future reserve liability costs are established by the MTS claims administration staff. A claim reserve is an estimate of the potential expense to MTS based on currently available information. The reserve estimates for specific claims may be adjusted as claims are incurred and developed allowing for any unforeseen growth of a claims' cost over time.

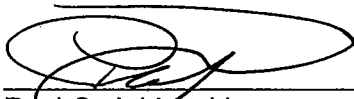
Along with claims severity, claims frequency is the dominant factor that affects the overall cost of liability claims management. SDTC and SDTI both experienced some fluctuation in the monthly claims frequency. A review of unique formal claims indicates that vehicle collisions between moving vehicles accounted for 30% (64) of the claims, followed by vehicle collisions with stationary objects at 13% (28), and start/stop passenger falls onboard vehicles of 8% (18).

For workers' compensation, the frequency of combined agency indemnity claims (time lost) and medical-only claims decreased by nearly 40%. The issue of claims monitoring and closure continues to be emphasized with the new TPA. The average MTS combined average cost per claim measured over the last fiscal year has increased nearly \$6,600. This significant increase is attributed to the two shooting fatalities at MTS Bus and one 2001 San Diego Transit claim involving an unresolved back injury. Had it not been for these three events, the combined MTS average cost per claim would have been \$7,366. For MTS Bus specifically, the omission of the three events would have changed the average cost per claim from \$21,269 to \$7,060.

The overall cost for litigation had a hefty impact on the fiscal year 2009 budget. For workers' compensation, the legal defense expense was down 4.6% from \$291,188 (FY 08) to \$277,884 (FY 09). The considerable negative change for legal defense expenses was in the area of third-party liability. A 132% increase was noted from FY 08 (\$636,969) to FY 09 (\$1,479,921). While the expense was up 83% for MTS Bus, MTS Rail had the largest increase of 330%. Of the 58 legal defense cases reviewed for FY 09, 7 account for over 55% of the expenses. A breakdown between agencies for third-party tort-related litigation was 5% MTS, 54% SDTC, and 41% SDTI. The workers' compensation legal costs utilization breakdown between agencies for workers' compensation matters was 0% for MTS, 85% for SDTC, and 15% for SDTI.

Management and the Risk Department are always working hard to decrease expenses. For fiscal year 2009, we saw the selection and implementation of a new workers' compensation TPA. This new contract saves \$11,000 per month (39%) on average over the previous TPA. In addition to the hard management savings, staff predicts that superior service should result in the reduction of overall claims expenditures.

With liability claims administration now in house at one consolidated centralized location (1255 Imperial Avenue), MTS is working to document and finalize our internal claims management procedures. Staff's objectives are to minimize loss exposures and expenses through increased analysis, attention to loss prevention, and claims administration quality control. While slightly delayed, staff looks forward to the expansion of its risk-reduction tools through the use of video and audio feeds from vehicles and facility surveillance systems. Proficient use of this information should result in superior defense against exaggerated or fictitious claims, more efficient administration of valid claims, and a complement to employee training with a focus on reduction of exposure incidents that lead to claims.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Jim Dow, 619.557.4562, [jim.dow@sdmts.com](mailto:jim.dow@sdmts.com)

OCT22-09.11.LIABILITYCLAIMS JDOW.doc

Attachment: A. Liability Claims Analysis Report (Board Only due to volume)

**MTS / SDTC / SDTI LIABILITY CLAIMS ANALYSIS**

Unique Non-Subrogation/Collection - Compiled Data Captured: 08/05/09

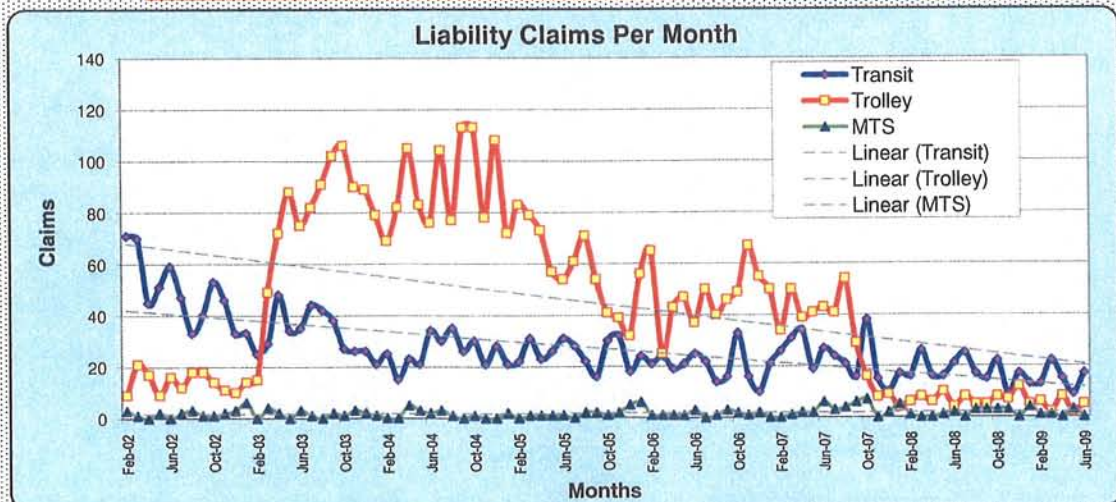
<b>UNIQUE LIABILITY CLAIMS COUNT OPEN / CLOSED (Non-Subro)</b>					
PERIOD	CATEGORY	MTS	SDTC	SDTI	TOTAL
Assumed Files Pre 03/01/02	Open Files	0	0	0	0
	Closed Files	9	364	79	452
	Sub-Total Files	9	364	79	452
Files 03/01/02 - 9/30/07	Open Files	5	19	13	37
	Closed Files	114	1937	3771	5,822
	Sub-Total Files	119	1956	3784	5,859
Files 10/01/07 - 06/30/09	Open Files	20	128	38	186
	Closed Files	19	241	106	366
	Sub-Total Files	39	369	144	552
Complete Status 06/30/09	Open Files	25	147	51	223
	Closed Files	142	2542	3956	6,640
	Total Files	167	2689	4007	6,863

<b>LIABILITY LOSS PAYOUTS (Non-Subro)</b>					
PERIOD	EXPENSE AREA	MTS	SDTC	SDTI	TOTAL
Assumed Files Pre 03/01/02	Loss Payments	\$10,000	\$2,715,573	\$4,431,763	\$7,157,336
	Legal & Defense Expenses	\$51,322	\$1,881,376	\$961,565	\$2,894,264
	Expense/Claims Mgmt.	\$8,877	\$1,056,434	\$635,350	\$1,700,661
	Sub-Total Claim Costs	\$70,199	\$5,653,383	\$6,028,679	\$11,752,261
Files 03/01/02 - 9/30/07	Loss Payments	\$26,888	\$1,951,574	\$814,151	\$2,792,614
	Legal & Defense Expenses	\$92,805	\$1,727,089	\$154,893	\$1,974,787
	Expense/Claims Mgmt.	\$47,084	\$1,449,765	\$818,287	\$2,315,136
	Sub-Total Claim Costs	\$166,778	\$5,128,428	\$1,787,332	\$7,082,538
Files 10/01/07 - 06/30/09	Loss Payments	\$8,787	\$245,615	\$80,622	\$335,024
	Legal & Defense Expenses	\$10,811	\$118,703	\$58,950	\$188,464
	Expense/Claims Mgmt.	\$80	\$3,726	\$1,430	\$5,235
	Sub-Total Claim Costs	\$19,677	\$368,044	\$141,002	\$528,723
Complete Status 06/30/09	Loss Payments	\$45,675	\$4,912,762	\$5,326,537	\$10,284,974
	Legal & Defense Expenses	\$154,938	\$3,727,168	\$1,175,409	\$5,057,514
	Claims Mgmt.	\$56,041	\$2,509,925	\$1,455,067	\$4,021,033
	Total Claim Costs	\$236,977	\$10,781,811	\$7,816,010	\$18,834,799

**MTS / SDTC / SDTI LIABILITY CLAIMS ANALYSIS**

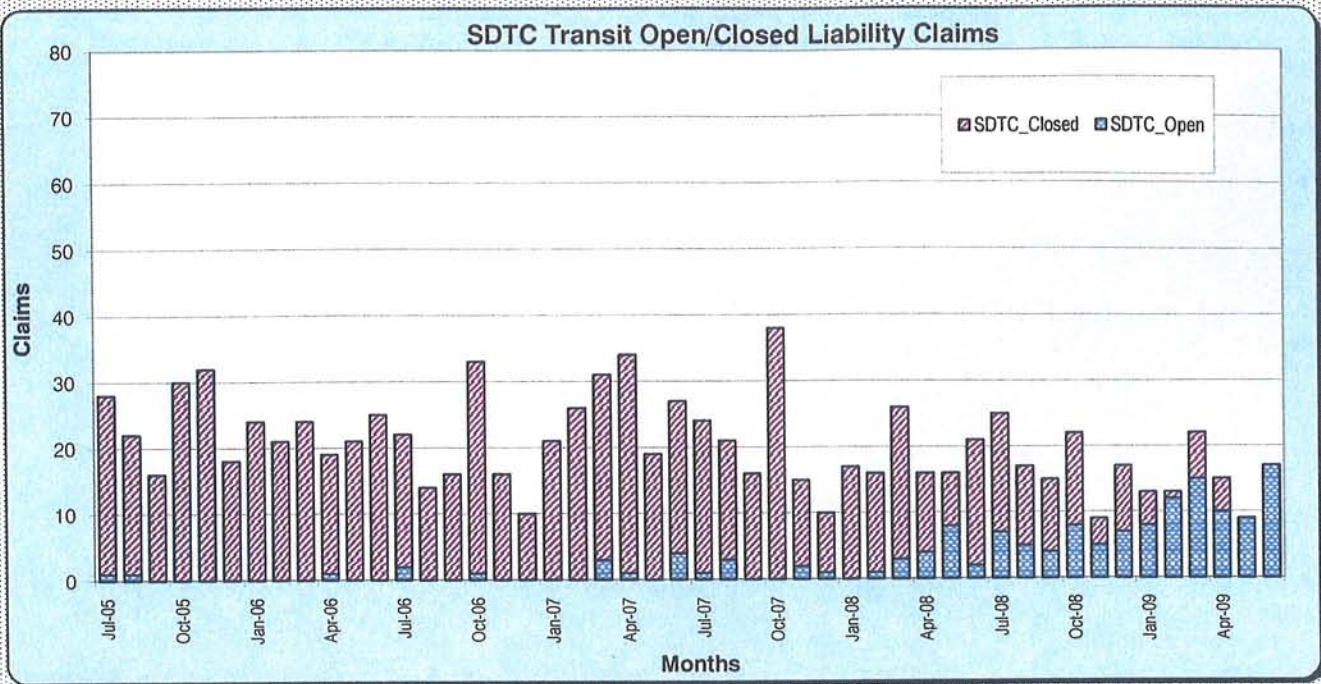
Unique Non-Subrogation/Collection - Compiled Data Captured:08/05/09

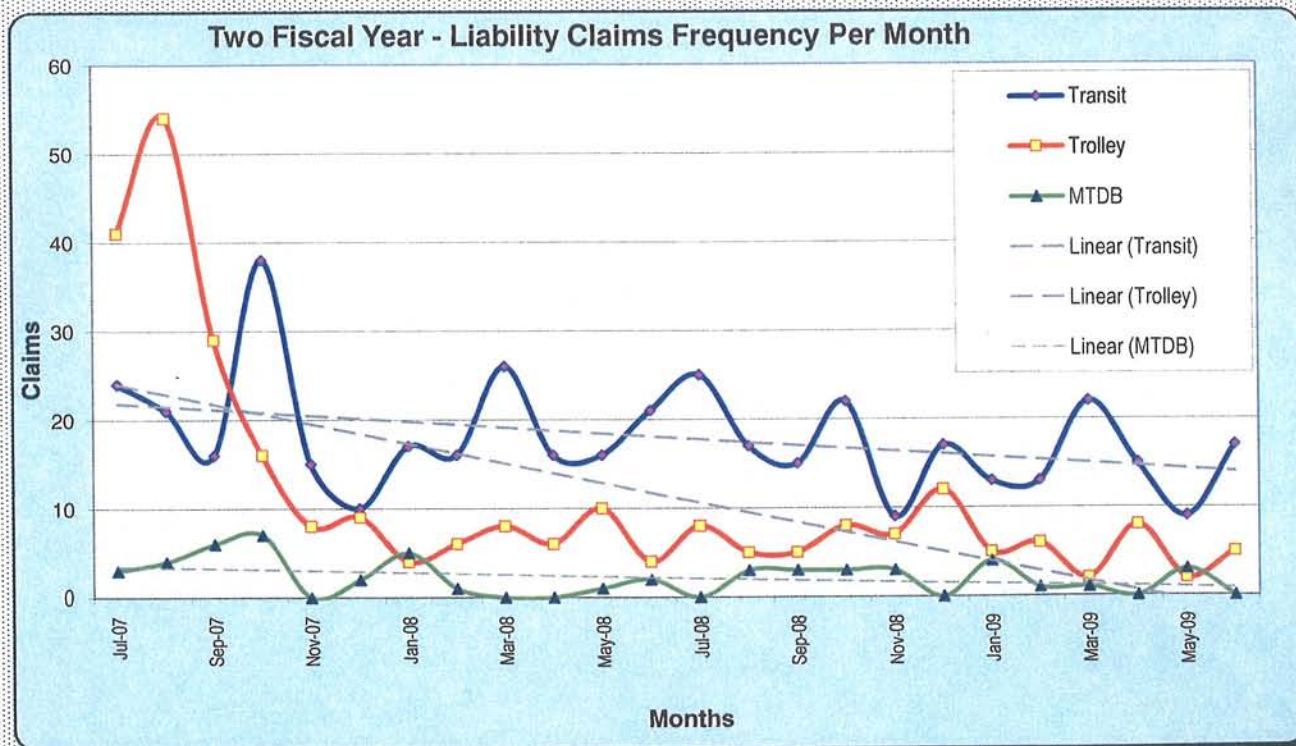
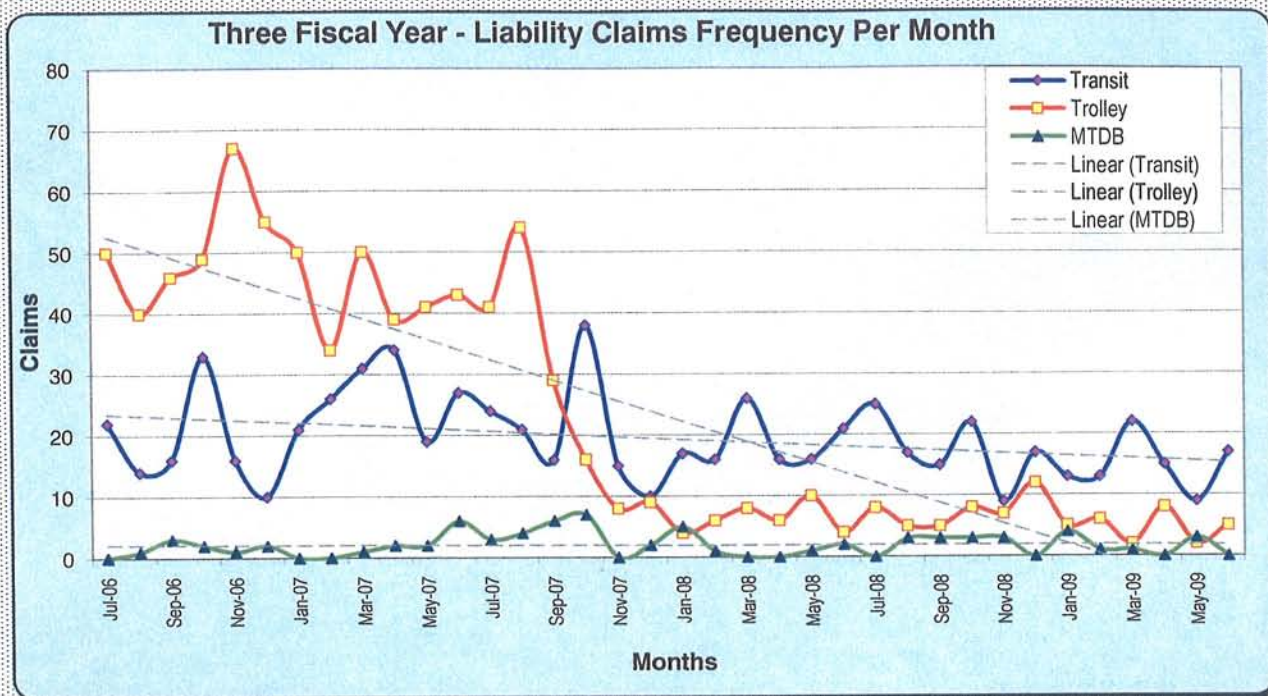
LIABILITY CLAIMS PER MONTH(Non-Subro)								
Claims Per Month	DOL Month	SDTC Transit	%	SDTI Trolley	%	MTS	%	Month Totals
	Jul-05	28		61		0		89
	Aug-05	22		71		2		95
	Sep-05	16		54		2		72
	Oct-05	30		41		1		72
	Nov-05	32		39		2		73
	Dec-05	18		32		5		55
	Jan-06	24		56		6		86
	Feb-06	21		65		1		87
	Mar-06	24		25		1		50
	Apr-06	19		43		1		63
	May-06	21		47		1		69
	Jun-06	25		37		3		65
	Jul-06	22		50		0		72
	Aug-06	14		40		1		55
	Sep-06	16		46		3		65
	Oct-06	33		49		2		84
	Nov-06	16		67		1		84
	Dec-06	10		55		2		67
	Jan-07	21		50		0		71
	Feb-07	26		34		0		60
	Mar-07	31		50		1		82
	Apr-07	34		39		2		75
	May-07	19		41		2		62
	Jun-07	27		43		6		76
	Jul-07	24		41		3		68
	Aug-07	21		54		4		79
	Sep-07	16		29		6		51
	Oct-07	38		16		7		61
	Nov-07	15		8		0		23
	Dec-07	10		9		2		21
	Jan-08	17		4		5		26
	Feb-08	16		6		1		23
	Mar-08	26		8		0		34
	Apr-08	16		6		0		22
	May-08	16		10		1		27
	Jun-08	21		4		2		27
	Jul-08	25		8		0		33
	Aug-08	17		5		3		25
	Sep-08	15		5		3		23
	Oct-08	22		8		3		33
	Nov-08	9		7		3		19
	Dec-08	17		12		0		29
	Jan-09	13		5		4		22
	Feb-09	13		6		1		20
	Mar-09	22		2		1		25
	Apr-09	15		8		0		23
	May-09	9		2		3		14
	Jun-09	17		5		0		22
Total Claims		2397	36.9%	3936	60.6%	161	2.5%	6494
Arithmetic Mean July 2005-June 2009		20.4		29.2		2.0		51.6
		SDTC Transit		SDTI Trolley		MTS		Total
Total Claims		2,397		3,936		161		6,494
Average Monthly		26.9		44.2		1.8		73.0
Standard Deviation		12.3		33.2		1.7		35.7
* Upper Control Limit		63.9		143.8		6.9		180.1
* Lower Control Limit		0.0		0.0		0.0		0.0

\* Control Limit  $\pm 3$  Standard Deviation

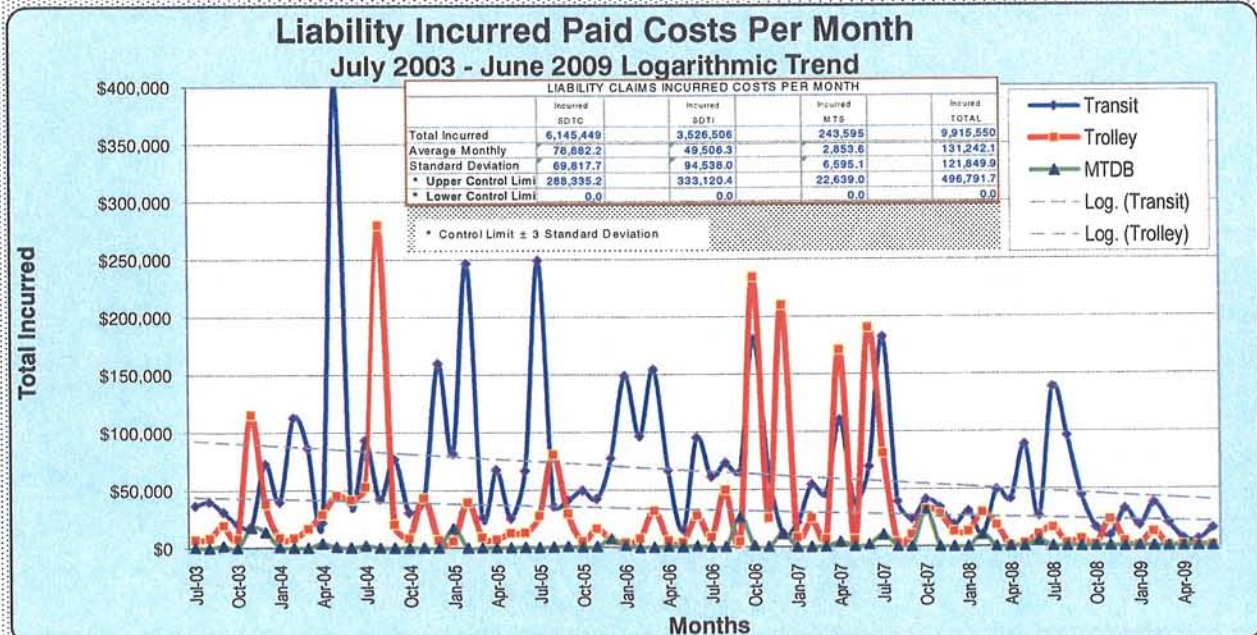
UNIQUE LIABILITY CLAIMS - OPEN / CLOSED PER MONTH								
Open / Closed Claims Per Month	DOL Month	SDTC Transit Open	SDTC Transit Closed	SDTI Trolley Open	SDTI Trolley Closed	MTS Open	MTS Closed	Month Totals
	Jul-05	1	27	0	61	0	0	89
	Aug-05	1	21	0	71	0	2	95
	Sep-05	0	16	0	54	0	2	72
	Oct-05	0	30	0	41	0	1	72
	Nov-05	0	32	0	39	0	2	73
	Dec-05	0	18	0	32	0	5	55
	Jan-06	0	24	0	56	0	6	86
	Feb-06	0	21	0	65	0	1	87
	Mar-06	0	24	0	25	0	1	50
	Apr-06	1	18	0	43	0	1	63
	May-06	0	21	0	47	0	1	69
	Jun-06	0	25	0	37	0	3	65
	Jul-06	2	20	0	50	0	0	72
	Aug-06	0	14	1	39	0	1	55
	Sep-06	0	16	0	46	2	1	65
	Oct-06	1	32	0	49	0	2	84
	Nov-06	0	16	0	67	0	1	84
	Dec-06	0	10	0	55	1	1	67
	Jan-07	0	21	0	50	0	0	71
	Feb-07	0	26	0	34	0	0	60
	Mar-07	3	28	0	50	0	1	82
	Apr-07	1	33	2	37	0	2	75
	May-07	0	19	0	41	0	2	62
	Jun-07	4	23	2	41	1	5	76
	Jul-07	1	23	2	39	1	2	68
	Aug-07	3	18	4	50	0	4	79
	Sep-07	0	16	1	28	0	6	51
	Oct-07	0	38	2	14	1	6	61
	Nov-07	2	13	0	8	0	0	23
	Dec-07	1	9	1	8	0	2	21
	Jan-08	0	17	1	3	0	5	26
	Feb-08	1	15	1	5	1	0	23
	Mar-08	3	23	0	8	0	0	34
	Apr-08	4	12	0	6	0	0	22
	May-08	8	8	1	9	0	1	27
	Jun-08	2	19	1	3	1	1	27
	Jul-08	7	18	2	6	0	0	33
	Aug-08	5	12	1	4	1	2	25
	Sep-08	4	11	1	4	2	1	23
	Oct-08	8	14	3	5	2	1	33
	Nov-08	5	4	1	6	3	0	19
	Dec-08	7	10	3	9	0	0	29
	Jan-09	8	5	3	2	4	0	22
	Feb-09	12	1	5	1	1	0	20
	Mar-09	15	7	1	1	1	0	25
	Apr-09	10	5	6	2	0	0	23
	May-09	9	0	1	1	3	0	14
	Jun-09	17	0	4	1	0	0	22
Total Claims		148	2249	50	3886	25	136	6494
		SDTC		SDTI		MTS		

FY09 CATEGORY OF TYPE UNIQUE FILES				
TYPE CLAIM	MTS	SDTC	SDTI	AGENCY Total
Vehicle Collision Moving	3	150	38	191
Vehicle Collision Stationary Object	1	48	3	52
Pedestrian Accident	0	2	6	8
Vehicle / Bike Accident	1	6	0	7
Fall on Vehicle	0	13	12	25
Start/Stop Fall On Vehicle	0	21	6	27
Vehicle Step / Boarding Related	0	11	1	12
Fall Other	1	0	7	8
Assault	0	2	3	5
Property	0	0	2	2
Vehicle Door Related	0	11	8	19
Other	4	16	56	76
Lift/Ramp Related	0	8	3	11
Vehicle Collision Other	0	0	0	
Crime Other	13	8	18	39
TOTAL	23	296	163	482

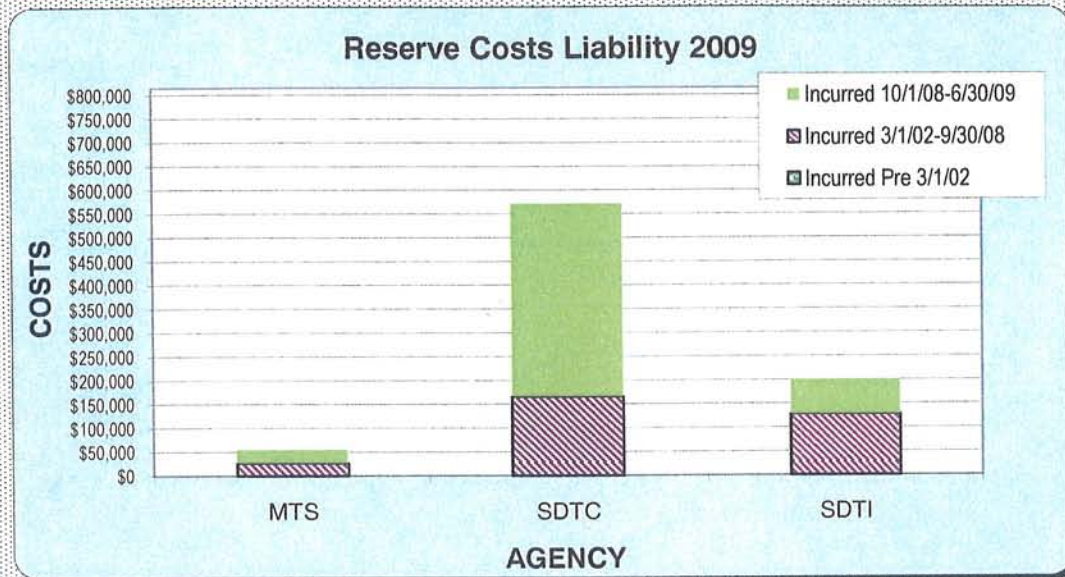




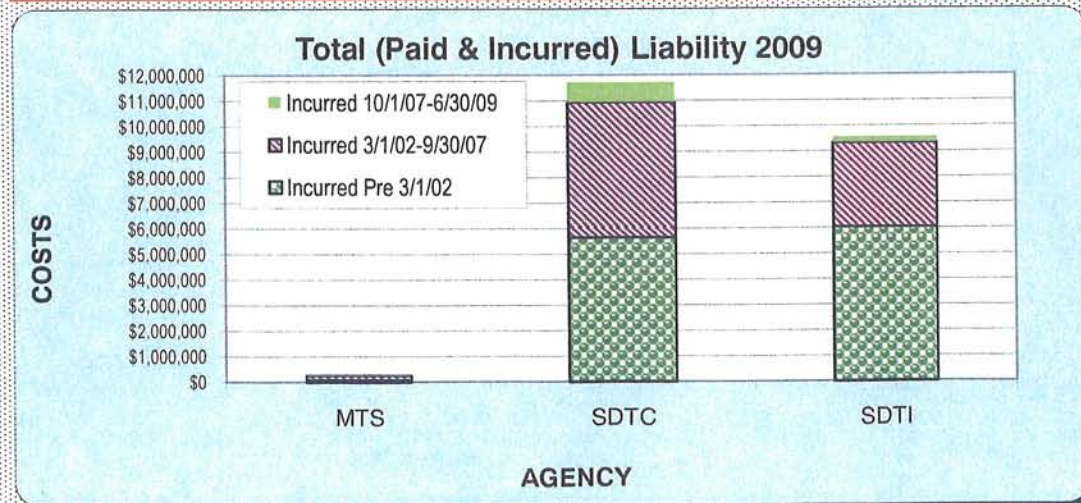
LIABILITY CLAIMS INCURRED PAID COSTS PER DATE OF LOSS MONTH								
Incurred Per Month	DOL Month	Incurred SDTC Transit	%	Incurred SDTI Trolley	%	Incurred MTS	%	Month Totals
	Jul-05	\$248,857		\$27,377		\$0		\$276,234
	Aug-05	\$35,390		\$80,599		\$375		\$116,364
	Sep-05	\$40,749		\$29,354		\$856		\$70,959
	Oct-05	\$49,129		\$5,026		\$175		\$54,329
	Nov-05	\$41,908		\$15,951		\$643		\$58,502
	Dec-05	\$77,107		\$6,426		\$7,302		\$90,835
	Jan-06	\$148,684		\$3,934		\$1,706		\$154,324
	Feb-06	\$96,237		\$7,579		\$131		\$103,947
	Mar-06	\$154,186		\$31,724		\$200		\$186,110
	Apr-06	\$66,694		\$6,098		\$869		\$73,661
	May-06	\$14,997		\$4,009		\$244		\$19,250
	Jun-06	\$94,999		\$27,205		\$1,006		\$123,210
	Jul-06	\$60,941		\$8,551		\$0		\$69,492
	Aug-06	\$72,855		\$49,329		\$181		\$122,366
	Sep-06	\$64,860		\$4,674		\$26,000		\$95,534
	Oct-06	\$180,390		\$234,318		\$1,200		\$415,909
	Nov-06	\$67,598		\$25,186		\$325		\$93,109
	Dec-06	\$11,173		\$209,974		\$11,350		\$232,498
	Jan-07	\$21,048		\$8,197		\$0		\$29,245
	Feb-07	\$53,936		\$25,172		\$0		\$79,108
	Mar-07	\$45,667		\$6,480		\$294		\$52,441
	Apr-07	\$110,233		\$170,971		\$4,198		\$285,402
	May-07	\$38,902		\$6,109		\$450		\$45,461
	Jun-07	\$69,499		\$190,168		\$1,838		\$261,505
	Jul-07	\$182,003		\$81,263		\$10,256		\$273,523
	Aug-07	\$38,893		\$3,538		\$150		\$42,581
	Sep-07	\$23,646		\$10,101		\$0		\$33,747
	Oct-07	\$40,524		\$32,104		\$31,304		\$103,932
	Nov-07	\$33,634		\$28,279		\$0		\$61,913
	Dec-07	\$18,877		\$13,100		\$0		\$31,977
	Jan-08	\$30,410		\$13,000		\$0		\$43,410
	Feb-08	\$9,437		\$29,495		\$10,100		\$49,032
	Mar-08	\$48,924		\$18,400		\$0		\$67,324
	Apr-08	\$40,936		\$0		\$0		\$40,936
	May-08	\$88,145		\$2,247		\$0		\$90,392
	Jun-08	\$26,294		\$10,100		\$5,100		\$41,494
	Jul-08	\$138,054		\$16,045		\$0		\$154,099
	Aug-08	\$95,915		\$2,652		\$100		\$98,667
	Sep-08	\$43,962		\$6,148		\$100		\$50,209
	Oct-08	\$15,977		\$1,092		\$200		\$17,269
	Nov-08	\$8,983		\$23,178		\$300		\$32,461
	Dec-08	\$32,189		\$4,300		\$0		\$36,489
	Jan-09	\$17,685		\$200		\$300		\$18,185
	Feb-09	\$37,258		\$12,275		\$100		\$49,633
	Mar-09	\$19,820		\$100		\$0		\$19,920
	Apr-09	\$6,125		\$500		\$0		\$6,625
	May-09	\$5,300		\$100		\$100		\$5,500
	Jun-09	\$15,119		\$381		\$0		\$15,500
Total Incurred		\$6,145,449	62.0%	\$3,526,506	35.6%	\$243,595	2.5%	\$9,915,550
		SDTC		SDTI		MTS		
Arithmetic Mean July 2006-June 2009		\$50,423		\$34,659		\$2,887		\$87,969



INCURRED RESERVE CLAIMS COSTS (Non-Subro)					
PERIOD	RESERVE COSTS	MTS	SDTC	SDTI	TOTAL
Pre 03/01/02	Sub-Total Reserve Costs	\$0	\$225	\$0	\$225
03/01/02 - 9/30/07	Sub-Total Reserve Costs	\$27,508	\$166,193	\$128,375	\$322,077
10/01/07 - 06/30/09	Sub-Total Reserve Costs	\$28,027	\$405,521	\$72,694	\$506,242
Complete 06/30/09	Total Reserve Costs	\$55,535	\$571,940	\$201,069	\$828,544

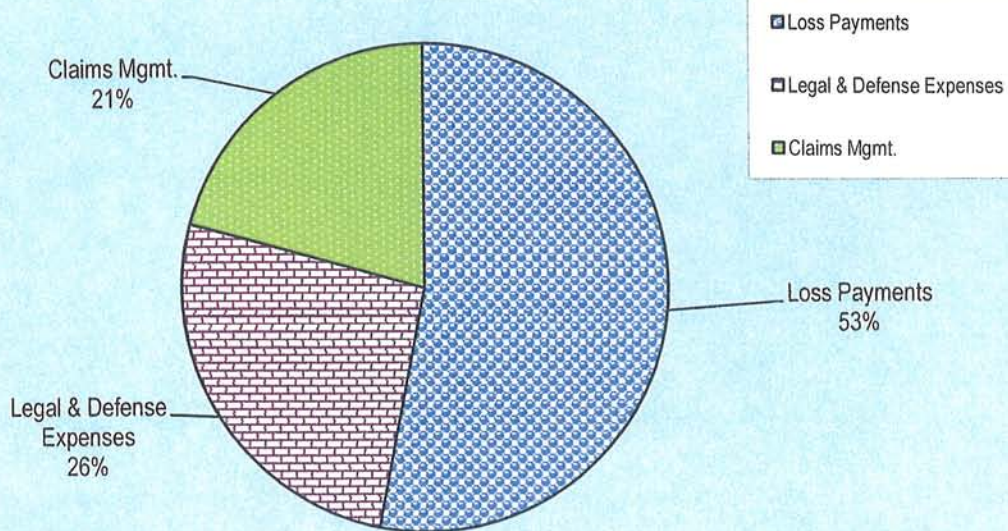


TOTAL (PAID & INCURRED) CLAIMS COSTS (Non-Subro)					
PERIOD	INCURRED COSTS	MTS	SDTC	SDTI	TOTAL
Pre 03/01/02	Sub-Total Incurred Costs	\$70,199	\$5,653,608	\$6,028,679	\$11,752,486
03/01/02 - 9/30/07	Sub-Total Incurred Costs	\$194,286	\$5,294,622	\$3,309,707	\$8,798,614
10/01/07 - 06/30/09	Sub-Total Incurred Costs	\$47,704	\$773,565	\$213,696	\$1,034,965
Complete 06/30/08	Total Incurred Costs	\$312,189	\$11,721,795	\$9,552,081	\$21,586,065



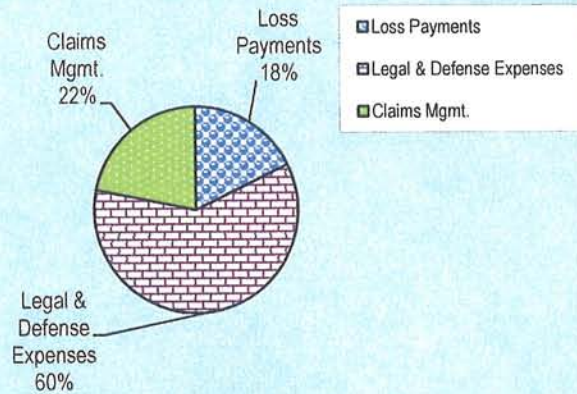
**TOTAL**  
\$18,834,799

### Liability Claims Payouts - Agencies Total

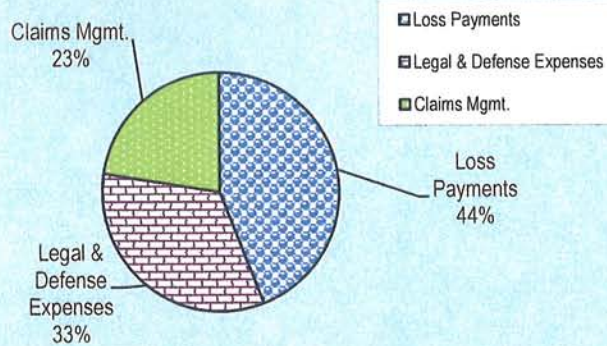


MTS \$236,977

### Liability Claims Payouts - MTS



### Liability Claims Payouts - SDTC

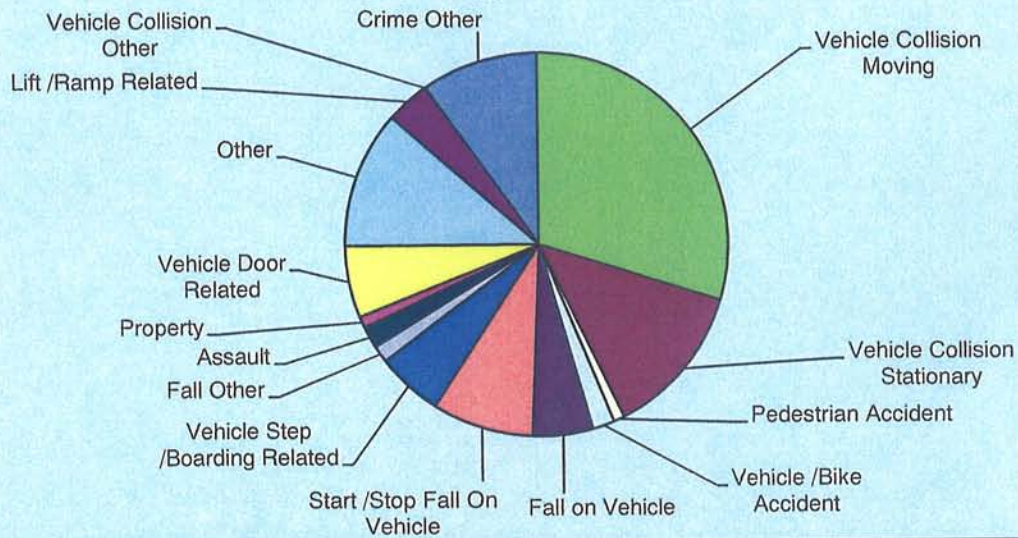
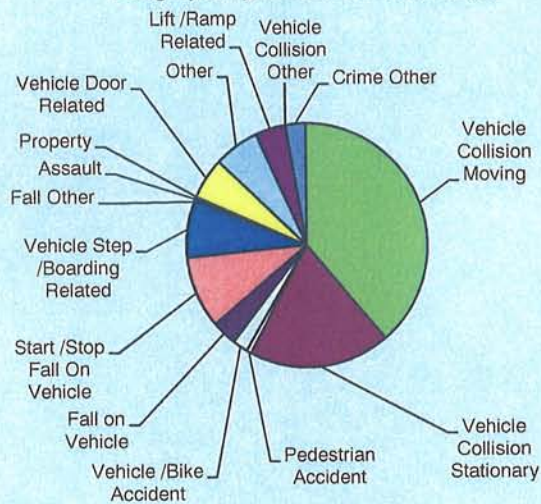
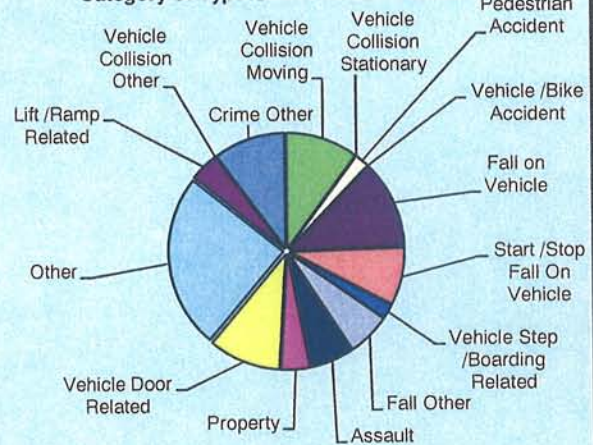


SDTC \$10,781,811

SDTI \$7,816,010

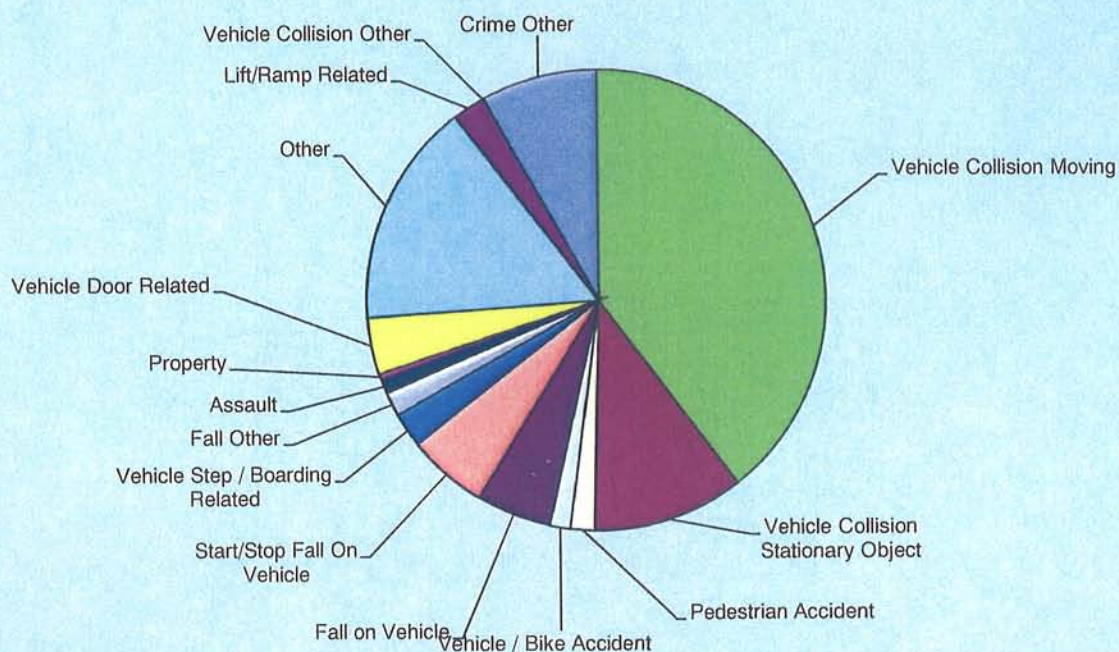
### Liability Claims Payouts - SDTI



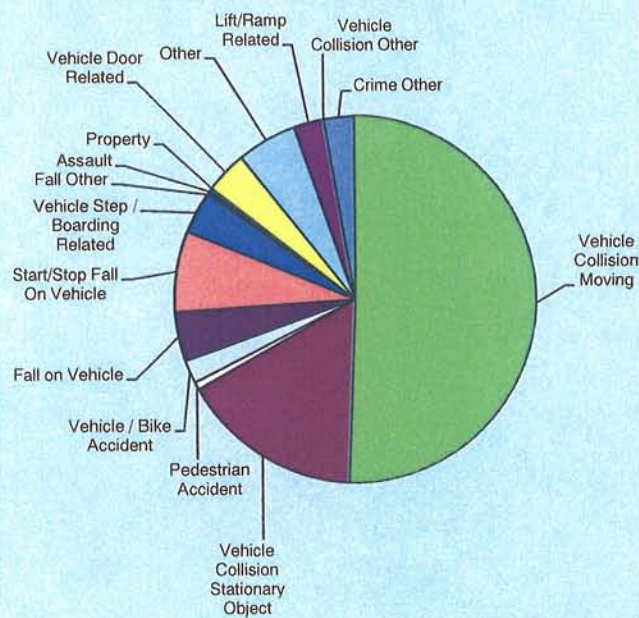
**FY09 Category of Type Formal Claims - All Agencies****Category of Type SDTC Formal Claims****Category of Type SDTI Formal Claims****FY09 CATEGORY OF TYPE FORMAL CLAIMS**

TYPE CLAIM	MTS	SDTC	SDTI	AGENCY Total
Vehicle Collision Moving	2	57	5	64
Vehicle Collision Stationary	0	28	0	28
Pedestrian Accident	0	1	1	2
Vehicle /Bike Accident	1	3	0	4
Fall on Vehicle	0	5	6	11
Start /Stop Fall On Vehicle	0	14	4	18
Vehicle Step /Boarding Related	0	11	1	12
Fall Other	0	0	3	3
Assault	0	1	3	4
Property	0	0	2	2
Vehicle Door Related	0	8	5	13
Other	4	9	12	25
Lift /Ramp Related	0	6	2	8
Vehicle Collision Other	0	0	0	0
Crime Other	12	4	5	21
<b>TOTAL</b>	<b>19</b>	<b>147</b>	<b>49</b>	<b>215</b>

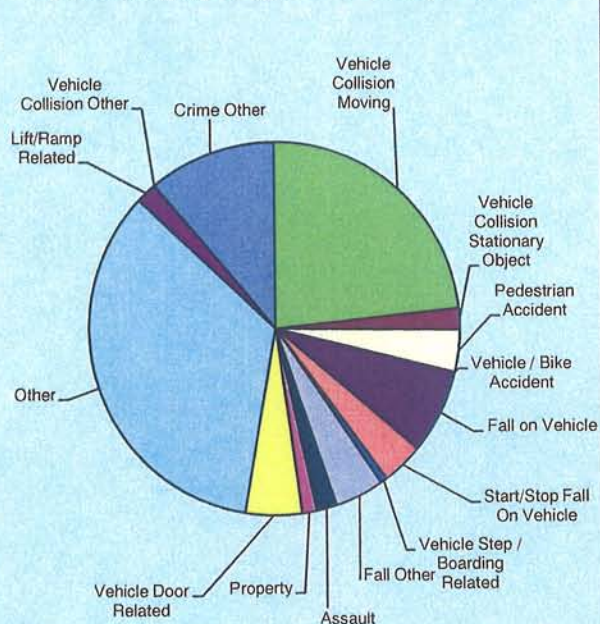
FY09 Category of Type Unique Files - All Agencies



FY09 Category of Type SDTC Unique Files



FY09 Category of Type SDTI Unique Files

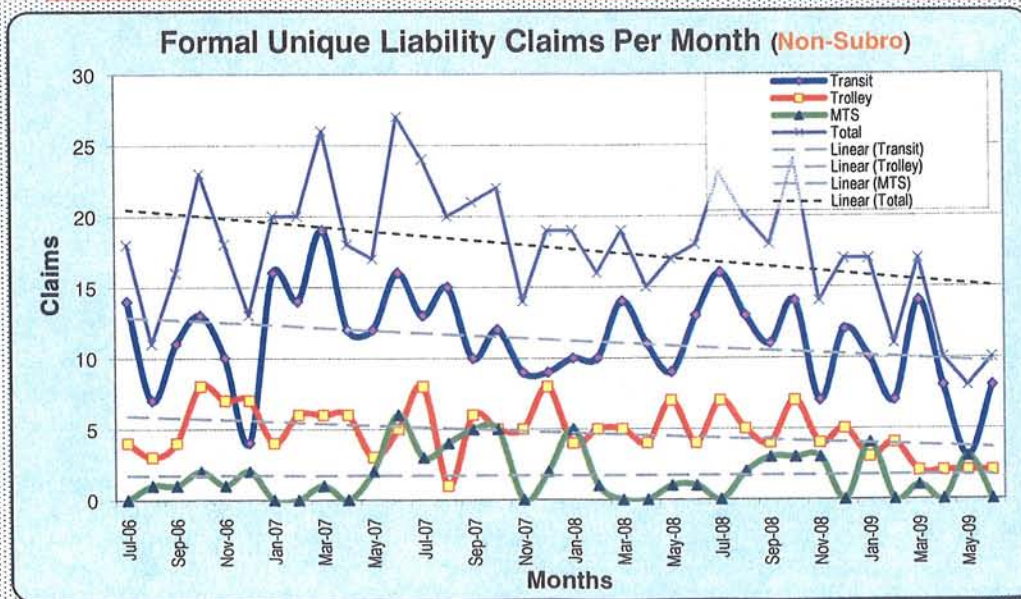


**FORMAL UNIQUE LIABILITY CLAIMS**

Unique Non-Subrogation/Collection - Compiled Data Captured: 08/05/09

\* Control Limit  $\pm 3$  Standard Deviation

FORMAL UNIQUE LIABILITY CLAIMS PER MONTH (Non-Subro)								
Claims Per Month	DOL Month	SDTC Transit	%	SDTI Trolley	%	MTS	%	Month Totals
	Jul-06	14		4		0		18
	Aug-06	7		3		1		11
	Sep-06	11		4		1		16
	Oct-06	13		8		2		23
	Nov-06	10		7		1		18
	Dec-06	4		7		2		13
	Jan-07	16		4		0		20
	Feb-07	14		6		0		20
	Mar-07	19		6		1		26
	Apr-07	12		6		0		18
	May-07	12		3		2		17
	Jun-07	16		5		6		27
	Jul-07	13		8		3		24
	Aug-07	15		1		4		20
	Sep-07	10		6		5		21
	Oct-07	12		5		5		22
	Nov-07	9		5		0		14
	Dec-07	9		8		2		19
	Jan-08	10		4		5		19
	Feb-08	10		5		1		16
	Mar-08	14		5		0		19
	Apr-08	11		4		0		15
	May-08	9		7		1		17
	Jun-08	13		4		1		18
	Jul-08	16		7		0		23
	Aug-08	13		5		2		20
	Sep-08	11		4		3		18
	Oct-08	14		7		3		24
	Nov-08	7		4		3		14
	Dec-08	12		5		0		17
	Jan-09	10		3		4		17
	Feb-09	7		4		0		11
	Mar-09	14		2		1		17
	Apr-09	8		2		0		10
	May-09	3		2		3		8
	Jun-09	8		2		0		10
Total Claims		406	63.4%	172	26.9%	62	9.7%	640
Arithmetic Mean July 2006-June 2009		11.3		4.8		1.7		17.8
		SDTC Transit		SDTI Trolley		MTS		Total
Total Claims		406		172		62		640
Average Monthly		11.3		4.8		1.7		17.8
Standard Deviation		3.4		1.9		1.8		9.2
* Upper Control Limit		21.6		10.4		7.0		45.5
* Lower Control Limit		1.0		0.0		0.0		0.0



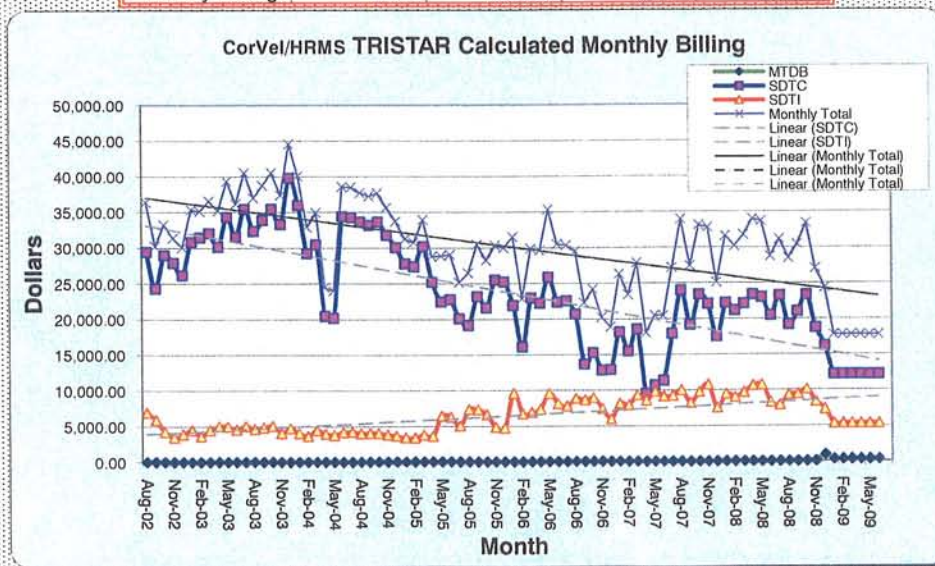
HISTORIC - LIABILITY CLAIMS INCURRED COSTS PER DOL MONTH								
Incurred Per Month	DOL Month	Incurred SDTC Transit	%	Incurred SDTI Trolley	%	Incurred MTS	%	Month Totals
	Jul-99	\$56,644		\$0		\$0		\$56,644
	Aug-99	\$1,240		\$18,762		\$0		\$20,002
	Sep-99	\$365		\$0		\$0		\$365
	Oct-99	\$332,104		\$114,971		\$0		\$447,075
	Nov-99	\$0		\$0		\$0		\$0
	Dec-99	\$0		\$3,370		\$0		\$3,370
	Jan-00	\$25,890		\$0		\$0		\$25,890
	Feb-00	\$78,932		\$26,857		\$0		\$105,790
	Mar-00	\$8,801		\$84		\$0		\$8,885
	Apr-00	\$17,931		\$1,119		\$0		\$19,050
	May-00	\$105,144		\$5,020		\$0		\$110,164
	Jun-00	\$13,515		\$0		\$0		\$13,515
	Jul-00	\$140,828		\$245		\$0		\$141,073
	Aug-00	\$116,434		\$0		\$0		\$116,434
	Sep-00	\$121,551		\$4,121		\$0		\$125,672
	Oct-00	\$23,521		\$0		\$0		\$23,521
	Nov-00	\$40,640		\$5,527		\$0		\$46,168
	Dec-00	\$60,419		\$71		\$0		\$60,490
	Jan-01	\$48,582		\$772		\$0		\$49,354
	Feb-01	\$28,335		\$0		\$0		\$28,335
	Mar-01	\$257,857		\$8,242		\$0		\$266,099
	Apr-01	\$110,605		\$8,379		\$213		\$119,196
	May-01	\$43,618		\$892		\$0		\$44,511
	Jun-01	\$503,339		\$69,948		\$0		\$573,288
	Jul-01	\$36,491		\$287,627		\$18,279		\$342,396
	Aug-01	\$72,212		\$4,043		\$0		\$76,255
	Sep-01	\$45,837		\$27,870		\$0		\$73,707
	Oct-01	\$47,125		\$3,110		\$209		\$50,445
	Nov-01	\$61,459		\$10,986		\$0		\$72,446
	Dec-01	\$40,243		\$612		\$0		\$40,855
	Jan-02	\$291,373		\$1,202		\$1,237		\$293,811
	Feb-02	\$58,934		\$3,236		\$1,605		\$63,775
Total Incurred		\$2,789,971	82.1%	\$607,066	17.9%	\$21,543	0.6%	\$3,397,037
Total Incurred Costs		\$2,789,971		\$607,066		\$21,543		\$3,418,580
Arithmetic Mean								
February 2002-June 2004		\$87,187		\$18,971		\$673		\$106,831

July 1999 – February 2002



**CorVel - Hazelrigg - TRISTAR Risk Management Services**  
**Calculated Monthly Billing**

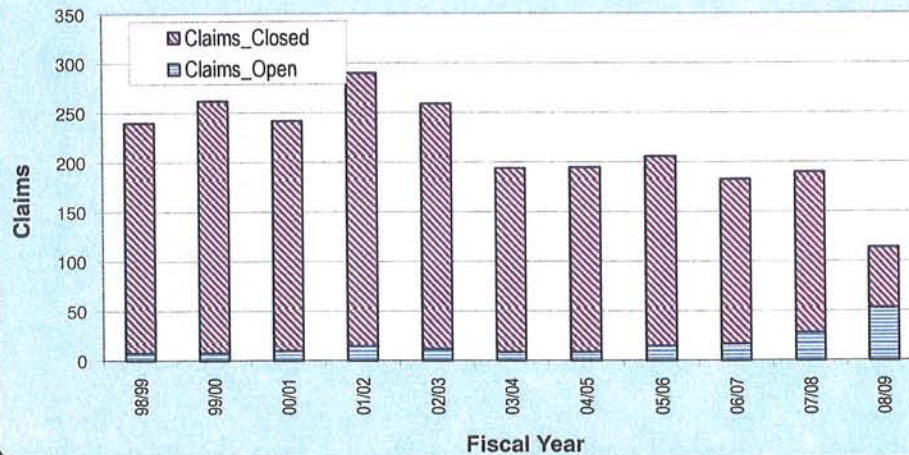
	MTDB	SDTC	SDTI	Monthly Total
Jul-05	0.00	\$20,095	\$5,065	\$25,160
Aug-05	0.00	\$19,137	\$7,359	\$26,495
Sep-05	0.00	\$23,157	\$7,320	\$30,478
Oct-05	0.00	\$21,604	\$6,630	\$28,234
Nov-05	0.00	\$25,478	\$4,860	\$30,337
Dec-05	0.00	\$25,222	\$4,744	\$29,966
Jan-06	0.00	\$21,899	\$9,592	\$31,491
Feb-06	0.00	\$16,122	\$6,754	\$22,877
Mar-06	0.00	\$22,967	\$6,901	\$29,868
Apr-06	0.00	\$22,234	\$7,385	\$29,619
May-06	0.00	\$25,827	\$9,553	\$35,380
Jun-06	0.00	\$22,361	\$8,150	\$30,511
Jul-06	0.00	\$22,542	\$7,770	\$30,312
Aug-06	0.00	\$20,667	\$8,836	\$29,503
Sep-06	0.00	\$13,674	\$8,618	\$22,292
Oct-06	0.00	\$15,254	\$8,925	\$24,179
Nov-06	0.00	\$12,794	\$7,426	\$20,219
Dec-06	0.00	\$12,884	\$5,969	\$18,853
Jan-07	0.00	\$18,154	\$8,144	\$26,298
Feb-07	0.00	\$15,479	\$7,918	\$23,397
Mar-07	0.00	\$18,549	\$9,314	\$27,862
Apr-07	0.00	\$9,526	\$8,523	\$18,049
May-07	0.00	\$10,715	\$9,810	\$20,525
Jun-07	0.00	\$11,337	\$9,115	\$20,452
Jul-07	0.00	\$17,934	\$9,237	\$27,171
Aug-07	0.00	\$23,931	\$9,974	\$33,905
Sep-07	0.00	\$19,141	\$8,235	\$27,376
Oct-07	0.00	\$23,376	\$9,735	\$33,110
Nov-07	0.00	\$22,039	\$10,746	\$32,784
Dec-07	0.00	\$17,532	\$7,527	\$25,059
Jan-08	0.00	\$22,158	\$9,454	\$31,612
Feb-08	0.00	\$21,156	\$8,998	\$30,154
Mar-08	0.00	\$22,075	\$9,664	\$31,739
Apr-08	0.00	\$23,343	\$10,600	\$33,943
May-08	0.00	\$22,993	\$10,713	\$33,707
Jun-08	0.00	\$20,463	\$8,289	\$28,752
Jul-08	0.00	\$23,236	\$7,913	\$31,150
Aug-08	0.00	\$19,146	\$9,350	\$28,497
Sep-08	0.00	\$21,012	\$9,424	\$30,437
Oct-08	0.00	\$23,301	\$10,054	\$33,354
Nov-08	0.00	\$18,696	\$8,347	\$27,043
Dec-08	876.92	\$16,149	\$7,293	\$24,320
Jan-09	260.48	\$12,168	\$5,291	\$17,720
Feb-09	260.48	\$12,168	\$5,291	\$17,720
Mar-09	260.48	\$12,168	\$5,291	\$17,720
Apr-09	260.48	\$12,168	\$5,291	\$17,720
May-09	260.48	\$12,168	\$5,291	\$17,720
Jun-09	260.48	\$12,168	\$5,291	\$17,720
				\$0
Total Sum	2,439.80	\$1,959,094	\$537,314	\$2,498,848
Monthly Average	29.40	\$23,604	\$6,474	\$30,107



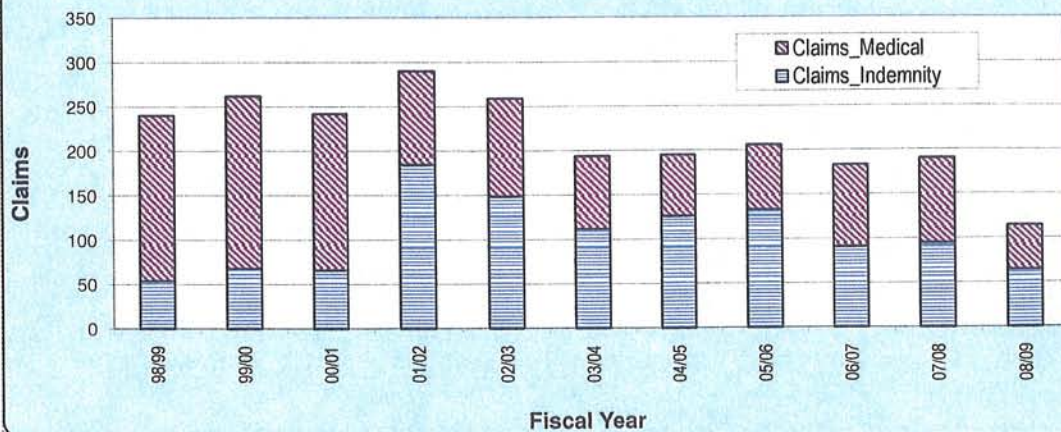
### Agency Combined Workers' Compensation Claims Summary Report Cumulative Results by Fiscal Year as of Month End, June 2009

YEAR		98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	11YR Totals
Indemnity (Time Loss) Claims		54	68	66	185	149	112	126	133	91	95	64	1,143
	Open	8	8	10	15	12	9	9	15	17	27	38	168
	Closed	46	60	56	170	137	103	117	118	74	68	26	975
Medical Only Claims		186	194	176	105	110	82	69	73	92	95	50	1,232
	Open	0	0	0	0	0	0	0	0	0	1	15	16
	Closed	186	194	176	105	110	82	69	73	92	94	35	1,216
Total Claims	Open	8	8	10	15	12	9	9	15	17	28	53	184
	Closed	232	254	232	275	247	185	186	191	166	162	61	2,191
	Combined	240	262	242	290	259	194	195	206	183	190	114	2,375
Percentage Closed		97%	97%	96%	95%	95%	95%	95%	93%	91%	85%	54%	92%

#### Agency Combined Workers' Compensation Claims [Open / Closed] 1998 - 2009



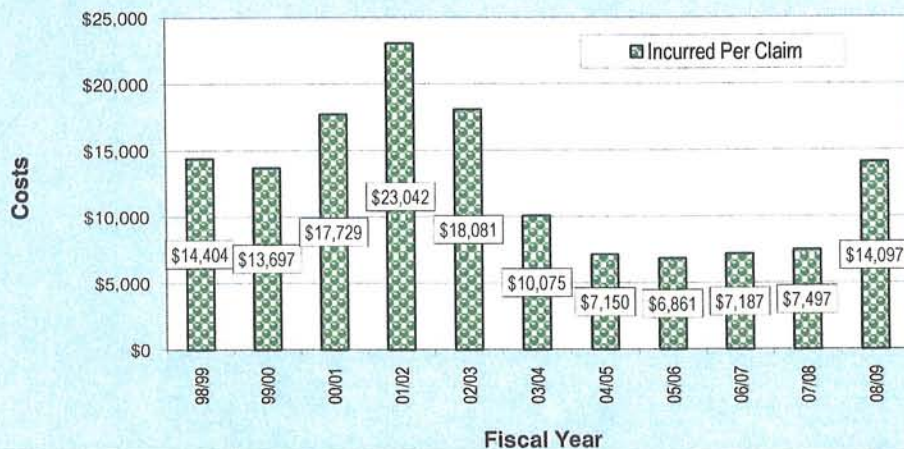
#### Agency Combined Workers' Compensation Claims [Time Loss Indemnity / Medical Only] 1998 - 2009



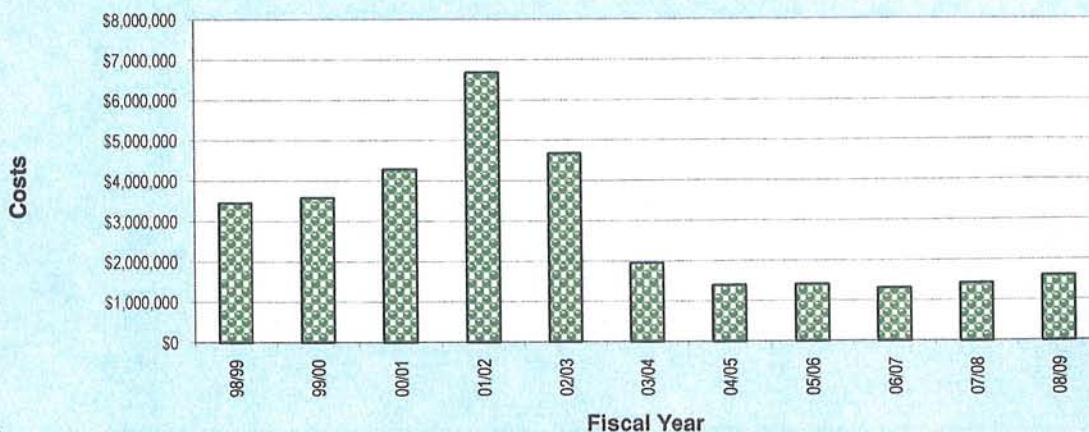
**COMBINED WORKERS' COMPENSATION COSTS**

	YEAR	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	11YR Totals
<b>Medical</b>	Paid(\$)	617,847	268,647	194,123	58,123	41,924	28,636	24,158	35,623	34,763	52,941	25,419	\$1,382,204
	Outstanding (\$)	0	0	0	0	0	0	0	0	0	237	8,923	\$9,160
	Med Inc (\$)	\$617,847	\$268,647	\$194,123	\$58,123	\$41,924	\$28,636	\$24,158	\$35,623	\$34,763	\$53,178	\$34,343	\$1,391,365
<b>Indemnity Time Loss</b>	Paid(\$)	2,656,368	3,182,202	3,919,295	6,075,134	4,309,441	1,722,912	1,281,222	1,195,791	1,047,050	914,647	401,820	\$26,705,884
	Outstanding(\$)	182,821	137,717	177,035	548,989	331,657	203,013	88,903	182,033	233,423	456,538	1,170,895	\$3,713,023
	Ind Inc (\$)	\$2,839,189	\$3,319,920	\$4,096,330	\$6,624,123	\$4,641,098	\$1,925,925	\$1,370,125	\$1,377,824	\$1,280,472	\$1,371,185	\$1,572,716	\$30,418,908
	Paid(\$)	0	0	0	0	0	0	0	0	0	0	0	\$0
	Outstanding (\$)	0	0	0	0	0	0	0	0	0	0	0	\$0
	Total Exp.(\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Paid(\$)</b>		\$3,274,215	\$3,450,849	\$4,113,418	\$6,133,257	\$4,351,365	\$1,751,548	\$1,305,380	\$1,231,414	\$1,081,813	\$967,589	\$427,240	\$28,088,088
<b>Total Outstanding (\$)</b>		\$182,821	\$137,717	\$177,035	\$548,989	\$331,657	\$203,013	\$88,903	\$182,033	\$233,423	\$456,775	\$1,179,819	\$3,722,184
<b>Total Incurred(\$)</b>		\$3,457,036	\$3,588,567	\$4,290,453	\$6,682,246	\$4,683,022	\$1,954,561	\$1,394,283	\$1,413,447	\$1,315,236	\$1,424,363	\$1,607,059	\$31,810,272
<b>Total Incurred Per File</b>		\$14,404	\$13,697	\$17,729	\$23,042	\$18,081	\$10,075	\$7,150	\$6,861	\$7,187	\$7,497	\$14,097	\$13,394

**Agency Combined Workers' Compensation Incurred  
Average Cost Per Claim 1998 - 2009**



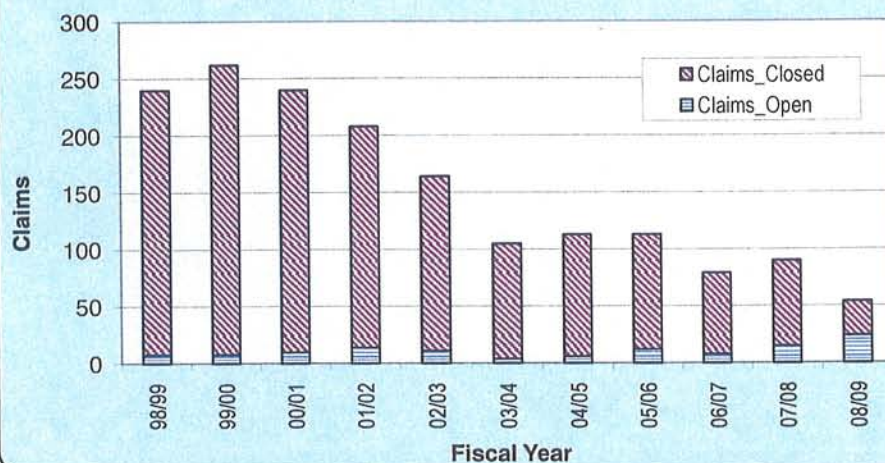
**Agency Combined Workers' Compensation Total Incurred Annual Costs 1998  
- 2009**



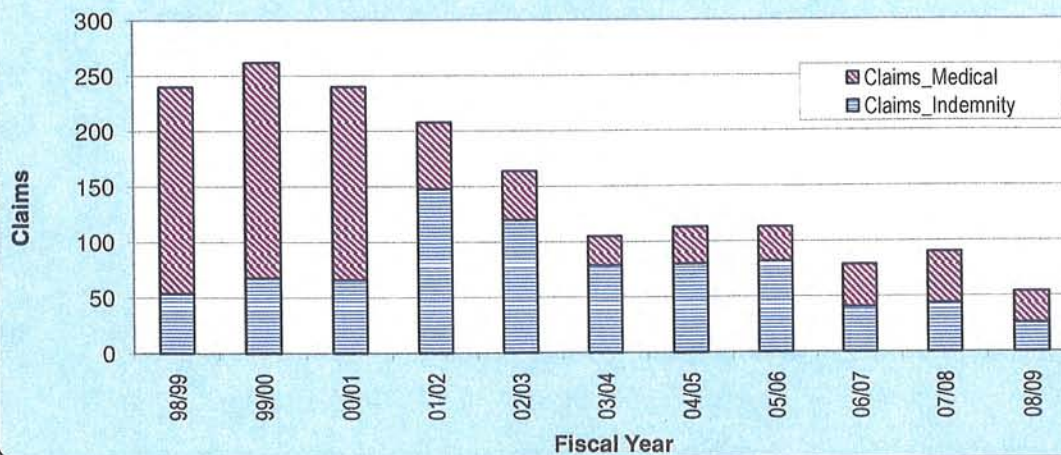
**San Diego Transit Corporation's Workers' Compensation Claims Summary Report**  
**Cumulative Results by Fiscal Year as of Month End, June 2009**

YEAR	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	11YR Totals
Indemnity (Time Loss)	54	68	66	148	120	79	80	82	41	44	26	808
Claims												
Open	8	8	10	14	11	4	6	12	8	15	18	114
Closed	46	60	56	134	109	75	74	70	33	29	8	694
Medical Only	186	194	174	60	44	26	33	31	38	46	28	860
Claims												
Open	0	0	0	0	0	0	0	0	0	0	6	6
Closed	186	194	174	60	44	26	33	31	38	46	22	854
Total												
Open	8	8	10	14	11	4	6	12	8	15	24	120
Closed	232	254	230	194	153	101	107	101	71	75	30	1,548
Combined	240	262	240	208	164	105	113	113	79	90	54	1,668
Percentage Closed	97%	97%	96%	93%	93%	96%	95%	89%	90%	83%	56%	93%

**SDTC Workers' Compensation Claims**  
**[Open / Closed] 1998 - 2009**

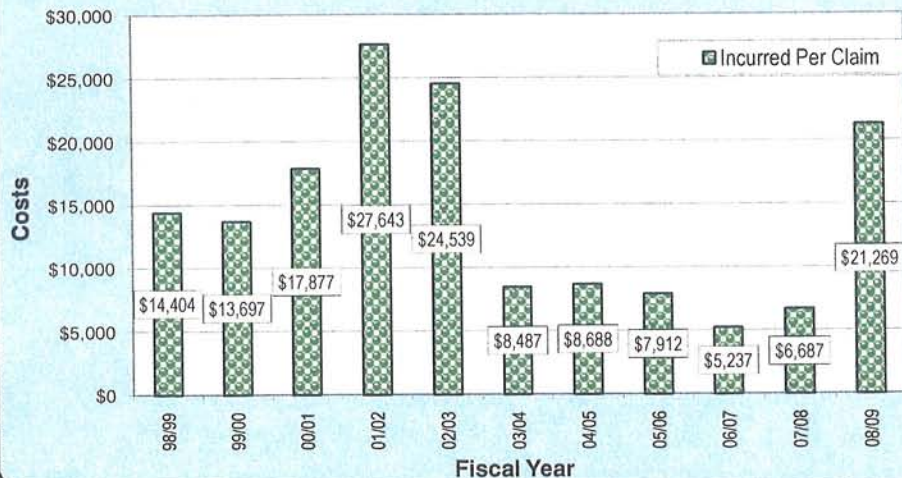


**SDTC Workers' Compensation Claims**  
**[Time Loss Indemnity / Medical Only] 1998 - 2009**

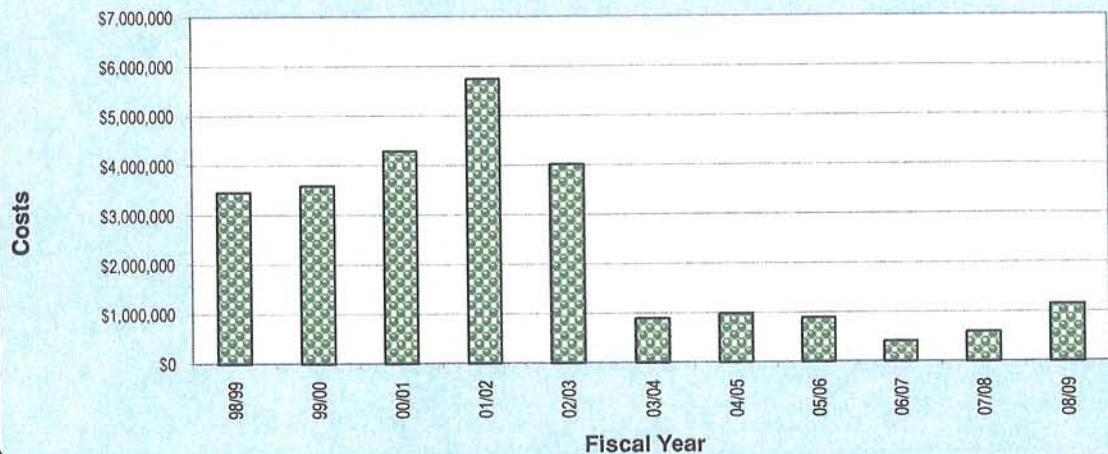


## SDTC WORKERS' COMPENSATION COSTS

	YEAR	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	11YR Totals
Medical	Paid(\$)	\$617,847	\$268,647	\$194,123	\$46,142	\$12,466	\$8,390	\$12,399	\$14,993	\$19,205	\$23,571	\$19,467	\$1,237,251
	Outstanding (\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,662	\$4,662
	Med Inc (\$)	\$617,847	\$268,647	\$194,123	\$46,142	\$12,466	\$8,390	\$12,399	\$14,993	\$19,205	\$23,571	\$24,129	\$1,241,913
Indemnity Time Loss	Paid(\$)	\$2,656,368	\$3,182,202	\$3,919,295	\$5,174,518	\$3,698,896	\$826,900	\$899,174	\$736,006	\$348,157	\$358,760	\$128,540	\$21,928,815
	Outstanding(\$)	\$182,821	\$137,717	\$177,035	\$529,070	\$313,026	\$55,855	\$70,170	\$143,058	\$46,387	\$219,541	\$995,879	\$2,870,561
	Ind Inc (\$)	\$2,839,189	\$3,319,920	\$4,096,330	\$5,703,588	\$4,011,922	\$882,755	\$969,344	\$879,064	\$394,544	\$578,301	\$1,124,419	\$24,799,376
Paid(\$)													\$0
Outstanding (\$)													\$0
Total Exp.(\$)		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Paid(\$)		\$3,274,215	\$3,450,849	\$4,113,418	\$5,220,660	\$3,711,362	\$835,290	\$911,573	\$750,999	\$367,362	\$382,330	\$148,006	\$23,166,066
Total Outstanding (\$)		\$182,821	\$137,717	\$177,035	\$529,070	\$313,026	\$55,855	\$70,170	\$143,058	\$46,387	\$219,541	\$1,000,542	\$2,875,224
Total Incurred(\$)		\$3,457,036	\$3,588,567	\$4,290,453	\$5,749,729	\$4,024,388	\$891,145	\$981,743	\$894,058	\$413,750	\$601,872	\$1,148,548	\$26,041,289
Total Incurred Per File		\$14,404	\$13,697	\$17,877	\$27,643	\$24,539	\$8,487	\$8,688	\$7,912	\$5,237	\$6,687	\$21,269	\$15,612

SDTC Workers' Compensation Incurred  
Average Cost Per Claim 1998 - 2009

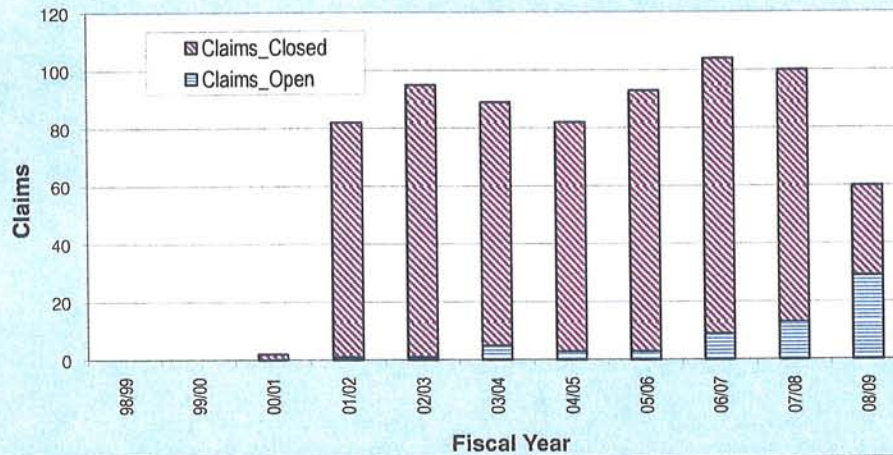
SDTC Workers' Compensation Total Incurred Annual Costs 1998 - 2009



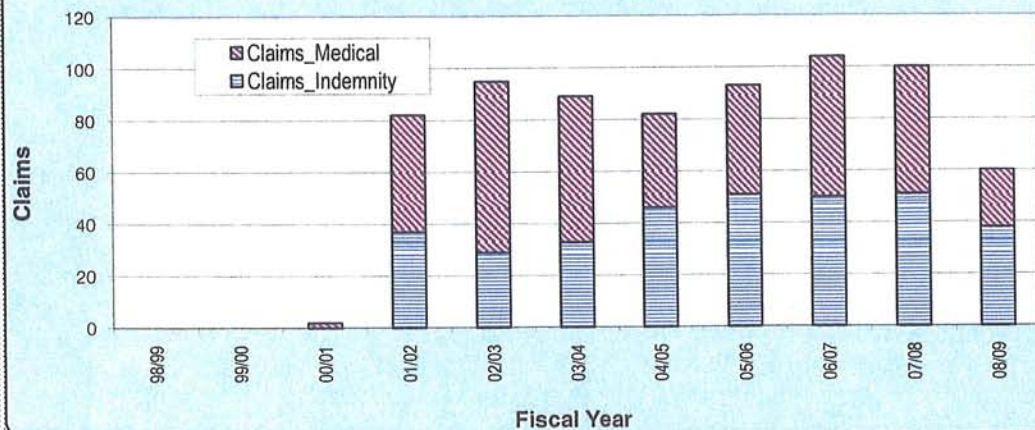
**San Diego Trolley Incorporated Workers' Compensation Claims Summary Report**  
**Cumulative Results by Fiscal Year as of Month End, June 2009**

YEAR	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	8YR Totals
Indemnity (Time Loss)	0	0	0	37	29	33	46	51	50	51	38	335
Claims												
Open				1	1	5	3	3	9	12	20	54
Closed				36	28	28	43	48	41	39	18	281
Medical Only	0	0	2	45	66	56	36	42	54	49	22	372
Claims												
Open			0	0	0	0	0	0	0	1	9	10
Closed			2	45	66	56	36	42	54	48	13	362
Total												
Open	0	0	0	1	1	5	3	3	9	13	29	64
Closed	0	0	2	81	94	84	79	90	95	87	31	643
Combined	0	0	2	82	95	89	82	93	104	100	60	707
Percentage Closed			100%	99%	99%	94%	96%	97%	91%	87%	52%	91%

**SDTI Workers' Compensation Claims**  
**[Open / Closed] 2001 - 2009**

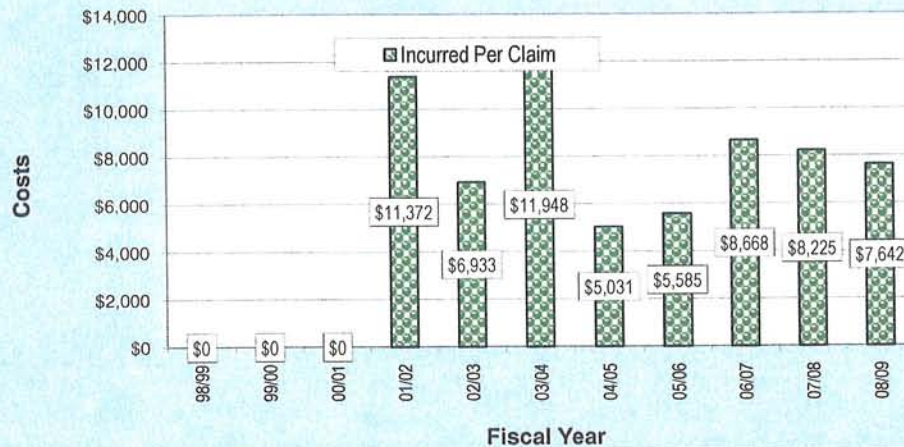


**SDTI Workers' Compensation Claims**  
**[Time Loss Indemnity / Medical Only] 2001 - 2009**

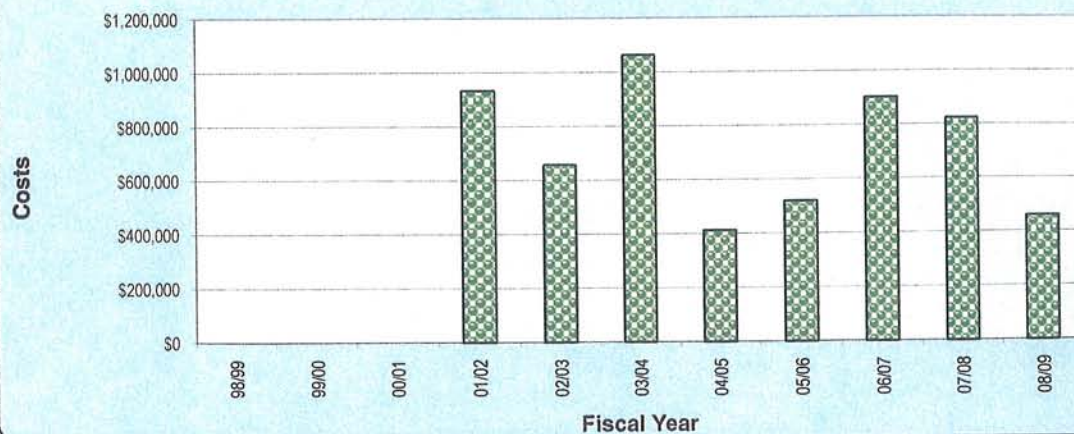


SDTI WORKERS' COMPENSATION COSTS													
	YEAR	98/99	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	8YR Totals
Medical	Paid(\$)			\$0	\$11,981	\$29,458	\$20,245	\$11,758	\$20,629	\$15,558	\$29,371	\$5,953	\$144,953
	Outstanding (\$)			\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$237	\$4,281	\$4,498
	Med Inc (\$)	\$0	\$0	\$0	\$11,981	\$29,458	\$20,245	\$11,758	\$20,629	\$15,558	\$29,608	\$10,214	\$149,451
Indemnity Time Loss	Paid(\$)			\$0	\$900,616	\$610,546	\$896,012	\$382,048	\$459,785	\$698,893	\$555,888	\$273,281	\$4,777,069
	Outstanding(\$)			\$0	\$19,919	\$18,631	\$147,158	\$18,733	\$38,974	\$187,035	\$236,996	\$175,016	\$842,462
	Ind Inc (\$)	\$0	\$0	\$0	\$920,535	\$629,176	\$1,043,170	\$400,781	\$498,760	\$885,928	\$792,884	\$448,297	\$5,619,532
	Paid(\$)												\$0
	Outstanding (\$)												\$0
	Total Exp (\$)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Paid(\$)		\$0	\$0	\$0	\$912,598	\$640,003	\$916,258	\$393,807	\$480,415	\$714,451	\$585,258	\$279,234	\$4,922,023
Total Outstanding (\$)		\$0	\$0	\$0	\$19,919	\$18,631	\$147,158	\$18,733	\$38,974	\$187,035	\$237,233	\$179,277	\$846,960
Total Incurred(\$)		\$0	\$0	\$0	\$932,517	\$658,634	\$1,063,415	\$412,540	\$519,389	\$901,486	\$822,492	\$458,511	\$5,768,983
Total Incurred Per File				\$0	\$11,372	\$6,933	\$11,948	\$5,031	\$5,585	\$8,668	\$8,225	\$7,642	\$8,160

SDTI Workers' Compensation Incurred  
Average Cost Per Claim 2001 - 2009



SDTI Workers' Compensation Total Incurred Annual Costs 2001 - 2009





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

## Agenda

Item No. 12

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

CIP 11282

October 22, 2009

### SUBJECT:

MTS: APPROVAL OF THE OLD TOWN TRANSIT CENTER IMPROVEMENTS AND  
FUND TRANSFER MEMORANDUM OF UNDERSTANDING (MOU) WITH SANDAG

### RECOMMENDATION:

That the Board of Directors:

1. authorize the CEO to execute an MOU with the San Diego Association of Governments (SANDAG) (in substantially the same format as Attachment A) for the construction of Public Utilities Code- (PUC)-mandated improvements at Old Town Transit Center; and
2. transfer California Department of Transportation- (Caltrans)-contributed funds to SANDAG for these improvements.

#### Budget Impact

No impact to MTS's budget. Pursuant to Caltrans' program Supplement No. 11A0041-09, \$147,000 would be reimbursed to SANDAG directly for Old Town Transit Center improvements.

### DISCUSSION:

On January 15, 2009, the MTS Board of Directors approved PUC-mandated improvements at the Old Town Transit Center. As part of these improvements,



SANDAG is relocating the Taylor Street bus entrance to the Old Town Transit Center parking lot under its capital improvement project (CIP) 1128200 (Taylor Street Grade Crossing Improvements). The bus entrance will be relocated west to encourage transit patrons to use the pedestrian tunnel instead of crossing Taylor Street at grade. Pedestrian access points from Taylor Street to the bus and Amtrak platforms will be permanently closed. After the entrance is relocated and the access points are closed, patrons will be required to walk out of direction such that the tunnel option will be more direct and desirable. Additional fencing will also be placed along the center platform and the Amtrak platform to discourage patrons from trespassing and walking through the open ballast trackway. Portions of the Amtrak and center platform will also be removed to increase the distance between Taylor Street and the train platforms.

The total cost for the above work exceeds SANDAG's existing project budget by \$147,000; therefore, Caltrans has contributed funding toward the project. This action would allow SANDAG to proceed with the construction of above-mentioned improvement at Old Town Transit Center and allow MTS to reimburse SANDAG for construction cost up to \$147,000 from Caltrans-contributed funds for these improvements.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Wayne Terry, 619.595.4906, [wayne.terry@sdmts.com](mailto:wayne.terry@sdmts.com)

OCT22-09.12.OTTC IMPROVEMT & FUND TRANSFER MOU.RDESAI.doc

Attachment: A. MOU

**MEMORANDUM OF UNDERSTANDING  
BETWEEN SAN DIEGO ASSOCIATION OF GOVERNMENTS  
AND METROPOLITAN TRANSIT SYSTEM  
REGARDING OLD TOWN TRANSIT CENTER IMPROVEMENTS**

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This Memorandum of Understanding ("MOU") is made and entered into effective as of this 22nd day of October 2009, by and between the San Diego Association of Governments ("SANDAG") and the Metropolitan Transit System ("MTS").

**RECITALS**

The following recitals are a substantive part of this Agreement:

WHEREAS, MTS desires to construct improvements at the Old Town Transit Center outlined in Item No. 34 of its January 15, 2009, Joint Meeting of the Board Of Directors (the "Project"); and

WHEREAS, SANDAG has authority to construct the Project on behalf of MTS pursuant to Senate Bill 1703 (2003 Peace) and therefore has created capital improvement project number 1128200; and

WHEREAS, The California Department of Transportation (Caltrans) has contributed \$147,000 to MTS toward the construction of the Project under Program Supplement No 11A0041-09; and

WHEREAS, the parties wish to memorialize their agreement in this MOU to carry out the purposes set forth above;

**AGREEMENT**

NOW THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

**SANDAG AGREES:**

1. To construct the Project at the Old Town Transit Center as described in Item No. 34 of the January 15, 2009, Joint Meeting of the MTS Board of Directors and as may be further specified by MTS staff.
2. To use all funds paid to SANDAG by MTS pursuant to this MOU solely for the Project and to return any unused funds to MTS.
3. To use the \$147,000 Caltrans contribution-only construction costs and not for SANDAG staff time pursuant to Program Supplement No. 11A0041-09.

4. Neither MTS nor any officer thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by SANDAG under or in connection with any work, authority or jurisdiction delegated to SANDAG under this MOU. It is understood and agreed that, pursuant to Government Code Section 895.4, SANDAG shall fully defend, indemnify, and save harmless MTS, all officers, and employees from all claims, suits, or actions of every name, kind, and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by SANDAG under or in connection with any work, authority, or jurisdiction delegated to SANDAG under this MOU.

**MTS AGREES:**

5. To transfer the \$147,000 from Caltrans Program Supplement No 11A0041-09 to SANDAG for use on the Project within 30 days of receiving an invoice from SANDAG.
6. In the event that SANDAG notifies MTS that the original Project estimate (\$713,800) will be exceeded, MTS will meet with SANDAG to discuss whether an amendment to this MOU is appropriate. In no event shall SANDAG have the responsibility to move forward with the Project until the parties are able to identify sufficient funds to complete the work.
7. To SANDAG's use of the contractor(s) it selects for work on the Project.
8. To provide staff support on the Project at no cost to SANDAG, including, but not limited to, any staff support or cooperation needed to defend any contractor claims that may arise on the project.
9. Neither SANDAG nor any officer thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by MTS under or in connection with any work, authority, or jurisdiction delegated to MTS under this MOU. It is understood and agreed that, pursuant to Government Code Section 895.4, MTS shall fully defend, indemnify, and save harmless SANDAG, all officers, and employees from all claims, suits, or actions of every name, kind and description brought for or on account of injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by MTS under or in connection with any work, authority, or jurisdiction delegated to MTS under this MOU.

**THE PARTIES MUTUALLY AGREE:**

1. That all obligations of SANDAG under the terms of this MOU are subject to the appropriation of the required resources by SANDAG and the approval of the SANDAG Board of Directors.
2. Any notice required or permitted under this MOU may be personally served on the other party, by the party giving notice, or may be served by certified mail, return receipt requested, to the following addresses:

For SANDAG  
Attn: John Dorow  
401 B Street, Suite 800  
San Diego, CA 92101

For MTS  
Attn: Nancy Dall  
1255 Imperial Avenue  
San Diego, CA 92101

3. That unless it is amended by the parties in writing, this MOU shall terminate on June 30, 2011, or on such earlier or later date as the parties may agree to in writing.
4. The indemnification provisions of this MOU shall survive termination of the MOU.
5. This MOU shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this MOU, the action shall be brought in a state or federal court situated in the County of San Diego, State of California.
6. All terms, conditions, and provisions hereof shall inure to and shall bind each of the parties hereto and each of their respective heirs, executors, administrators, successors, and assigns.
7. For purposes of this MOU, the relationship of the parties is that of independent entities and not as agents of each other or as joint venturers or partners. The parties shall maintain sole and exclusive control over their personnel, agents, consultants, and operations.
8. No alteration or variation of the terms of this MOU shall be valid unless made in writing and signed by the parties hereto, and no oral understanding or agreement not incorporated herein shall be binding on any of the parties hereto.
9. Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties to this MOU or affect the legal liability of the parties to this MOU to third parties.
10. This MOU may be executed in any number of identical counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument when each party has signed one such counterpart.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU effective on the day and year first above written.

SAN DIEGO ASSOCIATION OF GOVERNMENTS

METROPOLITAN TRANSIT SYSTEM

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**GARY L. GALLEGOS**  
Executive Director

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**PAUL C. JABLONSKI**  
Chief Executive Officer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

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Office of General Counsel

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Office of General Counsel



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

## Agenda

Item No. 13

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

CIP 11251

October 22, 2009

### SUBJECT:

MTS: LIGHT RAIL VEHICLE GEARBOX OVERHAUL KITS - CONTRACT AWARD

### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0900.0-10 (in substantially the same format as Attachment A) with Hi-Tec Enterprises to purchase up to 180 light rail vehicle (LRV) gearbox overhaul kits and an option to purchase an additional 40 if needed (contingent upon receipt of a Buy America waiver from the Federal Transit Administration (FTA)).

#### Budget Impact

The contract would cover a five-year period, and the total cost would not exceed \$2,177,243.75. The entire expenditure would be funded by CIP 11251-0200.

### DISCUSSION:

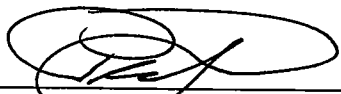
#### Background

MTS Policy No. 52 (Procurement of Goods and Services) requires a formal competitive bid process for procurement of goods and services exceeding \$100,000. San Diego Trolley, Inc. (SDTI) is currently operating a fleet of 52 Siemens SD LRVs that require a gearbox overhaul every five years. The gearboxes are a vital component of the traction power systems, and the LRV overhaul kits are necessary to maintain the proper levels of reliability and safety.



On July 23, 2009, MTS issued an Invitation for Bids (IFB) to interested parties for Gearbox Overhaul Kits. A total of two bids were received on September 3, 2009 (see Bid Summary – Attachment B). Hi-Tec Enterprises was the lowest responsive, responsible bidder. Based on the results, the gearbox overhaul kits do not meet the Buy America requirements of the technical specifications; therefore, MTS has requested a general waiver according to 49 C.F.R., Section 661.7(c). Under the provision of Section 165(b)(4) of the Act, the Administrator may waive the general requirements if the Administrator finds that the materials for which a waiver is requested are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality. Therefore, under this provision, the gearbox overhaul kits qualify for a general waiver from the FTA.

MTS has applied for the general waiver from the FTA and expects to receive approval of this waiver in the next few weeks. Therefore, staff is requesting approval of this contract contingent upon receipt of a waiver from the FTA.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contacts: Lee Summerlott, 619.595.4904, [lee.summerlott@sdmts.com](mailto:lee.summerlott@sdmts.com)  
Kimberly Benson, 619.557.4551, [kimberly.benson@sdmts.com](mailto:kimberly.benson@sdmts.com)

OCT22-09.13.LRV GEARBOX KITS AWARD.KBENSON.doc

Attachments: A. Draft Standard Procurement Agreement  
B. Bid Summary

DRAFT

## STANDARD PROCUREMENT AGREEMENT

L0900.0-09  
 \_\_\_\_\_  
 CONTRACT NUMBER  
 CIP 11251  
 \_\_\_\_\_  
 FILE NUMBER(S)

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2009, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Hi-Tec Enterprises Address: 1601 Ives Avenue, Unit J  
 Form of Business: Corporation Oxnard, CA 93033-1907  
 (Corporation, partnership, sole proprietor, etc.)  
 Telephone: 805.247.9007

Authorized person to sign contracts: Clark A. Eising Manager  
 Name Title

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

Provide up to 180 gearbox overhaul kits (with an option to purchase an additional 40) for Siemens SD 100 Light Rail Vehicles as stipulated in MTS's Invitation for Bids (IFB), including and in accordance with the Standard Procurement Agreement, including the Standard Conditions for Procurement, Federal Requirements, Addenda, 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 this contract:

1. Invitation for Bids, Addenda, and Bid Proposal.
2. Standard Procurement Agreement, including the Standard Conditions Procurement, and Federal Requirements.

This contract shall remain in effect for a five-year period effective November 1, 2009, through October 30, 2014.

**The total amount of this contract shall not exceed \$2,177,243.75.**

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
<u>\$2,177,243.75</u>	<u>CIP 11251-0200</u>	<u>FY 2010</u>

By: \_\_\_\_\_  
 Chief Financial Officer Date

(\_\_\_ total pages, each bearing contract number)

OCT22-09.13.AttA.L0900.0-10.HI-TEC GEARBOXES.KBENSON.doc

# BID SUMMARY

## MTS Gearbox Rebid IFB

Hi-Tec Enterprises	Siemens Transportation Systems, Inc.
\$ 2,177,243.75	\$ 2,388,911.25



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

## Agenda

Item No. 14

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

AG 210.2

October 22, 2009

**SUBJECT:**

MTS: JOB ACCESS AND REVERSE COMMUTE GRANT

**RECOMMENDATION:**


That the Board of Directors approve Resolution No. 09-23 (Attachment A) authorizing the Chief Executive Officer (CEO) to submit applications for federal fiscal year 2009 Job Access and Reverse Commute (JARC) (5316) "Non-Urban (Rural) Areas – Federal Transit Administration" funding.

Budget Impact

None.

**DISCUSSION:**

Resolution No. 09-23 would authorize filing applications with and requesting reimbursements from the California Department of Transportation (Caltrans) and would satisfy requirements of the federal fiscal year 2009 JARC grant application process for nonurban (rural) areas. MTS's application for fiscal year 2009 is for \$200,000; the funds would be used to supplement funding for Route 905.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Nancy Dall, 619.557.4537, [nancy.dall@sdmts.com](mailto:nancy.dall@sdmts.com)

OCT22-09.14.JARC GRANT.NDALL.doc

Attachment: A. Resolution No. 09-23

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 09-23

Resolution Approving the Submittal of Applications and Requests for Reimbursements  
for Federal Fiscal Year 2009 Job Access and Reverse Commute Grant for Nonurban (Rural) Areas

WHEREAS, the San Diego Metropolitan Transit System (MTS) is a public entity established under the laws of the State of California for the purpose of providing transportation services in the County of San Diego that desires to apply for and obtain funding to improve access to transportation services to employment and employment-related activities.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that MTS does hereby authorize the Chief Executive Officer, or designated representative, to file and execute any actions necessary on behalf of MTS with the California Department of Transportation to aid in the financing of operating or capital assistance projects pursuant to Section 5316 of the Federal Transit Act of 1964, as amended.

1. General Counsel, or designated representative, is authorized to execute and file all assurances or any other documents required by the California Department of Transportation.

2. The Chief Financial Officer, or designated representative, is authorized to provide additional information as the California Department of Transportation may require in connection with the application for Section 5316 projects.

PASSED AND ADOPTED by the Board of Directors this \_\_\_\_ day of \_\_\_\_\_ 2009,  
by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

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Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

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Office of the General Counsel  
San Diego Metropolitan Transit System

OCT22-09.14.AttA.JARC RESO 09-23.NDALL.doc



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## Agenda

Item No. 15

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

CIP 11223

October 22, 2009

### SUBJECT:

MTS: LRV STATION CCTV COMPONENTS (PHASE 2) - WORK ORDER  
AMENDMENT

### RECOMMENDATION:

That the Board of Directors:

1. ratify MTS Doc. No. G1246.0-09 Work Order No. 09.05 for \$99,506.02 with David Evans and Associates for engineering and design services for Capital Improvement Project (CIP) "LRV Station CCTV Components (Phase 2)" previously approved under the Chief Executive Officer's (CEO's) authority; and
2. authorize the CEO to execute MTS Doc. No. G1246.0-09 Work Order Amendment No. 09.05.01 for \$6,553.47 (in substantially the same form as Attachment A) for changes in the scope of design work.

### Budget Impact

A total of \$6,553.47 for MTS Doc. No. G1246.0-09 Work Order Amendment No. 09.05.01 would come from "LRV Station CCTV Components (Phase 2)" budget line item 11223-0600.

### DISCUSSION:

On August 20, 2009, the CEO approved Work Order No. 09.06 with David Evans and Associates for design and engineering services to install closed-circuit television (CCTV) systems on eight high-priority trolley stations. Those eight stations included: (1) Iris Avenue; (2) Beyer Boulevard; (3) Palm Avenue; (4) 8<sup>th</sup> Street; (5) 70<sup>th</sup> Street; (6) Gaslamp Quarter; (7) 25<sup>th</sup> & Commercial; and (8) Massachusetts Avenue.



Due to timing for the Blue Line Trolley Rehabilitation Project, SANDAG staff suggested that MTS consider delaying its project until after completion of the station upgrade project or pick stations on the Orange or Green Lines that would have less or no impact due to platform reconstruction. Delaying the CCTV project is not an option because the grant funding for the project has a March 2011 completion deadline, and the station platform upgrade project will extend beyond that date according to SANDAG's current work plan.

After careful review of MTS's priority list, staff recommends deleting the following stations from the scope of work:

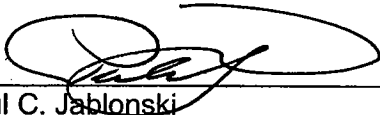
1. Beyer Blvd.
2. Iris Avenue
3. Palm Avenue
4. 8<sup>th</sup> Street

Staff recommends adding the following four new stations to the scope of work:

1. Lemon Grove Depot
2. 25<sup>th</sup> and Commercial
3. Grantville
4. Gaslamp Quarter

Since there was some work already done on four Blue Line stations now proposed for deletion from the scope, David Evans and Associates submitted a revised scope of work and fee for the amendment. Staff believes that the \$6,553.47 increase to compensate David Evans and Associates for the work effort already expended is reasonable.

Since the addition of this amendment exceeds the total design work order cost by more than \$100,000 (the original work order total was \$99,506.02 + the current amendment of \$6,553.47 = \$106,059.49), which exceeds the CEO's approval authority, staff is requesting Board ratification of the original work order issued under the CEO's authority and approval of the current amendment for a total cost not to exceed \$106,059.49.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Russ Desai, 619.595.4908, [rushikesh.desai@sdmts.com](mailto:rushikesh.desai@sdmts.com)

OCT22-09.15.LRV STATION CCTV.WO AMDMT.RDESAI.doc

Attachment: A. Work Order 09.06.01

DRAFT

October 22, 2009

MTS Doc. No. G1246.0-09  
Work Order No. 09.05.01  
CIP 11223

Mr. Siegfried Fassmann  
Project Manager  
David Evans and Associates, Inc.  
110 West "A" Street, Suite 1700  
San Diego, CA 92101

Dear Mr. Fassmann:

Subject: MTS DOC. NO. G1246.0-09, AMENDMENT TO WORK ORDER NO. 09.05 - GENERAL  
ENGINEERING SERVICES FOR FINAL DESIGN PLANS, SPECIFICATIONS, AND  
ESTIMATE FOR 8 CCTV SYSTEMS AT TROLLEY STATIONS

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

#### SCOPE OF SERVICES

Revise the Scope of Work in the original work order by deleting four Blue Line stations (Beyer Blvd.,  
Iris Avenue, Palm Avenue, and 8<sup>th</sup> Street) and adding four new Orange and Green Line stations  
(Gaslamp Quarter, 25<sup>th</sup> and Commercial, Lemon Grove Depot, and Grantville) as further described in  
Attachment A.

#### SCHEDULE

The Scope of Services, as described above, shall extend through February 23, 2010.

#### PAYMENT

Payment for this amendment shall be based on actual costs, not to exceed \$6,553.47, without prior  
authorization.

The total cost of the work order (including this amendment) shall not exceed \$106,059.49.

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

Sincerely,

Accepted:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Siegfried Fassmann, P.E.  
David Evans and Associates, Inc.

OCT22-09.15.AttA.LRV CCTV AMDMT.RDESAI.doc

Date: \_\_\_\_\_

Attachments: A - Scope of Services  
B - Fee Proposal

# **Work Order Amendment Attachment A**

## **WORK ORDER AMENDMENT TITLE:**

### **Video Surveillance Design - 4 Additional Stations Along Orange and Green Lines**

#### **I. PROJECT DESCRIPTION**

Due to the proposed rehabilitation of the Blue Line stations for low floor vehicle implementation, Metropolitan Transit System (MTS) has decided to substitute four (4) stations along a combination of the Orange Line and Green Line for four (4) of the original Blue Line stations, for the video surveillance design (Work Order #5). Some field and office design work (including base drawing development) on the Blue Line stations has already been completed.

MTS would like to remove Blue Line stations (8<sup>th</sup> Street, Palm Avenue, Iris Avenue, and Beyer Boulevard) that will be undergoing renovation and replace them with the Grantville Station (Green Line), Lemon Grove Depot (Orange Line), Gas Lamp Quarter Station (Orange Line), and 25<sup>th</sup> & Commercial Station (Orange Line).

TRC Solutions, Inc (TRC) is providing security engineering services for addition of video surveillance capability to eight station locations of the San Diego Trolley. TRC has at this time concluded the site-survey phase of the project. DEA is requesting an amendment to the work order for additional services to add the four new stations.

#### **II. EXPECTED RESULTS**

- a. Creation of bid ready construction documentation of video surveillance systems for the four substituted Orange Line and Green Line stations that meet the security and operational requirements of MTS.

#### **III. SCOPE OF WORK**

The scope of work shall consist of the following tasks and deliverables:

##### **1.1 CONTINUING WORK ORDER MANAGEMENT (DEA)**

This task includes the project management services including the requirements for progress reports, invoicing and administration of work.

##### **1. Work Order and Subconsultant Coordination**

David Evans and Associates, Inc (DEA) will continue to manage the work order effort, provide support to MTS, and provide on-going coordination with subconsultant TRC.

##### **1.2 DEVELOPMENT OF NEW SITE PLAN DRAWINGS (DEA)**

##### **1.2.1 Base Drawing Development**

##### **Orange Line Stations**

Electronic as-built drawing files (AutoCAD or MicroStation) are not expected to be available. Base drawings will be developed in the same manner as those for other Orange Line Stations in Work Order 5.

With as-built plan research assistance from MTS, DEA will develop site plan base drawings for TRC to produce the video surveillance design. DEA will work with MTS Staff to locate the most recent as-built or record drawing for the Orange Line trolley stations identified in Task 1.3 below. The record drawing(s) for these stations (platform and parking lot) will then be raster scanned to a TIF or JPG image format, cropped and embedded into an AutoCAD design file. The record information will be shown in screened contrast, or "drop-out", suitable for drafting proposed design work in darker line weights over top of the background imagery. One site plan will be prepared for each of the 3 Orange Line station sites.

#### Green Line Station

Electronic as-built drawing files (AutoCAD or MicroStation) are expected to be available from SANDAG for the Grantville Station.

#### 1.2.2 Site Plan Field Review

Once the site plan drawings are created, DEA will compare the record drawing information with actual site conditions and make revisions (using non-survey field measurements), if necessary, to record station platform and parking lot light standard locations, locations of electrical utility junction boxes and electrical service cabinets. Proposed revisions will be reviewed with MTS and TRC prior to incorporating changes into the site plan drawings.

#### 1.2.3 Site Plan Drawing Limitations

Accuracy of developed site plan base drawings will be limited to that of the native record drawing upon which the site plan is based. Site plans may not necessarily be drawing to scale. DEA will strive to maintain the same drawing scale on the prepared site plan as the native record drawing.

Topographical field surveying of station sites or platforms is not included in this work order. If topographical field surveying is requested by MTS, DEA will provide a scope and fee estimate for an amendment to this work order.

Underground utility surveys are also excluded from the scope of services for this work order.

### 1.3 NEEDS ANALYSIS PHASE (TRC)

- A. TRC will conduct site surveys with MTS security personnel to determine camera type, quantity and location verification to meet MTS video surveillance objectives, infrastructure in-place and required for connection to and operation of video surveillance control and storage equipment, location of video surveillance control and storage equipment, off-site interface via T1 to MTS control room. Additional site surveys will be conducted at the following MTS locations:

- Grantville
- Lemon Grove
- Gas Lamp Quarter
- 25<sup>th</sup> and Commercial

- B. TRC will analyze each location and recommend use of wireless system or in ground conduit and hard wired system from cameras to local communications cabinet based on the most efficient and cost effective solution.

#### **IV. DELIVERABLES**

Unchanged from Work Order #5

#### **V. SCHEDULE OF SERVICES/MILESTONES/DELIVERABLES**

##### **A. Revised Tasks/Milestone/Deliverable Schedule**

8-Station, 65% Design Submittal package 11/24/2009  
8-Station, 90% Design submittal package 01/06/2010  
8-Station, 100% Design submittal package 02/05/2010  
8-Station, Final design submittal package 02/23/2010

#### **VI. MATERIALS TO BE PROVIDED BY MTS AND/OR THE LOCAL AGENCY**

- a. As-built or record drawings of all station site (some drawings already transmitted to DEA).
- b. AutoCAD design files of station sites (if available).

#### **VII. SPECIAL CONDITIONS**

- a. Coordination is based on a single point of contact with MTS Staff.
- b. TRC assumes that the video surveillance systems located at the above listed trolley stations are external only.

# **Work Order Estimate Summary**

MTS Doc No. **G1246.0-09**  
 Work Order No. **09.06; Amendment  
09.06.01**  
 Attachment: **B**

Task Order Title: **8 Station Video Surveillance Design - 4 Station  
Substitution**

Project No:

**Table 1 - Cost Codes Summary (Costs & Hours)**

Item	Cost Codes	Cost Codes Description	Total Costs
1			
2			
3			
4			
5			

Totals =

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

Item	TASKS/WBS	TASKS/WBS Description	Labor Hrs	Total Costs
1	1.1	Work Order Management	4.0	\$845.24
2	1.2	Development of Site Plan Drawings - 8 Station	19.0	\$2,273.73
3	1.3	Needs Analysis Phase - 8 Station	25.0	\$3,434.50
4				
5				
6				
7				
8				
9				
10				

Totals =

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

(If Applicable, Select One)				Consultant	Labor Hrs	Total Costs
DBE	DVBE	SBE	Other			
				David Evans and Associates, Inc.	23.0	\$3,118.97
				TRC Solutions	25.0	\$3,434.50

Totals =

**A-5**



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

## Agenda

Item No. 30

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

TAXI 570.1, 590.10

October 22, 2009

### SUBJECT:

MTS: PROPOSED CHANGES TO MTS TAXICAB ADMINISTRATION  
ADMINISTRATIVE PENALTY GUIDELINES (JOHN SCOTT)

### RECOMMENDATION:

That the Board of Directors authorize proposed changes to the MTS Taxicab Administration's "*Administrative Penalty Guidelines*."

#### Budget Impact

None.

### DISCUSSION:

From January 2008 through July 7, 2009, MTS Taxicab Administration staff and the San Diego County Regional Airport Authority (SDCRAA) collected statistics related to vehicle conditions and taxicab driver compliance due to excessive taxicab driver and vehicle in-service violations. The following are the results of those statistics.

#### City

January 1, 2008, through February 28, 2009 - 85% of vehicles contacted were taken out of service; March 1, 2009, through June 30, 2009 - 70% of vehicles contacted were taken out of service (Attachment A).



## Airport

Inspections were held on April 29, 2008, December 8, 2008, January 26, 2009, and July 7, 2009, which resulted in 43.4% of the vehicles being taken out of service (Attachment B).

Because of these findings, MTS Taxicab Administration staff called a meeting of the Workshop on Regulatory Matters (WORM) Subcommittee on July 22, 2009, to discuss the issues and propose changes to the MTS Taxicab Administration "*Administrative Penalty Guidelines*" (Attachment C).

Subcommittee members stated that as staff had not compiled these statistics in the past, the numbers might not be an increase but an example of the economic times. Members also felt that due to the recent trend of an increase in smaller companies becoming taxicab permit holders, some type of additional training might be needed.

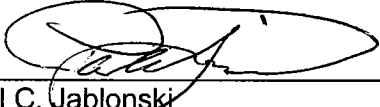
MTS staff explained that while the points that were raised may have contributed to the high in-service failure rates of vehicles and to driver compliance issues, all of the required information is supplied by MTS to new permit holders as part of the application process. Drivers are required to pass a test when they initially apply for or renew their Sheriff's Taxicab Driver Identification Card.

Staff further explained that should the proposed changes not prove effective, MTS would consider additional steps, such as adjusting or eliminating the Taxicab Vehicle Inspection Incentive Program. This program allows taxicab companies with vehicle pass rates at or above 95% at scheduled inspections to have only one required vehicle inspection per vehicle, per round. Companies that have a pass rate of 80% to 94% are required to have two vehicle inspections per vehicle. Companies that have pass rates below 80% are scheduled for three inspections per vehicle and a per-vehicle fee of \$50.00 must be paid at the time of the third inspection.

At the conclusion of discussions, although staff and subcommittee members agreed that the vehicle condition as well as driver incidents needed to improve, an agreement to accept staff's proposed changes could not be reached. Staff offered subcommittee members five days from the date of the WORM meeting to review the proposed changes and submit suggestions and responses. By July 27, staff had received responses from only subcommittee members Tony Hueso and Margo Tanguay (Attachment D).

At the Taxicab Committee meeting held on August 26, 2009, the item was brought before the Committee. A motion was made and seconded to approve the changes to the guidelines, but the motion failed. A new motion was made to take the item to the WORM Subcommittee once again for further discussion. On September 8, 2009, the WORM Subcommittee and staff met for a second time and reviewed the proposed changes to the MTS Taxicab "*Administrative Penalty Guidelines*" line by line.

In conclusion, after input from subcommittee members, airport staff, and further review of the documents, the subcommittee unanimously agreed on the changes to the guidelines. Therefore, staff requests that the Board of Directors authorize the proposed changes to the MTS Taxicab Administration "*Administrative Penalty Guidelines.*"



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: John A. Scott, 619.595.7034, [john.scott@sdmts.com](mailto:john.scott@sdmts.com)

OCT22-09.30.CHGS TAXICAB ADMIN PENALTY GUIDLINES.JSCOTT.doc

Attachments:

- A. City inspection results
- B. Airport inspection results
- C. Proposed revised Administrative Penalty Guidelines
- D. Taxicab Committee members' written suggestions

## City of San Diego

***Field Reports Issued By MTS Staff - Total Out of Service - 85.2%  
From January 1, 2008, thru February 28, 2009***

**Safety - Out of Service - 119 total - 70.4% (included in 85.2% total)**

1 Safety - Out of Service	battery, meter fast
2 Safety - Out of Service	brake lights none
3 Safety - Out of Service	brake lights none
4 Safety - Out of Service	brake, seat not secured, no registration
5 Safety - Out of Service	no horn, overall condition
6 Safety - Out of Service	seat not secured
7 Safety - Out of Service	seat not secured
8 Safety - Out of Service	seat not secured
9 Safety - Out of Service	seat not secured
10 Safety - Out of Service	seat not secured
11 Safety - Out of Service	seat not secured
12 Safety - Out of Service	seat not secured, no insurance, no registration
13 Safety - Out of Service	seat not secured, no fuel surcharge decal
14 Safety - Out of Service	seat not secured, windshield
15 Safety - Out of Service	suspension, broken ball joint
16 Safety - Out of Service	tire
17 Safety - Out of Service	tire
18 Safety - Out of Service	tire
19 Safety - Out of Service	tire
20 Safety - Out of Service	tire
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82 Safety - Out of Service	tire
83 Safety - Out of Service	tire
84 Safety - Out of Service	tire, 2 channels in radio
85 Safety - Out of Service	tire, brake
86 Safety - Out of Service	tire, brake
87 Safety - Out of Service	tire, brake, damage
88 Safety - Out of Service	tire, conduct
89 Safety - Out of Service	tire, damage
90 Safety - Out of Service	tire, no code blue lights, no defrost
91 Safety - Out of Service	tire, no fuel surcharge decal
92 Safety - Out of Service	tire, no fuel surcharge decal
93 Safety - Out of Service	tire, no fuel surcharge decal
94 Safety - Out of Service	tire, no fuel surcharge decal, id not valid in mts
95 Safety - Out of Service	tire, seat not secured
96 Safety - Out of Service	tire, seat not secured

97 Safety - Out of Service	tire, seat not secured
98 Safety - Out of Service	tire, seat not secured
99 Safety - Out of Service	tire, seat not secured
100 Safety - Out of Service	tire, seat not secured
101 Safety - Out of Service	tire, seat not secured
102 Safety - Out of Service	tire, seat not secured
103 Safety - Out of Service	tire, seat not secured, broken shock
104 Safety - Out of Service	tire, seat not secured, code blue lights, severe leak
105 Safety - Out of Service	tire, windshield
106 Safety - Out of Service	tire, windshield
107 Safety - Out of Service	tire, windshield
108 Safety - Out of Service	tire, windshield
109 Safety - Out of Service	tire, windshield
110 Safety - Out of Service	tire, windshield, expired registration
111 Safety - Out of Service	tire, no seal on meter
112 Safety - Out of Service	tire, seat not secured
113 Safety - Out of Service	tire, seat not secured
114 Safety - Out of Service	tire, seat not secured
115 Safety - Out of Service	tire, seat not secured
116 Safety - Out of Service	tire, seat not secured
117 Safety - Out of Service	tire, seat not secured, no fuel surcharge decal
118 Safety - Out of Service	windshield
119 Safety - Out of Service	windshield, no code blue lights

**Damage/Condition - Out of Service 5 total - 2.9% (included in 85.2% total)**

1 Damage/Condition - Out of Service	body damage
2 Damage/Condition - Out of Service	body damage
3 Damage/Condition - Out of Service	body damage
4 Damage/Condition - Out of Service	body damage
5 Damage/Condition - Out of Service	overall condition

**Driver Violation - Out of Service 15 total - 8.9% (included in 85.2% total)**

1 Driver Violation - Out of Service	dba not on S/O License
2 Driver Violation - Out of Service	dba not on S/O License
3 Driver Violation - Out of Service	failure to comply/conduct
4 Driver Violation - Out of Service	failure to comply/conduct
5 Driver Violation - Out of Service	failure to comply/conduct
6 Driver Violation - Out of Service	failure to comply/conduct
7 Driver Violation - Out of Service	failure to comply/conduct
8 Driver Violation - Out of Service	failure to comply/conduct
9 Driver Violation - Out of Service	failure to comply/conduct
10 Driver Violation - Out of Service	failure to comply/conduct
11 Driver Violation - Out of Service	failure to comply/conduct
12 Driver Violation - Out of Service	failure to comply/conduct
13 Driver Violation - Out of Service	failure to comply/conduct
14 Driver Violation - Out of Service	no s/o S/O License
15 Driver Violation - Out of Service	no S/O S/O License in pos

**Various Items - Out of Service 5 total - 2.9% (included in 85.2% total)**

- |                                  |                               |
|----------------------------------|-------------------------------|
| 1 Various Items - Out of Service | 2 channel in radio            |
| 2 Various Items - Out of Service | meter seal                    |
| 3 Various Items - Out of Service | no CDL, no proof of insurance |
| 4 Various Items - Out of Service | no SD permit, 3000 series     |
| 5 Various Items - Out of Service | no registration               |

**Unsuitable - 72 hour 25 total - 14.8%**

- 1 Unsuitable - 72 hour
- 2 Unsuitable - 72 hour
- 3 Unsuitable - 72 hour
- 4 Unsuitable - 72 hour
- 5 Unsuitable - 72 hour
- 6 Unsuitable - 72 hour
- 7 Unsuitable - 72 hour
- 8 Unsuitable - 72 hour
- 9 Unsuitable - 72 hour
- 10 Unsuitable - 72 hour
- 11 Unsuitable - 72 hour
- 12 Unsuitable - 72 hour
- 13 Unsuitable - 72 hour
- 14 Unsuitable - 72 hour
- 15 Unsuitable - 72 hour
- 16 Unsuitable - 72 hour
- 17 Unsuitable - 72 hour
- 18 Unsuitable - 72 hour
- 19 Unsuitable - 72 hour
- 20 Unsuitable - 72 hour
- 21 Unsuitable - 72 hour
- 22 Unsuitable - 72 hour
- 23 Unsuitable - 72 hour
- 24 Unsuitable - 72 hour
- 25 Unsuitable - 72 hour

***This list incorporates vehicles contacted and inspected while operating in the areas of MTS Taxicab Administration Jurisdiction.***

***Note: All vehicles listed were contacted either for parking illegally or had obvious violations at the time of contact.***

## City of San Diego

### *Field Reports Issued By MTS Staff - Total Out of Service - 70% From March 1, 2009, thru June 30 2009*

#### **Safety - Out of Service - 51 total - 63.75% (included in 70% total)**

1 Safety - Out of Service	tires
2 Safety - Out of Service	tires/seat not secured
3 Safety - Out of Service	tires
4 Safety - Out of Service	tires
5 Safety - Out of Service	tires
6 Safety - Out of Service	tires/dba not on s/o lic
7 Safety - Out of Service	tires
8 Safety - Out of Service	tires
9 Safety - Out of Service	cracked windshield/no valid insurance
10 Safety - Out of Service	tires/seat not secured
11 Safety - Out of Service	tires/seat not secured
12 Safety - Out of Service	tires/cdl not in possession
13 Safety - Out of Service	tires
14 Safety - Out of Service	tires
15 Safety - Out of Service	tires
16 Safety - Out of Service	tires
17 Safety - Out of Service	tires
18 Safety - Out of Service	tires
19 Safety - Out of Service	tires
20 Safety - Out of Service	tires/seat not secured
21 Safety - Out of Service	tires/dba not on s/o lic/no op 3000 series
22 Safety - Out of Service	tires
23 Safety - Out of Service	tires
24 Safety - Out of Service	tires
25 Safety - Out of Service	tires
26 Safety - Out of Service	tires
27 Safety - Out of Service	tires
28 Safety - Out of Service	tires
29 Safety - Out of Service	seat not secure/no code blue
30 Safety - Out of Service	tires
31 Safety - Out of Service	tires
32 Safety - Out of Service	seat not secure
33 Safety - Out of Service	tires
34 Safety - Out of Service	broken ball joint
35 Safety - Out of Service	tires
36 Safety - Out of Service	tires
37 Safety - Out of Service	tires
38 Safety - Out of Service	tires
39 Safety - Out of Service	tires
40 Safety - Out of Service	tires
41 Safety - Out of Service	tires
42 Safety - Out of Service	tires/seat not secured
43 Safety - Out of Service	tires/seat not secured

44 Safety - Out of Service	tires/seat not secured
45 Safety - Out of Service	tires
46 Safety - Out of Service	tires/seat not secured
47 Safety - Out of Service	tires/cracked windshield
48 Safety - Out of Service	tires/seat not secured
49 Safety - Out of Service	tires/seat not secured
50 Safety - Out of Service	tires
51 Safety - Out of Service	tires

**Damage/Condition - Out of Service 2 total - 2.5% (included in 70% total)**

1 Damage/Condition - Out of Service	major body damage
2 Damage/Condition - Out of Service	extremely dirty/large oil leaks

**Driver Violation - Out of Service 3 total - 3.75% (included in 70% total)**

1 Driver Violation - Out of Service	failure to comply
2 Driver Violation - Out of Service	no op 3000 series
3 Driver Violation - Out of Service	no op 3000 series

**Unsuitable - 72 hour 24 total - 30%**

- 1 Unsuitable - 72 hour
- 2 Unsuitable - 72 hour
- 3 Unsuitable - 72 hour
- 4 Unsuitable - 72 hour
- 5 Unsuitable - 72 hour
- 6 Unsuitable - 72 hour
- 7 Unsuitable - 72 hour
- 8 Unsuitable - 72 hour
- 9 Unsuitable - 72 hour
- 10 Unsuitable - 72 hour
- 11 Unsuitable - 72 hour
- 12 Unsuitable - 72 hour
- 13 Unsuitable - 72 hour
- 14 Unsuitable - 72 hour
- 15 Unsuitable - 72 hour
- 16 Unsuitable - 72 hour
- 17 Unsuitable - 72 hour
- 18 Unsuitable - 72 hour
- 19 Unsuitable - 72 hour
- 20 Unsuitable - 72 hour
- 21 Unsuitable - 72 hour
- 22 Unsuitable - 72 hour
- 23 Unsuitable - 72 hour
- 24 Unsuitable - 72 hour

**NTA's Issued By MTS Staff 26 Total**  
**From March 1, 2009 thru June 30 2009**

1	2.4p 2.4e
2	1.2a
3	1.2a
4	1.2a 1.12a
5	1.2a
6	1.2a 1.8w 2.4p
7	2.4p 1.8w 2.4f
8	2.4p 1.8w 1.12a
9	1.2a 2.4p 1.12a
10	1.2a 2.4p 1.12a
11	1.2a
12	1.2a 1.12a 2.4p
13	2.4g 2.2f 2.4p
14	2.4e 2.2f 2.4p
15	1.12a
16	1.12a
17	1.12a
18	1.12a
19	1.12a
20	1.8e 2.4f
21	1.2a
22	1.2a
23	1.2a
24	2.4e 1.8w 2.4p
25	1.12a 2.4p 1.8w
26	2.4p 1.12a

**Parking Cites Issued By MTS Staff 114 Total**  
**From March 1, 2009 thru June 30 2009**

46 for 2.4(e)  
52 for 2.4(f)  
13 for 2.4(g)  
1 for 2.4(m)  
2 for 2.5(d)

***This list incorporates vehicles contacted and inspected while operating in the areas of MTS Taxicab Administration Jurisdiction.***

***Note: All vehicles listed were contacted either for parking illegally or had obvious violations at the time of contact.***

## San Diego International Airport

*April 29, 2008, December 8, 2008, and January 26, 2009*

**Total out of service - 47.4%**  
**Total Unsuitable - 43.4%**

**9.2% passed with no vehicle violations**

### **April 29, 2008**

**0 Pass - 0%**

**Out of Service - 17 total - 60.7%**

**Unsuitable - 11 total - 39.3%**

- |                            |   |
|----------------------------|---|
| 1 Safety - Out of Service  | tires, seat not secure                  |
| 2 Safety - Out of Service  | no ac, no defrost, door not unlocking   |
| 3 Safety - Out of Service  | e-brake, tires, seat not secure, no ac  |
| 4 Safety - Out of Service  | no code blue lights                     |
| 5 Safety - Out of Service  | two way radio not working               |
| 6 Safety - Out of Service  | tires                                   |
| 7 Safety - Out of Service  | no ac, 2 channels in radio              |
| 8 Safety - Out of Service  | tires                                   |
| 9 Safety - Out of Service  | tires, seat not secure                  |
| 10 Safety - Out of Service | battery not secure                      |
| 11 Safety - Out of Service | 2 channels in radio                     |
| 12 Safety - Out of Service | e-brake                                 |
| 13 Safety - Out of Service | no defrost, severe oil leaks            |
| 14 Safety - Out of Service | 2 channels in radio, no answer on radio |
| 15 Safety - Out of Service | no ac, e-brake                          |
| 16 Safety - Out of Service | battery not secure, door locks non op   |
| 17 Safety - Out of Service | wiper blades, battery not secured       |
| 18 Unsuitable - 72 hour    |   |
| 19 Unsuitable - 72 hour    |   |
| 20 Unsuitable - 72 hour    |   |
| 21 Unsuitable - 72 hour    |   |
| 22 Unsuitable - 72 hour    |   |
| 23 Unsuitable - 72 hour    |   |
| 24 Unsuitable - 72 hour    |   |
| 25 Unsuitable - 72 hour    |   |
| 26 Unsuitable - 72 hour    |   |
| 27 Unsuitable - 72 hour    |   |
| 28 Unsuitable - 72 hour    |   |

### **December 8, 2008**

**4 Pass - 13.3%**

**Out of Service - 11 total - 36.7%**

**Unsuitable -15 total - 50%**

- |                           |                            |
|---------------------------|----------------------------|
| 1 Safety - Out of Service | tires, rearseat not secure |
| 2 Safety - Out of Service | tires, rearseat not secure |
| 3 Safety - Out of Service | tires, no for-hire lights  |
| 4 Safety - Out of Service | tires                      |
| 5 Safety - Out of Service | severe oil leaks           |

6 Safety - Out of Service	tires, no code blue
7 Safety - Out of Service	tires, gear shifter not operating correctly (dangerous)
8 Safety - Out of Service	windshield, damage, 2 radio services in 2-way radio
9 Safety - Out of Service	abs leaking
10 Safety - Out of Service	backseat not secure, no code blue, battery not secured
11 Safety - Out of Service	emergency brake not operating
12 Unsuitable - 72 hour	
13 Unsuitable - 72 hour	
14 Unsuitable - 72 hour	
15 Unsuitable - 72 hour	
16 Unsuitable - 72 hour	
17 Unsuitable - 72 hour	
18 Unsuitable - 72 hour	
19 Unsuitable - 72 hour	
20 Unsuitable - 72 hour	
21 Unsuitable - 72 hour	
22 Unsuitable - 72 hour	
23 Unsuitable - 72 hour	
24 Unsuitable - 72 hour	
25 Unsuitable - 72 hour	
26 Unsuitable - 72 hour	
27 PASS	No vehicle violations
28 PASS	No vehicle violations
29 PASS	No vehicle violations
30 PASS	No vehicle violations

**January 26, 2009**  
**3 Pass - 18%**

**Out of Service - 8 total - 44.4%**  
**Unsuitable - 7 total - 38.9%**

1 Safety - Out of Service	tires
2 Safety - Out of Service	tires, battery not secured
3 Safety - Out of Service	severe axel seal leak
4 Safety - Out of Service	tires, no spare tire
5 Safety - Out of Service	no code blue lights
6 Safety - Out of Service	nail in tire, rear seat not secured
7 Safety - Out of Service	tires, emergency brake not holding
8 Safety - Out of Service	stalling when steering, door handles non op
9 Unsuitable - 72 hour	
10 Unsuitable - 72 hour	
11 Unsuitable - 72 hour	
12 Unsuitable - 72 hour	
13 Unsuitable - 72 hour	
14 Unsuitable - 72 hour	
15 Unsuitable - 72 hour	
16 PASS	No vehicle violations
17 PASS	No vehicle violations
18 PASS	No vehicle violations

# San Diego International Airport

July 7, 2009

#	Year	Unsafe / Out of Service	Unsuitable / 72 Hours	Total Violations	
1	2002	2	7	9	
2	2004	1	1	2	
3	2003	2	6	8	
4	2003	0	9	9	
5	2008	0	2	2	
6	2005	0	3	3	
7	2003	1	8	9	
8	2004	1	7	8	
9	2004	0	8	8	
10	2005	0	0	0	pass
11	2004	0	0	0	pass
12	2003	0	6	6	
13	2003	1	7	8	
14	2003	2	7	9	
15	2005	0	1	1	
16	2004	0	9	9	
17	2003	1	4	5	
18	2005	0	2	2	
19	2003	0	4	4	
20	2003	0	2	2	
21	2007	0	0	0	pass
22	2004	1	2	3	
23	2003	0	7	7	
24	2003	1	4	5	
25	2004	0	2	2	
26	2002	0	6	6	
27	2003	0	2	2	
28	2005	0	2	2	
29	2004	0	1	1	
30	2003	2	3	5	
31	2003	0	5	5	
32	2003	0	4	4	
33	2005	0	3	3	
34	2005	1	1	2	
35	2003	0	1	1	
36	2003	2	3	5	
37	2005	0	3	3	
	<b>Totals</b>	<b>18</b>	<b>142</b>	<b>160</b>	

*Two 2002's*      *1 Out of Service*  
*Seventeen 2003's*      *8 Out of Service*  
*Eight 2004's*      *3 Out of Service*  
*Eight 2005's*      *1 Out of Service*  
*Zero 2006*      *0 Out of Service*  
*One 2007*      *0 Out of Service*  
*One 2008*      *0 Out of Service*  
**Total**      **13 Out of Service**

**Total 13 vehicles Out of Service with 18 Airport  
or City out of service violations**

#	Year	Out of Service Violations	Notes
1	2002	no air conditioning, door lock non-op	
2	2004	no county seal on meter (temp seal expired)	
3	2003	no brake lights, severe brake pedal fade	
4	2003		FR issued-Out of Service-Overall Condition
5	2008		
6	2005		
7	2003	tire under 1/32"	FR issued-Out of Service
8	2004	nail in tire; noticable low air pressure	
9	2004		FR issued-Out of Service-Overall
10	2005		<b>PASS</b>
11	2004		<b>PASS</b>
12	2003		
13	2003	no air conditioning	
14	2003	no air conditioning, tires under 1/32"	
15	2005		
16	2004		NOV issued from ATO for non airport day
17	2003	rear seat not secured	
18	2005		
19	2003		
20	2003		
21	2007		<b>PASS</b>
22	2004	tire under 1/32"	
23	2003		
24	2003	no air conditioning	
25	2004		
26	2002		
27	2003		
28	2005		
29	2004		
30	2003	tires under 1/32", rear seat not secured	
31	2003		
32	2003		
33	2005		
34	2005	nail in tire	
35	2003		
36	2003	no answer on 2-way radio, battery not secured	FR issued-Out of Service
37	2005		

**Total out of service vehicles - 40.5%**

**Total 72 hr violation vehicles - 51.4%**

**Total vehicles with no violations - 8.1%**

**Note: Inspections 4 and 9 were additional out of service  
vehicles not listed on front page (included in percentages).**

## ADMINISTRATIVE PENALTY GUIDELINES

In accordance with MTDB Ordinance No. 11, Section 1.19, the Chief Executive Officer has adopted this schedule to implement the provisions of Ordinance No. 11 concerning taxicab and other for-hire vehicles and drivers.

In accordance with Sections 1.13 (a) and 1.14 (a), ~~owners'~~ permit holders' permits and drivers' identification cards may be suspended or revoked by the Chief Executive Officer. As provided for in Sections 1.13 (a) and 1.13 (d), penalties may be applied to a driver independently of, or in conjunction with, a penalty applied to ~~an owner~~ a permit holder.

**Drivers:** As the San Diego County Sheriff's Licensing Division is responsible for the issuance of private-hire driver identification cards, the penalties outlined in this document will not preclude the Sheriff's Licensing Division from issuing additional penalties.

\*RTC – Removed until corrected. This penalty shall require the temporary removal of the medallion(s) of vehicle(s) specified in the penalty, or the temporary suspension of a driver's identification card until the violation is corrected. Vehicles under the effect of this penalty may not be placed in service until they have been reinspected by MTS. Driver identification cards may not be reinstated until the driver has provided proof to MTS that the violation has been corrected. The "temporary" nature of this penalty shall normally be construed to mean a 72-hour period. Extensions may be granted on a case-by-case basis. All reinspections or reinstatements may be subject to applicable administrative fees.

\*\*In addition to other penalties, may be assessed 150 percent of the assigned risk cost per day.

Penalty Guide Section	Item	First Offense/Second Offense
1.2 a	No vehicle operating permit	RTC* <u>Driver ineligible to apply for MTS permit for 5 years, plus 5-Day Suspension/\$500 Fine/Revocation*</u>
1.5 a, b	Failure to request approval from <del>MTDB</del> <u>MTS</u> to transfer permit	RTC*/ <u>Permit Revocation</u>
<del>1.7 b</del> <u>2.7 a</u>	Missing, improper, or malfunctioning safety equipment	<u>*RTC, plus 3-Day Permit Suspension/Revocation</u> <u>5-Day Permit Suspension</u>
<del>4.7 c</del> <u>2.7 b</u>	Window tinting, shades, or markings that interfere with view into vehicle	<u>Warning/*RTC*/3-Day Permit Suspension</u>
1.8 c	Failure to notify <del>MTDB</del> <u>MTS</u> within 48 hrs. of change of business address/phone	<u>Warning/*RTC*/3-Day Permit Suspension</u>
1.8 d	Failure to have vehicle inspected as instructed <u>per field request/Field Report</u>	<u>Warning/*RTC*/5-Day Permit Suspension</u>

Section	Item	Minimum/Maximum First Offense/Second Offense
1.8 f (1-12)	Unsafe vehicle <sup>±</sup>	*RTC/5-Day Permit Suspension
	<u>Intentional unsafe vehicle</u>	*RTC*, /Pplus 5--Day Permit Suspension/10-Day Permit Suspension
1.8 h (1-14)	Unsuitable vehicle not repaired and passed inspection within 72 hours	Warning/RTC*/5-Day Permit Suspension
1.8 j	Failure to immediately notify <u>MTDB-MTS</u> when a spare vehicle is in use	*RTC*, plus 5-Day Permit Suspension/Permit Revocation
1.8 l, o	<del>Contact</del> <u>Lost and found</u> card not displayed	Field Report (Warning)/*RTC*
1.8 m	No map	Field Report (Warning)/RTC*3-Day Driver I.D. Suspension
	Map not current	Field Report (Warning)/3-Day Driver I.D. Suspension, RTC*
1.8 q	Driver did not offer passenger <u>completed</u> receipt	Warning1-Day Driver I.D. Suspension/3-Day Driver I.D. Suspension
1.8 t	<u>Driver</u> failure to comply with lawful order	10-Day Driver I.D. Suspension/Driver I.D. Revocation
	<u>Owner/operator</u> failure to comply with lawful order	10-Day Driver I.D. & Permit Suspension/Driver I.D. & Permit Revocation
1.8 u	More passengers than manufacturer rating	WarningField Report (Warning)3-Day Suspension/5-Day Driver I.D. Suspension
1.8 v	<u>Driver</u> pay or accept compensation for trip referral	Warning/ 3-Day Driver I.D. Suspension /Driver I.D. Revocation
	<u>Owner/operator</u> pay or accept compensation for trip referral	Warning/3-Day Driver I.D. & Permit Suspension /Driver I.D. & Permit Revocation
1.8 w	Not wearing name tag	Field Report (Warning)/3-Day Driver I.D. Suspension
1.8 x	Improper driver dress/appearance	Field Report (Warning)/3-Day Driver I.D. Suspension
1.8 z	Noncompliance w/Calif. Vehicle Code, e.g., red zones	Field Report (Warning)/3-Day Driver I.D. Suspension
1.9 a	Lapse of insurance coverage	*RTC*(**)*Permit Revocation

*Penalty Guide*

<i>Section</i>	<i>Item</i>	<i>Minimum/Maximum First Offense/Second Offense</i>
1.9 b	Proof of insurance not timely	<u>Warning/*RTC*, plus 3-Day Permit Suspension/10-Day Permit Suspension</u>
1.9 b	Inadequate proof of insurance	<u>Warning/*RTC, plus 3-Day Permit Suspension/10-Day Permit Suspension</u>
1.10 <del>e</del> <u>b,c,d</u>	Failure to provide records	<u>Warning/*RTC 10-Day Permit Suspension/Permit Revocation</u>
1.10 <del>e</del> <u>b,c,d</u>	Incomplete records	<u>Warning/*RTC, plus 3-Day Permit Suspension/10-Day Permit Suspension</u>
1.10 e	Late filing of Annual Statement	<u>*RTC/Permit Revocation</u>
1.10 e	Failure to file Annual Statement	<u>Permit Revocation</u>
1.11 c	Markings <u>not</u> removed prior to disposal of vehicle	<u>*RTC/Revocation, plus 3-Day Permit Suspension/5-Day Permit Suspension</u>
1.12 a	No <u>Paratransit I.D. card issued</u>	<u>*RTC*/Revocation/5-Day Permit Suspension</u>
1.12 b	<del>No paratransit driver I.D. card</del> <u>Permit holder employing driver without approved I.D. card</u>	<u>*RTC/5-Day Permit Suspension*/Revocation</u>
1.12 a, b	Driver I.D. not displayed	<u>Field Report (Warning)/*RTC*</u>
1.12 <del>g</del> <u>d</u>	Incorrect company <u>name, or company name not</u> on driver I.D. Card	<u>Warning/*RTC/ 3-Day Suspension</u>
<del>4.19 a</del> <u>1.20</u>	Noncompliance with Americans with Disabilities Act	<u>Field Report (Warning)/Permit Revocation</u>
2.2 e (7)	Post tire size and pressure	<u>Field Report (Warning)/*RTC*</u>
	Ensure tires are proper size	<u>*RTC*/5-Day Permit Suspension</u>
2.2 f	Meter not engaged	<u>35-Day Driver I.D. Suspension/Driver I.D. Revocation</u>
<u>2.3 b</u>	<u>For-hire lights not operating (both)</u>	<u>*RTC/3-Day Permit Suspension</u>
2.3 f	Scanner in vehicle	<u>35-Day Driver I.D. Suspension/Driver I.D. Revocation</u>
<del>2.3 f</del> <u>(4)2.4(h)</u>	Out of service sign <u>not posted</u>	<u>Field Report (Warning)/35-Day Driver I.D. Suspension</u>

Section	Item	Minimum/MaximumFirst Offense/Second Offense
2.2 h, l	Overcharge of filed rate	<u>35-Day Driver I.D. Suspension,</u> <u>Plus Restitution/Driver I.D.</u> <u>Revocation</u>
2.4 b	Long hauling	<u>35-Day Driver I.D. Suspension,</u> <u>Plus Restitution/Driver I.D.</u> <u>Revocation</u>
2.4 c, d	Refusal to transport	<u>35-Day Driver I.D.</u> <u>Suspension/Driver I.D. Revocation</u>
2.4 c, d	Discourage passenger	<u>3-Day Driver I.D. Suspension/5-</u> <u>Day Driver I.D.</u> <u>SuspensionRevocation</u>
<u>2.4 (e)</u>	<u>Taxicab stopped, parked, or left standing on same side of</u> <u>street in same block</u>	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
<u>2.4 (f)</u>	<u>Taxicab stopped, parked, or left standing within 100 ft. of</u> <u>another taxicab</u>	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
<u>2.4 g</u>	<u>Taxicab stopped, parked, or left standing within 15 ft. of fire</u> <u>hydrant</u>	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
2.4 li,j	Interfering with or impeding traffic	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
2.4 j, k	Driver solicited passengers	<u>Warning/3-Day Driver I.D.</u> <u>Suspension/Driver I.D. Revocation</u>
2.4 m	Driver more than 12 feet from vehicle	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
2.4 p	No trip sheet	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
2.4 p	Incomplete trip sheet	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
2.5 d	<u>Nontaxicab MTS-regulated vehicle</u> <u>Q occupying a taxi zone</u>	<u>Field Report (Warning)/3-Day</u> <u>Driver I.D. Suspension</u>
3.1 d	Charter not prearranged in writing	<u>Warning/*RTC, plus 3-Day Permit</u> <u>Suspension/Permit Revocation</u>
3.2 b	(Charter) Soliciting passengers	<u>Warning/3-Day Driver I.D.</u> <u>Suspension/Driver I.D. Revocation</u>
4.2 b	(Sightseeing) Soliciting passengers	<u>Warning/3-Day Driver I.D.</u> <u>Suspension/Driver I.D. Revocation</u>
<u>6.2 a6.3 e</u>	Operating unauthorized jitney route	<u>Warning/3-Day Driver I.D.</u> <u>Suspension/Driver I.D. Revocation</u>

*Penalty Guide*

<i>Section</i>	<i>Item</i>	<i>Minimum/MaximumFirst Offense/Second Offense</i>
6.2 c	Operating without jitney route sign	<u>Field Report (Warning)/3-Day Driver I.D. Suspension</u>
6.2 c	Operating with unapproved jitney route sign	<u>Field Report (Warning)/3-Day Driver I.D. Suspension</u>
6.2 c	Operating with wrong route sign	<u>Field Report (Warning)/3-Day Driver I.D. Suspension</u>
6.3 b	(Jitney) Soliciting passengers	<u>Warning/3-Day Driver I.D. Suspension/Driver I.D. Revocation</u>
6.3 d	(Jitney) Driver more than 12 feet from vehicle	<u>Field Report (Warning)/3-Day Driver I.D. Suspension</u>
6.4 g	<u>MTS-regulated Nonjitney vehicle</u> occupying jitney stop or zone	<u>Field Report (Warning)/3-Day Driver I.D. Suspension</u>
Other	Items not listed	<u>Penalty-Penalties</u> to be evaluated on case-by-case basis
All	Accumulated various items	<u>Penalty-Penalties</u> to be evaluated on case-by-case basis
All	Repeated or various driver items	<u>Owner-Permit holder</u> to be penalized for pattern(s) of driver violations. <u>Penalties to be evaluated on a case-by-case basis.</u>
Various	Driver operating requirements	May be referred to <u>MTDBMTS</u> -approved training class in lieu of a penalty, on case-by-case basis, and at driver's expense

\_\_\_\_\_  
 Paul C. Jablonski  
 Chief Executive Officer

Date: \_\_\_\_\_

DSundh  
 OCT22-09.30.AttC.PROPOSED TAXI GUIDELINES.JSCOTT.doc  
 9.8.09

**Diane Sundholm**

---

**From:** Alfredo and Tony [usacab@sbcglobal.net]  
**Sent:** Friday, July 24, 2009 11:49 AM  
**To:** Diane Sundholm  
**Subject:** Re: MTS Taxicab Administration Penalty Guidelines

Good morning Diane, Don't despair I am here to the rescue to respond to John Scott's request. As per The proposed changes to the Vehicle guide Lines I do not favor any of the proposed changes for the following reasons: Our rules and regulation already have severe consequences that trigger expenses that should deter most permit holders. If the current spike of out of service violations is of concern to staff and board members, the symptoms that are causing it would not be remedied by making the penalties higher. Economics bear a large role as does education and knowledge of the issues, but the element that plays a significant part is risk. Considering the large amount of permit holders and lease drivers, the chances become greater in regards to consequences of decisions made that expose our industry to flaws. Many small operators are finding that this business isn't what they thought it was and are trying to find other avenues to enhance their economic opportunities.

Stiffer penalties and fines only make this industry a higher risk to those that have made a long term commitment. Only time will remedy the current dilemma since there are too many variables that caused the problem.

Margo Tanguay Att. D, AI 30, 10/22/09  
Lease Driver Representative  
229 16th Street # 116  
San Diego, California 92101-7652  
(619) 231-1144 # 550  
July 27, 2009

John A. Scott  
Taxicab Administration Manager  
1601 Newton Avenue  
San Diego, California 92101-1012

SUBJECT: Response to the discussion at the "TAXICAB COMMITTEE WORKSHOP  
ON REGULATORY MATTERS"-- July 22, 2009".

- A. "Radio Dispatch Service Registration Form": It is my belief that both the former and new Provider should sign the same form for continuity and Bookkeeping concerns for all concerned.
- B. "MTS Taxicab Administration Penalty Guidelines": It is my belief that the inservice City and Airport vehicle compliance data requires some serious dialogue and improvement. However I feel that both the Taxicab Committee and the whole Industry (permit holders and drivers should be included in the discussion. The Economy has taken its toll. My concern is keeping the Industry in Business. These are some "first line of attack" suggestions:
1. The Taxicab Committe needs to go Line Item by Line Item throught the Guidelines at a Committee meeting,
  2. The last of the Ten (10) to be issued Permits should be placed on hold.
  3. Policy and Procedure should be defined for permits revoked re"
    - a. Either immediate reissuance or,
    - b. Added to the remaining Ten (10) for a future time.

Sincerely,

Margo Tanguay

|||||

Margo Tanguay

RECEIVED

hand-delivered

JUL 27 2009

MTS TAXICAB  
ADMINISTRATION



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

## Agenda

Item No. **31**

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

OPS 970.2

October 22, 2009

### SUBJECT:

MTS: UPDATE ON SIEMENS LIGHT RAIL VEHICLE (LRV) PROCUREMENT  
(TIFFANY LORENZEN AND WAYNE TERRY)

### RECOMMENDATION:

That the Board of Directors receive an update on the status of the Siemens Industry, Inc. (Siemens) procurement of 57 and up to 65 low-floor light rail vehicles (LRVs) and authorize the Chief Executive Officer to secure the contract with a parent company guaranty from Siemens Corporation in lieu of a performance and payment bond. The Executive Committee recommended forwarding this item for information and approval.

#### Budget Impact

The total budget for the Blue and Orange Line Rehabilitation Project is currently set at \$619,327,000. The sources of funding for the project include TransNet II, American Reinvestment and Recovery Act funds, federal formula funds, and California Proposition 1B (bond). The total budget for the procurement of low-floor vehicles is \$228,168,000.

### DISCUSSION:

On March 5, 2009, in conjunction with San Diego Association of Governments (SANDAG) staff, MTS presented the Executive Committee with findings from the consultants' assessment of the light rail system's low-floor capability and vehicle procurement needs. On March 19, the staffs of the two agencies presented to the Executive Committee a recommended implementation plan for execution of the Blue and Orange Line Rehabilitation Project and LRV procurement. On March 26, the Board of Directors received a report and provided direction to staff regarding the consultant's recommendation for the procurement of shorter (82 feet v. 90 feet) LRVs and the Orange and Blue Line rehabilitation strategy based on funding availability and a project priority plan and phasing program.

Staff completed an agreement in August with the Utah Transit Authority to assume an option for a minimum of 57 and up to 65 low-floor LRVs under its existing contract with



Siemens. The CEO then conducted a two-day negotiation session with Siemens. The new S70US LRVs will be compatible with the existing fleet of 11 S70s and 52 SD 100s allowing the agency to operate low-floor LRVs on every consist in the system. The S70US LRVs mirror the look of the existing S70 fleet with respect to design and aesthetics with a car body length that is approximately 8 feet shorter to accommodate small block lengths in downtown San Diego.

On September 24, 2009, the Board of Directors authorized the CEO to execute a contract with Siemens to procure the vehicles contingent upon completion of Federal Transit Administration (FTA) procurement requirements as well as execution of a Memorandum of Understanding (MOU) with the San Diego Association of Government (SANDAG) to fully fund the procurement.

On September 30, 2009, MTS and SANDAG executed a MOU to fully fund the procurement of the 57 low-floor vehicles. Concurrently, MTS executed an agreement with Siemens Transportations Systems, Inc., to design, manufacture, deliver, commission, and warranty the 57 LRVs. On October 1, 2009, due to an internal reorganization, MTS executed an amendment to the contract changing the name from Siemens Transportation Systems, Inc., to Siemens Industry, Inc. (Siemens). Siemens has provided updated insurance certificates and a Parent Company Guaranty while the Performance and Payment Bond was being reviewed. A Notice to Proceed (NTP) with the work was issued at the close of business on September 30, 2009.

The next steps for this procurement are:

1. Siemens will provide a draft conformed technical specification within 30 days of the NTP that includes the MTS changes to the LRVs from the Utah Transit Authority procurement. MTS will then have 30 days to review and provide comments to the technical specification before it becomes final;
2. Major vehicle components will be ordered over the next 6 months, and final engineering drawings will be submitted within 12 months;
3. Car shells will be delivered beginning in 18 months with the first LRV scheduled to arrive in San Diego in August of 2011; and
4. A postdelivery audit will be completed by MTS's internal auditor (with assistance from Parsons Brinkerhoff if needed) at the completion of the delivery schedule.

Staff will continue to provide periodic updates on this procurement as the production schedule progresses. Staff is also recommending that the Board authorize the Chief Executive Officer to secure the contract with a parent company guaranty from Siemens Corporation in lieu of a performance and payment bond. This would save approximately \$3.3 million in bonding fees.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, [tiffany.lorenzen@sdmst.com](mailto:tiffany.lorenzen@sdmst.com)  
Wayne Terry, 619.595.4906, [wayne.terry@sdmts.com](mailto:wayne.terry@sdmts.com)

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(619) 231-1466 • FAX (619) 234-3407

## Agenda

Item No. 32

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

ADM 110.7 (PC 50101)

October 22, 2009

SUBJECT:

MTS: SERIES B VARIABLE PENSION OBLIGATION BONDS REFINANCING

RECOMMENDATION:

That the Board of Directors:

- (1) Approve Resolution No. 09-25, which would give the Chief Executive Officer (CEO) the authority to:
  - A. pay off the Series B variable pension obligation bonds at a cost of \$38,800,000;
  - B. terminate the SWAP Agreement with UBS Investment Bank at a cost of \$2,833,000;
  - C. borrow \$30,000,000 from Dexia Credit Local (Dexia);
- (2) Amend the FY 2010 Capital Improvement Plan (CIP) budget reducing \$5,000,000 in the projects listed below to aid in the above payoff of the variable pension obligation bonds:
  - A. CIP 11237 East County Bus Maintenance Facility - \$3,790,000;
  - B. CIP 11224 Work Platform Truck - \$149,000;
  - C. CIP 11239 MCS Bus Purchases - \$360,000;
  - D. CIP 11200 Miscellaneous Operating Capital - \$701,000; and
- (3) Authorize the use of \$6,768,000 from MTS contingency reserves to aid in the above payoff of the variable pension obligation bonds.

### Budget Impact

\$54,734,000. The cost of this recommendation is \$ 46,196,000, which is \$54,734,000 less than the \$100,930,000 in estimated expenditures between FY 2010 and FY 2034 that MTS will incur under its status quo situation with the variable pension obligation bonds.

## DISCUSSION:

### General Background

In October 2004, MTS issued \$77,490,000 of taxable pension obligation bonds for the benefit of San Diego Transit Corporation. The purpose of the bonds was to make contributions to the San Diego Transit Corporation Retirement Plan to reduce its unfunded liability. The proceeds less fees were invested into the retirement plan, and the bonds were issued in two different series.

Series A bonds in the amount of \$38,690,000 were issued as fixed-rate bonds that mature in annual installments between 2006 and 2024 and bear various interest rates ranging from 2.58% to 5.15% (increasing progressively over the maturities). Interest is due and payable semiannually on June 1 and December 1. Principal is due and payable on December 1.

Series B Bonds in the amount of \$38,800,000 were issued as variable rate bonds that mature in annual installments between 2024 and 2034. Interest is based upon a Weekly Rate determined by the remarketing agent that should approximate the London Interbank Borrowing Rate (LIBOR) and is payable on a monthly basis. In August 2005, MTS entered into a seven-year Swap Agreement with UBS Investment Bank to fix the interest rate at 4.424%.

### Swap Agreement and Current Market Conditions

During 2004 and 2005, the Weekly Rate paid to investors by MTS closely followed the LIBOR. In early 2005, the LIBOR began to increase sharply, and as a result, the Board of Directors approved of an agreement with UBS Investment Bank to fix the interest rate for seven years (ending in December of 2012) at 4.424%. Under this agreement, MTS paid investors interest approximating the LIBOR. MTS paid to or received from UBS Investment Bank the difference from 4.424% to the LIBOR. This arrangement was satisfactory until the financial crisis in late 2007 and early 2008.

When the Series B variable rate bonds were issued in 2004, they included a credit enhancement from MBIA and a liquidity facility from Dexia Investment Bank. The rate for the liquidity facility was initially .2%. The purpose of the MBIA credit enhancement was to increase MTS's credit rating thereby lowering MTS's interest rate. With the financial crisis in late 2007, MBIA's bond rating was significantly lowered creating a negative impact upon the MTS bonds. As a result of this, the Weekly Rate quickly surpassed the LIBOR by several percentage points. Additionally, the rate for the liquidity facility increased from its initial .2% to 1.3% adding over \$400,000 a year in annual costs. In order to sell the bonds at the weekly auctions, the interest rate paid to investors no longer approximated the LIBOR. The difference between the LIBOR and

the Weekly Rate continued to increase until MTS was eventually unable to remarket the bonds, and its overall interest cost increased dramatically.

The MTS Board of Directors authorized staff to invest in the agency's variable rate bonds in order to reduce the agency's interest costs on these bonds. This occurred in June 2008. As of this date, \$35.6 million of the \$38.8 million of bonds are held by MTS as an investment. The cash for this investment came from reserves and funds held for capital improvement projects (CIP) awaiting completion.

Currently, MTS owes \$32,765,000 on the Series A fixed-rate bonds and \$38,800,000 on the Series B variable-rate bonds for a total of \$71,565,000. The Series A fixed-rate bonds will continue to be paid as scheduled until 2024 and are not a part of this proposal.

#### Current Situation

The current situation on the variable bonds can be summarized as follows:

1. MTS is paying UBS approximately 4.0% (the Swap Agreement amount of 4.424% less the LIBOR, which is currently at .3%) on \$38.8 million under the Swap Agreement. This is approximately \$1.5 million per year.
2. The current amount to buy out of the Swap Agreement is \$2.8 million.
3. MTS is paying Dexia its liquidity fee of 1.3% on \$38.8 Million. This is approximately \$500,000 per year. This facility expires in 2011. Given current market conditions, it is unknown whether it can be renewed at a cost-effective rate.

#### Committee Reviews

On September 29, 2009, staff made a presentation to the Budget Development Committee. The presentation included various options for refinancing the variable pension obligation bonds. The Budget Development Committee recommended forwarding one of the options and directed staff to develop another option.

Staff presented the two options to the Executive Committee on October 15, 2009. The Executive Committee recommended forwarding a proposal to the Board of Directors.

#### Details of the Plan

MTS would pay off the Series B variable pension obligation bonds at a cost of \$38,800,000, terminate its Swap Agreement with UBS Bank at a cost of \$2,833,000, and incur fees of approximately \$125,000. The cost of the above three items totals \$41,758,000. This would be financed by a six-year loan from Dexia Credit Local (Dexia) for \$30,000,000, a reduction in the FY 2010 Capital Improvement Plan (CIP) budget of \$5,000,000, and utilizing \$6,758,000 from the MTS contingency reserves. The \$30,000,000 Dexia loan would be paid for by utilizing future years' Transportation Development Act (TDA) funds currently intended for CIP. TDA funds are flexible and can be used for this purpose. The total cost of the plan inclusive of principal, interest, and fees would be \$46,196,000.

The \$30,000,000 loan from Dexia would be a six-year variable rate loan at 2.85% over the LIBOR. The loan could be paid down early or in any combination of payment amounts within a six-year period. A penalty would be assessed if any payments were made prior to 12 months after the execution date. Staff's assumption on the calculation is that six annual payments of \$5,000,000 would be made; however, this loan provides the flexibility that payments could be made any time beyond the first 12 months without penalty. This allows MTS the flexibility to increase or decrease any planned payments if needed.

The LIBOR is currently at .3%, which is a 25-year low. In costing the above proposal, staff estimated LIBOR rates moving from .5% in FY 2010 to 5.0% by 2015. This is based on a study of the historical trends of the LIBOR over the last 20 years. It should be noted that if interest rates rise over staff's assumptions, the savings on refinancing increase as the costs for the status quo would go up faster than the proposed loan because there is more principal existing now (\$38,000,000 currently outstanding versus the proposed \$30,000,000 loan), and current terms are less favorable.

The \$5,000,000 reduction in the FY 2010 CIP concerns projects that are not currently ready to begin, and funding for these would be shifted to future CIP budgets.

Utilizing the \$6.8 million in contingency reserves would take MTS reserves down from \$30 million to \$23 million. This would be 10% of the MTS operating budget. Previously, MTS established a goal of keeping reserves at 10 to 15 percent of the operating budget and this keeps MTS within that goal.

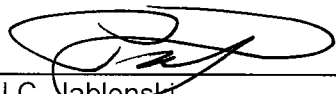
#### Advantages and Staff Recommendation

The advantages of refinancing the variable pension obligation bonds include:

- lower operating costs (\$55 million);
- the variable bonds would be paid off by 2015 versus 2034 under the status quo;
- the liquidity fees would go away;
- it frees up cash that MTS currently has invested in its own bonds;
- all of the pension obligation bonds (both fixed and variable) would be paid off by 2024 versus 2034 under the status quo; and
- the MBIA enhancement problem discussed above would go away.

The advantage of choosing a six-year loan schedule is that it provides MTS flexibility at a reasonable cost in paying off bonds as the agency deals with future budget challenges.

Based upon the above, staff recommends that the Board of Directors approve staff's recommendation as listed above.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Tom Lynch, 619.557.4538, [tom.lynch@sdmts.com](mailto:tom.lynch@sdmts.com)

OCT22-09.32.POBs.TLYNCH.doc

Attachment: A. Resolution No. 09-25

RESOLUTION NO. 09-25

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
PROVIDING FOR THE ISSUANCE AND SALE OF SAN DIEGO METROPOLITAN  
TRANSIT SYSTEM PENSION OBLIGATION REFUNDING BONDS, AUTHORIZING A  
TRUST AGREEMENT, BOND PURCHASE AGREEMENT, TERMINATION  
OF THE INTEREST RATE SWAP RELATING TO THE 2004 SERIES B VARIABLE RATE  
PENSION OBLIGATION BONDS, AND OTHER MATTERS RELATING THERETO

WHEREAS, the San Diego Metropolitan Transit System ("MTS") has assumed the obligations of San Diego Transit Corporation with respect to the Retirement Plan for Noncontract Employees, the Retirement Plan for A.T.U. Local 1309 Contract Employees, and the Retirement Plan for I.B.E.W. Local 465 Contract Employees (collectively, the "Plan") and is obligated to provide the benefits under the Plan as required by California law, including, without limitation, California Public Utilities Code Sections 120520 et seq.; and

WHEREAS, MTS is obligated to: (1) make annual contributions to the Plan to fund pension benefits for its employees, (2) amortize the unfunded accrued actuarial liability ("UAAL") with respect to such pension benefits over a period not exceeding 30 years, and (3) appropriate funds for the purposes described in (1) and (2) above; and

WHEREAS, MTS desires to issue Taxable Pension Obligation Refunding Bonds, 2009 Series A (the "Bonds") for the purpose of providing amounts, along with other funds, to refund all of its Taxable Pension Obligation Bonds, 2004 Series B (Variable Rate Demand Bonds) (the "2004 Series B Bonds"), which were originally issued in order to evidence a portion of MTS's obligations to the Plan and to pay a portion of the UAAL of MTS; and

WHEREAS, MTS entered into an ISDA Master Agreement dated as of August 15, 2005, including a Schedule, Credit Support Annex and Confirmation (collectively, the "Interest Rate Swap Agreement") with UBS AG ("Counterparty"), pursuant to which MTS agreed to pay a fixed amount, and the Counterparty agreed to pay a floating amount relating to the 2004 Series B Bonds.

NOW, THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED by the Board of Directors of MTS as follows:

The Board of Directors of MTS (the "Board") hereby finds and declares that the issuance of the Bonds to refund the 2004 Series B Bonds and the other actions contemplated by this Resolution are in the best interests of MTS and will result in significant benefits to the patrons of MTS's transit services.

The Board hereby authorizes and approves the issuance of the Bonds and hereby authorizes and directs the Chief Executive Officer of MTS to execute the Bonds and to cause the Bonds to be authenticated and delivered in accordance with the October 6, 2009, Proposal for a Direct Private Placement ("Proposal"), signed by Dexia Credit Locale (the "Purchaser"), with such changes therein, deletions therefrom, and additions thereto as the Chief Executive Officer shall approve, such approval to be conclusively evidenced by the execution and delivery of the Bonds; provided, however, that the aggregate principal amount of the Bonds shall not exceed \$38,800,000, the interest rate on the Bonds bearing interest at variable rates shall not exceed 12%, and the Bonds shall mature no later

than December 1, 2034, notwithstanding the provisions for redemption of the Bonds, if any. Each such determination by the Chief Executive Officer shall be conclusively evidenced by the issuance of the Bonds. The Bonds shall constitute an obligation imposed by law, pursuant to the Constitution and the laws of the State of California. The Bonds shall not, however, constitute an obligation of MTS for which MTS is obligated or permitted to levy or pledge any form of taxation or for which MTS has levied or pledged or will levy or pledge any form of taxation.

The Board hereby authorizes and approves the preparation, execution, and delivery of a trust agreement (the "Trust Agreement") setting forth the terms and provisions of the Bonds in accordance with the Proposal, with such changes therein, deletions therefrom, and additions thereto as the Chief Executive Officer shall approve, such approval to be conclusively evidenced by the execution and delivery of the final Trust Agreement. MTS shall enter into the Trust Agreement with The Bank of New York Mellon Trust Company, N.A. (the "Trustee").

The Chief Executive Officer is hereby authorized and directed to execute and deliver a bond purchase agreement with the Purchaser on behalf of MTS.

If the Chief Executive Officer of MTS determines that it will be advantageous to MTS to terminate the Interest Rate Swap Agreement, the Chief Executive Officer of MTS is hereby authorized to do so on behalf of MTS and to pay any early termination payment to the Counterparty from any available source of MTS funds.

All actions heretofore taken by the officers and agents of MTS with respect to the issuance, sale, and delivery of the Bonds are hereby ratified, confirmed, and approved, including, without limitation, retaining Nossaman LLP as bond counsel and Public Financial Management, Inc., as financial advisor.

The Chief Executive Officer of MTS is authorized and directed to do any and all things and to execute and deliver any and all documents which they or any of them may deem necessary or advisable in order to consummate the transactions contemplated by this Resolution and otherwise to carry out, give effect to, and comply with the terms and intent of this Resolution.

This resolution shall take effect immediately upon its adoption at a duly constituted regular or special meeting called for that purpose.

PASSED AND ADOPTED by the Board of Directors this \_\_\_\_ day of \_\_\_\_\_ 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

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Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

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Office of the General Counsel  
San Diego Metropolitan Transit System

OCT22-09.32.POBS.AttA.RESO 09-25.TLYNCH.DOC



1255 Imperial Avenue, Suite 1000  
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(619) 231-1466 • FAX (619) 234-3407

## Agenda

Item No. 45

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

CIP 11246

October 22, 2009

### SUBJECT:

MTS: SUPER LOOP PILOT UPDATE (MARK THOMSEN)

### RECOMMENDATION:

That the Board of Directors receive a report on the Super Loop Pilot Project.

#### Budget Impact

None at this time.

### DISCUSSION:

MTS began operating a precursor to the TransNet Super Loop Project on June 15, 2009. The pilot includes service operation in both directions every ten minutes in the peak on a loop route serving nine stops between University of California San Diego's campuses, University Towne Centre, and La Jolla Village Square. The service includes use of the newly purchased hybrid gas electric buses but does not include priority treatments or new-station amenities. Operation of this pilot provides additional service in the north city area, which has experienced high transit demand. Staff will provide a report on the first months of operation.

A handwritten signature in black ink, appearing to read 'Paul C. Jablonski', is written over a horizontal line.

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Mark Thomsen, 619.557.4909, [Mark.Thomsen@sdmts.com](mailto:Mark.Thomsen@sdmts.com)

OCT22-09.45.SUPERLOOP.MTHOMSEN.doc





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## Agenda

Item No. 46

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

OPS 960.2

October 22, 2009

### SUBJECT:

SDTI: FY 09 YEAR-END RAIL OPERATIONS REPORT (WAYNE TERRY)

### RECOMMENDATION:

That the Board of Directors receive a report for information.

#### Budget Impact

None.

### DISCUSSION:

This report provides information pertaining to the status of San Diego Trolley, Inc.'s (SDTI's) rail operations and maintenance for FY 09. An overview of statistical information will be presented followed by a brief discussion of accomplishments during the fiscal year.

### TRANSPORTATION

#### Ridership

The annual ridership for FY 09 was fixed at 34,262,534, which represents a decrease of 8.9% from the previous fiscal year (34,262,534 vs. 37,620,944). In part, this reduction is partly attributed to the decrease in gas prices, the rise in unemployment, and the overall economy.



### Service and Operating Expense

SDTI continues to monitor operations closely in an effort to maximize its operating efficiencies. While ridership decreased, so did annual revenue miles operated (by 1.3% or 120,293 car miles). Annual revenue hours went down (by 6.7%) as did the number of riders carried per hour (by 2%). The farebox recovery rate in FY 09 was 57.2%.

### Accidents Per 100,000 Train Miles

SDTI experienced a reduction in accidents in FY 09 and continues to rank favorably among the other light rail agencies in the state. During FY 09, there were 3,264,321 train miles operated. The total number of accidents during the fiscal year was 22, which represents 0.67 accidents per 100,000 miles operated. When the total FY 09 accidents per 100,000 miles is compared with FY 08 (0.67 vs. 0.88), an increase in safe train miles between accidents is realized. Of these incidents, none involved a violation of the California Vehicle Code (CVC).

### Operating Rule Infractions

SDTI experienced 81 operating rule infractions in FY 09 as opposed to 95 infractions in FY 08. This figure represents a 14.7% decrease in infractions (from 81 vs. 95). This positive trend can be attributed to the use of refined training modules, enhanced student evaluations, ongoing supervisory interaction, and enhanced field oversight.

### Schedule Adherence/On-Time Performance

SDTI scheduled 170,526 regular train trips in FY 09. Of the number scheduled, 170,494 were operated for a schedule adherence of 99.9%. Of those trips operated, 95.8% were on time (within five minutes of schedule). Staff continually monitors system operations, trip times, and ridership patterns to implement timely responses that may impact the trip times of multiple trains and delay numerous passengers. Monitoring ridership patterns and making appropriate adjustments to train consist size (the number of LRVs) is important and required to balance passenger comfort against the cost of service provided.

### Lift Service

Total wheelchair ridership during FY 09 reached 110,344 passengers, which represents a 27% increase over FY 08 (110,344 vs. 86,548). Senior/disabled boardings on S70 LRVs are independent boardings and not included in these numbers. It should be noted that due to excessive wheelchair boardings, 2,712 trains recorded delays during FY 09 as compared to 2,317 in FY 08. As a percentage of system-wide delays, wheelchair boardings account for 37.8% in FY 09 compared to 32.6% in FY 08.

### Special Events Service

During FY 09, SDTI provided service to 159 special events, including 74 Padres games, 11 Chargers games, the Holiday Bowl, Street Scene, ComicCon, and Oktoberfest. Of these, it is estimated that between 10% and 20% of those attending used the trolley as their choice of transportation with as many 27% for individual Chargers games. There were over 3,700 train trips operated to support special events, service to these events and revenue from manual ticket sales was up 4% as compared to FY 08 (\$959,986 vs. \$923,746). Chargers game attendance was down 3.5% as compared to

FY 08 with a corresponding decrease in ridership as a percentage of the gate (23.9% vs. 24.6%).

#### Centralized Train Control Project

In the early second half of FY 09, SANDAG issued the Notice to Proceed (NTP) on a \$5.5 million contract with ARINC Incorporated to implement a Centralized Train Control (CTC) system for MTS Rail. The CTC system will utilize state-of-the-art hardware and software to integrate or replace various independent systems currently deployed on a limited scale into a comprehensive Supervisory Control and Data Acquisition (SCADA) program that will provide Central Control with enhanced system-wide operations management. After an extensive development team process involving MTS, SANDAG, MACRO (consultants), and ARINC personnel, the database development is near completion with the factory acceptance test completed in May 2009 and the field installation test completed in June 2009. The initial deployment of this project will involve the Green Line, Orange Line, Blue Line, and central city in future phases.

#### LRV MAINTENANCE DEPARTMENT

##### Train Miles Between Service Failures

The LRV Maintenance Department has instituted numerous fleet tasks (component inspections/repair) throughout the year in an effort to ensure maximum efficiency and reliability with the LRV fleet. The fleet incorporates three series of Siemens vehicles beginning with 71 U-2 LRVs (24 to 29 years old), 52 SD 100 LRVs (14 years old), and 11 S70 LRVs (introduced in 2005) to support Green Line service. Differing maintenance training and service programs for each series of vehicle requires that personnel maintain a high degree of technical knowledge in a variety of areas associated with the maintenance of electrical and mechanical components of each vehicle. The department remains focused on preventative maintenance programs to address the most common component defects, enhance maintenance procedures, and reduce equipment failures and service delays. Based on the National Transit Database (NTD) criteria for train miles between service failures, in FY 09, the LRV Maintenance Department recorded 18 failures (181,406 miles between incidents) vs. 19 failures in FY 08 (174,404 miles between incidents).

##### LRV Body Restoration and Painting Program

In FY 09 a total of 12 SD 100 LRVs received a full paint and body rehabilitation. To date, 28 SD 100s have been completed.

##### LRV Door Failures

The LRV doors are the most heavily used piece of equipment on the system as evidenced by 34,262,534 passengers carried in FY 09. The department maintains an aggressive preventative maintenance program to ensure that the door mechanisms are properly serviced and is proactive in instituting fleet tasks to meet performance standards. In FY 09, there were 20 fewer door failures reported than in FY 08 (512 vs. 532). LRV door failures per 100,000 car miles operated in FY 09 was 6.27 as compared to 6.89 in FY 08.

### LRV Protective Film

The paint on the vehicle doors tends to get scuffed due to passengers boarding with bicycles, strollers, and other carry-on devices in addition to sustaining significant graffiti damage. In an effort to find a cost-effective solution to this recurring area of maintenance, staff implemented a process of installing protective film on these surfaces to guard against damage and reduce repair cost. The application of door film vs. repainting saves approximately \$4,200 per vehicle.

## WAYSIDE MAINTENANCE DEPARTMENT

Maintenance programs and inspection activities specific to the track structure, safety, ride quality, signaling, grade-crossing safety, and general system maintenance continued throughout the year. These programs are initiated annually to ensure that a safe operating environment is consistently maintained. The department continued to improve on its preventive maintenance programs with the implementation of training modules associated with signaling, traction power, and station electrical. An enhanced substation and catenary inspection program has significantly reduced the frequency of system failures involving these critical wayside components. The FY 09 goal to replace crossties and track tamping was met with a total of 2,800 crossties changed and 18 miles of track resurfaced and aligned on the Blue Line. In comparison, 2,200 crossties were replaced and ten miles of track was resurfaced and aligned in FY 08.

### Fletcher Parkway Substation

To enhance the catenary line voltage in the El Cajon area of the Orange and Green Lines, a retired substation has been refurbished and positioned near Fletcher Parkway. Rather than procuring a new substation, the former City College Substation was divided into two parts and moved from storage at Qualcomm Stadium via truck to Fletcher Parkway where it was reassembled by Mass Electric. To further reduce costs, the Wayside Maintenance Department used in-house labor and management to refurbish the internal components, including extensive cleaning of all electrical components, replacement of insulators, new transformer support block construction, installation of new lighting, and replacement of protective relay equipment. Extensive refurbishment was also made to the structure and components. Overall cost savings realized was \$900,000. This project was funded through the CIP program.

### Crossing-Gate Protection Device

In 2006, staff began installing a spring-loaded accessory to gate mechanisms that allows the gate, when struck, to swing out of position and return to normal. This retrofit to the conventional "pivot-and-break" type of mechanism has resulted in substantial savings in labor and materials with the average damage costing \$500 per incident. This modification has proven extremely effective as indicated by the reduction in gate hits from FY 08 (290) to FY 09 (204).

## REVENUE DEPARTMENT

### Cubic Fare Vending Machines

The Revenue Department has coordinated the installation 107 CUBIC state-of-the-art fare machines system-wide with as few as 1 to as many as 13 depending upon station activity. Currently, 95 of these machines are equipped with smart card technology and have the ability to accept debit and credit cards. The data collected by the machines can be accessed on-line by department personnel for the purpose of determining vault and coin hopper status and ridership information. The machines are also equipped with an ATM-type screen and audio capability to prompt and assist patrons with the fare-vending process.

### Smart Card – Platform Card Interface Device (PCID)


In FY 09, the Revenue Department continued introduction of the new “Platform Card Interface Device” (PCID) technology. In FY 09, 81 additional PCIDs were installed bringing the system-wide total to 154 at 53 locations (100% of total). This project is being coordinated between the agencies by SANDAG representatives and Revenue Department personnel.

### Mean Transactions Between Failures

In FY 09, the failures between transactions were 3,300, which fell short of the goal of 3,500. This shortcoming is largely due to understaffing, which hampers the component overhaul process. Additionally, worn RST printer wheels are causing a significant increase in ticket vending machine malfunctions. Replacing the wheel assembly on the fleet was quoted at \$50,000 by CUBIC; however, a distributor who manufactures just the rubber wheel piece has been identified thus saving \$47,000 in the overall repair costs. The failure rate should be back on track in FY 10 as this issue has been resolved.

### APTA Annual EXPO in San Diego

San Diego was host to the 2008 APTA EXPO in early October and recorded the highest attendance in EXPO history. The weather was perfect, and MTS was recognized repeatedly for its efforts in organizing this very successful conference where over 15,000 public transportation leaders attended along with 800 exhibitors.

  
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Paul C. Jablonski  
Chief Executive Officer

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## Agenda

Item No. 47

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

OPS 960.2

October 22, 2009

### SUBJECT:

MTS: TRANSIT SERVICES YEAR-END REPORT (CLAIRE SPIELBERG)

### RECOMMENDATION:

That the Board of Directors receive a report for information.

#### Budget Impact

None.

### DISCUSSION:

This report provides summaries of in-house and contracted fixed-route and paratransit operations in FY 09.

#### COMBINED MTS BUS AND CONTRACT SERVICE FIXED-ROUTE OPERATIONS

##### Ridership

Combined, fixed-route bus operations experienced a 4.4% increase in ridership with an increase of over 2 million additional passengers (51,075,078 passengers in FY 09).



### Operations Review

The fixed-routes operated 1,633,400 revenue hours in FY 09 and travelled 18,044,849 revenue miles. The fully allocated direct operating expense was \$129,863,904, which is an increase of 1% year over year. Excluding fuel, the per-passenger operating cost was \$2.54, which is a 3.2% reduction over the past year.

### Americans with Disabilities Act (ADA) Ridership

MTS's paratransit provider, First Transit, provided 372,373 ADA trips during FY 09, which represents a 1.5% increase in passenger demand from the previous year. On MTS's behalf, First Transit operated 185,074 revenue hours and achieved a per-hour passenger productivity measure of 2.01. Operationally, this team performed well with 40 valid complaints registered, which translates to .10 complaints for every one thousand passengers.

### Productivity of Operations

A good measure of the success and effectiveness of operations and scheduling is passengers per revenue hour, which measures whether transit resources are deployed based on demand. MTS transit services increased its passengers per revenue hour by 8.3% and achieved 31.27 passengers per revenue hour for all of FY 09 as compared to 28.86 in FY 08.

### Farebox Recovery Ratio

The farebox recovery ratio for MTS Bus and Contract Services has shown continuous improvement over the past four years. For FY 09, the farebox recovery ratio was 38.4%, which is a 14.9% increase over FY 08.

### Service Quality

Combined services complaints per 100,000 passengers declined by 3.4% over FY 08 (9.71 complaints per 100,000 passengers for FY 09 compared to 10.05 during the preceding year).

### Maintenance

FY 09 saw the average fleet age improve in both the Contracted (4.6 years) and MTS Bus (6 years) fleets with the replacement of most of the aging buses. The mean distance between failures (MDBF) for buses over ten years of age is about 3,500 miles. In the fleet of six- to ten-year-old buses, the MDBF raises to close to 7,000 miles. Between years one and five, the MDBF is closer to 8,000 miles. The exception to these positive statistics is the new 2008 articulated bus fleet, which has an MDBF of only 3,316. These buses have had an extraordinary amount of on-road failures and are constantly being serviced by the manufacturer without any positive repairs being accomplished. Without considering these vehicles in MTS's fleet of younger than year 2000 buses, the MDBF is 6,978 (close to 7,000 miles); with the NABI buses, the MDBF is only 5,729 miles.

## Safety

The commitment to safety is evident in the combined operations with the reduction of preventable accidents to 1.57 for every 100,000 miles driven, which is a 6.8% improvement in this safety metric.



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Paul C. Jablonski  
Chief Executive Officer

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## Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

October 22, 2009

In accordance with Board Policy No. 52, Procurement of Goods and Services, attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period September 11, 2009, through October 9, 2009.

[gail.williams/agenda item 62](#)



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.

# REVENUE CONTRACTS

Doc #	Organization	Subject	Amount	Day
L0913.0-10	OLYMPIQUE INC	ROE PERMIT SMART CORNER OWNER ASSOC WIND	(\$1,500.00)	9/17/2009
L5705.0-09	NEW WAY LANDSCAPE & TREE SVCS	ROE PERMIT BREEZE OWNERS ASSN	(\$500.00)	9/21/2009
L6621.0-09	VERIZON BUSINESS	LICENSE FEE AERIAL CROSSING	(\$1,500.00)	9/21/2009
L6622.0-09	CABLE ENGINEERING SERVICES	JOINT ROE PERMIT NCTD FIELD DESIGN MCI	(\$500.00)	9/21/2009
G1006.5-06	ASSOC STUDENTS SDSU	ECO PASS RENEWAL 9 MONTHS	(\$52,358.40)	9/24/2009
G1198.3-09	HOTEL DEL CORONADO	ECO PASS RENEWAL 9 MONTHS	(\$67,392.00)	9/24/2009
L0915.0-10	NRG ENERGY CTR	ROE PERMIT AC WATER VALVE REPAIR C ST	(\$1,100.00)	9/24/2009
G1286.0-10	SAN DIEGO COUNTY WATER AUTHORI	12 MO SPONSORSHIP AGREE FOR JR PROG APCD	(\$10,000.00)	10/1/2009
L0911.0-10	SHADOW TOURS/ST PROMOTIONS LLC	LITTLE ITALY FESTA METRIC CENTURY BICYCL	(\$500.00)	10/8/2009
L0917.0-10	ROEL CONSTRUCTION	ROE PERMIT SDGE MH RECONSTRUCTION 6TH C	(\$3,000.00)	10/8/2009
L6625.0-10	MCI METRO ACCESS TRANSMISSION	LICENSE FOR AN AERIAL CROSSING	(\$1,500.00)	10/8/2009
L5709.0-10	ENTERPRISE-RENT-A-CAR	LEASE AGREEMENT FOR 8306 SF OF ROW BEAN	\$450.00	9/24/2009
G1289.0-10	DOMESTIC VIOLENCE COUNCIL	AGREEMENT FOR PURCHASE OF DAY PASSES	\$438.75	9/28/2009
L0916.0-10	MIDWAY BAPTIST CHURCH	ROE PERMIT FOR USE AT PALM AVE PARKING	\$610.00	9/28/2009
L6624.0-10	PAR ELECTRIC INC	ROE PERMIT SDGE TAYLOR ST POLE REPLACEME	\$830.00	9/28/2009
G1288.0-10	MADD SAN DIEGO COUNTY	PARTNERSHIP AGREE (15,000.00) FROM MADD	\$10,000.00	10/5/2009

# EXPENSE CONTRACTS

Doc #	Organization	Subject	Amount	Day
G1281.0-10	FELD ENTERTAINMENT	PARTNERSHIP DISNEY ON ICE OCT 09 JAN 10	\$0.00	9/14/2009
G1261.0-09	FIRST TRANSIT	RELEASE OF CLAIMS BETWEEN FIRST T AN MTS	\$0.00	9/17/2009
G1277.0-10	SANDAG	AGREEMENT W/SANDAG TO SHARE IFAS COSTS	\$0.00	9/21/2009
G1287.0-10	PORT OF SAN DIEGO	SHARE USE AGREEMENT WITH PORT SD FIBER	\$0.00	9/24/2009
PWL122.0-10	RED ROCK SECURITY	LA MESA GROSSMONT TROLLEY STATION CCTV	\$64,158.49	9/24/2009
G1139.5-08	TROVILLION INVEISS PONTICELLO	LEGAL SERVICES - WORKERS COMP	\$40,000.00	9/28/2009
S200-10-427	NINYO & MOORE	ROE PERMIT SANDAG CIP #1143700 GEO TECH	\$0.00	9/28/2009
S200-10-428	PACIFIC DRILLING CO	ROE PERMIT - SANDAG CIP 1143700 GEO TECH	\$0.00	9/28/2009

### EXPENSE CONTRACTS

<b>Doc #</b>	<b>Organization</b>	<b>Subject</b>	<b>Amount</b>	<b>Day</b>
G1290.0-10	SANDAG	INTERIM MOU FOR COMPASS CARD BACK OFFICE	\$0.00	10/1/2009
G1080.5-07	LAW OFFICES OF MICHAEL E RIPLE	LEGAL SERVICES - GENERAL & TORT LIABILIT	\$30,000.00	10/5/2009
G1111.11-07	WHEATLEY BINGHAM & BAKER	LEGAL SERVICES - GENERAL & TORT LIABILIT	\$75,000.00	10/5/2009
G1162.6-08	LAW OFFICES OF MARK H BARBER	LEGAL SERVICES - WORKERS COMP	\$40,000.00	10/5/2009
G1200.2-09	BAKER & MILLER, PLLC	LEGAL SERVICES - RAILROAD LAW	\$55,000.00	10/5/2009
L0903.0-10	PRIZM JANITORIAL SERVICES	JANITORIAL SVCS TROLLEY BLDGS A B C TOWE	\$48,958.60	10/5/2009
L0914.1-10	SIEMENS TRANSPORTATIONS SYSY	CHANGING NAME TO SIEMENS INDUSTRY, INC.	\$0.00	10/5/2009
L0918.0-10	DAVID EVANS AND ASSOC	ROE PERMIT SANDAG CIP1210001 LASER TOPO	\$0.00	10/5/2009
G1072.3-07	LAW OFFICES OF R MARTIN BOHL	LEGAL SERVICES - LAND USE	\$50,000.00	10/8/2009
L7037.0-10	THE POINT OFFICE PARTNERS LLC	QUIT CLAIM DEED FOR STORM DRAIN EASEMENT	\$0.00	10/8/2009

### PURCHASE ORDERS

<b>DATE</b>	<b>Organization</b>	<b>Subject</b>	<b>AMOUNT</b>
9/14/2009	CEMENT CUTTING	CEMENT GRINDING AT EL CAJON TRANSIT	\$2,483.00
9/17/2009	WINDES & MCCLAUGHRY ACCOUNTING	TAX RESEARCH AND ASSISTANCE	\$3,000.00
9/17/2009	COMPUTER MASTERS	XEROX PHASER 4510DT PRINTER	\$1,860.71
9/17/2009	SOUTHCOAST HEATING AND AC	LABOR TO REMOVE/REPLACE HVAC KMD BL	\$17,800.00
9/17/2009	101 THINGS TO DO SAN DIEGO	FULL PAGE COLOR ADS 1 YR	\$6,900.00
9/17/2009	1ST STRIKE CREATIVE INC	FOUR (4) DIFFERENT 15-SECOND TV COM	\$12,800.00
9/17/2009	ALL THE KINGS FLAGS	5" X 8" MTS FLAGS	\$1,549.16
9/17/2009	IMAGE SCENE	LARGE EXTERIOR BANNER SDSU	\$2,133.50
9/24/2009	RUSH PRESS	NEWSLETTER 09-10 MTS MOVES	\$23,811.50
9/28/2009	SAP AMERICA INC	ANNUAL SOFTWARE MAINTENANCE	\$7,854.48
9/28/2009	MULTICARD SYSTEMS	COLOR RIBBON KIT	\$2,262.00
9/28/2009	TRAFFIC CONTROL SERVICE	C205 5/8" 50LSS BANDING	\$295.17
9/28/2009	BIRD PROOF SPECIALIST INC	MATERIALS FOR BIRD CTL SVC GRANTVIL	\$15,392.00
9/28/2009	SELECT ELECTRIC	LABOR TO INSTALL 6 SC TO SC JUMPERS	\$999.98
9/28/2009	GREEN PEARLE INTERNATIONAL	RED POLY REUSABLE SHOPPING BAG	\$8,351.88

**PURCHASE ORDERS**

<b>DATE</b>	<b>Organization</b>	<b>Subject</b>	<b>AMOUNT</b>
9/28/2009	ASSOCIATED POSTERS INC	MTS DOMESTIC VIOLENCE BUS KINGS	\$787.50
9/28/2009	INC/DAVIES BLACK PUBLISHING	THOMAS KILLMAN'S ASSESSMENT	\$745.85

**WORK ORDERS**

<b>Doc #</b>	<b>Organization</b>	<b>Subject</b>	<b>Amount</b>	<b>Day</b>
L6343.50-01	WASHINGTON GROUP INT'L	AMEND TO CM CONTRACT FOR MVE	\$0.00	10/1/2009
G1246.0-09.07	DAVID EVANS & ASSOC	ENG SVCS REAL MANAGEMENT SYSTEM DEV	\$25,500.00	10/8/2009