



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

Agenda

JOINT MEETING OF THE EXECUTIVE COMMITTEE

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

August 11, 2011

Executive Conference Room

(Immediately following the 9:00 a.m. Audit Oversight Committee meeting) **ACTION
RECOMMENDED**

- A. ROLL CALL
- B. APPROVAL OF MINUTES - July 7, 2011 Approve
- C. COMMITTEE DISCUSSION ITEMS
 - 1. Trolley Rehabilitation Project Update (Wayne Terry and John Haggerty of SANDAG) Possible Action
Action would receive a report for information and provide comments.
 - 2. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 Agency-Designated Representative - Jeff Stumbo; Employee Organization - Amalgamated Transit Union, Local 1309 (ATU) Possible Action
- D. REVIEW OF DRAFT AUGUST 18, 2011, JOINT BOARD AGENDA
- E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA Possible Action
Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting.
- F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- G. PUBLIC COMMENTS
- H. NEXT MEETING DATE: September 8, 2011
- I. ADJOURNMENT

Please SILENCE electronics
during the meeting

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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.



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

July 7, 2011

DRAFT MINUTES

A. ROLL CALL

Chairman Mathis called the Executive Committee meeting to order at 9:04 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Mr. Ovrom moved for approval of the minutes of the June 2, 2011, MTS Executive Committee meeting. Mr. Young seconded the motion, and the vote was 4 to 0 in favor, with Mr. Minto absent from the vote.

C. COMMITTEE DISCUSSION ITEMS

2. Taxicab Committee Revised Guidelines Related to Membership (Taken Out of Order)

Mr. Jablonski explained that on June 23, 2011, the Board of Directors postponed a decision on proposed changes to the Taxicab Advisory Committee (TAC) Guidelines in order to consider placing additional driver representatives on the TAC. He stated that the Board directed staff to convene a special meeting of the TAC to receive its recommendation regarding possible inclusion of more driver representation and return to the Board at its regularly scheduled July 14, 2011, meeting. He mentioned that a TAC meeting was held on July 5, and the resulting recommendation is to expand the TAC to 19 members and essentially adding 2 additional lease drivers along with some specific parameters related to membership selection. He also stated that the Board meeting will incorporate a workshop that will cover the history of the TAC and TAC membership.

Chairman Mathis then opened the floor for Public Comments:

Mikail Hussein – Mr. Hussein is representing the United Taxi Workers of San Diego (UTWSD) and explained that at the July 5, 2011, special Taxicab Committee meeting, the staff proposal unanimously passed because the voting system is outnumbered by permit holders. He stated that if the TAC was going to be equal, the composition of the committee needs to be changed and now is the time to do so. He also stated that the TAC is the only organization that helps the taxi industry.

Anthony Palmeri – Mr. Palmeri is the President of the Yellow Radio Service and was involved in the creation of the TAC in 1989 appointed by Mayor Susan Golding. He supports staff's recommendation. He also mentioned that John Scott, MTS Taxicab Administration Manager, will be sworn in later this year as the President of the

International Association of Taxicab Regulators, which is very impressive. He explained that even when there was not any driver representation on the TAC, the committee always had the drivers' interest in mind because it is a business of supply and demand. He stated that permit holders do not make money unless taxicab drivers make money. He feels that the TAC is fair to all, and this is not a one-sided scenario.

Alex Gebreselassie – Mr. Gebreselassie is a member of the TAC and stated that the interest of the TAC is to protect the integrity of the taxi business. He stated that there is equal representation through the permit holders as their voices speak to protect their business. He explained that the driver-to-permit-holder relationship is a win-win and lose-lose as a permit holder does not make money unless the car is in motion. He explained that there are many members who are in favor of the staff recommendation (and approximately 30 individuals in the room stood up in unison to show their support).

Peter Zschiesche - Mr. Zschiesche is with the Employee Rights Center and stated that his group has been working with taxicab drivers for a year and half. He feels it is a good thing that owners want to speak for drivers but feels that the American way is to let one speak for themselves. He stated that the addition of drivers to the TAC would be a good thing. Mr. Zschiesche also commented that if the TAC recommendation is to require leased driver membership with a minimum of 5 years' experience, than the permit holders should have at least 5 years of experience as well.

Mr. Young stated that while he appreciates staff working on this item, his recommendation is to move forward without staff recommendation so the Board of Directors can receive all the information and make a decision. He explained that he was not at the Public Safety & Neighborhood Safety (PS&NS) meeting and did not have the opportunity to review minutes from the special TAC meeting; therefore, he cannot review any justification for recommendations made.

Mr. Roberts explained that he was not in attendance at the June 23, 2011, Board meeting and stated that there has always been controversy surrounding the TAC. He commented that he did not see a huge opposition to the TAC recommendation and felt comfortable passing on the recommendation to the Board.

Action Taken

Mr. Roberts moved to (1) receive a report regarding the July 5, 2011, special meeting of the Taxicab Committee regarding proposed revisions of the Taxicab Committee's guidelines; and (2) forward a recommendation to the Board of Directors for revisions to the Taxicab Committee Guidelines. Mr. Ovrom seconded the motion, and the vote was 4 to 1 with Mr. Young opposed.

1. Trolley Rehabilitation Project Update

Wayne Terry, Chief Operating Officer – Rail, and Jim Neal the Program Manager for the Blue Line Project gave the Committee an update on the Trolley Rehabilitation project. Mr. Neal talked about the schedule of work stating that vehicles are going to be delivered ahead of schedule. He talked about the budget status and the expenditure plan. He then discussed the project status related to design and construction and mentioned that all contractors hired to date are local contractors. Mr. Neal briefly talked

about the construction progress banana curves for the contact wire project and the fiber-optic project.

Mr. Terry mentioned the construction work that is taking place at the Imperial Terminal Station (Bayside) and the Washington Street Station. Mr. Jablonski mentioned that the trees at the Imperial Station were breaking up the concrete, and the original plan was to save the trees; however, an arborist gave the trees less than a 50% chance of survival so they will be replaced with Chinese Elms that will create even more canopy cover than originally planned. Mr. Terry then went on to explain the project status related to vehicle design and production and stated that the first car will be shipped to San Diego in the next couple of weeks. Lastly, Mr. Terry stated that the July 14, 2011, Board meeting will hold a Public Hearing on tactile-warning pavers to follow requirements from the Federal Transit Administration (FTA).

Action Taken

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

D. REVIEW OF DRAFT JULY 14, 2011, JOINT BOARD AGENDA

Recommended Consent Items

6. Caltrans Mass Transportation Program Master Agreement for State-Funded Projects

Action would adopt Resolution No. 11-11 authorizing the Chief Executive Officer (CEO) or designated representative to execute Master Fund Transfer Agreement A0041 A01 with the California Department of Transportation (Caltrans).

7. Cuyamaca/Gillespie Field Airplane Damage Repairs

Action would authorize the CEO to reimburse SANDAG for invoices upon receipt related to Cuyamaca/Gillespie Field airplane damage repairs.

8. Investment Report - May 2011

Action would receive a report for information.

9. SANDAG FY 2012 Budget Amendment - Light Rail Vehicle (LRV) Car Wash Replacement and Substation SCADA Design

Action would authorize the San Diego Association of Governments (SANDAG) to amend its FY 2012 Capital Improvement Program (CIP) budget and transfer \$200,000 from CIP 1144000 (Substation SCADA Design) to CIP 1128600 (LRV Car Wash Replacement).

10. Sorrento to Miramar Double-Track Project Phases 1 and 2 - Addendum to Master MOU with SANDAG and NCTD

Action would authorize the CEO to execute MTS Doc. No. G0930.16-4 to the Master Memorandum of Understanding (MOU) with the San Diego Association of Governments

(SANDAG) and the North County Transit District (NCTD) to define project-related responsibilities for the Sorrento to Miramar Double-Track Project Phases 1 and 2.

Recommended Consent Items

Mr. Jablonski mentioned that three additional consent items were not ready in time for the Executive Committee agenda.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

There was no SANDAG Transportation Committee agenda discussion.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Chairman Mathis stated that he went to visit Siemens and see the new vehicles in production yesterday and complimented the overall look of the vehicles as well as the led lighting features.

G. PUBLIC COMMENTS

Lorraine Leighton – Ms. Leighton stated that there were 8-10 taxicabs parked at the El Cajon station over weekend when the limit posted is six and wanted to know why they keep exceeding the limit.

Margo Tanguay – Ms. Tanguay is the leased driver representative on the TAC and stated that Councilmember Alvarez feels that 19 members on the TAC is a “herd of cats.” She stated that she is happy to see the addition. She also stated that she likes the look of the new trolleys.

C. COMMITTEE DISCUSSION ITEMS (CONTINUED) (*Taken Out of Order*)

The Executive Committee convened to Closed Session at 10:07 a.m.

3. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code Section 54957.6 Agency-Designated Representative – Jeff Stumbo; Employee Organization – Amalgamated Transit Union, Local 1309 (ATU)

The Executive Committee reconvened to open Session at 10:49 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, MTS General Counsel, reported the following:

3. The Committee received a report and gave direction to staff.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for August 11, 2011, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 10:50 a.m.

Chairman

Attachment: A. Roll Call Sheet

H:\Minutes - Executive Committee, Board, and Committees\Minutes - 2011\MINUTES - Executive Committee 7-7-11 DRAFT.docx

**EXECUTIVE COMMITTEE
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) July 7, 2011

CALL TO ORDER (TIME) 9:04 AM

RECESS _____

RECONVENE _____

CLOSED SESSION 10:07 AM

RECONVENE _____

ADJOURN 10:50 AM

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
YOUNG ☒ (Lightner) ☐		
MATHIS ☒		
OVROM ☒ (Janney) ☐		
ROBERTS ☒ (Cox) ☐		
MINTO ☒ (Cunningham) ☐	9:13 AM	
Transportation Committee Rep Slot (Mathis)		

SIGNED BY OFFICE OF THE CLERK OF THE BOARD:

Valerie Vizkeletti

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL:

Chris Lade



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Agenda

Item No. C1

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

OPS 970.2

August 11, 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 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 G. Jablonski', is written over a horizontal line.

Paul G. Jablonski
Chief Executive Officer

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

AUG11-11.C1.TROLLEY REHAB.TERRY

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DRAFT

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

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

August 18, 2011

9:00 a.m.

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

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

ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - July 14, 2011 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please SILENCE electronics
during the meeting

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CONSENT ITEMS

- | | | |
|-----|--|--------------------------------|
| 6. | <u>Pay Phone Services Contract - Exercise Contract Option Year Two</u>
Action would: (1) ratify MTS Doc. No. L5678.1-08 with Western Communication Systems, Inc. for continued pay phone services; and (2) authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L5678.2-08 with Western Communication Systems, Inc. to exercise option year two for pay phone services. | Ratify/
Approve |
| 7. | <u>San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its meeting on July 19, 2011</u>
Action would: (1) receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Carrizo Gorge Railway, Inc. (Carrizo) quarterly reports; (2) ratify actions taken by the San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors at its meeting on July 19, 2011; and (3) approve a recommendation by the SD&AE Board of Directors to elect Randy L. Perry as Chairperson to replace the position vacated by Don Seil. | Receive/
Ratify/
Approve |
| 8. | <u>Unallocated Transportation Development Act Funds for Transit-Related Projects</u>
Action would approve the use of \$33,452 in unallocated Transportation Development Act (TDA) funds currently held by the County of San Diego for transit-related expenses for the City of La Mesa. | Approve |
| 9. | <u>Transit System Safety, Security, Disaster Response Account (TSSSDRA) Grant Program</u>
Action would approve Resolution No. 11-13 authorizing the CEO or designated representative to take any actions necessary to obtain funds provided by the California TSSSDRA Grant Program. | Approve |
| 10. | <u>Investment Report - June 2011</u>
Action would receive a report for information. | Receive |
| 11. | <u>Drug and Alcohol Policy for all MTS Employees</u>
Action would adopt Resolution No. 11-14, which would implement MTS's consolidated and updated Drug and Alcohol Policy in order to comply with current Federal Transit Administration (FTA) regulations. | Adopt |
| 12. | <u>Class B Paratransit Buses - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. B0565.0-12 with Creative Bus Sales to purchase 30 Class B Cutaway buses manufactured by Starcraft Bus with an option to purchase up to 5 additional Class B Cutaway buses for paratransit services. | Approve |

CLOSED SESSION

- | | | |
|-----|--|--------------------|
| 24. | a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 <u>Agency-Designated Representative</u> - Jeff Stumbo; <u>Employee Organization</u> - Amalgamated Transit Union, Local 1309 (ATU) | Possible
Action |
|-----|--|--------------------|

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. Actuarial Report (Cliff Telfer) Adopt
Action would adopt an actuarial contribution rate of 28.1% for San Diego Transit Corporation's (SDTC's) retirement plan for fiscal year 2012.

REPORT ITEMS

45. Comic-Con (Tom Doogan and Brian Riley) Receive
Action would receive a report for information.
60. Chairman's Report Information
61. Audit Oversight Committee Chairman's Report Information
62. Chief Executive Officer's Report Information
63. Board Member Communications
64. Additional Public Comments Not on the Agenda
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.
65. Next Meeting Date: September 15, 2011
66. Adjournment



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Agenda

Item No. 6

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

**Draft for
Executive Committee
Review Date: 8/11/11**

August 18, 2011

SUBJECT:

PAY PHONE SERVICES CONTRACT - EXERCISE CONTRACT OPTION YEAR TWO

RECOMMENDATION:

That the Board of Directors:

1. ratify MTS Doc. No. L5678.1-08 (Attachment A) with Western Communication Systems, Inc. for continued pay phone services; and
2. authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L5678.2-08 (in substantially the same format as Attachment B) with Western Communication Systems, Inc. to exercise option year two for pay phone services.

Budget Impact

MTS Contract No. L5678.0-08 is a revenue-generating contract based on a percentage split of the gross amount of revenue collected from each pay phone. MTS's revenue split for Amendment No. 2 would be 65% and would provide pay phone services from October 1, 2011, to September 30, 2012. Staff estimates that exercising option year two would net \$120,000 in additional revenue.

DISCUSSION:

MTS Contract No. L5678.0-08 was awarded in September of 2007 to Western Communication Systems, Inc. for a three-year base period and two 1-year options to install and operate pay phones at MTS transit stations. Currently, there are 145 pay phones across the MTS system.



In accordance with the current contract with Western Communication Systems, Inc., MTS shall receive a revenue split of 65% for option year two (see Attachment B).

Amendment No. 1

In August 2009, the CEO executed a contract amendment with Western Communication System, Inc. for an estimated revenue amount of \$76,800. This Amendment was necessary to continue to provide pay phone services to the public. Based on payments to date, actual revenues are expected to be \$117,837.00.

Amendment No. 2

Staff is requesting Board approval for the execution of contract Amendment No. 2 with Western Communication Systems, Inc. to exercise option year two for pay phone services. This amendment is necessary in order for MTS to continue to provide pay phones at designated trolley stations, transit centers, and park-and-ride lots to the public. This would also continue to provide security (free 9-1-1 calls), convenience to MTS customers, and generate additional revenue for MTS.

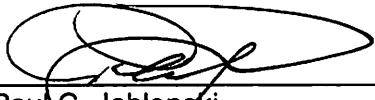
Actual revenue received by MTS through this contract to date is as follows:

Year 1:	\$ 45,059.06
Year 2:	\$ 80,307.61
Year 3:	\$123,909.06
Year 4 (Option Year I):	\$117,837.00 ¹
Year 5 (Option Year II):	<u>\$120,000.00</u> (estimate) ²
Total:	\$487,112.73 (estimate)

The adjusted amount of the entire contract, including these amendments, would be \$487,112.73.

Therefore, staff recommends:

1. ratification of MTS Doc. No. L5678.1-08 (Attachment A) with Western Communication Systems, Inc. for continued pay phone services; and
2. authorization for the Chief Executive Officer (CEO) to execute MTS Doc. No. L5678.2-08 (in substantially the same format as Attachment B) with Western Communication Systems, Inc. to exercise option year two for pay phone services.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. MTS Doc. No. L5678.1-08
B. MTS Doc. No. L5678.2-08

¹ Year 4 does not reflect actual revenue received. The estimated amount is based on \$41,837.00 received for October 2010 through January 2011 plus anticipated revenue of \$9,500 per month through September 2011.

² Year 5 revenue is estimated at \$10,000 per month.



Metropolitan Transit System

Att. A, AI 6, 8/18/11

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August 18, 2010

ORIGINAL

MTS Doc. No. L5678.1-08
OPS 900

Mr. Thomas Beuse
President
Western Communication Systems, Inc.
13200 Kirkham Way, #114
Poway, CA 92064

Dear Mr. Beuse:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. L5678.0-08: PAY PHONE SERVICES

This shall serve as Amendment No. 1 to our agreement for the pay phone services as further described below.

STATEMENT OF WORK

Pursuant to the specifications of MTS RFP No. L5678.0-07, the San Diego Metropolitan Transit System (MTS) on behalf of San Diego Trolley Corp. (SDTC) shall exercise Option Year One (1) of the pay phone services contract.

Western Communication Systems, Inc. agrees to continue pay phone services, including maintenance of pay phones in accordance with the terms and conditions as stated on MTS RFP No. L5678.0-07.

SCHEDULE

The Option Year I coverage period shall be effective October 1, 2010, through September 30, 2011.

PAYMENT

MTS revenue shall be based on the percentage split of the gross amount of revenue collected from each pay phone as reflected below. The estimated total value of this contract including this amendment shall be \$272,395.

Option Year I 64% (Est. \$76,800)

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Mr. Thomas Beuse
August 9, 2010
Page 2

All previous conditions remain in effect. If you agree with the above, please sign and return the copy marked "original" to the Contracts Specialist at MTS. The remaining copy is for your records.

Sincerely,



Paul C. Jablonski
Chief Executive Officer

CBROWN-CL
CL-L5678.1-08.WESCOMM.CAQUINO

Enclosures: Revenue Form – Pay Phones

cc: Wayne Terry
Claudine Aquino

Agreed:



Thomas Beuse
Western Communication Systems, Inc.

Date: 8/24/10

Mr. Thomas Beuse
August 9, 2010
Page 2

METROPOLITAN TRANSIT SYSTEM

REVENUE FORM

Proposer shall insert the percent (%) of monthly revenue where indicated. Revenue proposal shall be evaluated as set forth in Section A.3.A.1:

Term to Contract	% of Gross Monthly Revenue	Estimated Monthly Revenue	Total Estimated Monthly Revenue
Year 1	55%	\$10,000	\$5,500
Year 3	61%	\$10,000	\$6,100
Year 4 Option Year 1	64%	\$10,000	\$6,400
Grand Total:			

* Estimated Monthly Revenue is for evaluation purposes only and does not necessarily represent anticipated revenue under this contract.

Firm: WESCOMM

Date: JULY 18, 2007

Signature: [Signature]

Printed Name: MAX E. STEINBERG

Title: GEO.

Street Address: PO BOX 502330

City, State & Zip Code: SAN DIEGO, CA 92150

Phone No.: 858-218-3500

Fax No.: 858-218-3501

**RETURN THIS FORM WITH YOUR PROPOSAL
RETAIN OTHER PAGES FOR YOUR RECORDS**

DRAFT

August 18, 2011

MTS Doc. No. L5678.2-08
OPS 900

Mr. Thomas Beuse
President
Western Communication Systems, Inc.
13200 Kirkham Way, #114
Poway, CA 92064

Dear Mr. Beuse:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. L5678.0-08; PAY PHONE SERVICES

This shall serve as Amendment No. 2 to our agreement for the pay phone services as further described below.

STATEMENT OF WORK

Pursuant to the specifications of MTS RFP No. L5678.0-07, the San Diego Metropolitan Transit System (MTS), on behalf of San Diego Trolley Corp. (SDTI), shall exercise option year two of the pay phone services contract. Western Communication Systems, Inc. agrees to continue to provide pay phone services, including maintenance of the pay phones in accordance with the terms and conditions as stated in MTS RFP No. L5678.0-07.

SCHEDULE

The option year two coverage period shall be effective October 1, 2011, through September 30, 2012.

PAYMENT

MTS revenue shall be based on the percentage split of the gross amount of revenue collected from each pay phone as reflected below. The estimated total value of this contract, including this amendment, shall be \$487,112.73.

Option Year 2	65%
---------------	-----

Please sign and return the copy 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,

Agreed:

Paul C. Jablonski
Chief Executive Officer

Thomas Beuse
Western Communication Systems, Inc.

Date: _____

Enclosure: Revenue Form – Pay Phones

cc: Wayne Terry, Claudine Aquino, Procurement File

METROPOLITAN TRANSIT SYSTEM

REVENUE FORM

Proposer shall insert the percent (%) of monthly revenue where indicated. Revenue proposal shall be evaluated as set forth in Section A.3.A.1:

Term of Contract	% of Gross Monthly Revenue	Estimated Monthly Revenue	Total Estimated Monthly Revenue
Year 1	55%	\$10,000	\$5,500
Year 2	55%	\$10,000	\$5,500
Year 3	61%	\$10,000	\$6,100
Year 4 Option Year 1	64%	\$10,000	\$6,400
Grand Total:			

* Estimated Monthly Revenue is for evaluation purposes only and does not necessarily represent anticipated revenue under this contract.

Firm: WESCOMM

Date: JULY 18, 2007

Signature: [Signature]

Printed Name: MAX E. STEINBERG

Title: C.E.O.

Street Address: PO BOX 502330

City, State & Zip Code: SAN DIEGO, CA 92150

Phone No.: 858-218-3500

Fax No.: 858-218-3501

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1255 Imperial Avenue, Suite 1000
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Agenda

Item No. 7

JOINT MEETING OF THE BOARD OF DIRECTORS

SDAE 710 (PC 50771)

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

**Draft for
Executive Committee
Review Date: 8/11/11**

August 18, 2011

SUBJECT:

MTS: SAN DIEGO AND ARIZONA EASTERN (SD&AE) RAILWAY COMPANY
QUARTERLY REPORTS AND RATIFICATION OF ACTIONS TAKEN BY THE SD&AE
BOARD OF DIRECTORS AT ITS MEETING ON JULY 19, 2011

RECOMMENDATION:

That the Board of Directors:

1. receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Carrizo Gorge Railway, Inc. (Carrizo) quarterly reports (Attachment A);
2. ratify actions taken by the San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors at its meeting on July 19, 2011 (Attachment A); and
3. approve a recommendation by the SD&AE Board of Directors to elect Randy L. Perry as Chairperson to replace the position vacated by Don Seil.

Budget Impact

None.

DISCUSSION:

Quarterly Reports

Pursuant to the Agreement for Operation of Freight Rail Services, SD&IV, Museum, and Carrizo have provided the attached quarterly reports of their operations during the second quarter of calendar year 2011 (Attachment A).



SD&AE Property Matters

Under its adopted policy for dealing with the SD&AE Railway, the MTS Board of Directors must review all property matters acted on by the SD&AE Board. At its meeting of July 19, 2011, the SD&AE Board approved the following licenses and permits:

- S200-11-472: Right of Entry Permit to W. C. Communications, Inc. to install aerial fiber optics at Palm Avenue in El Cajon.
- S200-11-485: Right of Entry Permit to the City of La Mesa for the Flag Day Parade.
- S200-11-487: Right of Entry Permit to Kimley-Horn and Associates, Inc. for field investigations along the South Line.
- S200-11-489: Right of Entry Permit to Terra Pacific Consultants for soils investigation at Hill Street in El Cajon.
- S200-11-491: Right of Entry Permit to Johnson-Frank and Associates, Inc. to perform surveying at the San Ysidro Border.
- S200-11-492: Right of Entry Permit to California Conservation Corps to perform clearing and grubbing along the Coronado Branch for the Bayshore Bikeway Project in Chula Vista.
- S200-11-493: Right of Entry Permit to the Sweetwater Authority to install a water valve at J Street in Chula Vista.
- S200-11-494: Right of Entry Permit to TY Lin International, Inc. to perform field investigations for the South Line Freight Improvement Project.

Election to Fill Vacant Position of SD&AE Chair

The SD&AE Board of Directors approved forwarding a recommendation to the MTS Board of Directors to elect Randy L. Perry, General Manager of the San Joaquin Valley Railroad, as the Chairperson to replace the position vacated by Don Seil. Mr. Perry oversees three railroads, which include San Joaquin, Ventura, and SD&IV.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Karen Landers, 619.557.4512, Karen.Landers@sdmts.com

MAY12-11.6.SDAE RPTS.KLANDERS

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



AGENDA

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

(PC 50771)

July 19, 2011

9:00 a.m.

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

San Diego & Arizona Eastern
Railway Company

A Nevada Nonprofit
Corporation

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

BOARD OF DIRECTORS
Don Seil, Chairman
Bob Jones
Paul Jablonski

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

GENERAL COUNSEL
Karen Landers

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

1. Approval of the Minutes of April 19, 2011 Approve
Action would approve the SD&AE Railway Company minutes of April 19, 2011.
2. Statement of Railway Finances (Linda Musengo) Receive
Action would receive a financial report for the quarter and year ended June 30, 2011.
3. Report on San Diego and Imperial Valley (SD&IV) Railroad Operations (Matt Domen) Receive
Action would receive a report for information.
4. Report on Pacific Southwest Railway Museum (Diana Hyatt) Receive
Action would receive a report for information.
5. Report on the Desert Line (Chas McHaffie) Receive
Action would receive a report: (1) for information; (2) on the status of the Jacumba yard hazardous waste cleanup; and (3) on the Federal Railroad Administration (FRA) Bridge Inspection Program.
6. Real Property Matters (Tim Allison)
 - a. Summary of SD&AE Documents Issued Since April 19, 2011 Receive
Action would receive a report for information.
 - b. **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code section 54956.8** Possible Action
Property: MP 113.5 to 119.3 in Ocotillo Wells in Imperial County, CA
Agency Negotiators: Karen Landers, MTS General Counsel; Tim Allison, Manager of Real Estate Assets; and Paul Jablonski, President & CEO
Negotiating Parties: Pattern Energy Group
Under Negotiation: Price and Terms of Payment

- | | | |
|-----|--|--------------------|
| c. | CLOSED SESSION - CONFERENCE WITH REAL
PROPERTY NEGOTIATORS Pursuant to California
Government Code section 54956.8
<u>Property:</u> MP 92.9 over Railroad Street in Jacumba, CA
<u>Agency Negotiators:</u> Karen Landers, MTS General Counsel;
Tim Allison, Manager of Real Estate Assets; and
Paul Jablonski, President & CEO
<u>Negotiating Parties:</u> SDG&E
<u>Under Negotiation:</u> Price and Terms of Payment | Possible
Action |
| 7. | <u>Election to Fill Vacant Position of SD&AE Chair (Karen Landers)</u>
Action would discuss electing a new Chairperson for the SD&AE
Railway Company Board of Directors and forward a
recommendation to the MTS Board of Directors for approval. | Approve |
| 8. | Old Business | |
| 9. | New Business | |
| 10. | Public Comments | |
| 11. | Next Meeting Date: October 18, 2011 | |
| 12. | Adjournment | |

A-SDAE-JULY19-11

MINUTES

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

April 19, 2011

A meeting of the Board of Directors of the San Diego & Arizona Eastern (SD&AE) Railway Company, a Nevada corporation, was held at 1255 Imperial Avenue, Suite 1000, San Diego, California 92101, on April 19, 2011, at 9:00 a.m.

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

MTS staff:	Tim Allison, Karen Landers, Wayne Terry, Tom Lynch
SD&IV staff:	Matt Domen
Pacific Southwest Railway Museum:	Diana Hyatt
Carrizo Gorge Railway, Inc. (Carrizo):	Chas McHaffie, Sheila LeMire
Burlington Northern Santa Fe (BNSF):	John Hoegemeier
International Border Rail Institute:	Richard Borstadt
Federal Railroad Administration (FRA):	Hector Valdepena
Admicarga:	Jorge O. Munroz Sustaita, Gaspar Metzler Ibanez
Pattern Energy:	Joan Inlow

1. Approval of Minutes

Mr. Seil moved to approve the Minutes of the January 18, 2011, SD&AE Railway Board of Directors meeting. Mr. Jablonski seconded the motion, and it was unanimously approved.

2. Statement of Railway Finances

Tom Lynch, MTS Controller, reviewed the financial statement for the first quarter of 2011 (attached to the agenda item).

Action Taken

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

3. Report on SD&IV Operations

Matt Domen presented the report of activities for the first quarter of 2011 (attached to the agenda item). Mr. Jablonski asked for a follow-up on Mr. Domen's report at the previous meeting regarding delays to freight operations by contractors working on the Blue Line Rehabilitation Project. Wayne Terry responded stating that all parties involved have been working closely together (and will continue to do so) with ongoing meetings and communications to mitigate any issues and keep the operators moving freight on the line. He added that the overhead catenary system work should be completed around the second week of June, so he anticipates a reprieve before the track work and signaling begins.

Action Taken

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

4. Report on Pacific Southwest Railway Museum Operations

Diana Hyatt presented the first quarter of 2011 report (attached to the agenda item). Mr. Jablonski asked if there have been any communications with Mexico in regard to reopening the tunnel. Chas McHaffie responded and stated that funding is currently the issue in regard to refurbishing portions of the Desert Line. Administradora de la Vía Corta Tijuana-Tecate (ADMICARGA) wants Carrizo to pay 100% of the costs.

Public Speaker: Hector Valdepena of the FRA – Mr. Valdepena asked if Museum personnel will be responsible for track inspections and recordkeeping for Desert Line operations from Campo to Division.

- Ms. Hyatt responded that Museum personnel are keeping records and will be maintaining the track until Carrizo resumes its operations. She added that the main track inspector is Wally Barber who is trained and does very in-depth monthly inspections (track inspectors who have gone through Mr. Barber's training perform weekly inspections). Ms. Hyatt agreed to provide Mr. Valdepena with copies of the track inspections.

Action Taken

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

5. Report on the Desert Line

Sheila LeMire presented the 1st quarter report (attached to the agenda item).

Public Speaker: Reena Deutsche – Ms. Deutsche stated that she has given lectures on SD&AE's history over the years, and she has gotten questions inquiring if the Desert Line will ever reopen and if there will be passenger operations.

- Mr. McHaffie responded to Ms. Deutsche's question regarding reopening the Desert Line. Mr. McHaffie stated that he placed an embargo on the line due to safety concerns of the state of the bridges and tunnels. Repairs are estimated to cost around \$8 million to \$12 million. Procuring funding has been a challenge due to the recession, but Mr. McHaffie has not stopped moving forward in seeking those funds.
- Mr. Jablonski responded in regard to future passenger operations on the Desert Line. He stated that the bridges and tunnels must be in a state of good repair before passenger operations can resume.

Action Taken

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

6. Real Property Matters**a. Summary of SD&AE Documents Issued Since January 18, 2011**

Tim Allison, MTS Manager of Real Estate Assets, presented the summary of document issued since January 18, 2011.

- S200-10-459: Right of Entry Permit to Gryphon Detective Agency to film at the San Ysidro Trolley Station.
- S200-10-470: License to Imperial Valley Solar, LLC for an at-grade crossing west of Plaster City in Imperial County.
- S200-11-474: Right of Entry Permit to Bert W. Salas, Inc. for a construction crossing of the Imperial Beach bike path at 8th Street in Imperial Beach.
- S200-11-475: Right of Entry Permit to Erickson Air Crane to cross the Desert Line for the Sunrise Power Link construction in Jacumba.
- S200-11-476: Right of Entry Permit to Pullman Engineering to construct a sewer pipeline at 54th Street in the City of San Diego.
- S200-11-477: Right of Entry Permit to Golden State Boring and Pipe Jacking to construct a sewer pipeline at 54th Street, in the City of San Diego.
- S200-11-478: Right of Entry Permit to AirX Utility Surveyors for utility investigations at Lemon Grove Avenue in the City of Lemon Grove.
- S200-11-479: Right of Entry Permit to Haley and Aldrich, Inc. to access the right-of-way near Gunpowder Point at the Sweetwater Marsh in the City of Chula Vista.
- S200-11-480: Right of Entry Permit to Nautilus Environmental to access the right-of-way near Gunpowder Point at the Sweetwater Marsh in the City of Chula Vista.
- S200-11-481: Right of Entry Permit to SDG&E to construct the Sunrise Power Link in San Diego and Imperial Counties.
- S200-11-482: Right of Entry Permit to Par Electric Contractors, Inc. to construct the Sunrise Power link in San Diego and Imperial Counties.
- S200-11-483: Right of Entry Permit to the U.S. Department of the Navy for the Bay Bridge Run/Walk.
- S200-11-484: Right of Entry Permit to Orliz Corporation to abandon a sewer pipeline near Euclid Avenue in the City of San Diego.
- S200-11-486: Right of Entry Permit to Aguirre Engineering, Inc. to perform surveys near Lemon Grove Avenue in the City of Lemon Grove.
- S200-11-488: Right of Entry Permit to Aguirre Engineering, Inc. to perform surveys for the South Line Freight Improvement Project.

Action Taken

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

b. License Agreement with Pattern Energy Group for At-Grade and Utility Crossings

Tim Allison reviewed a request for proposed at-grade crossings, a utility crossing, and longitudinal utility occupation over SD&AE tracks located west of Ocotillo from approximately mile post (MP) 113.5 to MP 119.3 in Imperial County. Mr. Allison introduced Joan Inlow from Pattern Energy Group. Mr. Allison added that there may be a future proposal by Pattern to move some of the materials by rail from mile post 115 to Plaster City, and bringing the line up to operating standards would have to be addressed.

Mr. Jones stated that RailAmerica has moved a lot of wind turbine products in the past and would help in any way. Ms. Inlow outlined the scope of the freight.

Mr. McHaffie confirmed for Mr. Jablonski that Carrizo would still be able to interchange with Union Pacific (if this proposal is approved).

Mr. Jablonski stated that he would like to see a more detailed financial report at the next meeting in July before taking action on this item.

Discussion ensued regarding bringing the line up to operating standards for potential freight movement and crossing requirements during the life of the project.

Action Taken

No action was taken. This item will be deferred until the next meeting on July 19, 2011.

c. San Diego Unified Port District Fiber-Optic Connectivity Project Agreement Amendment

Mr. Allison reviewed a request from San Diego Unified Port District (Port) for an amendment to the Amended and Restated Use Agreement for fiber-optic installations. He described the projected extension of fiber-optics and the benefits to MTS information technology.

Action Taken

Mr. Jablonski moved to authorize the execution of an amendment to the Amended and Restated Use Agreement granting a license to the San Diego Unified Port District (Port) for fiber-optic installations. Mr. Jones seconded the motion, and it was unanimously approved.

d. SDG&E Road-Crossing Easement

This item was deferred to the July 19, 2011, SD&AE Board of Directors meeting. No action was taken.

- e. **CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to California Government Code Section 54956.8
Property: Assessor Parcel Nos. 667-020-52, 54, 60, & 70, San Diego, California
Agency Negotiators: Karen Landers, MTS General Counsel; Tim Allison, MTS Manager of Real Estate Assets
Negotiating Parties: U.S. General Services Administration
Under Negotiation: Price and Terms of Payment

The Board adjourned into closed session at 9:41 a.m. and resumed open session at 10:21 a.m.

Action Taken

General Counsel Karen Landers reported that the Board received a report and gave direction to staff.

7. Old Business

There was no old business.

8. New Business

Mr. Seil announced that he is resigning as SD&AE Chair, and Randy Perry is replacing him as General Manager.

9. Public Comments

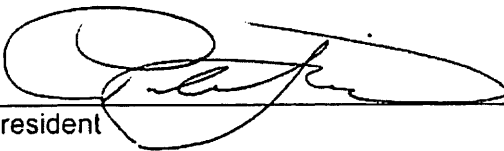
There were no public comments.

10. Next Meeting Date

The next meeting of the SD&AE Railway Company Board of Directors is on July 19, 2011, at 9:00 a.m.

11. Adjournment

The meeting was adjourned at 10:26 a.m.



President



General Counsel

/MINUTES.SDAE.4-19-11

Agenda

Item No. 2

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

SDAE 710.1 (PC 50771)

July 19, 2011

SUBJECT:

STATEMENT OF RAILWAY FINANCES

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors receive a financial report for the quarter and year ended June 30, 2011.

Budget Impact

None.

DISCUSSION:

Staff will present the unaudited results for quarter 4 of fiscal year 2010/11. The current quarter results show an increase in expenses over quarter 3 related to estimated depreciation expense for the year and a year-to-date net income of \$49,003. The final results and reserve balance for FY 11 will be available after completion of the FY 11 audit.

Attachment: SD&AE Financial Report Q4 2011

SD&AE operating statement FY2011 and FY2010

	FY2011 - unaudited									
	Q1	Q2	Q3	Q4	YTD	Q1	Q2	Q3	Q4	YTD
Revenue										
Right of entry permits	\$ 12,250	\$ 5,450	\$ 21,370	\$ 12,790	\$ 51,860	\$ 21,619	\$ 17,400	\$ 8,500	\$ 10,975	\$ 58,494
Lease income	22,072	28,845	19,340	18,580	88,837	25,871	43,341	819	31,193	101,224
SD&IV 1% freight fee	-	-	38,187	-	38,187	-	-	-	35,542	35,542
Total revenue	34,322	34,295	78,897	31,370	178,885	47,490	60,741	9,319	77,710	195,260
Expense										
Personnel costs	19,916	22,595	18,746	20,092	81,349	22,734	26,334	19,540	18,682	87,291
Outside services	-	260	-	335	595	12,031	5,989	5,147	37,574	60,742
Energy costs	-	-	-	-	-	-	-	-	32	32
Risk management	8,352	8,194	7,771	5,974	30,291	8,486	8,486	8,403	8,352	33,728
Misc operating expenses	303	194	70	-	567	20,474	(18,913)	25	-	1,586
Depreciation - estimated	-	-	-	17,080	17,080	-	-	-	17,080	17,080
Total expense	28,571	31,243	26,586	43,481	129,882	63,725	21,897	33,115	81,721	200,458
Net income/(loss)	\$ 5,751	\$ 3,052	\$ 52,311	\$ (12,111)	\$ 49,003	\$ (16,235)	\$ 38,845	\$ (23,796)	\$ (4,011)	\$ (5,198)

Reserve balance 2010 - final	\$ 890,173
Allocated interest earnings - estimated	3,207
Operating profit (loss) estimated	49,003
Improvement expense 2011	-
Reserve balance 2011- estimated	\$ 942,383

Agenda

Item No. 3

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

SDAE 710.1 (PC 50771)

July 19, 2011

SUBJECT:

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

RECOMMENDATION:

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

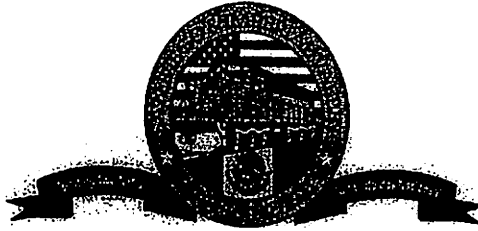
Budget Impact

None.

DISCUSSION:

An oral report will be given during the meeting.

Attachment: Periodic Report for the 2nd Quarter of 2011



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

July 6, 2011

Periodic Report

In accordance with Section 20 of the Agreement for Operational Freight Service and Control through Management of the San Diego and Arizona Eastern Railway Company; activities of interest for the 2nd Quarter of 2011 are listed as follows:

1. Labor

At the end of June 30, 2011 the San Diego & Imperial Railroad had 11 employees:

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

2. Marketing

Volume in the 2nd Quarter was significantly impacted by border crossing issues of Texas Gas & Oil LPGS. Overall, the volume dropped 24.4% over last year. Bridge traffic was down more significantly; 35.3% over last year. Traffic destined or originated on the SDIV was only down 22.3% to last year.

3. Reportable Injuries/Environmental

Days through year to date, June 30, 2011, there were no FRA Reportable injuries or environmental incidents on the SDIV Railroad.

Days FRA Reportable Injury Free: 4293

4. Summary of Freight

	2011	2010	2009
Total rail carloads that moved by SDIY Rail Service in the quarter.	1101	1458	1425
Total railroad carloads Terminating/Originating Mexico in the quarter.	783	1211	1088
Total railroad carloads Terminating/Originating El Cajon, San Diego, National City, San Ysidro, California in the quarter.	302	247	336
Total customers directly served by SDIY in the quarter	0	0	0
Regional Truck trips that SDIY Railroad Service replaced in the quarter	3743	4957	4845

Respectfully,

Randy Perry-

General Manager

Agenda

Item No. 4

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

SDAE 710.1 (PC 50771)

July 19, 2011

SUBJECT:

REPORT ON PACIFIC SOUTHWEST RAILWAY MUSEUM

RECOMMENDATION:

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

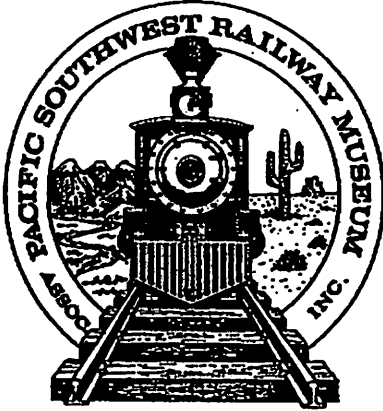
Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.

Attachment: Second Quarter Report for 2011



Pacific Southwest Railway Museum

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

July 11, 2011

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

Re: Second Quarter 2011

Dear SD&AE Board:

During the second quarter of 2011, the Pacific Southwest Railway Museum carried 2,434 passengers with no FRA reportable accidents or injuries. Total income from SD&AE property for second quarter 2011 was \$33,954.16; a check for \$679.08 will be forwarded under separate cover. By comparison, PSRM carried 1977 passengers during the second quarter of 2010 and total income from SD&AE property for that quarter was \$31,215.63.

Progress on the Campo Depot waiting room has continued with the completion of the woodwork detail and the installation of the ceramic floor tiles. A display box is being constructed to highlight the operating levers for the depot's semaphore and an order for wooden benches will be placed soon. The interior stairwell still needs to be constructed as well as the completion of the electrical wiring and the receipt of the newly fabricated ticket counter.

Track work has been performed at MP 64.8, the first sweeping curve west of Campo yard limits. The rails were swapped in the curve and tie replacement is about 40% complete. Work is expected to be completed within the next two weeks. Once this work is completed, track work is scheduled to begin on the House Track in front of the Campo Depot.

Sincerely,

Diana Wyatt
President

Agenda

Item No. 5

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

SDAE 710.1 (PC 50771)

July 19, 2011

SUBJECT:

REPORT ON THE DESERT LINE

RECOMMENDATION:

That the SD&AE Board of Directors receive a report:

1. for information;
2. on the status of the Jacumba yard hazardous waste cleanup; and
3. on the Federal Railroad Administration (FRA) Bridge Inspection Program.

Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.



Periodic Report

To The San Diego & Arizona Eastern Railway Company

Second Quarter 2011

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

CARRIZO GORGE RAILWAY, INC.

Accomplishments during Second Quarter 2011

CONTENTS

SECOND QUARTER 2011 ACTIVITY

Appendix A- MOW Summary

Appendix B- Desert Line Freight Revenues
Financial Summary

CARRIZO GORGE RAILWAY, INC.

Second Quarter 2011

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

Pursuant to reporting agreement, here is the summary of Second Quarter activity for 2011.

I. Labor

As of June 30, 2011, Carrizo Gorge Railway has 6 employees to cover the railroad administration and operation in the U.S.

- 3 Administration
- 1 DSL & Engineer
- 1 Train Master & Locomotive engineer
- 1 Track Inspector & Signals

CARRIZO GORGE RAILWAY, INC.

II. Marketing

Carrizo Gorge Railway is currently not seeking any new business for the desert line until repairs can be completed

Carrizo Gorge Railway continued working to improve relations with Admicarga in an effort to increase revenues as well as the improvement of service to the shipping community in the region.

III. Desert Line

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

The principal activity took place in the desert line was the following:

- 1.- Was continued with the process of clean out of hazardous products in Jacumba station, we are at 95% done.
- 2.- Began at Jacumba yard a project to clean the passenger cars trash (left overs of the cars) and its completed.
- 3.- Began at Jacumba yard a project to relocate on a safe spot treated wood and its completed.
- 4.- Began a project of removal of rocks and sand away from the main track from MP 93 to MP 129 with the propose of make an inspection with the Hy Rail. 15 spots were worked in total.

CARRIZO GORGE RAILWAY, INC.

IV. Reportable Injuries / Environmental Incidents

There were no reportable injuries in the second quarter of 2011.

There were no reportable accidents in the second quarter of 2011.

There were was on environmental incidents in the second quarter of 2011.

V. Freight Activity

No freight activity in the 2nd quarter of 2011 due to the embargo , we are still continuing to store empties, with a total amount of 52 GE cars located in the East end of the line as of this date.

MOW Sand carloads moved on the Desert Line	0
Revenue Sand carloads moved on the Desert Line	0
Revenue Freight carloads moved to/from Seeley Via interchange with UPRR, on the Desert Line	0
Non-Revenue Freight carloads moved from UPRR and USG, on the Desert Line	0
Revenue Freight carloads terminating/originating in Mexico to/from San Ysidro via interchange with SD&IV Railroad	0
Total overall second quarter 2011 Carloads Moved	0
Revenue Empties	0
Revenue Storage	52

CARRIZO GORGE RAILWAY, INC.

VI. Mexican Railroad

Carrizo Gorge Railway is the rail freight operator for the State of Baja California, Mexico and continues to employ the following personnel dedicated to freight service south of the border.

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

CURRENT MEXICO PERSONNEL

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

CARRIZO GORGE RAILWAY, INC.

Page 1 of 1

Appendix A M.O.W. SUMMARY

DESERT LINE

TRACK

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

CARRIZO GORGE RAILWAY, INC.

Page 1 of 1

Appendix B FINANCIAL SUMMARY

DESERT LINE

REVENUE FREIGHT HAULED

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

Track Use Fees:

Interchange freight to/from UPRR over the Desert Line

SD&AE / MTS 1% payment	70.98
SD&IV / Rail America payment 6.9 (52 Railcars Storage)	489.76

Revenue Sand from Dixie to Campo

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

Agenda

Item No. 6a

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

SDAE 710.1 (PC 50771)

July 19, 2011

SUBJECT:

SUMMARY OF SD&AE DOCUMENTS ISSUED SINCE APRIL 19, 2011

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

Since the April 19, 2011, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-11-472: Right of Entry Permit to W. C. Communications, Inc. to install aerial fiber optics at Palm Avenue in El Cajon.
- S200-11-485: Right of Entry Permit to the City of La Mesa for the Flag Day Parade.
- S200-11-487: Right of Entry Permit to Kimley-Horn and Associates, Inc. for field investigations along the South Line.
- S200-11-489: Right of Entry Permit to Terra Pacific Consultants for soils investigation at Hill Street in El Cajon.
- S200-11-491: Right of Entry Permit to Johnson-Frank and Associates, Inc. to perform surveying at the San Ysidro Border.
- S200-11-492: Right of Entry Permit to California Conservation Corps to perform clearing and grubbing along the Coronado Branch for the Bayshore Bikeway Project in Chula Vista.

- **S200-11-493:** Right of Entry Permit to the Sweetwater Authority to install a water valve at J Street in Chula Vista.
- **S200-11-494:** Right of Entry Permit to TY Lin International, Inc. to perform field investigations for the South Line Freight Improvement Project.

Agenda

Item No. 7

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

SDAE 710.1 (PC 50771)

July 19, 2011

SUBJECT:

ELECTION TO FILL VACANT POSITION OF SD&AE CHAIR

RECOMMENDATION:

That the SD&AE Board of Directors discuss electing a new Chairperson for the SD&AE Railway Company Board of Directors and forward a recommendation to the MTS Board of Directors for approval.

Budget Impact

None.

DISCUSSION:

Don Seil has resigned as Chair of the SD&AE Board of Directors; therefore, the SD&AE Board needs to elect a new Chair to replace Mr. Seil and forward a recommendation to the MTS Board of Directors to approve the elected SD&AE Chairperson.

JULY19-11.7.ELECTCHAIRMAN.KLANDERS



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Agenda

Item No. 8

JOINT MEETING OF THE BOARD OF DIRECTORS

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

August 18, 2011

**Draft for
Executive Committee
Review Date: 8/11/11**

SUBJECT:

UNALLOCATED TRANSPORTATION DEVELOPMENT ACT FUNDS FOR TRANSIT-RELATED PROJECTS

RECOMMENDATION:

That the Board of Directors approve the use of \$33,452 in unallocated Transportation Development Act (TDA) funds currently held by the County of San Diego for transit-related expenses for the City of La Mesa.

Budget Impact

The use of unallocated TDA funds set aside by the County of San Diego for transit-related projects in various jurisdictions would have no impact on MTS's operating or capital budgets. The total available unallocated TDA amount held for the benefit of the City of La Mesa would be reduced by \$33,452, which would result in a zero balance.

DISCUSSION:

On June 28, 2011, MTS received a letter from the City of La Mesa requesting the use of \$33,452 of the unallocated TDA funds held by the County of San Diego to reimburse City of La Mesa for its Allison Avenue Transit Improvements Project to purchase and install four transit shelters along Allison Avenue.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Mike Thompson, 619.557.4557, mike.thompson@sdmts.com

AUG18-11.8.TDA LA MESA.ECHENG



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Agenda

Item No. 9

JOINT MEETING OF THE BOARD OF DIRECTORS for the

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

August 18, 2011

**Draft for
Executive Committee
Review Date: 8/11/11**

SUBJECT:

TRANSIT SYSTEM SAFETY, SECURITY, DISASTER RESPONSE ACCOUNT
(TSSSDRA) GRANT PROGRAM

RECOMMENDATION:

That the Board of Directors approve Resolution No. 11-13 (Attachment A) authorizing the Chief Executive Officer (CEO) or designated representative to take any actions necessary to obtain funds provided by the California TSSSDRA Grant Program.

Budget Impact

None.

DISCUSSION:

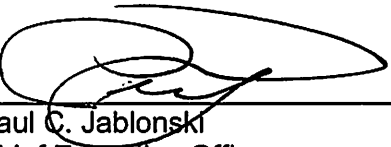
Resolution No. 11-13 would authorize filing applications with and requesting reimbursements from the California Emergency Management Agency (CalEMA) and would satisfy requirements of the fiscal year 2010-2011 TSSSDRA security funding.

MTS's allocation of \$2,779,445 in TSSSDRA funding would be used to:

1. install a barrier system at the San Ysidro Transit Center;
2. procure handheld computer devices;
3. install a closed-circuit television system at Grossmont Center trolley stations;
4. install fiber-optic links and Blue Line wireless nodes;
5. upgrades to the Operations Control Center;
6. upgrade surveillance cameras;
7. upgrade trolley station CCTVs; and



8. cover transit store security improvements.



Paul C. Jablonski
Chief Executive Officer

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

AUG18-11.9.PTMISEA.NDALL

Attachment: A. Resolution 11-13

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 11-13

Resolution Approving the Submittal of Applications and Requests for Reimbursements
for Fiscal Year 2010-2011 Transit System Safety, Security, Disaster Response Account (TSSSDRA)

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

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that MTS does hereby authorize the Chief Executive Officer, or designated representative, to file and execute any actions necessary on behalf of MTS for the purpose of obtaining state financial assistance provided by the TSSSDRA and subgranted through the California Emergency Management Agency.

1. Chief of Staff, or designated representative, is authorized to file and execute any actions necessary on behalf of MTS or any other documents required by the California Emergency Management Agency.
2. The Chief Financial Officer, or designated representative, is authorized to file and execute any actions necessary on behalf of MTS or any other documents required by the California Emergency Management Agency.

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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Agenda

Item No. 10

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

**Draft for
Executive Committee
Review Date: 8/11/11**

August 18, 2011

SUBJECT:

INVESTMENT REPORT – JUNE 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 June 2011. The combined total of all investments has decreased by \$8.8 million in the current month, which is largely due to deferred receipt of subsidy funds to future periods as scheduled and budgeted, \$2 million in disbursements for acquisition of capital assets, and a \$1.5 million scheduled debt service payment from restricted funds.

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.

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: Tom Lynch, 619.557.4538, tom.lynch@sdmts.com

Attachment: A. Investment Report for March 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, San Marcos, and the County of San Diego.

**San Diego Metropolitan Transit System
Investment Report
June 30, 2011**

	Restricted	Unrestricted	Total	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 5,291,772	\$ 6,256,921	\$ 11,548,693	0.00%
Total Cash and Cash Equivalents	5,291,772	6,256,921	11,548,693	
Cash - Restricted for Capital Support				
US Bank - retention trust account	1,996,640	-	1,996,640	N/A *
Local Agency Investment Fund (LAIF) Proposition 1B TSGP grant funds	5,546,995	536,000	6,082,995	0.45%
Total Cash - Restricted for Capital Support	7,543,635	536,000	8,079,635	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	3,440,634	3,440,634	0.45%
San Diego County Investment Pool	-	10,671,869	10,671,869	
Total Investments - Working Capital	-	14,112,503	14,112,503	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	37,372,123	-	37,372,123	
Rabobank - Payment Undertaking Agreement	82,053,636	-	82,053,636	7.69%
Total Investments Restricted for Debt Service	119,425,759	-	119,425,759	
Total cash and investments	\$ 132,261,166	\$ 20,905,424	\$ 153,166,589	

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



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Agenda

Item No. 11

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

**Draft for
Executive Committee
Review Date: 8/11/11**

August 18, 2011

SUBJECT:

DRUG AND ALCOHOL POLICY FOR ALL MTS EMPLOYEES

RECOMMENDATION:

That the Board of Directors adopt Resolution No. 11-14 (Attachment A), which would implement MTS's consolidated and updated Drug and Alcohol Policy in order to comply with current Federal Transit Administration (FTA) regulations.

Budget Impact:

None.

DISCUSSION:

The FTA requires that recipients of federal financial assistance, such as San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), and MTS, maintain a drug and alcohol policy that complies with FTA regulations, 49 CFR Parts 40 and 655, on preventing prohibited drug use and alcohol misuse in transit operations.

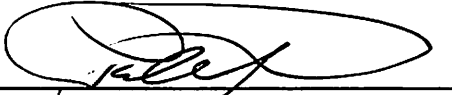
MTS's operating entities SDTC and SDTI currently maintain separate policies prohibiting alcohol misuse and specific drug use. The two policies were both designed to comply with 49 CFR Parts 40 and 655 and are substantially similar; however, they contain minor differences in areas where the FTA allows operator discretion.



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.

Having two separate policies is not necessary and makes the program more difficult to administer. As a result, staff has taken this opportunity to update the drug and alcohol policies to comply with recent FTA guidance and to consolidate them into one.

The FTA regulations require that the governing board of the organization approve the drug and alcohol policy. Accordingly, staff respectfully requests that the Board of Directors approve of the updated drug and alcohol policy, which is attached for review.



Paul O. Jablonski
Chief Executive Officer

Key Staff Contact: Jeff Stumbo, 619.557.4509, Jeff.Stumbo@sdmts.com

AUG18-11.11.DRUG ALCOHOL POLICY.JSTUMBO

Attachment: A. Resolution No. 11-14 (w/proposed Drug & Alcohol Policy) - **Board Only Due to Volume**

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 11-14

Resolution Amending Drug and Alcohol Policy for all MTS Employees

WHEREAS, The Metropolitan Transit System ("MTS") provides mass transportation services through its operating entities, San Diego Transit Corporation ("SDTC") and San Diego Trolley Incorporated ("SDTI"), which are funded in part by federal financial assistance from the Federal Transit Administration ("FTA"); and

WHEREAS, the FTA has implemented regulations set forth at 49 C.F.R. Part 655 requiring operators that provide mass transportation services for a recipient of FTA federal financial assistance must establish and implement a policy concerning drugs and alcohol as set forth in those regulations; and

WHEREAS, MTS has updated and combined its formerly separate drug and alcohol policies in order to improve operational efficiency and to ensure full compliance with current regulations; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby adopt the updated drug and alcohol policy for all MTS employees, including SDTI and SDTC employees, effective September 1, 2011, which is attached to this Resolution.

PASSED AND ADOPTED by the Board this ____ day of _____ 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairman
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

METROPOLITAN TRANSIT SYSTEM DRUG AND ALCOHOL POLICY

I.

PURPOSES

- A. To maintain a safe and efficient public transportation system;
- B. To maintain a safe, healthy working environment for all employees;
- C. To reduce the incidence of accidental injury to person or property;
- D. To reduce absenteeism, tardiness and indifferent job performance;
- E. To maintain a work environment free of alcohol and drug related performance problems, accidents and injuries; and
- F. To comply with the Federal Transit Administration ("FTA") regulations on prevention of prohibited drug use and alcohol misuse in transit operations, 49 C.F.R. Parts 655 and 40.

II.

APPLICATION OF POLICY

This policy applies to applicants and employees of the San Diego Metropolitan Transit System's ("MTS") operating entities, San Diego Trolley, Inc. ("MTS Rail or SDTI") and San Diego Transit Corporation ("MTS Bus" or "SDTC") [MTS, SDTI and SDTC are collectively referred to as "the Agency"], and to certain contract personnel who have been notified of the applicability of this policy to their work and contractors who have chosen to incorporate this policy as their own based on contractual agreement with the Agency. The word "employee" as used in this policy includes all such designated personnel including contract employees. This policy also applies to employees of the Metropolitan Transit System who work in the titles listed below and/or perform safety-sensitive functions as defined below.

Some of the drug and alcohol testing and procedures required in this policy are mandated by FTA regulations preventing prohibited drug use and alcohol misuse in transit operations, 49 C.F.R. Parts 655 and 40. The drug testing and alcohol testing mandated by FTA is applicable to "safety-sensitive employees" of the Agency, which includes those who:

- 1. Operate revenue service vehicles, including when such vehicles are not in revenue service;
- 2. Operate a non-revenue service vehicle, when such vehicle is required to be operated by a holder of a Commercial Driver's License;

3. Control dispatch or movement of a revenue service vehicle;
4. Maintain a revenue service vehicle or equipment used in revenue service;
5. Security personnel who carry firearms;
6. Supervisors of the aforementioned employees since these supervisors may perform safety-sensitive duties.

The Agency has reviewed the actual duties performed by employees and determined that the following jobs functions may require the performance of safety-sensitive duties:

MTS Rail

Train Operator, Electromechanic, Linemen, Assistant Linemen, Track Serviceperson, LRV Maintainers, Wayside Maintainers, Serviceperson, Flagperson, Controller, Superintendent and Assistant Superintendent of Transportation, Central Control Supervisor, Training Coordinator, Transportation Supervisor, Superintendent and Assistant Superintendent of Maintenance, Maintenance Supervisor, Track Supervisor, Facilities Manager and Facilities Supervisor.

MTS Bus

Bus Operators (student and part-time included), Service Operations Supervisors, all hourly Maintenance employees, Maintenance Manager, Assistant Maintenance Managers, Maintenance Foremen, Quality Assurance Manager, Quality Assurance Supervisor, Dispatchers, Dispatch Clerks, Communications/Operations Supervisors, Operations Trainer, Maintenance Instructor, Manager of Transportation, Assistant Transportation Managers, Senior Transportation Supervisor, Director of Transportation and Director of Maintenance, Manager of Training, Part Time Training Instructor, Safety Manager, Facilities Manager, and Facilities Foremen.

MTS Security

Director of Transit System Security, Assistant Director of Transit System Security, Manager of Transit System Security Field Operations, Transit System Security Supervisor, and all contract officers or supervisors of contract security officers who carry firearms regardless of title or rank.

The drug and alcohol testing required by this policy for employees who are not safety-sensitive employees as defined above is required by the Agency, not the FTA. This policy specifies which testing is mandated by FTA and which is required by the Agency.

Upon implementation, this policy supersedes all previously issued Drug and Alcohol Policies for SDTC, SDTI and MTS.

III.

ILLEGAL DRUGS, LEGAL DRUGS AND ALCOHOL

A. Illegal Drugs

The sale, offer to sell, purchase, use, manufacture, transfer or possession of illegal drugs while on Agency business or on Agency premises, property or vehicles is prohibited. Further, no employee shall bring drug paraphernalia onto Agency premises or property or into company vehicles. Violation of these rules will result in disciplinary action, up to and including termination; termination is likely for any violation, even a first offense.

Illegal drug means any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained. The term includes marijuana, cocaine, opiates (codeine, morphine, heroin), phencyclidine[" PCP"], and amphetamines (amphetamine, methamphetamine, MDMA, MDA, MDEA ["ecstasy"]). Regardless of any State laws protecting the medicinal or recreational use of Marijuana, federal regulations forbid its use by safety-sensitive employees, and Agency policy forbids its use for all other employees. The term also includes prescribed drugs not legally obtained, prescribed drugs not being used for prescribed purposes and any substance which a person holds out or represents to another as an illegal drug.

B. Legal Drugs

The use of legal drugs at a level, or in a manner, combination or quantity which impedes an employee's ability to perform his job is prohibited and will lead to disciplinary action, up to and including termination. Agency policy (not FTA regulations) also deems failure to report the use of legal drugs per the procedure described below as a violation of this policy that will result in discipline up to and including termination of employment.

It is the employee's responsibility to insure that any legal drug(s) they are taking allow them to safely perform their duties. Employees have an affirmative obligation to report any drug or medication which they are taking to their immediate supervisor, using the "Prescription Drug Notification Form", or in their supervisor's absence, directly to the Human Resources Manager, so that a determination can be made by the company's physicians as to the ability of the employee to perform their particular job safely while using that drug or combination of drugs. If, after consulting with its physicians, the Agency has determined that the employee does not pose a threat to his or her own safety, public safety, or the safety of coworkers, and that the employee's job performance will not be significantly affected by the legal drug, the employee may continue to work while taking that particular legal drug. Any employee using a prescription drug must provide the prescription and the medication itself (if requested) to the designated Agency medical facility as soon as possible (but in any case within 24 hours) after notification by Agency management or its physicians.

C. Alcohol

No employee shall consume alcoholic beverages in Agency vehicles, on Agency premises or property, within four hours before performing safety-sensitive functions, while on Agency business, or while in uniform. Violation of these rules will result in disciplinary action, up to and including termination, even for a first offense.

No employee who is on call and therefore subject to being called into work shall consume alcohol within four hours of or during those on call hours. In the event such an employee is called and must report for duty, the employee has the opportunity to acknowledge that they have used alcohol and therefore are not able to perform their safety-sensitive function. In such a case, that employee shall not be required to perform work, but may be disciplined for the use of alcohol during on call hours based on Agency policy (not FTA regulations). FTA regulations mandate that employees with a breath-alcohol concentration between 0.02 percent and 0.039 percent not be allowed to perform any safety-sensitive function until the start of the employee's next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test. The Agency's policy is that any employee who is tested for alcohol and has a breath-alcohol content of 0.02 percent or greater will be terminated, even for a first offense.

IV.

PROHIBITION AGAINST EMPLOYEES HAVING ILLEGAL DRUGS OR ALCOHOL IN THEIR BODIES DURING WORKING TIME

All employees must report for work with no illegal drugs or their metabolites or alcohol in their bodies. Employees must not have illegal drugs or their metabolites or alcohol in their bodies at any time while on the job and employees may be tested for the presence of drugs and/or alcohol at any time while on duty or at an Agency facility. Alcohol tests on safety-sensitive employees who are performing, are about to perform or who have just completed performing safety-sensitive duties are FTA mandated tests; all other alcohol tests are required by MTS policy. Drug tests on safety-sensitive employees are FTA-mandated tests except those specifically identified by this Policy as MTS tests; all drug tests on non-safety-sensitive employees are required by MTS policy, not FTA regulations. FTA regulations prohibit safety-sensitive employees from using alcohol within four hours prior to their shift or while on call, and from having a breath-alcohol concentration of 0.02 or higher while performing safety-sensitive duties. Agency policy likewise prohibits employees from having a breath-alcohol concentration while on duty of 0.02 percent or higher; any employee with a breath-alcohol concentration of 0.02 percent or higher will be terminated. Compliance with these rules is considered an essential job qualification for all employees. **Termination of employment will occur for a violation of any of these rules, even for a first offense. This is a zero tolerance policy. No employee who violates this policy will be given a second chance.**

V.

ENFORCEMENT OF RULE PROHIBITING EMPLOYEES FROM HAVING ILLEGAL DRUGS OR ALCOHOL IN THEIR BODIES DURING WORKING TIME

A. Pre-employment Drug Testing.

All Agency applicants are subject to pre-employment drug testing. Those who are applying for safety-sensitive positions are subject to an FTA pre-employment drug test. Those who are not applying for a safety-sensitive position may be subject to an Agency pre-employment drug test. All drug tests will be administered by a medical

facility designated by the Agency. If the drug test is cancelled by the Medical Review Officer ("MRO"), the employee must retake and pass the drug test before being hired. The Agency extends conditional offers of employment to successful candidates contingent on their passing a pre-employment drug test; any prospective employee refusing to submit to the drug test will not be hired by the Agency. Any prospective employee with a positive drug test will be rejected from further consideration for employment with the Agency. Further, any applicant or employee who has previously failed or refused a drug test must provide proof to the Agency, prior to being considered for employment, that they have successfully completed a referral, evaluation and substance abuse treatment plan compliant with the requirements in 49 C.F.R. Part 40 and 655. The Agency will provide each applicant or employee who fails a drug test with a list of names, addresses and telephone numbers of locally available Substance Abuse Professionals ("SAP(s)") qualified under 49 C.F.R. Part 40 requirements. Agency policy, not FTA regulations, requires that all fees, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the candidate/employee.

B. Reasonable Suspicion Alcohol and Drug Testing

All Agency employees are subject to reasonable suspicion alcohol testing and drug testing. Those who work in safety-sensitive positions are subject to an FTA alcohol test and drug test. Those who do not work in a safety-sensitive position are subject to an Agency alcohol test and drug test. When the Agency has reasonable suspicion to believe that an employee has violated the prohibitions set forth in this policy, the employee will be required to submit to an alcohol test and/or a drug test immediately upon demand by the Agency. Reasonable suspicion testing will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of an employee. One or more supervisors or company officials trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations. For FTA reasonable suspicion alcohol tests, the alcohol testing authorized in this section (and the observations required by the supervisors or company officials referred to above) must occur during, just before or just after the workday of the employee being tested. Observations leading to Agency alcohol tests will likewise be made during, just before or just after the workday of the employee being tested. Observations leading to FTA drug tests may occur any time a safety-sensitive employee is on duty. Observations leading to MTS drug tests may occur any time a non-safety-sensitive employee is on duty.

FTA regulations require that any employee with a positive drug test or an alcohol concentration measure of 0.02 percent or higher be immediately removed from service, and that an employee with an alcohol concentration measure of 0.02 to 0.039 percent will, at a minimum, not be allowed to perform a safety-sensitive function until the start of the employee's next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test.

Agency policy, not FTA regulations, requires that all employees who are required to submit to a reasonable suspicion drug and alcohol test (Agency or FTA) be removed from working until the results of both tests are known. Further, any employee with a positive drug test or having a breath alcohol concentration measure of 0.02 percent or higher will be terminated from employment with the Agency. Any employee who has a positive DOT drug test or an alcohol concentration measure of 0.04 percent or higher on a DOT-mandated alcohol test will be referred to the Substance Abuse Professional ("SAP") for evaluation in accordance with 49 C.F.R. Part 40. Agency policy, not FTA

regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to, referral, counseling and treatment fees will be paid by the candidate/employee.

Refusal to submit to any testing required by this section will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately.

C. Post-Accident Alcohol and Drug Testing

FTA regulations require drug and alcohol testing following certain accidents. In addition, the Agency requires post-accident testing for accidents in circumstances when such testing is not required by the FTA. The following guidelines describe when a test is required by the FTA versus when the test is required by Agency policy. Employees will be informed whether the test is an FTA test or an Agency test. Agency tests will not be conducted using FTA testing forms.

1. FTA Definition of "Accident." An accident, as defined by the FTA, is an occurrence associated with the operation of a vehicle, if as a result:
 - a. An individual dies; or
 - b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or
 - c. With respect to an occurrence in which the mass transit vehicle involved is a bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as a result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
 - d. With respect to an occurrence in which the mass transit vehicle involved is a trolley car, the mass transit vehicle is removed from operation.
 - e. Disabling damage means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. Disabling damage includes damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage that can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available or damage to headlights, tail lights, turn signals, horns, or windshield wipers that makes the vehicle inoperative.
2. Fatal Accidents. As soon as practicable following an accident involving the loss of human life, each surviving employee operating the mass transit vehicle at the time of the accident shall submit to an alcohol test and a drug test. Further, any other employee whose performance could have contributed to the accident (e.g., a mechanic in the case of brake failure causing the accident), as determined by the Agency using the best information available at the time of the decision, shall also be required to submit to an alcohol test and a drug-screen test.

3. Non-fatal Accidents. As soon as practicable following an accident not involving the loss of human life, each employee operating the mass transit vehicle at the time of the accident shall submit to an alcohol test and a drug-screen test, unless Agency management determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. In addition, any employee whose performance could have contributed to the accident, as determined by the Agency, using the best information available at the time of the decision, will be required to submit to an alcohol test and a drug-screen test.
4. Agency Definition of "Accident". The Agency defines an accident as any incident which is not subject to FTA-mandated post-accident alcohol or drug testing, but involves damage to company property or an injury to any person. Any employee who is involved in an accident may, at Management's discretion, be required to submit to a non-DOT breath alcohol test and drug test. The definition of "involvement" in an accident includes, but is not limited to, an employee who is in a bus, trolley or other Agency vehicle at the time of an accident. Further, any other employee whose performance could have contributed to the accident, as determined by Agency management using the best information available at the time of the decision, shall also be required to submit to a non-DOT alcohol test and a drug test. The procedures and rules outlined in the remainder of this section apply uniformly regardless of whether the test is an Agency test or a FTA test, however, the Agency sets the procedures for its own testing based on its own authority, not FTA authority.
5. Post-Accident Testing Procedures.
 - a. Any employee involved in an accident is prohibited from using alcohol for eight hours following the accident or until he or she undergoes a post-accident alcohol test and drug test. Any employee involved in an accident who fails to remain readily available for the testing required by this section, including notifying company officials of his or her location if he or she leaves the scene of the accident prior to submission to such tests, will be deemed to have refused to submit to testing.
 - b. Post-accident testing will occur after the employee assists in resolution of the accident or receives medical attention following the accident. The Agency will complete the post-accident drug testing as soon as possible, and such testing will occur no later than 32 hours after the accident. The Agency will attempt to complete the post-accident alcohol testing within two hours of the accident. If the testing is not completed within two hours, the Agency will continue to attempt to complete the test and will prepare a report explaining why the breath specimen was not collected within two hours. If the alcohol test is not completed within eight hours of the accident, the Agency shall cease attempts to complete the test and update the report as to why the test was not completed.
 - c. Refusal to submit to a test required by this section will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately. Based on FTA regulations, any employee with a positive drug test or having an alcohol concentration measure of 0.02 percent or higher will be immediately removed from service. Based on Agency policy, any employee with a positive drug test and/or an

alcohol concentration measure of 0.02 percent or higher will be terminated from employment with the Agency.

- d. Any employee who has a positive DOT drug test or an alcohol concentration measure of 0.04 percent or higher on a DOT-mandated alcohol test will be referred to the Substance Abuse Professional ("SAP") for evaluation in accordance with 49 C.F.R. Part 40. Agency policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to, referral, counseling and treatment fees will be paid by the employee/former employee.

D. Random Alcohol Testing and Drug Testing

(The testing in this section applies only to safety-sensitive employees as defined above.) All safety-sensitive employees will be subject to unannounced, random alcohol testing and random drug testing in accordance with 49 C.F.R. Part 655. The selection of employees for random alcohol testing and random drug testing shall be made randomly by the Agency. The selection of employees for random alcohol testing and random drug testing shall be by a scientifically valid method, such as a random number table or a computer-based random number generator. Each employee will have an equal chance of being tested each time selections are made. These tests will not be announced in advance and will be administered on all days and at during all work hours throughout the year. The current minimum testing requirement is to annually perform drug tests on 25% and alcohol tests on 10% of the safety-sensitive employees. The Agency's Drug and Alcohol Program Manager ("DAPM") will adjust the number of tests periodically to ensure the Agency conducts no fewer than the FTA-mandated number of tests.

Each employee selected for random alcohol testing and/or random drug testing must proceed to the test site immediately. Refusal to submit to such testing will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately. Based on FTA regulations, any employee failing a drug test or having an alcohol concentration measure of 0.02 percent or higher will be immediately removed from service. Based on Agency policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02 percent or higher will be terminated from employment with the Agency. Any employee who has a positive DOT drug test or a finding of an alcohol concentration measure of 0.04 percent or higher on a DOT-mandated alcohol test will be referred to the Substance Abuse Professional ("SAP") for evaluation in accordance with 49 C.F.R. Part 40. Agency policy, not FTA regulations requires that all costs, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the employee/former employee.

E. Drug Testing for Employees Assuming Safety-Sensitive Duties

Any employee who accepts a position with the Agency involving safety-sensitive duties, who has previously been engaged in non-safety-sensitive duties, will be required to submit to and pass a pre-employment drug test prior to assumption of the safety-sensitive duties. In addition, any employee who has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and where that employee has not been in the Agency's random drug testing selection pool during that time, shall be required to take a pre-employment drug test in accordance with Section V(A) above, with a verified negative result before returning to duty.

If the drug test is cancelled by the MRO, the employee must retake and pass the test before assuming safety-sensitive duties. Refusal to submit to such testing will be sufficient grounds for termination of employment. Any employee failing a drug test will be immediately removed from service. Further, failure of a drug test will subject the employee to termination from employment with the Agency. Any employee who has a positive DOT drug test will be referred to the Substance Abuse Professional ("SAP") for evaluation in accordance with 49 C.F.R. Part 40. Agency policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to, referral, counseling and treatment fees will be paid by the employee/former employee.

F. Return to Duty and Follow-Up Alcohol Testing and Drug Testing

Any safety-sensitive employee who is allowed to return to duty after failing or refusing an alcohol test or a drug test must first provide a negative drug, alcohol (or both) test result. Employees returning to duty after failing or refusing an alcohol test or a drug test will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by a substance abuse professional ("SAP"). The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for as long as prescribed by the SAP, but such testing shall not continue beyond five years from the date the employee returns to safety-sensitive duties.

Agency policy, not FTA regulations, requires that any employee who is allowed to return to duty following leave for substance abuse rehabilitation must first provide a negative drug, alcohol (or both) test result. Employees returning to duty following leave for substance abuse rehabilitation will be required by Agency policy to undergo unannounced follow-up alcohol and/or drug testing as determined by a Substance Abuse Professional ("SAP"). The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for as long as prescribed by the DAPM, but such testing shall not continue beyond five years from the date the employee returns to their duties. The follow-up testing following a leave of absence specified in this paragraph is required by Agency policy, not FTA regulations.

Based on FTA regulations, any employee with a positive drug test or having an alcohol concentration measure of 0.02 percent or higher will be immediately removed from service. Based on Agency policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02 percent or higher will be terminated from employment with the Agency. Any employee who has a positive DOT drug test or an alcohol concentration measure of 0.04 percent or higher on a DOT-mandated test will be referred to the Substance Abuse Professional ("SAP") for evaluation in accordance with 49 C.F.R. Part 40. Agency policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to, referral, counseling and treatment fees will be paid by the employee/former employee.

G. Alcohol Testing and Drug Testing Following Injuries

(The alcohol testing and drug testing required in this section is required by the Agency; these are not FTA-mandated tests.) Any employee who sustains an injury on the job will be required to submit to an alcohol test and a drug test as part of the physician's examination of the employee for the injury. Refusal to submit to such alcohol tests or drug tests will result in the employee being relieved of his or her duties

immediately and will subject the employee to termination of employment. Any employee with a positive drug test or an alcohol concentration measure of 0.02 percent or higher will be terminated by the Agency.

VI.

FALSIFICATION, FAILURE TO TIMELY ARRIVE FOR TESTING, AND FAILURE TO NOTIFY

Any employee who provides false information in connection with an alcohol test or drug test administered under this policy, or who attempts to falsify test results through tampering, contamination, adulteration or substitution, shall be terminated by the Agency.

Any employee who fails to appear for a drug test or alcohol test within a reasonable time when required by this policy, or to remain at the testing site until the testing process is completed, or to cooperate fully in the testing process, will be deemed to have refused to be tested, and will be considered to have a positive test.

Under the federal Drug Free Workplace Act, all employees are required to notify the Human Resources department in writing immediately, but in any event within five days, after they have been convicted of violating a criminal drug statute that occurred in the workplace or while working. Any employee who fails to provide such notification shall be subject to termination of employment.

VII.

BEHAVIOR CONSTITUTING A REFUSAL TO SUBMIT TO A TEST

The behaviors outlined in this section apply to all tests administered under this policy regardless of if they are FTA-mandated or required by the Agency's authority; however, Agency tests will not be conducted on DOT testing forms.

A. Actions considered a refusal to submit to an alcohol test include:

1. Failure to appear for any test within a reasonable time, as determined by the Agency, after being directed to do so by the Agency;
2. Failure to remain at the testing site until the testing process is complete;
3. Failure to cooperate with any part of the testing process;
4. Refusal by an employee to complete and sign the certification at Step 2 of the ATF (Alcohol Testing Form) for an FTA-mandated test (or an Agency form, if it is a non-FTA test);
5. Failure to provide an adequate breath specimen for testing without a valid medical explanation; or
6. Refusal to undergo a medical examination or evaluation as directed by the MRO or as directed by a Designated Employer Representative ("DER").

B. Actions considered a refusal to submit to a drug screen test include:

1. Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
2. Failure to remain at the testing site until the testing process is complete;
3. Failure to cooperate with any part of the testing process (e.g., refusal to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process);
4. Failure to provide a sufficient urine sample as required without a valid medical cause established in writing by a physician;
5. Refusal to undergo a medical examination or evaluation as directed by the MRO or as directed by a Designated Employer Representative ("DER");
6. Failure or refusal by an employee to take a second drug screen test if a DER or the MRO has directed the employee to do so;
7. Failure to permit the observation or monitoring of the collection of the specimen in the case where a directly observed or monitored collection of a urine specimen is required;
8. For an observed collection, failure to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process, or to possess or wear such a device that could be used to interfere with the collection process; or
9. The MRO reports to the Drug and Alcohol Program Manager that an employee has a verified adulterated, diluted or substituted test result.
10. Admitting to the Collector or MRO that the specimen was substituted or adulterated.

Refusal to submit to a drug screen test constitutes a verified positive drug test result, which will result in termination of employment according to Agency policy.

VIII.

PROCEDURES FOR ALCOHOL AND DRUG TESTING

A. Procedure for Alcohol Tests

All FTA-mandated alcohol testing called for in this policy shall be conducted in accordance with 49 C.F.R. Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended. All Agency-mandated breath alcohol testing will follow the same procedures but Agency-mandated tests are not required or governed by 49 C.F.R. Part 40. However, the results of FTA-mandated breath alcohol testing will be compiled on a U.S. Department of Transportation ("DOT") Alcohol Testing

Form ("ATF"). The results of breath alcohol testing required by the Agency (and not FTA) will be on non-DOT testing forms. Agency management will inform the collection facility whether the test is an FTA or an Agency test. The alcohol testing in this policy applies regardless of whether the alcohol was ingested as beverage alcohol or in a medicinal or other preparation.

The alcohol tests will be administered by a breath alcohol technician ("BAT"), using an evidential breath testing device ("EBT"). The BAT will be trained to proficiency in the operation of the EBT. The EBTs are subject to a quality assurance plan developed by the manufacturers of EBTs. In order to insure that the test results are attributed to the correct employee, the BAT will require the employee to provide photo identification before tests are conducted. If the result of the alcohol screening test is an alcohol concentration of less than 0.02 percent, the employee will be deemed to have passed the FTA and Agency alcohol test. If the initial result of an FTA screening test is a breath alcohol concentration of 0.02 percent or higher, a confirmation test shall be performed under the FTA's authority. If the initial result of an Agency screening test is a breath alcohol concentration of 0.02 percent or higher, a confirmation test shall be performed under the Agency's authority. All alcohol confirmation tests shall be conducted within thirty minutes of the completion of the screening test.

B. Procedure for Drug Tests

All FTA-mandated drug tests called for in this policy shall be conducted in accordance with 49 C.F.R. Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended. All Agency-mandated drug tests will follow the same procedures but Agency-mandated tests are not required or governed by 49 C.F.R. Part 40. The DOT drug testing custody and control form will be used in connection with all FTA-mandated drug tests administered pursuant to this policy. The results of drug testing required by the Agency (and not FTA) will be on non-DOT testing forms. Agency management will inform the collection facility whether the test is an FTA or an Agency test.

The drugs tested for will be marijuana, cocaine, opiates, phencyclidine, and amphetamines. When an employee arrives at the collection site, the collection site person shall positively identify the employee through the presentation of photo identification. Collection personnel will be trained to ensure employee privacy in providing the urine specimen. Urine specimens collected for drug testing will be split into two containers at the collection site. Collection site personnel will be trained to maintain the integrity of the specimen collection and transfer process. In order to maintain the integrity of the urine specimen, the specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer to the laboratory conducting the testing on the urine specimen. A tamper-proof sealing system will be utilized to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form.

Transfer of urine specimens will be accomplished through appropriate chain of custody procedures. The forms accompanying the specimens will have unique preprinted specimen ID numbers and the employee will sign or initial certifying that the specimen was taken from that employee. All drug tests that are positive will be retested in a confirmation test prior to the laboratory specifying a positive result on a drug test. All drug testing done under this policy will be done by a laboratory that has been certified by the federal Department of Health and Human Services ("DHHS"). The

Agency's DHHS certified laboratory is Quest Diagnostics, Inc. All confirmatory tests will be performed using GC/MS techniques. There are federally mandated cut-off limits for the minimum quantity of drug that must be detected in order for a positive test on the initial and confirming test. The current cut-off limits expressed in nanograms per milliliter (ng/ml) are as follows:

<u>Drug</u>	<u>Initial Screen</u>	<u>Confirming Test</u>
Marijuana (THC)	50	15
Cocaine	150	100
Opiates Codeine Morphine Heroin	2000	2000
Phencyclidine (PCP)	25	25
6-Acetylmorphine	10	10
Amphetamines Amphetamine Methamphetamine MDMA MDA MDEA	500	250

In order to protect the Agency's employees and the integrity of the drug screen testing process, the Agency has retained the services of a Medical Review Officer ("MRO"). The Agency's MRO is Benjamin Gerson, M.D., of University Services. Dr. Gerson's phone number is 215-637-6800. The MRO is a licensed physician with knowledge of drug abuse disorders. If the laboratory results are confirmed positive, the MRO will interview the employee and review all information provided by the employee to determine whether the results are indicative of illegal or illicit drug use. If the employee provides an adequate explanation, the MRO will verify the test results as negative with the Drug and Alcohol Program Manager and take no further action. If the test result of the primary specimen is positive, the employee may request that the MRO direct that the second split specimen be tested in a different DHHS laboratory. Agency policy requires that employees bear all expenses related to verification tests they request. The MRO shall honor such request if it is made within 72 hours of the employee having been notified of a verified positive test. If an employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that analysis of the split specimen be performed. The results of the test at the second DHHS-approved laboratory will be forwarded to the MRO. If the results of the second

test fail to confirm the presence of the drugs or drug metabolites found in the primary specimen, the MRO shall cancel the test.

If the MRO advises the Agency that the result of the drug test was negative, but that the test was dilute because the specimen contained a creatinine concentration greater than or equal to 2mg/dL, but less than or equal to 5mg/dL,, the employee will be required to take another drug screen test immediately; the new test will be an observed collection. In this circumstance, the employee will be given as little advance notice as possible that he or she must return to the collection site. The test result from this test will be used to determine if the employee passes the drug test.

If the MRO advises the Agency that the result of the drug test was negative, but that the test was dilute and the specimen contained a creatinine concentration greater than 5mg/dL, the employee will be required to take another drug screen test immediately; the new test will not be an observed collection. In this circumstance, the employee will be given as little advance notice as possible that he or she must return to the collection site. The test result from this test will be used to determine if the employee passes the drug test.

The drug testing laboratory shall report test results to the MRO in writing, identifying the results of the test. The MRO will report to the DAPM whether the test is positive or negative, and will report the drug for which there was a positive test, but shall not disclose the quantitation of the test results (except in the case of a grievance, lawsuit, or other proceeding or inquiry initiated by the employee arising out of the verified positive drug test). All records pertaining to urine specimens shall be retained by the drug testing laboratory for a minimum of two (2) years. The drug testing laboratory shall retain all urine specimens confirmed as positive and place them into properly secured long-term frozen storage for a minimum of one (1) year.

MTS policy, not FTA regulations, require that employees who are waiting to provide a breath or urine sample refrain from using electronic devices such as cell phones, ipods, and PDAs. Employees violating this rule will be suspended for a minimum of one day.

IX.

POLICY REGARDING TREATMENT FOR DRUG OR ALCOHOL ADDICTION

A. (The following policy on treatment for drug and alcohol addiction, follow-up testing and the associated consequences is an Agency policy, not an FTA policy.) Any employee who feels that he or she has developed an addiction to, dependence upon or problem with alcohol or drugs, legal or illegal, is encouraged to seek assistance. No disciplinary action will be issued against any employee who (1) comes forward to management with their problem prior to being requested to submit to an alcohol test or a drug screen test and before the Agency learns of a violation of the drug and alcohol policy, and (2) provided the employee has not violated the policy before coming to management. If an employee comes forward to management regarding a drug or alcohol problem seeking assistance, but management learns that the employee violated this policy before coming forward, the Agency will discipline the employee for violating the policy, up to and including termination of employment. Further, if the company learns of a violation of this policy before the employee comes forward, or if the

employee comes forward with the problem only after being requested to submit to an alcohol test or a drug screen test, the employee will be subject to termination.

B. **How to Seek Assistance.** To seek assistance for a problem with drugs or alcohol, you may contact MTS's Human Resources Manager (See "Contact Person" listed below), or you may directly contact Horizon Health, the Agency's Employee Assistance Program ("EAP"), by calling 800-342-8111. Information concerning the EAP is posted on company bulletin boards and is available in the Human Resources offices. All requests for assistance will be kept confidential.

C. The Agency has worked with the EAP to develop a list of resources (hospitals and community organizations) offering alcohol or drug treatment programs. The EAP will refer employees seeking assistance to a facility covered by their healthcare (if applicable) or another appropriate treatment organization. Any employee failing an alcohol test or drug test required under this policy will be provided the above-referenced list of resources. The referral to the EAP is independent of any disciplinary action that the company may impose and the employee is responsible for all costs associated with analysis and treatment.

D. Rehabilitation itself is the responsibility of the employee. However, any employee seeking medical attention for alcoholism or drug addiction will be entitled to benefits available under the company's group medical insurance plan applicable to that employee, subject to the restrictions and limits stated in the applicable plan document. Furthermore, rehabilitation leave will be available only to those employees whose employment is not terminated for misconduct prior to coming forward. Rehabilitation leave requests are subject to the leave of absence provisions of the applicable collective bargaining agreement, the Agency's medical leave policy (or the applicable administrative leave policies, if the employee is an administrative employee or member of management). Rehabilitation leave will be available on a one-time-only basis, subject to the conditions for continuing employment in Paragraph E below. **The Agency will not offer rehabilitation leave on a second occasion. The recurrence of an alcohol or drug problem will result in termination of employment.**

E. To be eligible for continuation of employment following a rehabilitation leave, the employee must:

1. Undergo evaluation by a SAP, who will recommend a course of rehabilitation. (This is an Agency-mandated evaluation, not an FTA requirement.)
2. Begin a program of rehabilitation, strictly follow the rules and guidelines of that program, and sign a release of all medical information, including that relating to drug and alcohol treatment, so the company can monitor his or her progress.
3. Remain continuously enrolled in a treatment program and actively participate in that program.
4. Not reject treatment or leave the treatment program prior to being properly discharged therefrom.
5. Agree that the SAP will determine whether the employee has successfully completed the program.

6. Not violate the Drug and Alcohol Policy.
- F. Any employee suffering from an alcohol or drug problem who rejects treatment or who leaves a treatment program prior to being properly discharged there from will be terminated from employment.
- G. All employees returning to active employment from rehabilitation will be required to sign a "Return to Work Agreement" requiring:
 1. That the employee must pass a non-DOT alcohol test and non-DOT drug screen test before returning to work;
 2. That a SAP must determine that the employee has properly followed an appropriate rehabilitation program and is capable of returning to duty;
 3. That the employee agrees to unannounced alcohol testing and drug testing. The number and frequency of follow-up testing shall be determined by the SAP (this is required by Agency policy, not FTA regulations). The employee will be subject to follow-up testing for as long as prescribed by the SAP, but such tests shall not continue beyond five years from the date of the employee's return to duty;
 4. That failure of any drug test or alcohol test or refusal to immediately submit to such testing during this period shall be grounds for immediate termination based on Agency policy (not FTA regulations);
 5. That the employee must maintain an acceptable attendance and performance record, not violate the Drug and Alcohol Policy, and comply with all other company rules and policies upon their return to work.

X.

**MISCELLANEOUS INFORMATION REGARDING THIS
DRUG AND ALCOHOL POLICY**

A. Contact Person

Any employees having questions about the Agency's Drug and Alcohol Policy should contact Brendan Shannon, MTS's Human Resources Manager, located at 1255 Imperial Avenue, Suite 1000, San Diego, California 92101-7492, telephone number 619-557-4569.

B. Training

The Agency provides training for all of its supervisors in order for them to be able to make a determination of whether reasonable suspicion exists for an employee to be required to submit to reasonable suspicion alcohol testing and drug testing. This training includes a minimum of 60 minutes of supervisor training on the effects of drug use and 60 minutes of supervisor training on the effects alcohol use and this policy. Training of newly promoted or hired supervisors will occur before they

assume supervisory duties (unless they are under the direct supervision of a trained supervisor or manager).

C. Notice of Certain Requirements in Addition to FTA-Mandated Requirements

The policy is designed in part to comply with the Federal Transit Administration ("FTA") regulations on prevention of prohibited drug use and alcohol misuse in transit operations, 49 C.F.R. Part 655. However, MTS has added certain additional requirements to this policy, including the following:

1. This policy applies to all employees of MTS and its operating divisions (MTS Bus and MTS Rail), not just safety-sensitive employees as defined by the FTA. As such, Agency employees who are not safety-sensitive employees are subject to pre-employment drug testing and to reasonable suspicion, post-accident and post-injury drug testing and alcohol testing.
2. The Agency requires post-accident alcohol and drug testing in cases where such testing is not required by the FTA. The FTA regulations limit the circumstances under which post-accident alcohol and drug testing will occur, as set forth in Article V(C) above. The Agency requires post-accident alcohol and drug testing using a much broader definition of accident.
3. The Agency requires alcohol testing and drug testing following work injuries, which is not required by FTA regulations.
4. This policy requires employees using prescription drugs to report the prescription to their supervisor or Human Resources, and to provide the medication itself (if requested) to the Agency medical facility.
5. This policy sets forth the disciplinary action for violations of the policy, which is an Agency decision, and is not part of the FTA regulations.
6. This policy requires that all costs of drug treatment and/or SAP evaluation be paid by the employee or former employee. This is an Agency decision, not an FTA requirement.

D. Substance Abuse Professional

The Agency has secured the services of a Substance Abuse Professional ("SAP"). The Agency's Substance Abuse Professional is Peggy Wagner of Horizon Heath, who can be reached at 858-571-1698. Ms. Wagner is a Certified Employee Assistance professional who specializes in evaluating and treating individuals with substance abuse disorders. Ms. Wagner will evaluate employees who come forward with substance abuse problems, employees returning to duty after failing an alcohol or drug test or following leave for substance abuse rehabilitation, and will direct the frequency of follow-up drug testing and alcohol testing for employees.

E. Right to Examine Records

Every employee has the right to review his/her drug and alcohol testing records (except SAP-determined DOT follow-up testing plans), provide information to dispute

the results of a drug or alcohol test and, upon written request, to obtain copies of any records pertaining to his or her drug and alcohol tests, including records pertaining to equipment calibration and laboratory certifications.

APPROVAL OF POLICY BY MTS

This policy has been approved by the MTS Board of Directors and Chief Executive Officer.

DATED: _____
Harry Mathis
Chairman, MTS Board of Directors

DATED: _____
Paul C. Jablonski
Chief Executive Officer

**ACKNOWLEDGMENT OF RECEIPT OF
METROPOLITAN TRANSIT SYSTEM DRUG AND ALCOHOL POLICY
(EFFECTIVE 9/1/11)**

I hereby acknowledge receipt of a copy of the **METROPOLITAN TRANSIT SYSTEM** Drug and Alcohol Policy, effective 9/1/2011. I understand that I am responsible for reading the policy and in consideration of my employment with the Agency (MTS, SDTC or SDTI), I hereby agree to comply with the policy in all respects and consent to the alcohol testing and drug screen testing required by this policy.

DATED: _____

Employee Signature

Employee ID Number

Employee Name (Please Print)



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

Agenda

Item No. 12

JOINT MEETING OF THE BOARD OF DIRECTORS
for the

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

August 18, 2011

CIP 11360

**Draft for
Executive Committee
Review Date: 8/11/11**

SUBJECT:

CLASS B PARATRANSIT BUSES - CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0565.0-12 (in substantially the same form as Attachment A) with Creative Bus Sales to purchase 30 Class B Cutaway buses manufactured by Starcraft Bus with an option to purchase up to 5 additional Class B Cutaway buses for paratransit services.

Budget Impact

The purchase of 30 Class B buses would not exceed \$2,274,950.25 (MTS Capital Improvement Program [CIP 11360-1300]). To exercise the option for the additional 5 Class B buses would require a not-to-exceed amount of \$376,658.40.

DISCUSSION:

MTS has a contractual obligation to provide its paratransit contractor with a bus fleet capable of meeting service demands. The Federal Transportation Administration (FTA) regulations require that MTS schedule 100% of its daily trip demand with a zero-denial rate. MTS must provide a sufficient spare ratio to accommodate routine preventative maintenance and demand growth.

The FTA Circular 4220.1F, Chapter V, Section 4, encourages recipients who receive federal funding to use state and local intergovernmental agreements for procurements of property and services. Based on this authority, MTS staff identified an intergovernmental agreement that provides Class B buses, which meet MTS's specifications. The Class B buses are available through a local government purchasing schedule administered by the California Association of Coordinated Transportation (CalACT). The CalACT Vehicle Purchasing Cooperative allows MTS to select vehicles from a menu of choices from different vendors and manufacturers. This flexibility enables MTS to procure buses that will best suit MTS's requirement without a formal procurement process.



Market analysis identified the CalACT Vehicle Purchasing Cooperative as the most advantageous and beneficial method in meeting MTS's current needs. The CalACT Vehicle Purchasing Cooperative was competitively bid in accordance with FTA procurement guidelines and contains all of the federally required clauses and certifications.

The unit price established at the time of the CalAct Vehicle Purchasing Cooperative award is still considered fair and reasonable (see Attachment D). This determination is based on the following rationale.

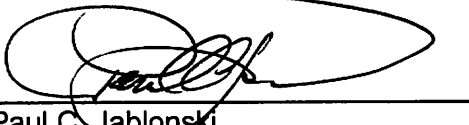
- Economies of Scale: This unit price per Class B bus offered on the CalACT Vehicle Purchasing Cooperative is based on a sale of 1,000 units.
- Discounts: The buses offered via the CalACT Vehicle Purchasing Cooperative are approximately \$7,000 to \$8,000 less than open-market pricing.

Other Considerations

- Standardization: The Class B buses that MTS intends to purchase via the CalACT Vehicle Purchasing Cooperative are the same buses currently in MTS's fleet.
- Delivery: The 30 Class B buses that MTS is seeking to procure would be delivered approximately 120 days after award (early 2012) and would allow MTS to continue to provide Americans with Disabilities Act services with zero denials.

Based on the above information, MTS staff has concluded that awarding a contract to Creative Bus Sales for Class B buses manufactured by Starcraft Bus represents the best value to MTS. Pricing and other factors considered, it is recommended that the Board approve awarding a base contract to Creative Bus Sales in the amount of \$2,274,950.25 for 30 Class B buses and grant the CEO the authority to exercise the option in the amount of \$376,658.40 for up to 5 additional Class B buses should funding become available.

MTS staff has conducted a preaward audit and certifies that the Class B buses are compliant with federal regulations for purchasing rolling stock with federal financial assistance.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Daniel McCaslin, 619.235.2648, daniel.mccaslin@sdmts.com

AUG18-11.12.CLASS B PARATRANSIT BUSES.SREED

Attachments: A. MTS Doc. No. B0565.0-12
B. Creative Bus Sales Proposal Dated 7/17/11
C. CalACT Letter of Assignment, Revised for Options 8/3/11
D. Fair and Reasonable Cost Justification Memo

} **Board Only Due
to Volume**

STANDARD PROCUREMENT AGREEMENT

B0565.0-12
CONTRACT NUMBER
OPS 920.6
FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2011, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Creative Bus Sales Address: 13501 Benson Avenue
 Form of Business: Corporation Chino, CA 92710
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: 909.465.5529

Authorized person to sign contracts: Tony Matijevich President
 Name Title

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

This Agreement is for the purchase and delivery of thirty (30) Class B Minibuses (per MTS requirements) with an option to purchase up to an additional 5 Class B Minibuses exercisable at the sole discretion of MTS with notice to proceed no later than December 31, 2011. Vehicles will be purchased against the CalACT Vehicle Purchasing Cooperative with Creative Bus Sales and in accordance with the MTS Standard Procurement Agreement, including the Standard Conditions for Procurement, Federal Requirements, Safety Department Standard Operating Procedures (SAF-016), Creative Bus Sales' quotation dated July 18, 2011, and Creative Bus Sales' production schedule received July 21, 2011 (hereinafter "Contract Documents"). If there are any inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. Standard Procurement Agreement, including Standard Conditions Procurement and Federal Requirements;
2. Creative Bus Sales Proposal dated July 18, 2010 and attached Production Schedule dated July 21, 2011.
3. CalACT/MBTA Vehicle Purchasing Cooperative No. 09-02 as amended.

Delivery of the thirty (30) Class B Minibuses shall be completed no later than **February 28, 2012** unless otherwise specified by MTS in writing. Exercise of the option for up to five (5) Class B minibuses must be completed within twelve (12) months from date that this Agreement is executed.

Vehicle shall be delivered to: **Metropolitan Transit System (MTS)**
 7490 Copley Park Place
 San Diego, CA 92111
 Attn: Dan McCaslin – 619.235.2648

The registered owner will be: **San Diego Metropolitan Transit System (MTS)**
 1255 Imperial Avenue, Suite 1000
 San Diego, CA 92101

This is a firm-fixed-price contract not subject to escalation. The total cost for the thirty (30) Class B Minibuses shall not exceed **\$2,274,950.25**, which includes sales tax, "exempt" license, California tire fee, training, and delivery. The total cost for the optional five (5) Class B minibuses shall not exceed \$376,658.40, which includes sales tax, "exempt" license, California tire fee, training, and delivery, upon exercise at MTS's discretion.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$2,274,950.25	11306-1300	FY 12

By: _____
 Chief Financial Officer

(___ total pages, each bearing contract number)

AUG18-11.12.AltA.B0565.0-12.CREATIVE BUS SALES.SREED

Attachment: Production Schedule dated 7/21/11

Production Schedule dated 7/21/11

SAN DIEGO MTS SCHEDULE

UNIT #	SCHEDULED COMPLETION DATES SHOWN BY OPERATION AT STARCRAFT										CREATIVE BUS SALES	
	Start Date	Phase 1	Phase 2	Phase 3	Offline	Que/Paint	Road/Water	Final Insp.	Rework	Ship	Inspection by MTS	Delivery to MTS
1	11/4/2011	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/17/2011	11/23/2011	11/28/2011	11/29/2011	11/30/2011	12/19/2011	2/1/2012
2	11/4/2011	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/17/2011	11/23/2011	11/28/2011	11/29/2011	11/30/2011	12/19/2011	2/1/2012
3	11/4/2011	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/17/2011	11/23/2011	11/29/2011	11/29/2011	11/30/2011	12/19/2011	2/1/2012
4	11/4/2011	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/17/2011	11/23/2011	11/29/2011	11/30/2011	11/30/2011	12/19/2011	2/1/2012
5	11/4/2011	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/17/2011	11/23/2011	11/29/2011	11/30/2011	12/1/2011	12/19/2011	2/1/2012
6	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/18/2011	11/30/2011	12/2/2011	12/3/2011	12/4/2011	1/5/2012	2/1/2012
7	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/18/2011	11/30/2011	12/2/2011	12/3/2011	12/4/2011	1/5/2012	2/1/2012
8	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/18/2011	11/30/2011	12/5/2011	12/3/2011	12/4/2011	1/5/2012	2/1/2012
9	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/18/2011	12/1/2011	12/5/2011	12/6/2011	12/7/2011	1/5/2012	2/1/2012
10	11/7/2011	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/18/2011	12/1/2011	12/5/2011	12/6/2011	12/7/2011	1/5/2012	2/1/2012
11	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/21/2011	12/7/2011	12/9/2011	12/12/2011	12/16/2011	1/12/2012	2/1/2012
12	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/21/2011	12/7/2011	12/9/2011	12/12/2011	12/16/2011	1/12/2012	2/1/2012
13	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/21/2011	12/7/2011	12/9/2011	12/12/2011	12/16/2011	1/12/2012	2/1/2012
14	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/21/2011	12/9/2011	12/13/2011	12/15/2011	12/17/2011	1/12/2012	2/1/2012
15	11/8/2011	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/21/2011	12/9/2011	12/13/2011	12/15/2011	12/17/2011	1/12/2012	2/1/2012
16	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/22/2011	12/14/2011	12/16/2011	12/17/2011	12/18/2011	1/12/2012	2/1/2012
17	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/22/2011	12/14/2011	12/16/2011	12/17/2011	12/18/2011	1/12/2012	2/1/2012
18	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/22/2011	12/14/2011	12/16/2011	12/17/2011	12/18/2011	1/12/2012	2/1/2012
19	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/22/2011	12/16/2011	12/19/2011	12/20/2011	12/21/2011	1/12/2012	2/1/2012
20	11/9/2011	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/22/2011	12/16/2011	12/19/2011	12/20/2011	12/21/2011	1/12/2012	2/1/2012
21	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/23/2011	12/21/2011	12/23/2011	1/3/2012	1/4/2012	1/31/2012	2/7/2012
22	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/23/2011	12/21/2011	12/23/2011	1/3/2012	1/4/2012	1/31/2012	2/7/2012
23	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/23/2011	12/21/2011	12/23/2011	1/3/2012	1/4/2012	1/31/2012	2/7/2012
24	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/23/2011	12/23/2011	1/3/2012	1/5/2012	1/6/2012	1/31/2012	2/7/2012
25	11/10/2011	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/23/2011	12/23/2011	1/3/2012	1/5/2012	1/6/2012	1/31/2012	2/7/2012
26	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/17/2011	11/28/2011	1/4/2012	1/6/2012	1/9/2012	1/6/2012	1/31/2012	2/7/2012
27	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/17/2011	11/28/2011	1/4/2012	1/6/2012	1/9/2012	1/10/2012	1/31/2012	2/7/2012
28	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/17/2011	11/28/2011	1/4/2012	1/6/2012	1/9/2012	1/10/2012	1/31/2012	2/7/2012
29	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/17/2011	11/28/2011	1/5/2012	1/9/2012	1/11/2012	1/12/2012	1/31/2012	2/7/2012
30	11/11/2011	11/14/2011	11/15/2011	11/16/2011	11/17/2011	11/28/2011	1/5/2012	1/9/2012	1/11/2012	1/12/2012	1/31/2012	2/7/2012

Plant Shutdown Holidays in this Timeframe: Thanksgiving - November 24 - 25, 2011. Christmas - December 26 - 30, 2011

START DATE:

The body frame will already have been welded and prime painted. This is the day the chassis comes into our prep area at this time cab and frame modifications are made, heater hoses installed and chassis made ready for the body.

PHASE 1:

This phase of production includes base electrical additions such as battery cables, grounds and taillight harnesses. Then the unit moves into our flooring department and the plywood is installed. After that some lower exterior skin is applied.

PHASE 2:

This phase includes the roof and upper exterior skin attachment. The unit flows down the line and the flooring material is installed, front and rear caps installed, interior finish panels are installed, and the heater is installed.

PHASE 3:

This phase includes attachment of the windows and doors, electrical system harness and hookup, interior trim and interior lighting, audio/visual products, A/C ordered and the hookup of all exterior lighting required.

OFFLINE:

During the final 3 to 4 stations on the line final interior finishing takes place. Seats are installed, W.C. tie down kits are finalized with attachment and any missing trim or earlier shortages put in place. The unit then leaves the production line.

QUE/PAINT

Our paint department faces an ever-changing workload since we cannot predict the magnitude of paint work needed until all orders are scheduled for both our commercial and school bus plants. For this reason we always assume roughly one week of que time and paint time combined to enable the paint department to schedule their work as efficiently as possible.

ROAD-WATER:

All vehicles undergo a road test to check for all accessories functioning properly, squeaks or rattles, if any for repair and other items for which the driver has a standard checklist. After the road test is complete the unit undergoes a complete water test in our rain booth. Any leaks are noted for repair. The unit also has a 4 corner scaled weight performed and the vehicle labels are printed and installed for FMVSS purposes.

Note: Any defects noted during the road and water test require a re-test be performed to verify compliance.

FINAL INSPECTION:

Known as our float area, this is where any and all remaining quality defects noted are checked and repaired. A final Quality Control verification of the repairs is noted before the unit is ready for inspection by any Third Party Inspectors.

REWORK:

Any Inspector noted defects are repaired at this stage for sign off by the inspector.

SHIP:

This phase is the vehicle pickup from Starcraft by the customer designated transport firm for delivery. Any transport time is in addition to this date.

INSPECTION BY MTS:

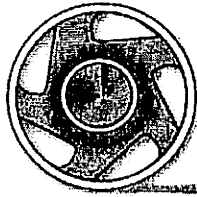
For the delivery of the last set of new buses, MTS chose to inspect the first bus at Creative Bus Sales.

Based upon the inspection and findings of this first bus, all others were modified accordingly and final inspection was done at delivery to MTS.

These inspections and dates are not required and can be modified or deleted by MTS.

DELIVERY TO MTS:

These dates are somewhat flexible and can be modified accordingly to meet the schedule requirements of MTS.

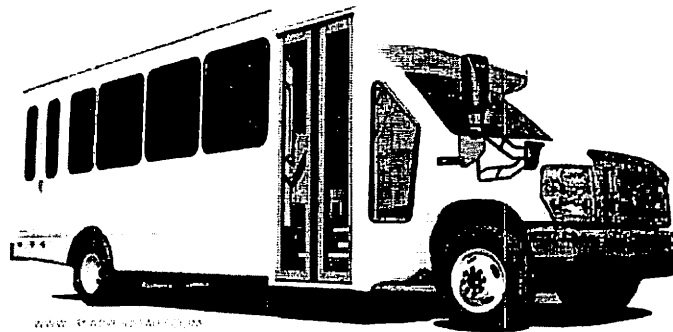
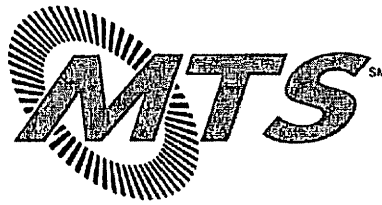


Creative Bus Sales

13501 Benson Avenue, Chino, California, 91710

July 18, 2011

**Creative Bus Sales Proposal to
San Diego MTS**



**CalACT Type B Cutaway ADA Bus for 12-Ambulatory + 2-Wheelchair Passengers
Pricing based off of CalACT / MBTA Vehicle Purchasing Cooperative**

- Piggyback Options: CalACT / MBTA Bid (Class B-Gasoline)
- Purchase Requires Membership to CalACT and Payment of Procurement Fee
- Delivery Timeline: Approximately 120-days
- Starcraft Allstar Cutaway Bus
- 2012 Ford E450 Cutaway Bus with 6.8L V10 Gasoline Engine
- 12-Ambulatory Passengers + 2-Wheelchair Positions
- Ricon S-2010 Wheelchair Lift with Lift Cover
- Restraints: Q-Straint 8100 Deluxe with Knobs

From the office of Steve Chung
Cell 909.549.9398 / Office 800.326.2877 / Fax 909.465.5529
stevec@creativebussales.com
www.creativebussales.com

- Flooring: Altro Chroma TFCR27MTS Grey w/ Yellow Step Nosing and Yellow Standee Line
- Passenger Seats Covers: #117 Wine D-90 Vinyl
- Driver Seat Cover: Recaro Black Vinyl 77850L
- Exhaust to Exit Street Side of Bus Turned 90 Degrees from Underneath Chassis and Exit 6" From Rear of Bumper of Bus. (Rearmost Window Street Side of Bus to be Solid Pane / Non-Emergency Exit to Meet Title 13 Regulations for Exhaust)
- Exterior Paint Scheme Per Attached Photos: Valspar #829R4072 (Toyland Red)
- Decals Per Attached Photos (No Starcraft Bus or Creative Bus Sales Decals on Buses)
- Pricing:

Quantity:	Description	Price	Ext. Price	ADA
1	Class B (Ford) - Starcraft Allstar	\$51,149.00	\$51,149.00	\$7,500.00
8	<Credit> Seat	-\$85.00	-\$680.00	
Caltrans Features				
1	Recaro SMS Drivers Seat	\$1,191.00	\$1,191.00	
1	Dialight - Exterior LED Lighting (All)	\$750.00	\$750.00	
1	Dialight - Interior LED Lighting (Passengers)	\$400.00	\$400.00	
1	11" First Step Height	\$0.00	\$0.00	
Additional Available Options				
4	Freedman Folding Seat	\$975.00	\$3,900.00	\$3,900.00
2	34" - 36" Freedman Flip Seat	\$795.00	\$1,590.00	\$1,590.00
1	No First Aid Kit	-\$40.00	-\$40.00	
1	Rims to be Powder Coated White	\$0.00	\$0.00	
1	All Buses to be Keyed Alike	\$100.00	\$100.00	
1	No Tool Box for Wheelchair Restraints	-\$40.00	-\$40.00	
1	2 x 750 CCA Batteries In Tray (No Battery Under Hood)	\$150.00	\$150.00	
1	Battery Disconnect Switch with Decal Located in Driver Area	\$0.00	\$0.00	
3	Torso Pads (for total of 4)	\$35.00	\$105.00	\$105.00
1	91G Engine Package from Ford (Hardened Valves and Seats)	\$315.00	\$315.00	
1	Pre-Wire for 4-Camera System (Pull-Wire Only)	\$300.00	\$300.00	
1	Exterior Side View Mirrors- Remote with LED Strip (Not Heated)	-\$25.00	-\$25.00	
1	Solid Pane Window (Rear Most Street Side Only)	\$50.00	\$50.00	
1	Roof Vent	\$495.00	\$495.00	
1	Raised Floor (3-Step Entry / No Step-Up Behind Driver)	\$650.00	\$650.00	\$650.00
2	Additional Mobility Aid Position (w/Tiedowns)	\$795.00	\$1,590.00	\$1,590.00
1	Telma Driveline Brake Retarder	\$6,400.00	\$6,400.00	
1	Removable Diamond Floor Access Plate	\$100.00	\$100.00	
1	Bus Decals (Including Installation Per Attached Photos)	\$600.00	\$600.00	
1	MTS Paint Scheme (Painted at Starcraft Bus)	\$1,900.00	\$1,900.00	
			Total	ADA
			Base Price	\$51,149.00
			Option Total	\$19,801.00
			Document Prep Fee	\$55.00
			Total	\$71,005.00
			Non-Taxable	\$15,335.00
			Taxable Amount	\$55,670.00
			Tax Total	\$4,314.43
			Sub-Total	\$75,319.43
			Procurement Fee 1.5%	\$500.00
			DMV Estimated Fee	\$0.00
			Tire Fee	\$12.25
			Delivery	\$0.00
			Total	\$75,831.68
			Number of Units	30
			Final Total	\$2,274,950.25

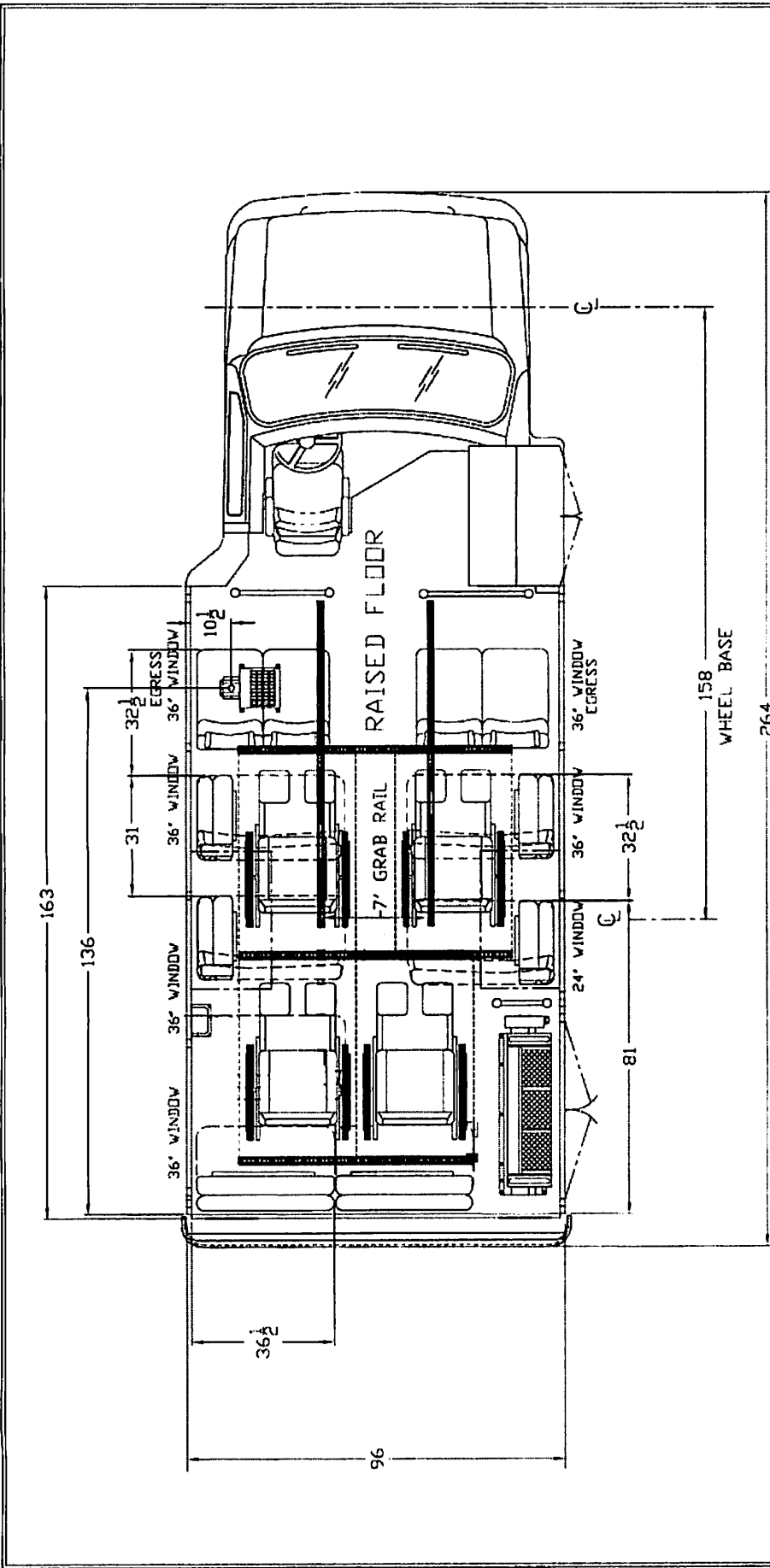
San Diego 788

Delivery and First 100 Miles

7.750%

Included

From the office of Steve Chung
 Cell 909.549.9398 / Office 800.326.2877 / Fax 909.465.5529
 stevec@creativebussales.com
 www.creativebussales.com



ENGINEERING APPROVAL	
ORDER #:	
DRAFTSMAN:	
ENGINEER:	
DATE APPROVED:	

E-450 14,050 GVWR

THIS DRAWING AND THE INFORMATION THEREON ARE THE EXCLUSIVE PROPERTY OF THE STARCRAFT CORPORATION. IT SHALL NOT BE COPIED OR REPRODUCED IN ANY MANNER, NOR SHALL IT BE SUBMITTED TO OUTSIDE PARTIES FOR COMMENT WITHOUT OUR WRITTEN CONSENT. IT IS LOANED FOR USE WITH REFERENCE TO YOUR ORDER. ANY REUSE OF THIS DRAWING OR INFORMATION IS AT THE USER'S RISK. SUBMITTALS TO THE STARCRAFT CORPORATION	REV	DATE	DESCRIPTION OF CHANGE	BY	CHK	DATE	ECN NO.	TOLERANCE UNLESS OTHERWISE SPECIFIED	DATE: 08/15/06	DATE: 08/15/06	DATE: 08/15/06	DATE: 08/15/06
	1							± 1/8"	± 1/16"	± 1/8"	± 1/16"	± 1/8"
	2							± 1/8"	± 1/16"	± 1/8"	± 1/16"	± 1/8"
	3							± 1/8"	± 1/16"	± 1/8"	± 1/16"	± 1/8"
STARCRAFT AUTOMOTIVE INC. TRANSIT BUS DIVISION TITLE 10/2 W/C PASS. 158' WB FORD SCALE DWG NO. 82418 SHEET 1 OF 1										E-450 14,050 GVWR		

Starcraft - Type B Ford	
Qty	Description
1	Chassis, Ford 6.8 Gas 158in 14,500 (2010) 225 Amp Alt.
1	12 + 2 w/c Body
1	Extended Warranty
1	Tire Valve Extension
1	Spare Tire - Ship Loose
1	Help Bumper w/Hawkeye (Anti Ride)
1	Driveshaft Guard - Additional
1	As-Built Wiring Diagram
1	Wiring Diagram Installed on Circuit Breaker Cover
1	Electrical Wiring Function and Color Coded (Packard Connectors)
1	Gateway - ILIS
1	LED - Passenger Entry Door Light
1	LED - Front Marker Lights
1	LED - Rear Marker Lights
1	LED - Rear Center Brake Light
1	OEM Daytime Running Lights
1	LED - Mid-Ship Turn / Marker Lights
1	LED - Backup Lights
1	Independent Brake and Turn Signals
1	Rear Turn Signals - Amber
1	Door Activated Interior Lights
2	LED Steplight
1	Maximum Capacity 2nd Battery (750cca ?)
1	Battery Disconnect - Body Only
1	Stainless Steel Slides on Battery Tray
1	Battery Box and Tray
1	Stainless Steel Battery Box
1	Locking Latch on Battery Tray Door
1	Battery Cable Diagram on Battery Door
1	Battery Disconnect - Decal
3	Three Total Added Grounds
1	Back-Up Alarm
1	Frame Corrosion Protection
1	One-Piece Roof
1	Stainless Steel Exterior Screws and Exterior Fasteners
12	Docket 90 Vinyl Seat Material (Seats Fully Enclosed)
12	Fully Enclosed Seats - Flameblocker
12	USR Seatbelt
2	24" Seat Belt Extenders
12	Seat Grab Handle
6	US Armrest
6	Mid-High Back Freedman Double Seat
0	Mid-High Back Freedman Single Seat
1	Freedman Sport Drivers Seat
1	D-90 For Drivers Seat
1	5/8" Exterior Grade Plywood Flooring (Sealed Edges)
1	Altro Meta Flooring - Gray
1	Altro Standee Line - Yellow
1	Standee Line Decal
1	FRP on Ceiling

1	FRP on Rear Wall
1	Altro Coved Flooring
2	Altro Stepnosing - Yellow
1	Electric Entry Door
1	Exterior Entry Door Key Lock
1	Accessible Service Door - For Door Mechanism
1	Driver Running Board
1	Driver Entry Assist Rail
1	Dual Entry Door Grabrails
2	Overhead Handrails
1	Driver Modesty Panel (Formica)
1	Smoked Plexiglass Upper Driver Modesty Panel
1	Fixed Rear Streetside Window
1	LED Emergency Exit Lights
2	Emergency Exit Decals
1	Insulated (Astro-Foil) Front Cap
1	Full Undercoating - Included Cab Area
1	Steel Wheelwells
1	Front Mudflaps
1	TA 733 Rear A/C (Dual Compressors) - MUST BE ALL OEM COMPONENTS
1	50,000 BTU Rear Heater
2	Heater Brass Turn Valves
1	Silicone Heater Hoses
1	Shut-Off Valves - Decal
1	Braun Millenium or Ricon S-5005 Wheelchair Lift
1	Dual Lift Entry Doors - 68" Minimum w/Windows - Gas Shock Hold-Opens
1	Special Lift Doors Construction to Meet Spec
1	LED - Lift Curbside Lighting
1	(PCOM) Park Crank Module
2	Q'Straint QRT 8300 Max (L Track)
8	Webbing Loop
1	Wheelchair Restraint - Plastic Storage Box
1	Web Cutter
1	Torso Pad - Solo
1	Recessed Front Cap w/Storage - Locking Door
1	5lb Fire Extinguisher
1	Emergency Triangle Kit
1	16 Unit First Aid Kit
1	B & R 6" x 9" Passenger View Mirror
1	B & R or Hadley Exterior Electric Mirrors w/Turn Signal
2	Minimum of 8 Interior Incandescent Lights
1	Streetside Exhaust w/Turn Down
1	Two-Way Radio Prep w/Pull Wire & Access Panel, Ground Plane
1	Brake Max or Duratans Overdrive Controller
1	Blood Borne Pathogen Kit
1	Driver Coat Hook - Chrome
1	Manual, CD Cust Part-Elec-Vid w/Driver Manual
1	DVD, QRT Training
1	Chassis, No Tow
1	Spring, Additional Leaf - Lift Side
1	Lift Pad Kit
1	ADA Decals
1	No Paint

► The Allstar Series

STARCRAFT BUS
a division of Forest River, Inc.

► The Allstar Series

STARCRAFT BUS
a division of Forest River, Inc.

► Standard Exterior Feature Highlights

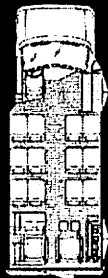
- Fully welded steel cage construction meeting all applicable FMVSS requirements
- "StarView" drivers visibility window in front of entry door
- Electric actuated passenger entry door with full length glass
- 36" wide x 36" high upper double 1-Slider tempered safety glass windows with climate control tint
- Black powder coated steel rear bumper
- Rear mud flaps
- Pre-painted white aluminum side, rear walls, skirts
- One-piece seamless FRP (fiber/glass reinforced plastic) roof
- Breakaway rearview mirrors with built-in convex
- Sealed LED stop, tail, and turn signal lights with incandescent reverse lights
- Exterior graphics package available in three colors (blue, green or burgundy).

► Standard Interior Feature Highlights

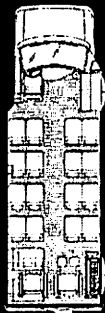
- 93" interior width
- 80" interior floor to ceiling height with standard floor (raised floor is 75")
- Floor and wall seal track for flexible seating
- Black ribbed rubber aisle with gray carpet under the seats
- 5/8" exterior grade plywood flooring
- Ceiling and rear wall fabric for sound abatement
- FRP (fiber/glass reinforced plastic) sidewalls for ease of cleaning
- White step nosing
- 1.25" left hand vertical passenger assist rail at entry door
- Painted circuit board with automotive type fuses and LED trouble shooting lights
- Entry door step well lights
- Incandescent driver and passenger area lighting

► Popular Option Highlights

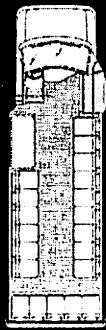
- Stainless steel wheel inserts
- Interior and exterior LED lighting
- Luggage Storage areas (overhead luggage racks with reading lights, interior luggage racks, rear storage area)
- Rear emergency door with window(s)
- Passenger area rear heat and air conditioning
- Complete rubber flooring
- Passenger grab rails
- Padded vinyl or cloth walls and ceiling
- Audio and video systems
- Mid back or high back seating
- ADA and FMVSS compliant wheel chair lifts and securement systems
- Fiberglass side walls, skirts, and rear cap
- Seat belts



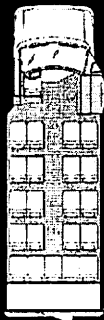
12 Passenger 2 Wheelchair
4 Passenger Foldaway Seats Plus Driver



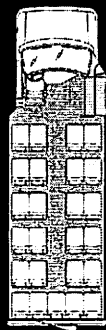
16 Passenger 2 Wheelchair
4 Passenger Foldaway Seats Plus Driver



20 Passenger with Interior Luggage Plus Driver



21 Passenger with Rear Luggage Plus Driver

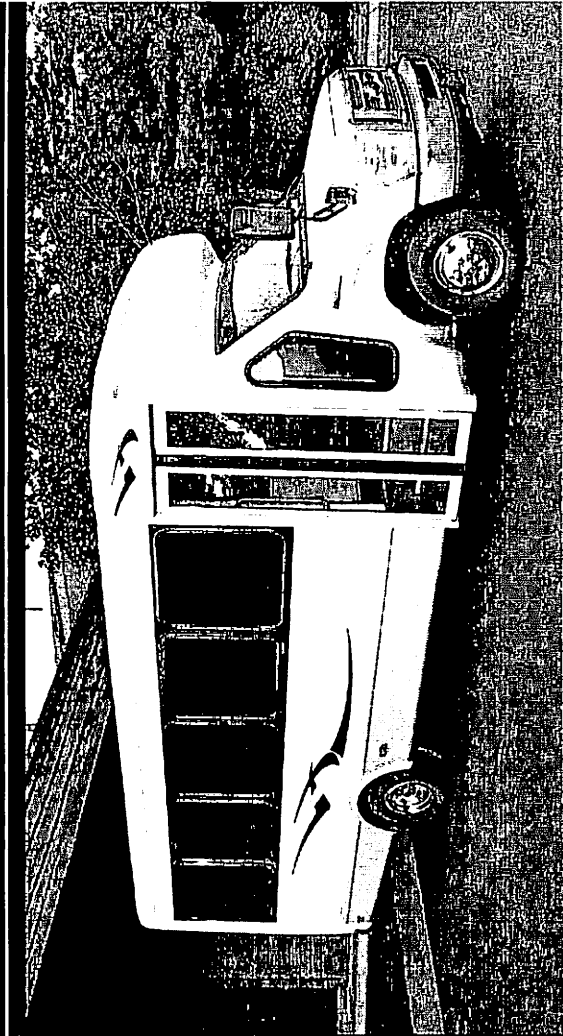


25 Passenger Plus Driver

Due to our commitment to product quality, specific colors and options are subject to change without notice in the interest of product improvement and market changes.



Allison Tested • 7 Year/200,000 Miles



STARCRAFT BUS
a division of Forest River, Inc.

2367 Century Drive • Goshen, IN 46528 • Lit. No. SCB-09/093010
1-800-348-7440 • Fax: 574-642-3301 • www.starcraftbus.com

► Safety. Performance. Durability.

► The Allstar Series | Safety. Performance. Durability.

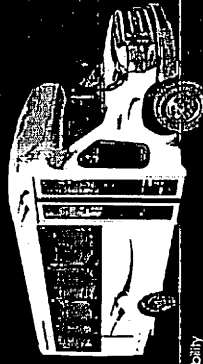
STARCRAFT BUS
a division of Forest River, Inc.

► **Safety** is our primary focus at Starcraft Bus. From the 3,000 lbs. seat-pull test to the rigorous 7-year/200,000 mile Altoona testing, passengers can be assured that the Allstar surpasses the most stringent testing. Bus operators can relax knowing that the fully welded steel cage construction offers the best passenger protection.

Performance is not measured by how fast the bus will go, but rather by passenger comfort. The Allstar features straight side wall construction that maximizes passenger shoulder space and the widest aisle in the industry.

Durability does not come easily or quickly. The Allstar has been time tested for close to a decade. The 22,000-plus Starcraft buses on North America's roads offer a billion reasons why the Allstar has become a favorite, and those reasons are called miles. The Allstar is engineered to accommodate a variety of seating arrangements including wheelchair accessibility and various storage options for luggage.

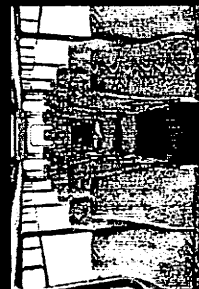
Starcraft Bus, a division of Forest River, Inc., is owned by Berkshire Hathaway, one of the most respected and secure companies in the industry. We continue to be the leader by providing value-packed performance, durability and safe transportation.



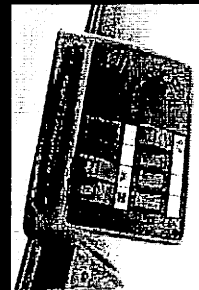
Allstar can also be equipped with optional rear wheelchair accessibility.



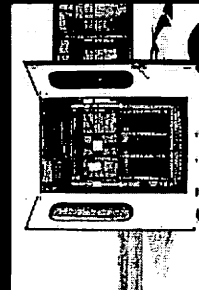
► Allstar Features | Features to Meet Your Specific Needs



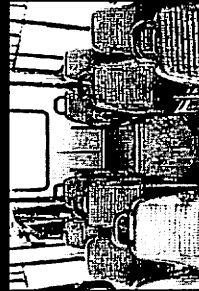
Optional high-back seats, upholstery, padded cloth wall and ceiling, and overhead luggage racks.



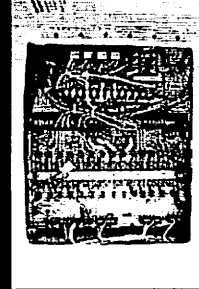
Driver's switch panel conveniently located within view of the road and not on the engine cover.



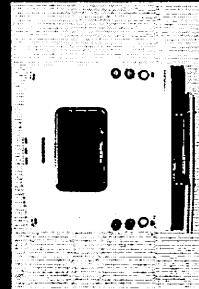
Optional double wheelchair door with top-mounted gas shocks to help door open in windy conditions.



Optional mid-back seats, padded vinyl walls, one ceiling, and wheelchair accessible.

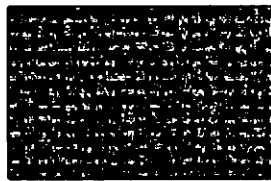


Printed electrical circuit board with LED trouble-shooting lights.

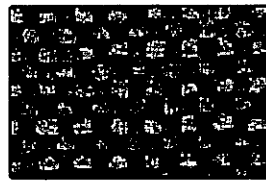


Optional fiberglass rear cap.

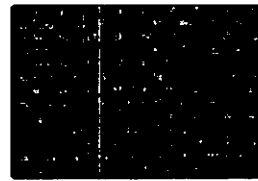
Fabrics (Standard)



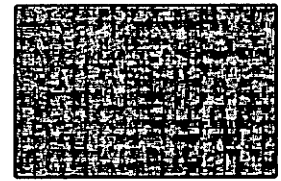
Royal Blue
78205



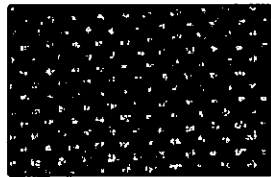
Brown
78267



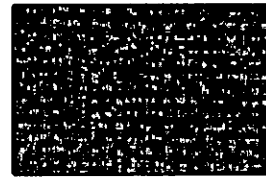
Black
78207



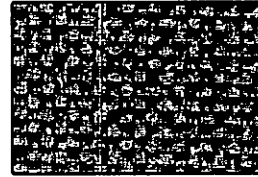
Taupe
78200



Navy Blue
78206



Grey
78203



Red
78201

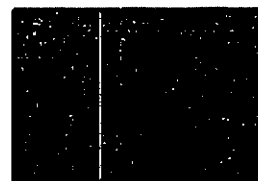
Vinyl (Standard)



Royal Blue
77851L



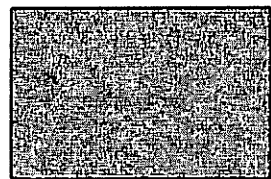
Brown
77864L



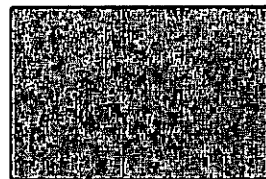
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77850L



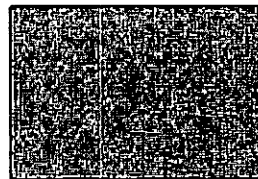
Navy Blue
78065L



Light Grey
78060L



Dark Grey
78584L

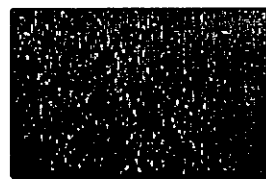


Red
78016L

Leather (Standard)



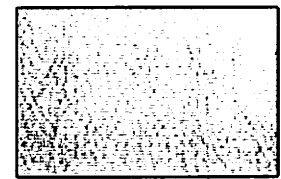
Black
78072



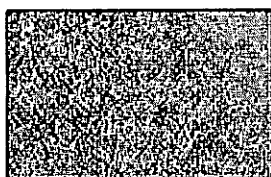
Dark Blue
78230



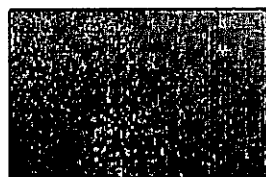
Dark Brown
7213876



Beige
78222



Light Grey
78431



Red
78411



Dark Grey
78146



Burgundy
78189



August 3, 2011

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

Re: Cooperative Letter of Assignment

Dear Mr. Reed:

The CalACT-MBTA Vehicle Purchasing Cooperative is pleased to assign thirty-five options, for thirty-five Class B, Starcraft Allstar cutaways to be purchased from Creative Bus Sales from RFP #09-02.

Please be advised that assignment of said vehicles does not constitute a recommendation or endorsement of this product by the Cooperative. San Diego MTS as the purchaser is responsible for its choice of vehicle product and options selected. **San Diego MTS is responsible for vehicle inspection, acceptance and enforcement of any contract provisions.**

Purchasers of hybrid and low floor vehicles in particular are advised that these vehicles be considered by the Cooperative as developmental in nature. Purchasing agencies are urged to exercise due diligence in evaluating the suitability of these vehicles for their operating environment. In particular, the Cooperative urges you to read and understand the Altoona test report for the vehicle you are purchasing. Copies of the solicitation documents containing contract provisions are available at www.CalACT.org

By accepting assignment, San Diego MTS agrees to hold harmless, indemnify and defend the Cooperative as per Section 6.0 (6) of RFP #09-02 from any and all liabilities. Thank you so much for purchasing your vehicles through the Cooperative. If you have any questions please call me at 916-920-8018.

Sincerely,

Jacklyn Montgomery

Jacklyn Montgomery
Executive Director

Cc: Steve Chung, Creative Bus Sales
Daniel McCaslin, San Diego MTS
J. Byrne, San Diego MTS
I. Tilman, San Diego MTS



Att. D, AI 12, 8/18/11

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

MEMORANDUM

DATE: August 18, 2011
TO: Procurement File
FROM: Sean Reed
SUBJECT: PRICE ANALYSIS CLASS B MINIBUSES MTS DOC. NO. B0565.0-12

BACKGROUND

In July of 2011, MTS Transit Operations requested a purchase of thirty (30) Class B Cutaway Buses with the option to purchase up to an additional five (5) units. On November 20, 2009, the California Department of Transportation (Caltrans), Division of Mass Transportation MS 39, reviewed the CalACT Vehicle Purchasing Cooperative (CalACT) Request for Proposals (RFP) No. 09-02 for the procurement of accessible paratransit vehicles and approved the bid solicitation and subsequent bid award. This review consisted of CalACT's contract compliance with federal statutes and regulations applicable to third-party contracting. Specific areas in which Caltrans reviewed were CalACT's procurement activities, to include, adherence to 49 CFR Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, and the Federal Transportation Administration (FTA) Circular 4220.1F Chapter V, Part 4 - Third Party Contracting Requirements. From this review, Caltrans determined that the above procurement documents met all of the required federal guidelines.

PRICE ANALYSIS

This price analysis is submitted in accordance with the requirements outlined in the FTA Circular 4220.1F, Chapter VI, paragraph 6, b., and the Best Practices Procurement Manual (BPPM) Section 5.2. The purpose of this analysis is to determine the reasonableness of the proposed contract pricing and if the pricing offered via the CalACT is fair and reasonable and represents the best value to MTS. The following factors will be analyzed:

- Price comparison of other Class B buses offered via the CalACT Vehicle Purchasing Cooperative.
- Pricing comparison of similar type Class B buses previously purchased by MTS.

The BPPM considers "Established catalog prices" as an acceptable form of price analysis. The CalACT price schedule, effective 1/15/10, lists the StarCraft model cutaway bus, Class B (Ford E450) as the lowest bid price compared to other manufactured vehicles in the same category (see attached CalACT-



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.

MBTA Vehicle Purchasing Cooperative effective 1/15/10, Cutaway Buses). The current final quoted price per unit, inclusive of additional options not provided on previous purchases, procurement fees and taxes is \$75,831.68.

MTS purchased 17 StarCraft buses from CBS in 2010 via the CalACT catalog, which was awarded in September of 2010 at a total unit price (before tax and procurement fee) of \$70,602.25. The bid submitted by CBS dated July 18, 2011 identified a per-bus price of \$70,552.25 (before tax, procurement fee, and \$465/unit in additional options).

In order to better determine the cost of the buses ordered in 2010 versus the cost of the buses to be ordered in 2011, the fixed pricing offered via the CalACT pricing will be adjusted utilizing the Producer Price Index (PPI), Commodity Code 1413, Truck and Bus Bodies. The pricing on the CalACT pricing was established in January of 2010, with a fixed price subject to a maximum 4% base price escalation after the second year of the contract (2012). Therefore, the PPI from January 2010 will be used as the baseline for comparison purposes to the latest figures available (June 2010). The following analysis is provided:

Formula:

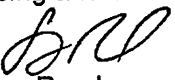
• <u>Index Point Change</u>	
PPI: June 2011	219.7
Less PPI: Base Award JAN 2010	<u>216.5</u>
Point Change:	3.2
• <u>Index Percentage Change</u>	
Index Point Change	3.2
/ PPI JAN 2010	<u>216.5</u>
Equals	.0148
	<u>X 100</u>
Equals Percent Change	1.48%

Creative Bus Sales JAN 2010 Price	\$70,602.25 per bus
Plus Percentage Change (1.48% x \$70,602.25)	<u>\$1,044.91</u>
Revised Price:	\$71,647.16

The revised (CalACT) pricing represents the cost for the same bus as if it were ordered today using PPI adjustment. The pricing offered via the CalACT Vehicle Purchasing Cooperative (\$70,552.25) when compared to the previous MTS purchase price for the same StarCraft bus, adjusted for PPI, (\$71,647.16) is \$1,094.91 less expensive today than the previous order.

RECOMMENDATION

Based on the above information, the pricing offered from Creative Bus Sales via the CalACT Vehicle Purchasing Cooperative is determined to be fair and reasonable. It is recommended that the Board award a contract to Creative Bus Sales for up to 30 Class B buses with a unit price of \$75,831.68 inclusive of all applicable fees and taxes, with authorization for the Chief Executive Officer to exercise options for an additional 5 units no later than December 31, 2011 in order to maintain current pricing. Pricing and other factors considered, Creative Bus Sales' bid represents the best value to MTS.


Sean Reed
Contract Officer

CalACT-MBTA Vehicle Purchasing Cooperative effective 1/15/10**Cutaway Buses**

Standard Equipment includes

Hawkeye reverse assistance, Intermotive fast idle, wheelchair interlocks, PCOM module and overdrive controllers, Freedman Passenger seating inc. Docket 90 level upholstery, Altro flooring, Surelok or Q-Straint (your choice), A&M electric doors, BRS Hadley Power mirrors, Braun or Ricon Lifts (your choice), LED marker lighting

Manufacturer Dealer	Champion Creative	Eldorado Creative	ElkhartAZ AZ-Bus	ElkhartBW BusWest*	Glaval AZ-Bus	Goshen Creative	StarCraft Creative	Startrans Creative
Class A (Ford E350) 8 min psgr, 138" wb	52655	51880	50699	49350	55714	48050	48766	48290
Class A-GM (GM 3500) 8 min psgr, 139" wb	55953	54160	N/A	N/A	58423	51012	N/A	51109
Class B (Ford E450) 12 min psgr, 158" wb	56063	55850	55286	53750	59415	52116	51149	52545
Class B-GM (GM 4500) 12 min psgr, 159" wb	58875	57860	N/A	N/A	61709	54519	53705	55101
Class B-CNG* 12 min psgr, 158" wb	89905	86615	N/A	84950	85406	82881	81914	83310
Class B-Hybrid 12 min psgr, 158" wb	114688	108491	N/A	N/A	109929	104725	N/A	106747
Class C (Ford E450) 16 psgr (rear lift), 176-190" wb	58799	57635	58037	55975	62248	54999	53687	54995
Class C -CNG* 16 psgr (rear lift), 176-190" wb	91888	88400	N/A	87500	87789	85764	84452	85760

Elkhart and Glaval CNG buses are due Altoona testing before acceptance of first federally funded vehicle

***NOTE-Buswest offers \$1,000 parts discount and extended warranty on Elkhart Brand coaches**

Options Prices	Champion Creative	Eldorado Creative	ElkhartAZ AZ-Bus	ElkhartBW BusWest	Glaval AZ-Bus	Goshen Creative	StarCraft Creative	Startrans Creative
Freedman Folding Seat	975	975	1060	925	980	975	975	975
34"-36" Freedman Flip Seat	795	795	775	645	639	795	795	795
17"-18" Freedman Flip Seat	340	340	446	425	401	340	340	340
Child Seat	880	880	806	625	806	880	880	880

	Champion	Eldorado	ElkhartAZ	ElkhartBW	Glaval	Goshen	StarCraft	Startrans
Roof Vents	495	495	270	475	270	495	495	495
Additional Mobility Aid positions (w/tie downs)	795	795	565	695	565	795	795	795
HELP Front bumper	985	985	895	975	895	985	985	985
Credit for seat delete	-85	-85	-160	-125	-180	-85	-85	-85
Locking rear door w/alarm	764	764	385	575	665	764	764	764
Removable diamond floor access plate	100	100	65	225	110	100	100	100
Locking fuel door	125	125	75	125	75	125	125	125
Armored Marker lights and side turn signal	0	0	0	225	0	0	0	0
RECARO SHS Drivers Seat	1191	1191	1050	945	1050	1191	1191	1191
USSC 9500 Drivers Seat	967	967	875	690	1242	967	967	967
Telma Driveline Brake Retarder	6400	6400	7250	6945	7150	6400	6400	6400
Raised Floor	650	650	440	750	440	650	650	650
Mor-RYD Suspension'	989	989	875	735	760	989	989	989
Engine Credit for Ford 5.4 Liter	-918	-918	-800	-450	-800	-918	-918	-918
Upgraded A/ C System (75,000 BTU min)	1400	1400	2350	1350	1601	1400	1400	1400
Amerex Fire Suppression	5000	5000	5295	4125	5295	5000	5000	5000
Electric Roller Curtain Sign	1100	1100	1750	795	1750	1100	1100	1100
REI Buswatch DVR System (4 Camera)	3500	3500	2748	3575	2748	3500	3500	3500
Stop Request System (w/ sign)	995	995	575	775	475	995	995	995
Diesel Option-Largest Available (GM only)	12500	12500	NA	NA	10490	12500	12500	12500
Maxon Wheelchair Lift	0	0	825	0	475	0	0	0
Pentex 200 Amp Alternator	1200	1200	975	1150	925	1200	1200	1200
RoadSpeed Limiter	975	975	665	875	665	975	975	975
Sportworks bike rack	1600	1600	1650	1950	1650	1600	1600	1600
Automatic Stop/Start System	997	997	725	975	725	997	997	997
High Quality AM/FM CD Radio, 4-speaker inst.	750	750	225	275	0	750	750	750
Kidde Automatic Fire Supression w/Methane	5000	5000	4491	4125	4491	5000	5000	5000
Cruise Control	-150	-150	0	0	0	-150	-150	-150
Apollo 250 GB DVR w/ GPS (4 camera)	6950	6950	4600	6575	4600	6950	6950	6950