



4-13-10 4:12:12

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

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

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

April 22, 2010

9:00 a.m.

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

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

ACTION RECOMMENDED

1. Roll Call
2. Approval of the Minutes - March 25, 2010
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Approve

Please turn off cell phones and pagers
during the meeting

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

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

CONSENT ITEMS

- | | | |
|-----|---|---------|
| 6. | <u>MTS: Rail Noise-Suppression Lubricant - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. L0954.0-10 with Neleco, Inc. to purchase Synco SuperLube Rail Noise-Suppression Lubricant for a five-year term with two 1-year options. | Approve |
| 7. | <u>MTS: Internal Audit Report - Taxicab Administration</u>
Action would receive an internal audit report on Taxicab Administration procedures. | Receive |
| 8. | <u>MTS: Investment Report - February 2010</u>
Action would receive a report for information. | Receive |
| 9. | <u>MTS: Increased Authorization for Legal Services - Trovillion Inveiss Ponticello & Demakis, APC</u>
Action would authorize the CEO to execute MTS Doc. No. G1139.8-08 with Trovillion Inveiss Ponticello & Demakis, APC for legal services and ratify prior amendments entered into under the CEO's authority. | Approve |
| 10. | <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 |
| 11. | <u>MTS: Federal Transit Administration 5311 Program of Projects</u>
Action would approve Resolution No. 10-7 authorizing the use of \$235,296 of FTA Section 5311 funds for operating assistance in nonurbanized areas. | Approve |
| 12. | <u>MTS: Increased Authorization for Legal Services - Law Offices of Michael E. Ripley</u>
Action would authorize the CEO to execute MTS. Doc. No. G1080.7-07 with the Law Offices of Michael E. Ripley for legal services and ratify prior amendments entered into under the CEO's authority. | Approve |
| 13. | <u>MTS: Transportation Development Act (TDA) Claim Resolution</u>
Action would adopt Resolution Nos. 10-8, 10-9, and 10-10 approving the revised FY 2010 Transportation Development Act Article 4.0, 4.5, and 8.0 claims. | Adopt |
| 14. | <u>MTS: June 2010 Service Changes</u>
Action would receive a report on minor service adjustments to be implemented in June 2010. | Receive |

CLOSED SESSION

- | | | | |
|-----|----|---|--------------------|
| 24. | a. | <u>SDTI: CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS</u> Pursuant to California Government Code Section 54957.6
Agency-Designated Representative - Jeff Stumbo
Employee Organization - International Brotherhood of Electrical Workers Local 465 | Possible
Action |
|-----|----|---|--------------------|

CLOSED SESSION - CONTINUED

- | | | |
|------|--|--------------------|
| b. | <p><u>MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8</u>
<u>Properties:</u> 1313 National Avenue, San Diego, California (Assessor Parcel No. 535-612-01; 1344 National Avenue, San Diego, California (Assessor Parcel No. 535-613-04)
<u>Agency Negotiators:</u> Tiffany Lorenzen, General Counsel; and Tim Allison, Manager of Real Estate Assets
<u>Negotiating Parties:</u> George Davis Trust; ISD Triangle LLC
<u>Under Negotiation:</u> Price and Terms of Payment</p> | Possible
Action |
|
 | | |
| c. | <p><u>MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8</u>
<u>Properties:</u> 7490 and 7550 Copley Park Place, San Diego, California (Assessor Parcel Nos. 356-410-08 and 356-410-09)
<u>Agency Negotiators:</u> Tiffany Lorenzen, General Counsel; and Tim Allison, Manager of Real Estate Assets
<u>Negotiating Parties:</u> RV Investment CA, LLC, RV Investment CA, LLC II
<u>Under Negotiation:</u> Price and Terms of Payment</p> | Possible
Action |

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

- | | | |
|------|---|--------------------|
| 30. | <p><u>MTS: Master Concessionaire Services - Contract Approval (Wayne Terry)</u>
Action would authorize the CEO to execute MTS Doc. No. L0901.0-10 with The Kobey Corporation for Master Concessionaire Services, Option 2, for a 9-year base period (including option years).</p> | Approve |
|
 | | |
| 31. | <p><u>MTS: Siemens Light Rail Vehicle (LRV) Procurement - Contract Amendment (Tiffany Lorenzen and Wayne Terry)</u>
Action would: (1) authorize the CEO to execute MTS Doc. No. L0914.3-10 for a change in supplier for interior passenger lighting and destination signs and installation of zip-in windows; and (2) ratify MTS Doc. No. L0914.1-10 (company name change for Siemens) and MTS Doc. No. L0914.2-10 (allocation of spare parts inventory).</p> | Approve/
Ratify |

REPORT ITEMS

- | | | |
|-----|---|-------------|
| 45. | <u>MTS: Year-End Security Report (January through December 2009) (Bill Burke)</u>
Action would receive a report for information. | Receive |
| 46. | <u>MTS: Compass Card Implementation (Sharon Cooney and James Dreisbach-Towle of SANDAG)</u>
Action would receive a status report on development and implementation of the Compass Card fare system. | Receive |
| 47. | <u>MTS: Operations Budget Status Report for February 2010 (Mike Thompson)</u>
Action would receive a report on MTS's operations budget status for February 2010. | 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 Comments. | |
| 65. | Next Meeting Date: May 13, 2010 | |
| 66. | Adjournment | |

METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): 4-22-10

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

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:24 a.m.

RECONVENE: 10:20 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 11:23 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
CUNNINGHAM	<input checked="" type="checkbox"/> (Boyack) <input type="checkbox"/>	10:24 a.m.	
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>		
EMERALD	<input type="checkbox"/> (Faulconer) <input type="checkbox"/>		
GLORIA	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		
JANNEY	<input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>		
LIGHTNER	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		11:05 a.m.
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>		
RINDONE	<input type="checkbox"/> (Castaneda) <input checked="" type="checkbox"/>	9:45 a.m.	
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		
RYAN	<input type="checkbox"/> (B. Jones) <input type="checkbox"/>		
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>		
VAN DEVENTER	<input checked="" type="checkbox"/> (Zarate) <input type="checkbox"/>		11:14 a.m.
YOUNG	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:23 a.m.	11:19 a.m.

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD Valerie VizKelle

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL [Signature]

DECLARATION

(LEG 493)

I, Vicki Rogers, declare as follows:

I am the Metropolitan Transit System's (MTS) Executive Assistant, assigned to the media desk during board meetings.

On April 22, 2010, my duties included recording the proceedings on a digital recorder.

I inadvertently plugged the input cable into the headset plug, instead of the microphone plug, which caused the recording to be of very poor quality, barely audible in some parts.

I declare the foregoing statement is true and correct under penalty of perjury. Executed on this 22nd day of April 2010, in San Diego, California.


VICKI ROGERS

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

MINUTES

March 25, 2010
MTS

1255 Imperial Avenue, Suite 1000, San Diego

1. Roll Call

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

2. Approval of Minutes

Mr. Van Deventer moved to approve the minutes of the March 11, 2010, MTS Board of Directors meeting. Mr. Ewin seconded the motion, and the vote was 9 to 0 in favor.

3. Public Comments

None.

CONSENT ITEMS

6. MTS: Auditing Services - Exercise of Contract Option Years

Action would authorize the CEO to exercise option years one, two, and three (MTS Doc. No. G1013.1-06) with Caporicci & Larson LLC for auditing services.

7. MTS: Transportation Development Act (TDA) Claim Amendment

Action would approve the revised MTS Transportation Development Act (TDA) capital claim Nos. 242, 258, 305, and 531 to fund FY 2010 operations.

8. MTS: Authorization for Use of Additional City of San Diego Billboard Reserve Funds

Action would authorize the use of additional funds from the City of San Diego Billboard Reserve Fund to the City of San Diego for support of the Encanto/62nd Street Trolley Station Mural Project.

9. MTS: Property Insurance Renewal

Action would authorize the CEO to renew the property insurance coverage for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) with the California State Association of Counties (CSAC) Property Insurance Program, effective March 31, 2010, through March 31, 2011, with a basic coverage deductible of \$25,000, \$100,000 for collision on buses and light rail vehicles, and \$1,500,000 on roads, bridges, and tunnels.

Action Taken

Ms. Lightner moved to approve Consent Agenda Item Nos. 6 through 9. Mr. Rindone seconded the motion, and the vote was 10 to 0 in favor.

CLOSED SESSION

Tiffany Lorenzen stated that the Ralph M. Brown Act specifies that the agency cannot have discussion on any item that is not posted on the agenda. She pointed out that an exception is as follows:

California Government Code § 54954.2(b)(2):

Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

Ms. Lorenzen stated that a matter came to the attention of the General Counsel and CEO on Tuesday, March 23, 2010, and the request is to add the following item to the agenda, Item 24.c:

24. c. MTS: CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to California Government Code § 54956.9(b); one potential case.

Ms. Lorenzen requested that the Chairman call for a vote. Mr. Mathis called for a motion to add the item to the agenda.

Action Taken

Mr. Van Deventer moved to add item 24.c. onto the agenda for the Closed Session. Mr. Janney seconded the motion, and the vote was 10 to 0 in favor.

24. a. SDTI: CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code Section 54957.6 Agency-Designated Representative - Jeff Stumbo
Employee Organization - International Brotherhood of Electrical Workers Local 465
- b. MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8;
Properties: 7490 and 7550 Copley Park Place, San Diego, California (Assessor Parcel No. 356-410-08, 356-410-09);
Agency Negotiators: Tiffany Lorenzen, General Counsel; Tim Allison, Manager of Real Estate Assets; Negotiating Parties: RV Investment CA, LLC, RV Investment CA, LLC II; Under Negotiation: Price and Terms of Payment

Oral Report of Final Actions Taken in Closed Session

Ms. Tiffany Lorenzen, MTS General Counsel, reported the following:

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

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

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

Tiffany Lorenzen, General Counsel, stated that DBE disparity study briefing was last brought to the Board in the fall of 2009 and, since that time, the results have been published and there has been a public hearing. She introduced Dave Keen from BBC Research & Consulting.

Mr. Keen, BBC Research & Consulting, gave a PowerPoint briefing on the final disparity study. He reviewed the requirements of 49 CFR Part 26 regulations and the Federal DBE Program and gave a background summary. He stated that MTS was part of a consortium that conducted the disparity study that began in 2007, and the draft report was distributed in October 2009. He added that 174 MTS contracts and subcontracts were analyzed.

Mr. Keen reported that a 12.6% annual DBE participation goal could be considered if noncertified firms were included. He reviewed the type of participation that has been received from minority and women owned firms for years 2003 through 2007. He described some of the measures that could be taken to achieve the DBE goal.

Members discussed the 12.6% recommended goals, the methods for tracking certified and noncertified firms, the method for becoming a certified firm, and MTS DBE outreach.

Action Taken

Mr. Van Deventer moved to (1) receive the final Southern California Consortium DBE Disparity Study; and (2) adjust the current fiscal year 2010 goals from 1.72% to 12.6% and implement the goals through June 30, 2012, consistent with the new federal guidelines. Ms. Lightner seconded the motion, and the vote was 10 to 0 in favor.

REPORT ITEMS

46. MTS: Mid-Coast Corridor Transit Project (Taken out of order)

Leslie Blanda of SANDAG and Dennis Henderson of Parsons Brinkerhoff gave a PowerPoint briefing on the Mid-Coast Corridor Transit Project. Ms. Blanda stated that the project would

extend the transit service from Old Town Transit Center to University City to serve major activity centers at University of California San Diego, University Town Center, and downtown San Diego.

Ms. Blanda stated the project is a TransNet Early Action Project that was included in the original TransNet ordinance passed by San Diego voters in 1987 and remains uncompleted. She added that TransNet funding will provide \$600 million in capital funds, which would be used to leverage \$600 million in Federal Transit Administration (FTA) New Starts Program funds to make the project a reality. She described the FTA New Starts Program application and review process adding that the Mid-Coast Project is expected to compete well.

Ms. Blanda stated that at this point in the development, SANDAG and the FTA are preparing a Draft Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report (DSEIS/SEIR) for the Mid-Coast Corridor Transit Project. She described the current development phase.

Mr. Henderson reviewed the purpose and need, and alternatives. He stated that the local preferred alternative is for light rail transit (LRT). He described the regional travel-demand model that was updated in accordance with FTA standards, reviewed ridership, the FTA cost-effectiveness indicator, and the evaluation alternatives summary that finds light rail to be more effective than bus rapid transit or commuter rail alternatives. He reviewed a map of the three LRT alternatives that are recommended for scoping.

Ms. Blanda presented a Google Earth flyover of the three recommended LRT alternatives of the project. Mr. Henderson gave a review of the New Starts process and described the materials that FTA requires for entry into preliminary engineering; the first date requires all information into the FTA by September 2010. Ms. Blanda reviewed the meeting dates prior to scoping that include anticipated approval of the alternatives by the SANDAG Board on April 23, 2010. She stated that the SANDAG Board and the FTA will make the final decision on the locally preferred alternative or alternatives for the draft environmental document in July 2010.

Action Taken

Mr. Rindone moved to receive the report. Ms. Emerald seconded the motion, and the vote was 10 to 0 in favor.

45. SDTC: CNG-Hybrid Bus Demonstration Project

Claire Spielberg stated that this has been a successful partnership between MTS, ISE, and air quality agencies within the state and the San Diego region. She stated that this is the final report from an initial report that was brought to the Board in November 2006. She introduced Kevin Stone of ISE.

Mr. Stone provided a company overview of ISE, the prototype hybrid program, program milestones, vehicle support and test data, and financial summary. He stated that ISE is a San Diego-based company that designs and integrates energy storage and power electronic systems into a complete series hybrid system for heavy-duty vehicles and applications (mostly transit vehicles). He reviewed the goals of the company, team members, demonstration achievements, fuel economy that was 18% improvement over conventional CNG fleet, and operator feedback.

Mr. Stone reviewed the fuel economy data that resulted in an annualized savings close to \$9,000. He covered vehicle availability, an overview of vehicle downtime, the overall program budget and program costs. He stated that the project has been a successful partnership between a private company developing hybrid technology for buses, MTS bus operations, and air quality agencies.

Members discussed the success of the program and the benefits of using a local vendor.

Action Taken

Mr. Rindone moved to receive the report. Mr. Cunningham seconded the motion, and the vote was 8 to 0 in favor.

47. MTS: Operations Budget Status Report for January 2010

Mike Thompson, Assistant Budget Manager, gave a PowerPoint presentation on the year-to-date budget results through January 2010. He stated that January is the first month that financials are presented compared to the mid-year budget. He added that the numbers are close to budget as a result of the adopted budget, which was put into effect at the March 11, 2010 Board meeting.

Mr. Thompson reported that operating revenue was \$52.5 million, with a variance of 0.1%. He stated that operating expenses were at \$120.8 million, a variance of -0.1%. He added that the total variance is \$214,000 or -0.3%.

Action Taken

Mr. Ovrom moved to receive the report. Mr. Selby seconded the motion, and the vote was 8 to 0 in favor.

60. Chairman's Report

None.

61. Audit Oversight Committee Chairman's Report

Mr. Ewin reported that the draft minutes will be forwarded to the committee.

62. Chief Executive Officer's Report

None.

63. Board Member Communications

None.

64. Additional Public Comments Not on the Agenda

None.

65. Next Meeting Date

April 8, 2010.

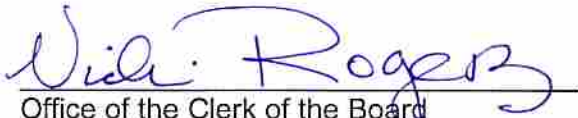
66. Adjournment

The meeting adjourned at 11:20.



Chairperson
San Diego Metropolitan Transit System

Filed by:



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

Approved as to form:



Office of the General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

VRogers/
MINUTES - Board 3-25-10.doc

METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL

MEETING OF (DATE): 3-25-10

CALL TO ORDER (TIME): 9:00 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:05 a.m.

RECONVENE: 10:04 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 11:20 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
CUNNINGHAM	<input checked="" type="checkbox"/> (Boyack) <input type="checkbox"/>	9:33 a.m.	
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>		
EMERALD	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		11:05 a.m.
GLORIA	<input type="checkbox"/> (Faulconer) <input type="checkbox"/>		
JANNEY	<input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>		11:09 a.m.
LIGHTNER	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MCCLELLAN	<input type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>		
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>		
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		
RYAN	<input type="checkbox"/> (B. Jones) <input type="checkbox"/>		
SELBY	<input checked="" type="checkbox"/> (England) <input type="checkbox"/>		
VAN DEVENTER	<input checked="" type="checkbox"/> (Zarate) <input type="checkbox"/>		
YOUNG	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:33	10:00 a.m.

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD:

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL:

W. L. Rogers
G. Williams



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	4/22/2010
Name	Ric Cupples
Address	7474 TERREST
Telephone	858-272-7643
Organization Represented	IBEW 465
Subject of Your Remarks	Contract Implementation
Regarding Agenda Item No.	24th
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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.

STATEMENT TO MTS BOARD-22, APRIL, 2010

Good morning board members and Mr. Jablonski. My name is Ric Cupples and I am Business Representative for IBEW Local 465. Before coming to work for the Union I was a Train Operator at San Diego Trolley for 20 years. My career at Trolley began in 1989, in what could be called the glory days of the Trolley. A time of rapid expansion, much different from the difficulties of the past few years. The irony of these difficulties is the fact that APTA designated MTS the number one transit system in North America. and the people behind me helped make that possible.

The even greater irony is that these workers were rewarded with a pin, a ball cap, a cookie and significant reductions to their benefit package; with a promise of even greater concessions to come. I know, you are all probably thinking these people should be grateful to have a job. And I can assure that they are. But they are also intelligent people who know the economic downturn will not last forever.

Which is why we are here this morning. It is our understanding that you will be asked to authorize the implementation of Trolley's Last, Best and Final Offer later in this meeting. Economic need is the justification for imposing this contract on these workers. But is this something that the MTS Board can afford to do?

Before you give your authorization to impose this concessionary contract ask the Trolley management some tough questions. Ask them why 30 percent of the Electromechanics in the Maintenance of Ways Department left. Ask them how many Train Operators leave in the first year of employment and why. Ask them why the Light Rail Vehicle Maintenance Department bypasses the apprenticeship by hiring from the street, not gaining benefit from the state funding for apprenticeship programs.

An imposed contract will leave our members with no choice but to withhold their labor. A lengthy work stoppage would not be possible but selective industrial action during a key event is. The City of San Diego has been jumping through sizeable hoops to keep Comic-con from leaving. How will the organizers of this event welcome the loss of the ability of the Trolley to convey the thousands who attend this event? Just imagine Harbor Drive jam packed with buses tied up in grid-lock. Think about the angry people abandoning those buses in order to walk to the Convention Center.

The San Diego Trolley is not alone in its financial difficulties. The Sacramento Transit System was looking at substantial layoffs, but received funding from the State of California in the eleventh hour. I suspect that MTS is going to receive additional funding from the state soon, if it has not received it already. In January, Mr. Jablonski told me that the financial difficulties would not last forever. This unfair contract is an attempt at reorganizing labor costs based on a temporary situation and on the backs of the workers. Please instruct Mr. Stumbo to return to the negotiating table to secure an equitable agreement for loyal employees, like the City of San Diego employees just signed with no concessions.



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

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	4-22-10
Name	Tracy Cain
Address	4144 Massachusetts Ave
Telephone	619-741-7471
Organization Represented	San Diego Trolley
Subject of Your Remarks	Saving MTS Thousands of Dollars
Regarding Agenda Item No.	NEGOTIATIONS
Your Comments Present a Position of:	<input checked="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

3

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

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach 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	4-22-2010	MOELLER		
Name	MONNA MOELLER			
Address	2915 BAKER PL. NAT. CITY CAL. 91950			
Telephone	(858) 254-4469			
Organization Represented	Trolley			
Subject of Your Remarks	THE LAST, BEST & FINAL OFFER			
Regarding Agenda Item No.	3			
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" type="checkbox"/>	OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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

4

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	2010-04-22		
Name	Clive Richard		
Address	5153 La Donna St, S.D.		
Telephone	615.467.7049		
Organization Represented			
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

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

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



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REVISED

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.

OPS 970.6

April 22, 2010

Subject:

MTS: RAIL NOISE-SUPPRESSION LUBRICANT – CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0954.0-10 (Attachment B) with Neleco, Inc, to purchase Synco SuperLube Rail Noise-Suppression Lubricant for a **five**three-year term with two 1-year options.

Budget Impact

The total not-to-exceed amount would be \$716,053.50. This contract would use 80% federal and 20% local funding.

DISCUSSION:

Background

MTS Policy No. 52 (Procurement of Goods and Services) requires a formal competitive bid process for procurement of goods and services exceeding \$100,000.00. MTS solicited to purchase rail noise-suppression lubricant for San Diego Trolley, Inc. (SDTI). Rail noise-suppression lubricant serves not only to increase the life expectancy of the rail but also to suppress noise throughout the populated business and residential corridors of SDTI. Usage has been established and the contract is based on the usage history.



Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a California public agency, San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is Taxicab Administrator for eight cities. MTDB is owner of the San Diego and Arizona Eastern Railway Company. MTDB Member Agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

On January 14, 2010, MTS issued an Invitation for Bids (IFB) to interested parties for the purchase of rail noise-suppression lubricant. Two bids were received; however, one bid was deemed nonresponsive since the product being offered did not meet the Service-Proven Requirements stated in the bid requirements. The second bid received from Neleco, Inc., the current supplier of rail noise-suppression lubricant, is being recommended for award.

Therefore, staff recommends that the Board authorize the CEO to execute MTS Doc. No. L0954.0-10 for Synco SuperLube Rail Noise-Suppression Lubricant to Neleco, Inc.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contacts: Fred Byle, 619.595.4937, fred.byle@sdmts.com
Sandra Overton, 619.557.4572, sandra.overton@sdmts.com

APRIL22-10.6.NELECO LUBE CONTRACT.SOVERTON.doc

Attachments: A. Letter Regarding Nonresponsive Product
B. Draft MTS Doc. No. L0954.0-10



Att. A, AI 6, 4/22/10

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March 18, 2010

Jeff Lopes
Western States Oil Co.
2709 Teagarden Street
San Leandro CA 94577

Subject: Metropolitan Transit System (MTS) Invitation for Bid (IFB) – Rail Noise
Suppression Lubricant
MTS Doc. No. L0938.0-10

Dear Mr. Lopes:

Thank you for your bid in response to Invitation for Bid (IFB) MTS Document Number L0938.1-10 for Rail Noise Suppression Lubricant.

After review of your bid submittal, the bid from Western States Oil will not be accepted due to the following reason:

The product being offered does not meet the requirements stated in the Service Proven Compliance Section as defined in Section 5.7, page 33 of the IFB.

Clarification was requested from you on March 16, 2010 regarding the references provided in your bid on the Designation of Experience form. The information you provided was reviewed and evaluated.

The Service Proven Compliance Section requires that the product being offered in the bid be in use at three (3) Transit Agencies within the United States for the past five (5) years at each Agency. The Agencies must be of similar operation as the San Diego Trolley, Inc. (SDTI), i.e.: similar in rail and wheel profiles, curves, grades, etc.

In the overview of the IFB, in Section 5.0, on page 32, it is also clearly stated that SDTI is a Light Rail Vehicle System.

In your response to question # 5, sent to you post bid opening, the references provided are both heavy and light rail, with Trimet in Portland, Oregon, being the only light rail Agency. The other Agencies you referenced appear to be heavy rail. Use of this product in a heavy rail application does not conform to the requirements of the bid.

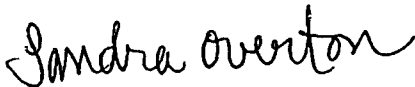
In addition, as stated in your clarification response to question #7, the product offered in the bid is being used by the referenced Agencies for three (3) to seven (7) years. However, you did not state the exact time frame each Agency used your product.



The only valid light rail reference for the product offered in the bid, Whitmore EP1 Bio Rail, was in use at Trimet in Portland, Oregon. When contacted, a Trimet procurement officer stated that the Whitmore Bio Rail product was only utilized during the period of June 2007 to June 2008 and was subsequently discontinued. Thus, since five (5) years of use is required, this reference has been disallowed.

Since you have not demonstrated that your product meets the Service Proven Compliance Section in this solicitation, your bid is hereby rejected.

Sincerely,

A handwritten signature in black ink that reads "Sandra Overton". The script is cursive and fluid.

Sandra Overton
Contract Officer

STANDARD PROCUREMENT AGREEMENT

DRAFT

L0954.0-10
 CONTRACT NUMBER
 OPS 970.6
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2010, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Neleco, Inc. Address: 675 VFW Parkway, MS 334
 Form of Business: Corporation Chestnut Hill, MA 02467
 (Corporation, partnership, sole proprietor, etc.) Telephone: 781.341.5050

Authorized person to sign contracts: Paul E. R. DiBenedetti President
 Name Title

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

Provide Synco SuperLube Noise Suppression Rail Lubricant, Part No. 47-41040-5, in accordance with the Neleco, Inc., pricing dated March 10, 2010, the Standard Procurement Agreement, the Standard Conditions Procurement, and the Federal Requirements. If there are any inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. Neleco, Inc, pricing dated March 10, 2010, Standard Procurement Agreement, including the Standard Conditions Procurement and Federal Requirements.

This contract shall remain in effect for three years effective May 1, 2010, through June 30, 2013, with two 1-year options exercisable at MTS's sole discretion.

The total amount of this contract shall not exceed \$716,053.50, including California sales tax, without written approval from MTS.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$423,563.85 Base Years (May 1, 2010 – June 30, 2013)		
\$144,019.80 Option Year 1 (May 1, 2013 - April 30, 2014)		
\$148,469.85 Option Year 2 (May 1, 2014 – June 30, 2015)		
\$716,053.50 Total	37054310	Fiscal Years 10-14

By: _____ Chief Financial Officer Date

APRIL22-10.6.A11B.NELECO L0954.0-10.SOVERTON.DOC

(___ total pages, each bearing contract number)



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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 492

April 22, 2010

SUBJECT:

MTS: INTERNAL AUDIT REPORT - TAXICAB ADMINISTRATION

RECOMMENDATION:

That the Board of Directors receive an internal audit report on Taxicab Administration procedures.

Budget Impact

None.

DISCUSSION:

During December 2009, the MTS Internal Auditor performed a review of the Taxicab Administration procedures and internal controls. As a result of this review, three recommendations were made for management's consideration. Management has reviewed the recommendations and is taking action to address the issues noted.

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

Paul C. Jablonski
Chief Executive Officer

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

APRIL22-10.7.TAXICAB AUDIT.MABBEY.doc

Attachment: A. Taxicab Administration Audit Report

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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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Att. A, AI 7, 4/22/10

Memorandum

DATE: March 17, 2010

LEG 492 (PC 50121)

TO: John Scott

FROM: Mark Abbey

SUBJECT: AUDIT REPORT: TAXICAB ADMINISTRATION

EXECUTIVE SUMMARY

I have completed a review of the Taxicab Administration process. The audit was performed in accordance with the approved audit plan.

Audit Objectives and Scope

The objective of the audit was to review the adequacy of internal controls over Taxicab Administration's processes at MTS.

The audit included a review of controls over incoming revenues and a general review over procedures followed by Taxicab Administration personnel with respect to vehicle inspections, issuing permits, monitoring compliance with administrative and operational regulations, and investigating customer complaints.

Observations and Recommendations

The taxicab administrative process is generally carried out in an effective manner. To further improve internal controls and other issues, the following recommendations are offered for management's consideration:

1. Develop new software to support the inspection scheduling process.
2. Automate the complaint process.
3. Maintain an audit trail in support of the reconciliation of data between the new Taxicab Administration system and the old AS400 system and taxicab manual files.



A detailed explanation of these recommendations is provided in the *Detailed Observations* section below.

I wish to thank Taxicab Administration personnel for their cooperation and assistance during the course of this review.

BACKGROUND

All persons engaging in the business of operating for-hire vehicles in the cities of El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, and Santee, and the unincorporated area of San Diego County within MTS's area of jurisdiction must obtain an operating permit from MTS. There are a limited number of permits available.

When applying for a non-City of San Diego permit, the applicant is required to pay a \$3,000 permit fee as well other applicable fees. For City of San Diego permit transfers, a \$1,750 fee is charged. In addition to this, annual regulatory fees are billed out to permit holders with the current fee set at \$450 per vehicle.

The Taxicab Administration is responsible for determining owner eligibility for permits, vehicle inspections, issuing permits, monitoring compliance with administrative and operational regulations, and investigating customer complaints.

Various other fees are charged to permit holders, including vehicle inspection fees, transfer fees, taxicab stand fees, and other charges.

Under California State Public Utilities Code section 120266, taxicab regulatory activities administered by MTS must generate full-cost recovery. Fees are established and revised annually with the goal of generating full-cost recovery.

DETAILED OBSERVATIONS

1.0 Scheduling Taxicab Inspections

Taxicab inspectors are required to schedule and perform over 1,500 inspections annually. These inspections must be coordinated with taxicab companies. Efforts are made to ensure that taxicab companies do not have too many inspections at the same time. The scheduling process used to be performed by the AS400 software. Since the program is no longer used, the inspections are scheduled manually. This process is time-consuming and inefficient.

A new Taxicab Administration program has been developed by the MTS IT Department, and it is scheduled to go on line in 2010. The new program has an Inspection module; however, the program does not yet have the capability to perform the scheduling feature required by the Taxicab Administration inspectors.

I support the rapid development of a new inspection-scheduling feature, and I believe this project should be prioritized in order to eliminate the current inefficient manual process.

Recommendation

Develop new software to support the inspection-scheduling process.

Management Response

This software is now under development. Taxicab and IT staffs are in the review and acceptance phase of the project.

1.1 Automation of the Complaint Process

One of the Regulatory Analysts handles all of the complaint calls that are received from dissatisfied taxicab customers. These calls are logged manually and followed up by the Regulatory Analyst. Monthly statistics can be compiled manually on the number and type of complaints received.

There is currently no automated method available for producing complaint statistical reports or an automated method for staff to read complaints online.

The MTS Bus Division utilizes an automated system for logging customer complaints. It may prove beneficial for the Taxicab Administration to consider utilizing this same system or to develop something similar within the new taxicab program for logging and tracking taxicab complaints.

Recommendation

Automate the complaint process.

Management Response

Taxicab Administration staff has contacted SDTC and IT staffs, and we are currently discussing a "best-fit" solution.

1.2 Conversion to the New Taxicab Administration Program

A new Taxicab Administration program has been developed by the MTS IT Department, and online implementation is planned 2010. One of the necessary tasks during the transition from the AS400 software is the accurate migration of the data from the AS400 to the new database. Information, such as permits, taxicab information on insurance, inspections, vehicle information, ownership, etc., all must match both the AS400 system and the taxicab files.

Taxicab staff has been reconciling the data in the new system back to the AS400 data and the hard-copy files.

An audit trail needs to be maintained in support of this reconciliation process. The audit trail would support any future external audit queries and ensure the integrity of the data in the new system.

Recommendation

Maintain an audit trail in support of the reconciliation of data between the new Taxicab Administration system and the old AS400 system and taxicab manual files.

Management Response

Each Regulatory Analyst has a written log related to their individual alphas, which corresponds to an individual permit holder. Each of the staff pulled the file, reviewed it, and matched and edited the information transferred from the AS400 to the new system. Each of these logs will be placed and retained in Taxicab Administration files.

M-FINAL.TAXICAB 09.MABBEY.doc

cc: Paul Jablonski
Tiffany Lorenzen
Cliff Telfer



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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.

FIN 305

April 22, 2010

SUBJECT:

MTS: INVESTMENT REPORT – FEBRUARY 2010

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

Attachment A is a report of MTS investments as of February 2010. The first column provides details about investments restricted for capital improvement projects and debt service, the majority of which are related to the 1995 lease and leaseback transactions. The balance in restricted cash and investments has decreased by \$2.5 million due to liquidation of one retention trust account.

The unrestricted investments in the second column reports the working capital for MTS operations for employee payroll and vendors' goods and services. The balance in unrestricted cash and equivalents has decreased by \$30.8 million in February largely due to payment of outstanding liabilities related to completed projects, payment of annual insurance premiums, and transfers totaling \$17 million to short-term investment accounts.



During February, \$12.5 million was transferred to the San Diego County Investment Pool, and \$4.5 million was transferred to the Local Agency Investment Fund account.

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



Paul C. Jablonski
Chief Executive Officer

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

APRIL22-10.8.INVESTMT RPT FEB.LMUSENGO.doc

Attachment: A. Investment Report

**San Diego Metropolitan Transit System
Investment Report
February 28, 2010**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 1,209,485	\$ 15,624,290	\$ 16,833,775	0.00%
Total Cash and Cash Equivalents	<u>1,209,485</u>	<u>15,624,290</u>	<u>16,833,775</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	205,200		205,200	N/A *
Local Agency Investment Fund (LAIF) Proposition 1B TSGP grant funds	<u>2,683,459</u>		<u>2,683,459</u>	0.56%
Total Cash - Restricted for Capital Support	<u>2,888,659</u>	<u>-</u>	<u>2,888,659</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)		18,065,749	18,065,749	0.56%
Bank of New York Money Market POB interest	<u>-</u>	<u>40</u>	<u>40</u>	
Total Investments - Working Capital	<u>-</u>	<u>18,065,789</u>	<u>18,065,789</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	34,594,826	-	34,594,826	
Rabobank - Payment Undertaking Agreement	<u>84,951,545</u>	<u>-</u>	<u>84,951,545</u>	7.69%
Total Investments Restricted for Debt Service	<u>119,546,371</u>	<u>-</u>	<u>119,546,371</u>	
Total cash and investments	<u>\$ 123,644,515</u>	<u>\$ 33,690,079</u>	<u>\$ 157,334,594</u>	

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



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Agenda

Item No. 9

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

LEG 490

April 22, 2010

SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES – TROVILLION
INVEISS PONTICELLO & DEMAKIS, APC

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1139.8-08 (in substantially the same form as Attachment A) with Trovillion Inveiss Ponticello & Demakis, APC for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$55,000 for Trovillion Inveiss Ponticello & Demakis, APC. The recommended amounts would be contained within fiscal year 2010/2011 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.



Trovillion Inveiss Ponticello & Demakis, APC is currently under contract with the Agencies for \$200,000. Attorneys at Trovillion Inveiss Ponticello & Demakis, APC have successfully defended the Agencies in a number of workers' compensation matters. Pending invoices for recent and current services are anticipated to exceed current contract authority due to legal defense costs.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1139.8-08 with Trovillion Inveiss Ponticello & Demakis, APC 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

APRIL22-10.9.LEGAL SVCS TROVILLION.JDOW.doc

Attachment: A. MTS Doc. No. G1139.8-08

DRAFT

April 22, 2010

MTS Doc. No. G1139.8-08
LEG 491 (PC 50633)

Ms. Nicole Demakis
Trovillion, Inveiss & Demakis, APC
1010 Second Avenue, 16th Floor
San Diego, CA 92101-4906

Dear Ms. Demakis:

Subject: AMENDMENT NO. 8 TO MTS DOC. NO. G1139.0-08: LEGAL SERVICES – WORKERS' COMPENSATION

This letter will serve as Amendment No. 8 to MTS Doc. No. G1139.0-08. This contract amendment authorizes additional costs not to exceed \$55,000 for professional services. The total value of this contract, including this amendment, is \$255,000. 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

Nicole Demakis
Trovillion, Inveiss & Demakis, APC

APRIL22-10.9.AttA.LEGAL SVCS
G1139.8-08.JDOW.doc

Date: _____



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Agenda

Item No. 10

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

LEG 430 (PC 50121)

April 22, 2010

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.

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. 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. 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 FTA—once approval has been obtained, MTS may need to modify its current DBE goals.

In summary, the DBE Program has changed from a contract-specific program (wherein 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.

DBE participation is based on the goals that were approved by the Board during October of 2009. After the completion of the MTS Disparity Study, the Board voted to modify the goals based upon the study. The new triennial aspirational goal is 12.6%. Upon the completion of the next semiannual report, staff will present the results of the six-month survey that includes data on noncertified DBE, women-owned, and minority-owned firms consistent with the results of the Disparity Study.

Second Semiannual Report for October 1, 2009, to March 30, 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 during the reporting period. A list of the contracts eligible for participation is included with this agenda item (Attachment A). The second semiannual report was submitted by MTS to the California Department of Transportation's (Caltrans') program representative and the FTA on April 6, 2010, for the reporting period of October 1, 2009, to March 30, 2009 (Attachment B). Staff is requesting that the Board review and receive the second semiannual report for federal fiscal year 10.

DBE Outreach Events for October 1, 2009, to March 30, 2010

During this reporting period MTS staff participated in the following outreach events:

1. MTS is a member of the Small Business Transportation Resource Center operated by the Office of Small and Disadvantaged Business Utilization Regional Partnership Division of the United States Department of Transportation. Staff

participated in three conference calls and workshops about doing business with transportation agencies in California.

2. Conducted the public hearing on the DBE Disparity Study and followed up with each of the vendors who spoke regarding doing business with MTS.
3. DBE Consultant Teresa Gonzalez-White participated in several MTS prebid meetings to offer advice and answer questions about becoming a certified DBE.



Paul C. Jablonski
Chief Executive Officer

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

APRIL22-10.10.UNIFORM DBE RPT.TLOREN.doc

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

MTS FTA FY 09-10 BUDGETED CONTRACTS		
PROJECT NO.	PROJECT DESCRIPTION	FY 09-10 BUDGET
MINOR CONSTRUCTION		
11183	SDTI Cross Tie Procurement	224,000
11213	SDTC KMD Building Improvements	106,000
11253	MCS South Bay Division Gas Detection System	120,000
11255	Broadway Wye Switch Machines	600,000
11260	Training Center Rehab	4,500
11273	El Cajon Transit Center	38,900
	Total Construction	1,093,400
PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES		
11165	LRV Paint and Body Rehab	440,000
11184	Bus Video Cameras	1,122,200
11192	IT Elipse Financial System	280,000
11206	Rail Profile Grinding	280,000
11214	LRV HVAC Overhaul	1,420,000
11219	LRV Propulsion Components	227,200
11241	IT Network Infrastructure	40,000
11254	LRV Brake Overhaul	280,000
11263	Signal Event Recorder Upgrade	62,400
11274	Hastop Module for Planning Hastus Program	62,800
11275	LRV Traction Motor Disconnects	220,000
11276	SDTI Ticket Vending Equipment (TVM)	400,000
	Total Services	4,834,600
WHOLESALE DURABLE GOODS		
11162	Organizational Desktops	176,200
11167	LRV Tires	392,800
11250	CVT 40 FT CNG BUSES (2)	62,500
11251	LRV Gearbox Overhaul parts	1,200,000
11240	SDTC Support Equipment	84,500
11252	LRV Blower Motor Overhaul	80,000
	Total Wholesale Durable Goods	1,996,000
	Total Budgeted Contracts FY 09-10	7,924,000

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING FORM

AWARDS/COMMITMENTS (Vendor Selected)

All subrecipients of the Federal Transit Administration Federally-funded Caltrans Division of Mass Transportation administered programs under Sections 5310, 5311, ARRA 5311, 5316 and 5317 must report ALL DBE contracting opportunities.

A. Subrecipient: San Diego Metropolitan Transit System

B. DBE Liaison Officer Name and Phone #: Tiffany Lorenzen 619.557.4512

C. Date: April 6, 2010

D. ☒ Report due **April 15** for the period October 1 to March 31 ☐ Report due **October 15** for the period April 1 to September 30

E. Identify Grant Program Section (5310, 5311, ARRA 5311, 5316, 5317)	F. Standard Agreement #	G. Standard Agreement Amount	H. Contractor/Subcontractor/Vendor	I. Type of Contract	J. DBE Y/N	K. If yes, Identify Ethnicity & Gender	L. DBE Cert Number http://www.dot.ca.gov/hq/bep/find_certified.htm	M. Contract/Subcontract Amount
5309	CA-05-0233	356198	Sloan Electromechanical Services	Services	N			356198
5309	CA-90-Y748	2177244	Hi-Tech Enterprises	Materials	N			2177244
5307, 5309	CA-90-Y748, CA-05-0240	12010	The Business Cleaning Company	Services	N			12010
5307	CA-90-Y748	2975	EF Enterprises	Services	N			2975
5309	CA-05-0240	100000	Heritage Security Services	Services	N			100000
5309	CA-05-240	113768	Prudential Overall	Materials	N			113768
5309	CA-05-240	93357	Sperry Rail Service	Services	N			93357
5307	CA-90-Y748	13256	Southcoast Heating & Air Conditioning	Services	N			13256
5307	CA-90-Y748	140000	Best Best & Krieger	Services	N			140000
				Sub-Total Number of Yes DBE's	0		Sub-Total Amount of Yes DBE's	\$0.00
				Sub-Total Number of No DBE's	9		Amount of No DBE's	\$3,008,808.00
				GRAND TOTAL	9		GRAND TOTAL	\$3,008,808.00



Ethnicity and Gender Legend:

- 1) Black American 2) Hispanic American
- 3) Native American 4) Subcont. Asian American
- 5) Asian-Pacific American 6) Women

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING FORM

ACTUAL PAYMENTS (Vendor Payment Record)

All subrecipients of the Federal Transit Administration Federally-funded Caltrans Division of Mass Transportation administered programs under Sections 5310, 5311, ARRA 5311, 5316 and 5317 must report ALL DBE contracting opportunities.

A. Subrecipient: San Diego Metropolitan Transit System

B. DBE Liaison Officer Name and Phone #: Tiffany Lorenzen

C. Date: April 6, 2010

D. ☒ Report due **April 15** for the period October 1 to March 31 ☐ Report due **October 15** for the period April 1 to September 30

E. Identify Grant Program Section (5310, 5311, ARRA 5311, 5316, 5317)	F. Standard Agreement #	G. Standard Agreement Amount	H. Contractor/Subcontractor/Vendor	I. Type of Contract	J. DBE Y/N	K. If yes, Identify Ethnicity & Gender	L. DBE Cert Number http://www.dot.ca.gov/hq/bep/find_certified.htm	M. Contract/Subcontract Amount
5309	CA-05-0240	112814	Neleco, Inc.	Materials	N			\$112,814.00
5307	CA-90-Y677	3171485	RAM Industrial	Services	N			\$3,171,485.00
5307	CA-90-Y748	32328	Allied Weed Control	Services	N			\$32,328.00
5307	CA-90-Y677	49898	Western Pump	Materials	N			\$49,898.00
5307	CA-90-Y748	90000	Brenco Operating	Materials	N			\$90,000.00
5307	CA-90-Y748	26400	Tri-Signal Inc.	Services	N			\$26,400.00
5307	CA-90-Y748	61254	Southcoast	Services	N			\$61,254.00
5307	CA-90-Y748	93862	AAA Printing	Services	N			\$93,862.00
5311	469886	348349	Creative Bus Sales	Materials	N			\$348,349.00
5307	CA-90-Y677	10380	Creative Bus Sales	Materials	N			\$10,380.00
5307	CA-90-Y474	14982	Solona Technologies	Materials	N			\$14,982.00
				Sub-Total Number of Yes DBE's	0		Sub-Total Amount of Yes DBE's	
				Sub-Total Number of No DBE's	11		Sub-Total Amount of No DBE's	\$4,011,752.00
				GRAND TOTAL	11		GRAND TOTAL	\$4,011,752.00

Ethnicity and Gender Legend:

- 1) Black American 2) Hispanic American
- 3) Native American 4) Subcont. Asian American
- 5) Asian-Pacific American 6) Women



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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.

OPS 950.7 (PC 50451)

April 22, 2010

SUBJECT:

MTS: FEDERAL TRANSIT ADMINISTRATION 5311 PROGRAM OF PROJECTS

RECOMMENDATION:

That the Board of Directors approve Resolution No. 10-7, (Attachment A) authorizing the use of \$235,296 of FTA Section 5311 funds for operating assistance in nonurbanized areas.

Budget Impact

None at this time.

DISCUSSION:

The Federal Transit Administration (FTA) provides funds for capital and operating assistance to agencies providing rural transportation through the Section 5311 Nonurbanized Area Formula Program. These funds do not come directly to the region but are apportioned to the states. On behalf of the state, the California Department of Transportation (Caltrans) in turn reapportions the funds to the region based solely on the regional rural population as a share of the state total rural population. San Diego Association of Governments (SANDAG) allocates the funds to both North County Transit District and MTS based on the relative rural population in each service area. As shown within Attachment A, FTA 5311 funding would provide \$235,296 in operating assistance for MTS.



Recommendation

Grant requirements include submission of a resolution by the Board of Directors authorizing their submittal and project programming. Therefore, staff recommends that the Board approve, by resolution (Attachment A), submission of a grant application and project programming. Caltrans requires that the San Diego Association of Governments certify that it would amend the Regional Transportation Improvement Program in the event of a grant award.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Nancy Dall, 619.557.4537, nancy.dall@sdmts.com

APRIL22-10.11.FTA 5311.NDALL.doc

Attachment: A. Resolution No. 10-7

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 10-7

Resolution Authorizing Federal Funding Under FTA Section 5311
with the California Department of Transportation

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support capital and operating assistance projects for nonurbanized public transit services under Section 5311 of the Federal Transit Act; and

WHEREAS, the California Department of Transportation has been designated by the Governor of the State of California to administer Section 5311 grants for public transportation projects; and

WHEREAS, MTS desires to apply for said financial assistance to operate rural transit service in San Diego County; and

WHEREAS, MTS has, to the maximum extent feasible, coordinated and consulted with other transportation providers and users in the region, including consultation with San Diego County Health and Human Services; NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that MTS does hereby authorize the Chief Executive Officer, or designated representative, to file and execute any actions necessary on behalf of MTS with the California Department of Transportation to aid in the financing of operating or capital assistance projects pursuant to Section 5311 of the Federal Transit Act of 1964, as amended.

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

2. The Chief Financial Officer, or designated representative, is authorized to provide additional information as the California Department of Transportation may require in connection with the application for Section 5311 projects.

PASSED AND ADOPTED, by the Board of Directors this _____ day of ____ 2010, 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

APRIL22-10.11.AltA.RESO 10-7.NDALL.doc



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San Diego, CA 92101-7490
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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 491 (PC 50633)

April 22, 2010

SUBJECT:

MTS: INCREASED AUTHORIZATION FOR LEGAL SERVICES – LAW OFFICES OF
MICHAEL E. RIPLEY

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1080.7-07 (in substantially the same form as Attachment A) with the Law Offices of Michael E. Ripley for legal services and ratify prior amendments entered into under the CEO's authority.

Budget Impact

Not to exceed \$55,000 for the Law Offices of Michael E. Ripley. The recommended amounts would be contained within fiscal year 2010/2011 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.



The Law Offices of Michael E. Ripley is currently under contract with the Agencies for \$255,000. Michael E. Ripley has successfully defended the Agencies in a number of tort liability matters. Pending invoices for recent and current services are anticipated to exceed current contract authority due to legal defense costs.

The CEO has approved contracts up to the \$100,000 authority level. Staff is requesting Board approval of MTS Doc. No. G1080.7-07 with the Law Offices of Michael E. Ripley 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

APRIL22-10.LEGAL SVCS MICHAEL RIPLEY.JDOW

Attachment: A. MTS Doc. No. G1080.7-07

DRAFT

April 22, 2010

MTS Doc. No. G1080.7-07
LEG 491 (PC 50633)

Mr. Michael Ripley
Law Offices of Michael E. Ripley
12520 High Bluff Drive, Suite 360
San Diego, CA 92130

Dear Mr. Ripley:

Subject: AMENDMENT NO. 7 TO MTS DOC. NO. G1080.0-07: LEGAL SERVICES – GENERAL
LIABILITY

This letter will serve as Amendment No. 7 to MTS Doc. No. G1080.0-07. This contract amendment authorizes additional costs not to exceed \$55,000 for professional services. The total value of this contract, including this amendment, is \$310,000. 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

Michael Ripley
Law Offices of Michael E. Ripley

APRIL22-10.12.AttA.RIPLEY LEGAL
SVCS G1080.7-07.JDOW.doc

Date: _____



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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 340.2

April 22, 2010

SUBJECT:

MTS: TRANSPORTATION DEVELOPMENT ACT (TDA) CLAIM RESOLUTION

RECOMMENDATION:

That the MTS Board of Directors adopt Resolution Nos. 10-8, 10-9, and 10-10 (Attachments A-C) approving the revised FY 2010 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.

Budget Impact

Approval of Resolution Nos. 10-8, 10-9, and 10-10 would include an additional reduction of \$2,308,463 in TDA Article 4.0 funds, a reduction of \$124,163 in TDA Article 4.5 funds, and a reduction of \$28,426 in TDA Article 8.0 for MTS.

Article 4.0 funds provide authority for claiming funds for general transit operations and capital. Article 4.5 funds are set aside by the San Diego Association of Governments (SANDAG) for Americans with Disabilities Act (ADA) Access services. Article 8.0 funds are used for the ferry/commuter express.

DISCUSSION:

As reported on February 18, 2010, the SANDAG Board has approved the reduction of TDA sales tax revenues by 10% compared to actual FY 2009 TDA receipts. This has resulted in an additional decrease of \$2,461,052 in the total fiscal year 2010 TDA allocations for MTS previously approved at the November 12, 2009, Board meeting. The TDA claim resolutions would formally accept the TDA revenue estimate of \$62,405,140 previously reported to the MTS Board of Directors.

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: Lisa Fowler, 619.557.4510, lisa.fowler@sdmts.com

APRIL22-10.13.TDA ARTICLE 8.0 FERRY COMMUTER.LFOWLER.doc

Attachments: A. Resolution No. 10-8
B. Resolution No. 10-9
C. Resolution No. 10-10

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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.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 10-8

Resolution Amending Fiscal Year 2010 Transportation Development Act

WHEREAS, effective August 10, 2000, the MTS-area consolidated Transportation Development Act (TDA) claim process provides that MTS will be responsible for submitting a single claim for each article of the TDA for all MTS operators; and

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2010 TDA claim, and

WHEREAS, MTS and SANDAG Boards must approve any alternate use of said balances differing from that for which they were originally claimed; and

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR); NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve an amendment revising the FY 2010 TDA Article 4.0 decreasing MTS TDA claims by \$2,308,463 to \$58,878,396 as a result of the continuing reduction in sales tax revenues for the San Diego area.

PASSED AND ADOPTED by the Board of Directors this _____ day of April 2010 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

APRIL22-10.13.AttA.RESO 10-8.
TDA 4.0 DECREASE.LFOWLER.doc

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 10-9

Resolution Amending Fiscal Year 2010 Transportation Development Act

WHEREAS, effective August 10, 2000, the MTS-area consolidated Transportation Development Act (TDA) claim process provides that MTS will be responsible for submitting a single claim for each article of the TDA for all MTS operators; and

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2010 TDA claim, and

WHEREAS, MTS and SANDAG Boards must approve any alternate use of said balances differing from that for which they were originally claimed; and

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR); NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve an amendment revising the FY 2010 TDA Article 4.5 decreasing MTS TDA claims by \$124,163 to \$3,188,412 as a result of the continuing reduction in sales tax revenues for the San Diego area. The allocation will be used to fund the MTS Access/CTS Paratransit services.

PASSED AND ADOPTED by the Board of Directors this _____ day of April 2010 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

APRIL22-10.13.AtlB.RESO 10-9.TDA 4.
5 DECREASE ACCESS CTS PARATRANSIT.LFOWLER.doc

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 10-10

Resolution Amending Fiscal Year 2010 Transportation Development Act

WHEREAS, effective August 10, 2000, the MTS-area consolidated Transportation Development Act (TDA) claim process provides that MTS will be responsible for submitting a single claim for each article of the TDA for all MTS operators; and

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2010 TDA claim, and

WHEREAS, MTS and SANDAG Boards must approve any alternate use of said balances differing from that for which they were originally claimed; and

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR); NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve an amendment revising the FY 2010 TDA Article 8.0 decreasing MTS TDA claims by \$28,426 to \$338,332 as a result of the continuing reduction in sales tax revenues for the San Diego area. The allocation will be used to fund the ferry/commuter express services.

PASSED AND ADOPTED by the Board of Directors this _____ day of April 2010, 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

APRIL22-10.13.AHC.RESO 10-10.TDA 8.0 DECREASE
FERRY COMMUTER EXPRESS.LFOWLER.doc



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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.

SRTP 830

April 22, 2010

SUBJECT:

MTS: JUNE 2010 SERVICE CHANGES

RECOMMENDATION:

That the Board of Directors receive a report on minor service adjustments to be implemented in June 2010.

Budget Impact

The service changes implemented during the June shake-up are expected to result in annual operating subsidy costs of \$38,500 in FY 2010 and \$227,500 in FY 2011.

DISCUSSION:

Changes to bus and trolley services are implemented three times a year in the fall, winter, and summer. These regularly scheduled service changes provide us with opportunities to improve the service, operation, and schedules of the transit system consistent with service evaluation and customer comments and implement actions from the annual budget process. The next scheduled date for implementing transit service changes is Sunday, June 13, 2010. All changes are minor adjustments, which are defined in MTS Policy No. 42 as any service changes affecting 25 percent or less of a route's weekly in-service miles or hours; therefore, no public hearing is required.

This report is provided so that the MTS Board of Directors is aware of upcoming changes to the regional transit system and services. A *Take One* with information regarding these changes will be distributed on all service vehicles.

Routes 8/9 Modification

Route 8/9 was implemented during the 2006 Comprehensive Operational Analysis as a bidirectional loop serving Old Town, Sports Arena, SeaWorld, Pacific Beach, and Mission Beach. This loop route initially operated every 15 minutes seven days per week. The budget reductions of the past two years have required MTS to gradually reduce those levels of service making the service design awkward at times when passenger demand is different on various segments of the route.

To improve the ability to adjust levels of service differently on individual segments of the loop, Route 8/9 will be split into two separate point-to-point routes: Route 8 will serve West Mission Bay Drive and Mission Boulevard in both directions, and Route 9 will serve SeaWorld, Ingraham Street, and Garnet Avenue in both directions (see map – Attachment A). While the levels of service on each segment will remain similar at this time to the current schedule, ridership will be evaluated to determine the appropriate service levels for September.

Summer Service Adjustments

- Summer Service Adjustments to Routes 8, 9, and 30: During the summer, the routes that serve the communities of Pacific Beach, Mission Beach, and La Jolla see major increases in ridership in addition to suffering on-time performance issues due to traffic congestion. MTS has traditionally increased both capacity and running time on these three routes to accommodate additional demand and to account for longer travel times. These increases will last through the summer, and the schedules will be scaled back again at the September shake-up.
- Summer Service Adjustments to Route 7: Selected trips that are scheduled for extra school capacity will be suspended during the summer and resume in September.
- Summer Service Adjustments to Route 27: Route 27 operates between Kearny Mesa and Pacific Beach. Prior to the February 2010 service reductions, the route operated seven days/week; it now operates only Monday through Saturday, every 30 minutes on weekdays, and every 90 minutes on Saturdays. Due to increases in demand during the summer, the Route 27 schedule will change to operate both Saturdays and Sundays every 45 minutes during summer only. In the September 2010 shake-up, the route will again scale back to its current schedule.

Sunday Route Adjustments

In February 2010, MTS implemented a major reduction in Sunday services, including schedule cuts and route modifications. With several weeks of the new Sunday service design in operation, MTS is modifying some of the changes in response to ridership demand, customer feedback, and operational needs:

- Route 3: Shortened in February 2010 to end in downtown on Sundays, Route 3 will be extended to its full routing to the UCSD Medical Center in Hillcrest. This will restore Sunday service to the hospital as well as supplement Route 120 on the busy 4th and 5th Avenues corridor.
- Route 11: Route 11 experiences overcrowding on a number of the Sunday trips which are currently running at an hourly frequency. Increasing service to half

hourly frequency on five trips in the early morning and late evening will address capacity needs.

- Route 44: Route 44A service to Sharp Hospital will be replaced by Route 120, which already serves Health Center Drive Monday through Saturday. Route 44 will resume its regular route seven days per week.
- Route 120: Sunday service will be extended hourly from Fashion Valley to Sharp Hospital in Serra Mesa. This will maintain Route 120 from Fashion Valley as the gateway to Health Center Drive facilities seven days per week rather than requiring passengers to adjust to Route 44 out of Old Town on Sundays only.

Other Minor Service Adjustments

- Route 1: Minor weekend late-night service adjustment.
- Route 20: Minor route adjustment in Kearny Mesa.
- Route 27: Terminal move in Pacific Beach to accommodate new service design on Routes 8 and 9.
- Route 41: Minor schedule adjustments.
- Route 105: Minor schedule adjustments.
- Route 880: Minor schedule adjustments.



Paul C. Jablonski
Chief Executive Officer

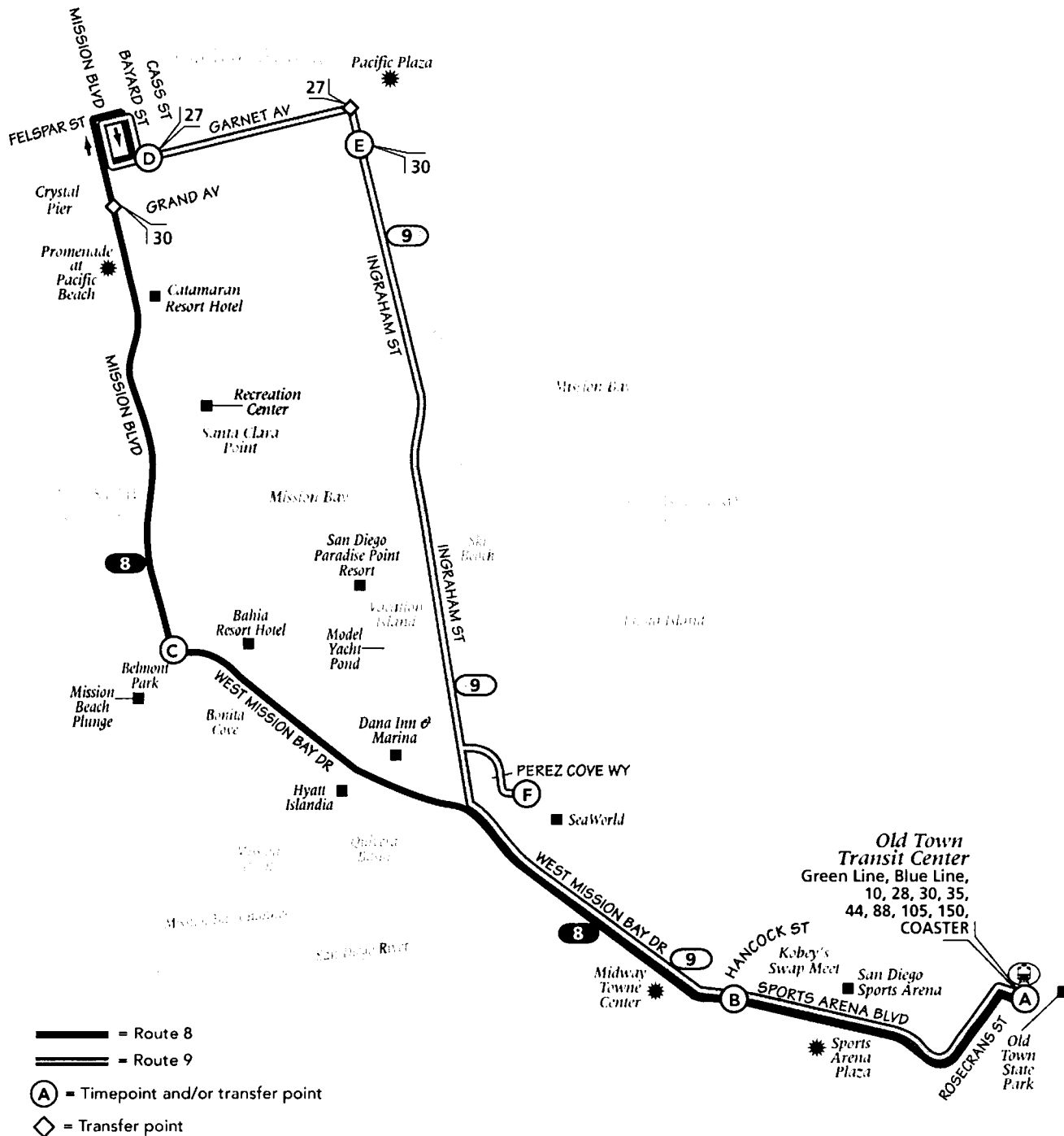
Key Staff Contact: Denis Desmond, 619.515.0929, denis.desmond@sdmnts.com

APRIL22-10.14.JUNE2010SVCCHGS.DDESMOND.doc

Attachment: A. Routes 8 & 9 (Map)

Routes 8 & 9

June 2010





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Agenda

Item No. 30

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

OPS 970.6

April 22, 2010

SUBJECT:

MTS: MASTER CONCESSIONAIRE SERVICES - CONTRACT APPROVAL
(WAYNE TERRY)

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0901.0-10 (in substantially the same format as Attachment A) with The Kobey Corporation for Master Concessionaire Services, Option 2, for a 9-year base period (including option years).

Executive Committee Recommendation

The MTS Executive Committee met on April 15, 2010, and approved forwarding this recommendation to the Board of Directors.

Budget Impact

This would be a revenue-generating contract. MTS's revenue would be based on a percentage split of the monthly rent/lease rate.

DISCUSSION:

MTS Policy No. 52 governing procurement of goods and services requires a formal competitive bid process for procurements exceeding \$100,000. The current MTS master concessionaire services contract will expire in June 2010.

On October 2, 2009, MTS issued a Request for Proposals (RFP) for master concessionaire services for up to a 9-year period (5-year base with two 2-year options) to secure a multiyear contract that provides oversight and outreach to the business community for revenue-generating business activities at trolley stations. The RFP was advertised and mailed to nine firms. MTS believes that the concessionaire program can be enhanced by implementing new and uniform concession facilities at existing locations as well as other potential locations, which will generate higher revenue for MTS. As part of this agreement, the installation and maintenance of the facilities at designated trolley stations and transit centers would be at no cost to MTS.

On November 24, 2009, MTS received one proposal. The proposal was found to meet the minimum requirements established in the RFP and was deemed responsive and responsible. The proposal consisted of two options:

- Option 1: A 5-year base period with two 2-year options. Of the rents collected and the advertising revenue from kiosks, MTS would receive 40% for the base period years 1-5, 45% for years 6 and 7, and 50% for years 8 and 9.
- Option 2: A 9-year base period (including option years). Of rents collected and the advertising revenue from kiosks, MTS would receive 50% for years 1-5, 57% for years 6 and 7, and 62% for years 8 and 9. This option would allow Kobey Corporation to offer up to 9-year agreements to lessees maximizing the potential rental rate at each location.

The proposal was evaluated by a committee consisting of representatives from MTS Rail, Finance, Marketing, and Procurement Departments, and the San Diego Association of Governments (SANDAG). While considering the primary objectives of the RFP, the committee evaluated the proposal using the following five criteria and their relative weights of importance:

1.	Qualifications and Experience of the Firm or Individual	10 Points
2.	Staffing, Firm Organization, and Management Plan	10 Points
3.	Proposed Methodology and Work Plan	20 Points
4.	Concession Facilities Design	10 Points
5.	Cost/Compensation, Financial Benefit	<u>50 Points</u>
Total:		100 Points

This process resulted in the following scoring:

Proposer's Scoring	Total Score (Total Possible Score: 100)
The Kobey Corporation 3350 Sports Arena Blvd. Suite K, San Diego, CA 92110	84.20

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

The Kobey Corporation's proposal was the best combination of a clear understanding of the scope of work, highly knowledgeable and experienced management team, and financial approach that MTS staff believes would provide the best service and value for MTS. Therefore, the negotiation committee is recommending that the MTS Board approve MTS Doc. No. L0901.0-10 for The Kobey Corporation master concessionaire services.



Paul C. Jablonski
Chief Executive Officer

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

APRIL22-10.30.KOBEY CONCESSIONAIRE AWARD.WTERRY.doc

Attachment: A. Draft MTS Doc. No. L0901.0-10

STANDARD SERVICES AGREEMENT

DRAFT

L0901.0-10
 CONTRACT NUMBER
 OPS 970.6
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2010, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: The Kobey Corporation Address: 3350 Sports Arena Blvd., Suite K

Form of Business: Corporation San Diego, CA 92110
 (Corporation, partnership, sole proprietor, etc.)

Telephone: 619.523.2700

Authorized person to sign contracts: Charles Pretto Vice President
 Name Title

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

Provide master concessionaire services, including ticket fare media sales as stipulated in MTS's Request for Proposals (RFP) for Master Concessionaire Services, MTS Doc. No. L0901.0-10; including Addenda A and B; and in accordance with the Standard Services Agreement, including the Standard Conditions Services, Federal Requirements, Kobey Corporation's original proposal dated 11/24/09, and Best and Final Offer (BAFO) dated 3/26/10 (BAFO Option 1 or 2 – contingent upon Board approval) herein after referred to as "the Contract Documents." If there are inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. MTS's Master Concessionaire Services RFP, Addenda A and B, Kobey Corporation's original proposal dated 11/24/09, and BAFO dated 3/26/10.
2. Standard Services Agreement, including the Standard Conditions Services, and Federal Requirements.

This contract shall remain in effect for up to a 9-year period (five base years with two 2-year options), effective May 1, 2010, through April 30, 2019. Total revenue for this contract (including options) is estimated to be \$2,831,987.20.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$2,831,987.20	50901-42990	10-19

By: _____
 Chief Financial Officer

COST SUMMARY

MASTER CONCESSIONAIRE SERVICES RFP
MTS DOC. NO. L0901.0-10

PROPOSER: THE KOBEY CORPORATION

* OPTION 1: A 5-year base period with two 2-year options

COST PROPOSAL – OPTION 1 *		
MTS %	CONTRACT YEAR	TOTAL
40%	YEAR 1	\$187,320.00
40%	YEAR 2	\$211,741.20
40%	YEAR 3	\$218,619.04
40%	YEAR 4	\$225,177.61
40%	YEAR 5	\$231,932.94
45%	OPTION YEAR I (YEAR 6)	\$268,752.29
45%	OPTION YEAR I (YEAR 7)	\$276,814.86
50%	OPTION YEAR II (YEAR 8)	\$316,799.23
50%	OPTION YEAR II (YEAR 9)	\$326,303.20
GRAND TOTAL FOR UP TO NINE (9) YEARS		\$2,263,460.35

** OPTION 2: A 9-year base period (including option years)

COST PROPOSAL – OPTION 2 **		
MTS %	CONTRACT YEAR	TOTAL
50%	YEAR 1	\$234,150.00
50%	YEAR 2	\$264,676.50
50%	YEAR 3	\$273,273.80
50%	YEAR 4	\$281,472.01
50%	YEAR 5	\$289,916.17
57%	OPTION YEAR I (YEAR 6)	\$340,419.57
57%	OPTION YEAR I (YEAR 7)	\$350,632.15
62%	OPTION YEAR II (YEAR 8)	\$392,831.04
62%	OPTION YEAR II (YEAR 9)	\$404,615.97
GRAND TOTAL FOR NINE (9) YEARS		\$2,831,987.20

Master Concessionaire Services Contract Award

MTS Board Meeting Meeting

April 22, 2010



1



- Current contract expires June 2010
- Master Concessionaire's role / history
- Rent structure / current percentage split
- New Request for Proposal:
 - Nine years (5+2+2)
 - Marketing/vendor outreach
 - Executive Committee comments
 - Late payment penalty
 - Site rent negotiated by MTS real-estate group
 - Uniform station kiosk - no cost to MTS
 - Enhanced rental structure and introduction of advertising opportunities



2



Euclid Avenue Kiosk (existing)



3



Palomar Street (existing)



4



H Street (existing)



5



Fifth Avenue Kiosk (improved)



6



Fifth Avenue Kiosk (improved)



7



Fashion Valley Kiosk (improved)



8



Fashion Valley Kiosk (improved)



9



The Kobey Corporation Revenue Proposal #1

	Revenue % to MTS	Revenue \$ to MTS
Base Period		
Year 1	40.0%	\$ 187,320
Year 2	40.0%	211,741
Year 3	40.0%	218,619
Year 4	40.0%	225,178
Year 5	40.0%	231,933
Option #1		
Year 6	45.0%	268,752
Year 7	45.0%	276,815
Option #2		
Year 8	50.0%	316,799
Year 9	50.0%	326,303
Total 9-Year Revenue		\$ 2,263,461



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**The Kobey Corporation
Revenue Proposal #2**

	<u>Revenue % to MTS</u>	<u>Revenue \$ to MTS</u>
Base Period		
Year 1	50.0%	\$ 234,150
Year 2	50.0%	264,677
Year 3	50.0%	273,274
Year 4	50.0%	281,472
Year 5	50.0%	289,916
Year 6	57.0%	340,420
Year 7	57.0%	350,632
Year 8	62.0%	392,831
Year 9	62.0%	404,616
Total 9-Year Revenue		\$ 2,831,987



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**The Kobey Corporation
Revenue Proposal Comparisons**

	<u>Revenue Proposal #1</u>	<u>Revenue Proposal #2</u>
Year 1	\$ 187,320	\$ 234,150
Year 2	211,741	264,677
Year 3	218,619	273,274
Year 4	225,178	281,472
Year 5	231,933	289,916
Year 6	268,752 *	340,420
Year 7	276,815 *	350,632
Year 8	316,799 **	392,831
Year 9	326,303 **	404,616
Total 9-Year Revenue	\$ 2,263,461	\$ 2,831,987

* Years 6 and 7 of Revenue Proposal #1 would be the first MTS option

** Years 8 and 9 of Revenue Proposal #1 would be the second MTS option



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Recommendation

- Authorize the CEO to execute MTS Doc. No. L0901.0-10 with The Kobey Company for Master Concessionaire Services, Revenue Option #2, for a 9 year base period (including option years).



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

Agenda

Item No. 31

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

CIP 1210002

April 22, 2010

SUBJECT:

MTS: SIEMENS LIGHT RAIL VEHICLE (LRV) PROCUREMENT - CONTRACT
AMENDMENT (TIFFANY LORENZEN AND WAYNE TERRY)

RECOMMENDATION:

That the Board of Directors:

1. authorize the Chief Executive Officer to execute MTS Doc. No. L0914.3-10 (in substantially the same format as attached) for a change in supplier for interior passenger lighting and destination signs and installation of zip-in windows; and
2. ratify MTS Doc. No. L0914.1-10 (company name change for Siemens) and MTS Doc. No. L0914.2-10 (allocation of spare parts inventory).

Budget Impact

The total budget for the Blue and Orange Line Rehabilitation Project is currently set at \$619,327,000. The sources of funding for the project include TransNet II, American Reinvestment and Recovery Act funds, federal formula funds, and California Proposition 1B (bond). The total budget for the procurement of low-floor vehicles is \$228,168,000. The total cost of MTS Doc. No. L0914.3-10 would be \$1,389,858.

DISCUSSION:

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

Orange and Blue Line rehabilitation strategy based on funding availability and a project priority plan and phasing program.

Staff completed an agreement in August with the Utah Transit Authority to assume an option for a minimum of 57 (and up to 65) low-floor LRVs under its existing contract with Siemens. The CEO then conducted a two-day negotiation session with Siemens. The new S70US LRVs will be compatible with the existing fleet of 11 S70s and 52 SD 100s allowing the agency to operate low-floor LRVs on every consist in the system. The S70US LRVs mirror the look of the existing S70 fleet with respect to design and aesthetics with a car body length that is approximately 8 feet shorter to accommodate small block lengths in downtown San Diego.

On September 24, 2009, the Board of Directors authorized the CEO to execute a contract with Siemens to procure the vehicles contingent upon completion of Federal Transit Administration (FTA) procurement requirements as well as execution of a Memorandum of Understanding (MOU) with the San Diego Association of Government (SANDAG) to fully fund the procurement. The contract with Siemens was executed on September 30, 2009, in the amount of \$224,000,000 along with an MOU between MTS and SANDAG to fully fund the procurement of the 57 low-floor vehicles.

On October 1, 2009, due to an internal reorganization, MTS executed Amendment No. 1 to the contract changing the name from Siemens Transportation Systems, Inc., to Siemens Industry, Inc. (Siemens). Siemens has provided updated insurance certificates and a Parent Company Guaranty while the Performance and Payment Bond was being reviewed. A Notice to Proceed (NTP) with the work was issued at the close of business on September 30, 2009.

Staff then began the process of creating a spare-parts inventory necessary in order to operate the new fleet of low-floor vehicles. By procuring spare parts at the same time the major component parts orders were being placed, MTS was able to take advantage of lower pricing. The amount of spare parts was including in the original Board approval amount of \$224,000,000. The Chief Executive Officer executed Amendment No. 2 on March 3, 2010, in the amount of \$4,224,249 for spare parts.

Staff has also been negotiating with Siemens to replace Trans-Lite (Siemens' interior lighting and destination sign vendor) with Luminator. Over the past several years, MTS has been transitioning its existing fleet of vehicles from fluorescent lighting to LED lighting, which provides a better quality interior and exterior light along with a substantial reduction in energy costs. The Chief Executive Officer was able to successfully negotiate a change in suppliers to allow for LED lighting installation in both the passenger cabin as well as the destination signs at a slightly lower cost than Siemens' existing supplier. Because this is a new product, there are design and engineering costs associated with integrating the new lighting fixtures into the existing vehicle. Amendment No. 3 includes the following costs associated with this change:

Passenger Light System Supplier Change

Material Costs	\$143,497
Engineering Costs	\$ 39,200
Quality Effort	\$ 29,250
Project Management	\$ 2,250
Total Price	\$214,197

Additional Design Risk \$17,500 will be compensable only in the event Luminator does not supply a plug-and-play unit.

Destination Signs Supplier Change

Material Costs	\$176,838
Engineering Costs	\$ 73,360
Quality Effort	\$ 58,500
Project Management	\$ 3,000
Total Price	\$311,698

The final item that staff has been working on negotiating with Siemens is replacing the stock vehicle window with a zip-in passenger and door window. The sleek design of the current S70 provides a superior aesthetic look due in part to flush mounted windows. When windows are damaged or etched with graffiti they need to be replaced expeditiously so a vehicle can be placed back in service. To replace one window on MTS's current fleet of S70s takes approximately 23 hours, window removal and installation takes approximately 4 hours, and bonding/drying takes approximately 19 hours. Due to MTS's current rate of window damage (caused by vandalism), an alternative solution is needed to significantly reduce window replacement time. The zip-in window is slightly less aesthetic because the window is not flush-mounted, but it allows a window to be replaced in just under three hours.

Staff has calculated the following cost savings for implementing this contract change:

<u>Time/Cost for S70 Window Change Out:</u>	<u>Time/Cost for SD100 Window Change Out:</u>
Man Hours 17.5 x \$38/hr. = \$665	Man Hours 1 x \$38/hr = \$38
Material Costs \$660	Material Costs \$126.79
Bonding Agent Cure Time <u>12 hours</u>	Bonding Agent Cure Time <u>0 hours</u>
Total Labor + Materials \$1,325	Total Labor + Materials \$164.79
Total Out-of-Service Hours 29.5	Total Out-of-Service Hours 1

With an average of 48 windows changed per month, MTS could incur significant additional labor costs and out-of-service hours with the new fleet of 57 S70s.

Estimated Monthly Cost Savings for Zipper Windows:

- Current S70 Monthly Cost:

48 windows/ month x \$1,325 = \$63,600
48 windows/month x 29.5 hr./window = 1,416 lost hours

- Estimated Zipper Window Cost:

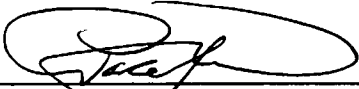
48 windows/month x (\$589 material cost + \$38 labor cost) = \$30,096
48 windows/month x 1 hr./window = 48 lost hours

Estimated monthly cost savings = \$33,504 (Annual savings = \$402,000)

Estimated monthly service hour savings = 1,368

The total contract cost for implementing this change would be \$863,963. Based on the estimated monthly savings costs, it would take approximately 26 months to recoup the contract change.

Based on the foregoing, staff recommends that the Board: (1) authorize the Chief Executive Officer to execute MTS Document No. L0914.3-10 for a change in supplier for interior passenger lighting and destination signs and installation of zip-in windows; and (2) ratify MTS Document No. L0914.1-10 (company name change for Siemens) and MTS Document No. L0914.2-10 (allocation of spare parts inventory).



Paul C. Jablonski
Chief Executive Officer

Key Staff Contacts: Tiffany Lorenzen, 619.557.4512, tiffany.lorenzen@sdmst.com
Wayne Terry, 619.595.4906, wayne.terry@sdmts.com

APRIL22-10.31.SIEMENSVEHICLES.WTERRY.doc

Attachment: A. Draft MTS Document No. L0914.3-10

REVISED DRAFT

April 22, 2010

MTS Doc. No. L0914.3-10
OPS 970.6, CIP 1210002

Mr. Oliver Hauck
President & CEO
Siemens Industry, Inc.
7464 French Road
Sacramento, CA 95828

Dear Mr. Hauck:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. L0914.0-10 - PROCUREMENT OF 57
ULTRASHORT LOW-FLOOR VEHICLES

This amendment shall serve to modify our agreement for the procurement of 57 ultrashort low-floor vehicles from Siemens Industry, Inc., as further described below.

SCOPE OF SERVICES

Add the following items to the contract:

1. Passenger Lighting System Supplier Change. Change the interior light supplier from Trans-Lite to Luminator. Payment for this change will be as set forth below.
2. Destination Signs Supplier Change. Change the destination sign supplier from Trans-Lite to Luminator. Payment for this change will be as set forth below.
3. Add Mandatory Brake Field Modification Instruction (FMI). On MTS's previous order of LRVs (SD7) a number of interlocks were built into the Vehicle Control Unit (VCU) software to remove the risk of flat spots during SD7 mandatory brake applications in mixed-consist operation by controlling the SD7 mandatory brake circuit to prevent it from triggering the SD 100 (MTS's existing vehicles) spring break circuit. The FMI will provide MTS an additional level of prevention and eliminate the risk of flat spots on LRV tires by removing the hardwired connection, which currently exists between the S70 mandatory brake circuit and the SD 100 spring brake circuit to ensure that in the event of a software malfunction or VCU failure, the spring brake will not activate. Contractor to provide proposed pricing within 30 days of receipt of this contract amendment. Pricing to be negotiated by MTS and Contractor and memorialized via a contract amendment.
4. Contractor confirms that Init Innovations will be the supplier for laser (not passive) sensor automated passenger counters. There will be no compensation for this item as it was included in the original contract price.
5. MTS shall select a supplier for onboard video surveillance equipment no later than August 31, 2010. Contractor will provide proposed installation pricing for a 12 camera systems on or before August 31, 2010. Pricing to be negotiated by MTS and Contractor and memorialized via a contract amendment.
6. MTS confirms the alignment of the MTS system has not changed since the SD7 order was placed.

7. Zip-In Passenger and Door Windows. Contractor shall replace the current flush-mounted and bonded passenger and door windows and the windshield with a zip-in window that allows a window to be replaced in under four hours.

SCHEDULE

1. There shall be no change to the schedule of this contract for the change in passenger lighting system suppliers. However, in the event that Luminator does not supply a lighting system that is "plug-and-play" and Contractor incurs a schedule delay as the result of any additional work necessary to integrate the new lighting system, MTS will not impose liquidated damages for a period of up to 80 days on the delivery of the first set of LRVs. In order for this waiver of liquidated damages to apply, Contractor must present evidence documenting that the lighting system is not plug-and-play, that additional work was necessary to incorporate the lighting system, and that the additional work caused the Contractor's delay. Failure to supply this evidence may result in the imposition of liquidated damages for delay to the contract schedule. This waiver shall only apply to the delivery of the first set of vehicles due on February 28, 2012.
2. There shall be no change to the schedule of this contract for the change in destination sign suppliers. However, MTS will not prevent shipment or delivery of the LRVs from Contractor's plant nor withhold conditional acceptance of the LRVs for a period of up to 90 days on the delivery of the first set of vehicles in the event that the destination signs are not fully functional. It is also agreed that MTS shall not impose liquidated damages for a period of up to 110 days in the event that the designation signs do not fully function. This waiver shall only apply to the delivery of the first set of vehicles due on February 28, 2012.

PAYMENT

1. Passenger Light System Supplier Change. Contractor shall be entitled to the following payment:

Materials Costs	\$143,497
Engineering Costs	\$ 39,200
Quality Effort	\$ 29,250
Project Management	\$ 2,250
Total Price	\$214,197

Contractor shall be entitled to receive compensation for additional risk in the amount of up to \$17,500 only if the lighting system supplied by Luminator is not a plug-and-play system to compensate Contractor for the additional work necessary to integrate the lighting system into the LRV. Contractor must provide MTS with proof that the lighting system is not plug-and-play, that additional work was necessary to incorporate the lighting system and backup materials demonstrating the amount of performed additional work in the order to receive compensation for additional risk.

2. Destination Signs Supplier Change. Contractor shall be entitled to the following payment:

Materials Costs	\$176,838
Engineering Costs	\$ 73,360
Quality Effort	\$ 58,500
Project Management	\$ 3,000
Total Price	\$311,698

3. Zip-in Windows. Contractor shall be entitled to receive the following payment:

Passenger Windows:

Materials Costs	\$540,247
Engineering Costs	\$ 44,800
Quality Effort	\$ 52,000
Project Management	\$ 3,750
Passenger Subtotal	\$640,797

Door Windows:

Materials Costs	\$212,416
Engineering Costs	\$ 7,000
Project Management	\$ 3,750
Door Subtotal	\$223,166

Window Total **\$863,963**

4. Payment for the materials in this contract amendment shall be consistent with the milestone payment schedule (Exhibit D of the Standard Procurement Agreement). Contractor shall invoice the amounts that would have been payable under milestone 1 Mobilization for the materials ordered pursuant to this third amendment upon execution of this agreement. Going forward, payments for all items in this contract amendment shall be billed in accordance with Exhibit D of the Standard Procurement Agreement.

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

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Oliver Hauck
Siemens Industry, Inc.

Date: _____

DRAFT

April 22, 2010

MTS Doc. No. L0914.3-10
OPS 970.6, CIP 1210002

Mr. Oliver Hauck
President & CEO
Siemens Industry, Inc.
7464 French Road
Sacramento, CA 95828

Dear Mr. Hauck:

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ULTRASHORT LOW-FLOOR VEHICLES

This amendment shall serve to modify our agreement for the procurement of 57 ultrashort low-floor vehicles from Siemens Industry, Inc., as further described below.

SCOPE OF SERVICES

Add the following items to the contract:

1. Passenger Lighting System Supplier Change. Change the interior light supplier from Trans-Lite to Luminator. Payment for this change will be as set forth below.
2. Destination Signs Supplier Change. Change the destination sign supplier from Trans-Lite to Luminator. Payment for this change will be as set forth below.
3. Add Mandatory Brake Field Modification Instruction (FMI). On MTS's previous order of LRVs San Diego 7 (SD7) a number of interlocks were built into the Vehicle Control Unit (VCU) software to remove the risk of flat spots during SD7 mandatory brake applications in mixed-consist operation by controlling the SD7 mandatory brake circuit to prevent it from triggering the SD 100 (MTS's existing vehicles) spring break circuit. The FMI will provide MTS an additional level of prevention and eliminate the risk of flat spots on LRV tires by removing the hardwired connection, which currently exists between the S70 mandatory brake circuit and the SD100 spring brake circuit to ensure that in the event of a software malfunction or VCU failure, the spring brake will not activate. Contractor to provide proposed pricing within 30 days of receipt of this contract amendment. Pricing to be negotiated by MTS and Contractor and memorialized via a contract amendment.
4. Contractor confirms that Init will be the supplier for laser (not passive) sensor automated passenger counters. There will be no compensation for this item as it was included in the original contract price.
5. MTS shall select a supplier for onboard video surveillance equipment no later than August 31, 2010. Contractor will provide proposed installation pricing for a 12-camera system on or before August 31, 2010. Pricing to be negotiated by MTS and Contractor and memorialized via a contract amendment.

6. MTS confirms the alignment of the MTS system has not changed since the SD7 order was placed.
7. Zip-In Passenger and Door Windows. Contractor shall replace the current flush-mounted and bonded passenger and door windows and windshield with a zip-in window that allows a window to be replaced in under four hours.

SCHEDULE

1. There shall be no change to the schedule of this contract for the change in passenger lighting system suppliers. However, in the event that Luminator does not supply a lighting system that is plug-and-play and Contractor incurs a schedule delay as the result of any additional work necessary to integrate the new lighting system, MTS will not impose liquidated damages for a period of up to 60 days on the delivery of the first set of LRVs. In order for this waiver of liquidated damages to apply Contractor must present evidence documenting that the lighting system is not plug-and-play, that additional work was necessary to incorporate the lighting system, and that the additional work caused the Contractor's delay. Failure to supply this evidence may result in the imposition of liquidated damages for delay to the contract schedule. This waiver shall only apply to the delivery of the first set of vehicles due on February 28, 2012.
2. There shall be no change to the schedule of this contract for the change in destination sign suppliers. However, MTS will not prevent shipment or delivery of the LRVs from Contractor's plant nor withhold conditional acceptance of the LRVs for a period of up to 90 days on the delivery of the first set of vehicles in the event that the destination signs are not fully functional. It is also agreed that MTS shall not impose liquidated damages for a period of up to 90 days in the event that the designation signs do not fully function. This waiver shall only apply to the delivery of the first set of vehicles due on February 28, 2012.

PAYMENT

1. Passenger Light System Supplier Change. Contractor shall be entitled to the following payment:

Material Costs	\$143,497
Engineering Costs	\$ 39,200
Quality Effort	\$ 29,250
Project Management	\$ 2,250
Total Price	\$214,197

Contractor shall be entitled to receive compensation for additional risk in the amount of up to \$17,500 only if the lighting system supplied by Luminator is not a plug-and-play system to compensate Contractor for the additional work necessary to integrate the lighting system into the LRV. Contractor must provide MTS with proof that the lighting system is not plug-and-play, and that additional work was necessary to incorporate the lighting system with backup material demonstrating the amount of performed additional work in order to receive compensation for additional risk.

2. Destination Signs Supplier Change. Contractor shall be entitled to the following payment:

Material Costs	\$176,838
Engineering Costs	\$ 73,360
Quality Effort	\$ 58,500
Project Management	\$ 3,000
Total Price	\$311,698

3. Zip-in Windows. Contractor shall be entitled to receive the following payment:

Material Costs	\$
Engineering Costs	\$
Quality Effort	\$
Project Management	\$
Total Price	\$863,963

4. Payment for the materials in this contract amendment shall be consistent with the milestone payment schedule (Exhibit D of the Standard Procurement Agreement). Contractor shall invoice the amounts that would have been payable under milestone 1 Mobilization for the materials ordered pursuant to this third amendment upon execution of this agreement. Going forward, payments for all items in this contract amendment shall be billed in accordance with Exhibit D of the Standard Procurement Agreement.

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

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Oliver Hauck
Siemens Industry, Inc.

APRIL22-10.31.57 LF LRVs.L0914.3-10.WTERRY.doc

Date: _____

Low-Floor Light Rail Vehicle (LRV) Procurement Update

MTS Board Meeting
April 22, 2010



1



Modifications to the Procurement

- Amendment 1: Name change for Siemens
- Amendment 2: identified list of spare parts needed to operate fleet



2



Modifications to the Procurement



- Amendment 3:
Change passenger lighting system supplier to Luminator
Change destination sign supplier to Luminator
Modify window installation procedures to allow for zipper window



3



Modifications to the Procurement

Passenger Light System Supplier Change	\$214,197
Destination Sign Supplier Change	\$311,698

Benefits:

- Better quality product
- Proven lighting system on our buses
- Greatly improved visibility on designation signs



4



Modifications to the Procurement

Bonded Window to Zipper Window: \$863,963

Benefits:

- Less material costs
- Substantially less labor hours
- Substantially less out of service time for vehicles
- Covers both windows and doors



5



Modifications to the Procurement

Zipper Window Cost Analysis

Time/Cost for S70 Window :

Man Hours 17.5 x \$38/hr. = \$665

Material Costs = \$660

Bonding Cure Time 12 hours

Total Labor + Materials \$1,325

Total Out-of-Service Hours = 29.5

Time/Cost for SD100 Window :

Man Hours 1 x \$38/hr = \$38

Material Costs = \$126.79

Bonding Cure Time 0 hours

Total Labor + Materials \$164.79

Total Out-of-Service Hours = 1



6



Modifications to the Procurement

Average of 48 windows change per month = significant labor costs and out-of-service hours with the new fleet of 57 S70s.

Estimated Monthly Cost Savings for Zipper Windows:

Current S70 Monthly Cost:

48 windows/ month x \$1,325 = \$63,600

48 windows/month x 29.5 hr./window = 1,416 lost hours

Estimated Zipper Window Cost:

48 windows/month x (\$589 material + \$38 labor) = \$30,096

48 windows/month x 1 hr./window = 48 lost hours

Estimated monthly savings = \$33,504

Estimated monthly service hour savings = 1,368



7



Modifications to the Procurement

Zipper Window Cost Analysis

The total contract cost for implementing this change would be \$863,963. Based on the estimated monthly savings costs, it would take approximately 26 months to recoup the contract change for zipper windows.



8



Modifications to the Procurement

Staff recommends that the Board:

- (1) Authorize the Chief Executive Officer to execute MTS Document No. L0914.3-10 for a change in supplier for interior passenger lighting and destination signs and installation of zip-in windows; and
- (2) Ratify MTS Document No. L0914.1-10 (company name change for Siemens) and MTS Document No. L0914.2-10 (allocation of spare parts inventory).



9





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 970.11

April 22, 2010

SUBJECT:

MTS: YEAR-END SECURITY REPORT (JANUARY THROUGH DECEMBER 2009)
(BILL BURKE)

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

Statistics related to security incidents concerning the transit system are compiled by staff based on reports generated by security personnel and Code Compliance inspectors. This information is augmented by reports from local police authorities and is then compiled, summarized, and submitted to the Board of Directors on a midyear and year-end basis. The year-end report covers the period from January 1, 2009, through December 31, 2009.

Department of Homeland Security - Transportation Security Grant Program (TSGP)

Since 2005 the Transit Enforcement Department has been the recipient of annual funds as an authorized transit agency under the Transportation Security Grant Program (TSGP), and at the close of 2009, a total of \$6.4 million had been awarded.

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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.

The TSGP funds for FY 2005 and FY 2006 have been spent with the resulting projects completed:

- Yard-hardening and security enhancements to train yards A and C. CCTV installed at America Plaza, Imperial Transfer Station, the Old Town Transit Center, and upgrades to the existing system at San Diego State University (SDSU).
- Security enhancements at the Imperial Avenue bus facility and Kearny Mesa bus yard.

Three remaining TSGP grants remain open and active and will fund the following projects:

- TSGP FY 2007: Award – \$1.6 million

Installation of onboard CCTV for 44 buses and 60 LRVs. These are phased projects and are sustained through subsequent grant years. The ultimate goal is to obtain capability to view onboard CCTV remotely from the Operations Control Center.

- TSGP FY 2008: Award – \$1.5 million

Phase II of a multiphase program to ultimately attain the dual capability of remote surveillance of all stations and onboard vehicles from the MTS Operations Control Center; consists of installing cameras in 74 LRVs and 56 buses in concert with real-time video feeds to responding law enforcement agencies. The time period for this grant extends to April 30, 2011.

- TSGP FY 2009: Award - \$896,000

This award will fund Phase III of onboard bus CCTV for 80 additional vehicles and the installation of CCTVs at four additional transit centers.

- California Proposition 1B FY 2007-2008: Award - \$2.7 million

Proposition 1B funds in the amount of \$2.7 million have been awarded to MTS for the purpose of security improvements to the system. The funds are a result of bonds approved by California voters to be used for public transportation enhancements, including security. This money expires in March 2011 and will be used to outfit ten trolley stations with CCTV and complete the installation of CCTV onboard the bus fleet. A consulting firm has been retained to assist with the design and engineering of the ten-station CCTV project. Additionally, this money will be used to enhance security in the lobby area of the Mills Building. An internal MTS project team is in place to administer this project.

- California Proposition 1B FY 2008-2009: Requested - \$2.7 million

MTS filed an application and submitted an Investment Justification requesting \$2.7 million to complete a fiber-optic link from the Old Town Transit Center to the Fashion Valley Transit Center.

This investment is a two-phase project to enhance the MTS infrastructure by creating a high-speed, high-quality network connection for all of the Mission Valley East transit centers to the Operations Control Center (OCC).

Phase I is a project to design and install a fiber-optic link between the Qualcomm Station to an existing Caltrans telecommunications hub at the Interstate 8 and Interstate 15 interchange. This phase provides a high-speed network link to carry communications, data, and CCTV video feeds from the transit station servicing a large stadium venue to the OCC.

Phase II is a follow-on project building upon Phase I and extending the high-speed fiber-optic link to multiuser transit centers at Old Town and Fashion Valley and to the Morena Linda Vista, Hazard Center, Rio Vista, and Fenton Parkway transit centers. This phase extends the high-speed network link carrying communications, data, and CCTV video feeds to an additional seven transit centers and completes integration of the Mission Valley East stations.

The overall investment provides a stable and reliable transmission network infrastructure supporting overall operations and enhancing system safety and security on a high-density corridor, including shopping centers, a large stadium venue, and multistory residential complexes.

MTS is awaiting the award from the State of California.

Training

Training is a dynamic process in the MTS Security Department with ongoing classes, seminars, guest speakers, written directives, and other coaching media. In 2009 an aggressive training schedule was created and the result was an in-depth training session approximately once a month. Subjects covered are germane to field operations, including use of force, public relations, laws of arrest, vandalism enforcement and court testimony. Additionally, two supervisors successfully completed the in-house Management Leadership course. During this reporting period, the following courses were presented:

- Review of court procedures and testimony
- Review of public officer authority and limitations
- Recognition of graffiti and affiliated gangs
- Compass Card enforcement and system operations
- Laws of Arrest - 832 PC class; four officers recertified

On a continuing basis, pertinent information received from law enforcement and Homeland Security agencies is circulated to all enforcement personnel to keep them informed of current or developing situations that may affect MTS operations.

Transportation Security Administration (TSA)

The local field security director for the Transportation Security Administration created the Ground Transportation Security Committee, which is a regional security group focusing on ground transportation terrorism and homeland security issues. The committee is comprised of both private-sector transportation security organizations and local, federal,

and state law enforcement agencies. Meetings are held quarterly, and the MTS Assistant Director of Security was elected chairman of the committee for two years.

Closed-Circuit Television (CCTV)

CCTV is a proven crime deterrent as well as a positive forensic tool in solving crimes and assisting law enforcement agencies. CCTV was added during this period at the Grossmont and La Mesa stations, bringing the station CCTV count to 22, including:

1. 47th Street Station (5 cameras)
2. C Street Station (8 cameras)
3. Alvarado Medical Center Station (5 cameras)
4. Amaya Drive Station (8 cameras)
5. America Plaza Station (14 cameras)
6. Bayfront/E Street Station (10 cameras)
7. City College (6 cameras)
8. Civic Center Station (8 cameras)
9. El Cajon Transit Center (2 cameras)
10. Euclid Avenue Station (8 cameras)
11. Fashion Valley Transit Center (8 cameras)
12. Grossmont Transit Center (10 cameras)
13. H Street Station (10 cameras)
14. 12th & Imperial Transit Center/parking/building (31 cameras)
15. La Mesa Blvd. Station (6 cameras)
16. Old Town Transit Center (12 cameras)
17. Palomar Street Station (8 cameras)
18. Park & Market Station (8 cameras)
19. Qualcomm Stadium Station (16 cameras)
20. SDSU Transit Center (27 cameras)
21. San Ysidro Transit Center (19 cameras)
22. Spring Street Station (6 cameras)

Most stations have a combination of fixed and pan-tilt-zoom (PTZ) cameras. The PTZ cameras have the capability of rotating to capture a wide-area view and can zoom/tilt to capture view-specific views. Fixed cameras are aimed at specific targets, such as platforms and heavily populated patron areas. All cameras record to a digital video recording device where video data is stored for approximately 15 days of recorded history. The Euclid Avenue Station has a 30-day recording capacity. All CCTV systems can be viewed on monitors in the Operations Control Center that is staffed with security personnel during hours of train operations. San Diego State University is monitored on a 24/7 basis at the on-campus security station.

The entire CCTV system is widely used by MTS Transit Enforcement and various law enforcement agencies for evidentiary purposes. Many recordings have resulted in court convictions, and while not quantifiable directly, the system is a value-added, crime-deterrent security measure. During this reporting period, a total of 111 security-related events were recorded and saved for evidentiary purposes.

The following six transit centers have been identified for CCTV installation:

1. 25th & Commercial
2. 32nd & Commercial
3. Encanto/62nd Street
4. Gaslamp Quarter
5. Lemon Grove Depot
6. Massachusetts Avenue

Engineering drawings and technical specifications were started during the second half of 2009, and the project is expected to be completed by end of 2010.

Special Detail

A special detail focusing on possible illegal reselling of MTS Day Passes on the Blue Line began in May and continued through the remainder of 2009. Transit Enforcement investigated and confirmed this activity and set up undercover teams to arrest and/or issue citations to the violators.

Repeat offenders were chronically collecting and reselling previously purchased/used tickets. Most of the resale and used ticket collection activity occurred during weekdays in Mexico.

MTS made extra efforts to reprint some of the day pass tickets with more visible and secondary language indicating that the resale of tickets is illegal. As an enforcement measure, "wanted posters" containing the photographs of the chronic violators were posted at strategic locations along the Blue Line.

Other Day Pass issues relative to Ticket Vending Machine (TVM) sales and MTS bus Day Passes were also investigated.

Bike Team Unit

The Bike Team's main focus is on quality-of-life violations. These violations consist of loitering, open alcoholic containers, vandalism, and narcotics possession. The Bike Team patrols trolley stations, transit parking lots, trolley rights-of-way, and bus stops throughout the City of San Diego. The Bike Team Unit also works with the public assisting patrons and tourists with information and directions. The Imperial Avenue Division bus yard and surrounding bus stops continue to be an area of focus due to significant transient activity.

Outside Agency Collaborative Details

In December 2009, a department representative attended the Border Transportation Council meetings to discuss relevant issues, such as criminal activity, illegal transportation carriers, wildcatting, and other citizen concerns. Over ten agencies and organizations are represented at these meetings. Issues with stolen vehicles and drug activities were included in the topics of discussion this period. Additionally, this group is working to develop a Web site as a vehicle for information sharing between the agencies.

Serious Incidents

In July, an armed subject robbed the Encanto/62nd Street Station security officer of his service weapon in the early evening hours. Two days later, the same subject shot a Grossmont Transit Center security officer twice as the officer was attempting to check fares in the station. This event occurred after dark, and the suspect fled on foot. The security officer survived the shooting and made a full recovery.

In the days that followed, a special task force was created consisting of MTS Transit Enforcement management, personnel from the cities of La Mesa and El Cajon, the San Diego Police Gang Unit, and the San Diego County District Attorney's Office.

The San Diego Police Department also requested MTS assistance in tactical operations along the east line. The patrols were comprised of both plainclothes and uniformed officers from MTS, El Cajon Police, La Mesa Police, and the Sheriff's Department. These agencies working in concert were successful in arresting a suspect in this case. The suspect was subsequently charged with attempted murder, robbery, and other charges. This case has not yet been adjudicated.

Border Detail

Transit System Security and Code Compliance units monitored and enforced transit and traffic-oriented violations at Camiones Way near the San Ysidro International Border in November and issued 35 notices to appear for various violations.

Bus Yard/Revenue Vehicle Security Coverage

The bus yard at Chula Vista Transit has been secured, and a gate officer is now stationed there to prevent unauthorized access. Cipher locks at San Diego Transit have been replaced with card-access readers. An agency-issued ID card is now required for access.

Tip the Scales/Special Enforcement Operations

The operation is intended to suppress narcotics activity through aggressive enforcement. Narcotics in all of the cities tend to overlap into neighboring jurisdictions. By invitation, MTS Code Compliance and TSS officers, deputies, and detectives will use a variety of methods to target, contact, identify, and arrest drug users. MTS personnel and law enforcement will aggressively enforce all laws and ordinances in Santee, Lakeside, on board MTS vehicles, and in unincorporated El Cajon locations. The goals of the operation include highly visible enforcement and simultaneous promotion of treatment and recovery, informant development toward future investigations, and promotion of the Meth Hotline.

This campaign is a partnership between more than a dozen agencies, including the San Diego County Sheriff's Department, El Cajon Police Department, La Mesa Police Department, Metropolitan Transit System, Narcotics Task Force (NTF), San Diego County Child Welfare Services/Drug-Endangered Children, San Diego County Department of Alcohol Drug Services, Meth Strike Force, McAlister Institute, Mental Health Systems, County Probation, and the California Department of Corrections/Parole.

Approximately 30,000 patrons were contacted during these details. Hundreds of citations were issued and arrests made for felonies and misdemeanors as well as for penal code and MTS ordinance violations.

The Security Department was recognized by the San Diego Sheriff's Department in connection with this work.

Canine Teams

In 2006, three explosive-detection canine teams were funded through a five-year Cooperative Agreement with the Transportation Security Administration (TSA). MTS currently deploys three teams.

Explosive-Detection Units responded to approximately 13 requests for searches of suspicious packages/objects during this period. In the first half of this year, one unit responded to a bomb threat on MTS property (received by the San Diego Police Department) with negative results.

One handler attended the annual International Association of Bomb Technicians and Investigators (IABTI) Conference. This year, the conference was held in Henderson, Nevada in November. The conference included K9 training hosted by the University of Las Vegas. MTS units trained with Phoenix and Las Vegas Monorail police agencies and a security team from Canada.

Handlers continue to attend the quarterly bomb investigators meetings and regularly conducted internal training. MTS maintains attendance at these meetings due to the innumerable topics covered as well as the quantity and diversity of agencies represented. It is also a resource for future training classes—one of which was IED Recognition sponsored by the FBI and held at the Hyatt in October. One of the break-out sessions offered was for "Non-bomb Tech First Responders" sponsored by TSA's Office of Security Technology and Homeland Security.

In November, K9 Sergeant Parham met with Michael T. Prendergast, Chief - TSA National Explosives Detection Canine Team Program, and Kelly Lewis, Western Area Canine Coordinator, on the tarmac of Lindbergh Field to receive MTS's new K9 training aids.

All canine handlers successfully passed the required recertification training, an extensive week-long series of drills, and evaluation during this reporting period.

Plans for a permanent dog kennel facility were approved during this reporting period, and construction is expected to start in mid 2010.

Community Outreach

Operation Lifesaver (OLS) remains active with regular visits to schools and other organizations. Children (mainly) are taught about transit facts and safety tips and are shown the "Don't Be That Kid" video. They are also given handouts, such as schedules, pens, key chains, coloring books, and bookmarks provided by the MTS Marketing Department.

This period, OLS presentations were given at the Encanto Elementary School (after the MTS-sponsored "Bike Give Away") and at the "National Night Out" Crime Prevention and Community Resource Fair.

San Diego Trolley, Inc.

San Diego Trolley, Inc. experienced 2,459 Part II arrests and 163 reports of Part I incidents during 2009. This is a 29% reduction in Part I incidents and 4% reduction in Part II arrests over the same period in 2008. In 2008, there were 2,560 Part II arrests and 228 reports of Part I incidents.

San Diego Transit Corporation

San Diego Transit Corporation experienced 223 Part II arrests and 33 reports of Part I incidents in 2009. In 2008, there were 210 Part II arrests and 35 reports of Part I incidents.

Contract Transportation Services

MTS Contract Services experienced 108 Part II arrests and 13 reports of Part I incidents for this period in 2009. In the same period in 2008, there were 88 Part II arrests and 10 reports of Part I incidents.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Bill Burke, 619.595.4947, Bill.Burke@sdmts.com

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YEAREND SECURITY RPT.SMURPHY.doc

Attachments: A. Board FTA 405 Reports (January – December 2009 SDTI)
B. Board FTA 405 Reports (January - December 2008 SDTI)
C. Board FTA 405 Reports (January - December 2009 SDTC)
D. Board FTA 405 Reports (January - December 2008 SDTC)

<input type="checkbox"/> Form not applicable NTD ID 		BOARD 405 REPORT		Required from transit agencies serving UZAs of 200,000 or more population	
<input type="checkbox"/> Form 005 Included				Mode 	
Based on the Uniform Crime Reporting Handbook					
Security Items		In Vehicle		In Station	
Other Transit Prop.					
Location SDTI					
Part I Offenses (Reports)					
Violent Crime	Inc Inv	Arrests			
Homicide	0	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Forcible rape	0	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Robbery	48	15			
			Patrons 24	27	2
			Employees 0	0	0
			Others 1	2	0
Aggravated assault	18	9			
			Patrons 3	2	2
			Employees 0	3	0
			Others 2	6	4
Property Crime	Inc Inv	Arrests			
Burglary	1	0	0	0	1
Larceny/theft	70	8			
			Patrons 23	19	21
			Employees 0	0	2
			Others 1	4	2
Motor vehicle theft	26	1			
			Patrons 0	0	25
			Employees 0	0	0
			Others 0	0	1
Arson	0	0	0	0	0
Part II Offenses (Arrests)					
	Inc Inv	Arrests			
Other assaults	117	72	13	56	3
Vandalism	692	134	75	52	7
Sex offenses	29	13	11	1	1
Drug abuse violations	306	314	47	220	47
Driving under the influence	4	4	0	0	4
Drunkenness	295	285	62	203	20
Disorderly conduct	1,012	958	235	675	48
Trespassing	603	442	0	2	440
Fare evasion	21,022	19,960	16,669	3,290	1
Curfew & loitering laws	247	237	2	205	30
Total Transit Property Damage				\$ 19,340.65	
Internal Use Only					
Report Run Date		Report Run Time		Reporting Period	
02/18/2010		08:23:36AM		01/01/2009 To 12/31/2009	

☐ Form not applicableNTD ID ☐ Form 005 Included**BOARD 405 REPORT**

Required from transit agencies serving UZAs of 200,000 or more population.

Mode Type of Service

Based on the Uniform Crime Reporting Handbook

Security Items	In Vehicle	In Station	Other Transit Prop.
----------------	------------	------------	---------------------

Location **SDTI**

Part I Offenses (Reports)			
Violent Crime	Inc Inv	Arrests	
Homicide	1	1	
			Patrons 0 1 0
			Employees 0 0 0
			Others 0 0 0
Forcible rape	0	0	
			Patrons 0 0 0
			Employees 0 0 0
			Others 0 0 0
Robbery	59	27	
			Patrons 22 38 1
			Employees 0 0 0
			Others 0 0 0
Aggravated assault	16	7	
			Patrons 3 8 0
			Employees 0 0 1
			Others 2 4 2
Property Crime	Inc Inv	Arrests	
Burglary	0	0	
			0 0 0
Larceny/theft	124	11	
			Patrons 11 26 45
			Employees 0 0 1
			Others 0 18 23
Motor vehicle theft	28	1	
			Patrons 0 0 26
			Employees 0 0 0
			Others 0 0 2
Arson	0	0	
			0 0 0
Part II Offenses (Arrests)	Inc Inv	Arrests	
Other assaults	162	93	
			26 65 2
Vandalism	435	78	
			30 34 14
Sex offenses	25	11	
			6 5 0
Drug abuse violations	374	390	
			51 289 50
Driving under the influence	12	12	
			0 2 10
Drunkenness	281	269	
			54 202 13
Disorderly conduct	1,008	931	
			243 649 39
Trespassing	698	553	
			2 28 523
Fare evasion	21,184	19,596	
			15,511 4,082 3
Curfew & loitering laws	242	223	
			24 183 16

Total Transit Property Damage

\$ 122,603.73

Internal Use Only

Report Run Date

Report Run Time

Reporting Period

02/18/2010

08:23:17AM

01/01/2008 To 12/31/2008

☐ Form not applicableNTD ID ☐ Form 005 Included**BOARD 405 REPORT**

Required from transit agencies serving UZAs of 200,000 or more population.

Mode Type of Service

Based on the Uniform Crime Reporting Handbook

Security Items	In Vehicle	In Station	Other Transit Prop.
Location SDTC			
Part I Offenses (Reports)			
Violent Crime	Inc Inv	Arrests	
Homicide	1	0	
			Patrons 0 0 0
			Employees 0 0 3
			Others 0 0 0
Forcible rape	0	0	
			Patrons 0 0 0
			Employees 0 0 0
			Others 0 0 0
Robbery	12	3	
			Patrons 7 4 0
			Employees 0 0 0
			Others 1 1 0
Aggravated assault	8	3	
			Patrons 4 2 0
			Employees 0 0 0
			Others 1 0 1
Property Crime	Inc Inv	Arrests	
Burglary	0	0	
Larceny/theft	12	0	
			Patrons 8 1 0
			Employees 2 0 0
			Others 1 0 0
Motor vehicle theft	0	0	
			Patrons 0 0 0
			Employees 0 0 0
			Others 0 0 0
Arson	0	1	
			0 0 0
Part II Offenses (Arrests)			
Other assaults	46	9	
Vandalism	89	10	
Sex offenses	8	0	
Drug abuse violations	24	24	
Driving under the influence	0	0	
Drunkenness	55	55	
Disorderly conduct	319	76	
Trespassing	5	5	
Fare evasion	45	10	
Curfew & loitering laws	55	44	

Total Transit Property Damage

\$ 767.11

Internal Use Only

Report Run Date

Report Run Time

Reporting Period

02/18/2010

08:23:36AM

01/01/2009 To 12/31/2009

☐ Form not applicableNTD ID ☐ Form 005 Included**BOARD 405 REPORT**Required from transit agencies serving UZAs
of 200,000 or more population.Mode Type of Service

Based on the Uniform Crime Reporting Handbook

Security Items			In Vehicle	In Station	Other Transit Prop.
Location SDTC					
Part I Offenses (Reports)					
Violent Crime	Inc Inv	Arrests			
Homicide	1	0			
			Patrons 0	1	0
			Employees 0	0	0
			Others 0	0	0
Forcible rape	0	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Robbery	11	3			
			Patrons 2	7	0
			Employees 0	1	0
			Others 0	1	0
Aggravated assault	12	9			
			Patrons 2	7	0
			Employees 2	0	0
			Others 2	3	0
Property Crime	Inc Inv	Arrests			
Burglary	0	0			
Larceny/theft	11	0			
			Patrons 6	3	0
			Employees 0	0	1
			Others 1	0	0
Motor vehicle theft	0	0			
			Patrons 0	0	0
			Employees 0	0	0
			Others 0	0	0
Arson	0	0			
			0	0	0
Part II Offenses (Arrests)					
	Inc Inv	Arrests			
Other assaults	59	5	2	3	0
Vandalism	68	8	5	3	0
Sex offenses	7	0	0	0	0
Drug abuse violations	33	31	0	22	9
Driving under the influence	3	3	0	2	1
Drunkenness	50	49	19	28	2
Disorderly conduct	198	89	6	78	5
Trespassing	3	2	0	1	1
Fare evasion	49	32	3	29	0
Curfew & loitering laws	33	23	0	17	6

Total Transit Property Damage

\$ 2,219.75

Internal Use Only

Report Run Date

Report Run Time

Reporting Period

02/18/2010

08:23:17AM

01/01/2008 To 12/31/2008

Annual Security Report ***January – December 2009***

Presented by

William Burke
Director of Transit System Security

April 22, 2010



Passenger Inspections - Rail **January – December 2009**

- 31,631,065 passengers carried
- 25.38% of total passengers inspected



Passengers Carried – Bus

January – December 2009

- 28,194,051 passengers carried
- 5.5% Cash fare
- 94.50% Other (pass/token/jury/transfer/free)



3



Part I Incidents - Rail

	2007	2008	2009
Ridership	36,835,828	36,054,592	31,631,065
Homicide	1	1	0
Rape	0	0	0
Robbery	41	59	48 (-19%)
Agg. Assault	25	16	18
Burglary	1	0	1
Theft	88	124	70 (-44%)
MV Theft	22	28	26
Arson	0	0	0
Part I Incidents	178	228	163
Per 100,000	.47	.63	.52



4



Theft - Rail

[illegible]



TAKE ONE

Safety and Security Tips

The safety and security of our passengers are top priorities at the Metropolitan Rapid Transit Authority, and we are proud of our record of providing a safe and secure environment for passengers.

To make your trip even safer, we would like to recommend several safety tips that are both simple and important:

- Be Aware of Your Surroundings and Always Be Alert to anyone, especially inside or in a taxi. If anyone, except for your safety, becomes disruptive, become and always follow the driver's instructions. If anyone is in your way or in other ways, please do not get involved.
- Call 911 and, if you are reasonably certain, dial 911 if you see someone who is in trouble or if you see someone who is in trouble. While using 911, be sure to provide the location of the emergency and the nature of the emergency. People who may be threatened by your presence.
- Call 911 or MTA Security if you see a situation of a crime or an unsafe situation taking place on MTA property or on MTA property or in a taxi. Call 911 if you see someone who is in trouble or if you see someone who is in trouble. While using 911, be sure to provide the location of the emergency and the nature of the emergency. People who may be threatened by your presence.

We also want you to be a responsible and safe driver. If you are a driver, be sure to wear your seat belt and always follow the driver's instructions. If you are a driver, be sure to wear your seat belt and always follow the driver's instructions. If you are a driver, be sure to wear your seat belt and always follow the driver's instructions.

For more information on safety and security, please visit our website at www.mta.com.





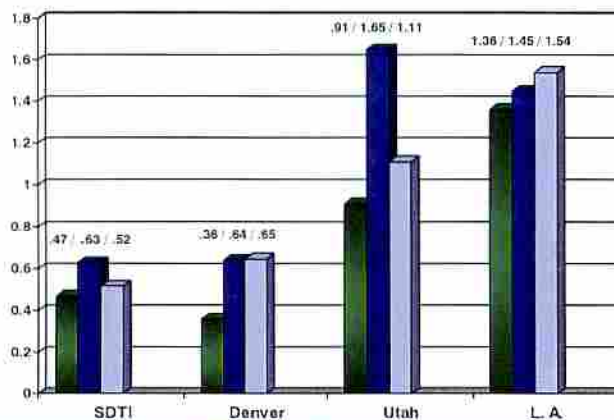
5



Part I Incidents

Per 100,000 Passengers

2007, 2008 and 2009 Light Rail



36



Part II Arrests - Rail

	2007	2008	2009
Ridership	36,835,828	36,054,592	31,631,063
Other Assaults	64	93	72
Vandalism	120	78	134
Sex Offenses	9	11	13
Drug Abuse	308	390	314
DUI	4	12	4
Drunkenness	234	269	285
Disorderly Conduct	725	931	958
Trespassing	224	553	442
Curfew/Loitering	112	223	237
Total*	1,800	2,560	2,459

*Does not include citations for fare evasion.



7



Part I Incidents - Bus

	2007	2008	2009
Ridership	26,075,859	29,657,073	28,194,051
Homicide	0	1	1
Rape	0	0	0
Robbery	3	11	12
Agg. Assault	10	12	8
Burglary	0	0	0
Theft	3	11	12
MV Theft	0	0	0
Arson	0	0	0
Total	16	35	33
Per 100,000	.06	.12	.12



8



Part II Arrests - Bus

	2007	2008	2009
Ridership	26,075,859	29,657,073	28,194,051
Other Assaults	4	5	9
Vandalism	8	8	10
Sex Offenses	0	0	0
Drug Abuse	32	31	24
DUI	0	3	0
Drunkenness	32	49	55
Disorderly Conduct	39	89	76
Trespassing	0	2	5
Curfew/Loitering	6	23	44
Total*	121	210	223

*Does not include citations for fare evasion.



9



Officer Shooting Grossmont

- Officer shot while inspecting fares
- Suspect arrested/charged with attempted murder and robbery
- Officer made full recovery and is back to work
- Officer recognized by City of La Mesa
- Ten CCTV cameras installed at Grossmont - and six at La Mesa - in late 2009



10



Grossmont Center Station

Newly Installed CCTV

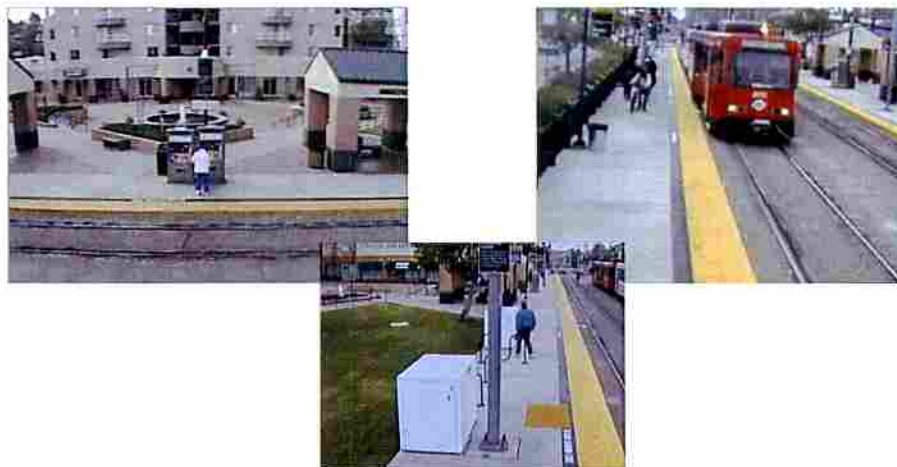


11



La Mesa Blvd. Station

Newly Installed CCTV



12



Training

Graffiti Class

Proper ways of reporting and handling of graffiti for the purpose of appropriate prosecution by the District Attorney



SDPD Officer Arte Perea - Graffiti Strike Force (GSF)/Gang Suppression Unit (GSU).



13



Part II Vandalism

- Undercover officer witnessed suspect etching LRV door
- Arrested and found in possession of marijuana
- Found guilty of both charges and fined \$471, plus \$64.45 restitution for vandalism.



14



Tip the Scales

Narcotics and Gang Suppression Treatment and Recovery

- Four Multi-agency operations held April-September
- Law Enforcement
 - Sheriff's Department, El Cajon and La Mesa Police, Narcotics Task Force, San Diego County Child Welfare Services/Drug Endangered Children, San Diego County Department of Alcohol Drug Services, The Meth Strike Force, The McAllister Institute, Mental Health Systems, County Probation, California Department of Corrections and Parole.
- Over 16,000 patrons contacted
 - 209 arrests (99 drug related warrants)
 - 366 citations
 - 59 treatment conversations
 - 322 methamphetamine information pamphlets distributed



15



Explosive Detection



Onboard



In stations



16



Compass Card

Patrons "Tap" PCID (Platform Card Interface Device) or "Validator" when changing modes of service



Validator for
COASTER



Validator for
Trolley



17



Compass Card

Inspection and 'Tapping'



18



Operation Life Saver

Safety Briefing



Transit Security Administration Attendees



19



End



20





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.

CIP 11457

April 22, 2010

SUBJECT:

MTS: COMPASS CARD IMPLEMENTATION (SHARON COONEY AND JAMES DREISBACH-TOWLE OF SANDAG)

RECOMMENDATION:

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

Budget Impact

None.

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 replace all paper fare media for MTS and North County Transit District (NCTD) operations. The staffs of the three agencies are working toward full implementation of the automated fare system, and SANDAG staff will provide a report on progress.

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: Sharon Cooney, 619.557.4513, sharon.cooney@sdmts.com

APR22-10.46.COMPASS CARD.COONEY.doc

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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. 47

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

FIN 310.2

April 22, 2010

SUBJECT:

MTS: OPERATIONS BUDGET STATUS REPORT FOR FEBRUARY 2010
(MIKE THOMPSON)

RECOMMENDATION:

That the Board of Directors receive a report on MTS's operations budget status for February 2010.

Budget Impact

None at this time.

DISCUSSION:

This report summarizes MTS's operating results for February 2010 compared to the fiscal year 2010 amended budget. Attachment A-1 combines the operations, administration, and other activities results for February 2010. Attachment A-2 details the February 2010 combined operations results, and Attachments A-3 to A-8 present budget comparisons for each MTS operation. Attachment A-9 details budget comparisons for MTS Administration, and A-10 provides February 2010 results for MTS's other activities (Taxicab/San Diego and Arizona Eastern Railway Company).

MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1, the year-to-date February 2010 MTS net-operating subsidy unfavorable variance totaled \$261,000 (-0.3%). Operations produced a \$4,000 (0.0%) unfavorable variance, and the administrative/other activities areas were unfavorable by \$257,000.

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MTS COMBINED RESULTS

Revenues

Year-to-date combined revenues through February 2010 were \$62,877,000 compared to the year-to-date budget of \$62,635,000 representing a \$242,000 (0.4%) positive variance.

Expenses

Year-to-date combined expenses through February 2010 were \$139,548,000 compared to the year-to-date budget of \$139,044,000, resulting in a \$503,000 (-0.4%) unfavorable variance.

Personnel Costs. Year-to-date personnel related costs totaled \$66,986,000 compared to a year-to-date budgetary figure of \$66,771,000 resulting in an unfavorable variance of \$215,000 (-0.3%).

Outside Services and Purchased Transportation. Total outside services for the first eight months of the fiscal year totaled \$46,498,000 compared to a budget of \$46,486,000 resulting in a year-to-date unfavorable variance of \$12,000 (-0.0%).

Materials and Supplies. Total year-to-date materials and supplies expenses totaled \$4,511,000 compared to a budgetary figure of \$4,519,000 resulting in a favorable expense variance of \$8,000 (0.2%).

Energy. Total year-to-date energy costs were \$16,991,000 compared to the budget of \$16,930,000 resulting in a year-to-date unfavorable variance of \$61,000 (-0.4%). Year-to-date diesel prices averaged \$2.437 per gallon compared to the midyear adjusted budgetary rate of \$2.430 per gallon. Year-to-date compressed natural gas (CNG) prices averaged \$1.193 per therm compared to the midyear adjusted budgetary rate of \$1.290 per therm.

Risk Management. Total year-to-date expenses for risk management were \$3,310,000 compared to the year-to-date budget \$3,122,000 resulting in an unfavorable variance totaling \$188,000 (-6.0%).

General and Administrative. Year-to-date general and administrative costs, including vehicle and facilities leases, were \$35,000 (-2.9%) unfavorable to budget totaling \$1,251,000 through February 2010 compared to a year-to-date budget of \$1,216,000.

YEAR-TO-DATE SUMMARY

The February 2010 year-to-date net operating subsidy totaled an unfavorable variance of \$261,000 (-0.3%). These factors include unfavorable variances in personnel costs, other revenue, energy, and risk management and are partially offset by a favorable variance in passenger revenue.



Paul C. Jablonski
Chief Executive Officer

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

APRIL22-10.47.OPS BUDGET FEB 10.MTHOMPSON.docx

Attachment: A. Comparison to Budget

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

**MTS
CONSOLIDATED**

Att. A, AI 47, 4/22/10

**COMPARISON TO BUDGET - FISCAL YEAR 2010
FEBRUARY 28, 2010
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 58,741	\$ 58,431	\$ 310	0.5%
Other Revenue	4,136	4,204	(68)	-1.6%
Total Operating Revenue	\$ 62,877	\$ 62,635	\$ 242	0.4%
Personnel costs	\$ 66,986	\$ 66,771	\$ (215)	-0.3%
Outside services	46,498	46,486	(12)	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	4,511	4,519	8	0.2%
Energy	16,991	16,930	(61)	-0.4%
Risk management	3,310	3,122	(188)	-6.0%
General & administrative	856	815	(41)	-5.0%
Vehicle/facility leases	395	401	6	1.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(0)	(0)	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 139,548	\$ 139,044	\$ (503)	-0.4%
Operating income (loss)	\$ (76,671)	\$ (76,409)	\$ (261)	-0.3%
Total public support and nonoperating revenues	8,776	3,724	5,052	135.6%
Income (loss) before capital contributions	\$ (67,895)	\$ (72,685)	\$ 4,791	-6.6%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

OPERATIONS

Att. A, AI 47, 4/22/10

CONSOLIDATED OPERATIONS

COMPARISON TO BUDGET - FISCAL YEAR 2010

FEBRUARY 28, 2010

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 58,741	\$ 58,431	\$ 310	0.5%
Other Revenue	444	416	28	6.8%
Total Operating Revenue	\$ 59,185	\$ 58,847	\$ 338	0.6%
Personnel costs	\$ 57,968	\$ 57,879	\$ (89)	-0.2%
Outside services	40,232	40,180	(53)	-0.1%
Transit operations funding	-	-	-	-
Materials and supplies	4,501	4,509	7	0.2%
Energy	16,555	16,504	(51)	-0.3%
Risk management	2,969	2,816	(153)	-5.4%
General & administrative	241	229	(12)	-5.1%
Vehicle/facility leases	354	362	8	2.3%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	13,611	13,611	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 136,432	\$ 136,090	\$ (342)	-0.3%
Operating income (loss)	\$ (77,247)	\$ (77,243)	\$ (4)	0.0%
Total public support and nonoperating revenues	2,091	(2,961)	5,052	-170.6%
Income (loss) before capital contributions	\$ (75,156)	\$ (80,204)	\$ 5,048	-6.3%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
TRANSIT SERVICES (SAN DIEGO TRANSIT CORPORATION)
COMPARISON TO BUDGET - FISCAL YEAR 2010
FEBRUARY 28, 2010
(in \$000's)

Att. A, AI 47, 4/22/10

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 18,007	\$ 17,999	\$ 8	0.0%
Other Revenue	44	42	2	3.6%
Total Operating Revenue	\$ 18,051	\$ 18,042	\$ 9	0.1%
Personnel costs	\$ 37,477	\$ 37,386	\$ (91)	-0.2%
Outside services	1,242	1,195	(48)	-4.0%
Transit operations funding	-	-	-	-
Materials and supplies	2,826	2,799	(26)	-0.9%
Energy	4,725	4,628	(96)	-2.1%
Risk management	1,255	1,221	(34)	-2.8%
General & administrative	84	84	(1)	-0.9%
Vehicle/facility leases	133	138	5	3.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	4,788	4,788	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 52,530	\$ 52,239	\$ (291)	-0.6%
Operating income (loss)	\$ (34,479)	\$ (34,197)	\$ (281)	-0.8%
Total public support and nonoperating revenues	(721)	(5,773)	5,052	-87.5%
Income (loss) before capital contributions	\$ (35,200)	\$ (39,970)	\$ 4,770	-11.9%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
RAIL OPERATIONS (SAN DIEGO TROLLEY, INCORPORATED)
COMPARISON TO BUDGET - FISCAL YEAR 2010
FEBRUARY 28, 2010
(in \$000's)

Att. A, AI 47, 4/22/10

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 21,947	\$ 21,776	\$ 171	0.8%
Other Revenue	358	373	(15)	-4.1%
Total Operating Revenue	\$ 22,305	\$ 22,150	\$ 156	0.7%
Personnel costs	\$ 19,792	\$ 19,775	\$ (17)	-0.1%
Outside services	2,250	2,250	0	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	1,672	1,704	32	1.9%
Energy	6,214	6,198	(16)	-0.3%
Risk management	1,714	1,595	(119)	-7.5%
General & administrative	135	139	4	2.7%
Vehicle/facility leases	124	127	3	2.3%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	8,118	8,118	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 40,019	\$ 39,906	\$ (113)	-0.3%
Operating income (loss)	\$ (17,714)	\$ (17,756)	\$ 42	0.2%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (17,714)	\$ (17,756)	\$ 42	-0.2%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

OPERATIONS

Att. A, AI 47, 4/22/10

MULTIMODAL OPERATIONS (FIXED ROUTE)

COMPARISON TO BUDGET - FISCAL YEAR 2010

FEBRUARY 28, 2010

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 15,216	\$ 15,011	\$ 204	1.4%
Other Revenue	42	-	42	-
Total Operating Revenue	\$ 15,258	\$ 15,011	\$ 246	1.6%
Personnel costs	\$ 163	\$ 179	\$ 16	9.0%
Outside services	26,368	26,334	(34)	-0.1%
Transit operations funding	-	-	-	-
Materials and supplies	3	3	(0)	-1.0%
Energy	4,235	4,293	58	1.4%
Risk management	-	-	-	-
General & administrative	(0)	(0)	0	-115.7%
Vehicle/facility leases	96	97	0	0.4%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	561	561	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 31,426	\$ 31,467	\$ 41	0.1%
Operating income (loss)	\$ (16,168)	\$ (16,455)	\$ 287	1.7%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (16,168)	\$ (16,455)	\$ 287	-1.7%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

OPERATIONS

Att. A, AI 47, 4/22/10

MULTIMODAL OPERATIONS (PARATRANSIT)

COMPARISON TO BUDGET - FISCAL YEAR 2010

FEBRUARY 28, 2010

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 1,184	\$ 1,192	\$ (8)	-0.6%
Other Revenue	-	-	-	-
Total Operating Revenue	\$ 1,184	\$ 1,192	\$ (8)	-0.6%
Personnel costs	\$ 101	\$ 103	\$ 2	2.4%
Outside services	6,268	6,258	(10)	-0.2%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	1,078	1,089	11	1.0%
Risk management	-	-	-	-
General & administrative	2	1	(1)	-131.8%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	16	16	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 7,464	\$ 7,467	\$ 2	0.0%
Operating income (loss)	\$ (6,280)	\$ (6,275)	\$ (5)	-0.1%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (6,280)	\$ (6,275)	\$ (5)	0.1%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
CONSOLIDATED CHULA VISTA TRANSIT OPERATIONS
COMPARISON TO BUDGET - FISCAL YEAR 2010
FEBRUARY 28, 2010
(in \$000's)

Att. A, AI 47, 4/22/10

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 2,387	\$ 2,453	\$ (65)	-2.7%
Other Revenue	-	-	-	-
Total Operating Revenue	\$ 2,387	\$ 2,453	\$ (65)	-2.7%
Personnel costs	\$ 247	\$ 247	\$ 1	0.2%
Outside services	3,851	3,889	38	1.0%
Transit operations funding	-	-	-	-
Materials and supplies	1	2	1	61.0%
Energy	304	296	(7)	-2.5%
Risk management	-	-	-	-
General & administrative	19	6	(14)	-242.4%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	129	129	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 4,550	\$ 4,570	\$ 19	0.4%
Operating income (loss)	\$ (2,163)	\$ (2,117)	\$ (46)	-2.2%
Total public support and nonoperating revenues	2,692	2,692	-	0.0%
Income (loss) before capital contributions	\$ 528	\$ 575	\$ (46)	-8.1%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

OPERATIONS

Att. A, AI 47, 4/22/10

CORONADO FERRY

COMPARISON TO BUDGET - FISCAL YEAR 2010

FEBRUARY 28, 2010

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	-	-	-	-
Total Operating Revenue	\$ -	\$ -	\$ -	-
Personnel costs	\$ -	\$ -	\$ -	-
Outside services	98	98	-	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	-	-	-	-
Risk management	-	-	-	-
General & administrative	-	-	-	-
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	-	-	-	-
Depreciation	-	-	-	-
Total Operating Expenses	\$ 98	\$ 98	\$ -	0.0%
Operating income (loss)	\$ (98)	\$ (98)	\$ -	0.0%
Total public support and nonoperating revenues	120	120	-	0.0%
Income (loss) before capital contributions	\$ 22	\$ 22	\$ -	0.0%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

**ADMINISTRATION
CONSOLIDATED**

Att. A, AI 47, 4/22/10

COMPARISON TO BUDGET - FISCAL YEAR 2010

FEBRUARY 28, 2010

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	2,851	2,962	(112)	-3.8%
Total Operating Revenue	\$ 2,851	\$ 2,962	\$ (112)	-3.8%
Personnel costs	\$ 8,580	\$ 8,457	\$ (123)	-1.4%
Outside services	6,120	6,141	20	0.3%
Transit operations funding	-	-	-	-
Materials and supplies	5	6	1	16.0%
Energy	430	419	(11)	-2.6%
Risk management	318	283	(35)	-12.3%
General & administrative	540	518	(22)	-4.3%
Vehicle/facility leases	41	39	(2)	-4.9%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(13,661)	(13,661)	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 2,373	\$ 2,202	\$ (171)	-7.8%
Operating income (loss)	\$ 478	\$ 760	\$ (282)	37.2%
Total public support and nonoperating revenues	6,686	6,686	0	0.0%
Income (loss) before capital contributions	\$ 7,163	\$ 7,446	\$ (282)	-3.8%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

OTHER ACTIVITIES

Att. A, AI 47, 4/22/10

CONSOLIDATED

COMPARISON TO BUDGET - FISCAL YEAR 2010

FEBRUARY 28, 2010

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	841	826	15	1.8%
Total Operating Revenue	\$ 841	\$ 826	\$ 15	1.8%
Personnel costs	\$ 438	\$ 435	\$ (4)	-0.8%
Outside services	145	166	21	12.4%
Transit operations funding	-	-	-	-
Materials and supplies	4	4	(0)	-3.6%
Energy	7	7	0	3.8%
Risk management	23	23	(0)	0.0%
General & administrative	75	68	(7)	-10.8%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	50	50	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 743	\$ 752	\$ 10	1.3%
Operating income (loss)	\$ 98	\$ 74	\$ 25	-33.5%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ 98	\$ 74	\$ 25	33.5%

Metropolitan Transit System FY 2010 - February 2010 Financial Review

MTS Board of Directors Meeting
April 22, 2010



1



COMBINED MTS TRANSIT OPERATORS COMPARISON TO BUDGET - FEBRUARY 28, 2010 - FY 2010 (in \$000's)

	YEAR TO DATE			
	ACTUAL	AMENDED BUDGET	VARIANCE	% VAR
Fare Revenue	\$58,741	\$58,431	\$310	0.5%
Other Revenue	444	416	28	6.8%
Total Operating Revenue	\$59,185	\$58,847	\$338	0.6%

Fare Revenue variance with Amended Budget

- Ridership: 0.9% higher than Budget, \$756K variance
- Average Fares: -0.7% lower than Budget, -\$446K variance

Fare Revenue comparison to Prior Year

- Ridership decreased by 16.8%
- Average Fares increased by 14.7%



2



COMBINED MTS TRANSIT OPERATORS COMPARISON TO BUDGET - FEBRUARY 28, 2010 - FY 2010 (in \$000's)				
	YEAR TO DATE			
	ACTUAL	AMENDED BUDGET	VARIANCE	% VAR
Personnel Costs	\$57,968	\$57,879	(\$89)	-0.2%
Purchased Transportation	35,670	35,597	(73)	-0.2%
Other Outside Services	4,562	4,583	21	0.4%
Energy	16,555	16,504	(51)	-0.3%
Other Expenses	21,677	21,527	(150)	-0.7%
Total Expenses	\$136,432	\$136,090	(\$342)	-0.3%

Energy - February year to date rates:

- Utilities \$43K unfavorable YTD
- CNG averaged \$1.193 per therm vs. budget of \$1.290
- Diesel averaged \$2.437 per gallon vs. budget of \$2.430

Other Expenses

- YTD Risk Management costs unfavorable by \$153,000

METROPOLITAN TRANSIT SYSTEM COMPARISON TO BUDGET - FY 2010 TOTAL REVENUE LESS EXPENSES (in \$000's)		
Combined Net Operating Variance		
MTS Operating Revenue	\$	338
MTS Operating Expenses		(342)
MTS Administration / Other Activities		(257)
Total Combined Net Operating Variance	\$	(261)

**Metropolitan Transit System
FY 2010 - February 2010
Financial Review**

MTS Board of Directors Meeting
April 22, 2010



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

Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

April 22, 2010

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 March 25, 2010, through April 12, 2010.

Vvizkeleti/AI 62 4-22-10

REVENUE CONTRACT

Doc #	Organization	Subject	Amount	Day
L6634.0-10	CBS OUTDOOR	LEASE AGREEMENT BILLBOARD MORENA BLVD	(\$2,040.00)	3/29/2010
S200-10-445	NAVY REGION SE MORALE , WELFAR	24TH ANNUAL BAY BRIDGE RUN/WALK CROSSES	(\$500.00)	3/29/2010

CONTRACT

Doc #	Organization	Subject	Amount	Day
G1287.1-10	SAN DIEGO UNIFIED PORT DIST	LIC FOR FIBER OPTICS OLD TOWN - NAT'L CI	\$0.00	3/25/2010
M6656.1-07	URBAN CORPS OF SAN DIEGO	AMEND TO EXTEND ORIG ROE PERMIT 7/31/11	\$0.00	3/25/2010
G1064.2-07	WILLIAM F NORRIS	CONSULTING SVCS AMEND 2	\$25,000.00	3/29/2010
G1078.4-07	RYAN MERCALDO & WORTHINGTON	LEGAL SERVICES GENERAL & TORT LIABILITY	\$30,000.00	3/29/2010
G1305.0-10	PLANET BIDS, INC.	E-PROCUREMENT SVCS 5YR OPTIONS 3YRS	\$99,770.00	3/29/2010
G1306.0-10	DEUTSCHE BANK	FINANCIAL CNG HEDGING AGREEMENT		3/29/2010
G1311.0-10	GTC SYSTEMS INC	IT SYSTEM VIRTUALIZATION PROJECT	\$87,966.48	3/29/2010
G0025.1-90	SPRINT COMMUNICATIONS COMPANY	EXTENSION OF FIBER LICENSE AGREEMENT	\$0.00	4/6/2010
G1320.0-10	DR. SEUSS ENTERPRISES L.P.	LICENSE/WRAP FOR LORAX TROLLEY	\$0.00	4/6/2010
L4592.0-10	CITY OF SAN DIEGO/MTDB JPA	QUITCLAIM FROM CITY TO MTS FOR BAYSIDE	\$0.00	4/6/2010
L4593.0-10	CITY OF SAN DIEGO	QUITCLAIM FROM CITY TO MTS FOR BAYSIDE	\$0.00	4/6/2010

PO

DATE	Organization	Subject	AMOUNT
3/25/2010	HSQ TECHNOLOGY A CORPORATION	ANNUAL MAINT AND SUPPORT RENEWAL	\$21,604.00
3/25/2010	THE ALCALA YEARBOOK	ADVERTISING 1/8 PAGE	\$595.00
3/25/2010	REIS SERVICES	APPRAISAL SVCS FOR MTS 12 MOS	\$3,500.00
3/25/2010	GTC SYSTEMS INC	PROFESSIONAL NETWORKING SVCS	\$2,100.00
3/29/2010	US POSTAL SERVICE	POSTAGE FOE METER	\$6,000.00
3/29/2010	CARMON INTERNATIONAL	REPLACE SIX SUPPORT POSTS	\$2,490.00
3/29/2010	GREEN PEARLE INTERNATIONAL	CLICK ACTION ECO FRIENDLY PAPER	\$1,943.13
3/29/2010	VEOLIA TRANSPORTATION	CARDQUEST MACHINE MINIBUS LABOR	\$13,945.54
3/29/2010	INDUSTRIAL MAINT SUPPLY	DIAMOND PLATE 48S	\$1,048.73
4/6/2010	SOFTCHOICE CORPORATION	ANTIVIRUS SOFTWARE	\$8,993.00
4/6/2010	ORACLE CORPORATION	DATA BASE SOFTWARE	\$4,266.34
4/6/2010	EMC CORPORATION	SOFTWARE SUPPORT MAINTENANCE	\$4,510.80
4/6/2010	WATERSEGE LANDSCAPE INCE	INSTALL BACKFLOW ASSEMBLY	\$1,721.85
4/6/2010	CDW GOVERNMENT INCORPORATED	APC NETSHELTER RACK	\$4,625.18

WORK ORDERS

Doc #	Organization	Subject	Amount	Day
G1246.0-09.07.01	DAVID EVANS & ASSOC	ENGINEERING SERVICES FOR DOC MAN SYS	\$6,500.00	3/29/2010