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## Agenda

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

December 1, 2011

Executive Conference Room  
9:00 a.m.

#### ACTION RECOMMENDED

- |    |  |                    |
|----|--|--------------------|
| A. | ROLL CALL  |                    |
| B. | APPROVAL OF MINUTES - October 20, 2011   | Approve            |
| C. | COMMITTEE DISCUSSION ITEMS   |                    |
| 1. | <u>Third-Party Outlet Sales of Compass Card Fare Media (Sharon Cooney)</u><br>Action would receive a report on third-party outlets selling Compass Card fare media.  | Possible<br>Action |
| 2. | <u>Trolley Rehabilitation Project Update (Wayne Terry and John Haggerty of SANDAG)</u><br>Action would receive a report for information and provide comments.  | Receive            |
| 3. | <u>Passenger Communications Through Texting and Social Media (Devin Braun)</u><br>Action would receive a report for information.   | Receive            |
| 4. | <u>Cart, Stroller, and Cargo Requirements (Claire Spielberg)</u><br>Action would forward a recommendation to the Board of Directors to approve new cart, stroller, and cargo requirements for transit riders under existing MTS "Rules for Riding" language. | Approve            |
| 5. | CLOSED SESSION - Conference With Legal Counsel Anticipated Litigation Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b) ( <u>One Potential Case</u> )   | Possible<br>Action |

Please SILENCE electronics  
during the meeting

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

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



- D. REVIEW OF DRAFT DECEMBER 8, 2011, JOINT BOARD AGENDA
- E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA Possible  
Review of SANDAG Transportation Committee Agenda and discussion regarding any Action  
items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc.  
Relevant excerpts will be provided during the meeting.
- F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- G. PUBLIC COMMENTS
- H. NEXT MEETING DATE: January 12, 2012
- I. ADJOURNMENT

JOINT MEETING OF THE EXECUTIVE COMMITTEE FOR THE  
METROPOLITAN TRANSIT SYSTEM (MTS),  
SAN DIEGO TRANSIT CORPORATION (SDTC), AND  
SAN DIEGO TROLLEY, INC. (SDTI)  
1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101

October 20, 2011

A. ROLL CALL

Chairman Mathis called the Executive Committee meeting to order at 9:00 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Mr. Young moved for approval of the minutes of the September 8, 2011, MTS Executive Committee meeting. Mr. Ovrom seconded the motion, and the vote was 3 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

1. Trolley Rehabilitation Project Update (Wayne Terry & John Haggerty of SANDAG)

John Haggerty of the San Diego Association of Governments (SANDAG) gave an update on the trolley rehabilitation project. Mr. Haggerty talked about the updated schedule of construction for the various projects and the milestones associated with each project.

Mr. Haggerty explained that the current budget is \$455.2 million for the trolley renewal program. He explained that a request to increase the budget to \$552 million last month has been presented to the ITOC, the MTS Board of Directors, and SANDAG Transportation Committee, and is scheduled for approval at the November 18 SANDAG Board meeting. He discussed the project status for design elements and construction elements.

He reviewed the downtown construction scheduled for the weekends of October 21 to October 23, 2011, and October 28 to October 30, 2011. Rob Schupp, Director of Marketing and Communications explained the community outreach that MTS has done.

Mr. Haggerty explained the key points and potential solutions and alternatives on the Green Line Extension stations. He provided an update on the Phase 1 and progress on Phase 2 of Green Line Extension stations.

Mr. Young asked what kind of shelter will be on the 62<sup>nd</sup> & Market. Mr. Haggerty stated that all shelters will be replaced with a combination of large and small shelters. Mr. Young asked what does it mean by specialized shelters. Mr. Haggerty stated that the La Mesa have shelters that was part of the original project and specialized means matching the new architectural design.

Mr. Young mentioned that there were protesters at the Euclid and Market Station who were unhappy with their perception of a lack of diversity in hiring workers for MTS construction projects. Mr. Young asked if MTS is making any efforts to address this issue. Mr. Jablonski

responded that SANDAG and MTS met with representatives to resolve the issues, and they do not anticipate the problem will continue. He added that MTS will continue to work with the contractors to incorporate hiring diverse workers for the Trolley Rehabilitation project. Mr. Young asked when will cars of the new LRV be completed and if another agency also has the same type of cars. Ms. Landers stated that 57 cars will be completed in 2013. Mr. Mathis stated that Salt Lake City and Sacramento has the same type of cars.

Action Taken

Mr. Young moved to receive a report for information and provide comments. Mr. Minto seconded the motion, and the vote was 5 to 0 in favor.

2. Semiannual Uniform Report of Disadvantaged Business Enterprise Awards or Commitments and Payments (Karen Landers)

Karen Landers, General Counsel reported on the DBE program update preliminary numbers from April 1, 2011, through September 30, 2011 FTA reporting period.

Ms. Landers introduced Ed Salcedo from GCAP Services who MTS has hired as a consultant for the DBE program. Mr. Salcedo provided a summary of a required DBE program. He went over the new recent changes with regards to the disparity study, race neutral and race conscious goals. He also added that there are other changes affecting the DBE program which are the triennial goal, accountability, and small business provisions which will take in effect in February 2012.

The Executive Committee engaged in discussion regarding DBE certification, federal and local requirements, and small business enterprises.

Action Taken

Mr. Young moved to receive a report on Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments and provide feedback to staff on possible changes in related procedures and policies. Mr. Minto seconded the motion, and the vote was 5 to 0 in favor.

3. Establish MTS Police Force for the Purpose of Appointing a Chief of Police (Sharon Cooney)

Paul Jablonski, Chief Executive Officer, designated Bill Burke as MTS Chief of Police. He discussed several reasons why MTS needed to have a Chief of Police: MTS runs a large security force; MTS is active in the community with the 10 cities; MTS works with other Chiefs of Police and their forces; to be invited to the Chiefs meeting. Mr. Jablonski stated that MTS has done outreach with all the Chiefs except for El Cajon. They are all supportive. Additional reason for appointing MTS Chief of Police is to follow law enforcement, the protocol for rail accidents, and improved cooperation with the Joint Terrorism of Task Force and Homeland Security.

Mr. Ovrom asked if there will be financial implication. Mr. Jablonski responded no.

Mr. Minto stated that MTS already have a Penal Code 832, does this change the type of qualification or overview of how MTS security will be supervised. Mr. Burke stated that it will

stay the same. He will need to take the course on Penal Code 830 to meet standards for becoming a sworn officer.

Action Taken

Mr. Young moved to forward a recommendation to the Board of Directors to: (1) establish a police force pursuant to Public Utilities Code section 120550 and Penal Code section 830.33(c); and (2) authorize the appointment of an MTS Chief of Police. Mr. Cox seconded the motion, and the vote was 5 to 0 in favor.

4. Murphy Canyon Express Bus Pilot Project Update (Mark Thomsen)

Mark Thomsen, Senior Transportation Planner provided an update on the Murphy Canyon Express Bus Pilot Project. He stated that for MTS to run the service the average cost per month is \$16,667 and the breakeven number of TIP participants is 167. He reported that the ridership results have remained under the ridership requirements. MTS and SANDAG continued marketing efforts with the Murphy Canyon Community and the Navy. He stated that SANDAG will offer Murphy Canyon riders a replacement vanpool program starting January 3, 2012. SANDAG will have a rider outreach meeting on November 2, 2011. SANDAG is extending the pilot project through January 28, 2012, with the same financial terms with FY 2012 rates. He reported that the last day of operation of Route 830 is December 30, 2011, subject to MTS Board approval. To that end MTS will hold a public hearing at the Board meeting on November 10, 2011. SANDAG will reimburse MTS for the discontinued trips in January at the standby rate, as specified in the MTS-SANDAG MOU.

Mr. Minto asked the cost of the vanpool. Mr. Thomsen responded that the cost is \$400/month and SANDAG has about 750 vanpools program operating throughout the region.

Mr. Ovrom asked are there any discussions about Coronado NAS base vanpool to South Bay. Mr. Thomsen responded that he will follow up on this subject.

Action Taken

Mr. Ovrom moved to receive a report for information. Mr. Young seconded the motion, and the vote was 5 to 0 in favor.

D. REVIEW OF DRAFT OCTOBER 27, 2011, JOINT BOARD AGENDA

Recommended Consent Items

6. Addendum to Master MOU with SANDAG - Cooperative Work Efforts, Project Development, and Implementation of Capital Projects

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G0930.17-04 to the Master Memorandum of Understanding (MOU) with the San Diego Association of Governments (SANDAG) for cooperative work efforts, project development, and implementation of capital projects.

7. Exercise Option Years for Light Rail Vehicle Vandalism and Accident Repair Services - Contract Amendment

Action would authorize the CEO to execute MTS Doc. No. L0884.1-09 with Carlos Guzman, Inc. for light rail vehicle (LRV) accident and vandalism repair services.

Recommended Consent Items

Sharon Cooney, Chief of Staff mentioned that two additional consent items were added for the Joint Board agenda:

8. Amendment to the Joint Exercise of Powers Agreement of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency

Action would authorize the CEO to execute an amendment to the Joint Powers Agreement of the LOSSAN to add the Riverside County Transportation Commission as a nonvoting, ex officio member.

9. Federal Legislative Representation

Action would: (1) ratify the CEO's approval of Amendment No. 1 to Task Order No. 5 of the San Diego Association of Governments' (SANDAG's) contract with Blank Rome Government Relations, LLP; and (2) authorize the CEO to execute Amendment No. 2 to Task Order 5 of SANDAG's contract with Blank Rome Government Relations, LLP effective November 1, 2011.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

Ms. Cooney reported that on the SANDAG Transportation Committee on October 21, 2011, that item#6 is revisions to SANDAG Board Policy 18 to address an audit on Title VI for service and fare changes.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Mr. Jablonski stated that the Move San Diego is having an event on October 27, 2011, to honor Chair Harry Mathis for the San Diego Vintage Cars and MTS for the Ready Text Go program.

G. PUBLIC COMMENTS


*Margo Tanguay* – Ms. Tanguay made a minor change to her comments to the last meeting. She requested that MTS look at railroad signage at 5<sup>th</sup> Avenue and Harbor Drive.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for November 10, 2011, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 11:10 a.m.

A handwritten signature in black ink, appearing to be "Gary Mathis", written over a horizontal line.

Chairman

Attachment: A. Roll Call Sheet

**EXECUTIVE COMMITTEE  
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) October 20, 2011

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

RECESS \_\_\_\_\_

RECONVENE \_\_\_\_\_

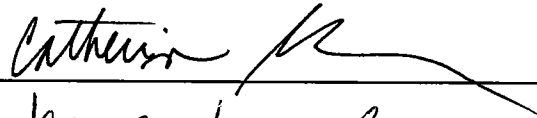
CLOSED SESSION \_\_\_\_\_

RECONVENE \_\_\_\_\_

ADJOURN 11:10 a.m.

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
YOUNG <input checked="" type="checkbox"/> (Lightner) <input type="checkbox"/>		
MATHIS <input checked="" type="checkbox"/>		
OVROM <input checked="" type="checkbox"/> (Janney) <input type="checkbox"/>		
ROBERTS <input type="checkbox"/> (Cox) <input checked="" type="checkbox"/>	9:05 a.m.	
MINTO <input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/>	9:05 a.m.	
Transportation Committee Rep Slot (Mathis)		

SIGNED BY OFFICE OF THE CLERK OF THE BOARD:



CONFIRMED BY OFFICE OF THE GENERAL COUNSEL:







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## Agenda Item No. C1

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

December 1, 2011

#### SUBJECT:

THIRD-PARTY OUTLET SALES OF COMPASS CARD FARE MEDIA (SHARON COONEY)

#### RECOMMENDATION:

That the Executive Committee receive a report on third-party outlets selling Compass Card fare media.

#### Budget Impact

None.

#### DISCUSSION:

As part of the conversion of MTS's fare system to the Compass Card smart card system, the San Diego Association of Governments (SANDAG) entered into an agreement with the Vons supermarket chain to sell fare products. That agreement has expired and Vons has asked for changes to the contract that would have a significant financial impact on MTS and North County Transit District (NCTD). SANDAG issued a Request for Proposals for third-party outlet sales and received a proposal from Albertsons Southern California Division. Staff will report on SANDAG's ongoing discussions with both supermarket chains.

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](mailto:sharon.cooney@sdmts.com)

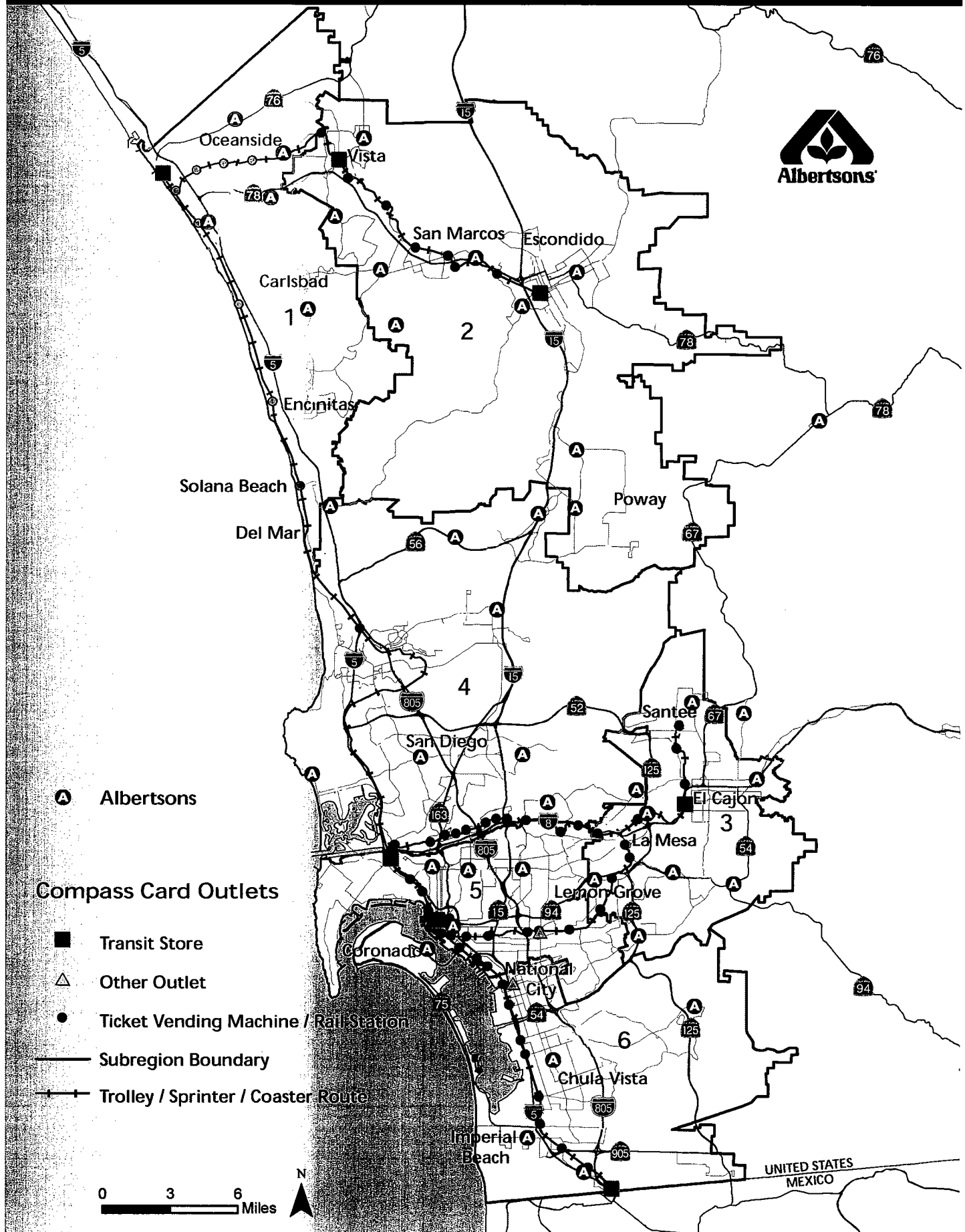
DEC1-11.C1.COMPASS CARD.SCOONEY

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# ALBERTSONS LOCATIONS



## Third-Party Outlet Sales of Compass Fare Media

Executive Committee  
December 1, 2011



1



- Currently, Compass Card Pass Sales can be purchased at the Transit Store, Trolley ticket vending machines (TVM), Vons stores, other third party outlets, or through SANDAG (mail, on-line, autoload)
- Average monthly Compass passes by venue:
  - Vons: 29,538
  - TVMs: 21,093
  - Outlets: 8,374
  - Web/Auto: 3,040
- Average monthly sales by venue:
  - Vons: \$1,055,585
  - TVMs: \$724,789
  - Outlets: \$255,129
  - Web/Auto: \$123,311
- Jan-Sept 2011 total pass sales: 558,393, or \$19,429,331



2



- SANDAG contracted with Vons Supermarkets to sell Compass Fare Media
  - 2 year contract
  - Provided compensation to SANDAG
  - 55 stores in the County (38 in MTS area)
  - Good partners during roll out of Compass
- Vons expressed an interest in renewing only with changes in the terms
  - Maximum 2 year with 90 day clause to opt out.
  - Add a revision to provide a 5% commission on the sale of fare media product - Monthly full and reduced fares.
  - Add a \$25.00 per month - per outlet payment to defray the cost of the required exclusive analog line for CPOS
  - Vons may amend outlet locations at its discretion with minimum 60 day notice to SANDAG.



- SANDAG issued an RFP in August for third-party sales outlet
- Albertsons Southern California Division submitted the lone proposal
  - 7 day a week sales in all 43 stores (29 in MTS area)
  - no commission
  - dedicated phone line
  - 3 year term with two one year options
  - Advertising in the weekly ad
    - Front page for kick-off, then twice a month
  - Interest in cross promotions
- Additional cost to SANDAG's Compass budget for FY 2012 estimated to be \$96,000
  - Assumes heavy reliance on MTS, NCTD staffs for labor and collateral production



- SANDAG moving forward with contract with Albertsons
  - Pass sales at Vons would end January 5
  - Pass sales at Albertsons to begin January 20
- Next steps
  - SANDAG Board item on December 9
  - Notice to customers in Vons stores of change
  - Preparation of collateral marketing materials for Albertsons
  - Update websites, scripts for customer service
  - Pull units from Vons stores, update software for Albertsons
  - Install units at Albertsons stores and train personnel for January 20 sales



5



## Third-Party Outlet Sales of Compass Fare Media

Executive Committee  
December 1, 2011



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## Agenda Item No. C2

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

December 1, 2011

#### SUBJECT:

TROLLEY REHABILITATION PROJECT UPDATE (WAYNE TERRY AND JOHN  
HAGGERTY OF SANDAG)

#### RECOMMENDATION:

That the Executive Committee receive a report for information and provide comments.

#### Budget Impact

None.

#### DISCUSSION:

Activities to rehabilitate and retrofit the trolley system for low-floor-car operations are underway. Design of the stations is progressing, and Blue Line catenary replacement work has been completed. Green Line and Orange Line Station retrofits have begun, and signal and track work is underway. New low-floor vehicles have begun to arrive from the manufacturer. MTS and San Diego Association of Governments (SANDAG) staffs will provide the Executive Committee with an update on the project.

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

Paul C. Jablonski  
Chief Executive Officer

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

DEC1-11.C1.TROLLEY REHAB.TERRY




## MTS Executive Committee

# Blue and Orange Line Improvement Corridor

Update

December 1, 2011

  
Blue & Orange Line Improvement





1

## MTS Executive Committee Budget Update

Description	\$ in Millions		
	Previous	Current-Approved	Change
Project & Construction Management	\$23.0	\$33.3	\$10.3
Blue Line Station Improvements	\$64.9	\$79.8	\$14.9
Downtown, Green Extension & Orange Line Station Improvements	\$43.3	\$63.1	\$19.8
Low Floor Vehicles	\$240.0	\$240.2	\$0.2
Traction Power & Rail Infrastructure	\$40.0	\$89.0	\$49.0
Blue Line Crossovers & Signaling	\$43.0	\$41.6	-\$1.4
Slope Repair / Substation Roofs	\$1.0	\$5.0	\$4.0
<b>TOTAL</b>	<b>\$455.2</b>	<b>\$552.0</b>	<b>\$96.8</b>

  
Blue & Orange Line Improvement





2

2

## MTS Executive Committee Budget - Expended Status

Description	\$ in Millions			
	FY2012 Budget	Committed as of 11/21/2011	Expended as of 11/21/2011	Expended (percent of FY 2012 Budget)
Program & Construction Management	\$33.4	\$15.8	\$7.6	23%
Blue Line Crossovers & Signaling	\$41.6	\$35.4	\$11.6	28%
Blue Line Station Improvements	\$79.7	\$5.7	\$5.4	7%
Blue Line Infrastructure	\$89.0	\$2.6	\$0.5	1%
Slope Repair / Substation Roof Repair	\$5.0	\$0.0	\$0.0	<1%
Green Line Extension, Downtown & Orange Line Station Improvements	\$63.1	\$36.7	\$10.7	17%
Low Floor Vehicles	\$240.2	\$230.7	\$51.3	21%
<b>TOTAL</b>	<b>\$552.0</b>	<b>\$326.9</b>	<b>\$87.0</b>	<b>16%</b>

Blue & Orange Line Improvement

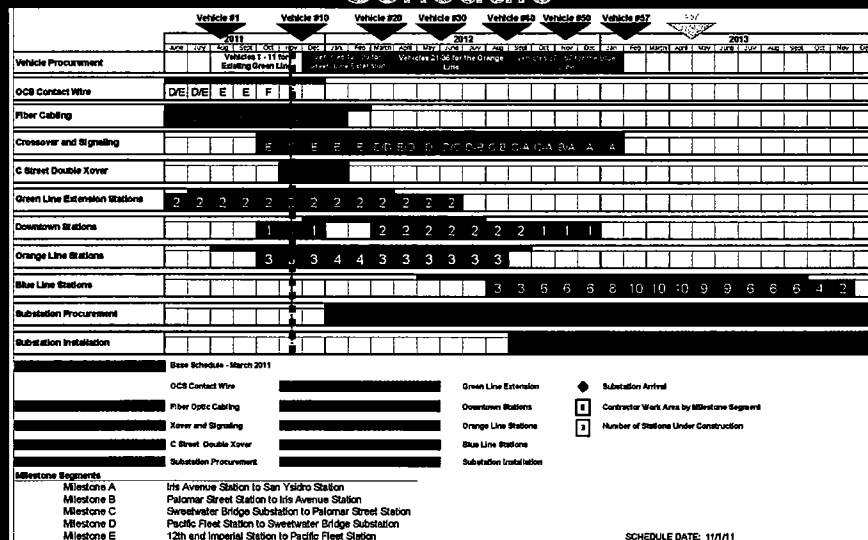


SANDAG

3

3

## MTS Executive Committee Schedule



Blue & Orange Line Improvement



SANDAG

4

4



## MTS Executive Committee Project Status

- **Design 2009 – 2012**
  - Traction Power Substation Installation 65%
  - Rail Rehabilitation Pending
    - 90 lb Rail Replacement
    - Tie Replacement
    - Track Replacement

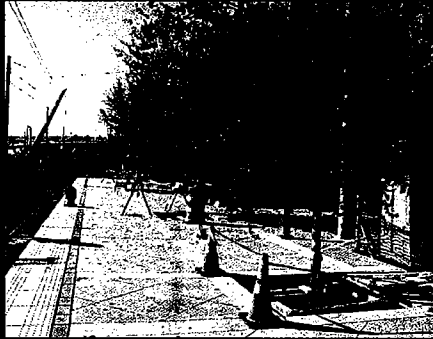
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## MTS Executive Committee Project Status

- **Construction 2010 – 2014**
  - Blue Line Contact Wire Complete HMS (local)
  - Euclid Station & Grade Crossing Complete Herzog
  - Fiber Optic 90% Select Electric (local)
  - 32<sup>nd</sup> & Commercial Trackwork 60% Herzog
  - C Street Crossover 60% HMS (local)
  - America Plaza Station 35% ABC (local)
  - Green Line Extension Stations 20% Wier (local)
  - Crossovers & Signals 15% JV HMS/WCG (local)
  - Orange Line Stations 10% WCG (local)
  - Downtown Stations Advertised
  - Traction Power Substations Advertised

6

## MTS Executive Committee Green Line Extension Stations



### 12<sup>th</sup> & Imperial Station (Bayside Platform)

- Phase 1 – Substantially Complete
- Phase 2 – In Progress

7

## MTS Executive Committee Green Line Extension Stations



### Washington Street Station

- Substantially Complete
- Platform Re-opened November 23

8

## MTS Executive Committee America Plaza Station



Construction Started – October 22, 2011  
Estimated Completion - December 19, 2011

*Blue & Orange Line Improvement*



**SANDAG**

9

9

## MTS Executive Committee America Plaza Station



Patron Signage

*Blue & Orange Line Improvement*



**SANDAG**

10

10

## MTS Executive Committee C Street Double Crossover



Construction Started October 22, 2011  
Estimated Completion - January 16, 2012

11

## MTS Executive Committee C Street Construction

### Four Weekend Closures

#### Crossover Trackwork Dec 16th – 19th

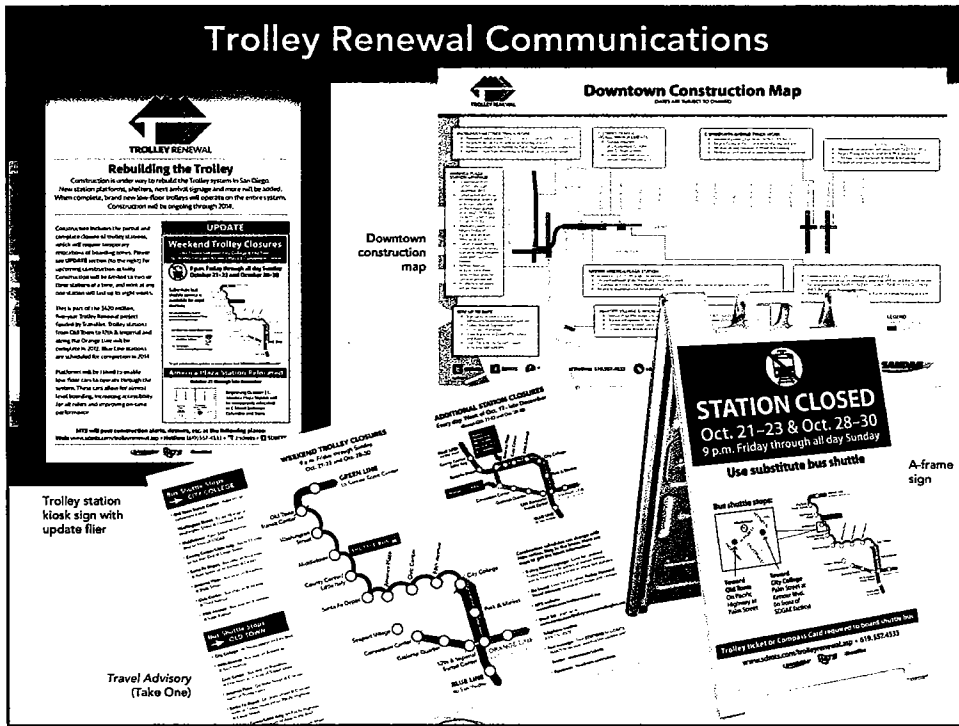
- Bus Bridge - City College to Santa Fe Depot
- C St. Double Crossover Trackwork Installation
- Civic Center Trackway Demolition
- Complete America Plaza & Remove Interim Station

#### Next Weekend Closure January 13<sup>th</sup>- 16<sup>th</sup>

- Complete C St. Double Crossover
- Install Civic Center Station Trackwork

12

# Trolley Renewal Communications



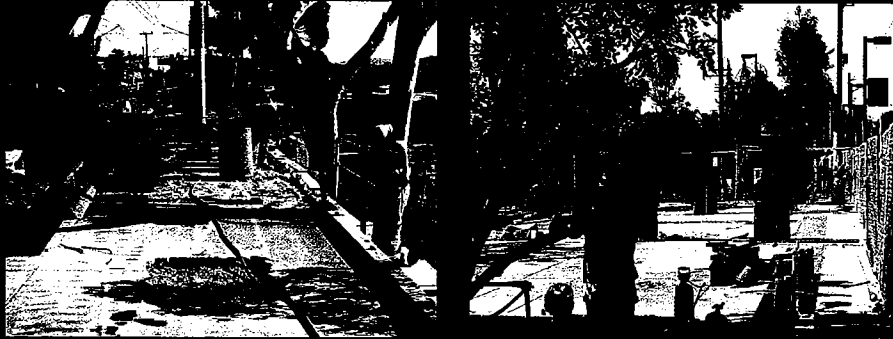
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## MTS Executive Committee Orange Line Stations

**Encanto / 62<sup>nd</sup> Street Station: Estimated Completion - March 2012**

14

## MTS Executive Committee Orange Line Stations



47<sup>th</sup> Street Station: Estimated Completion - January 2012

15

## MTS Executive Committee Project Status

- **Vehicles**      **2009 – 2013**
  - Production Status:      22%
  - Delivered:      10
  - In Revenue Service:      4
  - In Production at the Plant:      7



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## Agenda Item No. C3

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

December 1, 2011

#### SUBJECT:

PASSENGER COMMUNICATIONS THROUGH TEXTING AND SOCIAL MEDIA (DEVIN BRAUN)

#### RECOMMENDATION:

That the Executive Committee receive a report for information.

#### Budget Impact

None.

#### DISCUSSION:

MTS uses a number of technological tools to communicate with passengers. Since June 2011, the MTS GO! Texting Program has provided next arrivals for customers at any stop in the MTS bus and trolley system. MTS obtained a short messaging service (SMS) short code, GOMTS (46687), to which customers can send a text message and receive a text message back containing the next arrivals of buses and trolleys at their stop. In addition, MTS maintains an active communication with passengers through social media. Staff will report on these and other related activities.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Devin Braun, 619.595.4916, [devin.braun@sdmts.com](mailto:devin.braun@sdmts.com)

DEC1-11.C3.PAX COMMUNICATIONS.DBRAUN



# Tweets, Messages, and Texts

## Using Twitter, Facebook, and Texting to Connect With Customers

Executive Committee  
December 1, 2011

Devin Braun, Senior Transportation Planner  
San Diego Metropolitan Transit System




1







### Why do we use social media?

Twitter and Facebook give us a face in the social media world. We can promote our services and respond to feedback immediately with little effort.


#### Promotions

 **Metropolitan Transit System**  
Rideshare Week is ending, but the Commuter Challenge runs throughout October. Besides transit, give biking or walking a try! It's a great way to save gas and stay fit. Visit [511sd.com/Commuter](http://511sd.com/Commuter) for the regional bike map and safety tips. While you're there, take the Commuter Challenge for chances to win prizes.


#### Buzz

 **sdmts** San Diego MTS  
New low-floor Trolley cars now on Green Line! Want to check 'em out? Just posted schedule for rest of week on Facebook:  
<http://ow.ly/6M4Uk>  
3 Oct   


#### Events

 **sdmts** San Diego MTS  
Looking for something to do this weekend? How about watching amazing dance performances along the Green Line?  
<http://ow.ly/6Dahe>  
23 Sep

#### Acknowledgements

 **Metropolitan Transit System** Thanks for your suggestion, we'll pass it on to our transit security department.  
September 21 at 7:28am · Like

#### Apologies

 **sdmts** San Diego MTS  
@gigilevin Sorry for any delays. When the reconstruction is complete, we'll have a better, more reliable system for everyone.  
18 Sep



2







## Why do customers use social media?

Twitter and Facebook give customers a way to voice their opinion about our services without any actual face-to-face or phone interaction (semi-anonymous)


### Sarcastic Hypotheticals

 **ChrisCoxSD** Chris Cox  
Still coming down from a harrowing bus trip home. Tell me please...why do @sdmts drivers allow crazy drunk tweakers on the bus? AWFUL!  
14 Oct


### Complaints

 **Carlos Zazueta**  
Today Sunday trolley service sucked had to wait and hour to get mt trolley and the security did not have the reason of why the wait.  
Like · Comment · October 2 at 5:07pm via mobile ·

### Compliments

 **dmc2** Curtis S  
@sdmts i am on the green line riding in the new 4000 series cars im really digging these trolleys very comfy ride to work this morning  
24 Oct

### Hash Tag Revenge

 **PatrickJPierce** Patrick Pierce  
@sdmts - why must u always let me down (like tonite)? When I need u most - u always fail me. When I'm not in a hurry - ur just fine.  
#FAIL  
15 hours ago · Favorite · Retweet · Reply



3



## Engaging Customers with Social Media

Social Media can make MTS responsive and relevant to a vocal group of riders who will be vocal about us with or without our participation

Interact with our fans – give them something to like

Interact with our detractors – give them a reason to trust us

Include our followers in special events

Ask our followers their opinion

Keep our followers well informed - they will re-Tweet and republish our news



4



During the blackout on September 9, Twitter was one of the only ways to reach our customers.

For many of us, texting was the only way we were able to communicate.

We could read and respond to questions all via text message.



5



#### Getting Real Time Information to Our Customers



GOMTS is our real-time arrival and alert texting system

MIS Sciences provides the actual service on our behalf

90% of our customers have a cell phone with texting capabilities

Customers bring their cell phone with them to the stop - they are holding the real time arrival device in their hands

The customer sends a 5-digit stop number to our short code, GOMTS (46687) and receives an immediate response with real-time or scheduled arrivals

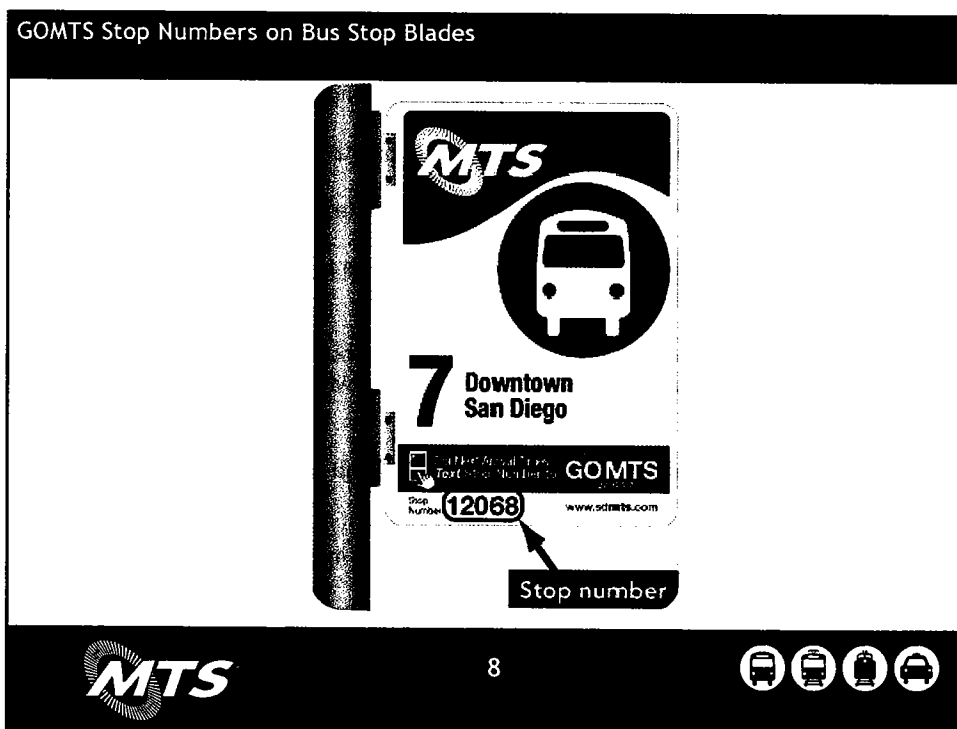
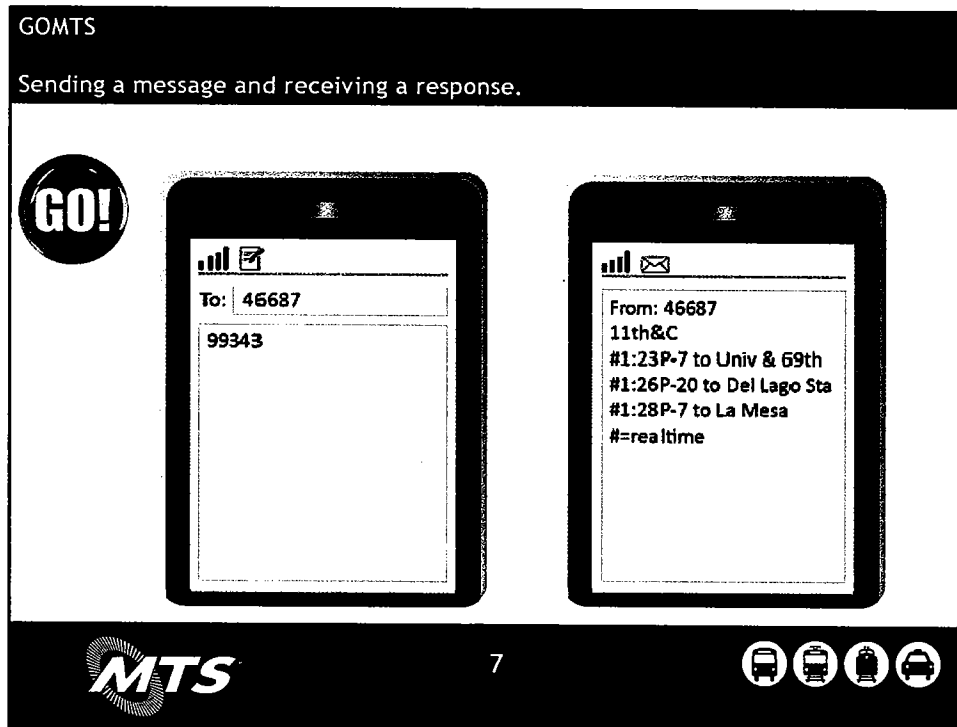
50% of buses have real-time, the other 50% will be online within a few years

The cost is approximately \$0.04 per outgoing message

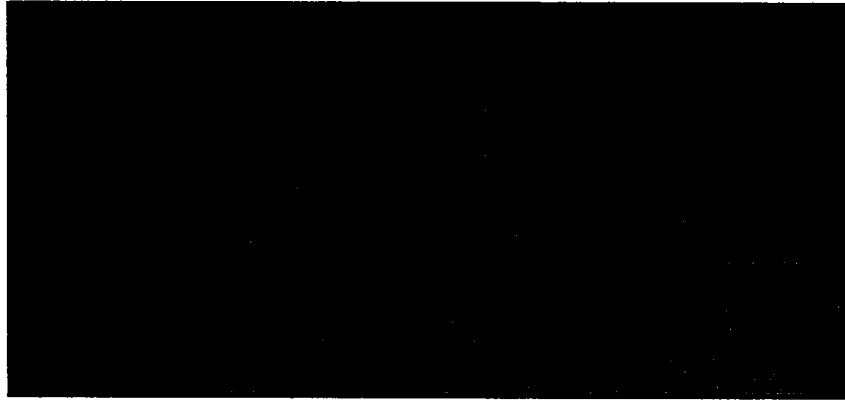


6





## GOMTS Stop Numbers on Trolley Timetables



9



## How We Implemented It

We asked for help through social media in testing the new system



### Beta!

The system was new to both us and the vendor.

We wanted to test it out and make sure it was ready before releasing it system-wide and changing 4,500 bus stops with directions on how to use it

We had 300 beta testers who were our Twitter and Facebook followers and their friends.

Most were very tech-savvy and knew enough about our system to provide good feedback.



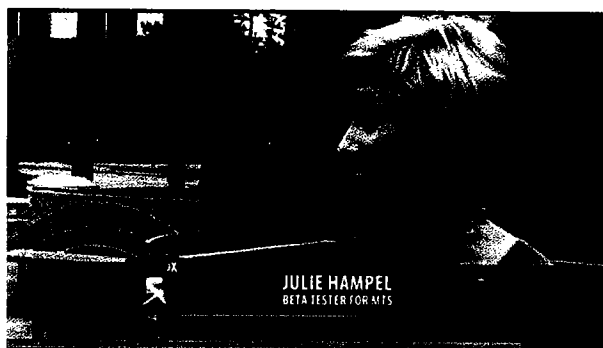
10



## How We Implemented It

We asked for help in advertising the new system

### **GO!** Launch!



When beta testing was complete, we had a system ready to “go-live” for all of our passengers.

We had two great beta testers who were perfect spokespeople at a news conference for the new system.



11



## Getting New Users via Marketing

We partnered with a local radio station to give away a trip to Hawaii. We advertised at the bottom of every text message, via radio, and our website

1840 people total texted WIN

352 people had used GOMTS before they texted WIN

645 people used GOMTS after they texted WIN

301 people used GOMTS before and after they texted WIN

344 people used GOMTS after sending WIN but didn't send before (new users of the system)

1144 people texted WIN but never used the system again (just wanted to win a trip)



12



#### Tips to Tweet By

Social media gives many a voice who never had one before

Learn when a response isn't necessary

Our social media staff needs to be knowledgeable about our services

Make sure our followers know when we're available to respond

Surprise our followers with breaking news and insider information so they'll keep following

Balance service disruptions and alerts with some positive messages



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## Tweets, Messages, and Texts

### Using Twitter, Facebook, and Texting to Connect With Customers

Devin Braun, Senior Transportation Planner  
San Diego Metropolitan Transit System



14





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

## Agenda Item No. C4

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

December 1, 2011

#### SUBJECT:

CART, STROLLER, AND CARGO REQUIREMENTS (CLAIRE SPIELBERG)

#### RECOMMENDATION:

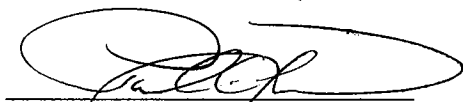
That the Executive Committee forward a recommendation to the Board of Directors to approve new cart, stroller, and cargo requirements for transit riders (Attachment A) under existing MTS "Rules for Riding" language.

#### Budget Impact

None.

#### DISCUSSION:

The practice of allowing carts, strollers, and cargo on transit vehicles was recently studied by staff due to a number of concerns. Customers have complained that these items are blocking aisles and emergency exits, creating tripping hazards, and taking up space designated for wheelchair riders. Operators are also reporting that the boarding and alighting of a growing number of utility devices is one of the top reasons they cannot stay on time while in service. Current MTS cargo language is limited, so staff is recommending that it be expanded (as detailed in Attachment A). The proposed new language would allow for nearly all of the cargo devices currently in use by MTS customers, but it would provide clear guidance as to how much and how many items one rider can bring along with them at one time. This would be a valuable tool for bus drivers and MTS Enforcement personnel to use in the field as they attempt to keep transit service running as safely and effectively as possible. The MTS Accessible Services Advisory Committee (ASAC) is very supportive of the draft requirements.



Paul G. Jablonski  
Chief Executive Officer

Key Staff Contact: Claire Spielberg, 619.238.0100, Ext. 6400, [claire.spielberg@sdmts.com](mailto:claire.spielberg@sdmts.com)

Attachment: A. Draft Cart, Stroller, and Cargo Rules

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## DRAFT

## CART, STROLLER, AND CARGO RULES

GUIDELINES FOR SAFE TRANSPORTATION OF CARTS, STROLLERS, CARGO,  
AND PACKAGES ON TRANSIT VEHICLES

Effective January 1, 2012

The following rules constitute MTS's interpretation and intended enforcement of the standard set forth in Title 13, Section 1216(c) of the California Code of Regulations.

Title 13, Section 1216(c) of the California Code of Regulations states: *"Drivers and motor carriers shall not permit any greater quantity of freight, express, or baggage in vehicles than can be safely and conveniently carried without causing discomfort or unreasonable annoyance to passengers. In no event shall aisles, doors, steps, or emergency exits be blocked."*

Violations of these rules shall be enforced pursuant to MTS Ordinance No. 13, Section 13.4(F).

MTS Ordinance No. 13, Section 13.4(F) prohibits any conduct onboard MTS transit vehicles (buses or trolleys) that may interfere *"in any manner whatsoever with the operator or operation of any bus or trolley."*

Rules Applicable to All Transit Vehicles (Buses and Trolley)

1. Drivers and/or MTS Security personnel will have the discretionary authority to determine if a personal utility cart (cart) or stroller is too big to be transported and if freight is too big or dangerous to be transported. Riders are limited to two small carry-on bags/items that can be reasonably carried on their laps when seated and/or stowed safely under, or in front of, their seats. Large bags of recycled cans are not allowed on transit vehicles any time. Carts, strollers, or other utility devices will not be allowed if they:
  - a. Exceed 30" tall, 18" wide, and 18" deep (not including handle and/or wheels)
  - b. Cannot easily/quickly negotiate vehicle door entrances and turns for any reason
  - c. Contain loads that exceed the height and designated capacity of the carrying device
  - d. Include items that are wet, leaking, or considered hazardous for any reason
2. Riders are also limited only to items that can be boarded in a single trip onto the vehicle without assistance from another person. Multiple trips to load bags, carts, strollers, or cargo are not allowed. Loads that require multiple people to maneuver bags, carts, strollers, or cargo on/off the vehicle are also not allowed.
3. Passengers must stay with their carts, strollers, or cargo during the entire trip and hold onto their belongings firmly. Items will only be allowed to be placed on the front wheel well of a bus if the passenger sits adjacent to the item and has a firm grasp on it for the duration of the trip. Multiple items will not be allowed to be stacked in these areas.
4. The interior area near any door shall always be free of carts, strollers, cargo, or other items, as this area is considered a main emergency exit. Loading items through the rear door of a bus, due to the front being full, is not permitted. Bus drivers and/or MTS Security personnel



# DRAFT

## CART, STROLLER, CARGO RULES (Continued)

---

shall ask riders in the front to move further back to make room for these riders to board through the front door only.

5. While operating a walker, cart, or other device, bags and other items must remain in control of the rider at all times. The amount of cargo carried or attached to these devices is limited to what the rider can place securely on his/her lap when seated and must not create a scenario where the device exceeds the maximum cart dimensions above. Packages must be removed and placed on the riders lap if blocking the aisles and/or if requested by the driver. Items or devices allowed on the vehicle should be of such a size and nature that moving them to another area of the vehicle would continue compliance with this policy.

### Rules Applicable to Buses Only

6. No more than three (3) different riders with carts, strollers, or other cargo will be allowed on the buses at one time. Riders with carts, strollers, and cargo trying to board when the bus is already at capacity will be required to wait for the next scheduled bus.
7. Riders with carts, strollers, or other cargo should sit in designated "cart/stroller" seating areas when available on vehicles and when space is available. Bus drivers and/or MTS Security personnel shall request that these riders move to the designated cart/stroller areas, if they are seated in the senior/disabled (S/D) section of the vehicles, in order to make room for wheelchair and other S/D riders.
8. Passengers with strollers must remove the child and collapse the stroller once on board the vehicle. Strollers and empty carts should be properly folded and stored as to not impede the free movement of passengers or the driver in the aisle, doors, or emergency exits and must not present a potential hazard to or danger to riders. If a cart with packages cannot be folded, it must also be stored in a way that meets the same requirements above. It is recommended that parents or guardians of children removed from strollers stay seated with the child in their laps as it may not be safe to be standing.

### Exceptions

Passengers with disabilities who cannot physically carry their children on the vehicle, or children with disabilities who must remain in a mobility device or stroller, may board and remain in designated cart/stroller seating area or the S/D seating area. If they elect to remain in the S/D seating area on a bus, they must be tied down with a four-point system as if they were in a wheelchair.

Senior and disabled riders with a cart, walker, or cargo that is necessary to support their physical or mental condition may be given special permission to ride even if they violate one or more of the rules above.

Route 992 (Airport Shuttle) is exempt from the size and quantity limitations in these Rules because the Airport Shuttle is designed to handle large amounts of luggage and packages.

# Cart, Stroller & Cargo Rules and Procedures

MTS Executive Committee

Thursday, December 1, 2011

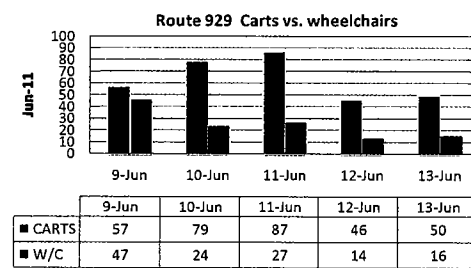
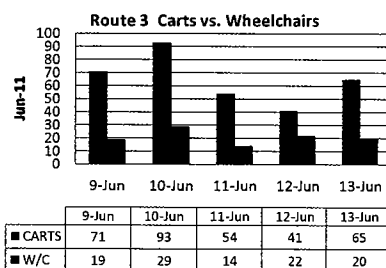


1



## MTS Carts, Strollers & Cargo

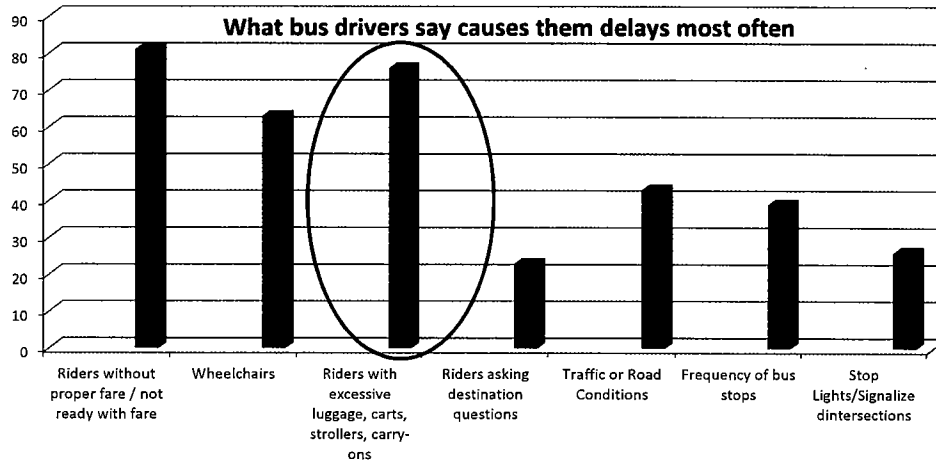
- On-Time Performance Task Force (MTS Bus)
  - Improve WC boarding process (speed up and ensure space is avail)
  - WC loading times (1.5 vs 4 minutes)



2



## MTS Carts, Strollers & Cargo



3



## MTS Carts, Strollers & Cargo

- Complaints about customer pass-ups due to capacity
- Complaints about carts and strollers (hazards)
- Trolley and MTS Bus recent cargo disputes
- Trolley Low-Floor Vehicles coming soon



4



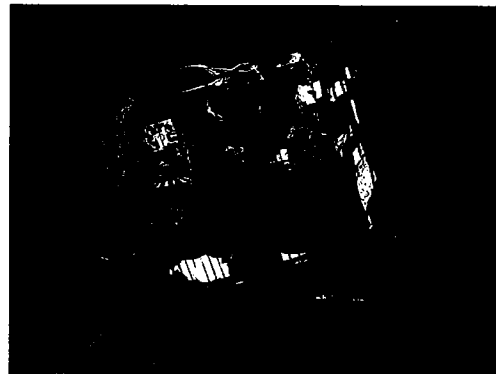
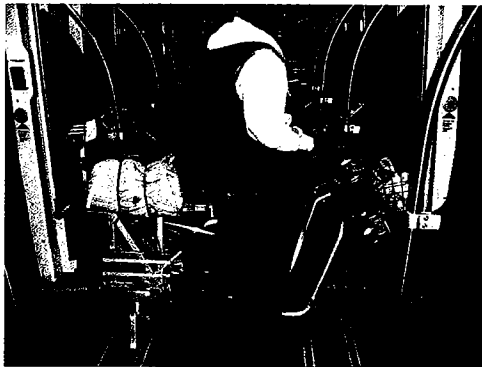
## Carts, Strollers & Cargo



5



## Carts, Strollers & Cargo



6



## MTS Carts, Strollers & Cargo

- *June 23, 2011 ASAC discussion / feedback*
  - *Transporting riders is more important than large carts/cargo*
  - *WC devices are unique to each rider and cannot be changed*
  - *Ensure sufficient public information about any change*
  - *Eliminate pass-ups by only allowing carts mid-day*



7



## California Vehicle Code

CCR 13, Sec 1216c of the California Code of Regulations,  
"Drivers and motor carriers shall not permit any greater  
quantity of freight, express, or baggage in vehicles than  
can be safely and conveniently carried without causing  
discomfort or unreasonable annoyance to passengers.  
*In no event shall aisles, doors, steps, or emergency exits  
be blocked."*



8



## Carts, Strollers & Cargo



9



## MTS Cart, Stroller & Cargo Rules

- **Size** – Identify a max size for one big item
- **Quantity** – How many items are allowed
- **Responsibility** – Where it goes and who is responsible
- **S/D & Wheelchair Areas** – Increase capacity & clarify priority
- **Emergency Exits (aisles, doorways)** – Keep Clear!
- **Safety/Security** – Ensure a safe environment for all



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## MTS Cart, Stroller & Cargo Rules

1. Bus driver and MTS Security have discretionary authority to determine if items are too big or dangerous to be transported
  - Riders limited to two (2) carry on bags to fit in lap or under seat
  - Large plastic trash bags full of cans or other items not allowed
  - Large carts can't exceed 30" tall and 18" wide (size of most popular cart)
  - Loads must not exceed the designed capacity of the cart
  - Items that are leaking, wet, or otherwise hazardous will not be allowed



11



## Carts, Strollers & Cargo



12



## Carts, Strollers & Cargo



13



## MTS Cart, Stroller & Cargo Rules

2. No more than 3 carts, strollers, or devices at a time (Bus only)
  - Riders required to wait for next bus if already at capacity
3. Riders are limited to loads that can be boarded in a single trip
  - Multiple trips and/or help from others is not allowed
4. Riders must stay with items and hold for the entire trip
  - Keep in possession and fully responsible for all items
  - Items can be on top of bus wheel well only if rider holds firmly



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## MTS Cart, Stroller & Cargo Rules

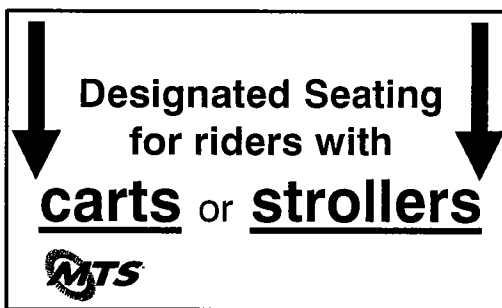
5. Riders with carts & cargo should sit in cart/stroller area (Bus only)
  - Seats removed to make more space for these items (demonstration)
  - Keeps them out of the aisles, emergency exits, and S/D seating area
  - Creates more space for WC and other S/D riders
  - Reduces pass ups and improves safety
  - Additional flip seats



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## MTS Cart, Stroller & Cargo Rules



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## MTS Cart, Stroller & Cargo Rules

6. Aisles and doorways shall always be free of carts and cargo
  - These are critical emergency exits and required by law
  - No entry through the rear door will be permitted
  - Drivers will require riders move back in order to load through the front



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## MTS Cart, Stroller & Cargo Rules

7. Kids shall be removed from strollers once on-board and strollers folded
  - Carts shall be folded up when empty
8. Carts, walkers, & other mobility devices must always be in control of rider
  - Cargo attached to these devices limited to two small bags that fits on riders lap
  - Packages attached must not make the device exceed the maximum size limit
  - Packages must be removed and placed on riders lap upon driver request



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## MTS Cart, Stroller & Cargo Rules

### No Change To Existing Bike Policy

- Bus – Only folding bikes are allowed inside and they need to be kept out of the aisles and doorways. All buses also have two-spaces for bikes on the front-mounted bike racks
- Trolley – Bikes may board using the rear door of each car. One bike is allowed per car during weekday rush hours, two bikes per car at all other times.



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## MTS Cart, Stroller & Cargo Rules

### Exceptions

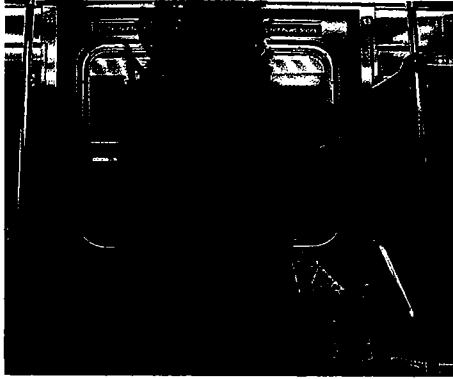
- Seniors and riders with disabilities will be accommodated as required by the ADA.
- Route 992 (Airport Shuttle) will have an informal exemption to most of the size and quantity limitations above because the buses are designed to handle luggage



20



## Carts, Strollers & Cargo



21



## MTS Cart, Stroller & Cargo Rules

*QUESTIONS?*

*COMMENTS?*

Contact:

Jeff Codling

[Jeff.codling@sdmts.com](mailto:Jeff.codling@sdmts.com)



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San Diego, CA 92101-7490  
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\*REVISED DRAFT

## Agenda

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

9:00 a.m.

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

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#### ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - November 10, 2011
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 SILENCE electronics  
during the meeting

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## CONSENT ITEMS

- |     |   |                    |
|-----|---|--------------------|
| 6.  | <u>Bus Operator Uniforms Contract - Exercise Contract Option Years One and Two</u><br>Action would: (1) ratify MTS Doc. No. B0509.1-09 with Kingsbury Uniforms, Inc. for the addition of union patches for men's and women's polo shirts; (2) ratify MTS Doc. No. B0509.2-09 with Kingsbury Uniforms, Inc. for the addition/replacement of men's and women's polo shirts and oxfords uniform styles to better quality uniform garments at no additional cost to MTS; (3) ratify MTS Doc. No. B0509.3-09 with Kingsbury Uniforms, Inc. to give bus operators the option to buy a garrison belt; and (4) authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0509.4-09 with Kingsbury Uniforms, Inc. to exercise option years one and two for bus operator uniforms. | Ratify/<br>Approve |
| 7.  | <u>Federal Transit Administration 5311 Program of Projects</u><br>Action would approve Resolution No. 11-18 authorizing the use of \$234,837 of Federal Transit Administration (FTA) Section 5311 funds for operating assistance in nonurbanized areas.   | Approve            |
| 8.  | <u>Finalized Internal Audit Report on SDTC Revenue Management</u><br>Action would receive an internal audit report on San Diego Transit Corporation's (SDTC's) Revenue Management.  | Receive            |
| 9.  | <u>Siemens Light Rail Vehicle (LRV) Procurement - Contract Amendment</u><br>Action would authorize the CEO to execute MTS Doc. No. L0914.7-10, which would authorize Siemens to: (1) add an instructor's plug receptacle to the 57 LRVs being purchased; (2) add a front-end fender to the 57 LRVs; and (3) adjust the sales tax rate paid under the agreement.   | Approve            |
| 10. | <u>Investment Report - October 2011</u><br>Action would receive a report for information.   | Receive            |
| 11. | <u>Legal Services - Contract Award</u><br>Action would authorize the CEO or appropriate staff persons to execute contracts on an as-needed basis to attorneys and firms from the prequalified list for MTS and its subsidiaries.  | Approve            |
| 12. | <u>Federal Transit Administration 5316 Grant Applications</u><br>Action would adopt Resolution No. 11-17 authorizing the CEO to submit Job Access and Reverse Commute (JARC) applications for fiscal years 2012 and 2013 for Federal Transit Administration (FTA) Section 5316 funding.   | Adopt              |
| 13. | <u>Taxicab Advisory Committee Member Election Results</u><br>Action would ratify the appointment of two new members of the Taxicab Committee as stated in the results of the Taxicab Advisory Committee (TAC) member election.  | Ratify             |
| 14. | <u>Discontinuance of Route 830 - Murphy Canyon Premium Express</u><br>Action would approve the discontinuance of Route 830.   | Approve            |

## CONSENT ITEMS - CONTINUED

- |      |   |         |
|------|---|---------|
| 15.  | <u>Insurance Brokerage and Consultation Services - Contract Amendment</u><br>Action would authorize the CEO to enter into MTS Doc. No. G1035.2-07 with BB&T John Burnham Insurance Services to extend the existing insurance brokerage and consultation services contract (MTS Doc. No. G1035.1-07) for an additional six-month period. | Approve |
| *16. | <u>State Transit Assistance (STA) Claims</u><br>Action would adopt Resolution No. 11-19 approving fiscal year (FY) 2012 State Transit Assistance (STA) claims.  | Adopt   |

## CLOSED SESSION

24. None.

## NOTICED PUBLIC HEARINGS

25. None.

## DISCUSSION ITEMS

- |     |  |         |
|-----|--|---------|
| 30. | <u>Comprehensive Annual Financial Report (CAFR) (Tom Lynch)</u><br>Action would receive a report on the CAFR for review and discussion.  | Receive |
| 31. | <u>FY 2011 Final Budget Comparison (Tom Lynch)</u><br>Action would approve the use of \$190,000 in contingency reserves to balance the FY 2011 operating budget.                                       | Approve |
| 32. | <u>Cart, Stroller, and Cargo Requirements (Claire Spielberg)</u><br>Action would approve new cart, stroller, and cargo requirements for transit riders under existing MTS "Rules for Riding" language. | Approve |

## REPORT ITEMS

- |     |   |             |
|-----|---|-------------|
| 45. | None.   |             |
| 60. | <u>Chairman's Report</u>  | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u>  | Information |
| 62. | <u>Chief Executive Officer's Report</u>   | Information |
| 63. | <u>Board Member Communications</u>  |             |
| 64. | <u>Additional Public Comments Not on the Agenda</u><br>If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. |             |
| 65. | <u>Next Meeting Date: January 19, 2012</u>  |             |
| 66. | <u>Adjournment</u>  |             |



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DRAFT

## Agenda

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

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## CONSENT ITEMS

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| 7.  | <u>Federal Transit Administration 5311 Program of Projects</u><br>Action would approve Resolution No. 11-18 authorizing the use of \$234,837 of Federal Transit Administration (FTA) Section 5311 funds for operating assistance in nonurbanized areas.   | Approve            |
| 8.  | <u>Finalized Internal Audit Report on SDTC Revenue Management</u><br>Action would receive an internal audit report on San Diego Transit Corporation's (SDTC's) Revenue Management.  | Receive            |
| 9.  | <u>Siemens Light Rail Vehicle (LRV) Procurement - Contract Amendment</u><br>Action would authorize the CEO to execute MTS Doc. No. L0914.7-10, which would authorize Siemens to: (1) add an instructor's plug receptacle to the 57 LRVs being purchased; (2) add a front-end fender to the 57 LRVs; and (3) adjust the sales tax rate paid under the agreement.   | Approve            |
| 10. | <u>Investment Report - October 2011</u><br>Action would receive a report for information.   | Receive            |
| 11. | <u>Legal Services - Contract Award</u><br>Action would authorize the CEO or appropriate staff persons to execute contracts on an as-needed basis to attorneys and firms from the prequalified list for MTS and its subsidiaries.  | Approve            |
| 12. | <u>Federal Transit Administration 5316 Grant Applications</u><br>Action would adopt Resolution No. 11-17 authorizing the CEO to submit Job Access and Reverse Commute (JARC) applications for fiscal years 2012 and 2013 for Federal Transit Administration (FTA) Section 5316 funding.   | Adopt              |
| 13. | <u>Taxicab Advisory Committee Member Election Results</u><br>Action would ratify the appointment of two new members of the Taxicab Committee as stated in the results of the Taxicab Advisory Committee (TAC) member election.  | Ratify             |
| 14. | <u>Discontinuance of Route 830 - Murphy Canyon Premium Express</u><br>Action would approve the discontinuance of Route 830.   | Approve            |

## CONSENT ITEMS - CONTINUED

- |     |   |         |
|-----|---|---------|
| 15. | <u>Insurance Brokerage and Consultation Services - Contract Amendment</u><br>Action would authorize the CEO to enter into MTS Doc. No. G1035.2-07 with BB&T John Burnham Insurance Services to extend the existing insurance brokerage and consultation services contract (MTS Doc. No. G1035.1-07) for an additional six-month period. | Approve |
|-----|---|---------|

## CLOSED SESSION

- |     |       |
|-----|-------|
| 24. | None. |
|-----|-------|

## NOTICED PUBLIC HEARINGS

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

## DISCUSSION ITEMS

- |     |  |         |
|-----|--|---------|
| 30. | <u>Comprehensive Annual Financial Report (CAFR) (Tom Lynch)</u><br>Action would receive a report on the CAFR for review and discussion.  | Receive |
| 31. | <u>FY 2011 Final Budget Comparison (Tom Lynch)</u><br>Action would approve the use of \$190,000 in contingency reserves to balance the FY 2011 operating budget.                                       | Approve |
| 32. | <u>Cart, Stroller, and Cargo Requirements (Claire Spielberg)</u><br>Action would approve new cart, stroller, and cargo requirements for transit riders under existing MTS "Rules for Riding" language. | Approve |

## REPORT ITEMS

- |     |   |             |
|-----|---|-------------|
| 45. | None.   |             |
| 60. | <u>Chairman's Report</u>  | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u>  | Information |
| 62. | <u>Chief Executive Officer's Report</u>   | Information |
| 63. | <u>Board Member Communications</u>  |             |
| 64. | <u>Additional Public Comments Not on the Agenda</u><br>If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. |             |
| 65. | <u>Next Meeting Date:</u> January 19, 2012  |             |
| 66. | <u>Adjournment</u>  |             |



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

## Agenda Item No. 6

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

BUS OPERATOR UNIFORMS CONTRACT - EXERCISE CONTRACT OPTION YEARS  
ONE AND TWO

#### RECOMMENDATION:

That the Board of Directors:

1. ratify MTS Doc. No. B0509.1-09 (Attachment A) with Kingsbury Uniforms, Inc. for the addition of union patches for men's and women's polo shirts;
2. ratify MTS Doc. No. B0509.2-09 (Attachment B) with Kingsbury Uniforms, Inc. for the addition/replacement of men's and women's polo shirts and oxfords uniform styles to better quality uniform garments at no additional cost to MTS;
3. ratify MTS Doc. No. B0509.3-09 (Attachment C) with Kingsbury Uniforms, Inc. to give bus operators the option to buy a garrison belt;
4. authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0509.4-09 (in substantially the same format as Attachment D) with Kingsbury Uniforms, Inc. to exercise option years one and two for bus operator uniforms.

#### Budget Impact

MTS Contract No. B0509.4-09 is based on the estimated quantities of uniforms budgeted annually under MTS Bus operations using local funds under 213-52610. The estimated cost is \$144,003.72 for option year 1 (1/1/12 – 12/31/12) and \$145,900.06 for option year 2 (1/1/13 – 12/31/13).



## DISCUSSION:

MTS Contract No. B0509.0-09 was awarded in January 2009 to Kingsbury Uniforms, Inc. for a three-year base period and two 1-year options for the annual uniform replacement stipulated in the Collective Bargaining Agreement with Amalgamated Transit Union Local 1309 and for the issuance of uniforms for new hires. Kingsbury Uniforms, Inc. continues to proficiently perform within the scope of the agreement, and staff has deemed its contract pricing to be fair and reasonable. In accordance with the current contract with Kingsbury Uniforms, Inc. MTS is requesting the Board's approval to exercise the two options years.

### Amendment No. 1

In June 2009, MTS staff executed a contract amendment with Kingsbury Uniforms, Inc. to add the union patches and pocket to the men's/women's royal blue polo shirt (Style Tri-Mountain Nos. 169 and 166). The total contract amended price is \$7,744.12.

### Amendment No. 2

In December 2009, MTS staff executed a contract amendment with Kingsbury Uniforms, Inc. to add/replace men's/women's royal blue polo shirts and men's/women's light blue oxford uniform styles at no additional cost to MTS.

### Amendment No. 3

In January 2010, MTS staff executed a contract amendment with Kingsbury Uniforms, Inc. to add the option for bus operators to buy a Security Garrison Belt (BC00, 1 3/4" width, 9 oz. with a removable nickel silver buckle, black only). The estimated quantity is 25 each per calendar year at \$11.00 each. The contract amendment amount is estimated at a total of \$825.00 for the remaining base year (year 3), including the two 1-year options (option years 1 and 2).

### Amendment No. 4

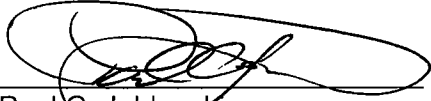
Staff is requesting Board approval for the execution of MTS Doc. No. B0509.4-09 with Kingsbury Uniforms, Inc. to exercise option year one in the amount of \$144,003.72 and option year two in the amount of \$145,900.06 for bus operator uniforms. This amendment is necessary in order for MTS to continue to provide annual uniform allowance for the bus operators.

The adjusted amount of the entire contract, including these amendments, would be \$718,648.13.

Therefore, staff recommends Board approval to:

1. ratify MTS Doc. No. B0509.1-09 (Attachment A) with Kingsbury Uniforms, Inc. for the addition of union patches for Men's and Women's polo shirts;
2. ratify MTS Doc. No. B0509.2-09 (Attachment B) with Kingsbury Uniforms, Inc. for the addition/replacement of Men's and Women's polo shirts and oxfords uniform styles to better quality uniform garments at no additional cost to MTS;

3. ratify MTS Doc. No. B0509.3-09 (Attachment C) with Kingsbury Uniforms, Inc. to give bus operators the option to buy a garrison belt; and
4. authorize the CEO to execute MTS Doc. No. B0509.4-09 (in substantially the same format as Attachment D) with Kingsbury Uniforms, Inc. to exercise option years one and two for bus operator uniforms.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Jim Byrne, 619.238.0100, Ext. 6420, [jim.byrne@sdmts.com](mailto:jim.byrne@sdmts.com)

Attachments: A. MTS Doc. No. B0509.1-09  
B. MTS Doc. No. B0509.2-09  
C. MTS Doc. No. B0509.3-09  
D. MTS Doc. No. B0509.4-09



Att. A, AI 6, 12/8/11

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

ORIGINAL

June 25, 2009

MTS Doc. No. B0509.1-09  
OPS 960.2 (PC 213)

Mr. David Brown  
Kingsbury Uniforms  
19401 S. Vermont Avenue, Suite I-104  
Torrance, CA 90502

Dear Mr. Brown:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. B0509.0-09; BUS OPERATOR UNIFORMS,  
MENS/WOMEN ROYAL BLUE POLO SHIRTS PRICE INCREASE DUE TO ADDED  
PATCHES (MTS, ATU Local 1309)

This shall serve as Amendment No. 1 to our agreement for the bus operator uniforms as further  
described below.

SCOPE OF SERVICES

The following Bus Operator Uniform Garment revisions below shall be added to the contract effective  
January 01, 2009 through December 31, 2013:

Men's Royal Blue Polo Shirts (Style #Tri Mountain 169) with 2 Union Patches and Pocket  
Women's Royal Blue Polo Shirts (Style #Tri-Mountain 166) with 2 Union Patches

SCHEDULE

There is no change to the schedule of this contract.

PAYMENT

Payment shall be based on actual costs not to exceed \$7,744.12 as reflected on Attachment A  
(attached) without prior written approval from MTS. The total value of this contract including this  
amendment, shall not exceed \$717,823.13.

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

Sincerely,

Paul C. Jablonski  
Chief Executive Officer

Agreed:

David Brown  
Kingsbury Uniforms

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

MGARCIA-CL  
CL-B0509.1-09.KINGSBURYUNIFORMS.CAQUINO

Attachment A: Pricing Sheet

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



**ATTACHMENT A - PRICING SHEET**  
Amendment No. 1 - Bus Operator Uniforms

ORIGINAL CONTRACT PRICING BASED ON ORIGINAL BID PRICE																
Mens Royal Blue Polo Shirts (Style # Tri-Mountain 169)																
YEAR 1			YEAR 2			YEAR 3			YEAR 4			YEAR 5				
Size	Qty	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	
S	15	\$ 15.00	\$ 225.00	\$ 15.00	\$ 225.00	\$ 15.45	\$ 231.75	\$ 15.91	\$ 238.65	\$ 16.39	\$ 245.85					
M	51	\$ 15.00	\$ 765.00	\$ 15.00	\$ 765.00	\$ 15.45	\$ 787.95	\$ 15.91	\$ 811.41	\$ 16.39	\$ 835.89					
L	56	\$ 15.00	\$ 840.00	\$ 15.00	\$ 840.00	\$ 15.45	\$ 865.20	\$ 15.91	\$ 890.96	\$ 16.39	\$ 917.84					
XL	70	\$ 15.00	\$ 1,050.00	\$ 15.00	\$ 1,050.00	\$ 15.45	\$ 1,081.50	\$ 15.91	\$ 1,113.70	\$ 16.39	\$ 1,147.30					
2XL	55	\$ 16.00	\$ 880.00	\$ 16.00	\$ 880.00	\$ 16.48	\$ 906.40	\$ 16.97	\$ 933.35	\$ 17.48	\$ 961.40					
3XL	29	\$ 17.00	\$ 493.00	\$ 17.00	\$ 493.00	\$ 17.51	\$ 507.79	\$ 18.04	\$ 523.16	\$ 18.58	\$ 538.82					
4XL	5	\$ 18.00	\$ 90.00	\$ 18.00	\$ 90.00	\$ 18.54	\$ 92.70	\$ 19.10	\$ 95.50	\$ 19.67	\$ 98.35					
5XL	4	\$ 19.00	\$ 76.00	\$ 19.00	\$ 76.00	\$ 19.57	\$ 78.28	\$ 20.16	\$ 80.64	\$ 20.76	\$ 83.04					
6XL	5	\$ 20.00	\$ 100.00	\$ 20.00	\$ 100.00	\$ 20.60	\$ 103.00	\$ 21.22	\$ 106.10	\$ 21.86	\$ 109.30					
TALL - L	5	\$ 16.00	\$ 80.00	\$ 16.00	\$ 80.00	\$ 16.48	\$ 82.40	\$ 16.97	\$ 84.85	\$ 17.48	\$ 87.40					
TALL - XL	5	\$ 17.00	\$ 85.00	\$ 17.00	\$ 85.00	\$ 17.51	\$ 87.55	\$ 18.04	\$ 90.20	\$ 18.58	\$ 92.90					
TALL - 2XL	5	\$ 19.00	\$ 95.00	\$ 19.00	\$ 95.00	\$ 19.57	\$ 97.85	\$ 20.16	\$ 100.80	\$ 20.76	\$ 103.80					
TALL - 3XL	5	\$ 21.00	\$ 105.00	\$ 21.00	\$ 105.00	\$ 21.63	\$ 108.15	\$ 22.28	\$ 111.40	\$ 22.95	\$ 114.75					
TALL - 4XL	5	\$ 23.00	\$ 115.00	\$ 23.00	\$ 115.00	\$ 23.69	\$ 118.45	\$ 24.40	\$ 122.00	\$ 25.13	\$ 125.65					
Subtotal		\$	4,999.00	\$	4,999.00	\$	5,148.97	\$	5,302.72	\$	5,462.28					
Tax		\$	387.42	\$	387.42	\$	399.05	\$	410.96	\$	423.33					
Total		\$	5,386.42	\$	5,386.42	\$	5,548.02	\$	5,713.68	\$	5,885.62					

Womens Royal Blue Polo Shirts (Style # Tri-Mountain 166)																			
YEAR 1				YEAR 2				YEAR 3				YEAR 4				YEAR 5			
	Size	Qty		Unit Price	Extended Price		Unit Price	Extended Price		Unit Price	Extended Price		Unit Price	Extended Price		Unit Price	Extended Price		
S		2	\$	15.00	\$ 30.00	\$	15.00	\$ 30.00	\$	15.45	\$ 30.90	\$	15.91	\$ 31.82	\$	16.39	\$ 32.78		
M		40	\$	15.00	\$ 600.00	\$	15.00	\$ 600.00	\$	15.45	\$ 618.00	\$	15.91	\$ 636.40	\$	16.39	\$ 655.60		
L		35	\$	15.00	\$ 525.00	\$	15.00	\$ 525.00	\$	15.45	\$ 540.75	\$	15.91	\$ 556.85	\$	16.39	\$ 573.65		
XL		55	\$	15.00	\$ 825.00	\$	15.00	\$ 825.00	\$	15.45	\$ 849.75	\$	15.91	\$ 875.05	\$	16.39	\$ 901.45		
2XL		41	\$	16.00	\$ 656.00	\$	16.00	\$ 656.00	\$	16.48	\$ 675.68	\$	16.97	\$ 695.77	\$	17.48	\$ 716.68		
3XL		22	\$	17.00	\$ 374.00	\$	17.00	\$ 374.00	\$	17.51	\$ 385.22	\$	18.04	\$ 396.88	\$	18.58	\$ 408.76		
5XL		5	\$	18.00	\$ 90.00	\$	18.00	\$ 90.00	\$	18.54	\$ 92.70	\$	19.10	\$ 95.50	\$	19.67	\$ 98.35		
Subtotal				\$	3,100.00	\$	\$	3,100.00	\$	\$	3,193.00	\$	\$	3,288.27	\$	\$	3,387.27		
Tax					\$ 240.25	\$		\$ 240.25	\$		\$ 247.46	\$		\$ 254.84	\$		\$ 262.51		
Total				\$	3,340.25	\$		\$ 3,340.25	\$		\$ 3,440.46	\$		\$ 3,543.11	\$		\$ 3,649.78		

5-YEAR TOTAL (Mens Royal Blue Polo Shirts (Style # Tri-Mountain 169)) \$ 27,920.16  
6-YEAR TOTAL (Womens Royal Blue Polo Shirts (Style # Tri-Mountain 166)) \$ 17,313.85  
GRAND TOTAL (Mens & Womens) \$ 45,234.01

**ATTACHMENT A - PRICING SHEET**  
**Amendment No. 1 - Bus Operator Uniforms**

REVISED PRICING												
Mens Royal Blue Polo Shirts (Style # Tri-Mountain 69) With 2 Added Patches (MTS, ATU Local 1309) and Pockets												
		YEAR 1		YEAR 2		YEAR 3		YEAR 4		YEAR 5		
Size	Qty	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	
S	15	\$ 18.00	\$ 270.00	\$ 18.00	\$ 270.00	\$ 18.45	\$ 276.75	\$ 18.91	\$ 283.65	\$ 19.39	\$ 290.85	
M	51	\$ 18.00	\$ 918.00	\$ 18.00	\$ 918.00	\$ 18.45	\$ 940.95	\$ 18.91	\$ 964.41	\$ 19.39	\$ 988.89	
L	56	\$ 18.00	\$ 1,008.00	\$ 18.00	\$ 1,008.00	\$ 18.45	\$ 1,033.20	\$ 18.91	\$ 1,058.96	\$ 19.39	\$ 1,085.84	
XL	70	\$ 18.00	\$ 1,260.00	\$ 18.00	\$ 1,260.00	\$ 18.45	\$ 1,291.50	\$ 18.91	\$ 1,323.70	\$ 19.39	\$ 1,357.30	
2XL	55	\$ 19.00	\$ 1,045.00	\$ 19.00	\$ 1,045.00	\$ 19.48	\$ 1,071.40	\$ 19.97	\$ 1,098.35	\$ 20.48	\$ 1,126.40	
3XL	29	\$ 20.00	\$ 580.00	\$ 20.00	\$ 580.00	\$ 20.51	\$ 594.79	\$ 21.04	\$ 610.16	\$ 21.58	\$ 625.82	
4XL	5	\$ 21.00	\$ 105.00	\$ 21.00	\$ 105.00	\$ 21.54	\$ 107.70	\$ 22.10	\$ 110.50	\$ 22.67	\$ 113.35	
5XL	4	\$ 22.00	\$ 88.00	\$ 22.00	\$ 88.00	\$ 22.57	\$ 90.28	\$ 23.16	\$ 92.64	\$ 23.76	\$ 95.04	
6XL	5	\$ 23.00	\$ 115.00	\$ 23.00	\$ 115.00	\$ 23.60	\$ 118.00	\$ 24.22	\$ 121.10	\$ 24.86	\$ 124.30	
TALL - L	5	\$ 19.00	\$ 95.00	\$ 19.00	\$ 95.00	\$ 19.48	\$ 97.40	\$ 19.97	\$ 99.85	\$ 20.48	\$ 102.40	
TALL - XL	5	\$ 20.00	\$ 100.00	\$ 20.00	\$ 100.00	\$ 20.51	\$ 102.55	\$ 21.04	\$ 105.20	\$ 21.58	\$ 107.90	
TALL - 2XL	5	\$ 22.00	\$ 110.00	\$ 22.00	\$ 110.00	\$ 22.57	\$ 112.85	\$ 23.16	\$ 115.80	\$ 23.76	\$ 118.80	
TALL - 3XL	5	\$ 24.00	\$ 120.00	\$ 24.00	\$ 120.00	\$ 24.63	\$ 123.15	\$ 25.28	\$ 126.40	\$ 25.95	\$ 129.75	
TALL - 4XL	5	\$ 26.00	\$ 130.00	\$ 26.00	\$ 130.00	\$ 26.69	\$ 133.45	\$ 27.40	\$ 137.00	\$ 28.13	\$ 140.65	
Subtotal		\$ 5,944.00		\$ 5,944.00		\$ 6,093.97		\$ 6,247.72		\$ 6,407.29		
Tax		\$ 520.10		\$ 520.10		\$ 533.22		\$ 546.68		\$ 560.64		
Total		\$ 6,464.10		\$ 6,464.10		\$ 6,627.19		\$ 6,794.40		\$ 6,967.93		

Women's Royal Blue Polo Shirts (Style # Tri-Mountain 166) With 2 Added Patches (MTS, ATU Local 1309)												
		YEAR 1		YEAR 2		YEAR 3		YEAR 4		YEAR 5		
Size	Qty	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	
S	2	\$ 17.00	\$ 34.00	\$ 17.00	\$ 34.00	\$ 17.45	\$ 34.90	\$ 17.91	\$ 35.82	\$ 18.39	\$ 36.78	
M	40	\$ 17.00	\$ 680.00	\$ 17.00	\$ 680.00	\$ 17.45	\$ 698.00	\$ 17.91	\$ 716.40	\$ 18.39	\$ 735.60	
L	35	\$ 17.00	\$ 595.00	\$ 17.00	\$ 595.00	\$ 17.45	\$ 610.75	\$ 17.91	\$ 626.85	\$ 18.39	\$ 643.65	
XL	55	\$ 17.00	\$ 935.00	\$ 17.00	\$ 935.00	\$ 17.45	\$ 959.75	\$ 17.91	\$ 985.05	\$ 18.39	\$ 1,011.45	
2XL	41	\$ 18.00	\$ 738.00	\$ 18.00	\$ 738.00	\$ 18.48	\$ 757.68	\$ 18.97	\$ 777.77	\$ 19.48	\$ 798.68	
3XL	22	\$ 19.00	\$ 418.00	\$ 19.00	\$ 418.00	\$ 19.51	\$ 429.22	\$ 20.04	\$ 440.88	\$ 20.58	\$ 452.76	
5XL	5	\$ 21.00	\$ 105.00	\$ 21.00	\$ 105.00	\$ 20.54	\$ 102.70	\$ 21.10	\$ 105.50	\$ 21.67	\$ 108.35	
Subtotal		\$ 3,505.00		\$ 3,505.00		\$ 3,593.00		\$ 3,688.27		\$ 3,787.27		
Tax		\$ 306.69		\$ 306.69		\$ 314.39		\$ 322.72		\$ 331.39		
Total		\$ 3,811.69		\$ 3,811.69		\$ 3,907.39		\$ 4,010.99		\$ 4,118.66		

5-YEAR TOTAL (Mens Royal Blue Polo Shirts (Style # Tri-Mountain 169))		\$ 33,317.72
5-YEAR TOTAL (Womens Royal Blue Polo Shirts (Style # Tri-Mountain 166))		\$ 19,660.41
<b>GRAND TOTAL (Mens &amp; Womens)</b>		
Total Contract Amended Amount (5 Years)		<b>\$ (7,744.12)</b>

NOTES: Revised Pricing above is a Fixed Price for all 5 contracted years. This includes the addition of the MTS - ATU Local 1309 ATU Local 1309 Patch = \$1.00 (requires 2 patches per shirt)  
 Pocket = \$1.00 ea

B0509.1-09





Att. B, AI 6, 12/8/11

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

December 31, 2009

**ORIGINAL**

MTS Doc. No. B0509.2-09  
OPS 960.2

Mr. David Brown  
Kingsbury Uniforms, Inc.  
19401 S. Vermont Avenue, Suite I-104  
Torrance, CA 90502

Dear Mr. Brown:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. B0509.0-09; BUS OPERATOR UNIFORMS,  
MENS/WOMEN ROYAL BLUE POLO SHIRTS

This shall serve as Amendment No. 2 to our agreement for the bus operator uniforms as further described below.

#### SCOPE OF SERVICES

Due to high demand and better quality polo shirts for no additional cost, the following Bus Operator Uniform Garment revisions below shall be added to the contract effective January 01, 2010, through December 31, 2013:

1. Men's Royal Blue Polo Shirt (Style #Tri Mountain 169) shall be replaced with **Style #Port Authority K500P** Polo Shirt with pocket (Royal Blue).
2. Women's Royal Blue Polo Shirt (Style #Tri-Mountain 166) shall be replaced with **Style #Port Authority L500** Polo (Royal Blue).
3. Men's Light Blue Oxford (Style #Edwards1260-01) shall also be available in short sleeves, **Style #Edwards 1210-01**, Men's Oxford.
4. Women's Light Blue Oxford (Style #Edwards 5260-01) shall also be available in short sleeves, **Style #Edwards 5210-01**, Women's Oxford.

#### SCHEDULE

There is no change to the schedule of this contract.

#### PAYMENT

There is no change to the payment of this contract. The total value of this contract including this amendment shall not exceed \$717,823.13.

All other conditions remain unchanged. 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,

Paul C. Jablonski  
Chief Executive Officer

CBROWN-CL  
CL-B0509.2-09.KINGSBURY.CA.JBYRNE

Agreed

David Brown  
Kingsbury Uniforms

Date: 1/1/10



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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.



Att. C, AI 6, 12/8/11

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



January 7, 2010

**ORIGINAL**

MTS Doc. No. B0509.3-09  
OPS 960.2

Mr. David Brown  
Kingsbury Uniforms, Inc.  
19401 S. Vermont Avenue, Suite I-104  
Torrance, CA 90502

Dear Mr. Brown:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. B0509.0-09; BUS OPERATOR UNIFORMS, BELT OPTION

This shall serve as Amendment No. 3 to our agreement for the bus operator uniforms as further described below.

SCOPE OF SERVICES

The following Bus Operator Uniform revisions below shall be added as an option to the contract effective January 01, 2011, through December 31, 2013:

- Edwards - Security Garrison Belt – **BC00**, 1 3/4" width 9 oz. leather unisex belt with removable nickel silver buckle, black only.

SCHEDULE

There is no change to the schedule of this contract.

PAYMENT

Payment shall be based on actual costs not to exceed \$825.00 (est.) as reflected below without prior written approval from MTS. The total value of this contract including this amendment shall not exceed \$718,648.13.

Estimated Quantity:	25 belts per calendar year
Cost:	\$11.00 each
<b>Total (Year 3 including Option Years 1 and 2):</b>	<b>\$825.00 (Estimate)</b>

All other conditions remain unchanged. 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,

Paul C. Jablonski  
Chief Executive Officer

CBROWN-CL  
CL-B0509.3-09.KINGSBURY.CA.JBYRNE

Agreed:

David Brown  
Kingsbury Uniforms

Date: 1/14/11



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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.

# DRAFT

December 8, 2011

MTS Doc. No. B0509.4-09  
OPS 960.2

Mr. David Brown  
Kingsbury Uniforms, Inc.  
19401 S. Vermont Ave. Suite I-104  
Torrance, CA 90502

Dear Mr. Brown:

Subject: AMENDMENT NO. 4 TO MTS DOC. NO. B0509.0-09; BUS OPERATOR UNIFORMS -  
OPTION YEARS 1 AND 2

This shall serve as Amendment No. 4 to our agreement for the bus operator uniforms as further described below.

## SCOPE OF SERVICES

Pursuant to the specifications of MTS IFB No. B0509.0-09, the San Diego Metropolitan Transit System (MTS), on behalf of San Diego Transit Corp. (SDTC), shall exercise Option Year One (1), in the amount of \$144,003.72; and Option Year Two (2) in the amount of \$145,900.06 of the bus operator contract.

Kingsbury Uniforms, Inc. agrees to continue to provide bus operator uniforms in accordance with the terms and conditions as stated in MTS IFB No. B0509.0-09.

## SCHEDULE

The option year 1 coverage period shall be effective January 1, 2012, through December 31, 2012; and the option year 2 coverage period shall be effective January 1, 2013, through December 31, 2013.

## PAYMENT

Payment shall be based on actual costs not to exceed \$289,903.78 without prior written approval from MTS. The total value of this contract including this amendment shall not exceed \$718,648.13.

All other conditions remain unchanged. 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,

Agreed:

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

\_\_\_\_\_  
David Brown  
Kingsbury Uniforms

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



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

## Agenda Item No. 7

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

FEDERAL TRANSIT ADMINISTRATION 5311 PROGRAM OF PROJECTS

#### RECOMMENDATION:

That the Board of Directors approve Resolution No. 11-18 (Attachment A) authorizing the use of \$234,837 of Federal Transit Administration (FTA) Section 5311 funds for operating assistance in nonurbanized areas.

#### Budget Impact

None at this time.

#### DISCUSSION:

The 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. The San Diego Association of Governments (SANDAG) allocates the region's funds to both North County Transit District (NCTD) and MTS based on the relative rural population in each service area. As shown within Attachment A, FTA 5311 funding would provide \$234,837 in operating assistance for MTS.

#### Recommendation

Grant requirements include submission of a resolution by the Board of Directors authorizing its submittal and project programming. Therefore, staff recommends that the Board approve Resolution No. 11-18 for the submission of a grant application and project programming. Caltrans requires that SANDAG certify that it will 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](mailto:nancy.dall@sdmts.com)

Attachment: A. Resolution No. 11-18



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 11-18

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:

1. 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:
2. General Counsel is authorized 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.
3. Chief Financial Officer 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 \_\_\_\_\_ 2011 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



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San Diego, CA 92101-7490  
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## Agenda Item No. 8

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

FINALIZED INTERNAL AUDIT REPORT ON SDTC REVENUE MANAGEMENT

#### RECOMMENDATION:

That the Board of Directors receive an internal audit report on San Diego Transit Corporation's (SDTC's) Revenue Management.

#### Budget Impact

None.

#### DISCUSSION:

During September 2011, the MTS Internal Auditor performed a review of the SDTC Revenue Management's procedures and internal controls. As a result of this review, three findings and recommendations were made for Management's consideration. Management has reviewed the recommendations and is taking action to address the issues identified.

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: Daniel Madzelan, 619.595.4920, [daniel.madzelan@sdmts.com](mailto:daniel.madzelan@sdmts.com)

DEC8-11.8.AUDIT RPT SDTC REV MGMT.DMADZELAN

Attachment: A. Audit Report – SDTC Revenue Management

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Att. A, AI 8, 12/8/11

## Memorandum

DATE: 10/12/2011  
TO: Susie Gutschmidt  
FROM: Daniel Madzelan  
SUBJECT: Audit Report – SDTC Revenue Management

LEG 492 (PC 50121)

### EXECUTIVE SUMMARY:

#### Audit Objectives and Scope:

Audit objectives were to identify the key risks associated with SDTC Revenue Management operations, evaluate the effectiveness of current controls in mitigating those risks, and assess opportunities for improving existing controls. Based on current operating procedures, as well as consultation with Management, the audit focused on five areas: 1) Revenue Collection; 2) Revenue Reconciliations, 3) Token Reconciliations, 4) Short Fare Monitoring and Reporting, and 5) Control Environment/Management Oversight.

Testing concentrated on operations at the Imperial Avenue (IAD) and Kearney Mesa (KMD) divisions occurring in July, August, and September of 2011. The audit also examined monthly reporting of all months in calendar year 2011. Finally, testing procedures were performed on control activities occurring in calendar year 2010, specifically Management's audits of Contracted Services locations.

#### Audit Results:

Management has done a noteworthy job of identifying relevant risks to achieving their objectives, as well as implementing controls to mitigate and manage those risks. The evidence tested indicated controls were working as intended and overall were well designed. Audit did identify opportunities for improving existing procedures, primarily short fare monitoring and reporting control activities. Findings are as follows:

##### High Priority Finding:

- No findings considered high priority.

##### Medium Priority Finding:

- Short Fare Monitoring and Reporting: Current control activities do not generate reporting of short fare events in a format readily designed to assess and monitor compliance with department directives. Audit believes the information and communication around short fares can be significantly improved by performing analysis of short fare events within Microsoft Excel and utilizing Excel's functionality to generate more relevant reporting. Using such analysis over a two week period, Audit calculated a 42.7% compliance rate with department directives regarding communication of short fare issuance.



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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. **A-1**



Low Priority Finding:

- Control Environment/Management Oversight – There were minor inconsistencies between the current SOPs and actual control activities. Additionally, some of the language in the SOPs could be enhanced to clarify expectations regarding Management's auditing procedures.
- Revenue Collection and Revenue Reconciliations – The preparer and or the reviewer of various daily reports were not always clearly documented by either initials or signatures on the reports. This could raise concerns regarding segregation of duties.

Subsequent pages of this report contain details regarding audit findings documented above, additional audit observations, as well as definitions of Audit Priority Findings.

**Background:**

Under the direction of the Revenue Manager, San Diego Transit's Revenue Department is responsible for revenue collection of approximately 256 buses, as well as for the maintenance of the fare box equipment. Probing and vaulting of bus fare boxes occurs Monday through Friday at the IAD and KMD locations. The probing and vaulting occurs in one of six lanes (three at each division). A separate vault is assigned to each lane. Each lane has security cameras strategically positioned to monitor the probing and vaulting activities.

Sectran provides armored-car service five days a week for each location. Sectran picks up the vaults each afternoon, counts the coin and currency in each vault, and provides daily reporting to the revenue department. This information is reconciled on a daily basis to ensure the integrity of the GFI system reporting of fares collected, as well as the integrity of Sectran's revenue counting.

Additionally, the Revenue Manager monitors the collection process for Contracted Services Operations.

**Report Distribution:**

Paul Jablonski, Cliff Telfer, Karen Landers – MTS  
Claire Spielberg – SDTC

## AUDIT FINDINGS AND MANAGEMENT ACTION PLANS:

### Finding/Observation:

Short Fare Monitoring and Reporting: Currently Revenue Management manually identifies, on hard copy reports, instances of short fares issued inconsistent with department communication directives by comparing two different reports, as well as passes returned by bus drivers. Management provided Audit their analysis, as well as the Cash Transaction Log converted into Microsoft Excel. Audit re-performed Management's analysis in Excel for a two week period and utilizing functionality within Excel generated the following analysis:

	Total – Short Fares	%		Total – Dollars Collected	%	Cost – Total Fares	%	Total Short - Uncollected	%
Total Short Fares Issued (8/21 – 9/3)	1,078			\$1,297.86		\$4,969.30		\$3,671.44	
Short Fares – Properly Communicated	460	42.7%		\$453.50	34.9%	\$2,274.10	45.8%	\$1,820.60	49.6%
Short Fares – Not Properly Communicated	618	57.3%		\$844.30	65.1%	\$2,695.2	54.2%	\$1,850.90	50.4%

Based on the analysis, the overall communication compliance rate for the two week period was 42.7%. Additional reporting, such as short fares by fare type, was generated utilizing this approach. From that analysis, Audit determined 14.5% (88/618) of short fares not properly communicated were day passes issued where \$.01 was collected.

Short fares not properly communicated totaling \$1,850.90 represent 0.4% of the total revenue \$443,935.00 collected for the time period of 8/21 – 9/3/2011.

### Finding Priority Rating:

Medium Priority Finding

### Audit Recommendation:

Management should attempt to perform the process of identifying short fares not properly communicated in Excel, as opposed to manually on a hard copy report. Then utilizing Excel's functionality, design reporting that provides more meaningful information around short fare events. Initially, there would be additional work burden; however, over time this approach should not take much longer to perform than that already spent performing current control activities.

Once the process is established and working as intended, Management should consider implementing these new control activities at Contracted Service locations.

Audit is willing to provide all necessary support to Revenue Management with implementing such a process.

### Management Response/Action Plan:

Revenue Management agrees using Excel is a better tool for reviewing short fares. We are now able to batch and sort the operators that are not making contact with the Transportation Department prior to issuing a short fare.

### Management Estimated Action Plan Completion Date:

Revenue Management has already implemented this process. We are delivering 1 weeks' worth of data to Transportation each Wednesday. Process will also be implemented with Contract Service operations.

**Finding/Observation:****Control Environment/Management Oversight:**

There were minor inconsistencies between the current SOPs and actual control activities. Specifically, there were reports listed as being included in the daily reconciliations packets that were not included in Audit's sample selections. Based on discussion with Management, one report was identified twice, but under different names. Another report identified as part of the daily packet was included only if necessary (based on work performed by the Maintenance Department).

While Management's procedures regarding their own auditing procedures are well designed and very effective, some of the language in the SOPs could be enhanced to set clearer expectations regarding performing these audits. In a previous audit report, it was recommended that Management perform "regular" audits of Sectran. The current SOP states audits are performed at random. Based on discussion with Management, audits are tending to be as required or as necessary, based on results of operations.

Also, with respect to Management's audits, not every audit included a summary of the results. Including a simple summary memorandum of the findings is considered a best practice for these types of projects.

**Finding Priority Rating:**

Low Priority Finding

**Audit Recommendation:**

- 1) Management, through the normal annual updating process, should modify their SOPs to ensure consistency with actual operational activities. Management should consider changing the language regarding their audit procedures to provide clarity regarding the frequency of occurrence.
- 2) Management should consider including a simple summary memorandum as part of their audit procedures.

**Management Response/Action Plan:**

Revenue Management is currently working on updating the SOPs.

**Management Estimated Action Plan Completion Date:**

The updated SOPs will be delivered to the Finance Department in the spring of 2012 when requested by Finance.

**Finding/Observation:**

**Revenue Collection and Revenue Reconciliations:**

There was not always clear documentation on various reports generated by Revenue Management as to who prepared the reporting/analysis or who reviewed the reporting/analysis. For example:

1. Fare Box Security Reports prepared daily did not include signatures or initials on the reporting, but there is tangible evidence of reviews taking place (markings/notations on the reports).
2. The daily revenue reconciliation packets were signed off as having been reviewed by the Revenue Manager, however the preparer of the packet did not sign off on the packet. Without this information it could raise the concern of a segregation of duty issue, whereby the Revenue Manager both prepares and reviews the report.

Additionally, there were instances when the preparer or reviewer did not include the date of preparation or review. It is considered a best practice to include the date of preparation and review to serve as evidence of timely completion of operating activities.

**Finding Priority Rating:**

Low Priority Reporting

**Audit Recommendation:**

Audit recommends the preparer and reviewer of reports used in performing daily control activities clearly indicate as such by initialing or signing their name to daily reports, as well as including the dates of when these events occurred.

**Management Response/Action Plan:**

We have modified the reconciliation form adding a signature and date line to be completed by the preparer and the reviewer. Revenue Analyst will initial and date all Security Reports along with markings and notations.

**Management Estimated Action Plan Completion Date:**

Complete as of report date.

## **OTHER AUDIT OBSERVATIONS:**

### IT System Reporting Observation:

Three of the five days reviewed required the Revenue Analyst to manually adjust reported lane totals on the Hummingbird R414 as a result of buses probed and vaulted being excluded from the report. Based on testing procedures performed, all manual adjustments were properly supported and calculated.

Having to manually adjust system generated reports can raise some concerns over the integrity of system reporting. Similarly, it also can raise some concern regarding the overall accuracy of the revenue reconciliation numbers provided, as the potential for misrepresented totals would exist in these instances.

- Based on testing procedures, there are mitigating controls in place to identify these events and ensure accurate reporting of these events in the daily reconciliation packets. As stated above, all manual adjustments to the R414 reports were properly supported and calculated. Thus, all evidence indicates Management's mitigating controls to compensate for and manage these events were working as designed and intended.

#### AUDIT FINDINGS RATINGS DEFINITIONS:

High Priority Finding	<p>Immediate management attention is required. This is a serious internal control that if not mitigated could lead to:</p> <ul style="list-style-type: none"><li>• Significant financial losses;</li><li>• Serious violation of corporate strategies, policies, or values,</li><li>• Reputational damage</li><li>• Significant adverse regulatory impact (loss of operating licenses, material fines).</li></ul>
Medium Priority Finding	<p>Timely management attention is required. This is an internal control that if not mitigated could lead to:</p> <ul style="list-style-type: none"><li>• Financial losses,</li><li>• Loss of control, non-compliance with departmental policies or procedures,</li><li>• Adverse regulatory impact.</li></ul>
Low Priority Finding	<p>Routine management attention is warranted. This is an internal control or risk issue which may lead to improvement in the quality or efficiencies of the organization or process.</p>



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## Agenda Item No. 9

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

SIEMENS LIGHT RAIL VEHICLE (LRV) PROCUREMENT - CONTRACT AMENDMENT

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0914.7-10 (in substantially the same format as Attachment A), which would authorize Siemens to: (1) add an instructor's plug receptacle to the 57 LRVs being purchased; (2) add a front-end fender to the 57 LRVs; and (3) adjust the sales tax rate paid under the agreement.

#### Budget Impact

The purchase of low-floor vehicles is part of the Blue and Orange Line Rehabilitation Project. This amendment would result in a reduction of the total contract amount with Siemens from \$236,770,288.31 to \$234,744,808.72 for a net savings of \$2,025,479.59.

Attachment B contains a summary of the MTS Doc. No. L0914.0-10 and all amendments.

#### DISCUSSION:

On September 24, 2009, the MTS Board of Directors approved a contract with Siemens to procure 57 ultrashort, low-floor LRVs for the Blue and Orange Line Rehabilitation Project. The current contract total is \$236,770,288.31, which includes necessary modifications to MTS's existing fleet to ensure compatibility with the new vehicles. Proposed Amendment No. 7 would address additional work required to conform the new fleet to MTS needs. Amendment No. 7 would also adjust the contract total to reflect a change in the California sales tax rate.



### Additional Work Proposed

Amendment No. 7 would authorize Siemens to add two features to the LRVs: 1) instructor's plug receptacle; and 2) front-end fenders. The instructor's plug receptacle is necessary to assist MTS in instructing train operators using the new LRVs. During a training exercise, the instructor's plug is plugged into the receptacle and allows the instructor to quickly stop the vehicle by simply pressing a switch on the plug. This feature was inadvertently left off of the original design. It is being provided at a cost of \$1,140.65 per vehicle, plus sales tax, for a total of \$70,055.82. The front-end fender is needed to provide physical and aesthetic protection of the brake electro-hydraulic unit, windshield washer reservoir, high-voltage wiring, and hydraulic lines. Siemens has agreed to add the front-end fender at a cost of \$1,329.63 per vehicle, plus sales tax, for a total of \$81,662.65. The total additional work would cost \$151,718.47.

### Sales Tax Reduction

Effective July 1, 2011, the California sales tax rate was reduced from 8.75% to 7.75%. Under this contract, MTS pays the pro-rata share of sales tax with each invoice it receives. Under California law, the obligation to pay sales tax to the state does not accrue until transfer of title of each LRV from Siemens to MTS. Transfer of title does not occur until MTS conditionally accepts each vehicle. Conditional acceptance of the first LRV under this contract did not occur until September 29, 2011. Therefore, the sales tax paid for all invoices under this contract should be 7.75%. For invoices processed before July 1, 2011, MTS paid the 8.75% sales tax rate.

When the 7.75% sales tax rate is applied to the entire contract, it results in a reduction of sales tax owed of \$2,177,198.05. MTS has paid the 7.75% sales tax rate on all invoices processed after July 1, 2011. For invoices processed before that date, payments at the 8.75% rate resulted in a \$650,395 overpayment of sales tax by MTS. With this Amendment No. 7, Siemens and MTS agree to refund this overpayment through sales tax credits on the next three months of invoices until MTS recoups the full \$650,395.

Amendment No. 7 makes note of the sales tax rate change and adjusts the contract's not-to-exceed total down accordingly. With the additional work noted above, this results in a net savings to MTS of \$2,025,479.59.



Paul C. Jablonski  
Chief Executive Officer

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

DEC8-11.9.SIEMENS LRV AMD 7.KLANDERS

Attachments: A. Draft MTS Document No. L0914.7-10 (with Exhibits C and D only)  
B. Summary of Contract and Amendments



# DRAFT

Att. A, AI 9, 12/8/11

December 8, 2011

MTS Doc. No. L0914.7-10  
OPS 970.6, CIP 1210002

Mr. Michael Cahill  
President  
Siemens Industry, Inc.  
Infrastructure & Cities Sector, Rail Systems Division  
7464 French Road  
Sacramento, CA 95828

Dear Mr. Cahill:

Subject: AMENDMENT NO. 7 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 or make the following changes to the contract:

Instructor's Plug: Add an "instructor's plug" to the 57 new ultrashort low-floor (SD8) vehicles MTS is purchasing as part of this Agreement. The Scope of Work for the services, detailing the additional work to be completed by Siemens, is attached to this contract amendment as Exhibit A. The Scope of Work also outlines the conditions under which the work is to be completed. The total cost for this change is \$1,140.65 per vehicle, for a total of \$65,017.00 plus sales tax.

Front-End Fenders: Add front-end fenders to the 57 new ultrashort low-floor (SD8) vehicles MTS is purchasing as part of this Agreement. The Scope of Work for the services, detailing the additional work to be completed by Siemens, is attached to this contract amendment as Exhibit B. The Scope of Work also outlines the conditions under which the work is to be completed. The total cost for this change is \$1,329.63 per vehicle, for a total of \$75,789.00 plus sales tax.

Instructor's Plug	\$65,017.00
Instructor's Plug sales tax (7.75%)	\$5,038.82
<b>SUBTOTAL</b>	<b>\$70,055.82</b>
Front-End Fender	\$75,789.00
Front-End Fender sales tax (7.75%)	\$5,873.65
<b>SUBTOTAL</b>	<b>\$81,662.65</b>
<b>TOTAL ADD-ON including sales tax</b>	<b>\$151,718.47</b>

## PAYMENT

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 for issued invoices under milestones 1 to 6 Mobilization for the materials

ordered pursuant to this seventh 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.

#### SALES TAX REFUND

Prior to July 1, 2011, the California sales tax assessed on purchases was 8.75%. Notwithstanding the fact that sales tax is not owed to the State until transfer of title (Payment Milestone 6 - Conditional Acceptance), the payment schedule set forth in Exhibit D of L0914.0-10 requires the payment of a pro-rata share of sales tax with each invoice. On July 1, 2011, the California sales tax assessed on purchases was reduced to 7.75%. Because Conditional Acceptance for the first vehicle was not reached until September 29, 2011, the 7.75% sales tax rate is applicable to all invoices under this Agreement.

The following is a summary of the Agreement totals before and after the reduction of the California sales tax:

	Through Amendment 6 @ 8.75% sales tax	Through Amendment 6 @ 7.75% sales tax
Total Product	\$217,719,805.34	\$217,719,805.34
Total Tax	\$19,050,482.97	\$16,873,284.91
Grand Total	\$236,770,288.31	\$234,593,090.25
Sales Tax Reduction		\$2,177,198.05

The change in the sales tax rate resulted in an overpayment of sales tax by MTS on invoices processed before July 1, 2011. A reconciliation of MTS's overpayment of sales tax is attached as Exhibit C. The total overpayment amount is \$650,395.00. MTS shall be entitled to a credit against all sales tax payments owed on future invoices, beginning on December 12, 2011, until the full \$650,395.00 has been recouped. The estimated refund schedule is set forth in Exhibit D. Siemens shall be responsible for processing any request for a refund of taxes overpaid to the State related to this Agreement. All payments made by MTS after July 1, 2011, have been at the applicable 7.75% tax rate.

#### UPDATED AGREEMENT TOTALS THROUGH AMENDMENT NO. 7

The new total amount encumbered by this contract, after the addition of the instructor's plug and front-end fender for each vehicle and the sales tax adjustment, is as follows:

	Through Amendment 6 @ 8.75% sales tax	Through Amendment 7 @ 7.75% sales tax
Total Product	\$217,719,805.34	\$217,860,611.34
Total Tax	\$19,050,482.97	\$16,884,197.38
Grand Total	\$236,770,288.31	\$234,744,808.72
Change/Reduction		(\$2,025,479.59)

Letter to Michael Cahill  
December 8, 2011  
Page 3 of 3

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

\_\_\_\_\_  
Michael Cahill, President

Siemens Industry, Inc.  
Infrastructure & Cities Sector  
Rail Systems Division

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

\_\_\_\_\_  
Chris Halleus, Vice President, FBA

Siemens Industry, Inc.  
Infrastructure & Cities Sector  
Rail Systems Division

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

Exhibit A – Instructor's Plug Scope of Work  
Exhibit B – Front-End Fender Scope of Work  
Exhibit C – Sales Tax Overpayment Reconciliation  
Exhibit D – Sales Tax Refund Schedule (credit against future invoices)

Project 11267 LRV Procurement  
Sales tax issue

EXHIBIT C

Payment for LRV				Invoice #	Amount	Tax @ 8.75%	Total Payment	1% sales tax
1st Milestone Payment - 2%		Inv. Date		RI-83780	4,104,000	359,100	4,463,100	41,040
2nd Milestone Payment - 20%		3/29/2010		RI-87204	41,040,000	3,591,000	44,631,000	410,400
Amend #3 - Modify Subsuppliers -22%		6/4/2010		RI-88963	251,124	21,973	273,097	2,511
3rd Milestone Payment - 5%		8/13/2010		RI-90875	10,317,074	902,744	11,219,818	103,171
Remaining balance from Milestone 1-3		2/7/2011		RI-98819	53,557	4,686	58,243	536
4th Milestone Payment - 23% (Shell #		2/7/2011		RI-98819	833,406	72,923	906,329	8,334
4th Milestone Payment - 23% (Shell #		3/8/2011		RI-106992	833,406	72,923	906,329	8,334
4th Milestone Payment - 23% (Shell #		4/11/2011		RI-108611	833,406	72,923	906,329	8,334
4th Milestone Payment - 23% (Shell #		5/5/2011		RI-110179	833,406	72,923	906,329	8,334
4th Milestone Payment - 23% (Shell #		5/26/2011		RI-111235	833,406	72,923	906,329	8,334
4th Milestone Payment - 23% (Shell #		6/6/2011		RI-111959	833,406	72,923	906,329	8,334
4th Milestone Payment - 23% (Shell #		6/17/2011		RI-112531	833,406	72,923	906,329	8,334
4th Milestone Payment - 23% (Shell #		6/30/2011		RI-113139	833,406	72,923	906,329	8,334
					62,433,005		67,895,893	
Payment for Spare Parts (Amend #2)				Invoice #	Amount	Tax @ 8.75%	Total Payment	
Spare part		8/20/2010		RI-91009	609,101	53,296	662,397	6,091
Spare part		11/12/2010		RI-93417	304,550	26,648	331,199	3,046
Spare part		3/24/2011		RI-107524	304,550	26,648	331,199	3,046
					1,218,201		1,324,794	
Payment for Retrofit (Amend #5)				Invoice #	Amount	Tax @ 8.75%	Total Payment	
Retrofit - 30%		2/18/2011		RI-99260	1,388,245	121,471	1,509,717	13,882
Total					65,039,452		70,730,404	
				Overpayment of Sales Tax				<u>650,395</u>

## San Diego VIII - Estimated Refund Schedule

Sales Tax to be deducted from next invoices according to Exhibit C:

\$624,330.05	SD8 LRV Project
\$ 12,182.01	Spares Project
\$ 13,882.45	Retrofit Project
<u>\$650,394.51</u>	

### LRV Project

Milestone	Description	Projected Invoice Date	Milestone %	Milestone (\$) Amount	Sales Tax 7.75%	Remaining Balance
						\$ 624,330.05
	-LRV #08	13-Dec-11	10%	\$ 362,350.58	\$ 28,082.17	\$ 596,247.88
	-LRV #09	13-Dec-11	10%	\$ 362,350.58	\$ 28,082.17	\$ 568,165.71
5	-LRV #12	15-Dec-11	40%	\$ 1,449,402.33	\$ 112,328.68	\$ 455,837.03
	-LRV #28	19-Dec-11	23%	\$ 833,406.34	\$ 64,588.99	\$ 391,248.04
5	-LRV #13	21-Dec-11	40%	\$ 1,449,402.33	\$ 112,328.68	\$ 278,919.36
	-LRV #10	21-Dec-11	10%	\$ 362,350.58	\$ 28,082.17	\$ 250,837.19
	-LRV #11	21-Dec-11	10%	\$ 362,350.58	\$ 28,082.17	\$ 222,755.02
	-LRV #29	23-Dec-11	23%	\$ 833,406.34	\$ 64,588.99	\$ 158,166.03
	-LRV #30	09-Jan-12	23%	\$ 833,406.34	\$ 64,588.99	\$ 93,577.03
	-LRV #31	16-Jan-12	23%	\$ 833,406.34	\$ 64,588.99	\$ 28,988.04
5	-LRV #14	23-Jan-12	40%	\$ 1,449,402.33	\$ 112,328.68	\$ (83,340.64)*

### Spares Project (Amendment #2)

Milestone	Description	Projected Invoice Date	Milestone %	Milestone (\$) Amount	Sales Tax 7.75%	Remaining Balance
						\$ 12,182.01
2	2nd 25%	28-Feb-12	30%	\$ 456,825.53	\$ 35,403.98	\$ (23,221.97)*

### Retrofit Project (Amendment #5)

Milestone	Description	Projected Invoice Date	Milestone %	Milestone (\$) Amount	Sales Tax 7.75%	Remaining Balance
						\$ 13,882.45
	-LRV #03	23-Jan-11	60%	\$ 53,394.05	\$ 4,138.04	\$ 9,744.41
	-LRV #04	30-Jan-11	60%	\$ 53,394.05	\$ 4,138.04	\$ 5,606.37
	-LRV #05	06-Feb-12	60%	\$ 53,394.05	\$ 4,138.04	\$ 1,468.33
	-LRV #06	13-Feb-11	60%	\$ 53,394.05	\$ 4,138.04	\$ (2,669.70)*

<b>Total</b>	
<b>Refund/Credit</b>	<b>\$ 650,394.51</b>

\* Negative balances show the amount to be paid by MTS with respective invoice.  
Such balances will be stated separately in the invoice.

## SUMMARY OF SIEMENS CONTRACT AND AMENDMENTS

		Current Contract	Amendment 7
Amendment No.	Purpose	8.75% Sales Tax	7.75% Sales Tax
Base Contract	Purchase 57 vehicles	\$205,200,000.00	\$205,200,000.00
Base Contract	Sales tax on 57 vehicles	\$17,955,000.00	\$15,903,000.00
<b>SUBTOTAL</b>		<b>\$223,155,000.00</b>	<b>\$221,103,000.00</b>
1	Name changes	\$0.00	\$0.00
2-Revised	spare parts, special tools & manuals	\$6,552,489.34	\$6,552,489.34
	Amendment 2 sales tax	\$573,342.82	\$507,817.92
	Amendment 2 total	\$7,125,832.16	\$7,060,307.26
<b>SUBTOTAL</b>		<b>\$230,280,832.16</b>	<b>\$228,163,307.26</b>
3	Modify subsuppliers	\$1,141,472.00	\$1,141,472.00
	Amendment 3 sales tax	\$99,878.80	\$88,464.08
	Amendment 3 total	\$1,241,350.80	\$1,229,936.08
<b>SUBTOTAL</b>		<b>\$231,522,182.96</b>	<b>\$229,393,243.34</b>
4	Add bidirectional train-to-wayside communications	\$198,360.00	\$198,360.00
	Amendment 4 sales tax	\$17,356.50	\$15,372.90
	Amendment 4 total	\$215,716.50	\$213,732.90
<b>SUBTOTAL</b>		<b>\$231,737,899.46</b>	<b>\$229,606,976.24</b>
5	Install compatible communications system in existing fleet	\$4,627,484.00	\$4,627,484.00
	Amendment 5 sales tax	\$404,904.85	\$358,630.01
	Amendment 5 total	\$5,032,388.85	\$4,986,114.01
<b>SUBTOTAL</b>		<b>\$236,770,288.31</b>	<b>\$234,593,090.25</b>
6	Brake system work and other term changes	\$0.00	\$0.00
<b>SUBTOTAL</b>		<b>\$236,770,288.31</b>	<b>\$234,593,090.25</b>
7	Instructor's Plug		\$65,017.00
	Instructor's Plug sales tax		\$5,038.82
	Instructor's Plug total		\$70,055.82
	Front End Fender		\$75,789.00
	Front End Fender sales tax		\$5,873.65
	Front End Fender total		\$81,662.65
	Amendment 7 Total Change Order		\$151,718.47
	Amendment 7 Sales Tax Adjustment (on Current Contract)		-\$2,177,198.05
<b>SUBTOTAL</b>		<b>\$236,770,288.31</b>	<b>\$234,744,808.72</b>
	Total Product	\$217,719,805.34	\$217,860,611.34
	Total Tax	\$19,050,482.97	\$16,884,197.38
	Grand Total	\$236,770,288.31	\$234,744,808.72



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## Agenda Item No. 10

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

INVESTMENT REPORT – OCTOBER 2011

#### RECOMMENDATION:

That the Board of Directors receive a report for information.

#### Budget Impact

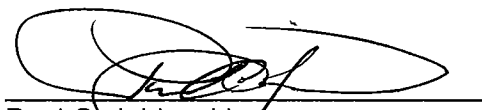
None.

#### DISCUSSION:

Attachment A comprises a report of MTS investments as of October 2011. The combined total of all investments has increased by \$25 million in the current month largely due to receipt of \$19 million in subsidy funds restricted for capital asset acquisitions.

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 funds restricted for debt service are structured investments with fixed returns that will 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. The second column (unrestricted investments) reports the working capital for MTS operations allowing for employee payroll and vendors' goods and services.

During October, MTS transferred \$12 million to the Local Agency Investment Fund (LAIF) temporary investment account.



Paul C. Jablonski  
Chief Executive Officer

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

Attachment: A. Investment Report for October 2011

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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  
Investment Report  
October 31, 2011**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<b>Average rate of return</b>
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 24,320,018	\$ 8,304,248	\$ 32,624,266	0.00%
Total Cash and Cash Equivalents	<u>24,320,018</u>	<u>8,304,248</u>	<u>32,624,266</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	2,973,174	-	2,973,174	N/A *
Local Agency Investment Fund (LAIF) Proposition 1B TSGP grant funds	<u>5,553,136</u>	<u>-</u>	<u>5,553,136</u>	0.39%
Total Cash - Restricted for Capital Support	<u>8,526,311</u>	<u>-</u>	<u>8,526,311</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF) San Diego County Investment Pool	<u>-</u>	<u>38,450,082</u>	<u>38,450,082</u>	0.39%
Total Investments - Working Capital	<u>-</u>	<u>39,140,684</u>	<u>39,140,684</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	38,519,745	-	38,519,745	
Rabobank - Payment Undertaking Agreement	<u>82,053,636</u>	<u>-</u>	<u>82,053,636</u>	7.69%
Total Investments Restricted for Debt Service	<u>120,573,381</u>	<u>-</u>	<u>120,573,381</u>	
Total cash and investments	<u><u>\$ 153,419,710</u></u>	<u><u>\$ 47,444,932</u></u>	<u><u>\$ 200,864,642</u></u>	

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





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## Agenda Item No. 11

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

LEGAL SERVICES - CONTRACT AWARD

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) or appropriate staff persons to execute contracts on an as-needed basis to attorneys and firms from the prequalified list (Attachment A) for MTS and its subsidiaries.

#### Budget Impact

The funding for these contract services is approved by the MTS Board on an annual basis within the MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) (hereinafter "the Agencies") operating budgets. The current combined fiscal year 2012 funding assigned for these services is approximately \$1,638,500.

#### DISCUSSION:

The intent of the Legal Services RFP (MTS Doc. No. G1389.0-11) was to establish a list of qualified attorneys and law firms to advise, assist, and represent the Agencies in the areas of law as described in the Scope of Work. This list of qualified attorneys and law firms will remain effective for up to a seven-year period. Although the Agencies have historically needed legal assistance in the categories described in the Scope of Work, the Agencies do not guarantee work to any qualified attorney for any category. Conversely, the Agencies may hire specific attorneys for specified durations for work that is outside of the scope of the Legal Services RFP.



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.

MTS solicited qualified attorneys and law firms to provide legal services for each entity (MTS, SDTI, SDTC, San Diego and Arizona Eastern [SD&AE] Railway Company, and San Diego Vintage Trolley, Inc. [SDVTI]). In general, the Agencies have in common the categories of labor and employment, pension, third-party liability, and workers' compensation. MTS also needs qualified attorneys in the areas of environmental law, land use, construction contract law, real estate, condemnation, taxicab regulation, finance, public employee law, Americans with Disabilities Act (ADA), civil rights, criminal law, historic designation, conflicts of interest, railroad operating law, storm water prevention and pollution, corporate transactional law, and intellectual property.

On September 13, 2011, 29 proposals were received. All proposals received were found responsive to the minimum requirements of the RFP and or the pass/fail criteria (No. 1 below).

MTS evaluated the proposals received based on the following criteria:

1. Pass/Fail Criteria

- a) Proposer has demonstrated the ability to meet the insurance requirements described in the Agreement. Proof of ability should be attached to your proposal. (P/F)
- b) Proposer has demonstrated at least five (5) years of relevant experience as an attorney. Experience is relevant if it falls within a category in the Scope of Work. (P/F)
- c) Proposer has demonstrated previous experience working for or with public agencies, transit entities, or corporations. (P/F)
- d) Proposer is a licensed member of the California Bar and in good standing. Please attach proof from the California Bar. (P/F)

If the Proposer does not meet any of the criteria mentioned above, their proposal may not be considered for evaluation:

2. Qualifications of the Firm or Sole Practitioner 50%

Technical experience in performing legal services of a similar nature; experience working with public agencies; strength and stability of the firm or sole practitioner; strength, stability, experience, and technical competence of subcontractors; assessment by client references; references with demonstrated success in providing similar services.

3. Staffing, Firm Organization, and Management Plan 15%

Qualifications of attorneys and legal staff, particularly key attorneys and the Managing Partner; key personnel's level of involvement in performing related work cited in "Qualifications of the Firm" section; logic of firm organization; adequacy of labor commitment. Your response should also include your

procedures for delegating work and the types of work given to paralegals, law clerks, and associates in order to provide cost-effective services to MTS.

4. Work Plan 15%

Depth of Proposer's understanding of MTS's requirements as set forth in Section B, Scope of Work, and within this RFP; overall quality of work plan; logic, clarity, and specificity of work plan; appropriateness of labor distribution among the activities; ability to meet legal services proposed; reasonableness of legal service proposed; methods or processes used for data retention and confidentiality; evidence of insurability.

5. Cost and Price 20%

The reasonableness of the total cost proposal and the competitiveness of this amount with other offers received; adequacy of data in support of figures quoted; reasonableness of hourly rates; basis on which prices are quoted.

Firms and attorneys were given an overall score that included qualifications and price. Based on its review, the evaluation committee has determined that the proposals from the attached list of proposed qualified attorney firms (Attachment A) best meet the requirements set forth in the RFP and, that based upon consideration of both technical and price factors, has found their offers to be the most advantageous and of the greatest value to the Agencies. The evaluation committee is recommending the Board authorize staff to award fixed-price contracts to those attorneys and firms on the prequalified list (MTS Doc. No. G1389.0-11) on an as-needed basis for a period of up to seven years.



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Paul C. Jablonski  
Chief Executive Officer

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

DEC8-11.11.ATTORNEYS AND FIRMS.JDOW

Attachment: A. Proposed List of Qualified Attorney Firms



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Att. A, AI 11, 12/8/11

Request for Proposals (RFP)  
MTS Doc. No. G1389.0-11  
Legal Services

**PROPOSED LIST OF QUALIFIED ATTORNEY FIRMS**

#	PROPOSAL FIRM NAME	TYPE OF LAW
1	BAKER & MILLER PLLC	<ul style="list-style-type: none"> <li>- Railroad Operating Law</li> <li>- Environmental Law</li> <li>- Historic Designation</li> </ul>
2	BEST BEST & KRIEGER LLP	<ul style="list-style-type: none"> <li>- Environmental Law</li> <li>- Labor and Employment Law</li> <li>- Construction Contracts and Claims</li> <li>- Eminent Domain &amp; Condemnation</li> <li>- Finance</li> <li>- Americans with Disabilities Act (ADA)</li> <li>- Civil Rights</li> <li>- Criminal Law</li> <li>- Real Estate</li> <li>- Railroad Operating Law</li> <li>- Storm Water Prevention &amp; Pollution</li> <li>- Public Entity</li> <li>- Corporate Transaction</li> <li>- Intellectual Property</li> </ul>
3	DAVID C. SKYER	<ul style="list-style-type: none"> <li>- Liability Attorney</li> </ul>
4	DLA PIPER	<ul style="list-style-type: none"> <li>- Other (Finance Pension)</li> </ul>
5	HANSON BRIDGETT	<ul style="list-style-type: none"> <li>- Railroad Operating Law</li> <li>- Labor and Employment Law</li> <li>- Construction Contracts and Claims</li> <li>- Eminent Domain &amp; Condemnation</li> <li>- Insurance</li> <li>- Taxicab Regulation</li> <li>- Americans with Disabilities Act (ADA)</li> <li>- Civil Rights</li> <li>- Public Entity</li> <li>- Intellectual Property</li> </ul>
6	LAUGHLIN, FALBO, LEVY & MORESI LLP	<ul style="list-style-type: none"> <li>- Worker's Compensation</li> </ul>
7	LIEBMAN, QUIGLEY, SHEPPARD & SOULEMA	<ul style="list-style-type: none"> <li>- Liability Attorney</li> <li>- Civil Rights</li> </ul>
8	LIEDLE, LOUNSBERY, LARSON & LIDL LLP	<ul style="list-style-type: none"> <li>- Liability Attorney</li> <li>- Labor and Employment Law</li> <li>- Construction Contracts and Claims</li> <li>- Americans with Disabilities Act (ADA)</li> <li>- Civil Rights</li> </ul>



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**PROPOSED LIST OF QUALIFIED ATTORNEY FIRMS - continued**

#	PROPOSAL FIRM NAME	TYPE OF LAW
9	MANNING & KASS, ELLROD, RAMIREZ, TRESTER LLP	<ul style="list-style-type: none"> <li>- Liability Attorney</li> <li>- Worker's Compensation</li> <li>- Labor and Employment Law</li> <li>- Construction Contracts and Claims</li> <li>- Americans with Disabilities Act (ADA)</li> <li>- Civil Rights</li> <li>- Criminal Law</li> <li>- Real Estate</li> </ul>
10	MARK H. BARBER, Law Offices of	<ul style="list-style-type: none"> <li>- Worker's Compensation</li> </ul>
11	MCDUGAL, LOVE, ECKIS, BOEHMER & FOLEY	<ul style="list-style-type: none"> <li>- Liability Attorney</li> <li>- Environmental Law</li> <li>- Labor and Employment Law</li> <li>- Construction Contracts and Claims</li> <li>- Eminent Domain &amp; Condemnation</li> <li>- Americans with Disabilities Act (ADA)</li> <li>- Civil Rights</li> <li>- Historic Designation</li> <li>- Conflicts of Interest</li> <li>- Storm Water Prevention and Pollution</li> <li>- Public Entity</li> </ul>
12	MICHAEL E. RIPLEY, Law Office of	<ul style="list-style-type: none"> <li>- Liability Attorney</li> </ul>
13	NOSSAMAN LLP	<ul style="list-style-type: none"> <li>- Finance</li> <li>- Environmental Law</li> <li>- Eminent Domain &amp; Condemnation</li> <li>- Insurance</li> <li>- Real Estate</li> <li>- Railroad Operating Law</li> <li>- Storm Water Prevention and Pollution</li> <li>- Corporate Transaction</li> </ul>
14	OPPER & VARCO LLP	<ul style="list-style-type: none"> <li>- <b>Environmental Law</b></li> <li>- Real Estate</li> </ul>
15	PAUL, PLEVIN, SULLIVAN & CONNAUGHTON LLP	<ul style="list-style-type: none"> <li>- Labor and Employment</li> <li>- Americans with Disabilities Act (ADA)</li> <li>- Civil Rights</li> <li>- Public Entity</li> </ul>
16	R. MARTIN BOHL, Law Offices of	<ul style="list-style-type: none"> <li>- Real Estate</li> </ul>
17	RYAN MERCALDO & WORTHINGTON LLP	<ul style="list-style-type: none"> <li>- Liability Attorney</li> <li>- Labor and Employment Law</li> <li>- Construction Contracts and Claims</li> <li>- Insurance</li> </ul>
18	TROVILLION, INVEISS & DEMAKIS	<ul style="list-style-type: none"> <li>- Worker's Compensation</li> </ul>
19	WHEATLEY BINGHAM & BAKER LLP	<ul style="list-style-type: none"> <li>- Liability Attorney</li> <li>- Americans with Disabilities Act (ADA)</li> <li>- Civil Rights</li> </ul>



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## Agenda Item No. 12

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

FEDERAL TRANSIT ADMINISTRATION 5316 GRANT APPLICATIONS

#### RECOMMENDATION:

That the Board of Directors adopt Resolution No. 11-17 (Attachment A) authorizing the Chief Executive Officer (CEO) to submit Job Access and Reverse Commute (JARC) applications for fiscal years 2012 and 2013 for Federal Transit Administration (FTA) Section 5316 funding.

#### Budget Impact

None at this time.

#### DISCUSSION:

The FTA provides funds for operating assistance to agencies providing transportation through the Section 5316 Job Access and Reverse Commute Program. These funds come directly to the region but are to be apportioned by the metropolitan planning organization through a competitive grant application process. The San Diego Association of Governments (SANDAG) is currently accepting applications for the available funding for fiscal years 2012 and 2013.



Recommendation

FTA requirements include submission of a resolution by the Board of Directors authorizing MTS to submit the grant application. Therefore, staff recommends that the Board adopt Resolution No. 11-17 (Attachment A) authorizing the CEO to submit applications for fiscal years 2012 and 2013 JARC for FTA funding 5316 for a total amount of \$1,140,200.



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Paul C. Jablonski  
Chief Executive Officer

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

DEC8-11.12.FTA 5316 GRANT APPL FOR JARC.NDALL

Attachment: A. Resolution No. 11-17

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 11-17

Resolution Authorizing the Filing of an Application for Job Access Reverse Commute Program Funds through the San Diego Association of Governments for Operation of Fixed-Bus Service Routes Committing the Necessary Local Match for the Project(s) and Stating the Assurance of the San Diego Metropolitan Transit System to Complete the Project

WHEREAS, the San Diego Association of Governments (SANDAG) is making funds available for the Job Access and Reverse Commute Program (JARC) through a competitive process for fiscal years 2012 and 2013; and

WHEREAS, the San Diego Metropolitan Transit System wishes to receive \$1,140,200 in Job Access Reverse Commute Program funds for the following project(s): operation of fixed-bus service Routes 905, 929, 932, 955, 960, 967, and 968; and

WHEREAS, San Diego Metropolitan Transit System understands that the Job Access Reverse Commute Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded through the Job Access Reverse Commute Program; and

WHEREAS, San Diego Metropolitan Transit System understands that projects funded through the Job Access Reverse Commute Program require matching funds to be provided by the project sponsor;

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Metropolitan Transit System Board of Directors that San Diego Metropolitan Transit System is authorized to submit an application to the San Diego Association of Governments for Job Access Reverse Commute funding in the amount of \$1,140,200 for operation of fixed-bus service Routes 905, 929, 932, 955, 960, 967, and 968; and

BE IT FURTHER RESOLVED that if an award is made by SANDAG to fund the operation of fixed-bus Routes 905, 929, 932, 955, 960, 967, and 968, the Board of Directors commits to providing \$4,601,434 of matching funds, which is not less than the required amount of \$1,140,200 based on the required proportion to the grant request amount, and authorizes the San Diego Metropolitan Transit System Chief Executive Officer, or designated representative, to file and execute any actions necessary on behalf of Metropolitan Transit System with the San Diego Association of Governments to accept the grant funding and execute a grant agreement

1. General Counsel, or designated representative, is authorized to execute and file all assurances or any other documents required by the San Diego Association of Governments.

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



PASSED AND ADOPTED, by the Board of Directors this \_\_\_\_ day of \_\_\_\_\_ 2011 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

DEC8-11.12.AttA.JARC RESO 11-17.NDALL



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## Agenda Item No. 13

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

TAXICAB ADVISORY COMMITTEE MEMBER ELECTION RESULTS

#### RECOMMENDATION:

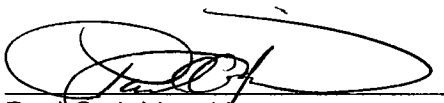
That the Board of Directors ratify the appointment of two new members to the Taxicab Committee as stated in the results of the Taxicab Advisory Committee (TAC) member election.

#### Budget Impact

None.

#### DISCUSSION:

On September 15 the Board authorized an interim balloted election of two taxicab drivers to fill the vacant seats on the TAC for the remaining two years in the 2011-2013 Committee term. The election was held November 15-17, 2011, and the ballots were counted the week of November 21, 2011. The MTS Internal Auditor observed and certified the election. In addition, several individuals requested to be present to observe the counting. The new members will be seated in January.



Paul C. Jablonski  
Chief Executive Officer

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

DEC8-11.13.TAXI ELECTION RESULTS.JSCOTT

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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. 14

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

SRTP 830

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

DISCONTINUANCE OF ROUTE 830 – MURPHY CANYON PREMIUM EXPRESS

#### RECOMMENDATION:

That the Board of Directors approve the discontinuance of Route 830.

#### Budget Impact

The Murphy Canyon Premium Express service was fully subsidized since its implementation. The San Diego Association of Governments (SANDAG) and the United States Navy Region Southwest (Navy) plan to discontinue funding for the service in January. Continuation of the service would cost MTS \$177,000 annually.


#### DISCUSSION:

At the request of the Navy, MTS partnered with SANDAG to implement a pilot service from military housing in Murphy Canyon/Tierrasanta to 8<sup>th</sup> Street Trolley Station and Naval Base San Diego/32<sup>nd</sup> Street. This service began in November 2010 with the understanding that it would be full-cost recovery for MTS. After extensive marketing of the service and despite the Department of Defense's reimbursement of the cost of the fare to the passenger, this service has experienced extremely low ridership. This low ridership led SANDAG to decide to discontinue subsidy for the service as of the January service change. SANDAG and the Navy are working to move existing patrons of the service to vanpools.

Based on the loss of subsidy, the low ridership, and the accommodation of existing Route 830 passengers on alternative services, MTS staff recommends the discontinuance of the service in January 2012. Major reductions are defined by the Federal Transit Administration as those that reduce a route's miles or hours by more than 25%. MTS Policy No. 42 also states that any service change affecting more than



25% of a route's weekly in-service miles or hours is considered a "major service change" and requires a properly noticed public hearing prior to Board action. In accordance with this policy, the Board held a public hearing on the proposed Route 830 discontinuance on November 10, 2011. At that time, MTS received no comments in opposition to the staff recommendation.

  
Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [sharon.cooney@sdmts.com](mailto:sharon.cooney@sdmts.com)

DEC8-11.14.MURPHY CANYON EXPRESS.SCOONEY.doc



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## Agenda Item No. 15

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

INSURANCE BROKERAGE AND CONSULTATION SERVICES - CONTRACT AMENDMENT

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to enter into MTS Doc. No. G1035.2-07 (Attachment A) with BB&T John Burnham Insurance Services to extend the existing insurance brokerage and consultation services contract (MTS Doc. No. G1035.1-07) for an additional six-month period.

#### Budget Impact


The total amendment cost would not exceed \$48,690. The term of the contract extension would be for a period of six months. The total costs would be charged against each of the three agencies involved according to services provided. Funds have been identified and allocated within each agency. The estimated six-month breakdown between agencies is noted within the table below.

ESTIMATED FY 2012 BUDGET IMPACT					
AGENCY:	MTS	SDTC	SDTI	SD&AE	TOTAL
Six-Month Extension	\$30,676	\$8,569	\$8,423	\$1,022	\$48,690
	63%	17.60%	17.30%	2.10%	100%



DISCUSSION:

At the direction of the MTS Board, staff released a Request for Proposals (RFP) on October 11, 2006. From that RFP, BB&T John Burnham Insurance Services was identified as the top contender and was contracted for three years with two 1-year options to provide the insurance services requested. To accommodate and implement a new RFP for Insurance Brokerage and Consulting Services (MTS Doc. No. G1397.0-12), an additional period of six months was identified as necessary to conclude the process. Therefore, staff recommends authorizing the CEO to execute MTS Doc. No. G1035.2-07 with BB&T John Burnham Insurance Services to extend the existing contract for an additional six-month period at a cost not to exceed \$48,690.



Paul C. Jablonski  
Chief Executive Officer

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

DEC8-11.15.INS BROKER & CONSULT SVCS BB&T JOHN BURNHAM.JDOW

Attachment: A. MTS Doc. No. G1035.2-07

## DRAFT

December 8, 2011

MTS Doc. No. G1035.2-07  
LEG 491 (PC 50633)

Ms. Iris J. Gladney  
BB&T John Burnham Insurance Services  
750 B Street, Suite 2400  
San Diego, CA 92101-2476

Dear Ms. Gladney:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1035.0-07 - INSURANCE BROKERAGE AND  
CONSULTATION SERVICES

This letter will serve as Amendment No. 2 to MTS Doc. No. G1035.0-07. This contract amendment authorizes additional costs not to exceed \$48,690 for professional services. The total value of this contract, including this amendment, is \$523,034. This amendment also exercises an agreed-upon contract extension of six months covering the period January 1, 2012, through June 30, 2012. All terms, requirements, and provisions as indicated in the Standard Conditions Services contract remain in effect. 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

\_\_\_\_\_  
Iris J. Gladney  
BB&T John Burnham Insurance Services

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



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## Agenda Item No. 16

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 8, 2011

**Draft for  
Executive Committee  
Review Date: 12/1/11**

#### SUBJECT:

STATE TRANSIT ASSISTANCE (STA) CLAIMS

#### RECOMMENDATION:

That the Board of Directors adopt Resolution No. 11-19 (Attachment A) approving fiscal year (FY) 2012 State Transit Assistance (STA) claims.

#### Budget Impact

Due to uncertainty regarding the availability of STA funds, receipt of this \$19,479,776 was not included in the FY 2012 Budget adopted by the Board. Staff will meet with the Budget Development Committee to develop recommendations for spending any STA funds actually received.

#### DISCUSSION:

#### STA Claims - \$19,479,776

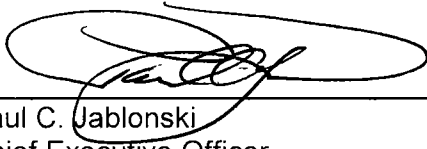
Discretionary STA funds are distributed to MTS on the basis of population. Formula STA funds are distributed to San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, and other operators on the basis of revenue generated.

State law requires that MTS make the findings set forth in Resolution No. 11-16 (Attachment A) before the County Auditor may distribute funds.

9533



The County Auditor has informed MTS that \$19,479,776 in STA funds is available for distribution to MTS for fiscal year 2012. In the event that additional STA funds become available, it may be necessary to revise this STA claim.

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

Attachment: A. MTS Resolution No. 11-19

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 11-19

Resolution Approving the MTS Area FY 2012 STA Claim

WHEREAS, California Public Utilities Code Sections 99313.3, 99313.6, and 99314.5(d) established a State Transit Assistance (STA) fund and grants the San Diego Metropolitan Transit System (MTS) authority to allocate monies from this fund; and

WHEREAS, MTS, through its various operating entities and divisions, including San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), and MTS Contracted Services (collectively referred to as "MTS") qualifies for STA monies under the provision of Public Utilities Code Section 99260 et seq.; and

WHEREAS, the County Auditor has informed MTS that its eligible STA allocation for FY 2012 is \$19,479,776; and

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

WHEREAS, the level of passenger fares and charges is sufficient to enable MTS to meet the fare revenue requirements of Public Utilities Code sections 99268.2, 99268.3, 99268.4, 99268.5 and 99268.9, as they may be applicable to MTS; and

WHEREAS, MTS is making full use of federal funds available under the Urban Mass Transportation Act of 1964, as amended; and

WHEREAS, the sum of MTS's allocations of STA and local transportation funds do not exceed the amounts it is eligible to receive during the fiscal year; and

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

WHEREAS, MTS has made reasonable efforts to implement FY 2012 productivity improvements recommended pursuant to Public Utilities Code section 99244, including continuing efforts to improve trolley cost effectiveness and evaluating opportunities to expand MTS Contracted Services as recommended in the Fiscal Year 2007-2009 triennial performance audit dated April 2010; and

WHEREAS, within the last thirteen months, MTS has received a certification from the California Highway Patrol verifying that MTS is in compliance with section 1808.1 of the Vehicle Code, as required in Public Utilities Code section 99251; and

WHEREAS, MTS is in compliance with the eligibility requirements of Public Utilities Code section 99314.6.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board does hereby direct and empower MTS staff to prepare and transmit allocation instructions to the County Auditor to disburse to MTS the FY 2012 STA amount totaling \$19,479,776.

PASSED AND ADOPTED by the Board this \_\_\_\_\_ day of \_\_\_\_\_ 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

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Chairman  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

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Office of the General Counsel  
San Diego Metropolitan Transit System