



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

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

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

May 14, 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 Minutes - April 23, 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.
4. MTS: Election of Chair Pro Tem Appoint
Action would elect a Chair Pro Tem for 2009 to replace Board member Fred McLean.

Please turn off cell phones and pagers
during the meeting



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

CONSENT ITEMS

- | | | |
|-----|--|----------------|
| 6. | <u>MTS: Increased Authorization for Legal Services</u>
Action would authorize the CEO to enter into MTS Doc. No. G1111.8-07 with Wheatley Bingham & Baker for legal services and ratify prior amendments entered into under the CEO's authority. | Approve/Ratify |
| 7. | <u>MTS: Increased Authorization for Legal Services</u>
Action would authorize the CEO to enter into MTS Doc. No. G1078.3-07 with Ryan, Mercaldo & Worthington, LLP for legal services and ratify prior amendments entered into under the CEO's authority. | Approve/Ratify |
| 8. | <u>MTS: San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its April 21, 2009, Meeting</u>
Action would: (1) receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Carrizo Gorge Railway, Inc. (Carrizo) quarterly reports; and (2) ratify actions taken by the San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors at its meeting on April 21, 2009. | Receive/Ratify |
| 9. | <u>MTS: Approve Resolution No. 09-17 and Authorize the Chief Executive Officer to Take Title to Up to Ten Buses for the Buses on Shoulder System (BOSS) Project</u>
Action would approve Resolution No. 09-17 and authorize the CEO to take title to up to ten buses for the Buses On Shoulder System (BOSS) Project using federal funds transferred from the San Diego Association of Governments (SANDAG). | Approve |
| 10. | <u>MTS: Resolution No. 09-16 Authorizing the Chief Executive Officer to Accept a Grant Deed for the South Bay Bus Maintenance Facility</u>
Action would approve Resolution No. 09-16 and authorize the CEO to accept a grant deed from SANDAG for the South Bay Maintenance Facility. | Approve |
| 11. | <u>MTS: Audit Report - Security Process</u>
Action would receive an internal audit report on MTS's security process. | Receive |
| 12. | <u>SDTC: Audit Report - Revenue Collection Process</u>
Action would receive a report on SDTC's revenue collection process. | Receive |
| 13. | <u>MTS: Investment Report - March 2009</u>
Action would receive a report for information. | Receive |

- | | | |
|-----|--|---------|
| 14. | <u>MTS: An Ordinance Amending Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule and an Ordinance Amending Ordinance No. 13, an Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop</u>
Action would: (1) read the title of Ordinance No. 4, An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule and Ordinance No. 13, an Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop; (2) waive further readings of the ordinance; (3) introduce the ordinances for further consideration at the next Board meeting on May 28, 2009; and (4) direct publication of an ordinance summary. | Approve |
| 15. | <u>MTS: Semiannual Uniform Report of DBE Awards or Commitments and Payments</u>
Action would receive the Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments. | Receive |
| 16. | <u>MTS: Acceptance of Donated PCC Car</u>
Action would authorize the CEO to accept a donation of former Southeastern Pennsylvania Transportation Authority (SEPTA) PCC Streetcar No. 2186 from the Museum of Transportation in Saint Louis, Missouri. | Approve |

CLOSED SESSION

- | | | |
|-----|---|-----------------|
| 24. | a. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): <u>Balfour Beatty/Ortiz v. Metropolitan Transit System</u> (Superior Court Case No. GIC 868963) | Possible Action |
| | b. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to California Government Code section 54956.9(a): <u>California Air Resources Board v. MTS</u> | Possible Action |

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. None.

REPORT ITEMS

- | | | |
|-----|---|-------------|
| 45. | <u>MTS: Update on San Diego Vintage Trolley, Inc. (SDVTI) Activities</u>
Action would receive a report from the Chairman of the SDVTI Board on actions taken to date by SDVTI. | Receive |
| 46. | <u>MTS: Zero-Emission Bus Rule</u>
Action would receive a report on the California Air Resources Board Zero-Emission (ZEB) Bus Requirements. | Receive |
| 47. | <u>MTS: Compass Card Implementation</u>
Action would receive a status report on development and implementation of the Compass Card fare system. | Receive |
| 48. | <u>MTS: Service Performance Monitoring Report for January through March 2009</u>
Action would receive a report for information. | Receive |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |
| 64. | <u>Additional Public Comments Not on the Agenda</u>
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public | |
| 65. | <u>Next Meeting Date:</u> May 28, 2009 | |
| 66. | <u>Adjournment</u> | |

**METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL**

MEETING OF (DATE): 5/14/09

CALL TO ORDER (TIME): 9:05 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:17 a.m.

RECONVENE: 9:38 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 10:49 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BOYACK	<input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/>		
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>		
FAULCONER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		10:30 a.m. during AI 45
GLORIA	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
MCLEAN	<input type="checkbox"/> (Janney) <input type="checkbox"/>		<input checked="" type="checkbox"/>
OVROM	<input type="checkbox"/> (Woiwode) <input type="checkbox"/>		<input checked="" type="checkbox"/>
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>		
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>		10:37 a.m. during AI 48
RYAN	<input type="checkbox"/> (B. Jones) <input type="checkbox"/>		<input checked="" type="checkbox"/>
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>		
YOUNG	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	10:14 a.m. during AI 47	
ZARATE	<input type="checkbox"/> (Parra) <input type="checkbox"/>		<input checked="" type="checkbox"/>

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

[Signature]

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

April 23, 2009

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

FINANCE WORKSHOP

1. Roll Call

Chairman Rindone called the meeting to order at 9:30 a.m. A roll call sheet listing Board member attendance is attached.

2. MTS: FY 2010 Budget Development (FIN 310.1)

Mr. Larry Marinesi, Budget Manager reviewed the budget process that started in February of 2009. He recapped the approved fiscal year 2009 midyear budget and the fiscal year 2010 preliminary budget. He also reviewed the combined MTS budget for fiscal year 2010 and expenses by respective divisions. He reported that the security area has been over budget in previous years due to increased demand for security services. He stated that the budget has been increased to meet this demand. Mr. Marinesi then reviewed fuel projections, the impact of changes in energy prices on MTS's budget, fiscal year 2010 budgeted cost per mile, and historic energy rates. He also reviewed operating statistic trends that showed that farebox recovery rate is going up, operating expense per passenger is staying relatively static, and subsidy per passenger is going down. He also reviewed other assumptions that were made regarding revenue service and reported that staff feels that passenger levels will be flat for the coming year.

Mr. Marinesi then reviewed the five-year financial projection and stated that sales tax revenues that were down four percent from the previous year are now down an additional two percent. He added that SANDAG projects a 2.2 percent increase in TransNet and a 1 percent decrease in Transportation Development Act funding. He stated that staff has concerns about these figures and that a further loss of funding will have a negative impact on ridership. He then reported that staff anticipates a public hearing and Board adoption of the budget on May 28 and adoption of the budget on June 19, 2009, by the SANDAG Transportation Committee.

In response to a question from Mr. Ewin, Ms. Cooney, Director of Government Affairs and Interim Director of Planning and Scheduling, reported that staff is working on a number of initiatives to address potential future deficits including analyzing weekend and off-peak service to identify unproductive service, review of the internal budget, and ongoing monitoring of route performance. She added that a Budget Development Committee meeting will probably be convened during the summer months to discuss this matter again. She stated that there is a meeting at SANDAG on Friday, April 24, to discuss options for bridging the funding gap for MTS and North County Transit.

Mr. Ewin asked if there was any way MTS could build some flexibility into its fixed costs in order to be able to respond more quickly to funding dips. Mr. Rindone requested that this idea be studied and the results reported back to the Executive Committee and the Board.

Mr. McClellan agreed with Mr. Ewin's comments and stressed the importance of reacting quickly to funding decreases in order to minimize the impact on MTS. He asked if staff has looked at energy costs per passenger rather than per mile in order to determine which is most efficient – rail or bus. He stated that cost per passenger should include capital costs. Chairman Rindone pointed out that running longer trains, which San Diego Trolley is trying to do, would impact that calculation. Mr. Mathis pointed out that capital costs for rail should be amortized for the life of the infrastructure.

Mr. Gloria suggested that Board members speak with their respective city representatives who sit on the SANDAG Board and ask them to support long-term funding for transit during the meeting on April 24 at SANDAG. Mr. Mathis pointed out that discussions at this meeting will yield a set of options that should help the MTS Board formulate a strategy for going forward.

Mr. Mathis pointed out that any additional funding that MTS receives will be taken from some other aspect of transit funding. Mr. Rindone stated that the media has reported that the funding would be taken from highway and road funding, which is incorrect. Mr. Janney stated that MTS needs to make an effort to correct this misinformation. Mr. Rindone then stated that San Diego communities need to realize that the portion of funding allocated to transit is inadequate and that San Diego needs to make a funding commitment to transit as other cities have done.

Mr. Young encouraged Mr. Gloria to continue his advocacy and not be deterred. He stressed the importance of transit representatives being strong and vocal and complimented Mr. Gloria on his efforts. In response to a question from Mr. Young, Mr. Marinesi stated that MTS could be facing an additional \$3 million issue if sales tax revenues fall an additional two percent as more recently predicted. He stated that the degree of the decrease should be more clear at the end of the first quarter of the new budget year.

Mr. Young suggested that staff consider a two-year budget process in order to have two-year projections of funding. Mr. Telfer, Chief Financial Officer, stated that staff has been discussing this approach and will bring it to the Budget Development Committee.

In response to a question from Mr. Young, Ms. Cooney reported that she continually monitors government programs that provide funding opportunities for MTS, and she is particularly looking at new ways MTS might have access to funding through energy and climate change programs. She stated that she also works very closely with MTS's federal lobbyist. She stated that there is currently a movement with the House of Representatives to see if economic stimulus funding could be allocated for transit operations given that more people are using transit. She stated that she is also working with other agencies within the region to maximize funding for transit for the region. Mr. Young requested that staff present an analysis to the Board regarding these funding opportunities and that MTS's lobbyist be asked to make a presentation at a future Board meeting. Mr. Mathis pointed out that MTS is attempting not to be dependent on one-time funding and reiterated that the funding that MTS might receive from SANDAG would be taken from transit capital projects.

Mr. Mathis stated that tax initiatives dedicated to transit have passed in many other cities, but when these initiatives have been put forth in San Diego there are always many other things included that compete for the funding. Chairman Rindone stated that when SANDAG extended

TransNet, they were establishing a tax base for a 40-year period. He stated that now efforts need to be made to address what is really needed. He stated that Board members need to advocate for making positive transit improvements in their respective communities.

In response to a question from Mr. McClellan, Ms. Cooney briefly discussed restrictions that prevent the use of capital funding for operational purposes.

In response to a question from Mr. Rindone about the increase in General & Administrative expenses, Mr. Marinesi explained that the increase is connected to the vehicle leasing program and additional equipment that must be installed in the cars and due to MTS's computer replacement program. He stated that FY 2010 is one of the years during which MTS will focus on computer replacements.

Action Taken

Mr. McClellan moved to receive a report on the FY 2010 operating budget development. Mr. Gloria moved to second the motion, and the vote was 10 to 0 in favor.

3. Public Comment

There were no public comments.

4. Adjournment

Chairman Rindone adjourned the meeting at 9:57 a.m.

BOARD MEETING

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:57 a.m. A roll call sheet listing Board member attendance is attached.

Chairman Mathis recognized Lorraine Smith, the daughter of Nate Johnson, ATU Local 1309, who was attending the meeting with him.

2. Approval of Minutes

Mr. Ewin moved to approve the minutes of the April 9, 2009, MTS Board of Directors meeting. Mr. McClellan seconded the motion, and the vote was 10 to 0 in favor.

3. Public Comments

Don Stillwell: Mr. Stillwell stated that he was upset that Route 14 was discontinued between Rancho Mission Road and Fashion Valley. He stated that the alternatives are not adequate. He stated that he has many friends who are also upset about this change.

Chairman Mathis suggested that Mr. Stillwell's friends present their comments to the Board.

Mr. Ewin stated that MTS has a process that ensures continual review of trolley and bus routing to ensure that buses and trolleys make effective connections. He stated that this process

occurs continually. Chairman Mathis stated that MTS has to balance the needs for connections at one station with the number of different interface points along the various lines.

Clive Richard: Mr. Richard stated that MTS should have been working on a budget plan when it first became aware that state funding was going to be reduced.

Chairman Mathis pointed out that MTS cannot take action based on speculations. He stated that staff had been working internally on various budget scenarios when it became apparent that state funding was going to decrease and that is why MTS was able to react so quickly when the state finally approved its budget.

CONSENT ITEMS:

6. MTS: Mincom Annual Support Renewal – Contract Amendment (ADM 130)

Recommend that the Board of Directors (1) ratify MTS Doc. No. G0740.8-02 (Attachment A of the agenda item) with Mincom, Inc. for continued software support maintenance; and (2) authorize the CEO to execute MTS Doc. No. G0740.9-02 (in substantially the same format as Attachment B of the agenda item) with Mincom Inc. for annual software support maintenance for the Ellipse financial system and ERP package.

7. MTS: MTS Access/ADA Suburban Paratransit Option Year (OPS 980.8)

Recommend that the Board of Directors authorize the CEO to execute one option year for each of the following contracts with First Transit Inc.: (1) MTS Doc. No. B0338.5-03 (in substantially the same format as Attachment A of the agenda item) for American with Disabilities Act Suburban paratransit services; and (2) MTS Doc. No. B0368.5-03 (in substantially the same format as Attachment B of the agenda item) for MTS Access services.

8. MTS: FY 2009/10 Community-Based Transportation Planning (AG 220.3)

Recommend that the Board of Directors approve Resolution No. 09-16 (Attachment A of the agenda item) authorizing the CEO to enter into a contract with the California Department of Transportation for the use of a community-based transportation planning grant (if awarded).

Action on Recommended Consent Items

Mr. Ewin moved to approve Consent Agenda Item Nos. 6, 7, and 8. Mr. Ovrom seconded the motion, and the vote was 11 to 0 in favor.

CLOSED SESSION:

There were no Closed Session items.

DISCUSSION ITEMS:

There were no Discussion Items.

REPORT ITEMS:

45. MTS: San Diego International Airport Master Planning Update (SRTP 840.9.1)

Mr. Mark Thomsen, Senior Transportation Planner, reported that the San Diego County Regional Airport Authority Board recently accepted the vision plan for the build out of the airport. He introduced Mr. Keith Wilschetz, Director of Airport Planning. Mr. Wilschetz stated that the build-out plan addresses the best options for integration of an Intermodal Transportation Center and how traffic on local streets could be minimized.

Mr. Wilschetz briefly reviewed build-out options that were considered but rejected. He also reported that the preferred plan requires the use of Marine Corp Recruiting Depot (MCRD) land, which they are unwilling to give up. He reported that the adopted plan, without the MCRD land, involves passenger processing on the north side of the airport with shuttles to carry passengers to boarding-gate areas on the south side of the airport. He stated that during the phasing, there may be passenger processing at one of the existing locations in addition to the north side of the airport. He stated that the first phase of the built out would involve construction of a rental car facility and the Intermodal Transportation Center in 2015. He stated that rebuilding of Terminal 1 on the south side of the airport would occur around 2020 to 2021, at which time is it hoped the MCRD land will be available, and a decision could be made to relocate the terminals to the north side of the airport.

Mr. Wilschetz reported that the project will cost \$6.3 billion in escalated cost at a four percent inflation rate. He reported that \$240 million will come from facility charges paid by the customer. He reviewed the sources for the remainder of the funding.

In response to a question from Mr. Jones, Mr. Wilschetz stated that airport staff studied the concept of exchanging the taxiways and the runways and rejected it due to the significant expense with no gain in capacity.

Mr. Thomsen stated that the trolley line runs very close to the planned Intermodal Transportation Center. He stated that once Route 992 is dropping passengers at only one location, MTS will realize a reduction in operating cost for bus services.

In response to a question from Mr. Young, SANDAG consultant Mike Zdon reported that they are in the advance planning stage of doing a footprint of the station and working also on the operational aspect. He added that it is hoped that high-speed rail would eventually link the San Diego, San Bernardino, Los Angeles and Riverside airports. He stated that a trip to the Ontario airport would then take 45 minutes. Mr. Young was informed that SANDAG would be the lead agency and has grants for the preliminary stages of the project. Mr. Young requested that the Board be given periodic updates and that the Board be given an opportunity during those updates to express its wishes with regard to this project.

Mr. Rindone stated that he was extremely pleased that MTS was included in the process of developing this vision for the airport but expressed concern that passengers would find the new airport more difficult to use if the plan goes forward to shuttle people from the north side of the airport to departure gates on the south side of the airport. He felt that other airport properties would criticize San Diego for making that decision. He stated that it is important to get the MCRD land by the time the plan reaches the stage of making a decision regarding the location of the terminals. Mr. Jones stated that he agreed with Mr. Rindone.

Action Taken

Mr. Young moved to receive a report on the status of the San Diego International Airport's planning efforts. Mr. Ovrom seconded the motion, and the vote was 11 to 0 in favor.

46. MTS: Operations Budget status Report for February 2009 (FIN 310.1)

Mr. Mike Thompson, Assistant Budget Manager, provided a financial review for the fiscal year through February 2009. He reported that is \$782,000 under budget year-to-date.

Action Taken

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

60. Chairman's Report

Chairman Mathis reported that he recently attended the APTA Light-Rail Conference and that Senator Jim Mills was given an honorary award during the conference for his contributions to transit. He reported that Tom Larwin, MTS's former General Manager, presented the award.

Chairman Mathis reported that the opening of the first San Diego Trolley light-rail line in 1980 started a renaissance in light rail. He stated that the San Diego line was the first light-rail line, and that 30 U.S. cities and 4 Canadian cities have since instituted light-rail lines. He stated that some cities are also bringing back street cars.

61. Audit Oversight Committee Chairman's Report

Mr. Ewin stated that the next Audit Oversight Committee meeting would be held on June 4, 2009.

62. Chief Executive Officer's Report

There was no CEO's Report.

63. Board Member Communications

There were no Board Member Communications.

64. Additional Public Comments on Items Not on the Agenda

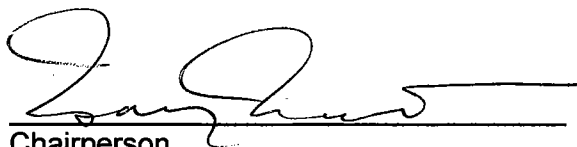
There were no additional Public Comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, May 14, 2009.

66. Adjournment

Chairman Mathis adjourned the meeting at 10:53 a.m.

A handwritten signature in black ink, appearing to read "Gail Williams", written over a horizontal line.

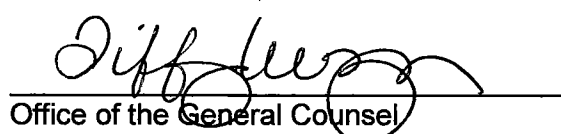
Chairperson
San Diego Metropolitan Transit System

Filed by:

A handwritten signature in black ink, appearing to read "Gail Williams", written over a horizontal line.

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

Approved as to form:

A handwritten signature in black ink, appearing to read "Duff", written over a horizontal line.

Office of the General Counsel
San Diego Metropolitan Transit System

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

**METROPOLITAN TRANSIT DEVELOPMENT BOARD
FINANCE WORKSHOP**

ROLL CALL

MEETING OF (DATE): 4/23/09

CALL TO ORDER (TIME): 9:03 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: _____

RECONVENE: _____

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 9:57 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BOYACK	<input type="checkbox"/> (Cunningham) <input type="checkbox"/>		<input checked="" type="checkbox"/>
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>		
FAULCONER	<input type="checkbox"/> (Emerald) <input type="checkbox"/>		<input checked="" type="checkbox"/>
GLORIA	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
MCLEAN	<input type="checkbox"/> (Janney) <input checked="" type="checkbox"/>		
OVROM	<input checked="" type="checkbox"/> (Woiwode) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>		
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		<input checked="" type="checkbox"/>
RYAN	<input type="checkbox"/> (B. Jones) <input checked="" type="checkbox"/>		
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>		
YOUNG	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>		
ZARATE	<input type="checkbox"/> (Parra) <input type="checkbox"/>		<input checked="" type="checkbox"/>

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

Ed Lee



AGENDA ITEM NO.

3

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

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

1. INSTRUCTIONS

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

(PLEASE PRINT)

Date	THUR 14 MAY
Name	WM. A. WATKINS
Address	5343 MONROE AVE #607 SAN DIEGO, CA 92115-2441
Telephone	
Organization Represented	
Subject of Your Remarks	THE PCC CAR
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input checked="" type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

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

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



AGENDA ITEM NO.

3

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

2

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

1. INSTRUCTIONS

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(PLEASE PRINT)

Date	2005-05-14		
Name	Clive Richard		
Address	5153 La Dorna St, San Diego		
Telephone	619-867-7049		
Organization Represented			
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

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

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



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

Agenda

Item No. 4

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

ADM 110

May 14, 2009

SUBJECT:

MTS: ELECTION OF CHAIR PRO TEM

RECOMMENDATION:

That the Board of Directors elect a Chair Pro Tem for 2009 to replace Board Member Fred McLean.

Budget Impact

None.

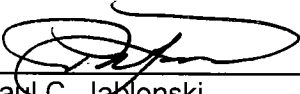
DISCUSSION:

MTS Policies and Procedures No. 22, "Rules of Procedure," provides for the election of a Chair Pro Tem to serve in the absence of the Chair and Vice Chair. In January 2009, Board Member Fred McLean was elected Chair Pro Tem. Mr. McLean has informed the Chief Executive Officer that he will not continue at this time as a representative for Imperial Beach on the MTS Board of Directors. Therefore, the Board will elect a new Chair Pro Tem to complete Mr. McLean's term.

The Chair Pro Tem nomination and election procedures pursuant to Robert's Rules of Order are as follows:

1. The Chairman of the Board opens the agenda item.

2. The Chairman requests nominations from the floor. Nominations do not require a second.
3. The Chairman closes the nominations.
4. The Chairman invites the candidate(s) to address the Board for 3 minutes.
5. The Chairman asks for any Board discussion.
6. The Chairman calls for the vote on each motion for each candidate.
7. The vote is taken on the motion(s) for each candidate based upon the order in which they were nominated. The vote continues until a candidate is elected.



Paul C. Jablonski
Chief Executive Officer

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

MAY14-09.4.ELECTION.SCOONEY.doc



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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 491 (PC 50633)

May 14, 2009

SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to enter into MTS Doc. No. G1111.8-07 (in substantially the same form as Attachment A) with Wheatley Bingham & Baker for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$195,000 for Wheatley Bingham & Baker. Recommended amounts should be contained within the FY 2009/2010 budgets.

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.



Wheatley Bingham & Baker is currently under contract with the Agencies for \$590,000. Attorney Roger Bingham has successfully defended the Agencies in a number of tort liability matters. Pending future invoices for three open matters heading for trial along with past billings are anticipated to exceed current contract authority.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1111.8.07 with Wheatley Bingham & Baker for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



Paul G. Jablonski
Chief Executive Officer

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

MAY14-09.6.LEGALSVCS WHEATLEY.JDOW.doc

Attachment: A. MTS Doc. No. G1111.8-07

DRAFT

May 14, 2009

MTS Doc. No. G1111.8-07
LEG 491 (PC 50633)

Mr. Roger Bingham
Wheatley Bingham & Baker
1201 Camino Del Mar, Suite 201
Del Mar, CA 92014-2569

Dear Mr. Bingham:

Subject: AMENDMENT NO. 8 TO MTS DOC. NO. G1111.0-07: LEGAL SERVICES – GENERAL
LIABILITY

This letter will serve as Amendment No. 8 to MTS Doc. No. G1111.0-07. This contract amendment authorizes additional costs not to exceed \$195,000 for professional services. The total value of this contract including this amendment is \$785,000. 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

Roger Bingham
Wheatley Bingham & Baker

MAY14-09.6.AttA.G1111.8-07.WHEATLEY.JDOW.doc

Date: _____



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Agenda

Item No. 7

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

LEG 491 (PC 50633)

May 14, 2009

SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to enter into MTS Doc. No. G1078.3-07 (in substantially the same form as Attachment A) with Ryan, Mercaldo & Worthington, LLP for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$30,000 for Ryan, Mercaldo & Worthington, LLP. Recommended amounts should be contained within the FY 2009/2010 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.



Ryan, Mercaldo & Worthington, LLP are currently under contract with the Agencies for \$100,000. Attorneys Norm Ryan and Tim White have successfully defended the Agencies in a number of tort liability matters. Pending future invoices for two open matters along with past billings are anticipated to exceed current contract authority.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1078.3.07 with Ryan, Mercaldo & Worthington, LLP, for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.


Paul C. Jablonski
Chief Executive Officer

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

MAY14-09.7.LEGALSVCS.RYAN.JDOW.doc

Attachment: A. MTS Doc. No. G1078.3-07

DRAFT

May 14, 2009

MTS Doc. No. G1078.3-07
LEG 491 (PC 50633)

Mr. Norman A. Ryan
Ryan, Mercaldo & Worthington, LLP
3636 Nobel Drive, Suite 200
San Diego, CA 92122-1063

Dear Mr. Ryan:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1078.0-07: LEGAL SERVICES – GENERAL
LIABILITY

This letter will serve as Amendment No. 3 to MTS Doc. No. G1078.0-07. This contract amendment authorizes additional costs not to exceed \$30,000 for professional services. The total value of this contract including this amendment is \$130,000. 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

Norman A. Ryan
Ryan Mercaldo & Worthington, LLP

MAY14-09.7.AttA.G1078.3-07.RYAN.JDOW.doc

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.

SDAE 710 (PC 50771)

May 14, 2009

SUBJECT:

MTS: SAN DIEGO AND ARIZONA EASTERN (SD&AE) RAILWAY COMPANY
QUARTERLY REPORTS AND RATIFICATION OF ACTIONS TAKEN BY THE SD&AE
RAILWAY COMPANY BOARD OF DIRECTORS AT ITS APRIL 21, 2009, MEETING

RECOMMENDATION:

That the Board of Directors:

1. receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Carrizo Gorge Railway, Inc. (Carrizo) quarterly reports (Attachment A); and
2. ratify actions taken by the San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors at its meeting on April 21, 2009 (Attachment A).

Budget Impact

None.

DISCUSSION:

Quarterly Reports

Pursuant to the Agreement for Operation of Freight Rail Services, SD&IV, Museum, and Carrizo have provided the attached quarterly reports of their operations during the first quarter of calendar year 2009 (Attachment A).



SD&AE Property Matters

Under its adopted policy for dealing with the SD&AE Railway, the MTS Board of Directors must review all property matters acted on by the SD&AE Board. At its meeting of April 21, 2009, the SD&AE Board:

- received a report on the documents processed by staff since its last meeting on February 3, 2009 (Attachment A);
- approved an easement to the City of San Diego (City) for an underground sewer pipeline crossing SD&AE right-of-way at 54th Street south of Market Street.
- approved issuing a license to San Diego Gas and Electric, (SDG&E) for private crossings over SD&AE tracks located south of L Street in Chula Vista on the Coronado Branch.
- approved issuing a license to the United States Fish and Wildlife Service, San Diego National Wildlife Refuge Complex (USFW) for the construction of the Bayside Birding and Walking Trail within SD&AE right-of-way in the City of Imperial Beach.
- directed staff to begin the process for a request by the Motor Transport Museum to install a spur track on the Desert Line east of the Campo Depot contingent upon the following:
 1. The Motor Transport Museum, Carrizo, and the Pacific Southwest Railway Museum will meet to determine whether they have any issues with the installation. If there are any issues, the operators will contact Tim Allison within the next two weeks, and a report will be brought to the Board at the next meeting; and
 2. If the three operators are in agreement regarding the spur installation, they will collaboratively send the Board a letter of support within the next two weeks. Upon receipt of the letter of support, the SD&AE Board will notify the operators whether the spur installation is approved, and, if so, the Motor Transport Museum will bear all costs for the installation.
 3. No trains will operate on the line until the bridge has been inspected to FRA standards and the inspection has been provided to the SD&AE Board.
- approved SANDAG's request to remove the F Street diamond.



Paul G. Jablonski
Chief Executive Officer

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

MAY14-09.8.SDAE REPORTS.TLOREN.doc

Attachment: A. SD&AE Meeting Agenda & Materials (**Board Only Due to Volume**)



AGENDA

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1
(PC 50771)

April 21, 2009

9:00 a.m.

Executive Committee Room
James R. Mills Building
1255 Imperial Avenue, 10th Floor

San Diego & Arizona Eastern
Railway Company

A Nevada Nonprofit
Corporation

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

BOARD OF DIRECTORS
Peter Jespersen, Chairman
Bob Jones
Paul Jablonski

OFFICERS
Paul Jablonski, President
Bob Jones, Secretary
Linda Musengo, Treasurer

OF COUNSEL
Tiffany Lorenzen

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 prior to the meeting and are to be returned at the end of the meeting.

RECOMMENDED ACTION

1. Approval of the Minutes of February 3, 2009
Action would approve the SD&AE Railway Company minutes of February 3, 2009. Approve
2. Statement of Railway Finances (Linda Musengo)
Action would receive a report for information. Receive
3. Report on San Diego and Imperial Valley (SD&IV) Railroad Operations (Jose Ramos)
Action would receive a report for information. Receive
4. Report on Pacific Southwest Railway Museum (Diana Hyatt)
Action would receive a report for information. Receive
5. Report on the Desert Line (Armando Freire)
Action would receive a report for information, including an update on the recent fire. Receive
6. Real Property Matters (Tim Allison)
 - a. Summary of SD&AE Documents Issued Since February 3, 2009
Action would receive a report for information. Receive
 - b. Sewer Easement at 54th Street
Action would approve an easement to the City of San Diego for an underground sewer pipeline crossing SD&AE right-of-way at 54th Street south of Market Street. Approve

- c. License Agreement with SDG&E for Private Crossings and Underground Utility Crossings Approve
Action would approve issuing a license to San Diego Gas and Electric for private crossings over SDG&E's tracks located south of L Street in Chula Vista on the Coronado Branch.
 - d. License to the United States Fish and Wildlife Service for the Bayside Birding and Walking Trail Project Approve
Action would approve issuing a license to the United States Fish and Wildlife Service, San Diego National Wildlife Refuge Complex (USFW) for the construction of the Bayside Birding and Walking Trail within SD&AE right-of-way in the City of Imperial Beach.
 - e. Motor Transport Museum Request for Spur Track Possible Action
Action would provide direction to staff on the request by the Motor Transport Museum (MTM) for a spur track on the Desert Line.
 - 7.
 - a. Status of SD&AE Main Line Track and San Ysidro Freight Yard Improvement Projects (Pete d'Ablaing) Receive
Action would a report on the current status of the Trade Corridor Improvement Fund (TCIF) South Line Freight Improvement Projects.
 - b. F Street Diamond, Track, and Signal Elements (Pete d'Ablaing) Approve
Action would approve the San Diego Association of Governments' (SANDAG's) request to evaluate the removal of the F Street Diamond and signal elements.
- 8. Old Business
- 9. New Business
- 10. Public Comments
- 11. Next Meeting Date: July 21, 2009
- 12. Adjournment

DRAFT

MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE SAN DIEGO & ARIZONA EASTERN RAILWAY COMPANY

February 3, 2009

A meeting of the Board of Directors of the San Diego & Arizona Eastern (SD&AE) Railway Company, a Nevada corporation, was held at 1255 Imperial Avenue, Suite 1000, San Diego, California 92101, on February 3, 2009, at 9:05 a.m.

The following persons, constituting the Board of Directors, were present: Peter Jespersen, Paul C. Jablonski, and Bob Jones. Also in attendance were:

MTS staff:	Tiffany Lorenzen, Tim Allison, Wayne Terry
SD&IV staff:	Matt Domen, Jose Ramos
Pacific Southwest Railroad Museum:	Jim Lundquist, Diana Hyatt, Dick Pennick
Carrizo Gorge Railway, Inc. (Carrizo):	Charles McHaffie
RailAmerica:	Marc Bader
International Border Rail Institute:	Richard Borstadt
San Diego Electric Railway Company:	Dave Slater
Public:	Lorraine M. Leighton

1. Approval of Minutes

Mr. Jablonski moved to approve the Minutes of the October 10, 2008, SD&AE Railway Board of Directors meeting. Mr. Jones seconded the motion, and it was unanimously approved.

2. Statement of Railway Finances

Linda Musengo reviewed the financial statement for fiscal years 2008 and 2009 (see the attachment to the agenda item). Ms. Musengo noted that the significant increase in right of entry permits is mostly related to activity between SD&AE and the City of San Diego. She added that SD&IV has not yet submitted its 1% freight fee, and SD&AE's insurance premiums continue to decrease.

Mr. Jablonski moved to receive the report for information. Mr. Jones seconded the motion, and it was unanimously approved.

7. Election to Fill Vacant Position of SD&AE Railway Treasurer (taken out of order)

Action Taken

Mr. Jablonski moved to forward a recommendation to the MTS Board of Directors to elect Linda Musengo as Treasurer to replace the position vacated by Alejandro De La Torre. Mr. Jones seconded the motion, and it was unanimously approved.

3. Report on San Diego and Imperial Valley (SD&IV) Railroad Operations

Matt Domen reviewed the Periodic Report of the SD&AE Railway Company for activities for the fourth quarter of calendar year 2008 (see the attachment to the agenda item).

Action Taken

Mr. Jones moved to receive the report for information. Mr. Jablonski seconded the motion, and it was unanimously approved.

4. Report on Pacific Southwest Railway Museum Operations

Jim Lundquist reviewed the report attached to the agenda item. Mr. Lundquist thanked the Board for its support during his tenure as President. Diana Hyatt, the Museum's new President, offered her support to the Board.

Action Taken

Mr. Jones moved to receive the report for information. Mr. Jablonski seconded the motion, and it was unanimously approved.

6. Real Property Matters (taken out of order)a. Summary of SD&AE Documents Issued Since October

Since the October, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-09-384: Right of Entry Permit to Good & Roberts, Inc. to reconstruct a driveway and fix slopes in the City of El Cajon.
- S200-09-385: Right of Entry Permit to Nolte & Associates, Inc. to perform pothole surveys at 28th Street in the City of San Diego.
- S200-09-386: Right of Entry Permit to 3-D Enterprises, Inc. to construct a storm drain south of Bay Marina Drive on the Coronado Branch in the City of National City.
- S200-09-388: Right of Entry Permit to HP Communications to construct an aerial fiber-optic line at 16th Street in the City of National City.
- S200-09-389: Right of Entry Permit to David Evans & Associates, Inc. to perform surveys along the south line to support SANDAG contract CIP No. 11281.

Action Taken

Mr. Jablonski moved to receive the report for information. Mr. Jones seconded the motion, and it was unanimously approved.

b. Bay Marina Drive Widening Impacts to Cleveland Avenue Crossing

Tim Allison reported that the City of National City (the City) is proposing to widen Bay Marina Drive at the Cleveland Avenue crossing and remove old spur, rail, ties, and crossing equipment. Approval of the City's request would allow the City to remove the existing crossing material and amend the existing MOU to cover the City's obligation to

addition, the existing license with the adjacent developer would be amended to delete the drainage pipe crossing and name the City as the licensee for the pipe crossing.

Mr. Allison explained that there would be savings to SD&AE by eliminating crossing maintenance costs during the time the crossing is not in place. There would be a deferred cost to the City that would be added to the MOU to cover crossing installation. Staff is recommending Board approval to forward this request to the MTS Board of Directors for final approval.

Mr. Jespersen asked if there would be any compensation when the road is widened as far as the property. Mr. Allison responded that the City is in SD&AE's right-of-way by easement. The Coronado Branch is under franchise agreement in Cleveland Avenue north of 23rd Street. Previous actions by the Board authorized additional easements to accommodate the widening of Bay Marina Drive. Mr. Jespersen clarified that this SD&AE easement is an isolated piece of track that is out of service. Ms. Lorenzen will research the legal status of that section of the line.

Board members agreed to approve the recommendation contingent upon Legal Counsel's verification with outside counsel that the procedure outlined is consistent with Surface Transportation Board regulations.

Action Taken

Mr. Jablonski moved to forward a recommendation to the MTS Board of Directors to approve an amendment to MTS Document No. S200-06-291 to cover impacts to the Coronado Branch and future obligations of the City of National City relating to the redevelopment of the area west of Interstate 5 at Bay Marina Drive. Mr. Jones seconded the motion, and it was unanimously approved contingent upon Legal Counsel's determination that the agreement comports with Surface Transportation Board regulations.

8. Old Business

Mr. Jespersen stated that he and Fred Byle recently attended a meeting at SANDAG regarding the San Ysidro Yard Project and expressed concern regarding the direction that the project has taken and the lack of progress to date. Mr. Jespersen added that there are a lot of consultants and SANDAG staff members involved but not a lot of progress. He is concerned about how the SD&AE matching funds are being spent. Mr. Jespersen stated that the amount of staff working on the project and the scope of work has increased. He has a meeting at SANDAG today and will get more details.

Mr. Jablonski stated that he shares these concerns. The project has been going on for about four years, and SANDAG's had the \$10 million longer than that. He noted there has been somewhat of a curve with the Proposition 1B goods movement funding, but stated that those funds should only add to the benefits.

Mr. Jespersen feels the project should be split into two—the original plan should be put into place, and additional work could be added depending upon available funding.

Mr. Allison clarified that Pete d'Ablain is the SANDAG Project Manager and Sharon Humphries is the Project Manager for the consultant.

Mr. Jablonski suggested that during SANDAG's update meetings, Mr. Jespersen convey the Board's concerns as SD&AE has a vested interest in this project. SD&AE handed over the grant to SANDAG for progress on the San Ysidro Yard and added local share, but the project has not gone anywhere. He added that he will also relay these concerns to SANDAG staff and let them know that the SD&AE Board would like a status report at its next meeting on April 21, 2009.

5. Report on the Desert Line (taken out of order)

Charles McHaffie gave an update on the Desert Line. He stated that Carrizo has been clearing brush due to fire-control issues and is continuing forward with small amounts of bridge repairs. Mr. McHaffie inquired about his request to reduce Carrizo's insurance requirements during its embargo on the Desert Line. Ms. Lorenzen informed the Board that the insurance consultant has no issue with the reduction as long as there is no freight activity.

Action Taken

Mr. Jablonski moved to authorize General Counsel to amend the agreement with Carrizo to allow for a reduction in Carrizo's general liability insurance requirement from \$50 million to \$10 million contingent upon nonoperation of freight movement on the Desert Line. Mr. Jones seconded the motion, and it was unanimously approved.

9. New Business

No new business.

10. Public Comments

Rich Borstadt: Mr. Borstadt announced that the 3 Kings Train was very successful this year and thanked all of the cooperating agencies (Carrizo, Admicarga, and the Museum). Mr. Borstadt also mentioned a request submitted by the Motor Transport in regard to siding/spur on the main line in Campo.

11. Next Meeting Date

The next meeting of the SD&AE Railway Company Board of Directors is on Tuesday, April 21, 2009, at 9:00 a.m.

12. Adjournment

The meeting was adjourned at 9:48 a.m.

President

Of Counsel

Agenda

Item No. 2

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

STATEMENT OF RAILWAY FINANCES

RECOMMENDATION:

That the SD&AE Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

The SD&AE operating statement for fiscal years 2008 and 2009 is attached for information. Linda Musengo will give an update during the meeting.

2-RAILWYFINANCES.doc

Attachment: Fiscal Years 2008 & 2009 Operating Statement

SD&AE Operating Statement FY 2009 and FY2008

	2009			2008				
	Q1	Q2	Q3	Total	Q1	Q2	Q3	Total
Revenue								
Right of entry permits	\$30,178	\$ 10,900	\$13,113	\$ 54,191	\$ 5,000	\$ 8,650	\$ 2,850	\$ 16,500
Lease income	9,820	14,783	16,677	41,280	5,047	8,568	17,587	31,202
SD&IV 1% freight fee	-	-	-	-	-	38,720	106,331	145,051
Joint use fee	-	-	-	-	-	-	89,000	89,000
Carrizo Gorge	213	99	-	312	-	-	1,062	1,062
Sale of real property	-	-	-	-	-	-	-	-
Other income	-	-	-	-	570	5,696	(741)	5,525
Total revenue	40,211	25,782	29,790	95,783	10,617	61,634	216,089	288,340
Expense								
Admin wages	18,279	15,295	20,806	54,380	16,636	15,753	14,471	46,860
Workers' compensation	498	498	498	1,493	1,005	1,005	836	2,846
Professional services	7,196	13,273	1,000	21,469	3,898	10,631	53,987	68,516
Outside services	-	-	26	26	1,250	-	-	1,250
Telephone	-	-	-	-	145	-	-	145
Insurance premium	9,114	8,783	8,974	26,870	10,533	10,373	10,122	31,028
Other miscellaneous expense	6,666	1,772	337	8,775	543	845	342	1,730
Depreciation	-	-	-	-	-	-	-	-
Total expense	41,752	39,620	31,641	113,012	34,010	38,607	79,758	152,375
Net income/(loss)	\$ (1,541)	\$ (13,837)	\$ (1,851)	\$ (17,230)	\$ (23,393)	\$ 23,027	\$ 136,331	\$ 135,965

Other miscellaneous expense includes \$7,243.59 paid to Baker & Miller related to petition filing

Reserve balance 2008	\$ 890,451
Allocated interest earnings - estimated	777
Operating profit/(loss)	(17,230)
Improvement expense 2009	-
Reserve balance 2009- estimated	\$ 873,998

Agenda

Item No. 3

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

REPORT ON SAN DIEGO AND IMPERIAL VALLEY (SD&IV) RAILROAD OPERATIONS

RECOMMENDATION:

That the SD&AE Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

An oral report will be given during the meeting.

Attachment: Periodic Report for the 1st Quarter of 2009



April 9, 2009

SD&AE Board
C/O MTS
1255 Imperial Avenue, Suite 1000
San Diego, California 92101

Periodic Report

In accordance with Section 20 of the Agreement for Operational Freight Service and Control through Management of the San Diego and Arizona Eastern Railway Company; activities of interest for the 1st Quarter of 2009 are listed as follows:

1. Labor

At the end of March 31, 2009 the San Diego & Imperial Railroad had 12 employees:

- 1 General Manager
- 1 Trainmaster
- 1 Asst. Trainmaster
- 1 Office Manager
- 1 Manager - Marketing & Sales
- 1 Mechanical Officer
- 2 Maintenance of Way Employees
- 4 Train Service Employees

2. Marketing

In the 1st Quarter of 2009 versus 2008, LGP, Lumber and Grain declined. In general Mexican traffic remained steady. The housing and construction industry has not improved in the San Diego and Baja Region. Therefore, the lumber, structural steel and related material was reflected in our carloads.

3. Reportable Injuries/Environmental

Through year to date, March 31, 2009, there were no FRA Reportable injuries, incidents or Environmental issues on the SDIY Railroad.

Days FRA Injury Free: 6699

Days FRA Incident Free: 9076

4. Summary of Freight

	2009	2008	2007
Total rail carloads that moved by SDIY Rail Service in the quarter.	1,528	1,791	1,939
Total railroad carloads Terminating/Originating Mexico in the quarter.	1,117	1,421	1,473
Total railroad carloads Terminating/Originating El Cajon, San Diego, National City, San Ysidro, California in the quarter.	411	370	466
Total customers directly served by SDIY in the quarter	12	12	12
Regional Truck trips that SDIY Railroad Service replaced in the quarter	5,042	5,910	6398

Respectfully,

General Manager

Agenda

Item No. 4

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

REPORT ON PACIFIC SOUTHWEST RAILWAY MUSEUM

RECOMMENDATION:

That the SD&AE Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.

Attachment: First Quarter Report for 2009



Pacific Southwest Railway Museum

La Mesa Depot 4695 Nebo Drive La Mesa, CA 91941 619-465-7776

April 9, 2009

SD&AE Board
c/o Metropolitan Transit Service
1255 Imperial Avenue, #1000
San Diego, CA 92101

Re: First Quarter, 2009 report

Dear SD&AE Board:

During the first quarter of 2009, the Pacific Southwest Railway Museum operated 49 Golden State passenger trains carrying 2,483 passengers with no FRA reportable accidents or incidents. The highest ridership during the quarter was in February with 1,299 passengers; this is largely attributable to two trains to Mexico operating during that month. Ridership was down from this quarter last year by 504 passengers. Our check, for \$574.16 is being mailed under separate cover.

On January 11, 2009 the museum, in collaboration with The Christmas Train/Tres Reyes provided a locomotive, passenger cars and train crew to transport the volunteers from Campo to Tecate for the distribution of gifts to underprivileged children in the Tecate area. Thanks go to Admicarga, CZRY and the Tecate mayor's office for their cooperation in making this event a success.

In late January, the Museum's Chief Operating Officer and I had the pleasure of meeting with Armando Freire at the CZRY office in El Cajon. We discussed many items of concern and look forward to another beneficial meeting together in the near future.

The public restroom building is complete and was opened to the public in late March. The museum was happy to welcome Councilwoman Dianne Jacob to host its inauguration on Saturday, April 4th. Councilwoman Jacob was instrumental in obtaining the initial \$40,000 County grant for construction of the building. The celebration was followed by a train ride on the museum's ATSF 1509 with complimentary hot and cold hors d'oeuvres and beverages.

The renovation of the upstairs baggage room at the Campo Depot is complete. The museum's gift shop has been relocated to this larger space. Now volunteers will focus on completing the renovation of the downstairs area.

The toilet trailer has been removed from the Campo Depot area now that it has been replaced with the public restroom building. The old wooden boxcar sitting on the ground next to the toilet trailer has been

SD&AE Board

April 9, 2009

relocated to a piece of snap track and set on trucks at the railroad east end of the Campo Depot. This boxcar frame has been used for years as the Boxcar Theatre where visitors could enjoy film productions about the San Diego & Arizona Railway and the Museum. It has been repainted and once an extension of the dock is constructed, it will again be accessible to our visitors as the Boxcar Theatre.

U.S. Government passport laws are scheduled for implementation on June 1st of this year. The change will require a passport for all international border crossings. It is too early to tell whether this or a combination of factors will reduce our ridership on these trains.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Diana Hyatt", with a stylized flourish at the end.

Diana Hyatt
President

Agenda

Item No. 5

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

REPORT ON THE DESERT LINE

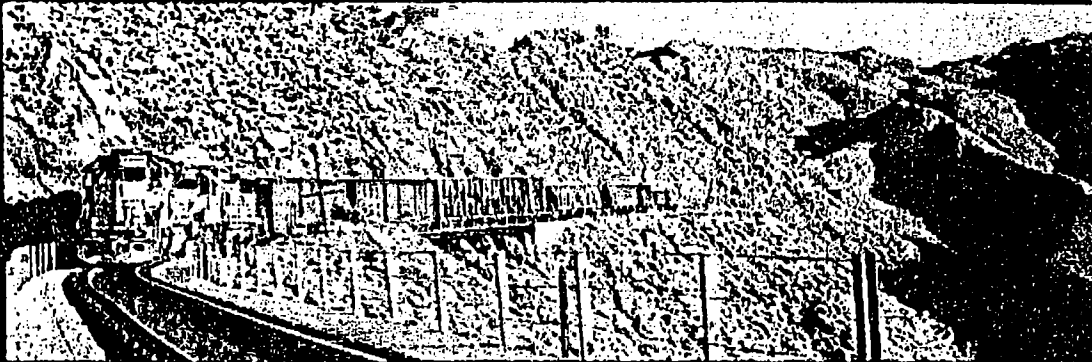
RECOMMENDATION:

That the SD&AE Board of Directors receive a report for information, including an update on the recent fire.

Budget Impact

None.

5-DESERTLINE.doc



Carrizo Gorge Railway

Periodic Report

To The San Diego & Arizona Eastern Railway Company

First Quarter 2009

The periodic Report to the SD&AE Railway Company is produced quarterly by the Carrizo Gorge Railway, Inc for the SD&AE Board, in fulfillment of contractual requirements and to document activity in the restoration of the line to regional service along with its ongoing improvement for future generations.

CARRIZO GORGE RAILWAY, INC.

Accomplishments during First Quarter 2009

- Weed Abatement
- Clean up and reorganization in Jacumba yard.
- Clean up and reorganization in Campo yard.

CONTENTS

1ST QUARTER 2009 ACTIVITY

Appendix A- MOW Summary

**Appendix B- Desert Line Track Rehabilitation
Offset Financial Summary**

**Appendix C- Desert Line Freight Revenues
Financial Summary**

CARRIZO GORGE RAILWAY, INC.

First Quarter 2009

Metropolitan Transit Development Board
San Diego & Arizona Eastern Railway Board
1255 Imperial Avenue 10th floor
San Diego, California 92101

Pursuant to reporting agreement, here is the summary of 1st Quarter activity for 2009.

I. Labor

As of March 31st, 2009, Carrizo Gorge Railway has 21 employees to cover overall administration of the road and operations in the U.S. on the Desert Line.

- 4 Administration
- 1 Marketing
- 1 Purchasing Agent
- 1 DSL (contractor)
- 1 Train Master
- 5 Track Maintenance
- 1 Division Engineer
- 3 Locomotive engineers
- 3 Railroad police
- 1 Railroad police chief

II. Marketing

Carrizo Gorge Railway continues to work with its marketing effort to increase revenues as soon as the Desert Line rehabilitation is completed.

Carrizo Gorge Railway continues working to enhance relations with Admicarga in an effort to increment revenues as well as the improvement of service to the shipping community in the region.

CARRIZO GORGE RAILWAY, INC.

III. Desert Line

Carrizo Gorge Railway is the rail freight operator on the Desert Line by contractual agreement with Rail America/ SD&IV and with the approval of SD&AE/ MTDB.

Due to strong weather storms in the last days of December 2008 and the first days of January 2009, CZRY created rock and boulder removal programs in order to clean up the affected area from MP 93.0 to MP 103.0. In total Carrizo Gorge Railway removed 36 tons of material in a period of two weeks.

We found that certain areas between MP 79.9 and MP 86.5 had an excess of ballast. In addition we found that other areas lacked ballast which caused the crosslevel to be non-compliant. We have relocated the excess ballast to the lacking areas. In conclusion we have re-located 14 tons of ballast in one week.

We have continued our normal track maintenance programs, concentrating efforts on weed abatement to diminish fire hazards. We have completed weed abatement 10 feet from the rail on each side of the track and 25 feet in the mile 86.

In recent weeks we have focused on cleaning and reorganization of our Campo and Jacumba yards.

IV. Reportable Injuries / Environmental Incidents

There were no reportable injuries during the first quarter of 2009.

There were no reportable accidents in the first quarter of 2009.

There were no environmental incidents during the first quarter of 2009.

Carrizo Gorge Railway was the recipient for the 2008 Jake Award for achieving a perfect record with no reportable injuries.

CARRIZO GORGE RAILWAY, INC.

V. Freight Activity

There was no freight activity in the first quarter of 2009 due to the ongoing Desert Line rehabilitation project.

MOW Sand carloads moved on the Desert Line	0
Revenue Sand carloads moved on the Desert Line	0
Revenue Freight carloads moved to/from Seeley Via interchange with UPRR, on the Desert Line	0
Non-Revenue Freight carloads moved from UPRR and USG, on the Desert Line	
Revenue Freight carloads terminating/originating in Mexico to/from San Ysidro via interchange with SD&IV Railroad	0
Total overall first quarter 2009 Carloads Moved	0

VI. Mexican Railroad

Here is an update of Carrizo Gorge Railway, Inc Mexico's Operation.

CURRENT MEXICO PERSONNEL

1	Director of Operations
1	Trainmaster
3	Dispatchers
3	Train Engineers
6	Conductors
1	Mechanic
1	Car Inspector
1	Division Engineer
1	Track Inspector
2	Track Supervisor
8	Track laborer

CARRIZO GORGE RAILWAY, INC.

Page 1 of 2

Appendix A M.O.W. SUMMARY

DESERT LINE

TRACK

Ties Installed (6" x 8" x 8')	50	each
(7" x 9" x 9")	0	each
Stringers	0	each
90 lb. Rail Change Out	0	ft.
113 lb. rail Change Out	0	ft.
Repair Open Joints	0	each
Track Regaging	5	each
Separator Rails (4" x 8" x 20")	0	each
Replace Missing Track Bolts	15	each
Rail Anchors Replaces	8	each
Repair Broken angle bars (60 lb.)	0	each
(75 lb.)	0	each
(90 lb.)	5	each
Track Surfaced	0	ft
Track Spikes Used (new)	220	each
Switch Ties Installed	0	each

CARRIZO GORGE RAILWAY, INC.

Page 1 of 1

Appendix B OFFSET FINANCIAL SUMMARY

DESERT LINE SAND OPERATION

There was no production or commercial sale of sand from M.O.W. activity on the Desert Line during First Quarter of 2009.

CARRIZO GORGE RAILWAY, INC.

Page 1 of 1
Appendix C
FINANCIAL SUMMARY

DESERT LINE

REVENUE FREIGHT HAULED

Railcar loads to/from UP Interchange, Seeley /Plaster City	0
Railcar loads revenue sand from Dixie (Plaster City) to Campo	0
Non-revenue Freight USG Cars	
Total	0

Track Use Fees:

Interchange freight to/from UPRR over the Desert Line

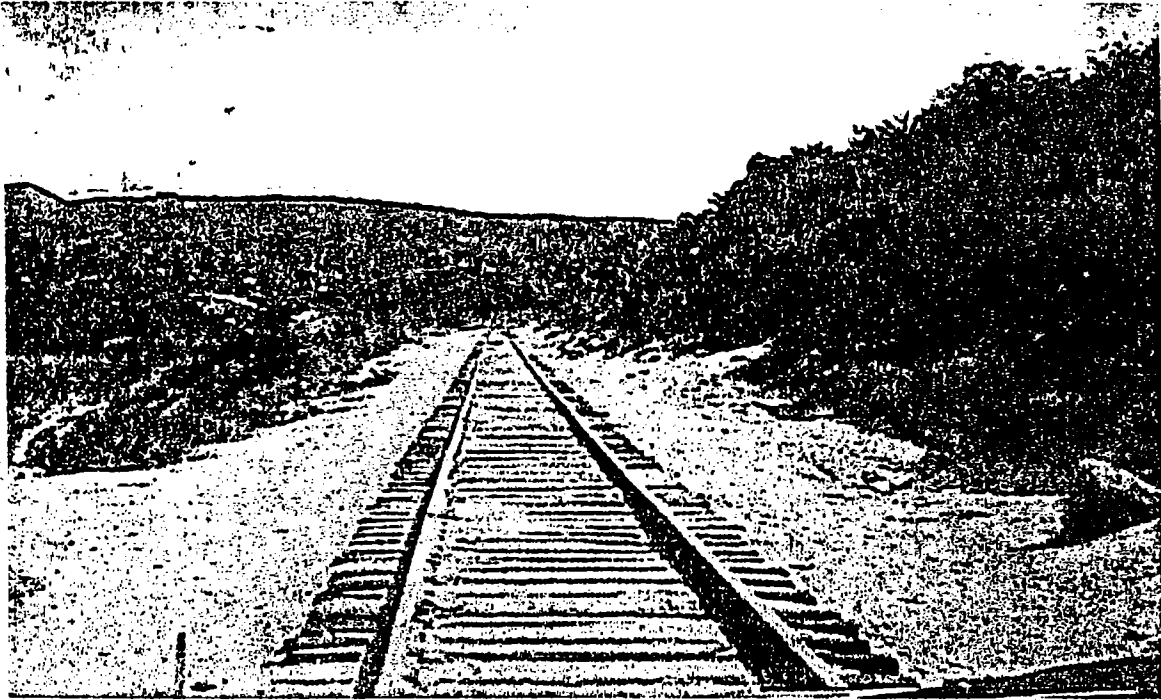
SD&AE / MTS 1% payment	0.00
SD&IV / Rail America payment 6.9	0.00

Revenue Sand from Dixie to Campo

SD&AE / MTS 1% payment	0.00
SD&IV RailAmerica payment(0cars at \$0.00 each)	0.00

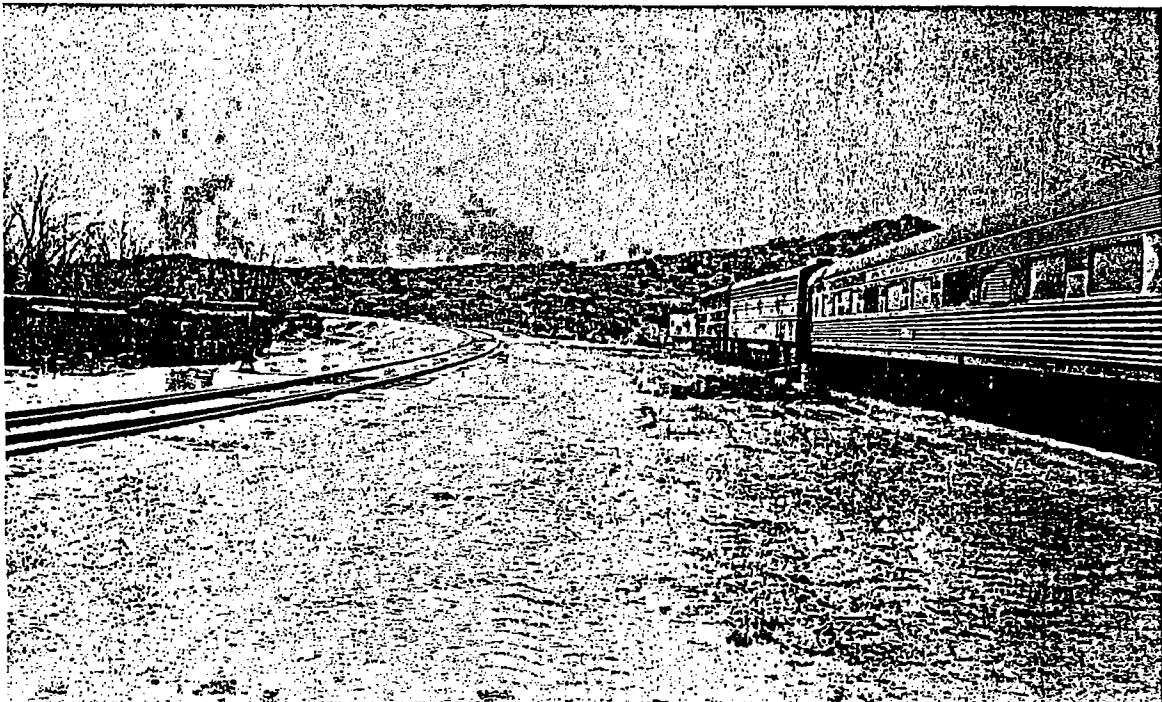
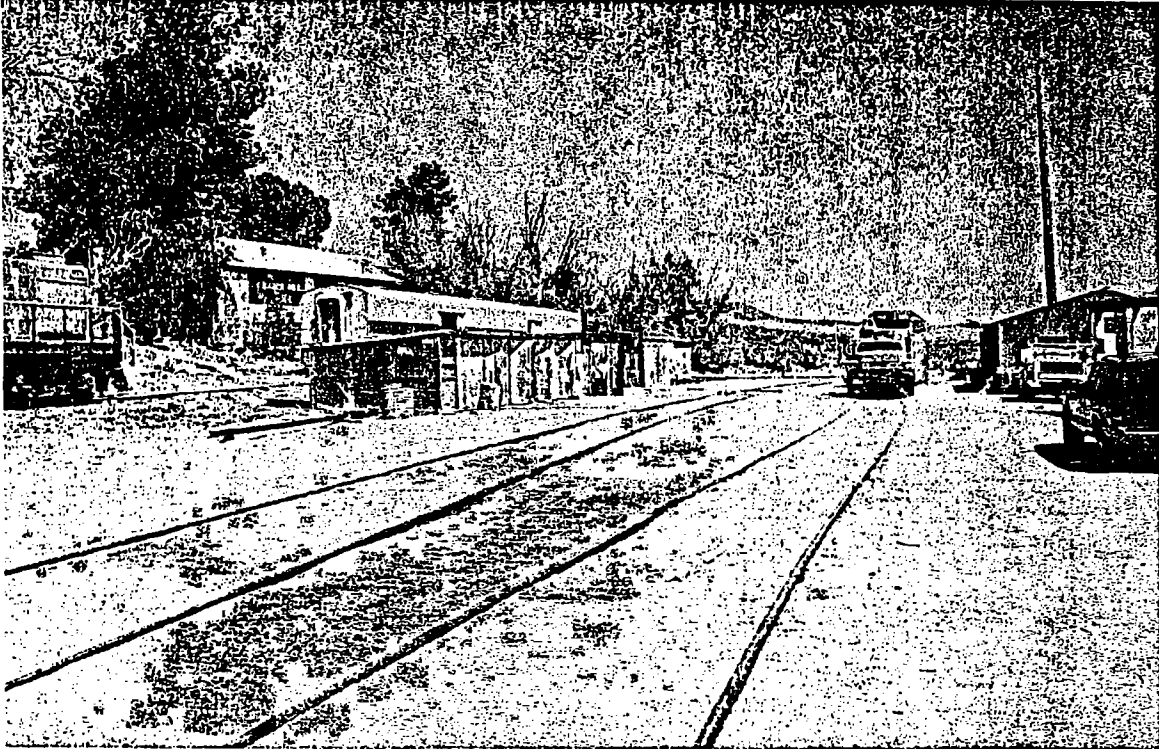
CARRIZO GORGE RAILWAY, INC.

WEED ABATEMENT



CARRIZO GORGE RAILWAY, INC.

CLEAN UP AND RE-ORGANIZATION IN JACUMBA YARD



MONTHLY CAR MOVEMENT STATEMENT - January 2009

CURRENT MONTH	INTCH DATE	CAR NUMBER	CUSTOMER	COMMODITY	CZRY BRIDGE TRAFFIC RATE	SDIY DIVERSION FEE	SDIY 6.90%	MTDB 1%
0	0	0	0	0	0	0	0	0

0 \$0.00 \$0.00 \$0.00 \$0.00

MONTHLY CAR MOVEMENT STATEMENT - February 2009

CURRENT MONTH	INTCH DATE	CAR NUMBER	CUSTOMER	COMMODITY	CZRY BRIDGE TRAFFIC RATE	SDIY DIVERSION FEE	SDIY 6.90%	MTDB 1%
0	0	0	0	0	0	0	0	0

0 \$0.00 \$0.00 \$0.00 \$0.00

MONTHLY CAR MOVEMENT STATEMENT - February 2009

CURRENT MONTH	INTCH DATE	CAR NUMBER	CUSTOMER	COMMODITY	CZRY BRIDGE TRAFFIC RATE	SDIY DIVERSION FEE	SDIY 6.90%	MTDB 1%
0	0	0	0	0	0	0	0	0

0

\$0.00

\$0.00

\$0.00

\$0.00

Agenda

Item No. 6a

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

SUMMARY OF SD&AE DOCUMENTS ISSUED SINCE FEBRUARY 3, 2009

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

Since February 3, 2009, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-09-387: Right of Entry Permit to Enviroapplications, Inc. to perform soil borings and place monitoring wells at San Ysidro.
- S200-09-390: Right of Entry Permit to SDG&E to remove cable in the SDTI yard near Newton Avenue in the City of San Diego.
- S200-09-391: Right of Entry Permit to Helix Water District to pothole a waterline at the Grossmont Trolley Station in the City of La Mesa.
- S200-09-392: Reprocessing an easement to the Jacobs Center for an undercrossing at Market Creek Plaza in the City of San Diego.
- S200-09-393: Right of Entry Permit to HMS Construction, Inc. to modify catenary poles along a portion of the south line in the City of San Diego.
- S200-09-394: Right of Entry Permit to Peterson Chase to repair a bridge rail on Grossmont Center Drive at the Grossmont Trolley Station in the City of La Mesa.

- S200-09-395: Right of Entry Permit to Ninyo & Moore to perform geotechnical borings at the San Ysidro yard in the City of San Diego.
- S200-09-396: Right of Entry Permit to Scotts Drilling to perform site borings for the GSA Border Improvement project at San Ysidro in the City of San Diego.
- S200-09-397: Deposit agreement with Carrizo Gorge Railway for staff cost reimbursement.
- S200-09-398: Right of Entry Permit to LB Civil Construction to construct the Bay Marina Drive Widening Project in the City of National City.
- S200-09-400: Right of Entry Permit to Burtech Pipeline for waterline repairs along Commercial Street at 15th Street in the City of San Diego.

APRIL21-09.6a.DOCS ISSUED.TALLISON.doc

Agenda

Item No. 6b

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

SEWER EASEMENT AT 54TH STREET

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors approve an easement to the City of San Diego (City) for an underground sewer pipeline crossing SD&AE right-of-way at 54th Street south of Market Street.

Budget Impact

Income to SD&AE would be a one-time payment at the appraised value of the easement. The City would also reimburse MTS for costs incurred in preparing and processing the license.

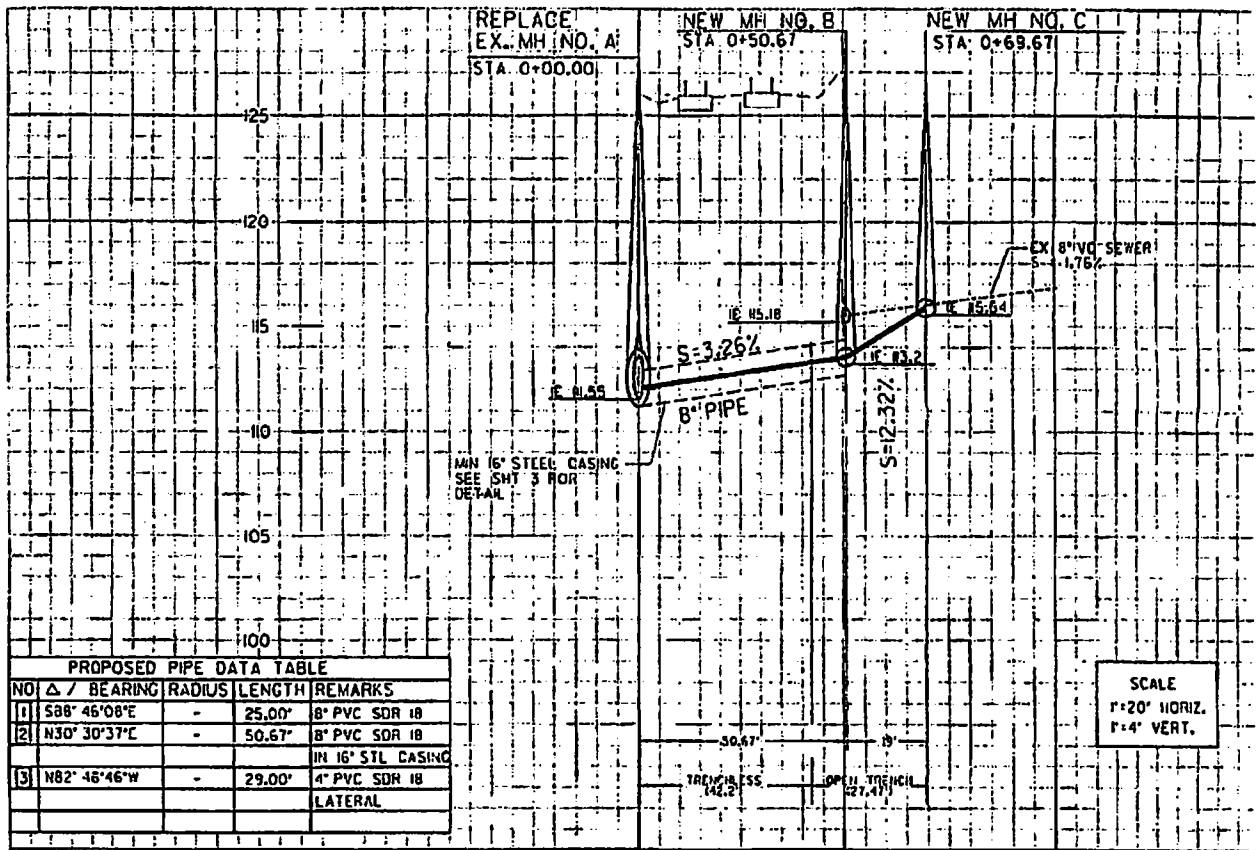
DISCUSSION:

The City met with MTS staff to discuss the issuance of an easement for an 8" underground sewer pipeline inside a 16" steel casing. The underground sewer pipeline would cross underneath SD&AE and MTS LRV tracks at 54th Street south of Market Street. An existing sewer pipeline would be abandoned and replaced by the proposed installation (see Attachment A).

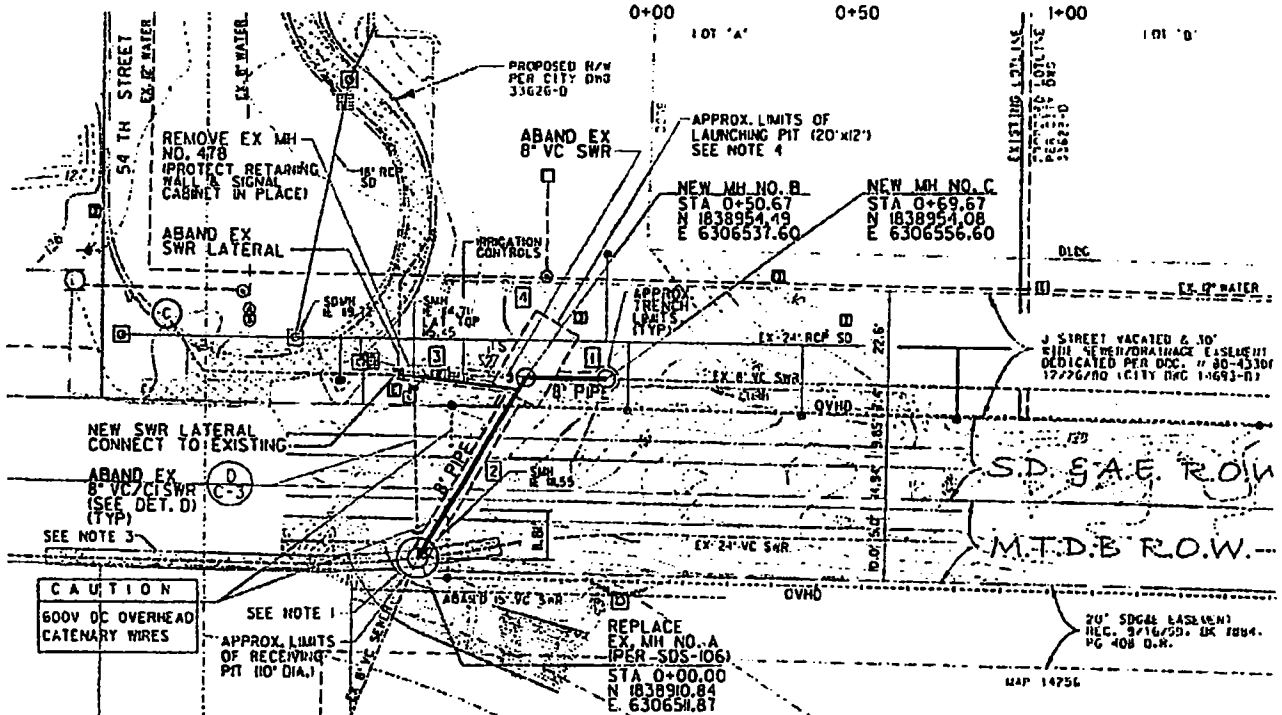
The existing sewer pipeline is entitled by a license from SD&AE dated April 23, 1954. This license would be terminated upon abandonment. The City requests a 20-foot wide easement for the new installation (Attachment B).

APRIL21-09.6b.54thST SEWER EASEMT.TALLISON.doc

Attachments: A. Site Map
B. Plat Map



NO.	Δ / BEARING	RADIUS	LENGTH	REMARKS
[1]	S88° 46' 08" E	-	25.00'	8" PVC SDR 18
[2]	N30° 30' 37" E	-	50.67'	8" PVC SDR 18
[3]	N82° 46' 46" W	-	29.00'	4" PVC SDR 18
				LATERAL



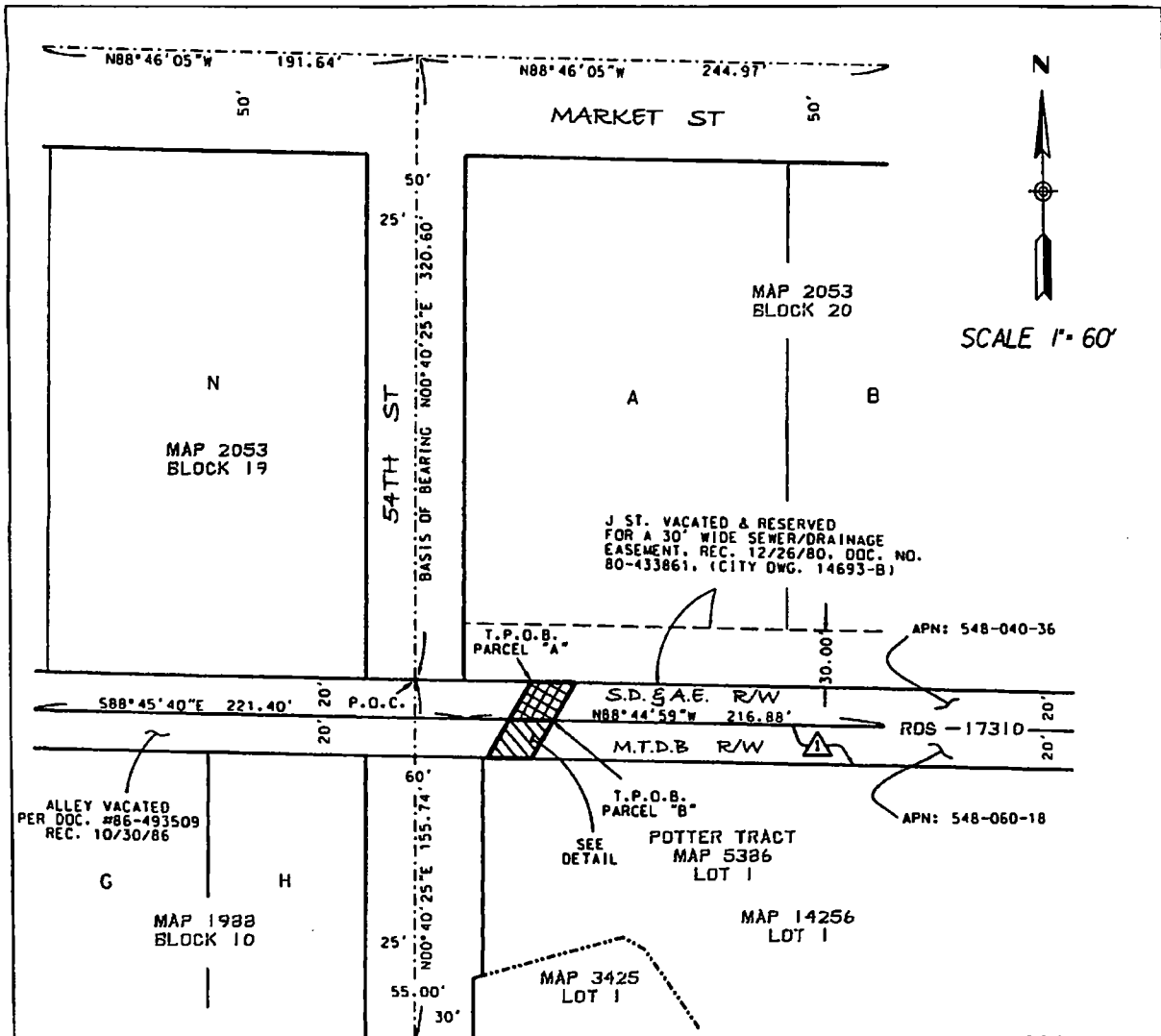
WARNING
0 1/2 1
IF THIS BAR DOES NOT MEASURE 1" THEN DRAWING IS NOT TO SCALE.

BOYLE
ENGINEERING CORPORATION
2001 COMMERCE BLVD, SUITE 200
SAN DIEGO, CA 92108
415-591-0000

SCALE
HORIZONTAL 1"=20'
VERTICAL 1"=4'

**METROPOLITAN WASTEWATER
DEPARTMENT**
City of San Diego

ATT. A, A18, 5/14/09



LEGEND

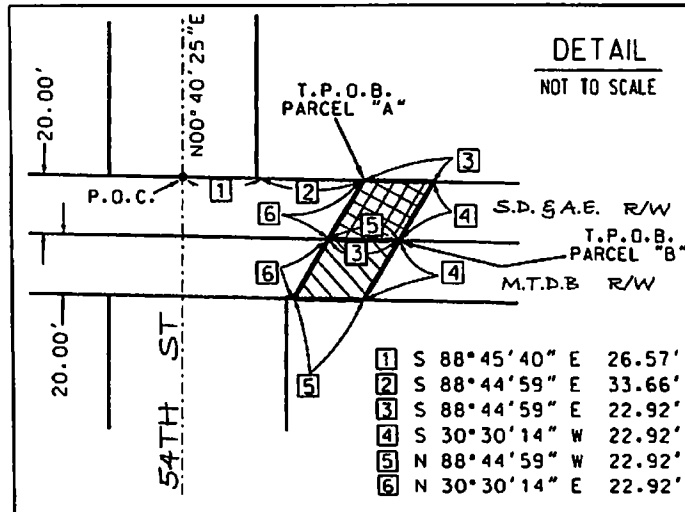
- PARCEL "A" INDICATES 20' WIDE SEWER EASEMENT TO BE ACQUIRED (SQUARE FEET = 458.47)
- PARCEL "B" INDICATES 20' WIDE SEWER EASEMENT TO BE ACQUIRED (SQUARE FEET = 458.47)

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. POINT OF BEGINNING

DEED REFERENCE

- DOCUMENT NO. 89-018190
RECORDED ON 01/12/89 O.R.



SEWER EASEMENT - 54TH STREET & J STREET SD&AE & MTDB RIGHT OF WAY

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	W.O. 179991
ORIGINAL	TAM				SHEET 2 OF 2 SHEETS	1838-6304
					FOR CITY ENGINEER	NAD 83 COORDINATES
					DATE	198-1743
						NAD 27 COORDINATES
						20968-2- B
						6b-3

Att. A, A18, 5/14/09

Agenda

Item No. 6C

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

LICENSE AGREEMENT WITH SDG&E FOR PRIVATE CROSSINGS AND
UNDERGROUND UTILITY CROSSINGS

RECOMMENDATION:

That the SD&AE Board of Directors approve issuing a license to San Diego Gas and Electric, (SDG&E) for private crossings over SD&AE tracks located south of L Street in Chula Vista on the Coronado Branch.

Budget Impact

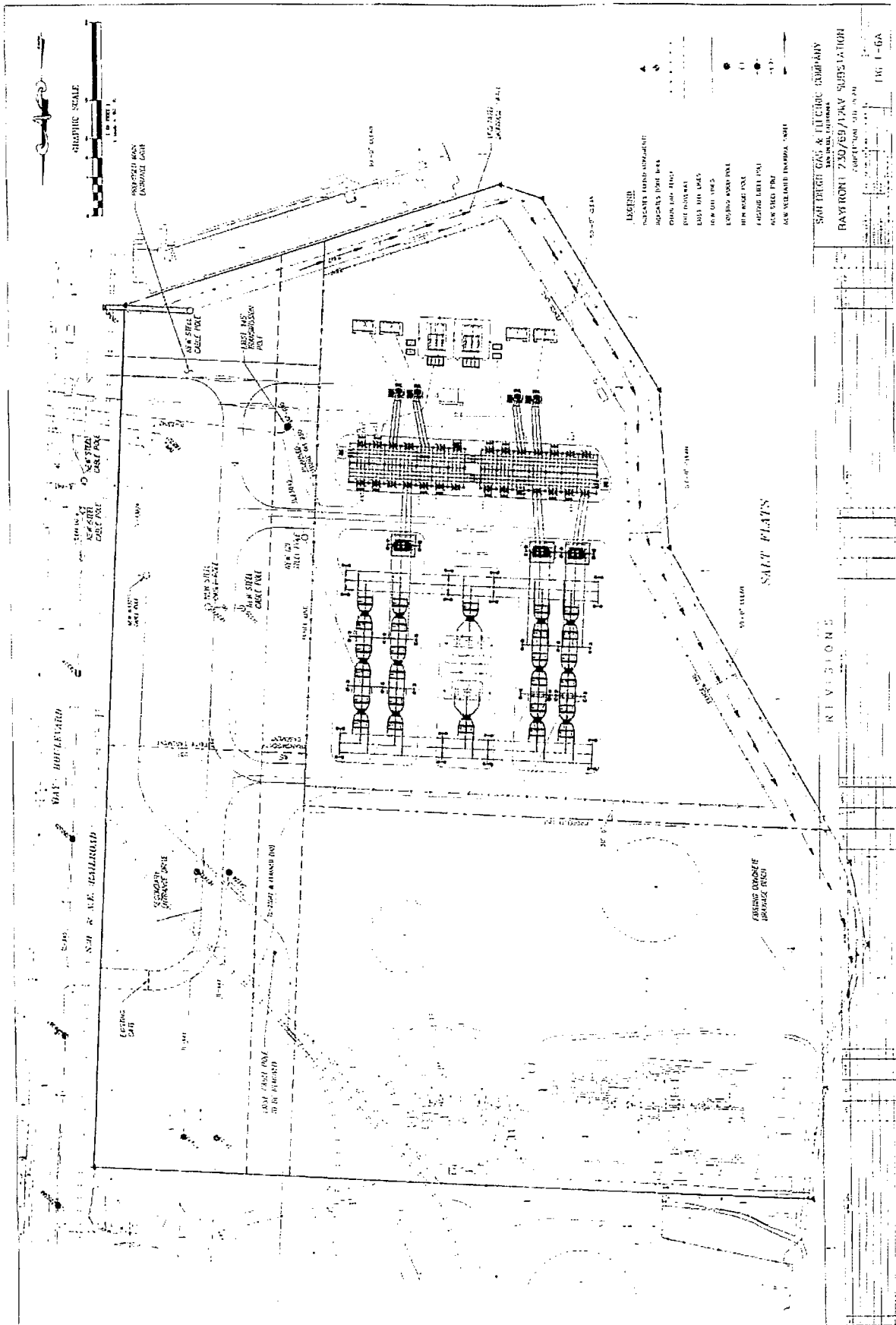
License fees will be credited to the SD&AE reserve. SDG&E would also reimburse MTS for processing fees incurred in preparing and processing the license.

DISCUSSION:

SDG&E requests the issuance of a license to use an existing private crossing over SD&AE tracks located along Bay Boulevard south of L Street on the Coronado Branch in the City of Chula Vista. This crossing will serve mainly as an emergency exit for the proposed South Bay Substation. This license would also include a proposed new private crossing over SD&AE tracks along Bay Boulevard just south of the existing crossing. This new private crossing will serve as the main entrance to the South Bay Substation. Additionally, SDG&E proposes several underground utility crossings to feed the power plant. Attached is an exhibit of the proposed project (Attachment A).

APRIL21-09.6c.SDG&E LICENSES.TALLISON.doc

Attachment: Project Map



Agenda

Item No. 6d

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

LICENSE TO THE UNITED STATES FISH AND WILDLIFE SERVICE FOR THE
BAYSIDE BIRDING AND WALKING TRAIL PROJECT

RECOMMENDATION:

That the SD&AE Board of Directors approve issuing a license to the United States Fish and Wildlife Service, San Diego National Wildlife Refuge Complex (USFW) for the construction of the Bayside Birding and Walking Trail within SD&AE right-of-way in the City of Imperial Beach.

Budget Impact

License fees would be credited to the SD&AE Reserve. MTS staff costs would be reimbursed for fees incurred in preparing and processing the license.

DISCUSSION:

USFW requests a license for the Bayside Birding and Walking Trail within SD&AE right-of-way in the City of Imperial Beach. The trail consists of a six-foot wide, 2,060-foot-long pedestrian trail along the south end of San Diego Bay from 7th Street to 10th Street. The proposed trail will impact portions of the right-of-way along this stretch. Attached is a project description and exhibit.

APRIL21-09.6d.BAYSIDE BIRDING WALKING TRAIL LICENSE.TALLISON.doc

Attachment: Project Description and Exhibit

Attachment A

**License to Construct
in the
Right-of-Way of the San Diego and Arizona Eastern Railway Company

San Diego Bay National Wildlife Refuge - Bayside Birding and Walking Trail**

Proposed Action

The U.S. Fish and Wildlife Service, San Diego National Wildlife Refuge Complex (Complex) requests consideration of a license to construct portions of the Bayside Birding and Walking Trail within the San Diego and Arizona Eastern Railway Company Right-of-Way.

Project Description

The Complex proposes to construct a six-foot-wide, 2,060-foot-long pedestrian trail along the south end of San Diego Bay from 7th Street to 10th Street in Imperial Beach. The trail, which would run just north of and parallel to the Bayshore Bikeway within the San Diego Bay NWR, is intended to direct users away from sensitive salt marsh habitat located along the edge of San Diego Bay and the Otay River channel by providing a formal delineated pathway for pedestrian use. A 50-foot-long pedestrian bridge would be required to provide trail access across an existing drainage channel and a 750-square-foot overlook area (consisting of stabilized soil) would be constructed to the north of the trail at 10th Street. As part of a future project, an additional observation area will be constructed to the north of the trail at 8th Street. A project location map and other graphics are attached.

Although the majority of the trail appears to be located on lands included within the boundary of the San Diego Bay National Wildlife Refuge, according to existing survey maps portions of the trail may extend into the right-of-way in areas where there is limited distance between the Bayshore Bikeway and the adjacent wetlands. It will also be necessary to cross the right-of-way during construction of the trail and associated amenities.

The trail is being proposed for the following reasons: 1) the area located to the north of the Bayshore Bikeway, particularly in the vicinity of Pond 10, is subject to considerable unauthorized access, which has resulted in the trampling and loss of salt marsh vegetation – by designating an official trail in this area, currently destructive unauthorized access would be eliminated and coastal salt marsh vegetation could be restored; and 2) the construction of an official pedestrian trail would improve the public's experience (e.g., walking, wildlife observation, sightseeing) of the San Diego Bay NWR, because they would have a trail separated from bicycle traffic and would not longer have to be constantly watching out for bicyclists traveling along the Bayshore Bikeway.

The project also includes a proposal to restore coastal salt marsh habitat along the southwest end of San Diego Bay and plant native upland vegetation between the proposed trail and the adjacent Bayshore Bikeway. The San Diego National Wildlife Refuge Complex would be responsible for the long term management and maintenance of the proposed trail, pedestrian bridge, overlook areas, and restored habitat areas.

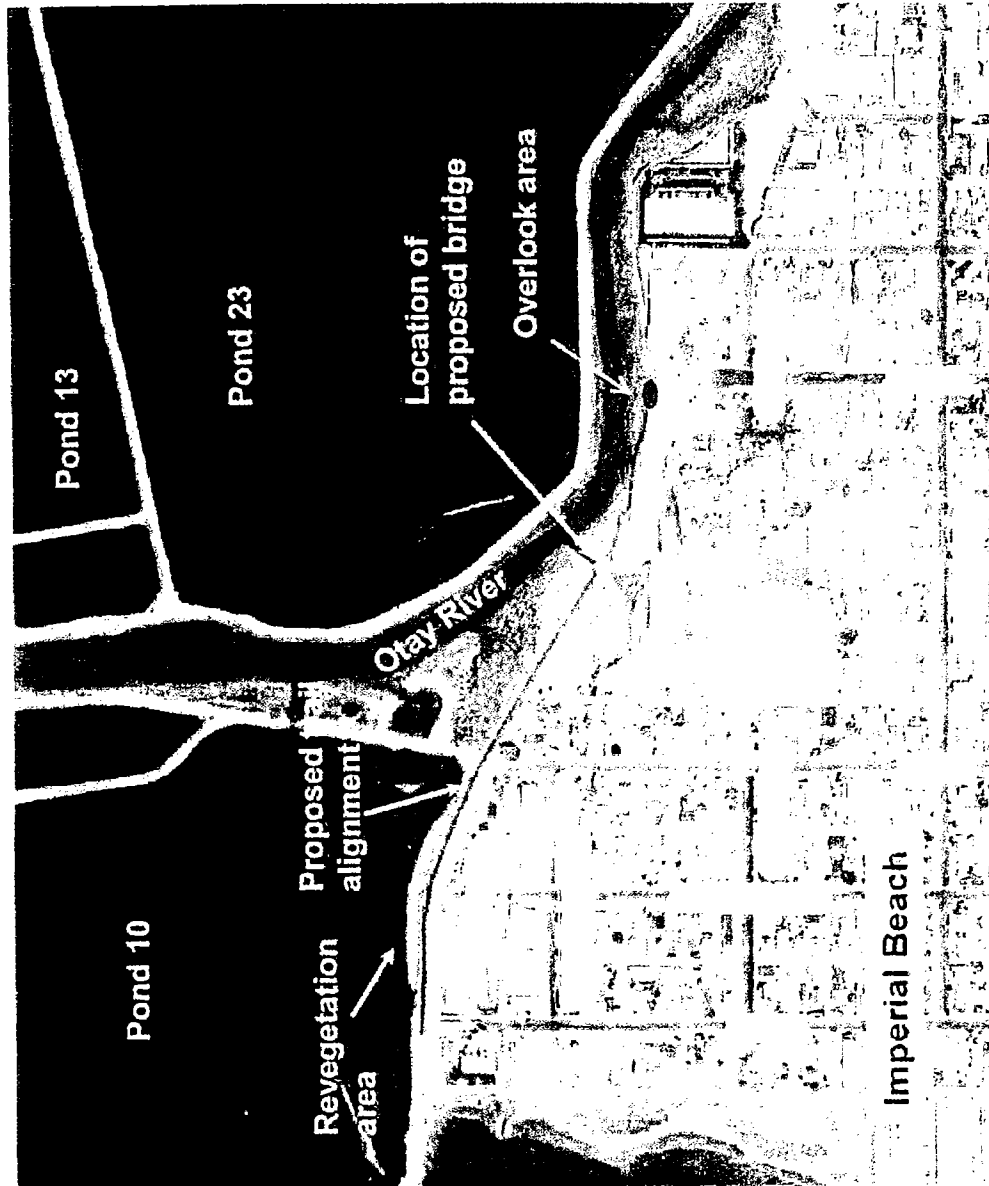
Previous Environmental Review

The California Coastal Conservancy, which proposes to provide funding to implement this project, and the Service prepared a Final Mitigated Negative Declaration, Initial Study/Environmental Assessment, and a Finding of No Significant Impact (FONSI) for this project. The draft documents were distributed for public review on December 23, 2008. The 30-day public review period ended on January 21, 2009. Two public comment letters were received as a result of public review. Neither letter raised issues regarding the adequacy or accuracy of the documents, therefore, no response is required. In addition, no comments were received by the State Clearinghouse (State Clearinghouse Number: 2008121098). The Service also prepared a Final Environmental Impact Statement for the San Diego Bay National Wildlife Refuge Comprehensive Conservation Plan that addressed this project. The Record of Decision for this EIS was signed in September 2006.

Project Contact Information

For additional information regarding this project, please contact Don Brubaker, Refuge Manager at 619-575-2704 extension 302.

Figure 3 – Project Overview



Agenda

Item No. 6e

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

MOTOR TRANSPORT MUSEUM REQUEST FOR SPUR TRACK

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors provide direction to staff on the request by the Motor Transport Museum (MTM) for a spur track on the Desert Line.

Budget Impact

Costs to be reimbursed depending on direction from the Board.

DISCUSSION:

By letter dated January 16, 2009, the Motor Transport Museum requested a spur track connection from the Desert Line Main at approximately Mile Post 67 to serve the museum for passenger traffic served by the Pacific Southwest Railway Museum. The property historically served as a feldspar mill and today houses the Museum. MTM wants to reconnect an old spur alignment as per its attached letter.

If this request is granted, staff will require a deposit to cover costs to prepare the agreements, plan reviews, and processing.

APRIL21-09.6e.MOTOR TRANSPORT MUSEUM REQ.TALLISON.doc



**Motor Transport
Museum**

31949 Highway 94, Campo, California 91906
Phone/Fax (619) 478-2492

January 16, 2009

San Diego Regional Planning Agency
Pierre Saladin, Right of Way Agent
1255 Imperial Avenue, Ste 1000
San Diego, CA
92110

Dear Mr. Saladin,

The Motor Transport Museum has been considering reinstalling the old spur track at the rear of the old Feldspar Mill property in Campo. We are therefore requesting SDA&E's review and approval of the reinstallation of this siding on the San Diego and Arizona Eastern Rail Line.

The purpose of our request is to benefit and enhance the cooperative events between us and the Pacific Southwest Railway Museum and Mountain Empire Historical Society's operations, for tours and events in Campo.

We currently have a pedestrian access gate at the rear of the property for access and rail trips to the museum stop on the main line to disembark passengers on a crude and temporary platform. Rail access would allow passengers access onto the property and disembarking onto our permanent loading platform.

The rail spur is an important part of our historical history at the Feldspar Mill and the museum would like to see this historical element rebuilt and reinstalled. It is proposed to be reinstalled in the same location it was originally built. At Mile Post 67, and as shown on the attached San Diego and Arizona Railway drawing Number H 272, dated July 1, 1926, it would extend a distance of 732 feet at which point it would enter a gate at the museum property. We propose extending the line 400 feet on the museum property along and parallel to the building dock as it was originally installed. We do not propose rejoining the spur as a siding into the main line at Highway 94 as shown on the attached drawing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carl Calvert' with a stylized flourish at the end.

Carl Calvert

Motor Transportation Museum

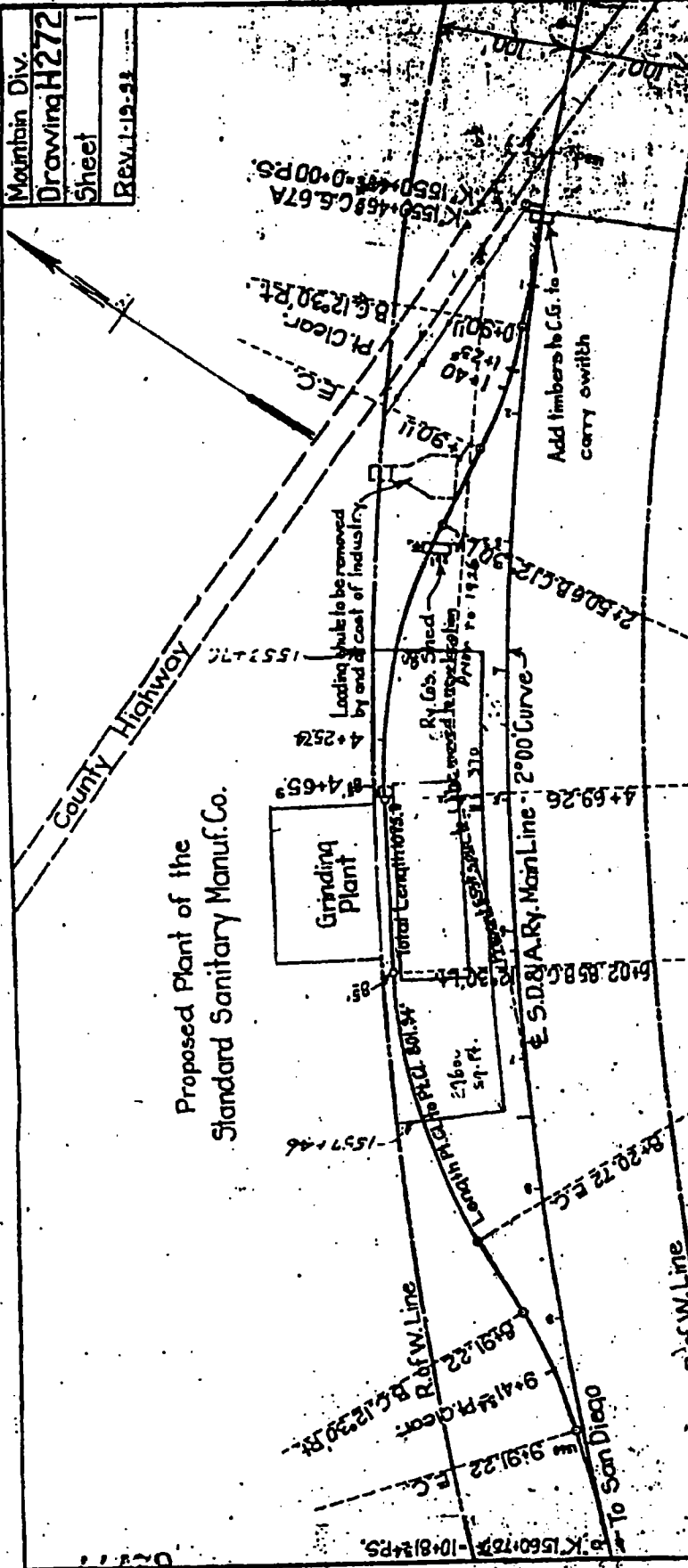
Cc: PSWRM

MEHS

G. Long, Pres

J. Thomas, Sec

Mountain Div.
Drawing H272
Sheet 1
Rev. 1-12-31



Proposed Plant of the
Standard Sanitary Manuf. Co.

**SAN DIEGO AND ARIZONA RAILWAY
PLAT OF
SPUR TRACK TO
SERVE THE STANDARD SANITARY MANUF.
CO. AT M.P. 67-1.2 MILE EAST OF CAMPO, CAL.**

Scale 1"=100'

July 12, 1926
Office of Supt. & Ch. Engr.
San Diego, Calif.

Legend

- New track to be constructed by Ry. Co. at expense of Industry
- New location of present spur, entire coal to be borne by Industry
- Ry. Co. to own and maintain spur track from Sta. 11+00 to 11+25 and from 4+55.9 to 10+75.2 a total length of 732.9 Ft.
- Industry to own and pay for maintaining Spur Track from Sta. 11+23 to 4+55.2 a length of 332.4 Ft.
- Yellow Track Proposed to be Retired

Agenda

Item No. 7a

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

STATUS OF SD&AE MAIN LINE TRACK AND SAN YSIDRO FREIGHT YARD
IMPROVEMENT PROJECTS

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors receive a report on the current status of the Trade Corridor Improvement Fund (TCIF) South Line Freight Improvement Projects.

Budget Impact

No impacts to the SD&AE budget.

DISCUSSION:

At the July 15, 2008, SD&AE Railway Company Board of Directors meeting, the San Diego Association of Governments (SANDAG) staff presented a report on increasing the freight capacity on the SD&AE Main Line and at the San Ysidro Freight Yard. Improvement projects along the Main Line and in the San Ysidro Freight Yard have been accepted and authorized by the California Transportation Commission (CTC), and the projects have been allocated \$98,060,000 and \$25,900,000 respectively. Since the last presentation to the SD&AE Railway Company Board of Directors, SANDAG has signed baseline agreements with the California Department of Transportation (Caltrans) and the CTC committing to the projects and the scope of improvements included in the applications. The competition for the TCIF funds was very intense, and progress on all the projects will be closely monitored by the CTC for adherence to schedule and expenditures.

The intent of the two projects is to enhance both the Main Line and San Ysidro Yard infrastructure to double the number of freight trains that can operate on the South Line Main Line from 2 to 4 per day and increasing the potential carload capacity of the San Ysidro Yard from 10,000 carloads per year to 19,600 carloads per year. Per the baseline agreements between SANDAG, Caltrans, and the CTC, the projects must have environmental clearance in 2010 and must begin construction in or before 2013. Project

risks that could impact the delivery by these dates have been identified and are being monitored. The identified risks include right-of-way acquisition, drainage within the Yard and the requirement for the expansion of the existing FRA waiver to allow more overlap between the freight and transit operations.

The project improvements for the Main Line include positive train separation, bidirectional CTC, reverse grade-crossing approach signaling, San Diego Yard CTC, San Ysidro Yard CTC, and Palomar siding improvements. The total budget for the Main Line project is \$107 million and the schedule is as follows:

- Environmental Clearance: March 2010
- Design Completion: September 2011
- Begin Construction: April 2012
- Construction Completion: June 2015

Preliminary engineering of the Main Line improvements is currently underway and expected to be complete in September 2009. The environmental phase of the Main Line Project is expected to begin in May or June 2009.

The project improvements for the San Ysidro Yard include increasing the north lead extension of the yard, adding storage track within the yard, grading and drainage improvements, and a new access road on the east side of the yard. The total budget for the San Ysidro Freight Yard Project is \$40.5 million, and the schedule is as follows:

- Environmental Clearance: December 2010
- Design Completion: June 2012
- Right-of-Way Acquisition: June 2012
- Begin Construction: January 2013
- Construction Completion: December 2014

Preliminary engineering of the San Ysidro Yard expansion is currently underway and expected to be complete in June 2009. The environmental phase of the Main Line Project is also underway and is expected to be completed in July 2010.

It is anticipated that construction for both projects will begin in late 2012 and be completed by the year 2015.

Agenda

Item No. 7b

San Diego and Arizona Eastern (SD&AE)
Railway Company
Board of Directors Meeting

SDAE 710.1 (PC 50771)

April 21, 2009

SUBJECT:

F STREET DIAMOND, TRACK, AND SIGNAL ELEMENTS

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors approve SANDAG's request to evaluate the removal of the F Street Diamond and signal elements.

Budget Impact

No impacts to the SD&AE budget.

DISCUSSION:

SANDAG, in conjunction with MTS, is currently proceeding with design of freight and LRT improvement projects on the Blue Line between Imperial Avenue and San Ysidro. Additional interlockings will be installed on the corridor, and the signaling system is being upgraded to provide for reverse running to support construction and long-term system flexibility. Initial analysis of the F Street crossing showed the crossing complicates the signaling system and is an existing maintenance and operational problem. SANDAG is proposing to evaluate the removal of the F Street Diamond and signal elements as part of the Main Line Improvement Project.

The F Street Junction is the only connection from the SD&AE Main Line to the Coronado Branch Line; however, the last known revenue freight train on the branch was in 1999. Although the infrastructure exists for potential reactivation of the freight service, the signaling and crossing systems on the branch would require upgrading to current standards for this to occur. SANDAG is proposing to evaluate removing the junction track work between the SD&AE Main Line and the Coronado Branch Line. The evaluation would examine the commercial and regulatory impacts and requirements for disconnecting the branch. In addition, the evaluation would consider the improvements and cost of reactivating the Coronado Branch Line if service needed to be reestablished at a future date.

The F Street Junction currently has no positive impact on the freight or trolley operations within the corridor. From a maintenance standpoint, the diamonds at F Street require approximately \$5,000 per year in track maintenance and approximately \$3,600 in wayside labor to maintain the signal system (not including the cost of vandalism). From a freight operations standpoint, there is a permanent speed restriction of 20 miles per hour for freight trains over the diamonds. This restriction has an impact on the limited freight operating window as the entire freight consist is required to be clear of the diamond before resuming speed. From an LRV standpoint, the ride quality is poor through this portion of the Main Line and although there is currently not an LRV speed restriction, the upcoming transition to low-floor LRV service may result in a speed restriction in this location due to the low-floor LRV articulated section.

If the F Street Junction remains, it complicates the signal operation after the Main Line Improvement Project is complete. The improvement project would add two new interlocked crossovers south of F Street, which would incorporate the existing F Street interlocking into the control area. The result is a longer-than-normal interlocking which presents potential for delays to both freight and trolley operations.

Based on engineering completed to date for the Main Line Improvement Project, SANDAG and MTS see a benefit to freight and light rail operations and a project cost savings to removing the crossing diamonds as part of the SANDAG Project. Therefore, SANDAG requests that the SD&AE Board endorse and approve the proposed evaluation. Upon completion of the evaluation, SANDAG would provide the findings from the evaluation to the Board and make a final recommendation on removal of the crossing track work.



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San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

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.

SRTP 840.16

May 14, 2009

SUBJECT:

MTS: APPROVE RESOLUTION NO. 09-17 AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO TAKE TITLE TO UP TO TEN BUSES FOR THE BUSES ON SHOULDER SYSTEM (BOSS) PROJECT

RECOMMENDATION:

That the Board of Directors approve Resolution No. 09-17 (Attachment A) and authorize the Chief Executive Officer (CEO) to take title to up to ten buses for the Buses On Shoulder System (BOSS) Project using federal funds transferred from the San Diego Association of Governments (SANDAG).

Budget Impact

\$5.7 million received from SANDAG.

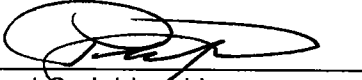
DISCUSSION:

The Federal Transit Administration (FTA) requires that grantees request permission and prepare certain paperwork as a condition of taking title to assets using federal monies transferred from one grantee to another (FTA Circular 5010.1D).

SANDAG has acquired federal Section 5309 monies to purchase buses for the BOSS Project. MTS is requesting that the title to the buses be placed in MTS's name since MTS is also a federal grantee, will conduct the procurement, and is the sole transit operator for the BOSS Project. The intent of the transaction is to obligate MTS to have the sole responsibility and liability for operating and maintaining the buses. MTS is an

experienced operator and owns and maintains hundreds of buses. SANDAG is not a transit operator and has no experience owning or operating vehicles of this nature.

MTS has prepared a draft Board Resolution (Attachment A). Staff is requesting the Board approve Resolution No. 09-17 and authorize the CEO to take title to up to ten buses for the BOSS Project using federal funds transferred from SANDAG contingent upon FTA approval of the transfer.



Paul C. Jablonski
Chief Executive Officer

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

MAY14-09.9.BUSES FOR BOSS PROJECT.TLOREN.doc

Attachments: A. Resolution No. 09-17
B. Letter Requesting FTA Approval

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 09-19

Resolution Authorizing the Chief Executive Officer to Purchase and Take Title to up to Ten Buses for the Bus On Shoulder Lanes (BOSS) Project Using Federal Funds Transferred from the San Diego Association of Governments

WHEREAS, the U.S. Department of Transportation is authorized to make grants to transit agencies through the Federal Transit Administration (FTA); and

WHEREAS, the San Diego Association of Governments (SANDAG) has received federal Section 5307 funding from FTA for the purpose of acquiring buses for the BOSS Project; and

WHEREAS, MTS desires that SANDAG transfer the funds to purchase the BOSS Project buses so that MTS may conduct the procurement and take title to the buses in its name; and

WHEREAS, MTS agrees to adhere to all the requirements of one or more grant agreements between SANDAG and the FTA, which will fund the acquisition of the BOSS Project buses; and

WHEREAS, MTS further agrees to accept all of the rights and responsibilities associated with being the grantee under said grant agreements with FTA instead of SANDAG;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that MTS does hereby authorize the Chief Executive Officer, or designated representative, to take title of up to ten buses for the BOSS Project using federal funds transferred from SANDAG.

PASSED AND ADOPTED, by the Board of Directors this _____ day of ____ 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System



Att. B, AI 9, 5/14/09

Metropolitan Transit System

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

April 27, 2009

ADM 122.1, AG 210.2

Mr. Leslie Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 2210
San Francisco, CA 94105-1839

Dear Mr. Rogers:

Subject: REQUEST TO TAKE TITLE OF UP TO 10 BUSES PURCHASED WITH FEDERAL FUNDS
TRANSFERRED FROM THE SAN DIEGO ASSOCIATION OF GOVERNMENTS TO THE
METROPOLITAN TRANSIT SYSTEM

The San Diego Metropolitan Transit System (MTS) is writing to request your approval to take title to up to ten buses for the Buses On Shoulder System (BOSS) Project using federal monies transferred from the San Diego Association of Governments (SANDAG) to MTS pursuant to Federal Transit Administration (FTA) Circular 5010.1D.

The buses are needed for the BOSS Project for which SANDAG has acquired federal Section 5307 grant monies. MTS is requesting the title to the buses be placed in MTS's name since MTS is also a federal grantee, will conduct the procurement, and is the sole transit operator for the BOSS Project. The intent of the transaction is to obligate MTS to have the sole responsibility and liability for operating and maintaining the buses. MTS is an experienced operator and owns and maintains hundreds of buses. SANDAG is not a transit operator and has no experience owning or operating vehicles of this nature.

MTS has prepared a draft Board Resolution (a copy is enclosed herewith).

MTS would appreciate a response to its request. Once the buses are purchased, MTS will have all of the rights and responsibilities as if it were the original grantee of the funds used for the purchase of the BOSS Project buses, and SANDAG will no longer carry out these responsibilities. Should you need any additional information, please feel free to contact Tiffany Lorenzen, General Counsel, at 619.557.4512.

Sincerely,

Paul C. Jablonski
Chief Executive Officer

Enclosure

MAY14-09.9.AHB.LTR TO LROGERS.TLOREN.doc

cc: Gary Gallegos, Julie Wiley

B-1



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San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

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.

AG 210.2, CIP 11026

May 14, 2009

SUBJECT:

MTS: RESOLUTION NO. 09-16 AUTHORIZING THE CHIEF EXECUTIVE OFFICER
TO ACCEPT A GRANT DEED FOR THE SOUTH BAY BUS MAINTENANCE FACILITY

RECOMMENDATION:

That the Board of Directors approve Resolution No. 09-16 (Attachment B) and authorize the Chief Executive Officer (CEO) to accept a grant deed (Attachment C) from the San Diego Association of Governments (SANDAG) for the South Bay Bus Maintenance Facility.

Budget Impact

\$1.00 for the transfer of the property.

DISCUSSION:

The Federal Transit Administration (FTA) requires that grantees request permission and prepare certain paperwork as a condition of transferring real property assets between grantees (FTA Circular 5010.1D).

The real property needed to expand the South Bay Bus Maintenance Facility (SBMF) was originally acquired by SANDAG for the benefit of MTS utilizing the proceeds of Section 5307 grant monies. SANDAG is also the grantee for Section 5307 grant funds to be used for construction of facility improvements at SBMF. MTS is requesting the title to the real property and improvements be transferred to MTS since MTS is also a federal grantee and the sole operator and maintainer of the facility. There would be a nominal cost for the transfer of this property of \$1. The intent of the transfer is to give MTS the



sole responsibility and liability for maintaining the property. MTS is an experienced operator and owns two other bus maintenance facilities. SANDAG is not a transit operator and has no experience managing or maintaining facilities of this nature.

MTS has prepared a Board Resolution (Attachment B) and draft Grant Deed (Attachment C). Staff is requesting the Board approve Resolution No. 09-16 and authorize the CEO to execute the grant deed contingent upon FTA approval of the transfer.


Paul C. Jablonski
Chief Executive Officer

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

MAY14-09.10.RESO 09-16 GRANT DEED SBMF.TLOREN.doc

Attachments: A. Letter Requesting Transfer of Property from SANDAG to MTS
B. Resolution No. 09-16
C. Grant Deed



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San Diego, CA 92101-7490
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April 22, 2009

ADM 122.1, AG 210.2

Mr. Leslie Rogers
Regional Administrator
Federal Transit Administration, Region IX
201 Mission Street, Suite 2210
San Francisco, CA 94105-1839

Dear Mr. Rogers:

Subject: REQUEST TO TRANSFER SOUTH BAY BUS MAINTENANCE FACILITY PROPERTY
FROM SAN DIEGO ASSOCIATION OF GOVERNMENTS TO METROPOLITAN TRANSIT
SYSTEM

The San Diego Metropolitan Transit System (MTS) is writing to request your approval to accept a grant deed from the San Diego Association of Governments (SANDAG) transferring ownership of the facility improvements and underlying real property from SANDAG to MTS as outlined in Federal Transit Administration (FTA) Circular 5010.1D.

The real property needed to expand the South Bay Bus Maintenance Facility (SBMF) was originally acquired by SANDAG for the benefit of MTS utilizing the proceeds of Section 5307 grant monies. SANDAG is also the grantee for Section 5307 grant funds to be used for construction of facility improvements at SBMF. MTS is requesting the title to the real property and improvements be transferred to MTS since MTS is also a federal grantee and the sole operator and maintainer of the facility. There would be a nominal cost of \$1 for the transfer of this property; the intent of the transfer is to allow MTS to have the sole responsibility and liability for maintaining the property. MTS is an experienced operator and owns two other bus maintenance facilities. SANDAG is not a transit operator and has no experience managing or maintaining facilities of this nature. MTS has prepared a draft Grant Deed and Board Resolution (a copy is enclosed herewith).

MTS would appreciate a response to its request for transfer. If the transfer occurs, MTS would have all of the rights and responsibilities as if it were the original grantee of the funds used for SBMF, and SANDAG would no longer carry out these responsibilities. Should you need any additional information, please feel free to contact Tiffany Lorenzen, General Counsel, at 619.557.4512.

Sincerely,

Paul C. Jablonski
Chief Executive Officer

Enclosures

JGardetto/L-LROGERS.TRANSFER SBMF.TLOREN.doc

cc: Gary Gallegos, Julie Wiley

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 09-18

Resolution Authorizing the Chief Executive Officer to Accept a Grant Deed from the San Diego Association of Governments for the South Bay Bus Maintenance Facility

WHEREAS, the U.S. Department of Transportation is authorized to make grants to transit agencies through the Federal Transit Administration (FTA); and

WHEREAS, the San Diego Association of Governments (SANDAG) has received federal Section 5307 funding from FTA for the purpose of acquiring real property as a site for and construction of improvements to the South Bay Bus Maintenance Facility; and

WHEREAS, SANDAG has completed the real property acquisition process and has plans to construct improvements on the site on behalf of the Metropolitan Transit System (MTS); and

WHEREAS, MTS desires that SANDAG transfer the ownership of the South Bay Bus Maintenance Facility real property and improvements thereon to MTS; and

WHEREAS, MTS desires to accept the transfer of ownership of the South Bay Bus Maintenance Facility improvements and underlying real property; and

WHEREAS, MTS agrees to adhere to all the requirements of one or more grant agreements between SANDAG and the FTA, which funded the acquisition of the South Bay Bus Maintenance Facility real property and improvements; and

WHEREAS, MTS further agrees to accept all of the rights and responsibilities associated with being the grantee under said grant agreements with FTA instead of SANDAG;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that MTS does hereby authorize the Chief Executive Officer, or designated representative, to accept a grant deed from SANDAG for the South Bay Bus Maintenance Facility.

PASSED AND ADOPTED, by the Board of Directors this _____ day of ____ 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

MAY14-09.10.AttB.RESO 09-18.SBMF.TLOREN.doc

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

METROPOLITAN TRANSIT SYSTEM
Attn: Manager of Real Estate Assets
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

APN: 625-250-25

Space above this line for Recorder's use

MTS Doc. No.B0520.0-09

GRANT DEED

This Grant Deed is exempt from Documentary Tax pursuant to Revenue and Taxation Code Section 11922. Recording without fee requested pursuant to Government Code Section 27383

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the San Diego Association of Governments, a public agency ("Grantor"), hereby grants to the San Diego Metropolitan Transit System, a public agency ("Grantee"), that certain real property (the "Property") and all improvements thereon, which is located in the County of San Diego, State of California, more particularly described in Exhibit "A" attached hereto and made a part hereof, together with all right, title, and interest of Grantor in and to all improvements located on the Property.

Grantor hereby further grants to Grantee all of Grantor's right, title, and interest in and to all easements, privileges and rights appurtenant to the Property and pertaining or held and enjoyed in connection therewith and all of Grantor's right, title and interest in and to any land lying in the bed of any street, alley, road or avenue to the centerline thereof in front of, or adjoining the Property.

The conveyance is made and accepted subject to the following condition and restriction which shall run with the land and shall operate as a condition subsequent:

1. The property shall be used by Grantee for a Bus Maintenance Facility, which uses shall include, but not be limited to, diesel, gasoline and CNG fueling; washing, cleaning and vacuuming; painting; heavy and light maintenance; equipment and supply inventory and storage; employee locker and training

rooms; administrative offices; and any other purpose related to bus maintenance.

2. The Federal Transit Administration continues to approve of Grantee serving as the federal grantee under the grants used to purchase the real property and fund the improvements thereon.
3. Grantee shall abide by all requirements imposed by the Federal Transit Administration with regard to the property.

A violation of the foregoing condition and restriction shall constitute a breach of the express condition and restriction of this conveyance and shall cause the Property to revert to and revest in the Grantor, its successors and assigns, as sole owner of the reversionary rights herein provided, and the owner of said reversionary rights shall have the right to immediately enter upon the Property in the event of such breach. Said condition and restriction shall be and is hereby made binding on the Grantee herein, and the successors and assigns of said Grantee, being operative as a covenant running with the Property.

Provided, also, that a breach of said condition or any re-entry by reason of such breach, shall not defeat or render invalid the lien of any Mortgage or Deed of Trust made for value, as to the Property or any portion thereof.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument on this _____ day of _____, 2009.

San Diego Association of Governments

By: _____
Gary L. Gallegos
Executive Director

CERTIFICATE OF ACCEPTANCE
(Government Code Section 27281)

This is to certify that the interest in real property conveyed by this instrument to the Metropolitan Transit System, a public agency, is hereby accepted by the undersigned officer on behalf of the Metropolitan Transit System pursuant to the authority granted to it under Section 120240 of the Public Utility Code, and the grantee consents to the recordation thereof by its duly authorized officer.

METROPOLITAN TRANSIT SYSTEM, a California
Public Agency

By: _____
Paul C. Jablonski
Chief Executive Officer

Exhibit "A"

PARCEL A: APN

END OF LEGAL DESCRIPTION

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

<p>State of California) County of San Diego)</p> <p>On _____ before me, _____ DATE NAME AND TITLE</p> <p>OF NOTARY personally appeared _____ NAME(S) OF SIGNER(S)</p> <p><input type="checkbox"/> personally known to me -OR- <input type="checkbox"/> proved to me of the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.</p> <p>Witness my hand and official seal.</p> <p>_____ Signature of Notary</p>	<p>CAPACITY CLAIMED BY SIGNER</p> <p><input type="checkbox"/> INDIVIDUAL(S) <input type="checkbox"/> CORPORATE</p> <p>_____ OFFICER(S)</p> <p><input type="checkbox"/> PARTNER(S) <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> SUBSCRIBING WITNESS <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER:</p> <p>_____ _____ _____</p> <p>SIGNER IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES)</p> <p>_____ _____</p>
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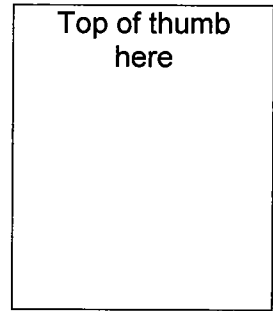
ATTENTION NOTARY: Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to unauthorized document.

**THIS CERTIFICATE
MUST BE ATTACHED
TO THE DOCUMENT
DESCRIBED AT RIGHT:**

Title or Type of Document _____
Number of Pages _____ Date of Document: _____
Signer(s) Other Than Named Above _____

**RIGHT
THUMBPRINT
OF SIGNER**

Att. C, AI 10, 5/14/09





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

LEG 492

May 14, 2009

SUBJECT:

MTS: AUDIT REPORT - SECURITY PROCESS

RECOMMENDATION:

That the Board of Directors receive an internal audit report on MTS's security process.

Budget Impact

None.

DISCUSSION:

During October 2008, the MTS Internal Auditor performed a review of the MTS security internal controls and procedures. The objective of the review was to assess the adequacy of internal controls over the MTS security process. As a result of the review, three recommendations were made for management's consideration. Management has reviewed the recommendations and is taking action to address the issues noted.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Mark Abbey, 619.557.4573, mark.abbey@sdmts.com

MAY14-09.11.AUDIT RPT SECURITY.MABBEY.doc

Attachment: A. Security Process Audit Report (Board Only)

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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.



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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.

LEG 492

May 14, 2009

SUBJECT:

SDTC: AUDIT REPORT - SDTC REVENUE COLLECTION PROCESS

RECOMMENDATION:

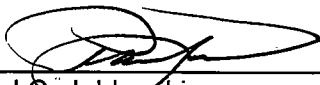
That the Board of Directors receive an audit report on the San Diego Transit Corporation (SDTC) revenue-collection process.

Budget Impact

None.

DISCUSSION:

During March 2009, the MTS Internal Auditor performed a review of the SDTC revenue-collection internal controls and procedures. The objective of the review was to assess the adequacy of internal controls over the SDTC revenue collection-process. As a result of the review, two recommendations were made for management's consideration. Management has reviewed the recommendations and is taking action to address the issues noted.



Paul G. Jablonski
Chief Executive Officer

Key Staff Contact: Mark Abbey, 619.557.4573, mark.abbey@sdmts.com

MAY14-09.12.AUDIT RPT SDTC REV COLLECT.MABBEY.doc

Attachment: A. SDTC Revenue Collection Audit Report (**Board Only**)

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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.





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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.

FIN 300 (PC 50601)

May 14, 2009

SUBJECT:

MTS: INVESTMENT REPORT – MARCH 2009

RECOMMENDATION:

Action would receive a report for information.

Budget Impact

None.

DISCUSSION:

Attachment A is a report of MTS investments as of March 2009. The first column provides details about investments restricted for capital support and debt service—the majority of which are related to the 1995 lease and leaseback transactions

The second column (unrestricted investments) reports the working capital for MTS operations for employee payroll and vendors' goods and services. This column includes the investment in San Diego Transit Corporation's pension obligation bonds that were repurchased and represents an asset that is not currently available to fund operations.

Total cash and investment balances have decreased by \$11.7 million primarily due to disbursements for bus purchases and a two-week delay in the receipt of certain subsidies and reimbursements.

The average monthly yield in the Local Agency Investment Fund investment is 1.82%.



The funds restricted for debt service are structured investments with fixed returns that do not vary with marked fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities.

Other restricted funds are designated for various capital improvement projects.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Linda Musengo, 619.557.4531, linda.musengo@sdmts.com

MAY14-09.13.INVESTMT RPT 3-09.LMUSENGO.doc

Attachment: A. Investment Report

**San Diego Metropolitan Transit System
Investment Report
March 31, 2009**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 9,825,148	\$ 11,098,138	\$ 20,923,286	0.01%
Total Cash and Cash Equivalents	<u>9,825,148</u>	<u>11,098,138</u>	<u>20,923,286</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	3,087,094	-	3,087,094	N/A *
US Bank - retention trust account	2,515,455	-	2,515,455	N/A *
Bank of America - Proposition 1B TSGP grant funds	<u>2,700,290</u>	<u>-</u>	<u>2,700,290</u>	N/A *
Total Cash - Restricted for Capital Support	<u>8,302,839</u>	<u>-</u>	<u>8,302,839</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	5,665,938	5,665,938	1.82%
Bank of New York Money Market POB interest	<u>-</u>	<u>562</u>	<u>562</u>	
Total Investments - Working Capital	<u>-</u>	<u>5,666,500</u>	<u>5,666,500</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	34,136,560	-	34,136,560	
Rabobank - Payment Undertaking Agreement	<u>86,247,213</u>	<u>-</u>	<u>86,247,213</u>	7.69%
Total Investments Restricted for Debt Service	<u>120,383,773</u>	<u>-</u>	<u>120,383,773</u>	
Investment in SDTC Pension Obligation Bonds				
Bank of America custodial account		35,430,000	35,430,000	
Total Investment in SDTC Pension Obligation Bonds	<u>-</u>	<u>35,430,000</u>	<u>35,430,000</u>	
Total cash and investments	<u><u>\$ 138,511,760</u></u>	<u><u>\$ 52,194,638</u></u>	<u><u>\$ 190,706,398</u></u>	

N/A* - Per trust agreements, interest earned on retention accounts is allocated to trust beneficiary (contractor)



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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.

ADM 110.3

May 14, 2009

SUBJECT:

MTS: AN ORDINANCE AMENDING ORDINANCE NO. 4, AN ORDINANCE ESTABLISHING A METROPOLITAN TRANSIT SYSTEM FARE-PRICING SCHEDULE AND AN ORDINANCE AMENDING ORDINANCE NO. 13, AN ORDINANCE REGARDING PROHIBITED CONDUCT ONBOARD TRANSIT VEHICLES AND PROHIBITED ACTIONS ON OR ABOUT A TRANSIT FACILITY, TROLLEY STATION, OR BUS STOP

RECOMMENDATION:

That the Board of Directors

1. read the title of Ordinance No. 4 (Attachment A), An Ordinance Establishing a Metropolitan Transit System Fare-Pricing Schedule and Ordinance No. 13 (Attachment B), an Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop;
2. waive further readings of the ordinance;
3. introduce the ordinances for further consideration at the next Board meeting on May 28, 2009; and
4. direct publication of an ordinance summary.

This action is necessary to make the MTS ordinances consistent with the San Diego Association of Governments' (SANDAG's) Regional Comprehensive Fare Ordinance.

Budget Impact

None.

DISCUSSION:

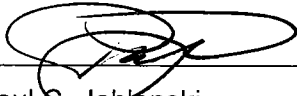
SANDAG has been responsible for governing the fare structure for public transportation services in San Diego County since 2003. SANDAG administers this function through the Regional Comprehensive Fare Ordinance. MTS still maintains its own fare ordinance, Ordinance No. 4, to provide a mechanism for fare enforcement and issuing citations.

SANDAG is scheduled to approve amendments to the Regional Comprehensive Fare Ordinance on May 8, 2009. Subject to that approval, MTS proposes adoption of the amendments to Ordinance No. 4 contained in Attachment A in order to maintain consistency with the Regional Comprehensive Fare Ordinance and ensure enforceability. The following is a summary of the pass and fare changes:

	<u>Current</u>	<u>July 1, 2009</u>
Pass Rate Increases		
Monthly/30-Day		
• Adult	\$68	\$72
• Senior/Disabled/Medicare	\$17	\$18
• Youth	\$34	\$36
• Half-Month/14-Day	\$41	\$43
Premium Express		
• Adult	\$90	\$100
• Senior/Disabled/Medicare	\$22.50	\$25
• Youth	\$45	\$50
• Half-Month/14-Day	\$54	\$60
Fares Eliminated		
Downtown Trolley Zone	\$1.25	[\$2.50]
• Senior/Disabled/Medicare	\$0.60	[\$1.25]
Circulator/Shuttle	\$1.00	[\$2.25]
• Senior/Disabled/Medicare	\$0.60	[\$1.10]

Modifications are also proposed for MTS Ordinance No. 13. These proposed modifications would allow Code Compliance Officers to issue citations to individuals who attempt to resell previously purchased tickets and day passes as well as prohibit the solicitation of used fare media at transit centers.

This item is being placed before the Board for its first reading; the second reading is scheduled for May 28, 2009.

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke, positioned above a solid horizontal line.

Paul G. Jablonski
Chief Executive Officer

Key Staff Contact: Mark Thomsen, 619.595.4909, mark.thomsen@sdmts.com

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Attachments: A. Proposed Amended Codified Ordinance No. 4
B. Proposed Amended Codified Ordinance No. 13

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 4
(as amended through 11/13/085/28/09)

An Ordinance Establishing a Metropolitan Transit System
Fare-Pricing Schedule

Section 4.1: Findings

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

Section 4.2: Definitions

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

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

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

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

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

F. Compass Card - The Compass Card is an electronic fare medium based on contactless smart card technology. The Compass Card can hold either transit products or cash for use on regional transit services. Transit products include, but are not limited to, multiday passes, college semester passes, and special event period passes. The Compass Card utilizes wireless technology to interface with Compass validator devices on regional buses, rail platforms, and regional ticket vending machines. Patrons using their Compass Card must touch or tap their card to a validator device before each ride as a condition precedent to using MTS services.

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

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

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

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

K. Express Service - Bus service with stops only at major transit centers, residential centers and activity centers; has more than six stops outside Centre City or at collector end of route; generally traveling less than 50 percent of the one-way trip miles on freeways and averaging at least 15 miles per hour, with an average passenger trip length of approximately 10.0 miles or under, and uses standard transit buses.

L. Premium Express - Bus service with stops only at major transit centers, residential centers and activity centers; generally traveling 50 percent or more of the one-way trip miles on freeways; averaging at least 20 miles per hour, with an average passenger trip length of over 10.0 miles, and using commuter coaches.

M. Rural Service - Bus service providing limited daily or weekly service linking Rural Northeastern and Southeastern San Diego County to a multimodal transit center or major shopping center generally provided on a two-lane highway or roadway with one-way vehicle trip lengths ranging from 15 to 80 miles.

~~N. Centre City San Diego - That portion of downtown San Diego bordered by Laurel Street to Interstate 5 (I-5) on the north, Commercial Street to I-5 on the south, I-5 on the east, and the waterfront on west. The 11 stations in City Centre San Diego are: County Center/Little Italy, Santa Fe Depot, America Plaza, Seaport Village, Convention Center, Gaslamp Quarter, 12th & Imperial Transit Center, Park & Market, City College, Fifth Avenue, Civic Center~~

ON. Station - That fixed site at which the San Diego Trolley stops to load and unload passengers.

O. Supplement - A charge paid on a one-time basis to permit the use of a fare product for a transit ride that requires a more expensive fare.

P. Zone(s) - For ADA complementary paratransit service, a zone is the geographical area defined by fixed boundaries within which particular fares are established. The boundaries for the zones are determined by each of the contracting agencies for the local operator of the paratransit service. The zones are as follows:

Zone 1 Central San Diego

Zone 2 Mid-County: Poway, Rancho Bernardo, Rancho Peñasquitos, Carmel Mountain Ranch, and Sabre Springs

Zone 3 East County: La Mesa, El Cajon, Santee, Lakeside, Lemon Grove, Spring Valley, and parts of Alpine

Zone 4 South Bay: Chula Vista, Coronado, National City, Imperial Beach, Palm City, Nestor, Otay Mesa, and San Ysidro

Q. Transfer - The action by passengers in which they leave one bus or rail vehicle and board a subsequent bus or rail vehicle to complete their trips.

R. Upgrade - An additional fare required to enhance the value of an original fare (upon transfer) or a transit pass to travel on a higher-fare service. Upon payment of an upgrade, the original pass is converted to the new, more expensive product.

S. ADA Complementary Paratransit Service - Specialized curb-to-curb transportation services provided to persons who qualify as eligible for such services under the guidelines of the ADA. Except for commuter bus, commuter rail, or intercity rail systems, each public entity operating a fixed-route system shall provide complementary paratransit or other special service to individuals with disabilities (who cannot access or use fixed-route transit due to a qualifying disability) that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system.

T. Personal Care Attendant - In relation to the ADA complementary paratransit service, a personal care attendant is a person who is designated by the ADA eligible passenger to aid in their mobility. The person may be a friend, family member, or paid employee. A personal care attendant is not charged a fare on the ADA complementary paratransit service vehicle on which she/he accompanies the ADA-eligible passenger. The need for and use of a personal care attendant must be indicated at the time of eligibility certification.

U. Dedicated Transportation Service - In relation to social services agencies or other organizations, a dedicated transportation service is defined as paratransit vehicle usage that is set apart for and guaranteed to an agency for the transportation of its eligible clients. The vehicle, for a particular time frame, is for the definite use of these persons and a ride is unavailable to other eligible persons within the community.

V. Pass, Tokens, and Ticket Sales Commission - The amount of money that is retained from the retail purchase price by an authorized pass sales outlet on the sale of each monthly pass, token, prepaid ticket, or day pass. The following chart shows the Pass Sales Commissions:

FARE MEDIA	RETAIL PRICE	COMMISSION AMOUNT (\$)	COMMISSION AMOUNT (%)	EFFECTIVE DATE
Monthly Pass	\$64.00	\$0.64	1.0%	1/1/08
Monthly or 30-Day Pass	\$68.00	0.68	1.0	1/1/09
Monthly or 30-Day Pass Premium	\$90.00	\$1.35	1.5%	1/1/08
Monthly Pass Senior/Disabled/Medicare	\$16.00	\$0.24	1.5%	1/1/08
Monthly or 30-Day Pass Senior/Disabled/Medicare	\$17.00	\$0.25	1.5%	1/1/09
Monthly or 30-Day Pass Premium Senior/Disabled/Medicare	\$22.50	\$0.34	1.5%	1/1/09
Monthly or 30-Day Pass Youth	\$32.00	\$0.48	1.5%	1/1/08
Monthly or 30-Day Pass Youth	\$34.00	\$0.51	1.5%	1/1/09
Monthly Pass Youth Premium	\$45.00	\$0.67	1.5%	1/1/09
14-Day Pass	\$41.00	\$0.62	1.5%	1/1/09
\$2.25 Individual Token	\$2.25	N/A	N/A	1/1/08
\$2.25 Token 20-Pack	\$45.00	\$0.45	1.0%	1/1/08
\$2.25 Token 40-Pack	\$90.00	N/A	N/A	1/1/08
One-Day Pass	\$5.00	\$0.25	5.0%	1/1/08
Two-Day Pass	\$9.00	\$0.50	5.55%	1/1/08
Three-Day Pass	\$12.00	\$0.75	6.25%	1/1/08
Four-Day Pass	\$15.00	\$1.00	6.67%	1/1/08
Hotel Scratch One-Day Pass	\$5.00	\$0.25	5.0%	1/1/08

~~(Section 4.2 amended 7/17/08)~~

Section 4.3: Regional Fare-Pricing Schedule

Section 4.3.1: Regional Passes and Tickets

Section 4.3.1a: Regional Monthly or 30-Day Passes

1) Except as provided in Section 4.3.1b, 4.3.1c, and 4.3.1d of this Ordinance, the price of a regional monthly or 30-day pass shall be based on service type. Local, Urban, and Express bus and Trolley passes shall be ~~\$64.00 (effective 1/1/08) and \$68.00 (effective 1/1/09) and \$72.00 effective 7/1/09.~~ Premium Express passes shall be ~~\$90.00.~~ The monthly or 30-day pass shall entitle the person to whom the pass is issued to unlimited rides during the period for which the pass is designated on any equal or lower priced regularly scheduled bus and rail service provided by MTS and NCTD, except for COASTER, for which the pass entitles the holder a \$2.00 discount per boarding. Refer to Section ~~4.10.34.7.3~~ for use on Rural services. Half-price passes are available beginning the 15th of each month at The Transit Store, Pass by Mail, and certain outlets.

The price of a Premium Monthly or 30-Day pass shall be \$90.00 (effective 1/1/08) and \$100.00 (effective 7/1/09) and entitle the person to whom the pass is issued unlimited rides on the services covered by the Regional Monthly or 30-Day Pass and Premium Express except for COASTER, for which the pass entitles holder to a \$2.00 discount per boarding. Effective 7/1/09, the Premium Monthly or 30-Day Pass is accepted on 1-Zone Rural service without payment of a Supplement and is accepted on 2-Zone Rural service with the payment of a \$2.00 Supplement.

2) Employer-Based Group Sales Pass Program

Employers may purchase in bulk, discounted monthly or 30-day passes for their employees subject to the following conditions:

The discount is available for the advance purchase of 25 or more passes a month for up to three months for a "trial program." Price would be set according to what the price would be for an annual program using the same number of passes per month. Only one "trial program" is allowed per employer. The trial program agreement must be for a specific fiscal year. Advance payment for the total number of Trial Program passes is required. The discount is available for an employer purchasing 300 or more passes for an annual (12 months) program. The program can be pro-rated to accommodate the time left in the fiscal year. The annual program agreement and payment must be for a specific fiscal year. Advance payment for the total number of annual monthly passes is required.

The price of the Employer-Based Group Sales Pass Program will be tiered according to the number of annual regular adult passes purchased. The discount offered shall be as follows:

<u>Proposed Employer-Based Group Sales Pass Program</u>		
<u>Tiered-Discount Table</u>		
<u>Employees Using Transit Per Month</u>	<u>Passes Per Year</u>	<u>Discount</u>
25 to 50	300 to 600	10%
51 to 100	601 to 1,200	15%
101 to 250	1,201 to 3,000	20%
251 or more	3,001 or more	25%

(Section 4.3.1a amended 11/8/07)

Section 4.3.1b: Senior/Disabled/Medicare Monthly or 30-Day Passes

The price of a regional Senior/Disabled/Medicare Monthly or 30-Day Pass is ~~\$16.00 (effective 4/1/08)~~ and \$17.00 (effective 1/1/09) and ~~\$18.00 (effective 7/1/09)~~ and shall entitle the Senior, Disabled, or Medicare passenger to unlimited trips during the month or 30-day period for which the pass is designated on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance, except COASTER, for which the pass entitles the holder to a \$1.00 discount, and Rural service (as defined by Section 4.2L). Half price passes are available beginning the 15th of each month at The Transit Store, Pass by Mail, and certain outlets.

The price of a Premium Senior/Disabled/Medicare Monthly or 30-Day Pass is \$22.50 (effective 1/1/08) and \$25.00 (effective 7/1/09) and entitles the person to whom the pass is issued unlimited rides on the services covered by the Premium Express or 30-Day Pass except for COASTER, for which the pass entitles holder to a \$1.00 discount per boarding. Effective 7/1/09 the Premium Senior/Disabled/Medicare Monthly or 30-Day Pass is accepted on 1-Zone Rural service without payment of a Supplement and is accepted on 2-Zone Rural service with the payment of a \$2.00 Supplement.

Section 4.3.1c: Youth Monthly or 30-Day Passes

The price of a Youth monthly or 30-day pass is ~~\$32.00 (effective 1/1/08)~~ and ~~\$34.00 (effective 1/1/09)~~ and ~~\$36.00 (effective 7/1/09)~~ and shall entitle the youth passenger to unlimited trips during the month or 30-day period for which the pass is designated on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance, except COASTER, for which the pass entitles the holder to a \$2.00 discount, and Rural service (as defined by Section 4.2L). Half-priced passes are available beginning the 15th of each month at The Transit Store, Pass by Mail, and certain outlets.

The price of a Youth Monthly or 30-Day Premium Pass shall be \$50.00 (effective 7/1/09) and entitles the person to whom the pass is issued unlimited rides on the services covered by the Premium Express Monthly or 30-Day Pass, except for COASTER, for which the pass entitles the holder to a \$2.00 discount per boarding. Effective 7/1/09, the Youth Monthly or 30-Day Premium Pass is accepted on 1-Zone Rural service without payment of a Supplement and is accepted on 2-Zone Rural service with the payment of a \$4.00 Supplement.

(Section 4.3.1c amended 11/13/08)

Section 4.3.1d: Day Passes - General Public

The price of a one-day Day Pass is \$5.00 and shall entitle the person to whom the pass is issued unlimited rides during the day for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except Premium Express services, ADA complementary paratransit services, and Rural service).

The price of a two-day Day Pass is \$9.00 and shall entitle the person to whom the pass is issued unlimited rides during the days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except Premium Express services, ADA complementary paratransit services, and Rural service).

The price of a three-day Day Pass is \$12.00 and shall entitle the person to whom the pass is

issued unlimited rides during the days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except Premium Express services, ADA complementary paratransit services, and Rural service).

The price of a four-day Day Pass is \$15.00 and shall entitle the person to whom the pass is issued unlimited rides during the days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except Premium Express services, ADA complementary paratransit services, and Rural service).

The price of a 14-day pass is \$41.00 (effective 1/1/09) and \$43.00 (effective 7/1/09) and shall entitle the person to whom the pass is issued unlimited rides during the days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance (except Premium Express services, ADA complementary paratransit services, and Rural service).

(Section 4.3.1d amended 11/13/08)

Section 4.3.1.e: Premium Day Passes

The price of a Premium Express Day Pass is \$11.00 (effective 1/1/08) and entitles the person to whom the pass is issued unlimited rides during the day for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance and Premium Express (except ADA complementary paratransit services and Rural service). Effective 7/1/09, the Premium Express Day Pass is discontinued and replaced by the Region Plus Day Pass, which is priced at \$14 and entitles the person to whom the pass is issued unlimited rides during the day for which the pass is valid on all services covered by the Premium Express Monthly or 30-Day Pass, COASTER, and for travel on 1-Zone Rural service. The Region Plus Day Pass is accepted for 2-Zone Rural service with the payment of a \$4.00 Supplement.

The price of a Premium 14-Day Pass is \$60.00 (effective 7/1/09) and entitles the person to whom the pass is issued unlimited rides on the services covered by the Premium Express Monthly or 30-Day Pass.

Section 4.3.1f: Group Advance Pass Sales

Group event day passes, valid for one to seven days, may be issued to groups (minimum quantity = 100) only on a 21-day or longer advance sales basis. The price of group event advance sales passes shall be as follows:

One-Day Pass	=	\$4.50
Two-Day Pass	=	\$8.00
Three-Day Pass	=	\$11.00
Four-Day Pass	=	\$14.00
Five-Day Pass	=	\$16.00
Six-Day Pass	=	\$18.00
Seven-Day Pass	=	\$20.00

The group event day pass shall entitle the person to whom the pass is issued unlimited rides during the corresponding number of consecutive days for which the pass is valid on any regularly scheduled services provided by those operators identified in Section 4.3.1a of this Ordinance, except Rural service (as defined by Section 4.2L).

Group event day passes for special events may be purchased in bulk in advance at discounted

rates as follows or as otherwise agreed to by the Board:

100-999 passes	=	Full price per pass
1,000-1,999 passes	=	5 percent discount per pass
2,000-2,999 passes	=	10 percent discount per pass
3,000-3,999 passes	=	15 percent discount per pass
4,000+ passes	=	20 percent discount per pass

Section 4.3.1gf: Classroom Day Pass

Classroom Day Passes, valid for one day during nonpeak hours, may be issued to school and youth groups (up to 18 years of age) on an advance sales basis only. Each group shall consist of no more than 17 people (15 youths and two adult chaperons). The price of Classroom Day Passes shall be \$1.50 per person.

Section 4.3.1hg: College Semester/Monthly Pass

MTS shall offer a pass for a college or university school term of 63 or more days that is priced at ~~\$1.34 a day (effective 1/1/08) and \$1.43 a day (effective 1/1/09) and \$1.51 a day (effective 7/1/09)~~, payable in advance, sold only during the term's registration and/or a monthly pass good for a calendar month, priced at ~~\$51.20 a month (effective 1/1/08) and \$54.40 (effective 1/1/09) and \$57.60 a month (effective 7/1/09)~~ a month, payable in advance. College semester and monthly passes are valid for travel on all regularly scheduled bus and rail services provided by MTS and NCTD, except for Premium Express, COASTER (for which the passes entitle the passenger to a \$2.00 discount), ADA complementary paratransit services and Rural services (as defined by Section 4.2M). The semester and monthly college student passes are to be sold only at schools, colleges, and universities that meet the following requirements: accredited by recognized accrediting institution; provide an on-site sales location; track sales to individual students; limit sales to one pass per student currently enrolled with a minimum of seven credit hours; only issue to students with a current school year photo identification card; provide a benefit to each student purchasing the term and/or monthly pass to encourage public transit use; and promote the pass through school information materials.

Section 4.3.1ih: Hotel Scratch One-Day Pass

The Hotel Scratch One-Day Pass is a one-day day pass that is priced at the standard one-day price but with scratch-off instead of punched month, day, and year boxes. The Hotel Scratch One-Day Pass has a unique serial number code, and customers may not return or exchange Hotel Scratch One-Day Passes. Only hotels with a pass sales agreement can sell this type of day pass.

Section 4.3.1ji: San Diego County Juror Day Pass

Upon entering an agreement with MTS that meets MTS requirements, courts located in San Diego County may purchase the following special fare media to be distributed to jurors summoned to jury duty in courts in San Diego County:

The Juror Regional Day Pass is valid for all regular MTS and NCTD services. The pre-per-day price for this pass shall be 85% of the Regional Day Pass or \$4.25, except Premium, COASTER, and Rural services.

The Juror Regional Premium Day Pass is valid for travel on MTS and NCTD regular and premium services except two-zone Rural bus services. The price of this pass shall be 85% of a Premium Day Pass or \$9.35. Use of this pass for a two-zone Rural trip will require payment of a \$5.00

~~upgrade for adults and \$4.00 for seniors/disabled/Medicare passengers in each direction.~~

Juror Passes are not valid for travel on any special services or ADA complementary paratransit services.

Section 4.3.2: Regional Monthly or 30-Day Pass UpgradesSupplements

Passengers holding a valid monthly or 30-day pass as described in Section 4.3.1a must pay a ~~upgrade Supplement~~ to ride Rural services. Holders of Regional Monthly or 30-Day Passes and Premium Regional Monthly or 30-Day Passes shall receive a \$1 discount per zone. Senior/Disabled/Medicare Pass holders shall receive a \$0.50 discount per zone. ~~Refer to Section 4.6.5a for upgrade requirements on DART services.~~ Effective 7/1/09, Premium Regional Monthly or 30-Day Passes shall be valid for 1-zone Rural travel without a Supplement.

Section 4.3.3: Regional Fares for Children

Up to two cChildren, as defined in Section 4.2.E, shall ride for free when accompanied by a fare-paying passenger. This shall be applicable to all fixed-route bus service, Trolley service, and Rural service.

(Section 4.3 amended 12/8/05)

Section 4.4: Trolley Fare-Pricing Schedule

Section 4.4.1a: One-Way Cash Fares

The cash fare for a single, one-way trip involving any number of stations shall be \$2.50 for an adult and free transfers shall be permitted between Trolley lines. The cash fare for a Trolley ride originating and terminating in Centre City San Diego shall be \$1.25 (effective 9/1/08) and \$2.50 (effective 7/1/09). The ticket shall be valid for two hours and must be valid during the entire Trolley trip.

A one-way ticket shall entitle the person to a one-way trip in a direction away from the station of issue. The one-way ticket is valid for two hours and must be valid during the entire Trolley trip.

(Section 4.4.1a amended 11/13/08)

Section 4.4.1b: Round-Trip Cash Fares

In lieu of an adult round-trip cash fare, the Day Pass is offered and free transfers between Trolley lines shall be permitted.

Section 4.4.2: Senior/Disabled/Medicare Cash Fares

The Senior/Disabled/Medicare cash fare shall be \$1.25 per one-way trip on the Trolley.

~~———— The Senior/Disabled/Medicare cash fare shall be \$2.50 per roundtrip on the Trolley.~~

For trips originating and terminating in Centre City San Diego, the one-way Senior/Disabled/Medicare cash fare shall be \$.60 (effective 9/1/08) and \$1.25 (effective 7/1/09).

(Section 4.4.2 amended 11/13/08)

Section 4.4.3: Tokens

Universal tokens shall be available for \$2.25 each, in multiples of 20 (\$45.00) or 40 (\$90.00), and shall entitle the person holding the universal token to up to a \$2.25 cash fare value trip on any MTS bus or Trolley service except ADA paratransit services. Some services may require a cash upgrade payment of a Supplement in conjunction with the universal token.
(Section 4.4 amended 7/17/08)

Section 4.4.4: Compass Card

Use of a Compass Card with a "stored value" is defined as use of any Compass Card for a debit transaction for transit service when transit cash has been placed on the card.

Compass Card users who have a transit product stored on their card must validate their card on each transit service that they ride each and every time they use the service as a condition precedent to using MTS services. Compass Card users must validate their cards via onboard validators on Buses, or station platform validators for Trolleys, and in accordance with Ordinance No. 13.

Patrons who fail to validate their Compass Card in the manner described above and as set forth in Ordinance No. 13 will be deemed to not be in possession of a valid fare and subject to applicable fines and penalties.

Users of the Compass Card must produce the Compass Card for inspection by authorized MTS, employees, security, contractors, or law enforcement staff upon demand.

The Compass Card is intended as a fare payment device on MTS services and NCTD services, and any unauthorized use of the card is strictly forbidden. Persons found to be using the Compass Card in a fraudulent manner may have their Compass Card confiscated and their account suspended.

Refunds of transit products on Compass Cards will not be provided.

Refunds of cash value remaining on voluntarily surrendered cards and confiscated cards will be considered on an individual basis for holders of registered Compass Cards only and may be obtained by request to SANDAG. Registered Compass Card holders seeking a refund must complete an application form (available from The Transit Store or NCTD Customer Service) and follow the submission instructions on the application. SANDAG reserves the right to refuse any request for refund or to make a partial refund. SANDAG also reserves the right to deduct a processing fee of not more than 10 percent on any refund.

Refunds will be issued as credit on the same card as the original purchase if made by credit card. Original payments made by cash, check, or debit card will be refunded by check.
(Section 4.4.4 added 11/13/08)

Section 4.5: MTS Bus Fare-Pricing Schedule

Section 4.5.1: Cash Fares

Section 4.5.1a: Local Services

The price of a trip on MTS Local service, as described in Section 4.2I of this Ordinance, shall be \$2.00 (effective 1/1/08) and \$2.25 (effective 1/1/09).

Section 4.5.1b: Urban Services

The price of a trip on MTS Urban service, as described in Section 4.2J of this Ordinance, shall

be \$2.25.

Section 4.5.1c: Express and Premium Express Services

The price of a trip on Express and Premium Express service, as described in Sections 4.2K and 4.2L of this Ordinance, shall be:

Express	= \$2.50
Premium Express	= \$5.00

Section 4.5.1d: Senior/Disabled/Medicare Cash Fares

The Senior/Disabled/Medicare Bus cash fare shall be ~~\$1.00~~1.10 except as otherwise provided in Section ~~4.94.7~~ concerning Rural service.

~~Effective September 1, 2008, the fare for urban service shall be \$1.10. Effective January 1, 2009, the fare for local service shall be \$1.10.~~

~~Effective September 1, 2008, t~~The Senior/Disabled/Medicare Bus cash fare shall be \$1.25 on Express service and \$2.50 on Premium Express service.

Section 4.5.2: Special Fares

Section 4.5.2a: Shuttle Fare

The price of a trip on shuttle services shall be \$1.00 and \$2.25 (effective 7/1/09). ~~Effective on September 1, 2008, t~~The Senior/Disabled/Medicare shuttle service fare shall be \$0.50 (effective 7/1/08) and \$1.10 (effective 7/1/09).

Section 4.5.2b: Stadium/Ballpark Bus Fares

The price of a trip on special buses with the primary purpose of traveling to and from events at Qualcomm Stadium or PETCO Park shall be \$5.00 one way and \$8.00 round-trip. Effective 7/1/09, the price shall be equal to twice the one-way fare of Premium Express service and entitle the holder to one-way or round-trip travel.
(Section 4.5 amended 7/17/08)

Section 4.6.5: Demand-Responsive Fares

MTS does not offer demand-responsive service at this time.

(Section 4.6.5 amended 11/13/08)

Section 4.6.5a: ADA Paratransit Services Cash Fares

The ADA complementary paratransit services, provided in accordance with the ADA, are only available to persons with qualifying disabilities that prevent them from using fixed-route transit services. These services shall have a cash fare of no more than double the predominant adult cash fare in the area of service. Section 4.2.O establishes the ADA paratransit zones. The urban zone (Zone 1) shall use the Urban Service fare defined in Section 4.2.I to calculate the MTS Access cash fare. The three suburban zones (Zones 2, 3, and 4) shall use the Local Service fare defined in Section 4.2.H to calculate the ADA Suburban paratransit cash fare. Passes are not accepted on ADA paratransit services. Paying ADA paratransit passengers will be issued (upon request) a Premium Regional Day

Pass for use on connecting fixed-route and Trolley services. Passengers transferring from ADA paratransit service in Zones 2, 3, or 4 to ADA paratransit service in Zone 1 may be required to pay an upgrade Supplement on the Zone 1 vehicle if the price of the MTS Urban Service Fare is greater than the price of the MTS Local Service Fare. Full-price (no discount) tickets for ADA paratransit services may be sold to passengers in advance. No passes, tokens, or discounts and no other tickets are accepted on ADA paratransit services. Personal Care Attendants (PCA) required by disabled passengers are not required to pay a fare.

(Section 4.6 amended 7/17/08)

Section 4.7: Rural Service

Rural service, as defined in Section 4.2L, shall have applied to it a 2-zone based fare structure. Zone boundaries shall generally be located on a north-south axis and have zone boundaries at Ramona (Ramona Station), Alpine (Tavern Road and Alpine Boulevard), and the Tecate border crossing (Tecate Road and Thing Road). Passenger trips remaining within 1 zone shall have applied to them the 1-zone based fare.

Section 4.7.1: 1- and 2-Zone One-Way Cash Fares

The 1-Zone cash fare shall be \$5 for each one-way trip. The 2-Zone cash fare shall be \$10 for each one-way trip.

Section 4.7.2: One-Way Senior/Disabled/Medicare Cash Fare

Senior/Disabled/Medicare cash fares shall be 50 percent of the regular cash fare: 1-Zone senior/Disabled/Medicare cash fare shall be \$2.50 for each one-way trip. The 2-Zone cash fare shall be \$5 for each one-way trip.

Section 4.7.3: Prepaid Monthly or Daily Pass Supplement or Upgrade Required

Passengers exhibiting a valid MTS Monthly or 30-Day Adult or Youth Pass, College Semester Pass, or Day Pass shall be provided a \$1 discount per Zone for Rural service: the 1-Zone Supplement or Upgrade shall be \$4 for each one-way trip. The 2-Zone cash Supplement or Upgrade shall be \$8 for each one-way trip. Senior/Disabled/Medicare passengers exhibiting a valid Senior/Disabled/Medicare Monthly Pass shall be given a \$.50 cent discount per zone: the 1-Zone cash upgrade shall be \$2.00 for each one-way trip. The 2-Zone cash upgrade shall be \$4 for each one-way trip.

Section 4.7.4: Other Fare Media

- Tokens shall be accepted at face value of \$2.25; change will not be provided in instances where token value exceeds required fare.
 - A San Diego County Juror Premium pass is valid for travel for 1-zone Rural bus service. Use of this pass for a 2-zone Rural trip requires payment of a \$5.00 upgrade (\$4.00 for Senior/Disabled/Medicare) in each direction.
 - Transfers from ADA complementary service shall not require an upgrade.
- (Section 4 amended 11/13/08)**

Section 4.8: Sorrento Valley Coaster Connection

The one-way cash fare on Sorrento Valley Coaster Connection (SVCC) services shall be \$1.00

for adults and \$0.50 for Senior/Disabled/Medicare.

The price for a Monthly or 30-Day Pass for the SVCC shall be \$40.00 for adults, \$20.00 for Youth, and \$10.00 for Senior/Disabled/Medicare.

All Regional and Premium Day Passes and Regional and Premium Monthly or 30-Day Passes and 14-Day Passes will be accepted on SVCC services.

(Section 4.8 amended 11/13/08)

Section 4.9: Special Fares

MTS shall be allowed to adjust fares for special events with the approval of the Chief Executive Officer.

(Section 4.9 amended 7/17/08)

Section 4.10: Other Metropolitan Transit System Operators and Special Cash Fares

Section 4.10.1: Cash Fares

Any special fares of any operator in the region not listed within this Ordinance shall be included in the Uniform Fare Structure Agreement.

(Section 4.10 amended 7/17/08)

Section 4.11: Public Notice

Before the expiration of fifteen (15) days after its passage, a summary of this Ordinance shall be published once with the names and members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

(Section 4.11 amended 7/17/08)

Section 4.12: Effective Date of Ordinance

This Ordinance shall become effective 30 days from and after the date of its final passage.

(Section 4.12 amended 7/17/08)

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Amended: 12/8/05
Amended: 1/15/04
Amended: 11/13/03
Amended: 05/22/03
Amended: 04/10/03
Amended: 10/17/02
Amended: 06/14/01
Amended: 05/10/01
Amended: 08/10/00
Amended: 07/13/00
Amended: 05/13/99
Amended: 02/26/98
Repealed & Readopted: 07/17/97
(operative - 11/23/97)
Amended: 04/28/94
Amended: 01/13/94

Amended: 07/08/93
Amended: 02/11/93
Repealed & Readopted: 05/28/92
Amended: 01/09/92
Repealed & Readopted: 03/14/91
Amended: 09/27/90
Amended: 05/10/90
Repealed & Readopted: 02/23/89
Amended: 11/10/88
Repealed & Readopted: 02/25/88
Amended: 12/10/87
Amended: 10/09/86
Amended: 04/24/86
Amended: 03/01/86
Repealed & Readopted: 12/05/85
Amended: 07/11/85

Amended: 05/23/85
Amended: 10/04/84
Amended: 07/19/84
Repealed & Readopted: 02/27/84
Amended: 07/25/83
Amended: 07/11/83
Repealed & Readopted: 05/24/82
Amended: 10/05/81
Amended: 07/08/81
Amended: 06/30/81
Adopted: 06/08/81
Amended: 11/8/07
Amended: 7/17/08
Amended: 11/13/08
Amended: 5/28/09

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 13

(as Adopted 8/9/01 and amended on ~~11/13/08~~ 5/28/09)

An Ordinance Regarding Prohibited Conduct Onboard Transit Vehicles
and Prohibited Actions on or About a Transit Facility, Trolley Station, or Bus Stop

The Board of Directors of the San Diego Metropolitan Transit System (MTS) do ordain as follows:

Section 13.1: General

The use of the San Diego Metropolitan Transit System (MTS) facilities shall be conditioned upon the observance of this ordinance or any rules and regulations hereafter promulgated by MTS or pursuant to its authority; all rights, privileges, licenses and permits, express or implied, for the use of MTS facilities are revocable; and each such right, privilege, license or permit shall at the option of MTS or its duly authorized representative be revoked and canceled by and upon the breach of this ordinance or of the violation while in or upon MTS facilities or any applicable laws or ordinances.

Nothing herein contained or omitted from this ordinance shall be construed to relieve any person whatsoever from exercising all reasonable care to avoid or prevent injury or damage to persons or property.

Any requirement or provision of these rules relating to any prohibited act shall respectively extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any minor in the custody of any person, doing any act prohibited by a provision hereof.

Any act otherwise prohibited by these rules shall be lawful if performed under, by virtue of, and strictly in compliance with the provisions of an agreement, permit, or license issued or approved by MTS and/or San Diego Trolley, Inc. (SDTI), and/or San Diego Transit Corporation (SDTC), and to the extent authorized thereby.

These rules are in addition to and supplement all applicable laws or ordinances.

Section 13.2: Definitions

The following terms, as used in this ordinance shall, unless otherwise expressly stated or unless the context clearly requires a different interpretation, have the following meaning.

A. Bicycle - A "bicycle" is a device upon which any person may ride, propelled exclusively by human power through a belt, chain, or gears, and having two wheels.

B. Bus - A "bus" is any motor vehicle, other than a motortruck or truck tractor, designed for carrying more than 10 persons including the driver, and used or maintained for the transportation of passengers, except that any motor vehicle, other than a motortruck or truck tractor, designed for carrying not more than 12 persons, including the driver, which is maintained and used in the nonprofit transportation of adults to and from a work location as part of a carpool program or when transporting only members of the household of the owner thereof, shall not be considered to be a bus for the purposes of this section.

C. Bus Stop – A “bus stop” is a designated area marked by a sign depicting a specific route number or numbers for the loading and unloading of passengers from or onto a bus, which may or may not include a bench or shelter.

D. Facility or Transit Facility – A “facility” or “transit facility” includes, but is not limited to, transit centers, rail stations, bus shelters, and bus stops on public or private property.

E. Pedestrian – A “pedestrian” is any person who is afoot or who is using a means of conveyance propelled by human power other than a bicycle.

F. Tailgate – Any person standing, sitting, or remaining in the area of a vehicle, chair, table, ice-chest, barbeque, or similar device for the purpose of consuming any food or beverage, or for the purpose of socializing before during or at the conclusion of an event.

G. Trolley – A “trolley” is a vehicle which is propelled by electric power obtained from overhead trolley wires and is operated upon rails.

H. Trolley Station – A “trolley station” is a designated area marked by a sign depicting a specific line; i.e., Orange, Blue, Red, Green, etc., for the loading and unloading of passengers from or onto a trolley, which may or may not include a bench or shelter.

I. Transit Vehicle – A “transit vehicle” shall mean buses and trolleys or any other form of public conveyance utilized, owned, or controlled by MTS, SDTI, or SDTC.

J. Validator – A “Validator” is a machine used to deduct the proper fare from a Compass Card prior to a passenger boarding a bus or trolley and prior to and after a passenger boards and alights a Centre City San Diego Trolley if the passenger wishes to receive the Centre City San Diego fare (as defined in MTS Ordinance No. 4).

Section 13.3: Fares

Passengers shall be permitted on a transit vehicle or in a transit station owned, controlled, or used by MTS or its subsidiaries or contractors only upon payment of such fares and under such circumstances as may from time to time be ordained by MTS. It is unlawful for any person to refuse to pay, or to evade or attempt to evade the payment of such fares.

It is unlawful for any person to resell, or attempt to resell, any ticket, pass, token, or other form of fare media that has already been used by another passenger, or to collect, or attempt to collect any ticket, pass, token, or other form of fare media from a passenger, trash can, or other location with the intent to resell the ticket, pass, token, or other form of fare media. MTS reserves the right to confiscate any previously used or resold ticket, pass, token, or other form of fare media.

It is unlawful to purchase any used or unused ticket from any person or entity or purchase any fare media from any person or entity other than an authorized MTS ticket, pass, token, or other fare media sales agent or ticket vending machine.

If passengers are utilizing a Compass Card (as defined in MTS Ordinance No. 4), they must present their card to a fare Validator when entering a bus, prior to waiting in any fare paid zone, prior to boarding a trolley, and prior to boarding and after exiting a trolley originating and terminating in Centre City San Diego (as defined in MTS Ordinance No. 4) in order to receive the Centre City San Diego cash fare. This procedure is known as “Tap or Tapping.” Tapping is a condition precedent to utilizing MTS bus and trolley service and the Compass Card. It shall be unlawful for passengers to refuse to Tap, or to evade Tapping, or to attempt to evade Tapping when utilizing a Compass Card. MTS reserves the right to confiscate the Compass Card for noncompliance with this provision or the provisions of MTS Ordinance No. 4.

(Section 13.3 amended 544/2843/098)

Section 13.4: Prohibited Conduct Onboard Transit Vehicles

It shall be unlawful for passengers or occupants while aboard a bus or trolley while the vehicle is transporting passengers in regular route service, contract, special, or community-type service within the MTS jurisdictional area to:

- A. Consume any food or beverage, except that passengers may consume beverages while onboard a trolley if the beverages are contained in a spill-proof or screw-top container or bottle. Examples of such spill-proof or screw-top containers or bottles include, but are not limited to, water bottles and soda bottles with screw tops, personal beverage containers with snap-on or screw-on lids, and coffee cups or mugs with snap-on or screw-on lids.
 - B. Smoke or carry a lighted or smoldering pipe, cigar, cigarette, or tobacco in any form.
 - C. Operate any radio, phonograph, tape player, or other such instrument that is audible to any other person on a transit vehicle.
 - D. Expectorate.
 - E. Discard litter.
 - F. Extend his/her head, hand, arm, foot, leg, or other portion of the body through any window.
 - G. Interfere in any manner whatsoever with the operator or operation of any bus or trolley.
 - H. Possess an open alcoholic beverage container, irrespective of whether the container is spill-proof or screw-top.
 - I. Ride any bike, skateboard, or scooter.
 - J. No person shall put his foot on any seat provided for any passengers on a bus or trolley, or place any article on such seat which would leave grease, oil, paint, dirt, or any other substance on such seat.
 - K. No person shall activate without justification, mutilate, deface or misuse in any manner, any safety device or intercom located onboard a bus or trolley.
 - L. No person shall ride upon the outside or roof of any bus or trolley.
- (Section 13.4 amended 01/18/07)

Section 13.5: Prohibited Actions on or About a Transit Facility

- A. No person (except MTS/SDTI/SDTC employees, agents, or authorized visitors) shall enter upon the roadbed, tracks, structures, right-of-way, or other parts of a transit facility, which are not open to passengers or to the public.
- B. No person shall drink any alcoholic beverage or possess an open alcoholic beverage container on or in a transit facility except on premises licensed therefor.

C. No person shall sit, lie, or stand with any portion of his/her body extending within 8 feet 6 inches of the centerline of the outside rail on straight track or within 9 feet 6 inches of the centerline of the outside rail on curved track except while entering or alighting from a trolley stopped at that station.

D. No person shall injure, deface, destroy, loosen, remove, or tamper with the transit facility.

E. No person shall injure, mutilate, deface, alter, change, displace, remove, or destroy any sign, notice, signal, or advertisement on the transit facility.

F. No person shall interfere with any lamp, electric light, electric fixture, or density on the transit facility.

G. No person shall write, paint, or draw any inscription or figure on or deface any transit facility.

H. No person shall disobey or disregard the notices, prohibitions, instructions, or directions on any sign posted on the transit facility.

I. No person shall interfere with, encumber, obstruct, or render dangerous any transit facility.

J. No person shall throw or project a stone or other missile at any trolley, bus or at any person or thing on or in the transit facility.

K. No person shall throw or project a stone or other missile from any transit facility or transit vehicle.

L. No person shall fail or refuse to comply with any lawful order or direction of any MTS inspector, security officer, whether an employee or designated agent of MTS, or any peace officer.

M. No person shall do, aid, abet, or assist in doing any act which may be dangerous, harmful, or injurious to any person or property within the transit facility, said act being not specifically prohibited herein.

N. No person shall put his foot on any seat provided for any passengers of the transit facility or place any article on such seat which would leave grease, oil, paint, dirt, or any other substance on such seat.

O. No person shall urinate or defecate in or upon unauthorized locations on the transit facility.

P. No person shall post, distribute, or display commercial signs, advertisements, circulars, handbills, or written material of a commercial nature on or within the transit facility, nor shall any person engage in any verbal solicitations of a commercial nature on or within said transit facility.

Q. No person shall climb upon or jump the trolley couplers.

R. No person shall discard litter in any transit facility or transit vehicle.

S. No person shall loiter in the immediate vicinity of any posted property.

T. No person shall tailgate.

(Section 13.5 amended 06/28/07)

Section 13.6: Animals

No person shall bring, carry unto, or convey upon the transit facility, a dog, or other animal, unless it is completely enclosed in a carrying case, which can be accommodated in the lap of a passenger with no danger or annoyance to other passengers. This rule shall not apply to a "service" or "assistance" animal. A "service" or "assistance" animal is trained to assist persons with disabilities. Such animals shall be properly harnessed when possible. Service or assistance animals must be under the control of the person at all times. MTS reserves the right to inquire about the status of such animals.

(Section 13.6 amended 6/28/07)

Section 13.7: Meetings

No person shall hold any meeting, perform any ceremony, make any speech, address or oration, exhibit, or distribute any sign, placard, notice, declaration, or appeal of any kind or description within any transit facility or upon any transit vehicle or platform without written permit from an MTS official.

Section 13.8: Selling, Peddling, Leasing, Etc.

No person shall exhibit, sell, or offer for sale, hire, lease, or let out in or about the transit facility or a transit vehicle any object or merchandise, whether corporeal or incorporeal, except concessions under contract to MTS.

No person shall solicit previously purchased or used tickets, passes, tokens, or other fare media from another passenger or collect any previously purchased or used tickets, passes, tokens, or other fare media from a trash receptacle, platform, transit facility, or passenger.

(Section 13.8 amended 05/28/09)

Section 13.9: Bicycles

Bicycles are permitted on transit vehicles under the following conditions:

- A. Bicyclists must be at least 16 years of age and have a valid proof of payment of fare.
- B. Only one bicycle is allowed onboard a trolley during the hours of 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 6:00 p.m. weekdays. At any other time, no more than two bicycles per trolley will be allowed. No bicycles will be permitted in the aiseways at any time.
- C. Bicycles will be permitted to board trolleys at the rear doors only and must be placed against the rear driver's cab.
- D. Bicyclists must remain with their bicycles at all times.
- E. When part of a group charter, more than two bicycles per car may be permitted at the sole discretion of MTS.

(Section 13.9 amended 01/18/07)

Section 13.10: No Smoking at any Transit Facility or Bus Stop

No person shall smoke any materials, whether tobacco or any other product using any device, cigarette, cigar, pipe, or any other apparatus, or utilize any smoking device, cigarette, cigar, pipe, or other apparatus at the following locations owned, operated, or controlled by MTS, SDTI and/or SDTC:

- A. Within 25 feet from any bus stop;
- B. Within 25 feet of any trolley station; and
- C. Within 25 feet of any transit facility.

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| Amended: 5/28/09
Amended: 11/13/08
Amended: 06/28/07
Amended: 01/18/07
Amended: 06/09/05
Amended: 05/26/05
Amended: 10/28/04
Adopted: 8/9/01



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(619) 231-1466 • FAX (619) 234-3407

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.

LEG 430 (PC 50121)

May 14, 2009

SUBJECT:

MTS: SEMIANNUAL UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

History

The Federal Transit Administration's (FTA's) DBE Program was originally created to ensure nondiscrimination in the award and administration of Department of Transportation- (DOT)-assisted contracts. The DBE Program required that on all federally funded contracts, a contract-specific DBE goal be established and met by the successful bidder. In order to qualify as a DBE, a company has to be certified by the grantee or designated state agency. Award of all federally funded contracts was conditioned upon meeting the DBE goal. If a firm was unable to meet the DBE goal, the firm was required to demonstrate that it made a good-faith effort to find a DBE subcontractor.

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

On December 21, 2005, in response to the Ninth Circuit's ruling, the nine states affected by the decision (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) were required by DOT to submit proof of discrimination in their respective contracting opportunities. The California Department of Transportation (Caltrans) took the lead for gathering this evidence for all transportation agencies within California. Caltrans considered past disparity studies, comments, and written evidence received during a 90-day public comment period ending on March 20, 2006. While there was some indirect evidence of discrimination contained in the information received, Caltrans concluded that the data lacked sufficient evidence to continue with a race-conscious DBE Program. In order to comply with the Ninth Circuit ruling, Caltrans then issued a directive that all federal transportation assistance subrecipients would implement a DBE Race-Neutral Program until a comprehensive state-wide disparity study was completed. The Caltrans study has been completed and approved by the Federal Highway Administration (FHWA). Contracts funded with FHWA monies are required to have certain DBE goals; however, MTS currently has no FHWA funding in its budget. Caltrans is still awaiting approval from the Federal Transit Administration—once approval has been obtained, MTS may need to modify its current DBE goals.

In addition, MTS is currently participating in a Southern California DBE Disparity Study, which will take about eight more months to complete. The results of the study will be brought to the Board.

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

Second Semiannual Report for November 1, 2008, to March 31, 2009

MTS is a subrecipient of FTA funds and, as such, must report on DBE participation in its contracting opportunities. Twice yearly, subrecipients must submit a completed Awards/Commitments and Actual Payments spreadsheet.

The DBE reporting methodology is set by federal statute; MTS may only count participation from vendors who are registered as DBEs doing business in the State of California whose contracts were awarded. The second semiannual report was submitted by MTS to Caltrans' program representative and the FTA on April 29, 2009, for the

reporting period of November 1, 2008, through March 31, 2009 (Attachment B). Staff is requesting that the Board review and receive the second semiannual report for FY 09.



Paul C. Jablonski
Chief Executive Officer

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

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Attachments: A. List of Contracts Available for DBE Participation
B. Semiannual DBE Report

MTS FTA FY08-09 BUDGETED CONTRACTS		
PROJECT NO.	PROJECT DESCRIPTION	FY07-08 BUDGET
MINOR CONSTRUCTION		
11213	SDTC KMD Building Improvements	160,000
11253	MCS South Bay Division Gas Detection System	120,000
11255	Broadway Wye Switch Machines	80,000
11261	Special Event Service Improvement	27,200
11262	Yard Facility Buildings Repair	40,000
	Total Construction	427,200
PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES		
11184	Bus Video Cameras	192,000
11206	Rail Profile Grinding	258,400
11214	SD100 HVAC Retrofit	160,000
11221	Low Voltage Train Line Wiring	140,000
11223	LRV on board CCTV	1,008,000
11225	Transformer Rewinding	156,000
11254	SD100 Brake Rehabilitation	100,000
11259	Storage Bin Decking Replacement	19,200
11263	Signal Event Recorder Upgrade	62,400
11165	LRV Paint and Body Rehab	400,000
11166	CCTV Park and Market	120,000
	Total Services	2,618,000
WHOLESALE DURABLE GOODS		
11182	Organizational Desktops	120,000
11240	SDTC Support Equipment	110,200
11252	SD100 Blower Motor Conversion	232,000
11256	Mobile Radio Replacement	46,000
11257	Bill Processing/Counting Equipment	78,400
11258	DVR Spare	19,200
11260	Training Center Rehab	22,400
11264	RCS Radios	8,400
	Total Wholesale Durable Goods	636,600
	Total Budgeted Contracts FY07-08	3,679,800

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS

AWARDS/COMMITMENTS

A. Subrecipient/Agency: San Diego Metropolitan Transit System

B. DBE Liaison Officer and Phone: Tiffany Lorenzen 619-557-4512

C. Date: April 27, 2009

D. [X] Report due April 15 for the period Oct 1 to Mar 31 [] Report due Nov 14 for the period April 1 to Sept 30

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount	Prime or Subcontractor
SANDAG	Other	N	n/a	155,000.00	Prime
ELECTRO SPECIALTY	Services	N	n/a	36,633.21	Prime
SANDAG	Other	N	n/a	0.00	Prime
SANDAG	Other	N	n/a	150,000.00	Prime
ENTERPRISE FLEET MANAGEMENT	Services	N	n/a	2,836,262.00	Prime
NEW FLYER OF AMERICA, INC	Materials	N	n/a	1,940,731.55	Prime
ELECTRO SPECIALTY SYSTEMS, INC	Materials	N	n/a	32,520.56	Prime
SANDAG	Other	N	n/a	150,000.00	Prime
ASBURY ENVIRONMENTAL SVCS	Services	N	n/a	231,430.64	Prime
GIRO INC	Services	N	n/a	62,700.00	Prime
NEW FLYER OF AMERICA, INC	Materials	N	n/a	0.00	Prime
NEW FLYER OF AMERICA, INC	Materials	N	n/a	14,346,613.47	Prime
SIEMENS TRANSPORTATION	Services	N	n/a	25,000.00	Prime
TELLIARD CONSTRUCTION	Construction	N	n/a	340,000.00	Prime

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS

AWARDS/COMMITMENTS

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount	Prime or Subcontractor
TRISTAR RISK MANAGEMENT	Services	N	n/a	1,726,914.00	Prime
ADVANCED RAIL MANAGEMENT	Services	N	n/a	1,625,197.00	Prime
HECHT, SOLBERG, ROBINSON, GOLD	Services	N	n/a	95,000.00	Prime
HECHT, SODBERG, ROBINSON, GOLD	Services	N	n/a	500,000.00	Prime
DE ANGELO BROTHERS	Services	N	n/a	210,575.00	Prime
SANDAG	Services	N	n/a	127,904.00	Prime
HECHT, SOLBERG, ROBINSON, GOLD	Services	N	n/a	100,000.00	Prime
ELECTRO SPECIALTY SYSTEMS	Materials	N	n/a	36,828.42	Prime
SECURITY SYSTEMS TECHNIQUES	Construction	N	n/a	736,404.00	Prime
TELLIARD CONSTRUCTION	Construction	N	n/a	11,614.50	Prime
VEHICLE TECHNICAL CONSULTANTS	Services	N	n/a	11,620.00	Prime
NABI	Materials	N	n/a	99,950.00	Prime
VEHICLE TECHNICAL CONSULTANTS	Services	N	n/a	23,630.00	Prime
ARC OF SAN DIEGO	Services	N	n/a	48,000.00	Prime
BRENCO OPERATING	Materials	N	n/a	90,000.00	Prime
IBI GROUP	Services	N	n/a	100,000.00	Prime
HERITAGE SECURITY SERVICES	Services	N	n/a	10,000,000.00	Prime
WILLIAM F NORRIS ASSOCIATES	Services	N	n/a	25,000.00	Prime

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS

AWARDS/COMMITMENTS

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount	Prime or Subcontractor
DAILY DISPOSAL SERVICES, INC.	Services	N	n/a	660,616.00	Prime
VECOM USA	Materials	N	n/a	34,123.58	Prime
ELECTRO SPECIALTY SYSTEMS, INC	Services	N	n/a	5,950.35	Prime
SANDAG	Other	N	n/a	155,000.00	Prime
ROY PIPKIN	Services	N	n/a	94,367.46	Prime
HECHT, SOLBERG, ROBINSON, ETAL	Services	N	n/a	700,000.00	Prime
NELECO, INC.	Materials	N	n/a	112,814.00	Prime
ELECTRO SPECIALTY	Construction	N	n/a	58,360.58	Prime
EF ENTERPRISES	Services	N	n/a	63,000.00	Prime
DEPARTMENT OF NAVY	Other	N	n/a	0.00	Prime
NEW FLYER OF AMERICA, INC.	Materials	N	n/a	16,036,825.97	Prime
KIMLEY-HORN & ASSOCIATES, INC.	Services	N	n/a	500,000.00	Prime
DAVID EVANS & ASSOC INC	Services	N	n/a	750,000.00	Prime
ELECTRO SPECIALTY	Services	N	n/a	114,516.17	Prime
MOTOROLA	Services	N	n/a	0.00	Prime
NABI	Materials	N	n/a	(15,080.00)	Prime
HECHT, SOLBERG, ETAL	Services	N	n/a	100,000.00	Prime



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

Agenda

Item No. 16

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

ADM 110.3

May 14, 2009

SUBJECT:

MTS: ACCEPTANCE OF DONATED OF PCC CAR

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer to accept a donation of a former Southeastern Pennsylvania Transportation Authority (SEPTA) PCC Streetcar No. 2186 from the Museum of Transportation in Saint Louis, Missouri.

Budget Impact

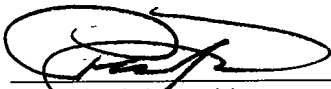
There is no cost for the acceptance of the streetcar from the curator of the Museum of Transportation. An anonymous donor has agreed to cover costs associated with transport of the car.

DISCUSSION:

On July 14, 2005, the Board of Directors approved in concept a vintage trolley operation subject to funding availability. In addition, the Board authorized the purchase of two vintage PCC streetcars, to transport and store those streetcars in San Diego Trolley facilities for rehabilitation, and to allow staff to evaluate options for the solicitation of private funds to support the purchase, transport, and restoration of the cars.

The curator of the Museum of Transportation in Saint Louis, Missouri, has offered to donate PCC Streetcar No. 2186 to SDVTI for rehabilitation and/or parts. An anonymous donor has agreed to fund the cost of transportation of the car.

The Chairman is requesting that the Board of Directors authorize the CEO to accept a donation of PCC Streetcar No. 2186.

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: Wayne Terry, 619.595.4906, wayne.terry@sdmts.com

MAY14-09.16.SDVT DONATION.MATHIS.doc



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

Agenda

Item No. 45

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

OPS 1000

May 14, 2009

SUBJECT:

MTS: UPDATE ON SAN DIEGO VINTAGE TROLLEY, INC. (SDVTI) ACTIVITIES

RECOMMENDATION:

That the Board of Directors receive a report from the Chairman of the SDVTI Board on actions taken to date by SDVTI.

Budget Impact

None.

DISCUSSION:

The Chairman of the SDVTI Board will give an update on SDVTI activities.

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: Harry Mathis, 619.557.4530, Harry.Mathis@sdmts.com

MAY14-09.45.SDVTI UPDATE.HMATHIS.doc



A Non-Profit Subsidiary of MTS to acquire and restore PCC cars for operation.

First in the West
San Diego PCCs, 1936-1949



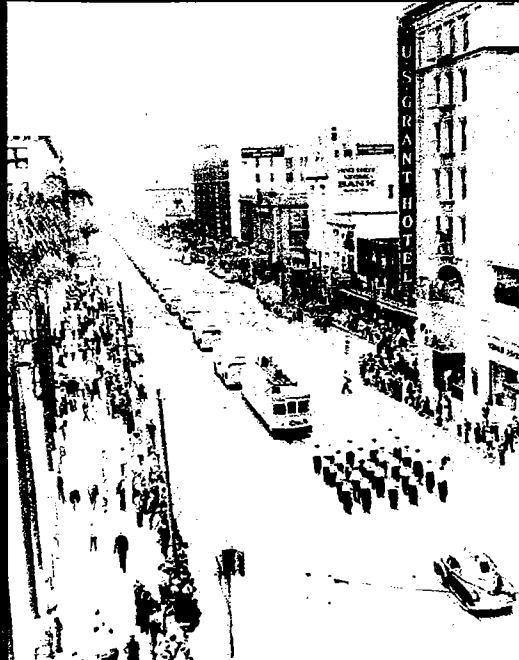
University Avenue
Georgia Street Bridge



Union Depot / Broadway Loop

Last Day of Trolley Service in San Diego

April 23, 1949



Renaissance of the "Streetcar": Remembering the Past



Philadelphia



Kenosha, Wisconsin



San Francisco's F Street Line



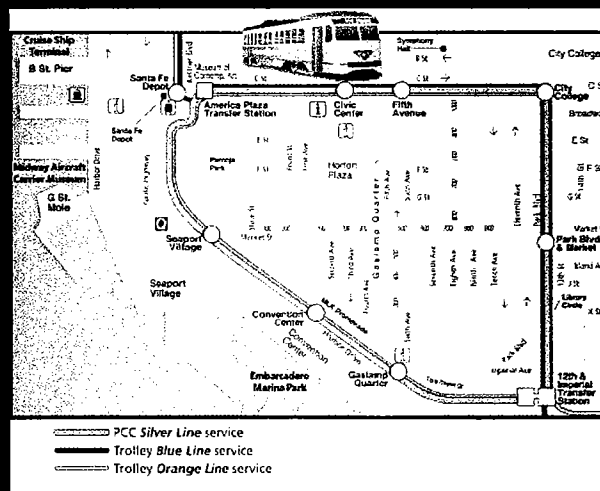
Why Vintage Trolley?

- Adds new and exciting dimension to the downtown experience.
- Reviving the "Streetcar" connects us to our historical transit roots in a fun way.
- Highly visible and eye-catching in a very positive way; it will click with the public and help promote public transit.
- Loop shuttle serving the embarcadero and downtown area.
 - Compliment and connect the historical features of the Gaslamp, Seaport Village, and PETCO Park as a modern reincarnation of Lane Field.
 - Readily accessible to the Convention Center, hotels, cruise ship terminal, USS Midway, Horton Plaza, and the downtown business and residential heartland.
- Excellent vehicle for advertising.
- Attractive asset for promotions and special events.

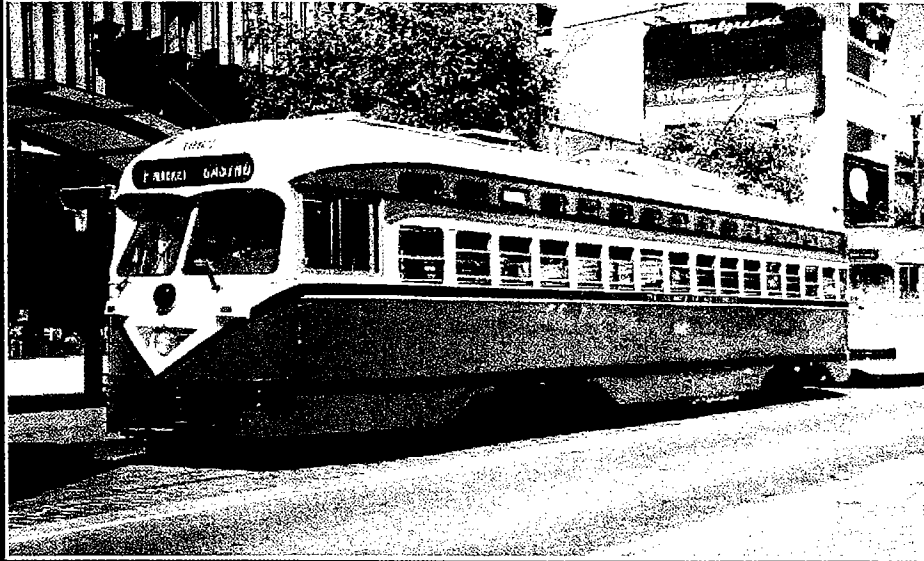
Previous Revival Studies deterred by infrastructure costs and impacts

- MTDB Gaslamp/Seaport Village Trolley Feasibility Study
1983
- Joint MTDB/CCDC Gaslamp Historic Trolley Feasibility Assessment
1992 - 1994

New Concept: PCCs Operating on existing infrastructure in the Downtown "Loop"



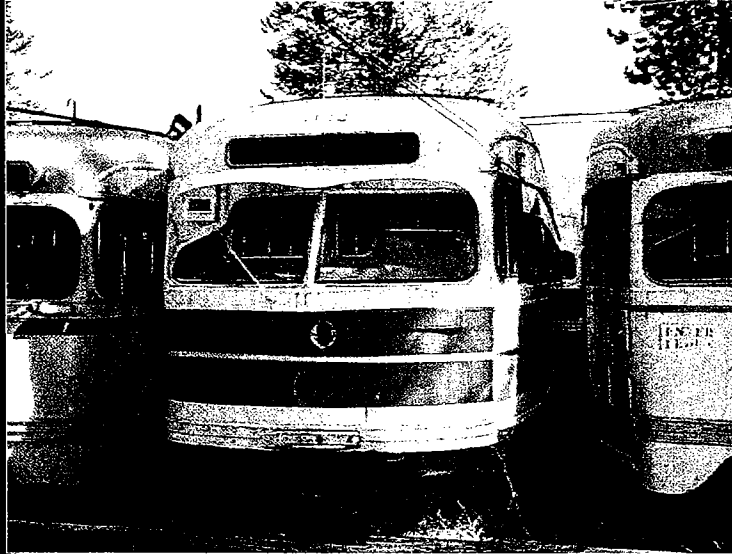
Target Vehicle: Post-War PCC



MTS Board Authorization

- Acquisition of three post-war PCCs from private party in Lake Tahoe.
- Use of SDTI yard for storage and restoration.
- Access for volunteer workers as required.
- Conceptual approval to operate on San Diego Trolley line.
- MTS budget neutral. Funding of restoration from external sources.
- Establishment of a non-profit subsidiary to provide tax benefits for donations

Project: From this...



To this!

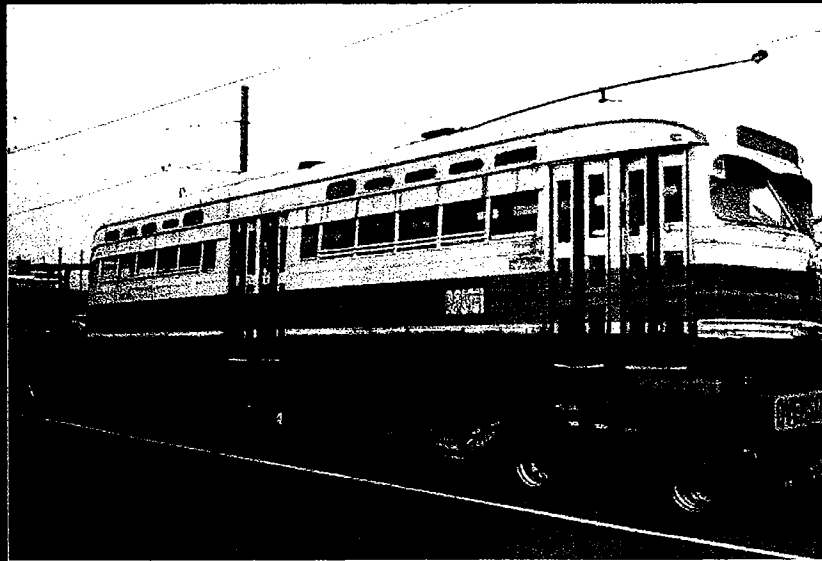


PCC 529 and 530 Arrive

Made possible by a grant from CCDC



PCC 531 Arrives



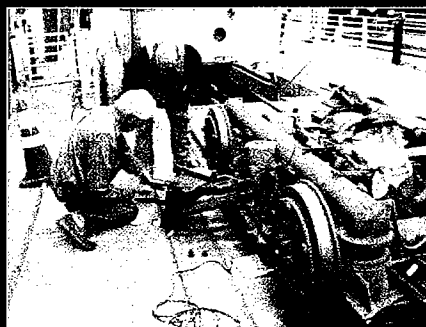
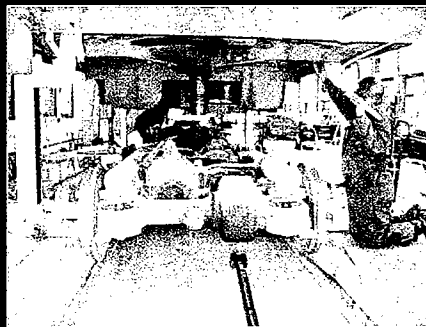
Restoration Site



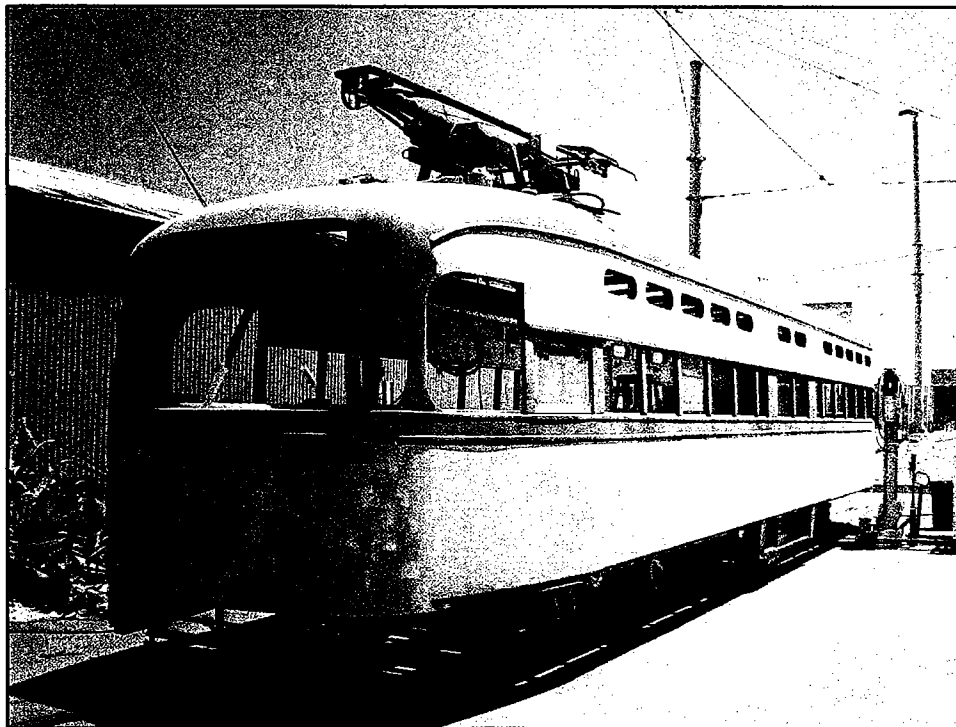
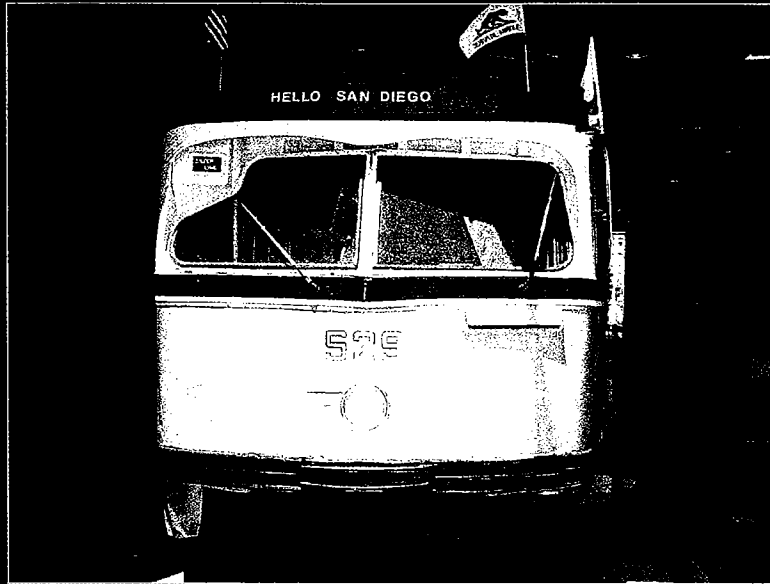
Typical Interior as seen in Car 531

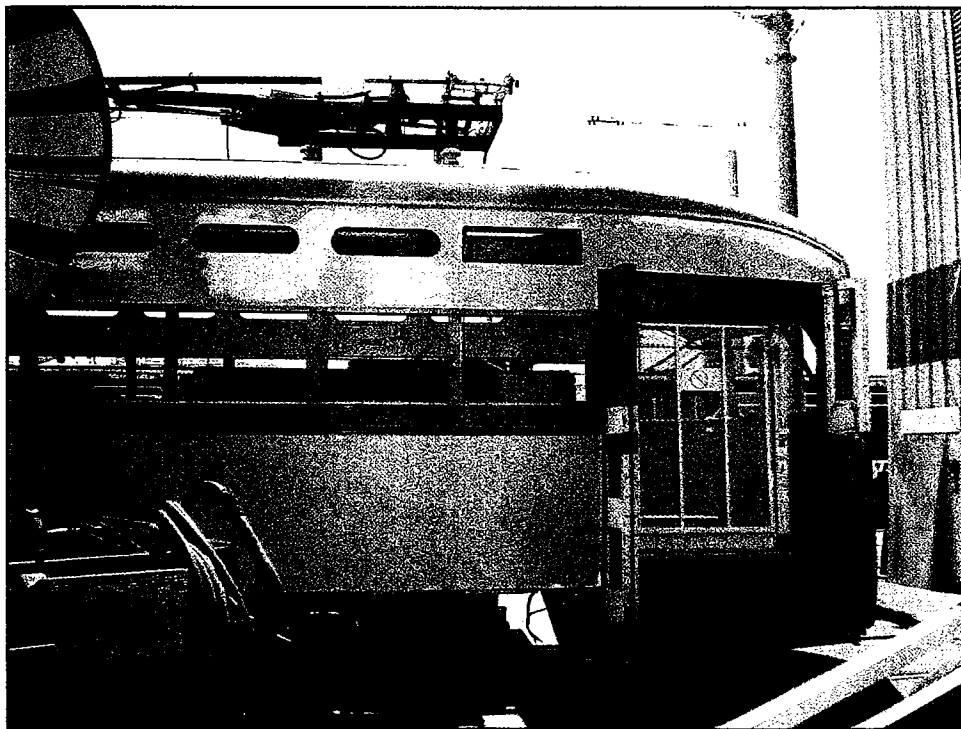


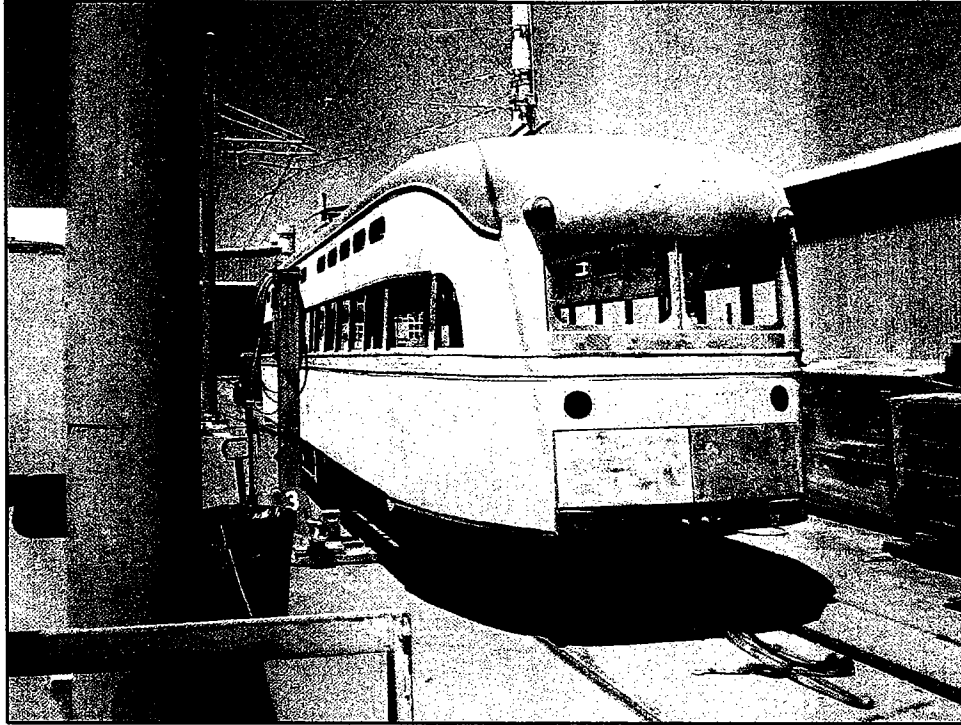
Volunteers Hard at Work



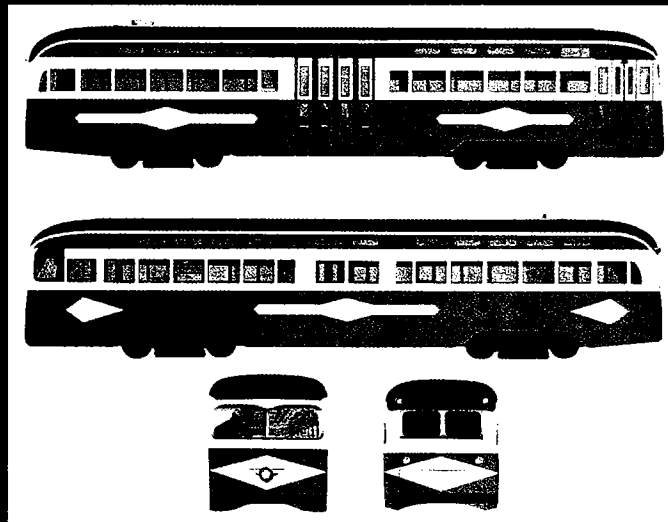
Sneak Preview







PCC #529 Paint Scheme



The Challenge: Raising \$ to Fund the Restoration

- Corporate Sponsorships
- Grants/donations from public and private sources
- In kind donations of Goods and Services

Cash Donations Summary

• Major \$10,000 + (7)	\$179,500
• Significant \$1,000 + (10)	23,839
• Supporters <\$1,000 (23)	<u>6,155</u>
• Total cash received	\$209,494
• Expenditures	- <u>149,154</u>
• Cash balance	\$60,340

Expenditures

• Purchase 3 PCC's	\$46,000
• Shipment PCC's to MTS	16,000
• Structural & Cosmetic Materials	50,000
• Purchase 16 steel wheels	16,500
• Loan repayment	10,000
• Shipment of two spare trucks	1,500
• Misc. mat'l, parts, admin, etc.	<u>9,154</u>
• Total expenditures	\$149,154

In-kind Donations

- Unpaid Volunteers 7,400 mh @ \$35
\$259,000
- L&M: Overhaul two trucks
- L&M: Eight new wheels
- L&M: Install wheels on axles
- L&M: Overhaul four traction motors
- L&M: Glass & mirrors
- Labor: Structural & Cosmetic in & out

Strategy for Success

- Continued emphasis on in-kind support
- Maintain adequate cash balance to ensure against delays
- Effective and well-trained volunteer program
- Emphasis on safety
- Strict quality control
- Build up spares inventory
- Effective transition program to operational status

Potential Benefits for Major Sponsors

- Tax deductible 501(c)(3) Program
- Favored access to promo opportunities and advertising space
- Recognition, in the cars, and in brochures and media events
- Identification with positive, eye-catching image serving the public
- Opportunities for reserved ridership/dedicated trips
- Permission to reference the cars in corporate advertising and literature

Initial Goals

- #529 operational by October 1, 2009.
- Use #529 to attract donations and investment to restore additional cars.
- Pilot program to:
 - attract more riders to public transit
 - promote streetcar use as a desirable public transit option.
 - Develop support for expansion of service to Balboa Park for Centennial.

San Diego Vintage Trolley *Restoring the Magic!*





DRAFT BUSINESS PLAN

BACKGROUND:

Operation of an “historic” streetcar line in San Diego utilizing a separate, dedicated infrastructure was first envisioned in an MTDB/Gaslamp/Seaport Village Trolley Feasibility Study in 1983. It was later followed by a joint MTDB/CCDC Gaslamp Historic Trolley Feasibility Assessment 1992-1994. The feasibility studies were shelved because of the up-front cost of the infrastructure required, and concerns by affected merchants about the construction impacts on their businesses. A new approach addressing those concerns was required.

On July 14, 2005, The Board of Directors of the San Diego Metropolitan Transit System (MTS) approved a proposal by Board member Harry Mathis for a pilot project to acquire and restore two (later increased to three) former San Francisco MUNI “PCC” streetcars from a private party for operation on the existing San Diego Trolley line. The PCC cars would be similar to those which operated in San Diego 1936-1949. In the same action, the Board authorized the use of San Diego Trolley, Inc (SDTI) facilities as the site for the restoration work, granted permission for volunteer workers (non-SDTI personnel) to access the site, and agreed in concept to allow the PCC cars to operate on the SDTI system when the restoration was complete. Because of budget constraints, the Board decided that the cost of acquiring and restoring the vehicles would have to be funded from outside sources, and directed that a separate 501(c)(3) non-profit corporation be established to receive those funds.

ORGANIZATION:

San Diego Vintage Trolley, Inc (SDVTI) was created and incorporated under the laws of the State of California September 14, 2005 as a wholly-owned subsidiary of the San Diego Metropolitan Transit System (MTS), a State of California chartered agency. The founding officers of the corporation are Harry Mathis, Chairman; Paul Jablonski, President; Peter Tereschuck, Secretary-treasurer, and Tiffany Lorenzen, of Counsel. Federal tax exemption status as a non profit 501(c)(3) corporation was approved by the Internal Revenue Service August 9, 2006. With the retirement of Peter Tereschuck in August, 2008, E. Wayne Terry assumed the duties of Secretary-Treasurer, September 24, 2008.

On June 22, 2006, a memorandum of understanding (MOU) was executed by SDVTI with the San Diego Electric Railway Association (SDERA) designating SDERA as the organization providing and administering volunteer workers for the restoration effort. SDVTI through SDTI would provide access for the volunteers, a worksite, and allow parking of personal vehicles nearby as long as it did not interfere with SDTI operations. A member of SDERA is assigned as Restoration Manager who organizes and administers the ongoing work by the volunteers, and keeps a record of work performed.

MISSION:

The mission of SDVTI is to acquire and restore “vintage,” otherwise known as “heritage” streetcars for eventual operation by MTS within the MTS rail system. Future plans may include separate, dedicated infrastructure which will be owned and operated by MTS.

As the cars complete restoration and are ready for service, they will be transferred to SDTI which will assume operations and maintenance responsibility. MTS will include the cars as part of the transit system to be known as the “Silver” Line for administration and marketing.



SDVTI will continue its activities as a support organization in working with MTS marketing to actively promote vintage trolley ridership, and to seek new outreach opportunities to raise funds and expand vintage trolley service to new areas.

FINANCING:

To accomplish its mission, SDVTI was organized as a non-profit corporation to permit soliciting of funds outside the budget of MTS including, but not limited to, cash donations, in-kind donations, grants, and underwriting sponsorships. All financial resources have been kept in a separate bank account under the control of the SDVTI Secretary-treasurer who is responsible for monthly reconciliation of the account. Records are kept of all incoming funds and their source. Allocation of funds is rigidly controlled and requires the approval of the Chairman. A prescribed request form is filled out by the applicant, and approved by a Corporate Officer before disbursements may be made. A petty cash fund of \$250 has been established under the control of the Restoration Manager to cover minor expenditures

used by the volunteers for miscellaneous materials used in the on going restoration. Accountability and reporting procedures are established and reviewed by the SDVTI Secretary-Treasurer.

Donations are administered and recognized in accordance with policies established to guard against any potential conflict of interest. Donors will be offered benefits such as free advertising and media recognition as a full or partial alternative to taking tax deductions.

Because of budget constraints, contributions by MTS to the restoration effort will be in accordance with policies and guidelines determined by the MTS Board of Directors. Certain operations during the restoration period such as moving the cars, high voltage testing, and other operations which mandate the participation of MTS personnel require the authorization of the Chief Operating Officer of SDTI.

THE CARS ARRIVE:

Thanks to a \$50,000 grant from the Centre City Development Corporation, the first two cars, former Muni #1122 and #1123 were purchased from a private party in South Lake Tahoe, and delivered to San Diego December 14, 2005. A third car, former Muni #1170, subsequently approved by the Board, was purchased from the same party, and delivered June 1, 2006. The cars were renumbered #529-531 in consecutive order from the original San Diego PCC's which were numbered #501-528.



RESTORATION:

The designated restoration site is in Maintenance Building "A" at the SDTI Trolley Yard at 12th and Imperial Avenues. Restoration work is being carried out in accordance with the criteria established by

California Public Utilities Commission (CPUC) General Order No.143-B, and the applicable portions of the American Public Transportation Association (APTA) Standard for Vintage/Heritage Trolley Vehicle Equipment (APTA SS-HT-001-05) June 12, 2005. Priority will be given to Car #529 as the first car to be placed in operation, followed by cars #530 and #531 in that order.

All volunteer workers currently act under the direction of the Restoration Manager (RM) who is charged with meeting the above criteria and maintaining records of work done and hours worked by the volunteers. The RM makes periodic written reports of progress, and advises SDVTI management of any problems requiring outside assistance or resolution by management. The RM signs all requests for reimbursement, and clears in advance any prospective expenditures with SDVTI management exceeding \$100. The RM advises management of any and all needs required to ensure timely progress of the project. As of April 30, 2009, volunteers had donated 7,400 man hours in the restoration effort.

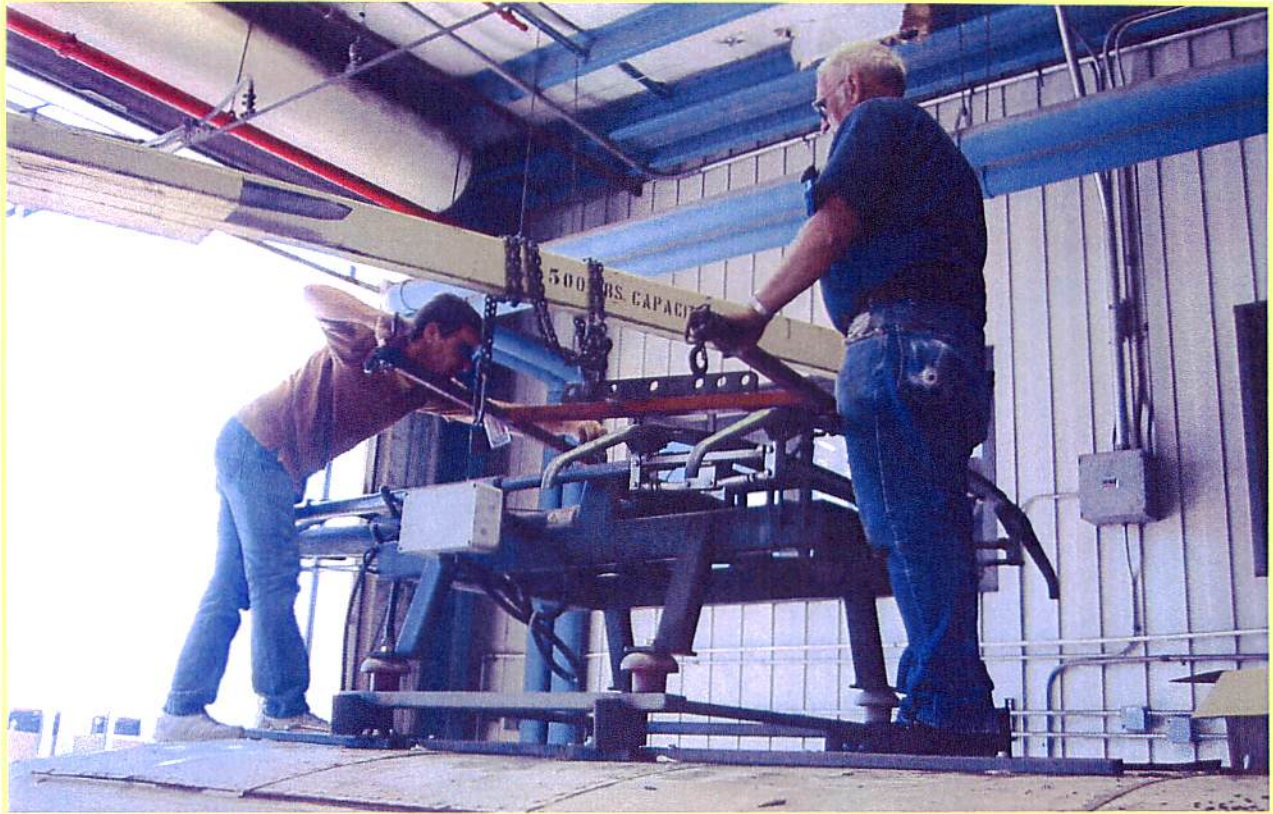


Volunteers (l to r): Rest. Mgr. Dave Slater, Dennis Frazier, Ron Sutch, Art Aydelotte, Chuck Bencik

The RM works in conjunction with SDTI maintenance to coordinate necessary support, and to develop a comprehensive testing program for operational readiness and certification in time to avoid any unnecessary delays. In the event cars must be moved which require the participation of SDTI personnel, the moves will be conducted under SDTI control at all times.

COMPATIBILITY

To ensure full compatibility with the San Diego Trolley infrastructure, the front trolley pole of each car will be replaced with a pantograph compatible with the existing overhead catenary system. The rear trolley pole will be retained for historical purposes, and as a back up power connection.



Original wheels designed for urban streetcar tracks will be replaced with wheels having the same contact profile as the regular San Diego trolleys to match the larger profile of the heavy rails of the MTS system.

The cars will be equipped with transponders and communications equipment, will be under dispatcher control, and be fully integrated into the system as regular MTS transit vehicles.

OPERATIONAL READINESS AND CERTIFICATION:

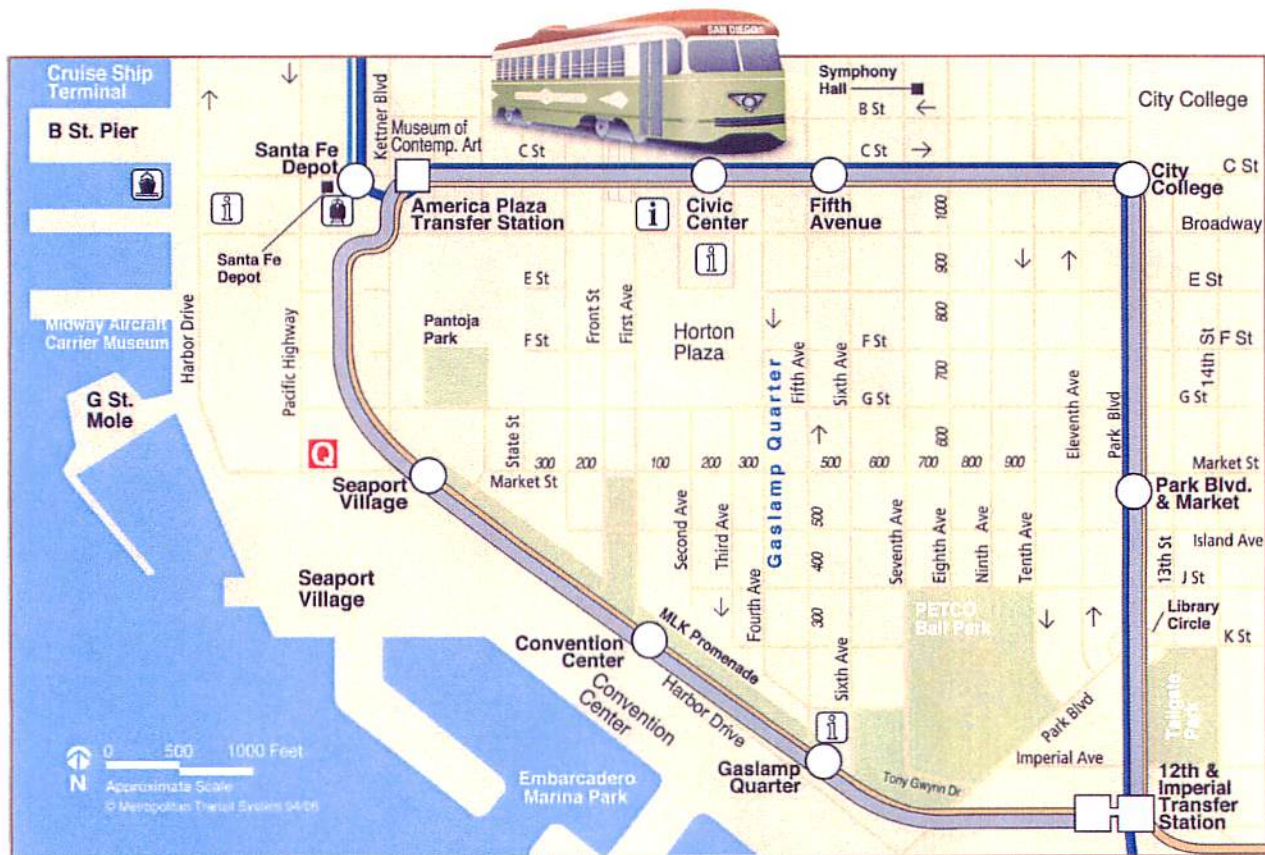
Once the necessary approvals have been received leading to certification of operational readiness, and the MTS board has authorized operation on the transit system, SDTI will assume responsibility for training, operations, and maintenance. SDTI will be responsible for supplying qualified personnel to operate and maintain the cars by developing and implementing the necessary training and certification programs comparable to those established for San Diego Trolley. Operators and maintenance personnel will be MTS employees.

A trained volunteer will be assigned to each car in operation as a second crewmember acting as a “conductor” to provide historical information to the riders, and to assist in the collection of fares. Preference for this assignment will be given to members of SDERA.

OPERATING PLAN:

Once operational, each PCC car will be placed in revenue service by MTS. The cars will be painted in the same colors and style of the PCC's which operated in San Diego 1936-1949. Both operator and conductor will be clad in the uniforms of that period.

The route for the cars will be one way in a clockwise loop extending from the third track platform at 12th and Imperial Station through Bayside to American Plaza, up C Street to City College, and back along 12th Avenue to 12th and Imperial Station. The cars will utilize the third track platform rather than the Bayside platform to minimize conflict with the Orange Line, and permit the installation of suitable displays at the terminal providing information about PCC's and the vintage streetcar program. Cars will normally operate off peak during the day when regular trolley service is operating at 15 minute headways. These additional cars will improve the operating interval between the PCC's and the Orange and Blue line trolleys through the downtown area. With three operational cars, two will normally be in service passing a given station at approximately 15 minute intervals. The third will be in maintenance, to fill in for any breakdowns, or to add service as needed to meet higher than normal demands.



Fare policy will be determined prior to operation. Promotional partnerships with local downtown merchants, hotels, and tourist oriented businesses using replica tokens of the period may be considered.

Opportunities may also be offered for charter runs with priority given to major donors. Internal and external advertising space on the cars will be available in the style and manner used by San Diego

PCC's 1936-1949, again, with priority given to major donors. This is consistent with the style of operation in the 1930's and 1940's, and the revenue earned will be used to help offset the cost of operation and maintenance.

AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS

The vehicles being restored were originally manufactured 1946-1949 and do not meet ADA access requirements. Some PCC units in other cities have been fitted with custom built hydraulic lifts, which have proven unreliable in service, and take so long to operate (5-8 minutes per cycle), that they would potentially delay regular service on the line. Any access mechanism would have to be readily accessible to the operator at the front door. The doorway would have to be modified by removal of the center post and the necessary strengthening of the portal and base to support the mechanism and the operating weight and lift of the mechanism. Additionally, the doors which normally fold inward will have to be modified to fold outward to allow proper clearance for the lift mechanism. The mechanism would have to be functional without requiring modification of the station platform.

While lead car #529 was undergoing body work and structural repair which coincidentally required removal of the front door centerpost because of corrosion, it was determined that a new model lift manufactured by Ricon, which has been purchased to replace the aging lifts on the San Diego Trolleys, can be fitted in the PCC doorway. The relatively low unit cost of the unit, and the fast operating cycle time (2-3 minutes) make this installation feasible, and ADA compliance attainable. The seat immediately behind the operator will be removed to make space available for one wheelchair. A successful operational and load test of the lift was conducted in February 2009.



The lift installation will preclude the use of the front door for access by the general public, but will allow emergency egress by deploying the lift.

Accordingly, the antique fare box will be located in the center doorway area where the conductor may monitor fare payment and make change. This will free the operator of the distraction of fare collection. Integration of the fare collection with the new Compass Card System is a matter for further study as is the use of historic token replicas as part of potential promotions with local hotels and businesses.

TRANSITION TO OPERATIONAL STATUS:

It is anticipated that the lead car #529 could become operational in the Fall, 2009. This will mark a change in status from restoration under the auspices of SDVTI to operations and maintenance as a revenue producing asset of MTS. This will involve a period of training for designated operators and maintenance personal in advance of the transfer date to ensure a smooth and safe transition. Since it involves only one car, it should represent a relatively minor impact on the FY2010 budget. Similar considerations are expected to occur in FY2011 for car #530, and FY2012 for car #531.

OPERATIONAL CONCEPT/ POTENTIAL FUTURE APPLICATIONS:

The operation of vintage trolleys in this program should be viewed as a relatively low cost pilot program designed to reacquaint San Diego citizens and visitors with the benefits of streetcar operations in urban settings, particularly specialty lines serving specific needs over relatively short distances. Future projects under consideration include possible links between the downtown area and Balboa Park to commemorate the Park Centennial in 2015, and along the Embarcadero to San Diego International Airport.

The streetcar has historically enjoyed high public acceptance as a clean, efficient and enjoyable mode of public transportation. Similar vintage trolley operations throughout the Country, and most notably in California in San Francisco, Los Angeles, and San Jose, have been well received by the public.

The renewed use of the "streetcar" in today's environment of high energy costs amid concerns about air pollution and global warming offers an economical and desirable "green" public transportation alternative.

Contact: Harry Mathis, Chairman
San Diego Vintage Trolley, Inc.
harry.mathis@sdmts.com 619-557-4530

Rev. 5/13/2009

Attachments:
A. Donor Summary
B. Volunteer Log Summary

Invest in History

Investing in the restoration of San Diego's historical trolleys will be an enduring gift to all.

Convention Center • Petco Park • Midway

Major corporate sponsors will realize fantastic recognition as exterior and interior signage will be seen and appreciated by conventioners, vacationers, Padres fans, downtown employees, residents and commuters. The beautifully restored vintage trolleys will become an instant legacy for those who help make the dream come true.

Please consider an investment in the preservation and creation of one-of-a-kind memories. There are many ways to give.

Major Sponsorships and large donations will enable the immediate restoration of these beautiful trolleys. These sponsors will be rewarded with long-term exterior and interior recognition on the trolleys, private tours for the sponsors and their guests, and many other promotional opportunities. Please call for a personal presentation.

Donations can also include Appreciated Assets, Planned Gifts and Bequests, In-Kind Gifts, Commemorative Gifts and more.

All contributions are deductible for tax purposes to the extent permitted by current law.



Dear Friends,

San Diego Vintage Trolley wants to return beautifully restored circa 1940s trolley cars to downtown San Diego for the enjoyment of all!

The mission of San Diego Vintage Trolley, Inc., a non-profit subsidiary of the Metropolitan Transit System, is to restore them to their original operating condition, including painting them in the same style as the San Diego cars of the 1930s and 40s.

To do it, we need the help and generosity of individuals and corporations alike. This is a tremendous opportunity to create a new sensation by putting back into service a working piece of history.

Be a part of this exciting project! All donations are tax deductible. And sponsors will receive incredible recognition for their contributions. These grand old cars will be seen and experienced by the thousands of people who work, live and visit downtown each year.

Please call me if you have questions, and thank you for considering an investment in San Diego's history.

Sincerely,
Harry Mathis
Chairman, San Diego Vintage Trolley, Inc.

Yes... I want to help restore San Diego's Vintage Trolleys!

- ☐ Contact me to schedule a presentation
☐ Accept my donation of \$ _____

Name _____

Address _____

City _____ State _____ Zip _____

e-mail _____

(area code) Phone Number _____

Send to:
San Diego Vintage Trolley, Inc.
1255 Imperial Ave.
Suite 1000
San Diego, CA 92101

Or call:
619-557-4530

www.sdvintagetrolley.com
A 501(c)3 non-profit corporation

www.sdvintagetrolley.com



SAN DIEGO VINTAGE TROLLEY, INC.

Restoring the Magic

Bring back
Vintage Trolleys to San Diego



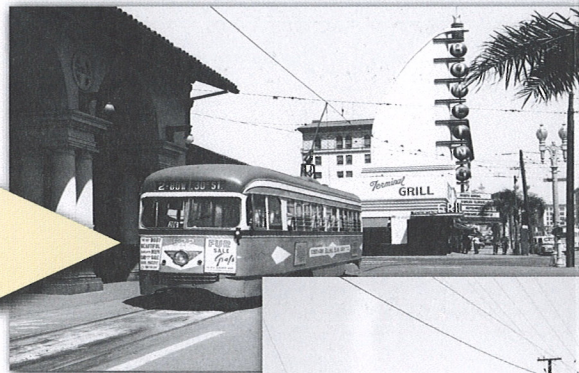
Restoring the Magic

It was an era of close knit communities. A time when neighbors greeted each other with a smile and a handshake, and where most working men and women could not afford the luxury of an automobile. It was the era of the trolley, one of the most efficient forms of public transit ever created and certainly the most beloved.

Trolleys have been rightly called a "part of America," their colorful and elegant designs connecting thousands of commuters around almost every large city in the early 1900's. San Diego was no exception. Trolleys crisscrossed our region in a network even more vast than today's revitalized system.

City Hall • Seaport Village • Santa Fe Depot • Gaslamp

San Diego Vintage Trolley, Inc. (SDVTI), a 501(c)3 non-profit subsidiary of the Metropolitan Transit System, envisions the future of downtown San Diego enriched with its past. With the purchase of three vintage trolleys, SDVTI is now working to restore these magnificent machines that traversed San Diego in the 1930s and 40s to add yet another historic element to San Diego's vibrant downtown.



Silver Line

The Silver Line will operate in the heart of a resurgent downtown San Diego, continuously looping by the Convention Center, Petco Park, The Gaslamp Quarter, Seaport Village, the Aircraft Carrier Midway, the Cruise Ship Terminal, City Hall, hundreds of businesses and thousands of new residential units. The Silver Line Vintage Trolleys will be seen by thousands of people every day!

SAN DIEGO VINTAGE TROLLEY, INC.



Vintage Is Vogue

Plans for the Silver Line Vintage Trolley will repeat the many successes of vintage trolley operations around the United States. To almost overwhelming popularity, vintage trolleys have been put back into service in more than 25 major U.S. cities, including San Francisco, Boston, Dallas, Philadelphia and Tampa Bay.

All over the country, people are climbing aboard vintage trolleys to experience the nostalgia and thrill of riding in an authentic piece of Americana.

RIDE & RELAX



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

Agenda

Item No. 46

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

AG 220.11

May 14, 2009

SUBJECT:

MTS: ZERO-EMISSION BUS PROGRAM

RECOMMENDATION:

That the Board of Directors receive a report on the California Air Resources Board Zero-Emission Bus (ZEB) Requirements.

Budget Impact

None.

Executive Committee Recommendation

At its meeting on May 7, 2009, the Executive Committee recommended forwarding this item to the Board of Directors for review.

DISCUSSION:

Zero Emission Buses (ZEB) are urban buses that produce zero exhaust emissions of any pollutant. The types of vehicles that qualify under this definition include hydrogen fuel cell buses, electric trolley buses with overhead twin-wire power supply, and battery electric buses.

As part of the Fleet Rule for Transit Agencies, the California Air Resources Board (CARB) included a requirement that transit operators with fleets larger than 200 buses fulfill the ZEB Requirements as described in Title 13, Section 2023.3 of the California Code of Regulations (Attachment A). Transit operators on the diesel path were originally required to begin making 15% of all new bus purchases zero emissions beginning in 2009, and transit operators on the alternative fuel path were to begin in 2010. The regulations were changed in October 2007 to extend the implementation date to 2011 for diesel-path agencies and 2012 for alternative fuel-path agencies like MTS.

Initial Demonstration Projects, as mandated by the ZEB Requirements, have been in operation for several years. Those pilot programs have demonstrated that ZEB technology continues to be expensive and does not have the reliability or durability needed for revenue service operations.

CARB is scheduled to review the ZEB Requirements and propose amendments this summer. MTS staff has been working with CARB, the California Transit Association, and other interested groups to find alternatives that will not result in a burdensome unfunded mandate for the transit operators.



Paul C. Jablonski
Chief Executive Officer

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

MAY14-09.46.ZERO EMISSION BUS RULE.CSPIELBERG.doc

Attachment: A. California Code of Regulations Section 2023.3

CALIFORNIA CODE OF REGULATIONS
TITLE 13. MOTOR VEHICLES
DIVISION 3. AIR RESOURCES BOARD
CHAPTER 1. MOTOR VEHICLE POLLUTION CONTROL DEVICES
ARTICLE 4. DIESEL PARTICULATE MATTER CONTROL MEASURES

§ 2023.3. Zero-Emission Bus Requirements.

(a) "Zero-emission bus" means an Executive Officer certified urban bus that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) under any and all possible operational modes and conditions.

(1) A hydrogen-fuel cell bus shall qualify as a zero-emission bus.

(2) An electric trolley bus with overhead twin-wire power supply shall qualify as a zero-emission bus.

(3) A battery electric bus shall qualify as a zero-emission bus.

(4) Incorporation of a fuel-fired heater shall not preclude an urban bus from being certified as a zero-emission bus, provided the fuel-fired heater cannot be operated at ambient temperatures above 40(F and the heater is demonstrated to have zero evaporative emissions under any and all possible operational modes and conditions.

(b) Zero-Emission Bus Demonstration Projects.

(1) Initial Demonstration Project.

(A) Except as provided in (D) below, the owner or operator of an urban bus fleet on the diesel path in accordance with the provisions of section 2023.1, with more than 200 urban transit buses in its active fleet on January 31, 2001, shall implement an Initial Demonstration Project in accordance with this subsection (b)(1). The owner or operator shall evaluate the operation of zero-emission buses in revenue service, and prepare and submit a report on the demonstration project to the Executive Officer for inclusion in a future review of zero-emission technology.

(B) This Initial Demonstration Project shall meet all of the following specifications and requirements:

1. utilize a minimum of three zero-emission buses,

2. include any necessary site improvements,
3. locate fueling infrastructure onsite,
4. provide appropriate maintenance and storage facilities,
5. train bus operators and maintenance personnel,
6. place the buses in revenue service for a minimum duration of 12 calendar months,
7. retain operation and maintenance records, and
8. report on the demonstration program as set forth in subdivision (f) of section 2023.4, title 13, CCR.

(C) When planning and implementing the Initial Demonstration Project, the operator or owner shall meet the following milestones:

1. no later than January 1, 2002, prepare and solicit bid proposals for materials and services necessary to implement the demonstration project, including but not limited to the zero-emission buses and the associated infrastructure;
2. no later than February 28, 2006, place at least three zero-emission buses in operation;
3. no later than July 31, 2005, submit a preliminary report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(3) of section 2023.4, title 13, CCR;
4. no later than July 31, 2007, submit a report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(4) of section 2023.4, title 13, CCR;
5. no later than January 31, 2003, initial documentation shall be submitted in accordance with paragraph (f)(1) of section 2023.4, title 13, CCR; and
6. no later than January 31, 2003, a financial plan shall be submitted in accordance with paragraph (f)(2) of section 2023.4, title 13, CCR.

(D) Multiple transit agencies within the same air basin may, on a case-by-case basis, petition the Executive Officer to implement a joint zero-emission bus demonstration project. Electric trolley buses shall not qualify as zero-emission buses for purposes of this joint demonstration project. No more than three transit agencies can participate in any one joint project. Transit agencies that are participating in a joint demonstration project shall:

1. designate the agency hosting the onsite demonstration,
2. jointly fund the demonstration project, and
3. place a minimum of three zero-emission buses per demonstration project in revenue service.

(2)Advanced Demonstration Project.

(A) Except as provided in (E) below, the owner or operator of an urban bus fleet on the diesel path in accordance with the provisions of section 2023.1, with more than 200 urban transit buses in its active fleet on January 1, 2007, for transit agencies on the diesel path shall implement an Advanced Demonstration Project. The owner or operator shall evaluate the operation of zero-emission buses in revenue service and prepare and submit a report on the demonstration project to the Executive Officer.

(B) Diesel fuel path transit agencies may choose to follow the single or joint path demonstration as described in 2023.3(b)(2)(D) or 2023.3(b)(2)(E).

(C) When planning and implementing the Advanced Demonstration Project for transit agencies on the diesel path, the operator or owner shall meet the following milestones:

1. No later than January 1, 2009, place all required zero-emission buses in operation,
2. No later than May 1, 2009, submit a preliminary report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(3) of section 2023.4, title 13, CCR, and
3. No later than May 1, 2010, submit a final report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(4) of section 2023.4, title 13, CCR.

(D) Transit agencies choosing to participate in a single transit agency Advanced Demonstration Project shall meet all of the following specifications and requirements:

1. Utilize a minimum of six zero-emission buses,
2. Provide appropriate maintenance and storage facilities,
3. Train bus operators and maintenance personnel,
4. Place the buses in revenue service for a minimum duration of 12 calendar months after delivery of all demonstration buses,
5. Retain operation and maintenance records, and
6. Report on the demonstration program as set forth in subdivision (f) of section 2023.4, title 13, CCR.

(E) Multiple transit agencies may, on a case-by-case basis, petition the Executive Officer to implement a joint zero-emission bus demonstration project. Transit agencies that are participating in a joint demonstration project shall:

1. Jointly fund the demonstration project.
2. Utilize a minimum of 12 zero-emission buses in revenue service.
3. Operate the demonstration at a transit agency affected by the zero-emission bus regulation.
4. Purchase and put in revenue service a minimum of three zero-emission buses per transit agency.
5. Place the buses in revenue service for a minimum duration of 12 calendar months after delivery of all demonstration buses.
6. Provide appropriate maintenance and storage facilities.

7. Train bus operators and maintenance personnel from each participating transit agency.

(F) Zero-emission buses placed in service to meet the zero-emission bus initial demonstration projects as specified in subdivision (b)(1) are not permitted to count towards the advanced demonstration requirements, unless upgraded with technology advancements to make the bus comparable to vehicles available for the advanced demonstration. One credit shall be earned for each bus.

(c)Purchase Requirement for Zero-Emission Buses. The number of urban buses in each transit agency's active urban bus fleet shall be reviewed annually, as described in sections 2023.4(a)(3) and (b)(2). The owner or operator of a transit agency with more than 200 urban buses in active service on January 1, 2007, for transit agencies on the diesel path, and January 1, 2009, for transit agencies on the alternative-fuel path, shall purchase and/or lease zero-emission buses, in accordance with the following paragraphs. In addition, the owner or operator of diesel path transit agencies whose active urban bus fleet initially exceeds 200 urban buses after January 1, 2007 shall have three years to comply with the Zero-Emission Bus Purchase Requirement starting January 1, of the year they exceed 200 urban buses through 2026. The owner or operator of alternative fuel path transit agencies whose active urban bus fleet initially exceeds 200 urban buses after January 1, 2009, shall have three years to comply with the Zero-Emission Bus Purchase Requirement starting January 1, of the year they exceed 200 urban buses through 2026.

(1) For transit agencies on the diesel path, in accordance with the requirements in section 2023.1, a minimum 15 percent of purchase and lease agreements, when aggregated annually, for model year 2011, or from the start model year of Zero-Emission Bus purchases, through model year 2026 urban buses shall be zero-emission buses.

(2) For transit agencies on the alternative-fuel path, in accordance with the requirements in section 2023.1, a minimum 15 percent of purchase and lease agreements, when aggregated annually, for model year 2012, or from the start model year of Zero-Emission Bus purchases, through model year 2026 urban buses shall be zero-emission buses.

(3) The provisions of paragraphs (1) and (2) shall not apply if the operator's urban bus fleet is composed of 15 percent or more zero-emission buses on January 1, 2008, for transit agencies on the diesel path, and on January 1, 2010, for transit agencies on the alternative-fuel path, or at any time thereafter.

(4)Earning Credits.

(A) Transit agencies on either the diesel path or alternative-fuel path may

earn credits for use in meeting the purchase requirements for zero-emission buses specified in paragraphs (c)(1) and (c)(2) by placing zero-emission buses in service prior to the dates specified in paragraphs (c)(1) and (c)(2). For each zero-emission bus placed into early service and above what is required by section 2023.3 in paragraphs (b)(2), (c)(1) and (c)(2), credits shall be accrued according to the following table. Each earned credit is equivalent to one zero-emission bus.

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MTS Board of Directors

Zero Emission Bus Update

May 15, 2009

Background

- Zero Emission Bus (ZEB) Regulation was part of the Fleet Rule for Transit Agencies (2000)
- Requires that 15% of all new buses purchases be ZEB
 - Hydrogen fuel cell bus
 - Electric trolley with twin-wire overhead power
 - Battery electric bus
- Required demonstration projects for diesel path agencies
- 2007: California Air Resources Board (CARB) delayed implementation until 2012
- CARB reviewing the program this summer

ZEB Technology

- High cost of ZEB buses
 - Hydrogen bus costs \$3.1-\$3.5 million, plus fueling, maintenance infrastructure
 - Hydrogen at least five times more costly than CNG or diesel for equivalent energy production
- Durability issues
 - Frequent preventative maintenance required
 - Fuel cells require several costly replacements in 12 year lifecycle
- Reduced reliability
 - Fuel range shorter than standard fixed route revenue service requires
- Additional infrastructure needs
 - Separate maintenance, fueling facilities
 - Catenary for trolley bus

Current Discussions

- CARB staff recognition that technology development not yet at optimal levels
- Discussions regarding upcoming deadline for implementation of ZEB rules
 - Put off implementation date to allow technology to improve, or
 - Find an alternative way that transit operators can make similar emission reductions
 - Experimental alternatives such as low-emission hybrid technology
 - MTS already testing, but continued cost, durability issues remain



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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.

CIP 11457

May 14, 2009

SUBJECT:

MTS: COMPASS CARD IMPLEMENTATION

RECOMMENDATION:

That the Board of Directors receive a status report on development and implementation of the Compass Card fare system.

Budget Impact

None.

Executive Committee Recommendation

At its meeting on May 7, 2009, the Executive Committee recommended forwarding this item to the Board of Directors for review.

DISCUSSION:

The Compass Card is a multiyear project (under the San Diego Association of Governments' [SANDAG's] Capital Improvement Program [CIP] 1145700) that will create a fare collection system for the San Diego region's fixed-route bus and rail operations. Formerly known as "Smart Card," the Compass Card is being designed by Cubic to provide a better fare product for transit customers and to allow the area's transit operators to collect enhanced ridership and revenue data. The plastic cards will be reusable and reloadable and will eventually replace all paper fare media for MTS and North County Transit District (NCTD) operations. Riders will be able to reload the Compass Cards at transit stores, ticket vending machines, and a grocery chain.

Beginning May 1, 2009, the Compass Card will be used for MTS Express bus services and NCTD COASTER services. The staffs of the three agencies continue to work toward full system implementation.



Paul C. Jablonski
Chief Executive Officer

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Agenda

Item No. 48

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

SRTP 825

May 14, 2009

SUBJECT:

MTS: SERVICE PERFORMANCE MONITORING REPORT FOR JANUARY
THROUGH MARCH 2009

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

MTS Board Policy No. 42 establishes a process for evaluating existing transit services to achieve the objective of developing a customer-focused, competitive, integrated, and sustainable system. This analysis will show any trends for the current fiscal year and help to track performance throughout the year.

Develop a Customer-Focused and Competitive System

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

- Total Passengers

Route Categories	YTD FY 2008	YTD FY 2009	Chg. 08-09	% Chg. 08-09
Premium Express	201,683	227,566	25,883	12.8%
Express	1,601,381	1,880,817	279,436	17.4%
Light Rail	28,159,574	26,457,802	(1,701,772)	-6.0%
Urban Frequent	27,302,007	29,481,956	2,179,949	8.0%
Urban Standard	8,811,979	9,008,246	196,267	2.2%
Circulator	866,840	822,751	(44,089)	-5.1%
Rural	19,183	18,998	(185)	-1.0%
Demand-Responsive	274,876	280,603	5,727	2.1%
Total MTS Passengers	67,237,523	68,178,739	941,216	1.40%
Bus Ridership	38,803,073	41,440,334	2,637,261	6.8%

Fixed-route bus ridership is up 6.8% for the first nine months of FY 09 compared to the first nine months of FY 08. Express routes have the largest increase of 17.4%. The larger increases in the Express services is indicative of passenger preference for faster modes of travel while commuting to their jobs or while traveling to their appointments.

According to estimates received from the San Diego Association of Governments (SANDAG), light rail ridership is down 6.0% from FY 09. This could be due in part to changes in the trolley fare structure that implemented a flat fare. However, staff does not perceive a dramatic decline in demand and has in fact added cars to train consists to address overcrowding at certain times. Due to recent changes in the trolley fares, including the flat one-way fare and fewer one-way cash sales, the sample for estimating trolley ridership is smaller, and the ridership numbers reported from the formula have a range of close to plus/minus 7%. SANDAG determined that some data collected by fare surveyors was inaccurate for the time period of July 2008 through February 2009. As a result, fare surveyors were retrained, and April data will be based on a better and more accurate representative sample of passengers.

Despite the reported decline in trolley ridership, overall ridership is up 1.40% over FY 08 with bus ridership up 6.8%.

- Average Weekday Passengers

Route Categories	YTD FY 2008	YTD FY 2009	Chg. 08-09	% Chg. 08-09
Premium Express	1,065	1,190	125	11.8%
Express	7,663	8,840	1,177	15.4%
Light Rail	113,974	104,984	(8,990)	(7.9%)
Urban Frequent	117,873	125,152	7,279	6.2%
Urban Standard	39,057	39,372	315	.8%
Circulator	4,201	3,918	(282)	(6.7%)
Rural	140	138	(2)	3%
Demand-Responsive	1,357	1,352	(4)	(.3%)
Average Weekday Passengers	285,329	284,947	(382)	-(0.1)%
Bus Passengers Only	169,998	178,611	8,613	5.1%

The total average weekday passengers' statistic shows how many passengers ride MTS on a typical weekday. For the first nine months of FY 09, average weekday ridership was down 382 riders per day or 0.1%. Looking at bus ridership alone shows an increase of 8,613 passengers on weekdays or a 5.1% increase for the bus mode.

- **Passengers per Revenue Hour**

Route Categories	YTD FY 2008	YTD FY 2009	Chg. 08-09	% Chg. 08-09
Premium Express	20.8	24.8	4.0	19.2%
Express	24.4	30.4	6.0	24.7%
Light Rail	212.1	210.1	(2.0)	-1.0%
Urban Frequent	32.3	35.1	2.8	8.6%
Urban Standard	22.6	25.4	2.8	12.5%
Circulator	14.7	14.6	(0.1)	-0.4%
Rural	5.56	5.89	0.3	5.9%
Demand-Responsive	2.1	2.0	(0.1)	-4.6%
System Riders per Rev. Hour	41.1	42.8	1.8	4.3%
Bus Riders per Rev. Hour	28.3	31.3	3.0	10.6%

Passengers per revenue hour describe how the revenue hours (in-service hours and layover hours) added or removed related to ridership increases or decreases. Increasing riders per revenue hour shows the system is more efficient—carrying more passengers with the same number of buses. For the first nine months of FY 09, passengers per revenue hour were 42.8, which is a 1.8 riders-per-revenue-hour increase or 4.3%.

For fixed-route buses only, riders per revenue hour increased from 28.4 to 31.5, which is a 10.6% increase.

- **Passengers per In-Service Hour**

Route Categories	YTD FY 2008	YTD FY 2009	Chg. 08-09	% Chg. 08-09
Premium Express	21.65	26.08	4.4	20.5%
Express	31.23	38.22	7.0	22.4%
Light Rail	249.83	230.23	(19.6)	-7.8%
Urban Frequent	42.02	43.99	2.0	4.7%
Urban Standard	31.11	34.53	3.4	11.0%
Circulator	26.21	25.23	(1.0)	-3.7%
Rural	5.03	4.80	(0.2)	-4.4%
Demand-Responsive	-	-	-	-
System Riders per In-Svc. Hour	57.07	58.13	1.06	1.8%
Bus Riders per In-Svc. Hour	37.4	40.2	2.8	7.4%

Passengers per in-service hour is related to passengers per revenue hour but shows how many passengers are carried while the bus is in service and not on layover. System-wide riders per in-service hour increased by 1.06 riders per in-service hour or 1.8% for the first nine months of FY 09.

For fixed-route buses only, riders per in-service hour increased from 37.4 to 40.2, which is a 7.4% increase.

- On-Time Performance

Route Categories	Service Changes					
	Jun-07	Sep-07	Jan-08	Jun-08	Sep-08	Jan-09
Premium Express	63.6%	79.1%	66.0%	86.1%	90.5%	90.0%
Express	81.8%	80.8%	86.2%	85.6%	85.3%	90.0%
Light Rail	97.0%	95.8%	96.5%	94.5%	94.8%	97.0%
Urban Frequent	84.1%	83.8%	85.9%	80.7%	82.6%	85.3%
Urban Standard	82.6%	84.6%	88.6%	84.4%	86.4%	88.8%
Circulator	95.0%	88.4%	89.1%	89.4%	90.6%	89.7%
Rural	N/A	N/A	N/A	N/A	N/A	N/A
Demand-Responsive	N/A	N/A	N/A	N/A	N/A	N/A
MTS System	85.2%	85.7%	86.7%	85.6%	86.4%	88.3%

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

On-time performance is measured by service change in order to realize the results of scheduling changes. Overall, on-time performance has been consistently around 85% to 88%. MTS's goal for on-time performance is 85% for urban frequent routes and 90% for all other routes.

- Preventable Accidents per 100,000 Miles

Operator	FY 08	YTD FY 09	Chg 08-09
MTS Bus	1.53	1.80	15.0%
MTS Contract Services	2.56	1.48	N/A
MTS Rail	0.03	0.00	(100.0%)

MTS bus accidents are slightly up for FY 09, while the trolley has had no preventable accidents this fiscal year-to-date. Contract services began reporting preventable accidents this year. The FY 08 number shown is for all accidents while the FY 09 number shown is preventable accidents only.

- Complaints per 100,000 Passengers

Operator	FY 08	YTD FY 09	Chg 08-09
MTS Bus	13.6	11.5	(15.6%)
MTS Contract Services FR	14.7	11.8	(19.9%)
MTS Rail	1.18	2.65	125.2%

Complaints per 100,000 passengers for MTS bus and contract services are down 15.6% and 19.9%, respectively, from the FY 08 rate. The trolley complaints rate has more than doubled over FY 08. This is partially due to a change in the record-keeping system and is expected to stabilize as SDTI continues to log complaints into the new customer service management system.

Develop a Sustainable System

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

- In-Service Hours (weekly)

Operator	January		Difference	
	2008	2009	Number	Percent
MTS Bus	13,750	13,360	(390)	(3%)
MTS Contract Service FR	14,498	13,955	(543)	(4%)

Due to budget-related service cuts, weekly in-service hours are down slightly from the January 2008 service period.

- In-Service Miles (weekly)

Operator	January		Difference	
	2008	2009	Number	Percent
MTS Bus	183,393	178,608	(4,784)	(3%)
MTS Contract Service FR	205,821	199,600	(6,221)	(3%)

Due to budget-related service cuts, weekly in-service miles are down slightly from the January 2008 service period.

- Weekday Peak-Vehicle Requirement

Operator	Jan 08	Jan 09	Chg 07-08
MTS Bus	199	193	(6)
MTS Contract Services FR	239	233	(6)
MTS Rail	94	97	3

Due to budget-related service cuts and scheduling efficiencies, there are 9 less peak vehicles required for providing weekday service. Many of these efficiencies come from interlining multiple routes using the same vehicle so that layover time is minimized and fewer vehicles are required for service.

SDTI has added trolley cars to three early a.m. northbound Blue Line trains in order to handle passenger loads. As a result, there is an increase of three cars to the weekday peak vehicle requirement.

- In-Service Speeds (mph)

Operator	Jan 08	Jan 09	Chg 08-09
MTS Bus	13.3	13.4	0.2%
MTS Contract Services FR	14.2	14.3	0.7%
MTS Rail	21.07	21.08	0%

In-service speeds have risen slightly from last year due to adding more hours and miles of faster service, removing hours and miles of slower services, and also due to schedule changes.

- In-Service/Total Miles

Operator	Jan 08	Jan 09	Chg 07-08
MTS Bus	89.3%	89.0%	(0.3%)
MTS Contract Services FR	N/A	N/A	N/A
MTS Rail	N/A	N/A	N/A

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

- In-Service/Total Hours

Operator	Sept 07	Sept 08	Chg 07-08
MTS Bus	77.8%	78.3%	0.67%
MTS Contract Services FR	N/A	N/A	N/A
MTS Rail	N/A	N/A	N/A

As with the mileage statistic, in-service hours per total hours can only be calculated for MTS bus operations. Efficiency of scheduling has shown that the in-service to total-vehicle-hours ratio has remained practically steady over the two service periods reported for MTS bus operations.



Paul G. Jablonski
Chief Executive Officer

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

MAY14-09.48.PERF MONITORING.DBRAUN.doc

July - March FY 09 Performance Monitoring Report

MTS Board of Directors Meeting
May 14, 2009



YTD Ridership

Route Categories	YTD FY 2008	YTD FY 2009	Chg. 08-09	% Chg. 08-09
Premium Express	201,683	227,566	25,883	12.8%
Express	1,601,381	1,880,817	279,436	17.4%
Light Rail	28,159,574	26,457,802	(1,701,772)	-6.0%
Urban Frequent	27,302,007	29,481,956	2,179,949	8.0%
Urban Standard	8,811,979	9,008,246	196,267	2.2%
Circulator	866,840	822,751	(44,089)	-5.1%
Rural	19,183	18,998	(185)	-1.0%
Demand-Responsive	274,876	280,603	5,727	2.1%
Total MTS Passengers	67,237,523	68,178,739	941,216	1.40%
Bus Passengers Only	38,803,073	41,440,334	2,637,261	6.80%



YTD Average Weekday Ridership

Route Categories	YTD FY 2008	YTD FY 2009	Chg. 08-09	% Chg. 08-09
Premium Express	1,065	1,190	125	11.8%
Express	7,663	8,840	1,177	15.4%
Light Rail	113,974	104,984	(8,990)	-7.9%
Urban Frequent	117,873	125,152	7,279	6.2%
Urban Standard	39,057	39,372	315	0.8%
Circulator	4,201	3,918	(282)	-6.7%
Rural	140	138	(2)	-1.3%
Demand-Responsive	1,357	1,352	(4)	-0.3%
Average Weekday Passengers	285,329	284,947	(382)	-0.13%
Bus Passengers Only	169,998	178,611	8,613	5.07%



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YTD Passengers per In-Service Hour

Route Categories	YTD FY 2008	YTD FY 2009	Chg. 08-09	% Chg. 08-09
Premium Express	21.65	26.08	4.4	20.5%
Express	31.23	38.22	7.0	22.4%
Light Rail	249.83	230.23	(19.6)	-7.8%
Urban Frequent	42.02	43.99	2.0	4.7%
Urban Standard	31.11	34.53	3.4	11.0%
Circulator	26.21	25.23	(1.0)	-3.7%
Rural	5.03	4.80	(0.2)	-4.4%
Demand-Responsive				
System Riders per In-Svc. Hour	57.07	58.13	1.1	1.8%
Fixed-Route Only	37.4	40.2	2.8	7.4%



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On-Time Performance

Route Categories	Service Changes					
	Jun-07	Sep-07	Jan-08	Jun-08	Sep-08	Jan-09
Premium Express	63.6%	79.1%	66.0%	86.1%	90.5%	90.0%
Express	81.8%	80.8%	86.2%	85.6%	85.3%	90.0%
Light Rail	97.0%	95.8%	96.5%	94.5%	94.8%	97.0%
Urban Frequent	84.1%	83.8%	85.9%	80.7%	82.6%	85.3%
Urban Standard	82.6%	84.6%	88.6%	84.4%	86.4%	88.8%
Circulator	95.0%	88.4%	89.1%	89.4%	90.6%	89.7%
Rural	N/A	N/A	N/A	N/A	N/A	N/A
Demand-Responsive	N/A	N/A	N/A	N/A	N/A	N/A
MTS System	85.2%	85.7%	86.7%	85.6%	86.4%	88.3%
Bus Only	84.8%	85.3%	86.3%	85.2%	86.0%	88.0%



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On-Time Performance

Operator	Service Changes					
	Jun-07	Sep-07	Jan-08	Jun-08	Sep-08	Jan-09
MTS Rail	97.0%	95.8%	96.5%	94.5%	94.8%	97.0%
MTS Bus	78.1%	81.2%	82.7%	81.5%	81.4%	84.2%
Contract Bus	86.5%	85.4%	88.6%	88.1%	86.7%	89.5%



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YTD Preventable Accidents per 100,000 Miles

Operator	FY 2008	YTD FY09
MTS Bus	1.53	1.80
MTS Contract Bus	2.56	1.48
MTS Rail	0.03	0.00



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Complaints per 100,000 Passengers

Operator	FY08	YTD FY09
MTS Bus	13.6	11.5
MTS Contract Bus Fixed Route	14.7	11.8
MTS Rail	1.18	2.65



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Bus In-Service Hours/Miles

Weekly In-Service Hours	January		Difference	
	2008	2009	Number	Percent
MTS Bus	13,750	13,360	(390)	(3%)
MTS Contract Bus FR	14,498	13,955	(543)	(4%)

Weekly In-Service Miles	January		Difference	
	2008	2009	Number	Percent
MTS Bus	183,393	178,608	(4,784)	(3%)
MTS Contract Bus FR	205,821	199,600	(6,221)	(3%)



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Peak Vehicle Requirement

Operator	Jan 08	Jan 09	Chg 08-09
MTS Bus	199	193	(6)
MTS Contract Bus FR	239	233	(6)
MTS Rail	94	97	3



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Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7 (PC 50101)

May 14, 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 April 14, 2009, through May 4, 2009.

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



CONTRACTS - Expense

Doc #	Organization	Subject	Amount	Day
G1067.6-07	MCDUGAL LOVE ECKIS SMITH	LEGAL SERVICES - GENERAL & TORT LIABILIT	\$75,000.00	4/20/2009
G1108.6-07	LAW OFFICES OF DAVID C SKYER	LEGAL SERVICES - GENERAL & TORT LIABILIT	\$80,000.00	4/20/2009
G1111.7-07	WHEATLEY BINGHAM & BAKER	LEGAL SERVICES - GENERAL & TORT LIABILIT	\$100,000.00	4/20/2009
G1251.1-09	SANDAG	AMEND EASEMENT GROSSMONT TROLLEY STA	\$0.00	4/20/2009
L5236.09	GILLESPIE F AIRPORT/COUNTY SD	ROE PERMIT TO USE PORTION OF GILLESPIE	\$0.00	4/20/2009
G1087.5-07	LIEBMAN, QUIGLEY, SHEPPARD & S	LEGAL SERVICES - GENERAL & TORT LIABILIT	\$50,000.00	4/23/2009
G1250.0-09	KEENAN & ASSOCIATES	HR CONSULTING SVCS FOR MEDICAL INSURANCE	\$66,150.00	4/23/2009
L0854.0-09	SANDAG	USE AGREEMENT FOR BIKE LOCKERS AT MTS TR	\$0.00	4/23/2009
S200-09-402	CITY OF LA MESA	LA MESA'S FLAG PARADE CROSSING TRACKS	\$0.00	4/23/2009
S200-09-403	DAVID EVANS & ASSOCIATES	SANDAG CIP NO 1210001 TOPO SURVEY SOUTH	\$0.00	4/23/2009
S200-09-405	DYNEGY, INC	TERMINATION LETTER FOR PRIVATE RD CROSSI	\$0.00	4/23/2009
G1216.0-09	CITY OF SAN DIEGO	LEASE FOR COMMUNICATIONS EQUIP AT CATALI	\$30,000.00	4/27/2009
G1251.0-09	SANDAG	EASEMENT FOR GROSSMONT TROLLEY PED BRIDG	\$0.00	4/27/2009
G1253.0-09	LEGOLAND CALIFORNIA LLC	SEALIFE AQUARIUM SUMMER PROMOTION	\$0.00	4/27/2009
L0881.1-09	BRICEHOUSE KOBAY, LLC	SUBLEASE AGREEMENT ON ECTC - AMART	\$0.00	4/27/2009
PWL115.0-09	MOORE ELECTRICAL CONTRACTING	PARK TO BAY LINK FIBER OPTIC PROJECT	\$59,021.00	4/27/2009
L5237.0-09	STANTEC CONSULTING CORP	ROE PERMIT SOIL BORINGS GRAND WATER MONI	\$0.00	4/30/2009
L5238.0-09	TEST AMERICA DRILLING	ROE PERMIT SOIL BORINGS MTS PARCEL 7-11	\$0.00	4/30/2009
G1162.3-08	LAW OFFICE OF MARK H BARBER	LEGAL SERVICES - WORKERS COMPENSATION	\$30,000.00	5/4/2009
G1169.2-08	WORDEN WILLIAMS, APC	LEGAL SERVICES - RAILROAD LAW	\$30,000.00	5/4/2009
G1173.5-08	LAW OFFICE OF JULIE MORRIS SOD	LEGAL SERVICES - GENERAL & TORT LIABILIT	\$40,000.00	5/4/2009
G1254.0-09	AIR RESOURCES BOARD	SETTLEMENT AGREEMENT AND RELEASE MTS STA	\$47,750.00	5/4/2009

PURCHASE ORDERS

DATE	Organization	Subject	AMOUNT
4/13/2009	OFFICE DEPOT	STACKING CHAIR, PANASONIC RECORDER,	\$1,879.54
5/4/2009	ASSOCIATED POSTERS INC	BUS KING/SHELTERS JUROR APPRECIATIO	\$641.00
5/4/2009	SAN DIEGO PUBLISHING CO	FULL PANEL AD IN NATIONAL CITY	\$1,895.00
5/4/2009	US POSTAL SERVICE	POSTAGE FOR METER	\$6,000.00

PURCHASE ORDERS

DATE	Organization	Subject	AMOUNT
5/4/2009	INC SUNBELT RENTALS	GRACO LINELAZER 3400 LOT STRIPER	\$65,878.00
5/4/2009	ASSOCIATED POSTERS INC	CLEAN AIR KING LEGOLAND KINGS	\$2,280.00

WORK ORDERS

Doc #	Organization	Subject	Amount	Day
G1246.0-09.01	DAVID EVANS & ASSOC INC	SAV-ON STORAGE R/W ACQUISITION SVCS	\$42,000.00	4/27/2009

CONTRACTS - Revenue

Doc #	Organization	Subject	Amount	Day
M6675.0-09	HP COMMUNICATIONS, INC	ROE PERMIT NEXT G ALVARADO RD/KEENEY ST	(\$1,500.00)	4/20/2009
S200-09-399	HP COMMUNICATIONS	ROE PERMIT COX COMM CATV POLE MAINT LEMO	(\$2,000.00)	4/23/2009
S200-09-404	HILLCREST CONTRACTING	ROE PERMIT PALOMAR GATEWAY TRANSIT	(\$2,400.00)	4/30/2009
G1241.1-09	ANDREA WINSLOW	ECO PASS RENEWED	(\$3,060.00)	5/4/2009