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Agenda

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

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 two 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 - October 18, 2012, and November 1, 2012 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.
4. Appointment of Ad Hoc Nominating Committee for Recommending Appointments to MTS Committees for 2013 (Sharon Cooney) Appoint
Action would appoint less than a quorum of members to an Ad Hoc Nominating Committee (pursuant to MTS Board Policy No. 22 - Rules of Procedure for the Metropolitan Transit System) to make recommendations to the Board with respect to the appointment of members of the Board to serve on MTS and non-MTS committees for 2013.

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.

CONSENT ITEMS

- | | | |
|-----|---|--------------------|
| 6. | <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 October 16, 2012</u> Action would: (1) receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Pacific Imperial Railroad, Inc. (PIR) quarterly reports for information; and (2) ratify actions taken by the SD&AE Board at its quarterly meeting on October 16, 2012. | Receive/ Ratify |
| 7. | <u>Investment Report - September 2012</u> Action would receive a report for information. | Receive |
| 8. | <u>Unallocated Transportation Development Act Funds for Transit-Related Projects</u> Action would approve the use of \$125,128.59 in unallocated Transportation Development Act (TDA) funds currently held by the County of San Diego for transit-related expenses for the City of El Cajon. | Approve |
| 9. | <u>Adoption of the 2013 MTS Executive Committee and Board of Directors Meeting Schedule</u> Action would adopt the 2013 Executive Committee and Board of Directors meeting schedule. | Adopt |
| 10. | <u>Purchase and Installation of AT&T's CISCO Core and IDF Network Equipment</u> Action would authorize the CEO to purchase American Telephone and Telegraph (AT&T) equipment and professional installation services to replace MTS network infrastructure hardware. | Approve |
| 11. | <u>Increased Authorization for Legal Services - Liebman, Quigley, Sheppard & Soulema, APLC</u> Action would authorize the CEO to execute MTS Doc. No. G1425.1-25 with Liebman, Quigley, Sheppard & Soulema, APLC for legal services throughout the remainder of FY 2013. | Approve |
| 12. | <u>Federal Transit Administration 5317 Grant Applications</u> Action would approve Resolution No. 12-16 authorizing the CEO to submit applications for federal fiscal year 2012 New Freedom funding. | Approve |
| 13. | <u>San Diego Regional Communications System Participating Agency Agreement - Contract Amendment</u> Action would: (1) authorize additional funding of \$45,951 to cover MTS's share of the Regional Communications System (RCS) Participating Agency Agreement (MTS Doc. No. G0763.2-02) for radio-repeater services through March 31, 2013; and (2) authorize the CEO to execute MTS Doc. No. G0763.3-02 to the RCS Participating Agency Agreement extending the radio-repeater service term from April 1, 2013, to March 31, 2016. | Approve |

CONSENT ITEMS - Continued

14. AT&T CALNET II Telecommunications Contract Approve
Action would authorize the CEO to purchase telecommunications services, including leased-line telecommunications services, for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) using the State of California's CALNET II Master Services Agreement (MSA) for modules MSA-1 (voice data and video services) and MSA-2 (long-distance services) with American Telephone and Telegraph (AT&T) for the entire term of the contract and any contract extensions currently calculated at 15 months.
15. Job Order Contract Approval for Wright Street Yard Security Enhancement - Contract Award Approve
Action would authorize the CEO to execute Work Order No. MTSJOC 1337-18 with Southland Electric Inc. (MTS Doc. No. PWL132.0-11) for the Wright Street Yard Security Enhancement Project.
16. Simmons/Hegenscheidt U2000-50 Under-Floor Wheel-Truing Lathe - Sole-Source Procurement Approve
Action would authorize the CEO to execute MTS Doc. No. L1120.0-13 as a sole-source procurement with Simmons/Hegenscheidt Machine Tool Corporation for the procurement of a U2000-50 Under-Floor Wheel-Truing Lathe with associated spare-parts packages, installation, commissioning, and training.
17. Wheel-Truing Machine Pit - Funds Transfer Approve
Action would: (1) approve Addendum 17 Project Scope of Work, which is a Memorandum of Understanding (MOU) with the San Diego Association of Governments (SANDAG) to provide funding from MTS's Capital Improvement Project (CIP) 11309 and for SANDAG's use for bidding, constructing, and commissioning the new equipment; and (2) forward a request to SANDAG to prepare accounts for engineering, administration, and construction-management costs for charging against CIP 11309.
18. Mendoza, Argentina LRV Purchase – Contract Amendment Approve
Action would authorize the CEO to negotiate and execute a contract amendment with the Government of Mendoza, Argentina (Mendoza) including the exercise of Mendoza's option to purchase spare parts, the transfer of 5 nonoperable U-2 light rail vehicles to Mendoza, and the loaning of up to 2 light rail vehicle (LRV) Maintenance employees to Mendoza for training and support purposes for a 12-month period.

CONSENT ITEMS - Continued

19. Security CCTV System Projects - Fund Transfers Approve
Action would: (1) approve Addendum 17 Project Scope of Work, which is a Memorandum of Understanding (MOU) with the San Diego Association of Governments (SANDAG), for transferring funds from MTS's Capital Improvement Project (CIP) 11324 (CCTV System Upgrade) to SANDAG CIP 1210070 (System Station Platforms). The funds would be used for providing and installing new CCTV cameras on the Orange Line and Downtown Stations using a SANDAG Job Order Contractor. The cameras would be added to the existing equipment as a result of the reconfiguration of the new platforms; (2) forward a request to SANDAG to prepare accounts for contractor billings to MTS CIP 11324 for the installation of the new cameras; (3) approve Addendum 17 Project Scope of Work, which is an MOU for transferring funds from MTS's CIP 11325 (SDSU Monitoring System) to SANDAG CIP 1210070 (System Station Platforms). The funds would be used for providing and installing new cameras in the San Diego State University (SDSU) Trolley Station tunnels using a SANDAG Job Order Contractor; and (4) forward a request to SANDAG to prepare accounts for contractor billings to MTS CIP 11325 for installation of the new cameras.
20. An Ordinance Amending Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II and an Ordinance Amending Ordinance No. 11, an Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance Adopt
Action would: (1) read the title of Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II and Ordinance No. 11, An Ordinance Providing for the Licensing and the Regulating of Transportation Services Within the City By the Adoption of a Uniform Paratransit Ordinance; (2) waive further readings of the ordinance; (3) adopt the proposed ordinance amendments; and (4) direct publication of an ordinance summary.
21. LiveScan Authorization Approve
Action would approve Resolution No. 12-18 authorizing staff to execute a request to the California Department of Justice for San Diego Trolley, Inc. to become a contributing agency for LiveScan fingerprinting.

CLOSED SESSION

24. a. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): Michael Daniels v. MTS (SDSC Case Nos. 0305425 and 0279536) Possible Action
- b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code Section 54957.6; Agency-Designated Representative - Jeff Stumbo; Employee Organization - International Brotherhood of Electrical Workers, Local 465 Possible Action

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. FY 2013 Capital Improvement Plan Amendment (Mike Thompson) Approve
Action would approve the amended FY 2013 Capital Improvement Program.
31. Management Pension Formula (Sharon Cooney) Adopt
Action would adopt Resolution No. 12-17 establishing a new MTS employee pension formula.

REPORT ITEMS

45. Annual Service Performance-Monitoring Report (Devin Braun) Receive
Action would receive a report for information.
46. Annual Rail Operations Report (Wayne Terry) Receive
Action would receive a report for information.
47. Annual Bus Operations Report (Claire Spielberg) Receive
Action would receive a report for information.
48. Semiannual Security Report (January through June 2012) (Bill Burke) Receive
Action would receive a report for information.
49. East County Bus Maintenance Facility Project Update (Claire Spielberg) Receive
Action would receive a report for information on the East County Bus Maintenance Facility.
50. Operations Budget Status Report for September 2012 (Mike Thompson) Receive
Action would receive the MTS operations budget status report for September 2012.
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: December 13, 2012
66. Adjournment

MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS)

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

October 18, 2012

DRAFT MINUTES

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:06 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Cunningham moved to approve the minutes of the September 20, 2012, MTS Board of Directors meeting. Mr. Alvarez seconded the motion, and the vote was 10 to 0 in favor with Messes. Emerald and England and Messrs. Ovrom, Roberts, and Young absent.

3. Public Comments

John Wood – Mr. Wood commented that a friend was leaving College Grove and missed the bus by 1 minute and then missed the appointment.

Lyn Gwizdak – Ms. Gwizdak is requesting the drivers enforce the policy that disabled seating is vacated when a disabled rider boards the bus and needs to sit down.

Lisa Irving – Ms. Irving is representing the California Organization of the Blind and stated that removing a seat from all buses will likely help in accommodating disabled passengers.

Abdulhamid Somo – Mr. Somo stated that he has been driving a taxi since 1994, in the city of San Diego, and used to be with the Yellow Cab Company. He is now an independent driver and is not sure why air-conditioning is not required in the taxis.

Lorraine Leighton – Ms. Leighton stated that bus 3413 was leaking water during the rain last week, and stated that the new buses are not registered with the California Department of Motor Vehicles.

CONSENT ITEMS:

6. State Lobbying Services Contract - Exercise Contract Option Year Two

Action would: (1) ratify MTS Doc. No. G1204.1-09 with Smith Watts & Company LLC for continued state lobbying services; and (2) authorize the CEO to execute MTS Doc. No. G1204.2-09 with Smith Watts & Company LLC to exercise option year two for state lobbying services.

7. Compass Card Risk Follow-up - Audit Report

Action would receive an internal audit report on Compass Card risk follow-up for information.

8. LRV Warranty Operations - Audit Report

Action would receive an internal audit consultative report on light rail vehicle (LRV) warranty operations.

9. Follow-up Audit Reports - Status Updates

Action would receive internal audit reports as a status update on follow-up reviews.

10. Vehicle Advertising Services

Action would authorize the CEO to execute MTS Doc. No. G1140.2-08 with Michael-Allen & Associates for vehicle advertising services.

11. Hazardous Materials Disposal Services - Contract Award

Action would authorize the CEO to execute MTS Doc. No. G1474.0-12 with Environmental Logistics, Inc. for a five-year period to provide hazardous materials disposal services to San Diego Transit Corporation (SDTC) and San Diego Trolley, Inc. (SDTI).

12. Reallocated Transportation Development Act Funds for the La Mesa Village Trolley Access Improvements Project

Action would approve the use of Transportation Development Act (TDA) Article 4 funds currently held by the City of La Mesa for MTS's La Mesa Village Trolley Access Improvements Project.

13. Increased Authorization for Legal Services - Law Offices of Michael Ripley

Action would authorize the CEO to execute MTS Doc. No. G1428.1-12 with the Law Offices of Michael Ripley for current and future legal expenses throughout the remainder of FY 2013.

14. Federal Transit Administration 5316 Grant Applications

Action would adopt Resolution No. 12-14 authorizing the CEO to submit applications for federal fiscal year 2012 Job Access and Reverse Commute (JARC) funding.

15. Transmissions and In-Frame Engine Overhaul Services – Contract Award

Action would authorize the CEO to: (1) execute MTS Doc. No. B0592.0-13 with Harbor Diesel and Equipment, Inc. for the provision of transmission and in-frame engine overhaul services for Group II-Transmission Rebuilds for a three-year base period with 2 one-year options; and (2) exercise each option year at his discretion.

16. Federal Legislative Representation

Action would: (1) ratify the Chief Executive Officer's (CEO) approval of Amendment No. 4 to Task Order 5 of the San Diego Association of Governments' (SANDAG's) contract with Blank Rome Government Relations, LLP (MTS Doc. No. G0980.5-06/ Ref. SANDAG Contract No. 5000276), which assigned the remainder of the contract to Peyser Associates, LLC; and (2) authorize the CEO to execute Task Order 6 and Amendment No. 5 of the tri-agency contract with Peyser Associates, LLC effective November 1, 2012.

17. MTS Job Order Contract Work Order for Track Way Pavement Replacement on C Street

Action would authorize the CEO to execute Work Order No. MTSJOC1582-07 with Herzog Contracting (MTS Doc No.PWL134.0-12) to remove the existing asphalt paving and install new rubber rail interfacing boot along C Street.

18. Adoption of Amended 2012 Conflict of Interest Code

Action would: (1) adopt Resolution No. 12-15 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act (PRA) of 1974; (2) adopt the amended 2012 MTS Conflict of Interest Code; and (3) forward the amended 2012 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

Action on Recommended Consent Items

Mr. Ewin moved to approve Consent Agenda Item Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18. Mr. McClellan seconded the motion, and the vote was 13 to 0 in favor with Mr. Ovrom and Mr. Roberts absent.

CLOSED SESSION:

24. Closed Session Items

The Board convened to Closed Session at 9:23 a.m.

- a. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION PURSUANT to California Government Code Section 54956.9(a):
Norma Calloway v. MTS (SDSC Case Nos. 0414096, 0212699, and 10289196)

The Board reconvened to Open Session at 9:29 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board approved a global compromise and release settlement in the amount of \$ 93,000 with the vote of 13 to 0 with Mr. Ovrom and Mr. Roberts absent.

NOTICED PUBLIC HEARINGS:

25. None.

DISCUSSION ITEMS:

30. An Ordinance Amending Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II, and An Ordinance Amending Ordinance No. 11, An Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance

Sharon Cooney presented proposed changes to MTS Ordinance No. 11 and No. 5 and explained that MTS is the contract holder for the administration and regulation of taxicabs. She explained that amendments to Ordinance No. 11 include the clarification of permit application requirements; additional permit holder and driver reporting requirements; prohibits smoking in taxicabs; prohibits use of cellular phones by drivers when passengers are in the vehicle; requires permit holders to supply credit card machines; establish taxicab and jitney loading zones; provides that for-hire vehicle driver or permit holder convicted of certain crimes will not be issued or renewed; and authorizes inspections by MTS Taxicab Administration for compliance with applicable CPUC. She explained that Ordinance No. 5 amendments are needed to enforce the recommendations proposed in Ordinance No. 11.

There was discussion between the Board members regarding adding requirements for permit holders to supply MTS with copies of leases and what impact that requirement would have on staff time and MTS's legal capacity for enforcement.

Ms. Cooney stated that in December staff will provide a historical review of MTS taxicab regulations to prepare for negotiations with the cities. Mr. Ewin requested staff present him with materials in advance of the December Board meeting.

Public Comments

Oliver James – Mr. James stated that he surveyed over 100 taxicab drivers and created the fact sheet presented (handout attached). Highlights of his survey bring light to the fact that most taxicab drivers work an average of seven days per week, and that after calculating expenses, the pay on the low end of the scale equates to earning \$4.23 per hour. He stated that roughly 72% of the vehicles used as taxicabs have over 200,000 miles.

Mikail Hussein – Mr. Hussein is representing the United Taxi Workers of San Diego (UTWSD) and tried to make the MTS Board more aware of the driver issues and would like to bring more knowledge about the industry so that the Board can make educated decisions about taxi matters.

Brian Giardina – Mr. Giardina talked about retaliation the taxicab drivers face. He stated that the drivers do not have protected free speech and are often politically retaliated against. He feels that even though drivers are independent contractors, they should be given employee protections.

Alor Calderon – Mr. Calderon stated that the taxicab drivers are required to issue receipts for credit card payments and so it is only right that permit holders should be required to provide receipts for lease payments received to them in cash. He explained that many drivers do not know the terms of their lease nor do they have a copy of it. He would like to change the terms of lease agreements and allow for complaints to be heard at the Small Claims Court rather than be heard through expensive arbitration.

Sarah Saez – Ms. Saez talked about the mission of the UTWSD to improve the overall service industries in the city of San Diego. She feels that the taxicab industry is vital to tourism in the city and that people should be safe when getting a taxi ride and because of the long hours many drivers put in each day, the public is not safe.

Hussein Nuur – Mr. Nuur stated that the Ordinance amendments do not give the taxicab drivers any protection and that some drivers have been fired unjustly for trying to obtain a receipt from the medallion holder for lease payments.

Tony Hueso – Mr. Hueso is President of USA Cab and a business owner and stated that most drivers are independent contractors that have chosen to be in the industry - and therefore can choose their own hours. They do this because they have the potential to make more money. He said that he supports the small changes that Ordinance No. 11 is trying to accomplish.

George Abraham – Mr. Abraham owns a cab and has been driving a cab since 1986. He said that he chose to have his own taxicab business and he has only gotten where he is now because he has worked hard. He thanked MTS for their work towards the taxi industry, and enjoys what he does for a living.

Margo Tanguay – Ms. Tanguay has been coming to MTS Board meetings for many years and has a heavy background of Ordinance No. 11, which is used for code enforcement. She stated that the Board is not voting on anything today other than some minor language changes. She added that in her opinion, the penalties are too costly.

Staff Recommendation

Action would: (1) read the title of Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II, and An Ordinance Amending Ordinance No. 11, An Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance (2) waive further readings of the ordinance; (3) introduce the ordinances for further consideration at the next Board meeting on November 15; and (4) direct publication of an ordinance summary.

Action Taken

Ms. Emerald moved staff approval with the following exceptions: (i) add to Section 1.10, in language to be drafted by staff, a requirement for permit holders to maintain copies of leases and receipts for leaseholder payments; (ii) in Section 2.4(c)(1), replace the word "maximum" with "minimum"; and (iii) in Section 2.7(d), add the phrase "and the vehicle begins moving", to the end of the first sentence. Mr. Alvarez seconded the motion, and the vote was 13 to 1 in favor with Mr. Ewin opposed and Mr. Ovrom absent.

31. Lease and Management Agreement with SYPS, LLC for San Ysidro Intercity Bus Terminal Facility at Rail Court

Karen Landers presented to the Board an agreement with SYPS, LLC for the San Ysidro Intercity Bus Terminal Facility at Rail Court. She gave the Board a history of the bus terminal and provided a configuration map. She then provided some photographs of Rail Court at San Ysidro and the current safety issues. Ms. Landers stated that Greyhound has proposed to use condemnation proceeds to reconfigure the terminal. She showed the Board a proposed re-configuration of the terminal. She explained the terms of the proposed lease and talked about the revenue and rate of return with an estimated annual return to MTS of \$175,000 over 7 years with a 3-year renewal option, and can be canceled with 1-year notice.

Board members voiced concerns for ticketing and grievances from other carriers against Greyhound and the resolution.

Mr. Jablonski stressed that the agreement is a public-private partnership to address some of the issues that have been ongoing at the facility.

Action Taken

Mr. Alvarez moved to authorize the CEO to enter into an agreement with SYPS, LLC for the lease and management of the San Ysidro Intercity Bus Terminal Facility on Rail Court in the City of San Diego. Mr. Castaneda seconded the motion, and the vote was 10 to 0 in favor with Messes. Emerald, Zarate and Messrs. Minto, Ovrom, and Young absent.

REPORT ITEMS:

45. San Diego Transit Corporation (SDTC) Pension Investment Status

Cliff Telfer, Chief Financial Officer, introduced Jeremy Miller and Bruno Grimaldi of RVKuhns & Associates, who provided a performance update of the San Diego Transit Corporation (SDTC) pension plan.

Mr. Miller explained that the plan has 15 managers and achieved a combined investment return of -2.89% for the year. He stated that the plan returned 9.64% since inception on October 1, 1982. He talked about the market returns for the year, which is 4.63% first FY13 quarter.

Mr. Roberts had concern that our largest holding is out of favor. In response, Mr. Miller indicated that investment managers often go through cycles where their strategy is in or out of favor leading to over or under performance. Trying to time these cycles is difficult. Sometimes waiting for the cycle to turn back in your favor is advantageous—though difficult. Mr. Miller stated that five years is the typical length of time given to an investment to perform and that perhaps next year, the investment will not be in the portfolio.

Action Taken

Ms. Emerald moved to receive a report for information and would like to see the due-diligence information at the next meeting. Mr. McClellan seconded the motion, and the vote was 9 to 0 in favor with Messes. Emerald, Zarate and Messrs. Ewin, Minto, Ovrom, and Young absent

46. Semiannual Security Report (January through June 2012)

Agenda item trailed to the next meeting.

47. East County Bus Maintenance Facility Project Update

Agenda item trailed to the next meeting.

48. Operations Budget Status Report for August 2012 (Taken Out of Order)

The staff report was waived.

Action Taken

Ms. Emerald moved to receive a report for information. Mr. Castaneda seconded the motion, and the vote was 10 to 0 in favor with Messes. Emerald, Zarate and Messrs. Minto, Ovrom, and Young absent.

60. Chairman's Report

Chairman Mathis made no report.

61. Audit Oversight Committee Chairman's Report

Mr. Ewin, Chairman of the Audit Oversight Committee, made no report.

62. Chief Executive Officer's Report

Mr. Jablonski stated that he traveled to Seattle for the APTA annual meeting earlier this month with Mr. Roberts and Chairman Mathis.

63. Board Member Communications

There were no Board member communications.

64. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, November 15, 2012.

66. Adjournment

Chairman Mathis adjourned the meeting at 11:55 a.m.

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet
Fact Sheet Handout

F:\Minutes - Executive Committee, Board, And Committees\MINUTES - Board 10-18-12 DRAFT.Docx

METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): October 18, 2012

CALL TO ORDER (TIME): 9:06 AM

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:23 AM

RECONVENE: 9:29 AM

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 11:55 AM

| BOARD MEMBER | (Alternate) | PRESENT (TIME ARRIVED) | ABSENT (TIME LEFT) |
|--------------|---|---------------------------|-----------------------|
| ALVAREZ | <input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/> | | |
| BRAGG | <input checked="" type="checkbox"/> (King) <input type="checkbox"/> | | |
| CASTANEDA | <input checked="" type="checkbox"/> (Rindone) <input type="checkbox"/> | | |
| CUNNINGHAM | <input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/> | | |
| EWIN | <input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/> | | 11:39 AM |
| EMERALD | <input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/> | 9:19 AM | |
| ENGLAND | <input checked="" type="checkbox"/> (Gastil) <input type="checkbox"/> | 9:13 AM | 11:15 AM |
| GLORIA | <input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/> | | |
| MATHIS | <input checked="" type="checkbox"/> | | |
| MCCLELLAN | <input checked="" type="checkbox"/> (Ambrose) <input type="checkbox"/> | | |
| MINTO | <input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/> | | 11:15 AM |
| OVROM | <input type="checkbox"/> (Denny) <input type="checkbox"/> | | |
| RIOS | <input type="checkbox"/> (Zarate) <input checked="" type="checkbox"/> | | 11:16 AM |
| ROBERTS | <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/> | 9:46 AM | |
| YOUNG | <input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/> | 9:08 AM | 10:45 AM |

SIGNED BY THE CLERK OF THE BOARD: Valerie VizKolete

CONFIRMED BY THE GENERAL COUNSEL: Cher Card

SPECIAL MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS)

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

November 1, 2012

DRAFT MINUTES

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:03 a.m. A roll call sheet listing Board member attendance is attached.

2. Public Comments

There were no public comments.

CLOSED SESSION:

3. Closed Session Items

The Board convened to Closed Session at 9:04 a.m.

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

The Board reconvened to Open Session at 9:21 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, MTS General Counsel, reported that the Board voted 13-0 (Mr. Cunningham and Mr. Gloria were absent) in favor of ratifying the Tentative Agreement to the Collective Bargaining Agreement between San Diego Transit Corporation and the Amalgamated Transit Union, Local 1309.

4. Chairman's Report

There was no Chairman's report.

5. Audit Oversight Committee Chairman's Report

Mr. Ewin informed Board members that the Audit Oversight Committee will meet next week to receive the first draft of the Comprehensive Annual Financial Report (CAFR).

6. Chief Executive Officer's Report

Paul Jablonski, MTS Chief Executive Officer, reported that he visited Washington last week to participate in the Transit Cooperative Research Program (TCRP) TOPS Committee to select transit research projects for the upcoming year. He clarified that trip was funded by the TCRP with no cost to MTS.

7. Board Member Communications

Mr. Alvarez referred to the previous Board meeting where the Board approved entering into an agreement with SYPS, LLC (for the lease and management of the San Ysidro Intercity Bus Terminal Facility on Rail Court). He informed members that he has been working with the public and Mr. Jablonski and wanted to reiterate his willingness to work in concert with MTS to address any concerns of community members and bus operators regarding the new contract.

8. Additional Public Comments on Items Not on the Agenda

Jason B. Wells of the San Ysidro Chamber of Commerce – In regard to the agreement with SYPS, LLC as mentioned by Board member Alvarez, Mr. Wells stated that he is not taking a position on the agreement—he is only advocating good working relations with MTS. He cited a previous successful cooperative collaboration with MTS in relocating Crucero's Greyhound platform, but also stated that an A-Mart was opened nearby a family-owned market that had been there for many years. Mr. Wells stated that he is not opposing the new contract—he is just requesting including community outreach and input during the vetting process. Mr. Wells thanked Board member Alvarez and Mr. Jablonski for their cooperative working relations.

Mr. Jablonski responded that he has spoken with Mr. Alvarez, and they have agreed to schedule an outreach to discuss the issues. There are also issues with changes in border crossings, the closure of Camiones Way, the rising tide of wildcatters, the eliminations of ticket sales, and many other things that were not being addressed but are now changing. Mr. Jablonski added that he is hopeful that this collaboration will be a positive step forward.

9. Adjournment

Chairman Mathis adjourned the meeting at 9:28 a.m.

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

**METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS**

ROLL CALL

MEETING OF (DATE): November 1, 2012

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

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 9:04 a.m.

RECONVENE: 9:21 a.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 9:28 a.m.

| BOARD MEMBER | (Alternate) | PRESENT (TIME ARRIVED) | ABSENT (TIME LEFT) |
|--------------|---|---------------------------|-----------------------|
| ALVAREZ | <input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/> City of SD | | |
| BRAGG | <input checked="" type="checkbox"/> (King) <input type="checkbox"/> Imperial Beach | | |
| CASTANEDA | <input checked="" type="checkbox"/> (Rindone) <input type="checkbox"/> Chula Vista | | |
| CUNNINGHAM | <input type="checkbox"/> (Mullin) <input type="checkbox"/> Poway | | |
| EMERALD | <input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/> City of SD | | |
| ENGLAND | <input checked="" type="checkbox"/> (Gastil) <input type="checkbox"/> Lemon Grove | | |
| EWIN | <input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/> La Mesa | | |
| GLORIA | <input type="checkbox"/> (Faulconer) <input type="checkbox"/> City of SD | | |
| MATHIS | <input checked="" type="checkbox"/> | | |
| McCLELLAN | <input checked="" type="checkbox"/> (Ambrose) <input type="checkbox"/> El Cajon | | |
| MINTO | <input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/> Santee | | |
| OVROM | <input checked="" type="checkbox"/> (Denny) <input type="checkbox"/> Coronado | | |
| RIOS | <input checked="" type="checkbox"/> (Zarate) <input type="checkbox"/> Natl. City | | |
| ROBERTS | <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/> Co. of SD | | |
| YOUNG | <input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/> City of SD | | |

SIGNED BY THE CLERK OF THE BOARD: _____

CONFIRMED BY THE GENERAL COUNSEL: _____



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

Agenda Item No. 4

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

APPOINTMENT OF AD HOC NOMINATING COMMITTEE FOR RECOMMENDING
APPOINTMENTS TO MTS COMMITTEES FOR 2013 (SHARON COONEY)

RECOMMENDATION:

That the Board of Directors appoint less than a quorum of members to an Ad Hoc Nominating Committee (pursuant to MTS Board Policy No. 22 - Rules of Procedure for the Metropolitan Transit System) to make recommendations to the Board with respect to the appointment of members of the Board to serve on MTS and non-MTS committees for 2013.

Budget Impact

None.

DISCUSSION:

Each year, the Board makes appointments to various committees, including the Budget Development Committee, Ad Hoc Public Security Committee, Audit Oversight Committee, Executive Committee, Joint Committee on Regional Transit (JCRT), Taxicab Committee, Los Angeles-San Diego Rail Corridor Agency (LOSSAN), and the Accessible Services Advisory Committee (ASAC). The Executive Committee appoints the representative to the San Diego Association of Governments (SANDAG) Transportation Committee. Attachment A is a table of committee appointments for 2012.



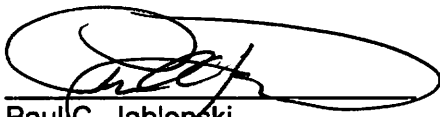
MTS Board Policy No. 22 specifies that on or before the Board's first meeting in November, the Board shall appoint less than a quorum of members to an Ad Hoc Nominating Committee. Last year's Ad Hoc Nominating Committee included Board members Mathis, Roberts, Young, and Ewin.

The Ad Hoc Nominating Committee shall review the list of MTS committees and make recommendations to the Board with respect to the appointment of members of the Board to serve on each committee. The Ad Hoc Nominating Committee is also tasked with reviewing the list of outside boards and/or committees and making recommendations to the Board with respect to the appointment of members of the Board to represent MTS on each outside board or committee, except for the Board representative appointed to the SANDAG Transportation Committee, which is appointed by the Executive Committee.

The Ad Hoc Nominating Committee forwards its recommendations for appointments of officers and committee members on or before the first Board meeting in January.

The election procedures to appoint an Ad Hoc Nominating Committee pursuant to Robert's Rules of Order are as follows:

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



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Table of MTS Committees for 2012

2012 SLATE OF MTS COMMITTEES AND OUTSIDE AGENCY APPOINTMENTS

| | |
|---|---|
| Accessible Services Advisory Committee (ASAC) | Lorie Bragg – Chair |
| Airport Authority Advisory Committee | Harry Mathis – Committee Representative Ron Roberts - Alternate |
| Ad Hoc Public Security Committee | Ernie Ewin – Committee Representative Harry Mathis – Committee Representative Jim Cunningham – Committee Representative Todd Gloria – Committee Representative Steve Castaneda – Committee Representative |
| Audit Oversight Committee* | Ernie Ewin – Committee Representative Harry Mathis – Committee Representative Ron Roberts – County Representative (Alternate: Greg Cox) Tony Young – City of San Diego Representative (Alternate: Todd Gloria) Al Ovrom– South Bay Representative (Alternate: Lorie Bragg) John Minto – East County Representative (Alternate: Jim Cunningham) |
| Budget Development Committee | Harry Mathis – Committee Representative Bob McClellan– Committee Representative Ron Roberts – Committee Representative Tony Young – Committee Representative Jim Cunningham – Committee Representative |
| Executive Committee | Harry Mathis – Chair Ron Roberts – County Representative (Alternate: Greg Cox) Tony Young– City of San Diego Representative (Alternate: Todd Gloria) Al Ovrom– South Bay Representative (Alternate: Lorie Bragg) John Minto – East County Representative (Alternate: Jim Cunningham) |
| Joint Committee on Regional Transit (JCRT) | Jim Cunningham – Committee Representative Harry Mathis – Committee Representative Ernie Ewin – Committee Representative |
| Los Angeles - San Diego Rail Corridor Agency (LOSSAN) | Jerry Rindone – Committee Representative Harry Mathis – Alternate |
| SANDAG Board | Harry Mathis - Advisory Representative Al Ovrom – Alternate |
| SANDAG Regional Planning Committee | Al Ovrom - Committee Representative Mary England – Alternate |
| SANDAG Transportation Committee* | Harry Mathis – Committee Representative Al Ovrom - Alternate |
| Taxicab Committee | Marti Emerald – Chair Bob McClellan - Alternate |



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Agenda Item No. 6

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

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 OCTOBER 16, 2012

RECOMMENDATION:

That the Board of Directors:

1. receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Pacific Imperial Railroad, Inc. (PIR) quarterly reports (Attachment A) for information; and
2. ratify actions taken by the SD&AE Board at its quarterly meeting on October 16, 2012.

Budget Impact

None.

DISCUSSION:

Pursuant to the Agreement for Operation of Freight Rail Services, SD&IV, Museum, and PIR have provided operations reports during the second quarter of 2012 (Attachment A).



Paul C. Jablonski
Chief Executive Officer

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

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



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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.



AGENDA

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

October 16, 2012

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
Randy Perry, 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.

- | | <u>ACTION
RECOMMENDED</u> |
|--|-------------------------------|
| 1. <u>Approval of the Minutes of July 10, 2012</u> Action would approve the SD&AE Railway Company Minutes of July 10, 2012. | Approve |
| 2. <u>Statement of Railway Finances (Linda Musengo)</u> Action would receive a report for information. | Receive |
| 3. <u>Report on San Diego and Imperial Valley (SD&IV) Railroad Operations (Matt Domen)</u> Action would receive a report for information. | Receive |
| 4. <u>Report on Pacific Southwest Railway Museum (Diana Hyatt)</u> Action would receive a report for information. | Receive |
| 5. <u>Report on the Desert Line (Chas McHaffie)</u> Action would receive a report for information. | Receive |
| 6. <u>Real Property Matters (Tim Allison)</u> a. <u>Summary of SD&AE Documents Issued Since July 10, 2012</u> Action would receive a report for information. | Receive |
| 7. <u>Approval of the 2013 SD&AE Board of Directors Meeting Schedule (Karen Landers)</u> Action would approve the 2013 SD&AE Board of Directors meeting schedule. | Approve |
| 8. Board Member Communications | |
| 9. Public Comments | |
| 10. Next Meeting Date: January 15, 2013 (assuming approval Agenda Item No. 7) | |
| 11. Adjournment | |

MINUTES

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

July 10, 2012

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 July 10, 2012, at 9:02 a.m.

The following persons, constituting the Board of Directors, were present: Bob Jones and Wayne Terry (alternate for Paul Jablonski). Randy Perry and Paul Jablonski were absent.

Also in attendance were members from:

San Diego Metropolitan Transit System:
San Diego & Imperial Valley Railroad:
Pacific Southwest Railway Museum:
Pacific Imperial Railroad, Inc.:
Carrizo Gorge Railway:
Soitec:
Public:

Tim Allison, Karen Landers, Linda Musengo
Matt Domen
Diana Hyatt
Chas McHaffie, Donald Stoecklein
Sheila LeMire, Randall Polcyn
Sharon Nardoza, Joe Curry
Bob Nickles

1. Approval of Minutes

Mr. Terry moved to approve the Minutes of the April 10, 2012, SD&AE Board of Directors meeting. Mr. Jones seconded the motion, and it was unanimously approved.

2. Statement of Railway Finances

Linda Musengo reviewed the financial statement for the 2nd quarter of 2012 (attached to the agenda item).

Action Taken

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

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

Matt Domen reviewed the report of activities for the 2nd quarter (attached to the agenda item).

Action Taken

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

4. Report on Pacific Southwest Railway Museum Operations

Diana Hyatt reviewed the 2nd quarter of 2012 report (attached to the agenda item).

Action Taken

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

5. Report on the Desert Line

Randall Polycn of CZRy distributed a report entitled *Desert Line Q2 2012 Summary of Maintenance of Way* (attached). Karen Landers asked if San Diego Gas and Electric (SDG&E) is paying for the damages to SD&AE tracks (shown in the report distributed). Mr. Polycn responded that PAR Electrical Contractors, Inc. (PAR), a subcontractor of SDG&E, will pay for the repairs. He added that the damage was discovered during a maintenance-of-way inspection by CZRy and that PAR did not report the damage.

Tim Allison inquired about the damage by PAR at Mile Post 129. He stated that PAR is only authorized to work on the right-of-way west of Plaster City, and that PAR has no crossing rights at Mile Post 129. Ms. Landers added that these types of issues should be referred to Tim Allison. SDG&E is legally responsible, and SDG&E contractors and subcontractors cannot cross SD&AE right-of-way if they are not authorized. Ms. Landers instructed CZRy to provide information to MTS regarding the work being done by SDG&E contractors, the damage caused, and other related facts so that MTS can address them with SDG&E. Mr. Polycn agreed to submit a narrative description of the damage and the location so that staff can initiate a conversation with SDG&E.

Mr. Allison stated that there are a number of unauthorized crossings in the system, and staff makes significant efforts to ensure that crossings are authorized.

Mr. Jones expressed concern that this incident is a liability for SD&AE, and the damage could cause an injury. He stated that in addition to granting crossing rights, SD&AE must have protection against liabilities such as these. Ms. Landers added that it is significant that this damage was never reported.

Mr. Allison referred to another picture in the report, which shows an excavator excavating material at the toe of a slope. He stated that in the past, staff has offered to provide engineering consultants to CZRy to analyze these types of operations to avoid any future issues. Mr. Allison added that no plans were submitted for this project, and he has concerns about the upper side of the slope. He requested that these types of operations be discussed and plans be submitted to him in advance. Mr. Polycn agreed.

Sheila LeMire reported that there was no revenue from the Desert Line during the second quarter. Ms. LeMire stated that CZRy is working with PIR on marketing and with the Museum and PIR to determine how to best utilize the Desert Line. She added that negotiations are ongoing with the Mexican government, and there have been no reportable injuries.

Action Taken

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

6. Real Property Matters**a. Summary of SD&AE Documents Issued Since January 24, 2012**

Tim Allison reported that since the January 24, 2012, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff. He reminded members that there was a problem in April with the agency's database, so he was not able to submit a report for the April SD&AE meeting.

- **S200-12-518:** Lease to Innovative Cold Storage, Inc. for building use at the San Ysidro Freight Yard.
- **S200-12-521:** Right of Entry Permit to Navy Region Southwest Morale, Welfare and Recreation Department for the Bay Bridge Run/Walk.
- **S200-12-528:** Right of Entry Permit to Outdoor Dimensions to install banners at the Grossmont Trolley Station.
- **S200-12-529:** Right of Entry Permit to the City of La Mesa for the Flag Day Parade.
- **S200-12-530:** Right of Entry Permit to Hazard Construction, Inc. to construct the COMM 22 project in the City of San Diego.
- **S200-12-513:** Right of Entry Permit to Peterson Chase General Engineering Construction, Inc. to repair bridge railings at the Grossmont Trolley Station.
- **S200-12-532:** Right of Entry Permit to Ninyo & Moore to perform field investigations for various SANDAG projects.
- **S200-12-534:** Construction and Maintenance Agreement to the Ocotillo Express LLC for crossings in the Ocotillo area of the Desert Line.

Action Taken

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

b. Amended Agreement Between Carrizo Gorge Railway, Inc. (CZRy), SD&AE, San Diego and Imperial Valley (SD&IV) Railroad, and the United States Border Patrol (USBP)

Mr. Allison reported that the United States Border Patrol (USBP) requested continuing its agreement between CZRy, SD&AE, and SD&IV to utilize certain portions of the Desert Line for law enforcement and Border Patrol activities.

Diana Hyatt clarified for Mr. Terry that beginning in 2007, USBP had control of the track and provided the warrants. She added that there have been issues with USBP not cancelling track warrants, being on the line at the same time as the Museum, and also unmanned radio frequencies.

Board members agreed there should be training and protocols for track authorization and release addressed in the new agreement. It was also agreed that there should be a designated representative assigned from each entity, and the Museum should be included in the agreement. Matt Domen will represent SD&IV; Diana Hyatt will represent the Museum; PIR will assign someone soon. Ms. Landers and Mr. Allison will take the lead in reviewing the 2007 agreement and sending comments and edits to the assigned representatives to put together a new draft for Board review and approval.

Action Taken

Mr. Terry moved to approve composing a new draft agreement for Board approval to include protocols for track authorization and release between CZRy, SD&AE, SD&IV, the Museum, and USBP (aka Office of Homeland Security) for the utilization of right-of-way for law enforcement purposes. Mr. Jones seconded the motion, and it was unanimously approved.

c. Tierra del Sol Solar Project Transmission Line

Mr. Allison introduced Sharon Nardoza and Joe Curry of Soltec. Mr. Allison explained that Soltec is requesting a multiuse permit to construct a solar project southwest of HiPass on the Desert Line. Soltec is proposing to bring the energy to the market by running aerial transmission lines utilizing SD&AE right-of-way. Ms. Nardoza clarified that there could be some areas where undergrounding may be needed (which would be addressed in draft negotiations). Mr. Allison stated that the request today is to determine if the Board has any issues with the proposal as Soltec does not want to proceed without assurance of any fatal flaws. Upon Board approval, staff would negotiate a private-use Construction and Maintenance/Operations Agreement with a license that includes a yearly fee and termination clause. Staff would then return to the Board for final approval.

Action Taken

Mr. Terry moved to authorize staff to negotiate with Soltec for a private-use Construction and Maintenance/Operations Agreement with a license that includes a yearly fee and termination clause and then return to the Board for final approval. Mr. Jones seconded the motion, and it was unanimously approved.

7. Board Member Communications

There were no Board member communications.

8. Public Comments

- *Hector M. Gonzalez (Baja California Railway Foundation)* - Mr. Gonzalez stated that he represents a Mexican nonprofit corporation in Tijuana. The Foundation is planning to develop a railway museum in Baja. Mr. Gonzalez is requesting that the SD&AE Board donate a 1916 tank car owned by SD&AE since the 1950s (on the Redondo side—east of Mattenucko and west of Tecate).

Ms. Landers reminded the Board that no action could be taken during public comments; however, staff can be directed to investigate information about this request. Mr. Jones will work with Matt Domen to look into this request and inform the Board of the findings.

- **Randall Polycn** - Mr. Polycn asked who from CZRy or PIR should be reporting Desert Line activities to the SD&AE Board. Ms. Landers responded that PIR is now the operator and should designate an appropriate representative. She added that SD&AE doesn't have a preference of who is assigned as long as the reports are accurate.

Mr. Polycn stated that he heard a rumor that PIR is applying to the Surface Transportation Board (STB) to take over the Desert Line and, he assumes, remove CZRy's operating rights from the Desert Line.

Donald Stoecklein responded that PIR has started the process to apply to the STB, but that doesn't necessarily include terminating the interim operating agreement with CZRy during that process.

9. **Next Meeting Date**

The next meeting of the SD&AE Railway Company Board of Directors is on October 16, 2012.

The Board convened into Closed Session at 9:38 a.m.

6. **Real Property Matters (Taken out of order)**

- d. **CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Pursuant to California Government Code section 54956.8
Property: MP 86.7, 89.0, and 94.0 over Railroad Street in Jacumba, California
Agency Negotiators: Karen Landers, MTS General Counsel; Tim Allison, Manager of Real Estate Assets; and Paul Jablonski, President and CEO
Negotiating Parties: San Diego Gas and Electric (SDG&E)
Under Negotiation: Price and Terms of Payment

The Board reconvened into Open Session at 9:55 a.m.

Oral Report of Final Actions Taken in Closed Session

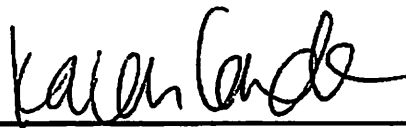
Karen Landers, General Counsel, reported that the Board gave direction to staff concerning negotiations with SDG&E regarding easements on various sections of SD&AE right-of-way.

10. **Adjournment**

The meeting was adjourned at 9:55 a.m.



President



General Counsel

JGardetto/
DRAFT MINUTES SDAE 2012-7-10

Attachment: Desert Line Q2 2012 Summary of Maintenance of Way (submitted during the meeting)

DESERT LINE

Q2 2012 SUMMARY OF MAINTENANCE OF WAY

CONTRACT MAINTENANCE OF WAY PERSONNEL: Eight (8)

CZRY MAINTENANCE OF WAY PERSONNEL: Two (2)

MAINTENANCE OF WAY SUMMARY:

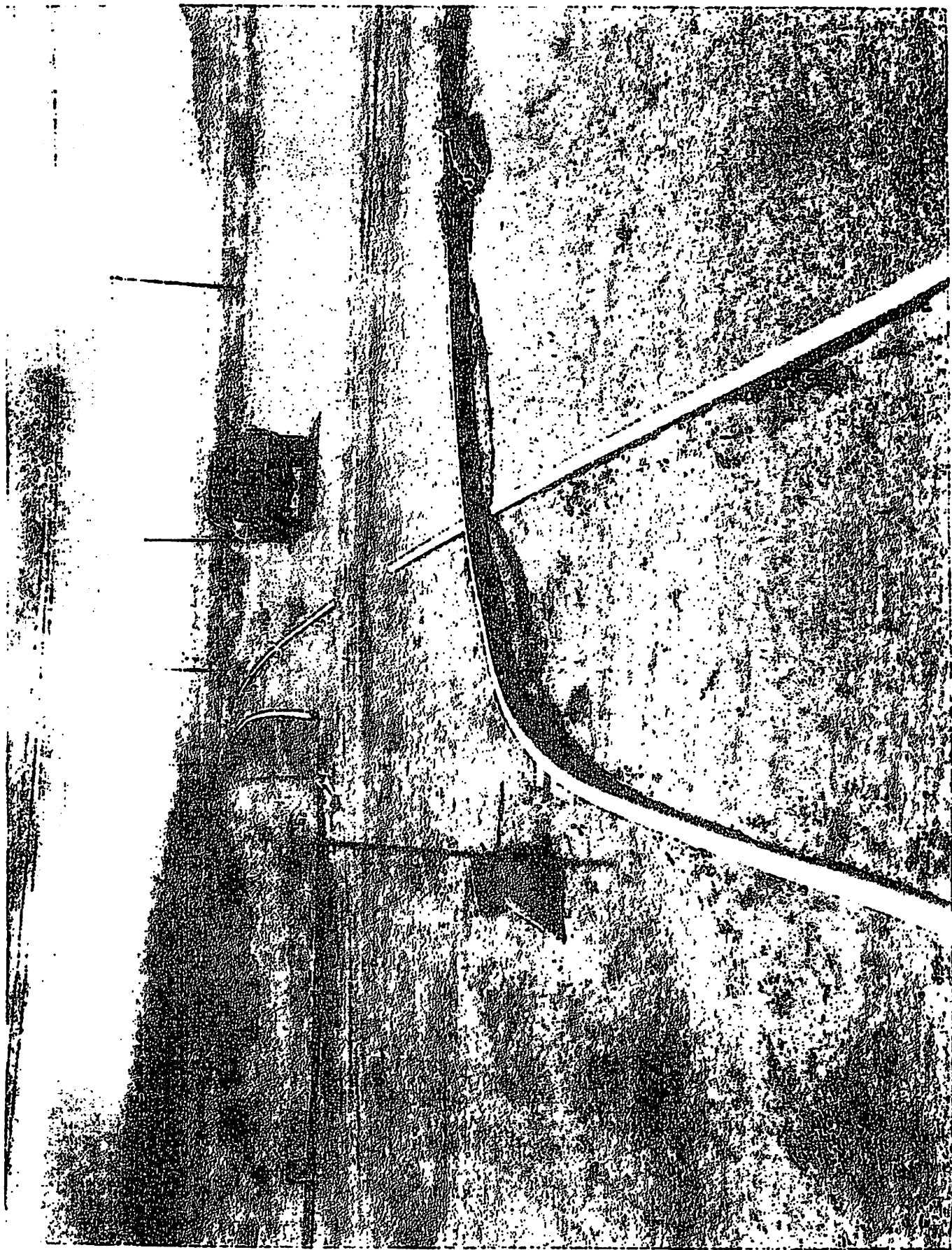
- **An inspection of track and right of way between Milepost 93 (Jacumba) and Milepost 129.5 (Plaster City) revealed numerous locations where rock and debris had encroached upon right of way.**
- **Heavy equipment was employed to clear rock, sand and other debris from the track and right of way allowing for safe clearance of railroad equipment.**
- **Approximately 60 feet of main line track at Milepost 129 (Plaster City) was repaired and replaced due to damage by construction equipment working on the SDG&E power line during November 2011.**
- **We are currently working with Cal-Fire (CA Dept. of Forestry) to reinstate the right of way brushing program to establish brush clearances to specifications.**
- **We are surveying the railroad bridges between Milepost 60 (Division) and Milepost 129.5 (Plaster City) for current condition and repairs needed. Work scope and repair estimates are being developed and prioritized for structures in need of repair.**
- **Maintenance and repairs are currently underway for the automatic highway crossing signals at Highway 94 (working in conjunction with the San Diego Railroad Museum) and at Highway S-2 in the Imperial Valley near Ocotillo.**

DESERT LINE

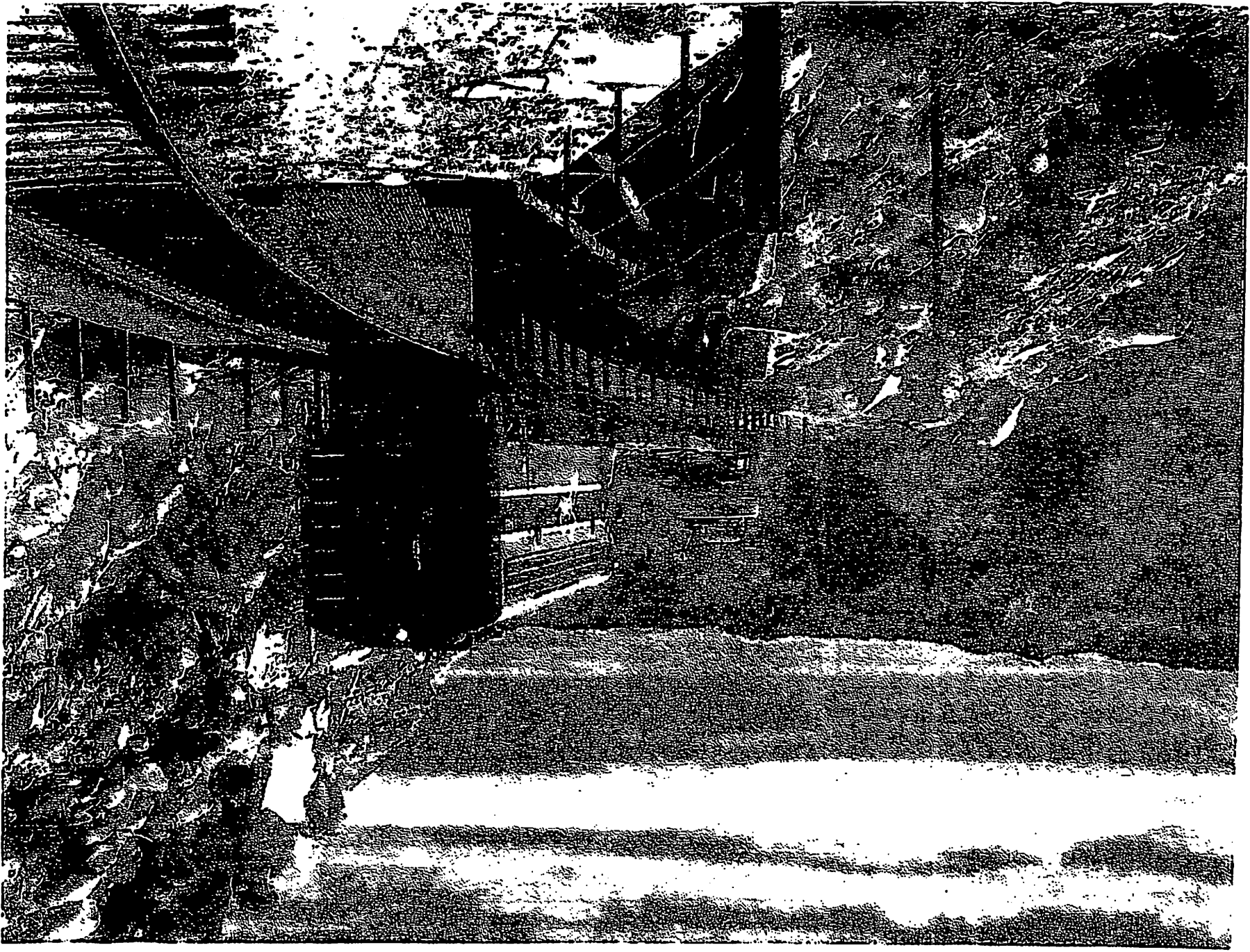
Q2 2012 SUMMARY OF MAINTENANCE OF WAY

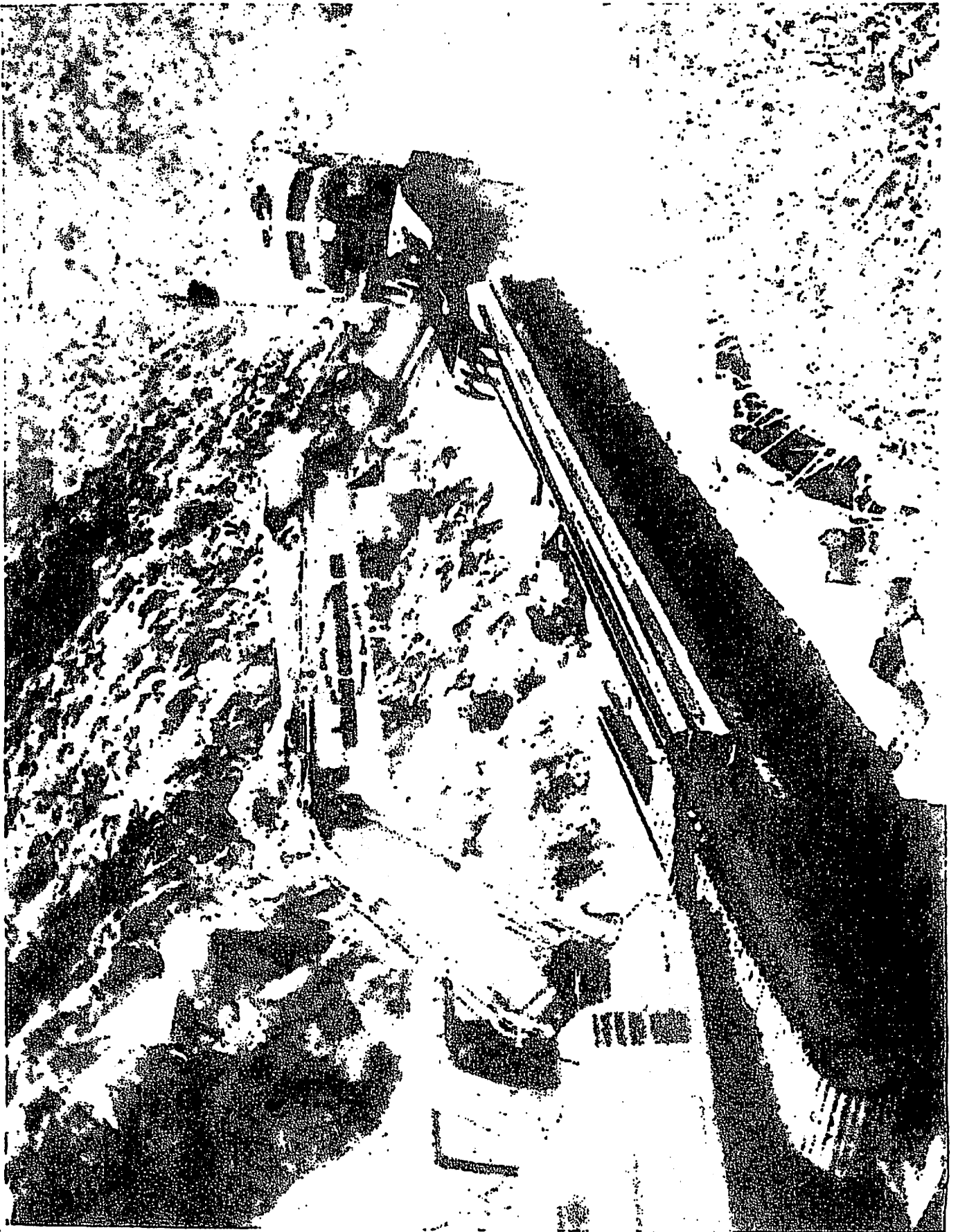
TRACK

| | |
|--------------------------------------|-----------------|
| Ties installed (7" x 9" x 9') | 35 each |
| 75 lb. yd. rail (33') | 3 each |
| Track spikes (new) | 150 each |
| Angle bars (75 lb.) | 12 each |
| Track bolts | 34 each |











Agenda Item No. 2

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

October 16, 2012

SUBJECT:

STATEMENT OF RAILWAY FINANCES

RECOMMENDATION:

That the SD&AE Board of Directors receive a financial report for the quarter ended September 30, 2012.

Budget Impact

None.

DISCUSSION:

Attached are the financial results for the first quarter of fiscal year 2013, which includes the periods ended September 30, 2012, and 2011. Final audited results for FY 2012 will be available at the conclusion of the audit process and will include adjustments for depreciation and interest allocation.

The current year-to-date income is \$2,000 unfavorable to budget because the San Diego and Imperial Valley Railroad (SD&IV) freight fee is normally received in the 3rd or 4th quarter but is budgeted ratably throughout the year. Income has increased by \$12,600 compared to the same period last year due to an increase in fees for right of entry permits. Expenses are \$500 unfavorable to budget due to personnel costs directly related to the increase in permit activity offset by the timing of expenses for outside services. Expenses have increased by \$5,000 over the same period last year due to the increase in personnel costs. The net income for the first quarter of FY 13 was \$1,498 compared to a net loss of \$6,015 for the same period in FY 12.

Attachment: SD&AE Operating Statement 1st Quarter FY 13

SD&AE operating statement FY2013-12

| | Q1 2013 | Budget | Variance | Q1 2012 | Variance |
|--------------------------|-----------------|-----------------|-----------------|-------------------|-----------------|
| Revenue | | | | | |
| Right of entry permits | \$ 13,400 | \$ 5,000 | 8,400 | 1,221 | 12,179 |
| Lease income | 19,563 | 21,250 | (1,687) | 19,155 | 408 |
| SD&IV 1% freight fee | - | 8,750 | (8,750) | - | - |
| Total revenue | 32,963 | 35,000 | (2,037) | 20,376 | 12,587 |
| Expense | | | | | |
| Personnel costs** | 25,179 | 20,299 | (4,879) | 20,284 | (4,895) |
| Outside services | - | 5,000 | 5,000 | - | - |
| Energy costs | - | - | - | - | - |
| Risk management | 5,752 | 5,575 | (177) | 5,798 | 46 |
| Misc operating expenses | 534 | 125 | (409) | 309 | (225) |
| Depreciation | - | - | - | - | - |
| Total expense | 31,465 | 30,999 | (465) | 26,391 | (5,074) |
| Net income/(loss) | \$ 1,498 | \$ 4,001 | (2,502) | \$ (6,015) | 7,513 |

| | |
|---|-------------------|
| Reserve balance 2012-estimated | \$ 936,584 |
| Allocated interest earnings - estimated | 5,245 |
| Operating profit/(loss) | 1,498 |
| Improvement expense 2012 | - |
| Reserve balance 2013-estimated | \$ 943,327 |

Agenda Item No. 3

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

October 16, 2012

SUBJECT:

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

RECOMMENDATION:

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

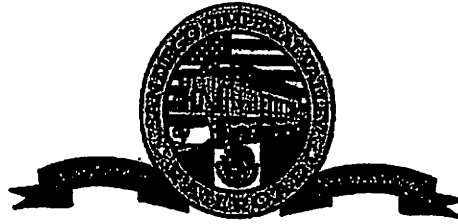
Budget Impact

None.

DISCUSSION:

An oral report will be given during the meeting.

Attachment: Periodic Report for the 3rd Quarter of 2012



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

October 1, 2012

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 3rd Quarter of 2012 are listed as follows:

1. Labor

At the end of September 30, 2012 the San Diego & Imperial Railroad had 10 employees:

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

2. Marketing

Volume in the 3rd Quarter rose 24% as compared to 2011. Bridge traffic had a 27% increase, primarily driven by a rise in LPG traffic. Traffic terminating or originating on the SDIV had a modest increase of 7% as compared to this time last year.

3. Reportable Injuries/Environmental

Days through year to date, September 30, 2012, there were no FRA Reportable injuries or environmental incidents on the SDIV Railroad.

Days FRA Reportable Injury Free: 4751

4. Summary of Freight

| | 2012 | 2011 | 2010 |
|--|------|------|------|
| Total rail carloads that moved by SDIY Rail Service in the quarter. | 1302 | 985 | 1402 |
| Total railroad carloads Terminating/Originating Mexico in the quarter. | 1107 | 804 | 1107 |
| Total railroad carloads Terminating/Originating El Cajon, San Diego, National City, San Ysidro, California in the quarter. | 195 | 181 | 295 |
| Total customers directly served by SDIY in the quarter | 9 | 12 | 12 |
| Regional Truck trips that SDIY Railroad Service replaced in the quarter | 4414 | 3339 | 4753 |

Respectfully,

Randy Perry-
General Manager

Agenda Item No. 4

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

October 16, 2012

SUBJECT:

REPORT ON PACIFIC SOUTHWEST RAILWAY MUSEUM

RECOMMENDATION:

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

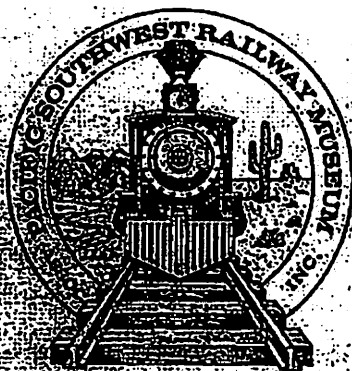
Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.

Attachment: Third Quarter Report for 2012



Pacific Southwest Railway Museum

La Mesa Depot 4885 Webb Drive La Mesa, CA 91941 619-465-7776

October 5, 2012

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

Re: Third Quarter 2012

Dear SD&AE Board:

During the third quarter of 2012, the Pacific Southwest Railway Museum carried 1,012 passengers with no FRA reportable accidents or injuries. Total income from SD&AE property for third quarter 2012 was \$13,707.54; a check for \$274.15 is enclosed. By comparison, PSRM carried 2,882 passengers and earned \$35,366 during the second quarter of this year. During the third quarter of 2011, PSRM carried 1,294 passengers with an income of \$19,285.81. There were no special event trains during this quarter and Sunday trains were limited to operations within the Campo Valley.

The Campo Depot restoration project is officially complete. As of August, the air conditioning and heating units have been installed and are operational for both the downstairs waiting room and the upstairs Gift Shop.

Maintenance of Way work continues along the right of way, weeding takes place several times per month to maintain clearances for Cal Fire. Museum personnel continue to perform the monthly signal inspections. Our contract weed sprayer performed some spot maintenance during the third quarter as well.

The museum has completed its compliance with the latest FRA regulations concerning Bridge Safety Standards, part 237, by the deadline of September 13, 2012. Inspections of the four bridges within PSRM's operating territory were performed by a certified bridge engineer in August of this year. The three bridges west of Campo have been deemed in good condition and capable of the current load limitations. The engineer recommended an annual bridge maintenance program that will be enacted within the next several months.

In early September, the museum moved a 120 ton diesel locomotive by truck from Oceanside to Campo. We are now the proud owners of a low-nose EMD GP-9 that was once owned by the Southern Pacific Railroad and utilized in Southern California. This is the second locomotive that has been moved to Campo by truck within the last fifteen months.

Museum members are actively preparing for the two special events of the fourth quarter that continue to draw the public to Campo. The Pumpkin Trains will operate over three weekends this year beginning on October 13th through October 28th. The North Pole trains will be offered over five weekends this year beginning with the Thanksgiving holiday weekend November 23rd and continuing through to the weekend before Christmas, December 22nd. If the board is interested, I would be happy to host you and your guests on a North Pole train trip aboard the Pullman car the Robert Peary.

Very Truly Yours,



Diana Hval
President

Eric

Agenda Item No. 5

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

October 16, 2012

SUBJECT:

REPORT ON THE DESERT LINE

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: Report not submitted in time for mail-out



R E P O R T

Oct.
2012

PERIODIC REPORT

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.

Third Quarter 2012

CONTENTS

I. PERSONNEL

II. MARKETING

III. DESERT LINE

IV. REPORTABLE INJURIES/ENVIRONMENTAL INCIDENTS

V. FREIGHT ACTIVITY

VI. MEXICAN RAILROAD

VII. GOVERNMENTAL DISCLOSURES

A) PACIFIC IMPERIAL RAILROAD LETTER DATED JULY 16TH, 2012

B) PIR-CHANGE IN OPERATOR EXEMPTION-FEDERAL REGISTER

C) AMENDMENT NO. 4 TO CZRY OPERATING AGREEMENT

**D) PIR-CHANGE IN OPERATOR EXEMPTION-DEPT. OF
TRANSPORTATION**

E) OPERATING AGREEMENT RE: SD&AE FREIGHT SERVICE

APPENDIX A- MOW SUMMARY

APPENDIX B- DESERT LINE FREIGHT REVENUES FINANCIAL SUMMARY

CARRIZO GORGE RAILWAY, INC.

Third Quarter 2012

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 Third Quarter activity for 2012.

I. Personnel

As of September 30, 2012, Carrizo Gorge Railway has 4 employees to cover the railroad administration and operation in the U.S.

2 Administration
1 DSL & Engineer
1 Train Master & Locomotive Engineer

II. Marketing

Consistent with our business/marketing plan, CZRY is working with PIR to reopen the Desert Line. In that regard, both CZRY and PIR have met with a contractor for purposes of evaluating and assessing the scope of work needed to conform to FRA standards.

Carrizo is continuing to improve the relationship with Mexican authorities in an effort to improve the cross border freight transfer relationships.

III. Desert Line

In follow up to last quarter's report pertaining to the track damage allegedly caused by SDG&E, we have at this time been unable to confirm the fault of SDG&E or any other party. The investigation is ongoing.

Carrizo Gorge Railway continues to be the operator of the Desert Line by way of a contractual agreement (Interim Operating Agreement) with MTS/Pacific Railroad, Inc. and with formal approval by SD&AE/MTS. Unauthorized maintenance has been addressed.

CARRIZO GORGE RAILWAY, INC.

IV. Reportable Injuries/Environmental Incidents

There were no reportable injuries in the Third Quarter of 2012.

There were no reportable accidents in the Third Quarter of 2012.

There were no reportable environmental incidents in the Third Quarter of 2012.

V. Freight Activity

No Freight activity in the Third Quarter of 2012. 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 Third Quarter 2012 Carloads Moved | 0 |
| Revenue Empties | 0 |
| Revenue Storage | 52 |

CARRIZO GORGE RAILWAY, INC.

VI. Mexican Railroad

Carrizo Gorge Railway is continuing to negotiate with the State of Baja California, Mexico. Here is an update of Carrizo Gorge Railway, Inc. Mexico's Operation.

CURRENT MEXICO PERSONNEL

4 Trust Administration Employees

VII

A



PACIFIC IMPERIAL RAILROAD, INC.

COLUMBIA CENTER

401 WEST A STREET

SUITE 1150

SAN DIEGO, CALIFORNIA 92101

July 16, 2012

Mr. Chas McHaffie, President
Carrizo Gorge Railway, Inc.
31123 Highway 94
Campo, CA 91906

Dear Mr. McHaffie:

This correspondence is in follow up to our phone call this afternoon, and our discussion after the Carrizo Gorge Railway, Inc., ("CZRY") board meeting, pertaining to the Interim Operating Agreement between Pacific Imperial Railroad, Inc. ("PIR") and CZRY and the protocol which must be established between CZRY and PIR in regards to any operations and or maintenance which impacts the Desert Line.

I recognize that you have just recently accepted the position as President of CZRY; however, in that capacity, PIR has an expectation that you or an individual appointed by CZRY, will take control of and establish the criteria by which anyone on behalf of CZRY will be active, either operationally or from a maintenance perspective on the Desert Line.

Additionally, I noted during the July 10, 2012 San Diego and Arizona Eastern (SD&AE) Railway Company Board of Directors meeting, that Mr. Polcyn submitted a report which reflected that maintenance was being conducted on the Desert Line, of which PIR had not been informed. I also noted that Mr. Polcyn represented that "that's why they hired me." Since we have been attempting to obtain the appropriate management of CZRY for several months, we, at PIR, would appreciate knowing who the management is, and what employees or consultants CZRY has that are impacting, both the operations of CZRY and the maintenance of the Desert

Line, to help us better understand the relationships of the parties, the authority over personnel, and how to establish a protocol which works for both PIR and CZRY. Until such protocol is in place we are requesting that all work cease on the Desert Line, that no individuals, consultants, owners, employees, traverse on the Desert Line, and that additionally no Track Warrants be issued, or allowed to be issued without the approval of PIR.

We have also been made aware of certain materials which have been removed from the Desert Line in the form of heavy beams and steel. As you are aware, or should be, any material removed, which has been sold, since our ownership of the trackage rights, is the property of PIR subject, only to the caveat that the proceeds must be utilized for direct expenses of the Desert Line. Since we have not been notified of any such expenditure we are demanding an accounting of the funds received. Please copy Karen Landers, General Counsel of MTS, with your response to this request.

I look forward to your response to this correspondence, and a follow up meeting to discuss the implementation of a protocol for operations over the Desert Line. Additionally, I understand that we will be working together for a redraft of the agreement with the United States Border Patrol (aka Office of Homeland Security). I suggest we meet and confer on that issue, and set up a meeting with the appropriate individual at MTS.

Yours Very Truly



Donald J. Stoecklein

President

Cc Karen Landers, MTS

B



The transaction may be consummated on or after August 31, 2012 (the effective date of the exemption).

SCMB certifies that its projected annual revenues as a result of this transaction will not result in SCMB's becoming a Class II or Class I rail carrier and will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than August 24, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35833, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy must be served on John D. Heffner, Strasburger & Price, LLP, 1700 K Street NW., Suite 640, Washington, DC 20008.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: August 14, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner, Clearance Clerk.

[FR Doc. 2012-20241 Filed 8-16-12; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35857]

Pacific Imperial Railroad, Inc.—Change in Operator Exemption—Rail Line of San Diego and Arizona Eastern Railway Company

Pacific Imperial Railroad, Inc. (PIR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to change operators, pursuant to an agreement with Carrizo Gorge Railway, Inc. (CGR),¹ from CGR to PIR over a 70.01-mile rail line between milepost

59.60 in Division, Cal. and milepost 129.81 in Plaster City, Cal. (Desert Line).² The Desert Line is owned by San Diego and Arizona Eastern Railway Company (SD&AE). The agreement provides for a change in operators for the Desert Line through CGR's assignment of its authority to operate the Desert Line to PIR, with the consent of SD&AE, its parent, San Diego Metropolitan Transit Development Board, and SD&IV.

The transaction may be consummated on or after August 31, 2012 (30 days after the notice of exemption was filed).

PIR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than August 24, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35857, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1880, Chicago, IL 60604.

Board decisions and notices are available on our Web site at www.stb.dot.gov.

Decided: August 13, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig, Clearance Clerk.

[FR Doc. 2012-20250 Filed 8-16-12; 8:45 am]

BILLING CODE 4915-01-P

Crus County Regional Transportation Commission (SCRTC). See *Santa Cruz Cty. Reg'l Transp. Comm'n—Petition for Declaratory Order*, Docket No. FD 35832. SCRTC seeks a finding that its purchase of the physical assets of the Line from UP is not subject to the Board's approval jurisdiction and will not result in SCRTC acquiring a common carrier obligation with respect to the Line. The petition will be addressed in a separate decision.

¹ CGR was authorized to operate the Desert Line in *Carrizo Gorge Railway—Operation Exemption—San Diego and Arizona Eastern Railway*, FD 34463 (STB served Apr. 12, 2004).

² PIR states that San Diego & Imperial Valley Railroad Company, Inc. (SD&IV) has residual authority to operate the Desert Line and has agreed to assign that authority to PIR. PIR states that it will file another notice of exemption for Board approval at the appropriate time regarding that assignment.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35832]

Iowa Pacific Holdings, LLC and Permian Basin Railways—Continuance in Control Exemption—Santa Cruz and Monterey Bay Railway Company

Iowa Pacific Holdings, LLC, and Permian Basin Railways (IPH/PBR), noncarriers, have filed a verified notice of exemption pursuant to 49 CFR 1180.2(d)(2) to continue in control of Santa Cruz and Monterey Bay Railway Company (SCMB) upon SCMB's becoming a Class III rail carrier.¹

In a concurrently filed verified notice of exemption, SCMB seeks Board approval to acquire by assignment from Sierra Northern Railway its lease and operating rights over a 31.0-mile rail line (the Line) owned by Union Pacific Railroad Company (UP). The Line, known as the Santa Cruz Branch, extends from milepost 0.433 at the east boundary of Salinas Road, near Watsonville Junction, Cal., to milepost 31.39 at the end of the line near Davenport, Cal., and includes an interconnection with Santa Cruz, Big Trees & Pacific Railway Company at milepost 20.4 in Santa Cruz, Cal., and an additional 3.6 miles of siding and spur track. *Santa Cruz & Monterey Bay Ry.—Assignment of Lease Exemption—Sierra N. Ry.*, Docket No. FD 35833.

In addition, SCMB has filed a related verified notice of exemption to acquire from UP its permanent and exclusive operating easement over the Line.² *Santa Cruz & Monterey Bay Ry.—Acquis. & Operation Exemption—Union Pac. R.R.*, Docket No. FD 35859.

The transaction may be consummated on or after August 31, 2012 (the effective date of the exemption).

IPH/PBR subsidiary railroads include: (1) Chicago Terminal Railroad, located in and around Chicago, Ill.; (2) Mount Hood Railroad, located in Oregon; (3) San Luis & Rio Grande Railroad, located in Colorado; (4) Saratoga & North Creek Railway, located in New York; (5)

¹ IPH and SCMB are wholly owned subsidiaries of IPH.

² Related to these notices of exemption is a petition for a declaratory order filed by the Santa Cruz County Regional Transportation Commission (SCRTC). See *Santa Cruz Cty. Reg'l Transp. Comm'n—Petition for Declaratory Order*, Docket No. FD 35832. SCRTC seeks a finding that its purchase of the physical assets of the Line from UP is not subject to the Board's approval jurisdiction and will not result in SCRTC acquiring a common carrier obligation with respect to the Line. As part of the transaction, UP will retain the permanent and exclusive operating easement over the Line that SCMB is seeking to acquire. The petition will be addressed in a separate decision.

C

AMENDMENT NO. 4

This Amendment No. 3 is entered into as of the 7th day of January, 2012 by and between San Diego and Imperial Valley Railroad Company, Inc. (SDIV), Carrizo Gorge Railway, Inc. (CZRY), Pacific Imperial Railroad, Inc. (PIR), Metropolitan Transit System (MTS), and San Diego and Arizona Eastern Railway Company (SD&AE);

WHEREAS, by virtue of Carrizo Gorge Railway, Inc. Operating Rights Agreement Over Desert Line, dated March 1, 2002, among SDIV, CZRY, SD&AE, and Metropolitan Transit Development Board (MTDB), as amended (2002 Operating Agreement), CZRY was authorized by MTDB, SD&AE, and SDIV to operate over a rail line between Milepost 59.6 at the border between the United States and Mexico near Division, CA and Milepost 130.0 at or near Plaster City, CA, which is commonly known as the Desert Line; and

WHEREAS, by decision of the Surface Transportation Board (STB) in its Finance Docket No. 34485, Carrizo Gorge Railway, Inc. -- Operation Exemption -- San Diego and Arizona Eastern Railway Company, served April 12, 2004, CZRY was authorized by the STB to operate the Desert Line; and

WHEREAS, by virtue of an Amendment No. 1 executed on August 1, 2002, among SDIV, CZRY, MTDB, and SD&AE, Section 8(c) of the 2002 Operating Agreement was amended in regard to insurance requirements; and

WHEREAS, by virtue of Amendment No. 2 entered into on August 23, 2003, among SDIV, CZRY, MTDB, and SD&AE, the 2002 Operating Agreement was further amended to extend the term of the Agreement and to modify terms relating to payment of fuel; and

WHEREAS, MTDB has been succeeded by Metropolitan Transit System (MTS); and

WHEREAS, CZRY desires to assign its rights and obligations under the 2002 Operating

Agreement to Pacific Imperial Railroad, Inc. (PIR); and

WHEREAS, PIR is willing to assume all of CZRY's rights and obligations under the 2002 Operating Agreement; and

WHEREAS, by virtue of Section 10 of the 2002 Operating Agreement, CZRY's rights under that Agreement cannot be assigned without the written consent of SDIV, MTSB (now MTS), and SD&AE; and

WHEREAS, SDIV, MTS, and SD&AE are willing to consent to an assignment by CZRY of its rights and obligations under the 2002 Operating Agreement to PIR; and

WHEREAS, PIR has agreed that within a reasonable time after execution of this Amendment No. 3, PIR will file a Notice of Exemption at the STB for PIR's acquisition from CZRY of authority to operate the Desert Line by virtue of this Amendment No. 3;

NOW, THEREFORE, the undersigned parties agree as follows:

1. CZRY hereby assigns its rights and obligations under the 2002 Operating Agreement to PIR; and
2. PIR hereby assumes CZRY's rights and obligations under the 2002 Operating Agreement; and
3. SDIV, MTS, and SD&AE hereby consent to the assignment of CZRY's rights and obligations under the 2002 Operating Agreement to PIR, and to the assumption of such rights and obligations by PIR; and
4. PIR hereby agrees that within a reasonable time after execution of this Amendment No. 3, it will file a Notice of Exemption at the STB for its acquisition from CZRY of authority to operate the Desert Line by virtue of this Amendment No. 3;

MTS Doc. No. S200-10-1044

WHEREFORE, authorized representatives of the parties have signed this Amendment

No. 3 as of the date stated in the foregoing.

CARRIZO GORGE RAILWAY, INC.

by: 

Its Authorized Representative

printed name: Wright J. J. J.

PACIFIC IMPERIAL RAILROAD, INC.

by: 

Its Authorized Representative

printed name: DONALD J. STOECKLEIN

CONSENTED TO BY:

SAN DIEGO & IMPERIAL VALLEY RAILROAD COMPANY, INC.

by: 

Its Authorized Representative

printed name: Robert D. Jones

METROPOLITAN TRANSIT SERVICE

by: 

Its Authorized Representative

printed name: PAUL C. JAROSKY

SAN DIEGO & ARIZONA EASTERN RAILWAY COMPANY

by: 

Its Authorized Representative

printed name: PAUL C. JAROSKY

MTS Doc. No. S200-00-194.4

D

42578

SERVICE DATE - AUGUST 17, 2012

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35657]

Pacific Imperial Railroad, Inc.—Change in Operator Exemption—Rail Line of San Diego and Arizona Eastern Railway Company

Pacific Imperial Railroad, Inc. (PIR), a noncarrier, has filed a verified notice of

exemption under 49 C.F.R. § 1150.31 to change operators, pursuant to an agreement with

Canizo Gorge Railway, Inc. (CGR),¹ from CGR to PIR over a 70.01-mile rail line

between milepost 59.60 in Division, Cal. and milepost 129.61 in Plaster City, Cal.

(Desert Line).² The Desert Line is owned by San Diego and Arizona Eastern Railway

Company (SD&AE). The agreement provides for a change in operators for the Desert

Line through CGR's assignment of its authority to operate the Desert Line to PIR, with

the consent of SD&AE, its parent, San Diego Metropolitan Transit Development Board,

and SD&IV.

The transaction may be consummated on or after August 31, 2012 (30 days after

the notice of exemption was filed).

¹ CGR was authorized to operate the Desert Line in Canizo Gorge Railway—
Operation Exemption—San Diego and Eastern Railway, FD 34485 (STB served Apr. 12, 2004).

² PIR states that San Diego & Imperial Valley Railroad Company, Inc. (SD&IV) has residual authority to operate the Desert Line and has agreed to assign that authority to PIR. PIR states that it will file another notice of exemption for Board approval at the appropriate time regarding that assignment.

PIR certifies that its projected annual revenues as a result of this transaction will not exceed those that would qualify it as a Class III rail carrier and further certifies that its projected annual revenues will not exceed \$5 million.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. § 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than August 24, 2012 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35657, must be filed with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Thomas F. McFarland, 208 South LaSalle Street, Suite 1890, Chicago, IL 60604.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.

Decided: August 13, 2012.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

E

OPERATING AGREEMENT
RE SD&AE FREIGHT SERVICE

AMENDMENT NO. 2

(Assignment and Assumption of Desert Line Rights and Responsibilities)

This Amendment Agreement No. 2 is entered into as of the ____ day of _____, 2012 by and between San Diego and Imperial Valley Railroad Company, Inc. (SDIY), Pacific Imperial Railroad, Inc. (PIR), and San Diego Metropolitan Transit Development Board (also known as San Diego Metropolitan Transit System) (MTS);

WHEREAS, by virtue of an Agreement for Operation of Freight Service and Control Through Management of SD&AE, dated March 8, 1984, among San Diego and Arizona Eastern Railway Company (SD&AE), MTS, and Rail Tex, Inc. (RTI) (1984 Operating Agreement), RTI was authorized by MTS, which controlled SD&AE, to operate specified rail lines owned by SD&AE as identified in Section 5 of the 1984 Operating Agreement, one of which extends between Division, CA and approximately one mile west of Plaster City, CA, commonly known as the "Desert Line"; and

WHEREAS, by decision of the Interstate Commerce Commission in its Finance Docket No. 30457, *San Diego & Imperial Valley Railroad Company, Inc. -- Exemption from USC 10901 and 11301*, served August 17, 1984, RTI and its wholly-owned subsidiary, SDIY, were authorized to operate those SD&AE-owned rail lines; and

WHEREAS, by virtue of an Amendment Agreement No. 1 executed on October 9, 1984, among SD&AE, RTI, and SDIY, and consented to by MTS, the 1984 Operating Agreement was amended by an assignment of all of RTI's rights and obligations under that Agreement to SDIY;

and

WHEREAS, by virtue of a First Amendment entered into on April 28, 1988, among SD&AE, MTS, and SDIY, the 1984 Operating Agreement was further amended to alter the insurance requirements of such Agreement; and

WHEREAS, SDIY desires to assign its rights and obligations under the 1984 Operating Agreement to Pacific Imperial Railroad, Inc. (PIR), but only as to the Desert Line and as specifically amended herein; and

WHEREAS, PIR is willing to assume all of SDIY's rights and obligations under the 1984 Operating Agreement as to the Desert Line and agrees to such terms herein; and

WHEREAS, by virtue of Section 32 of the 1984 Operating Agreement, SDIY's rights under that Agreement cannot be assigned without the written consent of MTS, and any such assignment shall not relieve SDIY of any of its obligations under that Agreement except as agreed upon MTS; and

WHEREAS, MTS is willing to consent to an assignment by SDIY of its rights and obligations under the 1984 Operating Agreement to PIR, but only as to the Desert Line and subject to the amendments herein; and

WHEREAS, within a reasonable time after execution of this Amendment Agreement No. 2 and MTS' consent thereto, PIR has agreed to file a Notice of Exemption at the Surface Transportation Board (STB) for PIR's acquisition from SDIY of authority to operate the Desert Line by means of this Amendment Agreement No. 2;

NOW, THEREFORE, the undersigned parties agree as follows:

1. SDIY hereby assigns its rights and obligations under the 1984 Operating Agreement to

- PIR, but only as to the Desert Line; and
2. Subject to Section 4, below, PIR hereby assumes SDIY's rights and obligations under the 1984 Operating Agreement as to the Desert Line; and
 3. Without prejudice to Section 4, below, MTS hereby consents to the assignment of SDIY's rights and obligations under the 1984 Operating Agreement to PIR, and to the assumption of such rights and obligations by PIR, but only as to the Desert Line; and
 4. The parties agree that Section 25 (Option to Renew) of the 1984 Operating Agreement is hereby deleted as of the date of this Amendment and restates the expiration date of the 1984 Operating Agreement as March 7, 2014, but only as to the Desert Line.
 5. The parties agree that only the Right of First Refusal discussed in Section 26 (Option to Purchase) and Exhibit E, Section 8 shall survive this assignment to PIR. The Option to Purchase is hereby extinguished as to the Desert Line.
 6. The parties agree that the addresses/persons for notice in Section 34 shall be:

MTS: Paul C. Jablonski
Chief Executive Officer
San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

PIR: Donald J. Stoecklein
President
Pacific Imperial Railroad, Inc.
401 West A Street, Suite 1150
San Diego, CA 92101
 7. MTS hereby agrees that such assignment and assumption relieves SDIY of its obligations under the 1984 Operating Agreement, but only as to the Desert Line; and
 8. PIR hereby agrees that within a reasonable time after execution of this Amendment

Agreement No. 2, it will file a Notice of Exemption at the STB for its acquisition from SDTY of authority to operate the Desert Line by means of this Amendment Agreement No. 2;

WHEREFORE, authorized representatives of the parties have signed this Amendment Agreement No. 2 as of the date stated in the foregoing.

SAN DIEGO & IMPERIAL VALLEY RAILROAD COMPANY, INC.

by:

 *Vice President + Treasurer*
Its Authorized Representative

printed name:

Joshua Patterson

PACIFIC IMPERIAL RAILROAD, INC.

by:


Its Authorized Representative

printed name:

DONALD J. STOECKLEIN

CONSENTED TO BY:

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

by:

Its Authorized Representative

printed name:

Agenda Item No. 6

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

SDAE 710.1 (PC 50771)

October 16, 2012

SUBJECT:

SUMMARY OF SD&AE DOCUMENTS ISSUED SINCE JULY 10, 2012

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

Since the July 10, 2012, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-12-533: Right of Entry (ROE) Permit to Pacific Drilling, Inc. for field investigations for various SANDAG capital projects.
- S200-12-535: ROE Permit to San Diego Bicycle Coalition for the Bike the Bay Fun Ride.
- S200-12-536: ROE Permit to Steve Julius Construction Inc. for renovation of the Farmers Market Building on 21st Street, San Diego.
- S200-12-537: ROE Permit to the Ortiz Corporation for sewer reconstruction at 33rd and J Streets, in the City of San Diego.
- S200-13-539: ROE Permit to San Diego Gas and Electric for various locations for the Traction Power Substation Project.
- S200-13-540: ROE Permit to Blattner Energy Inc. to construct the Ocotillo Wind Farm Project in Ocotillo, Imperial County.
- S200-13-543: ROE Permit to AM Ortega Construction, Inc. to jack and bore a 36" casing for SDG&E at 22nd Street, San Diego.
- S200-13-544: ROE Permit to Basile Construction Inc. to construct sewer facilities at 22nd Street, San Diego.
- S200-13-550: ROE Permit to R. Dugan Construction Inc. to construct storm drainage facilities at 22nd Street, San Diego.
- S200-13-552: ROE Permit to Aguirre Engineering Inc. to perform surveying for various SANDAG capital projects.
- S200-13-553: ROE Permit to Schilling Paradise Corporation to construct various dry utilities at 22nd Street, San Diego.
- S200-13-554: ROE Permit to Malcolm Drilling Company, Inc. to construct shoring at 22nd Street, San Diego.

Agenda Item No. 7

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

October 16, 2012

SUBJECT:

APPROVAL OF THE 2013 SD&AE BOARD OF DIRECTORS MEETING SCHEDULE

RECOMMENDATION:

That the SD&AE Board of Directors approve the 2013 SD&AE Board of Directors meeting schedule.

Budget Impact

None.

DISCUSSION:

The SD&AE Board of Directors customarily meets once each quarter to discuss business and receive reports from its contract operators. The following meeting schedule is recommended for 2013:

| | | |
|---------------------------|-----------|-------------------------------|
| Tuesday, January 15, 2013 | 9:00 a.m. | (Fourth Quarter 2012 Reports) |
| Tuesday, April 16, 2013 | 9:00 a.m. | (First Quarter 2013 Reports) |
| Tuesday, July 16, 2013 | 9:00 a.m. | (Second Quarter 2013 Reports) |
| Tuesday, October 15, 2013 | 9:00 a.m. | (Third Quarter 2013 Reports) |

Upon approval of the above meeting dates, additional information regarding materials due dates and mail-outs are as follows:

Materials Due to Clerk

Friday, January 4, 2013
Friday, April 5, 2013
Friday, July 5, 2013
Friday, October 4, 2013

Materials Mailed

Wednesday, January 9, 2013
Wednesday, April 10, 2013
Wednesday, July 10, 2013
Wednesday, October 9, 2013



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Agenda Item No. 7

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

INVESTMENT REPORT – SEPTEMBER 2012

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 September 2012. The combined total of all investments has increased from \$224.1 million to \$233.6 million in the current month. This \$9.5 million increase is due to receipt of subsidy funds totaling \$38.6 million partially offset by payments totaling \$20.7 million for the acquisition of capital assets and normal timing variances in scheduled receipts, vendor payments, and payroll disbursements.

The first column in Attachment A provides details about investments restricted for capital improvement projects and debt service, 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. In addition, in the current month, MTS transferred \$18.3 million in Proposition 1B funding restricted for the acquisition of capital assets from the San Diego County Investment Pool to fund the acquisition of trolley cars. The second column in Attachment A (unrestricted investments) reports the working capital for MTS operations for employee payroll and vendors' goods and services. During September, MTS transferred \$20 million to the Local Agency Investment Fund temporary investment account.



Paul G. Jablonski
Chief Executive Officer

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

Attachment: A. Investment Report for September 2012



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

**San Diego Metropolitan Transit System
Investment Report
September 30, 2012**

| | <u>Restricted</u> | <u>Unrestricted</u> | <u>Total</u> | Average rate of return |
|--|------------------------------|-----------------------------|------------------------------|---------------------------------------|
| Cash and Cash Equivalents | | | | |
| Bank of America - concentration account | \$ - | \$ 404,093 | \$ 404,093 | 0.00% |
| JP Morgan Chase - concentration account | 1,399,834 | 24,049,537 | 25,449,371 | |
| Total Cash and Cash Equivalents | <u>1,399,834</u> | <u>24,453,630</u> | <u>25,853,464</u> | |
| Cash - Restricted for Capital Support | | | | |
| US Bank - retention trust account | 8,043,460 | - | 8,043,460 | N/A * |
| San Diego County Investment Pool | | | | |
| Proposition 1B grant funds | 23,715,441 | 8,060,773 | 31,776,215 | |
| Proposition 1B TSGP grant funds | 5,118,537 | 1,259,861 | 6,378,399 | |
| Total Cash - Restricted for Capital Support | <u>36,877,438</u> | <u>9,320,635</u> | <u>46,198,073</u> | |
| Investments - Working Capital | | | | |
| Local Agency Investment Fund (LAIF) | - | 42,023,059 | 42,023,059 | 0.348% |
| Total Investments - Working Capital | <u>-</u> | <u>42,023,059</u> | <u>42,023,059</u> | |
| Investments - Restricted for Debt Service | | | | |
| US Bank - Treasury Strips - market value (Par value \$39,474,000) | 39,130,873 | - | 39,130,873 | 7.69% |
| Rabobank - | | | | |
| Payment Undertaking Agreement | 80,435,481 | - | 80,435,481 | |
| Total Investments Restricted for Debt Service | <u>119,566,354</u> | <u>-</u> | <u>119,566,354</u> | |
| Total cash and investments | <u><u>\$ 157,843,627</u></u> | <u><u>\$ 75,797,324</u></u> | <u><u>\$ 233,640,950</u></u> | |

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



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Agenda Item No. 8

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

UNALLOCATED TRANSPORTATION DEVELOPMENT ACT FUNDS FOR TRANSIT-RELATED PROJECTS

RECOMMENDATION:

That the Board of Directors approve the use of \$125,128.59 in unallocated Transportation Development Act (TDA) funds currently held by the County of San Diego for transit-related expenses for the City of El Cajon.

Budget Impact

The use of unallocated TDA funds set aside by the County for transit-related projects in various jurisdictions would have no impact on MTS's operating or capital budgets. The total available unallocated TDA held for the benefit of the City of El Cajon would be reduced by \$125,128.59 resulting in a remaining balance of \$1,537,510 held by the County for future transit-related projects pending MTS Board approval.

DISCUSSION:

On October 8, 2012, MTS received a request from the City of El Cajon for the use of \$125,128.59 of unallocated TDA funds held by the County to reimburse the City of El Cajon's fiscal year 2011/2012 transit-related expenditures. These expenditures cover overlay thoroughfare in 2010, installation of bus shelters, and repair and replacement of existing facilities.



Paul C. Jablonski
Chief Executive Officer

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





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Agenda Item No. 9

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

ADOPTION OF THE 2013 MTS EXECUTIVE COMMITTEE AND BOARD OF
DIRECTORS MEETING SCHEDULE

RECOMMENDATION:

That the Board of Directors adopt the 2013 Executive Committee and Board of Directors meeting schedule (Attachment A).

Budget Impact

None.

DISCUSSION:

The MTS Board of Directors annually adopts its meeting schedule for the next calendar year. Attachment A is the proposed 2013 Executive Committee and Board of Directors meeting schedule for MTS.

The meeting schedule reflects Executive Committee and Board of Directors meetings throughout the 2013 calendar year. Meetings are generally scheduled to occur on the second and third Thursdays of the month with the exception of September, November, and December. The schedule has been modified during these months in anticipation of avoidance of conflicts with city council legislative recesses; the League of California Cities Annual Meeting; and Thanksgiving and Christmas holidays.

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

Paul O. Jablonski
Chief Executive Officer

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

Attachment: A. 2013 MTS Executive Committee and Board of Directors Meeting Schedule



2013
METROPOLITAN TRANSIT SYSTEM

**JOINT BOARD OF DIRECTORS AND
EXECUTIVE COMMITTEE MEETINGS**

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

| Executive Committee Meetings Thursdays at 9:00 a.m. | Board Meetings Thursdays at 9:00 a.m. |
|--|--|
| January 10 | January 17 |
| February 14 | February 21 |
| March 14 | March 21 (Finance Workshop) |
| April 11 | April 18 (Finance Workshop) |
| May 9 May 23 | May 16 (Finance Workshop) May 30 |
| June 13 | June 20 |
| July 11 | July 18 |
| August 8 | August 15 |
| September 5 * | September 12* |
| October 3 October 17 | October 10 October 24 |
| November 7 | November 14 |
| December 5 | December 12 |

* The League of California Cities is holding its annual meeting September 18 – 20. Meetings in September have been scheduled accordingly.

* The 2013 APTA conference will be on September 29 – October 2.



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Agenda Item No. 10

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

PURCHASE AND INSTALLATION OF AT&T'S CISCO CORE AND IDF NETWORK EQUIPMENT

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to purchase American Telephone and Telegraph (AT&T) equipment and professional installation services to replace MTS network infrastructure hardware.

Budget Impact

The total cost of the new equipment and professional installation services would not exceed \$703,985.41 (as reflected below). This project would be paid for with funds from Capital Improvement Project 11315-0200.

| | |
|--|----------------------------|
| Purchase AT&T's CISCO Core Nortel Network Equipment: | \$675,442.75 |
| Professional Services (500 hours) – Installation and Implementation: | \$ 75,000.00 |
| California Sales Tax (7.75%): | \$ 52,346.81 |
| Freight/Delivery Charge: | \$ 1,000.00 |
| | <u>Subtotal:</u> |
| | \$803,789.56 |
| Less Trade-In Value (MTS Equipment): | <u>\$ 99,804.15</u> |
| | TOTAL: \$703,985.41 |

DISCUSSION:

MTS's utilizes a network infrastructure to provide interconnectivity between computers, sites, servers, and information technology systems and services in support of a variety of its day-to-day business operations. The network infrastructure provides core interconnectivity to information technology systems and services that includes e-mail, financial management systems, asset management systems, maintenance management systems, a data warehouse and other databases, bus and train operations systems,



Internet connectivity, dispatch and radio communications systems, human resources and payroll management systems, print services, telephone and fax systems, and many other information technology systems and services. The current network infrastructure hardware has reached well past the end of its useful life and needs to be replaced to prevent failure and resultant downtime of these critical information technology systems and services.

Per Federal Transit Administration (FTA) Circular 4220.1F, Page V-2 Section 4, the FTA encourages recipients and subrecipients to enter into state and intergovernmental agreements for procurements of property or services.

As a public agency and a grantee, MTS has the ability to purchase network infrastructure hardware and professional installation services using competitively bid state procurement contracts. MTS intends to utilize the County of Merced Contract No. 2009177 with AT&T Datacomm, Inc. The quote for stated pricing is based on Fast Open Contracts Utilization Services (FOCUS), which is California's only nationwide, local government-to-government purchasing program created to allow cities, counties, schools, special districts, and other public entities to acquire technology products and services at competitive rates.

Conclusion

The network infrastructure that provides necessary interconnectivity to all information systems and services at the heart of MTS business operations has reached the end of its useful life. It has become necessary to replace network infrastructure hardware to prevent catastrophic downtime for these critical systems. Therefore, staff recommends that the Board approve the recommendation to procure the necessary replacement equipment and professional installation services from AT&T as noted above.



Paul C. Jablonski
Chief Executive Officer

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



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Agenda Item No. 11

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

INCREASED AUTHORIZATION FOR LEGAL SERVICES – LIEBMAN, QUIGLEY,
SHEPPARD & SOULEMA, APLC

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1425.1-12 (in substantially the same format as Attachment A) with Liebman, Quigley, Sheppard & Soulema, APLC for legal services throughout the remainder of FY 2013.

Budget Impact

This contract amendment would increase the full contract value from \$80,000 to \$140,000. Funding for the recommended \$60,000 contract increase has been programmed in the FY 2013 budget.

DISCUSSION:

Pursuant to Board Policy No. 52 (Procurement of Goods and Services), the CEO may enter into contracts with service providers for up to \$100,000. The Board must approve all agreements in excess of \$100,000.

On December 8, 2011, the Board established a panel of qualified law firms to assist MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC) with various legal matters on an as-needed basis. Thereafter, MTS began contracting with 16 of the approved law firms for designated amounts depending on current and anticipated needs.



A contract was established with Liebman, Quigley, Sheppard & Soulema on March 23, 2012, covering the five-year base contract period of January 1, 2012, through December 31, 2016. An initial contract value of \$80,000 was established with this firm. There is currently \$11,821.43 remaining of this amount for legal services paid through September 30, 2012, for anticipated legal services through calendar year 2012.

Attorney John Madsen of Liebman, Quigley, Sheppard & Soulema has successfully represented and defended MTS, San Diego Transit Corporation, and San Diego Trolley, Inc. in numerous tort liability matters over the past several years. Since November 2011, Mr. Madsen has handled six tort liability cases for the agencies; he currently has three files open.

Therefore, staff is requesting Board approval of MTS Doc. No. G1425.1-12 (in substantially the same format as Attachment A) with Liebman, Quigley, Sheppard & Soulema, APLC for legal services and ratification of prior contracts/amendments entered into under the CEO's authority.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No. G1425.1-12

DRAFT

November 15, 2012

MTS Doc. No. G1425.1-12
LEG 491 (PC 50633)

Mr. James R. Rij
Managing Partner
Liebman, Quigley, Sheppard, and Soulema, APLC
402 West Broadway, 4th Floor
San Diego, CA 92101-3542

Dear Mr. Rij:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. G1425.0-12; LEGAL SERVICES – GENERAL
AND TORT LIABILITY, CIVIL RIGHTS

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

STATEMENT OF WORK

Pursuant to the scope of work of MTS RFP No. G1389.0-11, Liebman, Quigley, Sheppard, and Soulema, APLC agrees to continue to represent and defend MTS, SDTC, and SDTI in tort liability and civil rights matters in accordance with the terms and conditions as stated on MTS Doc No. G1425.0-12.

SCHEDULE

There is no change to the term of this agreement.

PAYMENT

This contract amendment shall authorize additional costs not to exceed \$60,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$140,000. This amount shall not be exceeded without written approval from MTS.

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. The other copy is for your records.

Sincerely,

Agreed:

Paul C. Jablonski
Chief Executive Officer

James J. Rij, Managing Partner
Liebman, Quigley, Sheppard, and Soulema, APLC

Date: _____

c: S. Lockwood, K. Landers, M. Held, C. Aquino, Procurement File



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Agenda Item No. 12

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

FEDERAL TRANSIT ADMINISTRATION 5317 GRANT APPLICATIONS

RECOMMENDATION:

That the Board of Directors adopt Resolution No. 12-16 (Attachment A) authorizing the Chief Executive Officer (CEO) to submit applications for federal fiscal year 2012 New Freedom funding.

Budget Impact

If the grant application is accepted, MTS will be required to provide 53% matching funds (\$225,000) towards the project.

DISCUSSION:

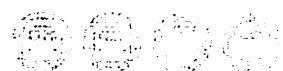
The Federal Transit Administration (FTA) provides funds for capital assistance to agencies providing transportation through the Section 5317 New Freedom Program. These funds come directly to the region but are to be apportioned by the Metropolitan Planning Organization (MPO) through a competitive grant application process. The San Diego Association of Governments (SANDAG) is currently accepting applications for the available funding for federal fiscal year 2012. Staff proposes a grant application to fund installation of Mobile Data Terminals (MDT) on MTS Access vehicles. The MDTs would utilize Global Positioning System (GPS) technology to provide mapping and driving directions to drivers and allow management and dispatchers to know the precise location of all vehicles in real-time via an electronic map. The use of these technologies would assist MTS in providing paratransit services with greater efficiencies in operating costs and provide faster service to its clients. SANDAG requirements include submission of a resolution by the Board of Directors authorizing MTS to submit the grant application. Therefore, staff recommends that the Board approve Resolution No. 12-16 (Attachment A) authorizing the CEO to submit applications for federal fiscal year 2012 New Freedom for a total amount up to \$200,000.

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

Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Resolution No. 12-16



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 12-16

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

WHEREAS, the San Diego Association of Governments (SANDAG) is making available funds for the New Freedom Program through a competitive process for Federal Fiscal Year 2012; and

WHEREAS, The San Diego Metropolitan Transit System wishes to receive up to \$200,000 in New Freedom Program funds for the following project(s): Installation of Mobile Data Terminals on its Access vehicles in order to achieve greater operational efficiencies; and

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

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

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Metropolitan Transit System Board of Directors that San Diego Metropolitan Transit System is authorized to submit an application to the San Diego Association of Governments for New Freedom funding in the amount up to \$200,000 for the Installation of Mobile Data Terminals on its Access vehicles; and

BE IT FURTHER RESOLVED that if an award is made by SANDAG to fund the Installation of Mobile Data Terminals on its Access vehicles, the Board of Directors commits to fund 53% of the project (\$225,000), which is the grant's required proportion, and authorizes the San Diego Metropolitan Transit System Chief Executive Officer, or designated representative, to file and execute any actions necessary on behalf of Metropolitan Transit System with SANDAG to accept the grant funding and execute a grant agreement.

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

2. The Chief Financial Officer, or designated representative, is authorized to provide additional information as the San Diego Association of Governments may require in connection with the application for Section 5317 funds.

PASSED AND ADOPTED, by the Board of Directors this ____ day of _____ 2012 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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619.231.1466, FAX: 619.234.3407

Agenda Item No. 13

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

SAN DIEGO REGIONAL COMMUNICATIONS SYSTEM PARTICIPATING AGENCY
AGREEMENT - CONTRACT AMENDMENT

RECOMMENDATION:

That the Board of Directors:

1. authorize additional funding of \$45,951 to cover MTS's share of the Regional Communications System (RCS) Participating Agency Agreement (MTS Doc. No. G0763.2-02) (Attachment A) for radio-repeater services through March 31, 2013; and
2. authorize the CEO to execute MTS Doc. No. G0763.3-02 (in substantially the same format as Attachment B) to the RCS Participating Agency Agreement extending the radio-repeater service term from April 1, 2013, to March 31, 2016.

Budget Impact:

1. The recommended \$45,951.00 in additional contract funding (MTS Doc. No. G0763.2-02) would be allocated from the FY 2013 operating budget.
2. The recommended \$233,730.00 amendment expense (MTS Doc. No. G0763.3-02) would be allocated from the FY 2013-2016 operating budgets.

DISCUSSION:

In May 1998, the County of San Diego implemented the Regional Communication System providing public safety voice and data communications to more than 200 local, state, and federal agencies in San Diego and Imperial counties. MTS joined as a member agency in 2005. RCS provides users with seamless communication with their own and other public safety/service agencies. The San Diego County Sheriff's



Department's Wireless Services Division oversees the operation and maintenance of the Regional Communications System.

Currently, MTS has 235 radios in service on the RCS 800MHz network. RCS provides MTS radio services for its Taxicab Administration, ADA Services, East County Fixed-Route, and Rural Services. The RCS radio service is reliable, cost-effective, and has a proven track record of good service coverage throughout San Diego County.


In August 2002, MTS entered into a customer service agreement with the Regional Communication System (MTS Doc. No. G0763.0-02) for \$192,942.00. This agreement covered the service period from August 19, 2002, through August 19, 2007.

In July 2005, MTS amended the contract (MTS Doc. No. G0763.1-02), as an Equity Partner, purchased radio equipment, and extended the contract term to match the RCS term for \$1,309,518.00. This agreement covered the service period from September 2, 2005, through March 6, 2010.

In May 2009, the County of San Diego extended the RCS agreement to March 31, 2013 (MTS Doc. No. G0763.2-02). MTS signed the agreement, but no additional funds were added to the contract. MTS had not exhausted the funds from Amendment No. 1, and those funds have been used to pay for the 2010-2013 contract period. There are not enough funds remaining to cover November 2012 through March 2013. An additional \$45,951.00 is required to fund RCS services through March 31, 2013.

In August 2012, the County of San Diego extended the RCS agreement to March 31, 2016 (Attachment B). This amendment will include RCS expenses of \$233,730.00 for the March 31, 2013, through March 31, 2016, service period.

During the extension period, RCS staff and the RCS Board will assess the next generation of regional communication requirements as the current RCS Motorola Smartzone 3.0 operating system approaches the end of its life cycle. The possible replacement for the existing Smartzone system is the digital-P25 standard, but all options would be reviewed for merit and assessed for cost effectiveness. Future cost considerations to participating agencies will be presented as part of the overall system analysis.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. MTS Doc. No. G0763.2-02
B. Draft MTS Doc. No. G0763.3-02

AMENDMENT TO THE MEMORANDUM OF AGREEMENT DATED AS OF
MARCH 7, 1995, BETWEEN THE COUNTY OF SAN DIEGO AND
PARTICIPATING CITIES AND JURISDICTIONS REGARDING THE
IMPLEMENTATION, GOVERNANCE, METHOD OF FUNDING AND COSTS OF A
REGIONAL RADIO SYSTEM PROVIDING COMMUNICATION SERVICES TO
PUBLIC SAFETY AND PUBLIC SERVICE AGENCIES OPERATING IN SAN
DIEGO COUNTY AND IMPERIAL COUNTY

THIS AMENDMENT to that Memorandum of Agreement dated as of March 7, 1995, providing for the establishment, governance and funding of a regional radio system providing communication services to public safety and public service agencies operating in San Diego County and Imperial County is entered into as of May 5, 2009, between the County of San Diego and the parties listed in Exhibit A as follows:

RECITALS

Whereas, pursuant to a Memorandum of Agreement ("RCS Agreement") dated as of March 7, 1995, the parties established the Regional Communications System ("RCS") and provided for its governance and funding; and

Whereas, other jurisdictions have become parties to the RCS Agreement; and

Whereas, the term of the RCS Agreement is 15 years from March 7, 1995, and will therefore expire March 6, 2010; and

Whereas, the present parties to the RCS Agreement desire to extend the term of the RCS Agreement for approximately three more years to terminate March 31, 2013;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 20 of the RCS Agreement is amended by substituting the following language:

This Agreement shall terminate March 31, 2013.

2. In all other respects, the RCS Agreement shall remain the same.

IN WITNESS THEREOF, the parties hereto have affixed their signature on the attached Exhibit A.

Exhibit "A"

Amendment to the RCS Participating Agency Agreement

IN WITNESS WHEREOF, the party hereto does affix his/her signature.

**COUNTY OF SAN DIEGO
Board of Supervisors Approval**

Date: 5.5.09

By Thomas J. Pastuszka
Thomas J. Pastuszka
Clerk of the Board of Supervisors

**CITY OF CARLSBAD
Council Approval**

Date: _____

By _____
Mayor

**CITY OF CHULA VISTA
Council Approval**

Date: _____

By _____
Mayor

**CITY OF CORONADO
Council Approval**

Date: _____

By _____
Mayor

**CITY OF DEL MAR
Council Approval**

Date: _____

By _____
Mayor

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date 5.5.09 Minute Order No. 2
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
Nancy J. Jarama
Deputy Clerk



Exhibit "A"
Amendment to the RCS Participating Agency Agreement

**IMPERIAL VALLEY EMERGENCY
COMMUNICATIONS JPA**

Board of Directors Approval

Date: _____

By _____

NORTH COUNTY DISPATCH JPA

Board of Directors Approval

Date: _____

By _____

**HEARTLAND COMMUNICATIONS
FACILITY JPA**

Board of Directors Approval

Date: _____

By _____

**MIRA COSTA COMMUNITY
COLLEGE DISTRICT**

Governing Authority Approval

Date: _____

By _____

METROPOLITAN TRANSIT SYSTEM

Governing Authority Approval

Date: 7/28/09

By 

May 5, 2009

Page 5

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MAY 5, 2009**

MINUTE ORDER NO. 2

**SUBJECT: SHERIFF – AMENDMENT TO THE REGIONAL COMMUNICATIONS
SYSTEM PARTICIPATING AGENCY AGREEMENT (DISTRICTS: ALL)**

OVERVIEW:

The Regional Communications System (RCS) Participating Agency Agreement dated March 7, 1995, between the County of San Diego and participating cities and jurisdictions will expire on March 6, 2010. This is a request to approve the recommendation of the RCS Board of Directors to extend the term of the RCS Agreement to March 31, 2013, in order to allow sufficient time to assess future regional public safety communications requirements and develop plans for a replacement system.

FISCAL IMPACT:

The estimated annual cost to operate and maintain the RCS is \$5,600,000 of which the County pays approximately \$2,100,000 and non-County RCS agencies pay \$3,500,000. This extension will not result in a change in overall costs for the RCS program or change the participating agencies' share in the costs.

BUSINESS IMPACT STATEMENT:

N/A

RECOMMENDATION:

SHERIFF

Approve and authorize the Clerk of the Board to execute an amendment extending the term of the Regional Communications System Participating Agency Agreement to March 31, 2013, on behalf of the Board of Supervisors.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Roberts, the Board took action as recommended, on Consent.

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors



By 
Marvice E. Mazyck, Deputy

AMENDMENT TO THE MEMORANDUM OF AGREEMENT DATED AS OF
MARCH 7, 1995, BETWEEN THE COUNTY OF SAN DIEGO AND
PARTICIPATING CITIES AND JURISDICTIONS REGARDING THE
IMPLEMENTATION, GOVERNANCE, METHOD OF FUNDING AND COSTS OF A
REGIONAL RADIO SYSTEM PROVIDING COMMUNICATION SERVICES TO
PUBLIC SAFETY AND PUBLIC SERVICE AGENCIES OPERATING IN SAN
DIEGO COUNTY AND IMPERIAL COUNTY

THIS AMENDMENT to that Memorandum of Agreement dated as of March 7, 1995, providing for the establishment, governance and funding of a regional radio system providing communication services to public safety and public service agencies operating in San Diego County and Imperial County is entered into as of August 7, 2012, between the County of San Diego and the parties listed in Exhibit A as follows:

RECITALS

Whereas, pursuant to a Memorandum of Agreement ("RCS Agreement") dated as of March 7, 1995, the parties established the Regional Communications System ("RCS") and provided for its governance and funding; and

Whereas, other jurisdictions have become parties to the RCS Agreement; and

Whereas, the term of the RCS Agreement is 15 years from March 7, 1995, and will therefore expire March 6, 2010; and

Whereas, the term of the RCS Agreement was extended for three years from March 6, 2010 to March 31, 2013; and

Whereas, the present parties to the RCS Agreement desire to extend the term of the RCS Agreement for another three more years to terminate March 31, 2016;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Section 20 of the RCS Agreement is amended by substituting the following language:

This Agreement shall terminate March 31, 2016.

2. In all other respects, the RCS Agreement shall remain the same.

IN WITNESS THEREOF, the parties hereto have affixed their signature on the attached Exhibit A.

Exhibit "A"
Amendment to the RCS Participating Agency Agreement

IN WITNESS WHEREOF, the party hereto does affix his/her signature.

COUNTY OF SAN DIEGO
Board of Supervisors Approval

Date: 8.8.12

By Thomas J. Pastuszka
Thomas J. Pastuszka
Clerk of the Board of Supervisors

CITY OF CARLSBAD
Council Approval

Date: _____

By _____
Mayor

CITY OF CHULA VISTA
Council Approval

Date: _____

By _____
Mayor

CITY OF CORONADO
Council Approval

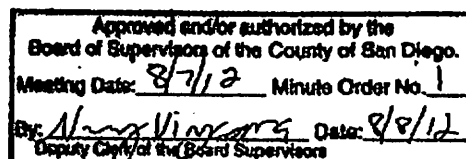
Date: _____

By _____
Mayor

CITY OF DEL MAR
Council Approval

Date: _____

By _____
Mayor



August 7, 2012
Page 1

MTS Doc. No. G0763.3-02

B-2

Exhibit "A"
Amendment to the RCS Participating Agency Agreement

**IMPERIAL VALLEY EMERGENCY
COMMUNICATIONS JPA**

Board of Directors Approval

Date: _____

By _____

NORTH COUNTY DISPATCH JPA

Board of Directors Approval

Date: _____

By _____

**HEARTLAND COMMUNICATIONS
FACILITY JPA**

Board of Directors Approval

Date: _____

By _____

**MIRA COSTA COMMUNITY
COLLEGE DISTRICT**

Governing Authority Approval

Date: _____

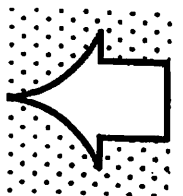
By _____

METROPOLITAN TRANSIT SYSTEM

Governing Authority Approval

Date: _____

By _____



August 7, 2012
Page 5



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

Agenda Item No. 14

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

AT&T CALNET II TELECOMMUNICATIONS CONTRACT

RECOMMENDATION:

That the Board of Directors authorize the CEO to purchase telecommunications services, including leased-line telecommunications services, for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley Inc. (SDTI) using the State of California's CALNET II Master Services Agreement (MSA) for modules MSA-1 (voice data and video services) and MSA-2 (long-distance services) with American Telephone and Telegraph (AT&T) for the entire term of the contract and any contract extensions currently calculated at 15 months.

Budget Impact

The total adjusted costs for the remaining CALNET II contract term shall not exceed \$556,725.00 without prior written approval from MTS. MTS costs for the AT&T - CALNET II telecommunication services contract would be paid from operating budget 902-55510.

DISCUSSION:


AT&T currently provides telecommunication services for MTS, SDTC, and SDTI. Staff has evaluated other telecommunication services offerings and cost alternatives to replace the existing leased-line services supplied by AT&T. Due to additional costs and complexities with the existing leased-line infrastructure currently in place, staff has determined that it would not be cost-effective to competitively bid out leased-line telecommunications services. Staff has also concluded that the rates under the CALNET II - State of California Master Service Agreement (MSA) are competitively priced compared to other types of data and voice services offered by other telecommunications service providers.



Utilizing the MSA allows staff to satisfy the bidding requirements of MTS Policy No. 52. The CALNET II contract was a competitively bid process awarded in January 2007. Under the existing State of California contract, MTS, SDTC, and SDTI are authorized to order telecommunications services under the CALNET II state plan. Four types of service modules are available under the State MSA and CALNET II plan:

- MSA-1: Voice Data and Video Services (awarded to AT&T)
- MSA-2: Long Distance Service (awarded to AT&T)
- MSA-3: Internet Protocol Services (awarded to Verizon Business)
- MSA-4: Broadband and Fixed Wireless Services (awarded to Verizon)

The CALNET II plan allows "non-state" public entities to enroll in the plan and receive qualifying telecommunications goods and services for the duration of the agreement.


Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Master Service Agreement 1 (MSA 1) Authorization to Order
B. Master Service Agreement 2 (MSA 2) Authorization to Order

SEP 23 2009

EXHIBIT A-2

20090925-0361

ORIGINAL

AUTHORIZATION TO ORDER UNDER STATE CONTRACT

SBC Global Services, Inc., dba AT&T Global Services on behalf of Pacific Bell Telephone Company, dba AT&T California ("AT&T" or "Contractor") and the State of California ("State") have entered into a Contract for California Integrated Information Network (CALNET) 2 ("CALNET 2") MSA 1 Services dated January 30, 2007 ("Contract"), for a term of five (5) years. The State may, at its sole option, elect to extend the Contract term for up to two (2) additional periods of one (1) year each. Pursuant to the Contract, which is incorporated herein by reference, any public agency, as defined in Government Code section 11541, is allowed to order services and products ("Services") solely as set forth in the Contract.

A non-State public agency (herein "Non-State Agency") shall also be required to complete and submit this Authorization to Order Under State Contract (ATO) prior to ordering Services. A description of the Service(s), applicable rates and charges and the specific terms and conditions under which the Service(s) will be provided to a Non-State Agency are fully set forth in the Contract. Access to the Contract is available at www.stnd.dts.ca.gov.

MTS ("Non-State Agency") desires to order Service(s), and Contractor agrees to provide such Service(s), as identified in the State of California, Telecommunications Service Request (STD. 20), pursuant to the terms and conditions and rate tables contained in the Contract.

1. This ATO shall become effective upon execution by Non-State Agency, Contractor, and the Department of Technology Services, Statewide Telecommunications and Network Division (DTS/STND) ("Effective Date"). No Service(s) shall be ordered by Non-State Agency or provided by Contractor until this ATO has been executed by both parties and approved by DTS/STND.
2. With respect to Services ordered under this ATO, as authorized on Attachment 1, Non-State Agency hereby agrees to obtain such Services exclusively through the Contract and this ATO for a two (2) year commitment period, starting with the Effective Date of the ATO, provided that such commitment does not extend beyond the Term of the Contract, including any extension periods. Any new Services added to an existing ATO shall not extend the two (2) year commitment period previously agreed upon on the ATO.
3. Upon expiration of the two (2) year commitment period, this ATO shall continue in effect through the remainder of the Term of the Contract, unless terminated by Non-State Agency. The Non-State Agency will automatically continue to receive Services at Contract terms and conditions when the two year commitment period ends, and may add, delete or change Services without penalty or additional commitment periods (unless a specific Service requires a term per the Contract).
4. Non-State Agency may terminate this ATO, for specific Service(s) or in total, prior to termination of the Contract, by providing the Contractor with thirty (30) calendar days' written notice of cancellation.

If Non-State Agency elects to terminate Service prior to completion of the two (2) year commitment period, a termination charge may apply. The termination charge may not exceed sixty-five percent (65%) of the Non-State Agency's average monthly bill for the disconnected Service(s), multiplied by the number of full months remaining in the two (2) year commitment period. If

Service(s) are terminated after the two (2) year commitment period, no termination liability shall apply.

5. No termination charge will be assessed when Non-State Agency transfers Service(s) to a like Service offered under this Contract, or from one CALNET 2 MSA to another, if the Contractor is the same for both MSAs, or is affiliated with the Contractor for the other MSA.
6. By executing this ATO, Non-State Agency agrees to subscribe to, and Contractor agrees to provide Service(s), in accordance with the terms and conditions of this ATO and the Contract. Upon execution of this ATO by Non-State Agency and Contractor, Contractor shall deliver this ATO to DTS/STND for review and approval.
7. The DTS/STND will provide Contract management and oversight, and upon request by the Non-State Agency or Contractor, will advocate to resolve any Contract service issues. The ATO, and any resulting STD. 20, is a Contract between the Non-State Agency and the Contractor. The State will not represent the Non-State Agency in resolution of litigated disputes between the parties.
8. Non-State Agency, upon execution of this ATO, certifies that Non-State Agency understands that Contractor and the State may, from time to time and without Non-State Agency's consent, amend the terms and conditions of the Contract thereby affecting the terms of service Non-State Agency receives from Contractor.
9. Non-State Agency, upon execution of this ATO, certifies that it has reviewed the terms and conditions, including the rates and charges, of the Contract.
10. Non-State Agency, upon execution of this ATO, certifies the Non-State Agency understands that billing invoices for Service(s) subscribed to under the Contract are subject to review and/or audit by the State, pursuant to provisions of the Contract.
11. All Service(s) ordered under this ATO will be submitted using the STD. 20, signed by the Non-State Agency's authorized signatory. Any additions or deletions to Service(s) shall likewise be accomplished by submission of a STD. 20, noting changes.
12. Non-State Agency may, by placing Service orders issued by its duly authorized representative with Contractor, order any of the Service(s) listed in the Contract. Contractor shall bill Non-State Agency, and Non-State Agency shall pay Contractor according to the terms and conditions and rate tables set forth in the Contract for such Service(s).
13. If, for any fiscal year during the term of this ATO, funds are not appropriated to enable the Non-State Agency to continue paying for services, or universal service discounts are not received, the Non-State Agency may terminate impacted Service(s) without penalty.
14. Whenever any notice or demand is given under this Contract to Contractor or Non-State Agency, the notice shall be in writing and addressed to the following:

Non-State Agency:

MTS

1255 Imperial, Suite 1000

San Diego, California 92101

Attn: Paul Jablonski CEO

Contractor:

AT&T

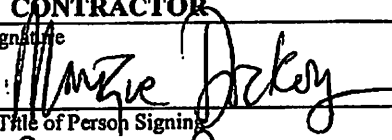
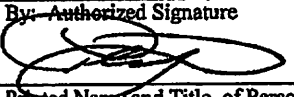
3675 T Street, Room 121

Sacramento, CA 95816

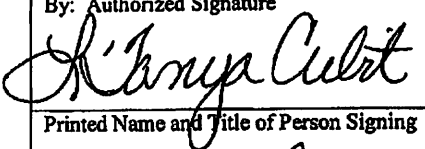
Attn: Contract Program Manager

Notices delivered by overnight courier service shall be deemed delivered on the day following mailing. Notices mailed by U.S. Mail, postage prepaid, registered or certified with return receipt requested, shall be deemed delivered five (5) State business days after mailing. Notices delivered by any other method shall be deemed given upon receipt.

IN WITNESS WHEREOF, the parties hereto have caused this ATO to be executed on the date shown below by their respective duly authorized representatives:

| CONTRACTOR | NON-STATE AGENCY |
|--|---|
| By: Authorized Signature  | By: Authorized Signature  |
| Printed Name and Title of Person Signing Monique Dockery, Project Mgr | Printed Name and Title of Person Signing Paul C. Jablonski |
| Date Signed: 9-16-09 | Date Signed: 9/8/09 |

Approved By:
Department of Technology Services,
Statewide Telecommunications and Network Division

| |
|---|
| By: Authorized Signature  |
| Printed Name and Title of Person Signing L'Tarja Cubitt, AISA |
| Date Signed: 9/17/09 |

MTS

MSA 1 ATTACHMENT 1

| Selected Services | Voice Services - Core Services Products | Customer Initials |
|-------------------------------------|---|--------------------|
| <input checked="" type="checkbox"/> | Bus Access Lines | |
| <input checked="" type="checkbox"/> | Central Office Exchange Basic Services (Centrex) | |
| <input checked="" type="checkbox"/> | Central Office Trunk Services (SuperTrunk/PBX/DID) | |
| <input type="checkbox"/> | Locally Based Automatic Call Distribution (ACD) (Available Option w/C2 Centrex) | |
| <input type="checkbox"/> | Interactive Voice Response (IVR) | |
| <input type="checkbox"/> | Specialized Call Routing (Call Router) | |
| <input type="checkbox"/> | Computer Telephone Integration (CTI) (Compucall) | |
| <input type="checkbox"/> | Voice Mail Services (Available Option w/C2 Exchange Svcs) | |
| Selected Services | Data Services - Core Services Products | Customer Initials |
| <input checked="" type="checkbox"/> | Data Transmission Services (Analog Service, Carrier DS0 (ADN), Carrier DS1 (Hicap/T1), Carrier DS3) | |
| | Gigabit Ethernet Metropolitan Area Network (MAN) (GigaMAN, MON, OPT-E-MAN, CSME, EPLS-WAN, ESS-MAN) | |
| <input checked="" type="checkbox"/> | Multi Protocol Label Switching (MPLS) (AVPN, Network Based Firewall, ANIRA) | |
| | Synchronous Optical Network (SONET) (Point-Point SONET, Ethernet-over SONET, SONET Ring ICB) | |
| <input type="checkbox"/> | ISDN (BRI) | |
| <input checked="" type="checkbox"/> | ISDN (PRI) (PBX/DID) | |
| <input type="checkbox"/> | Switched 56/Switched Digital Services (SDS) | |
| <input type="checkbox"/> | Frame Relay & ATM (Managed or Non Managed) | |
| <input checked="" type="checkbox"/> | Internet | |
| <input type="checkbox"/> | DSL Agency Hosted (DSL) | |
| <input type="checkbox"/> | DSL DSL Virtual Private Network (AVPN, Network Based Firewall, ANIRA) | |
| <input type="checkbox"/> | Enhanced Centrex VDNA | |
| Included Services | Other Services - Core Services Products | Automatic Coverage |
| | IntraLata Calling (Local Usage Zone 1 - 3) (Included on C2 Exchange Services) | |
| | Bldg. Wiring Services (Automatic Service Coverage on C2 Svcs) Jacks/Wiring Inside Wire Repair Plan(Voice)(If subscribed to) Inside Wire Repair Plan(Data)(If subscribed to) | |

20090925-0367

SEP 23 2009

ORIGINAL

EXHIBIT A-2

AUTHORIZATION TO ORDER UNDER STATE CONTRACT

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multiplied by the number of full months remaining in the two (2) year commitment period. If Service(s) are terminated after the two (2) year commitment period, no termination liability shall apply.

5. No termination charge will be assessed when Non-State Agency transfers Service(s) to a like Service offered under this Contract, or from one CALNET 2 MSA to another, if the Contractor is the same for both MSAs, or is affiliated with the Contractor for the other MSA.
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7. The DTS/STND will provide Contract management and oversight, and upon request by the Non-State Agency or Contractor, will advocate to resolve any Contract service issues. The ATO, and any resulting STD. 20, is a Contract between the Non-State Agency and the Contractor. The State will not represent the Non-State Agency in resolution of litigated disputes between the parties.
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9. Non-State Agency, upon execution of this ATO, certifies that it has reviewed the terms and conditions, including the rates and charges, of the Contract.
10. Non-State Agency, upon execution of this ATO, certifies the Non-State Agency understands that billing invoices for Service(s) subscribed to under the Contract are subject to review and/or audit by the State, pursuant to provisions of the Contract.
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MTS

1255 Imperial, Suite 1000

San Diego, California 92101

Attn: Paul Jablonski CEO

Contractor:

AT&T

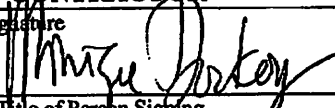
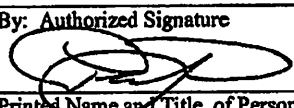
3675 T Street, Room 121

Sacramento, CA 95816

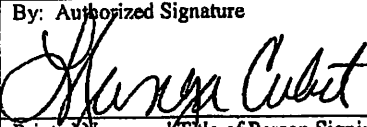
Attn: Contract Program Manager

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IN WITNESS WHEREOF, the parties hereto have caused this ATO to be executed on the date shown below by their respective duly authorized representatives:

| CONTRACTOR | NON-STATE AGENCY |
|--|---|
| By: Authorized Signature  | By: Authorized Signature  |
| Printed Name and Title of Person Signing Monique Dorker, Project Mgr | Printed Name and Title of Person Signing Paul C. Jablonski |
| Date Signed: 9/16/09 | Date Signed: 9/15/09 |

Approved By:
Department of Technology Services,
Statewide Telecommunications and Network Division

| |
|---|
| By: Authorized Signature  |
| Printed Name and Title of Person Signing L. Tanya Cubit, AISA |
| Date Signed: 9/17/09 |

MTS

MSA 2 ATTACHMENT 1

| Selected Services | Long Distance - Voice Services | Customer Initials |
|-------------------------------------|--|--------------------|
| <input checked="" type="checkbox"/> | Long Distance Calling Services (Includes Intralata Toll) | W |
| <input type="checkbox"/> | 900 Services | |
| <input type="checkbox"/> | Automatic Call Distributor (ACD) Services | |
| <input type="checkbox"/> | Network Based Interactive Voice Response (IVR) Services | |
| <input type="checkbox"/> | Computer Telephone Integration (CTI) for Network Based ACD | |
| <input checked="" type="checkbox"/> | Toll Free Services | W |
| <input type="checkbox"/> | International Toll Free Services | |
| <input type="checkbox"/> | Calling Card Services | |
| <input type="checkbox"/> | Pre-Paid Calling Services | |
| <input checked="" type="checkbox"/> | Network Audio Conferencing Service | W |
| <input checked="" type="checkbox"/> | Network Conferencing (Web Conferencing) | W |
| Included Services | Other Services - Long Distance Voice Services | Automatic Coverage |
| | Bldg. Wiring Services (Automatic Service Coverage on C2 Svcs) Jacks/Wiring | |



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

Agenda Item No. 15

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

JOB ORDER CONTRACT APPROVAL FOR WRIGHT STREET YARD SECURITY
ENHANCEMENT - CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC 1337-18 (in-substantially the same format as Attachment A) with Southland Electric Inc. (MTS Doc. No. PWL132.0-11 - Attachment B) for the Wright Street Yard Security Enhancement Project.

Budget Impact

As individual Job Work Orders are written, they are encumbered from each project's funding source. The \$249,743.01 for the Wright Street Yard Security Enhancement Project would come from California Transit Security Grant Program (CTSGP) Prop. 1B for MTS Fiscal Year 2008 – 2009, Capital Improvement Project Budget No. (11277-0200). This amount would include a fee of 6.75% for the use of Progen Software, a cost catalog, and administrative costs through the San Diego Association of Governments' (SANDAG's) piggybacking agreement.

DISCUSSION:

Background

The Wright Street Yard is used by both MTS and its contractors as a bulk storage facility for materials intended for MTS projects at nearby locations. The Yard is not patrolled nor is it equipped with any type of security-monitoring system. The only means of access control and security is a chain-link fence. Because of the type of materials stored there, the facility has experienced several break-ins where construction materials were stolen and, in particular, any that contain copper due to its high demand.



Due to the high break-in rates, MTS Security proposes to prevent future thefts through higher security fencing around the Yard, the addition of closed-circuit cameras with remote-monitoring capability, upgrades to the existing lighting system, and the installation of a card reader to limit access only to authorized MTS staff or contractor personnel. The work would be completed prior to the grant funding deadline of March 31, 2013.

Therefore, staff is requesting that the Board of Directors authorize the CEO to execute Work Order No. MTSJOC 1337-18 (in-substantially the same format as Attachment A) with Southland Electric Inc. (MTS Doc. No. PWL132.0-11 - Attachment B) for the Wright Street Yard Security Enhancement Project.


Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. MTSJOC1337-18 Work Order No. 11277
B. Standard Services Agreement PWL132.0-11



Detailed Scope of Work

Job Order Contract

Date: October 30, 2012

To: Tim Corley
Contractor Project Manager
Southland Electric Inc.
4950 Greencraig Lane
San Diego, CA 92123
Phone: (858) 634-5050
Fax: (858) 634-5040

From: Thang Nguyen
Project Manager
MTS
1255 Imperial Avenue, Suite 900
San Diego, CA 92101
Phone: (619) 557-4560
Fax:

Project: MTSJOC1337-18

MTS Work Order Number: PWL 132.0-11 11277-0200

Title: Wright St Yard Security Enhancement

Location: 2155 Hancock Street, San Diego, CA 92110

Railroad Protective: ☐ Yes ☒ No

Detailed Scope of Work

The Contractor shall provide all labor, materials, equipment and submittals required to accomplish the following scope of work:

CCTV Subcontractor Scope - Install cameras, server, fiber optic modules, switches, monitor and other devices as necessary for a complete installation of the CCTV system at Wight St. yard per the list below. The scope includes aiming and verifying all CCTV images with SDMTS security.

Install a card reader and card reader controller that is compatible with existing MTS Kantech system to control a new automated vehicle gate. The card reader will be installed adjacent to the gate where it can be used to open the gate from the inside or outside. Subcontractor will program the card reader system to deactivate the exit loop sensor during non-business hours. Connect the card reader to the existing MTS Kantech system.

| QTY | MAN | PART # | DESCRIPTION |
|-----|----------|-----------------|--|
| 1 | Avigilon | 15.0TB-HD-NVR | 15TB NVR 2U |
| 1 | Avigilon | 16C-HD-NVMS-ENT | Enterprise 16 Channel w/1 View Client |
| 1 | Avigilon | ACC-SDK-NVR | SDK License |
| 12 | Avigilon | 5.0MP-HD-DN | 5MP Camera |
| 12 | Avigilon | LC88014FJ | Lens |
| 12 | Pelco | EH4718 | Housing |
| 12 | Pelco | EH4718SS | Sun Shroud for Pro S |
| 12 | Pelco | EM2000 | Pole Mount |
| 1 | Avigilon | S8 | Eight Port POE Switch |
| 7 | Etherwan | EL100C-20 | Commercial Grade Media Converter |
| 7 | Etherwan | EL900-A-N-1-A | Hardened Media Converter |
| 1 | Etherwan | EMC1600 | Media Chassis |
| 8 | AllenTel | GBSC2-D1-02 | SC-SC SM Duplex Fiber Jumper, 2M |
| 6 | Trendnet | 4 Port | POE Switch |
| 1 | Acer | 17CC3 | 17" Monitor |
| 1 | Kantech | KT-400 | Card Reader Controller |
| 1 | HID | 5395 | Proximity Card Reader |
| 1 | Power | NP712 | 12V 7Ah Battery |
| 1 | ESS | Labor | Install MTS Wireless Connection, Hardware and Wire |

Southland Scope – Install a wall mounted server cabinet, with fan, in the office utility room and provide 120VAC dedicated circuit from the existing power panel. Install four strand SM fiber from the utility room to each camera pole and terminate all four strands of the fiber in one camera housing at each pole. In the utility room, install a 24x36x8 NEMA1 hinged cover enclosure adjacent to the server cabinet to terminate the fiber and house the fiber optic gear provided by subcontractor and provide a 1000W UPS. Install two MH light fixtures on each of six camera poles and install necessary infrastructure to provide power for the lights and cameras at the each pole.

Install conduit and power as needed for the gate opener and card reader. Provide and install the gate, gate opener, loop sensors, safety devices and concrete base. Exit loop sensor must be able to be deactivated by the card reader system. Install asphalt underneath the gate where tracks enter the facility at the north end to prevent people from crawling under the gate. Install rigid pipe stubs in the asphalt for gate latches.

Remove/Haul away the existing street side chain link fence and install new 836' LF of 8' high Guardian style pre-galvanized steel and power coated black fence. The posts will be cut, grinded down and filled to the asphalt surface. The fence shall have 3" sq. gate posts and 2" sq. line posts 11 gauge. The panels shall be fabricated with 1 1/2" sq. 14 gauge top and bottom rails, 3/4" sq. 16 gauge pickets, and no spacing over 3 3/4". The totals must include one 18' roll gate and include digging and fabricating 36' LF of 8" wide x 6" deep trench poured with cement to hold the v-track for the roll gate. The gate installation must include one Elite SL 3000 1HP operator, safety eye detector, Fire department knox box, card reader capability to read the existing MTS ID badges, and exit loop.

For the existing track side chain link fence, rotate the existing angle of the barb wires outward toward the track side and install any additional barb wires along the existing fence and gate as necessary.

The contractor is required to submit as-built drawings, certified payrolls, submittals, proposed modifications to existing facilities for conduit installation, schedule and work plan.

Materials: Reference the above new equipment.

Existing Utilities:

The Contractor's attention is directed to the existing electrical and communications systems.

Work Window:

All work shall be performed during normal hours. The Contractor shall coordinate all work with MTS Resident Engineer to assure efficient installation of the work while minimizing interference with SANDAG contractor's work.

Duration of the work: 60 Calendar days

Thang Nguyen, Systems Engineer

Date

Tim Corley, Contractor Project Manager

Date



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



STANDARD SERVICES AGREEMENT

PWL132.0-11
CONTRACT NUMBER
OPS 970.4
FILE NUMBER(S)

THIS AGREEMENT is entered into this 12 day of January 2010, in the State of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Southland Electric, Inc. Address: 4950 Greencraig Lane

Form of Business: Corporation San Diego, CA 92123

(Corporation, partnership, sole proprietor, etc.)

Telephone: 858.634.5050

Authorized person to sign contracts: Mark Peterson President
Name Title


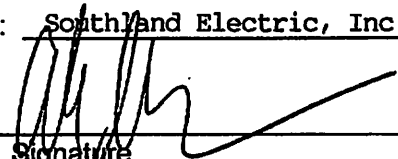

The attached Standard Conditions are part of this Agreement. The Contractor agrees to furnish to MTS services and materials, as follows:

Provide Job Order Construction (JOC) services as described in SANDAG JOC No. 5001337 in accordance with the Standard Services Agreement, including the Standard Conditions Services, Federal Requirements, Transportation Security Administration (TSA) Contract Provisions, Contract Pricing, and SANDAG JOC No. 5001337 (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. SANDAG JOC No. 5001337
2. Contract Pricing
3. Standard Conditions Services, Federal Requirements, and Transportation Security Administration (TSA) Contract Provisions


The total cost of this contract shall not exceed \$2,000,000.



| SAN DIEGO METROPOLITAN TRANSIT SYSTEM | CONTRACTOR AUTHORIZATION |
|--|---|
| By:  Chief Executive Officer | Firm: <u>Southland Electric, Inc</u> |
| Approved as to form: . | By:  Signature |
| By:  Office of General Counsel | Title: <u>President</u> |

| AMOUNT ENCUMBERED | BUDGET ITEM | FISCAL YEAR |
|-------------------|-------------|-------------|
|-------------------|-------------|-------------|

\$to be encumbered on JOC

| | |
|--|------------------|
| By:  Chief Financial Officer | Date 12/17/10 |
|--|------------------|

(94 total pages, each bearing contract number)

SA-PWL132.0-11.SOUTHLANDELECTRICINC.MYNIGUEZ
CBROWN-SA
12/2/10



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Agenda Item No. 16

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

**SIMMONS/HEGENSCHEIDT U2000-50 UNDER-FLOOR WHEEL-TRUING LATHE –
SOLE-SOURCE PROCUREMENT**

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1120.0-13 (in substantially the same format as Attachment A) as a sole-source procurement with Simmons/Hegenscheidt Machine Tool Corporation for the procurement of a U2000-50 Under-Floor Wheel-Truing Lathe with associated spare-parts packages, installation, commissioning, and training.

Budget Impact

The total cost would not exceed \$1,685,673.75 inclusive of freight and taxes. The expenditure would be funded by FY 12 Capital Improvement Project (CIP) 11309. The proposed cost is roughly 9% less than the MTS's estimate of \$1,863,738.16.


DISCUSSION:

San Diego Trolley, Inc.'s maintenance facility was built in the early 1980s with an earlier model Hegenscheidt 104SA wheel-truing machine that was designed to support the original fleet of 71 U-2 light rail vehicles (LRVs). Because of its age and over many years of normal use, the machine is now prone to malfunction and significant down times resulting in a lesser-than-optimum level of maintenance support to the MTS LRV fleet. Because the unit is no longer in production, the availability of spare parts is uncertain and, when available, they are considerably more expensive. This request would allow staff to purchase a replacement unit that is more suitable to meet the demands of MTS's current and future operational demands. Over the last 20 years, MTS's LRV fleet size and mix have expanded, and this trend is expected to endure into the future as ridership continues to increase and operational demands further diversify.



Simmons Machine Tool Corporation (Simmons) is a long established rail maintenance equipment manufacturer. It provides rail equipment worldwide and is the only known domestic provider of the type of specialized equipment required by MTS that is Buy America compliant.

Simmons proposal was evaluated and a price analysis was performed based upon a 10-year history of sales of similar equipment to other LRV operators in North America. Simmons' proposal is also fair and reasonable when compared to MTS's Independent Cost Estimate, which was developed from composite procurement histories from the Los Angeles Metro, City of Portland, and Hampton Roads Transit.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. L1120.0-13
B. Cost Analysis
C. Sole-Source Justification

DRAFT

Att. A, AI 16, 11/18/12

STANDARD PROCUREMENT AGREEMENT

L1120.0-13
CONTRACT NUMBER
CIP 11309-0200
FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2012 in the State of California, by and between San Diego Metropolitan Transit System, a California public agency, and the following hereinafter referred to as "Contractor":

Name: Simmons Machine Tool Corporation Address: 1770 North Broadway
Form of Business: Corporation Albany, New York 12204
(corporation, partnership, sole proprietor, etc.)
Telephone: (518) 462-5431
Authorized person to sign contracts: Brandon R Teal Machine Sales
Name Title

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

Provide Under-floor Wheel-Truing Lathe Machine U2000-50 and other associated spare parts packages, installation, commissioning, and training as specified in the Technical Specifications, Proposal Summary, Standard Conditions Procurement, and the Federal Requirements.

The total amount of this contract shall not exceed \$1,685,673.75, including California sales tax and freight, without prior written approval from MTS.

| SAN DIEGO METROPOLITAN TRANSIT SYSTEM | | CONTRACTOR AUTHORIZATION |
|--|----------------|--------------------------|
| By: _____ Chief Executive Officer | | Firm: _____ |
| Approved as to form: | | By: _____ Signature |
| By: _____ Office of General Counsel | | Title: _____ |
| AMOUNT ENCUMBERED | BUDGET ITEM | FISCAL YEAR |
| \$1,685,673.75 Total | CIP 11309-0200 | 2013 |

By: _____
Chief Financial Officer Date

(_____ total pages, each bearing contract number)



Att. B, AI 16, 11/18/12

Purchasing Department
1255 Imperial Ave., Suite 1000
San Diego, CA 92101
619.231.1466 FAX 619.696.7084

COST ANALYSIS

SIMMONS WHEEL TRUING MACHINE U2000-50 MTS DOC. NO L1120.0-13

| WHEEL TRUING MACHINE U2000-50 | COST PROPOSAL | INHOUSE ENGINEER'S ESTIMATE |
|-------------------------------|-----------------|-----------------------------|
| SIMMONS | \$ 1,685,673.75 | N/A |
| MTS | N/A | \$ 1,863,738.16 |

The difference between Simmons Proposal is 9.554% lower than MTS's Engineer's estimate, freight charges and taxes included.

PRICE COMPARISONS FROM OTHER RAIL AGENCIES

| | |
|------------------------|-----------------|
| SAN DIEGO MTS 2012 | \$ 1,574,500.00 |
| LOS ANGELES METRO 2006 | \$ 1,442,016.00 |
| CITY OF PORTLAND 2011 | \$ 1,485,000.00 |
| HAMPTON ROADS 2012 | \$ 1,475,000.00 |

Price comparisons from other rail agencies within 5.6% cost difference without freight and sales tax included.



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.

Memorandum

TO: Purchasing Department

FROM: Marco Yniguez Procurement Specialist

DATE: November 06, 2012

SUBJECT: **Sole Source Justification for Under-Floor Wheel Truing Machine U2000-50
Simmons Procurement**

The San Diego Trolley (SDTI) operates an Average of 128 Light Rail Vehicles and currently operates an older wheel truing machine that was obtain in the early 1980's to effectively support originally a fleet of 71 U2 Light Rail Vehicles (LRV) for the alignments revenue service requirements. The procurement for the new U2000-50 under floor wheel truing lathe machine for building C is to continue preventive maintenance programs due to an increased in fleet size over the past twenty years from 71 LRV's to its current fleet size of 128 cars.

The wheel truing machine at our other building "A" rail shop and is currently over twenty five years old and is very expensive to operate and maintain, parts from the original equipment manufacturer (OEM) are no longer available or consist of long lead times for delivery. The purchase of a new and similar machine will further reduce operating and maintenance costs by improving staff effectiveness through equipment familiarity and standardization.

Simmons Machine Tool Corporation (SMTC) is long established, well known rail maintenance equipment manufacturer. SMTC provides rail equipment worldwide and is the only know company domestically that provide this type of specialized equipment to rail transportation agencies.

Due to the specialized nature of SMTC wheel truing machine it was necessary to implement a sole source procurement to satisfy the needs our rail division and SMTC is the only firm in the United States that can provide the type of equipment necessary to meet our LRV's car maintenance requirements.

Simmons Machine Tool Corporation proposal was evaluated and a price analysis was performed based upon sales history dating back to the 2000 of similar machine sold to other light rail agencies within the United States, and including the engineers independent cost estimate (ICE).

SMTC proposal has been determined to be fair and reasonable based on comparison and the ICE. The price of \$1,685,673.75 is 9.554 % lower than independent cost estimate, and within 5.6 % of comparison of other rail transportation agencies.





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Agenda Item No. 17

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

WHEEL-TRUING MACHINE PIT - FUNDS TRANSFER

RECOMMENDATION:

That the Board of Directors:

1. approve Addendum 17 Project Scope of Work (Attachment A), which is a Memorandum of Understanding (MOU) with the San Diego Association of Governments (SANDAG) to provide funding from MTS's Capital Improvement Project (CIP) 11309 and for SANDAG's use for bidding, constructing, and commissioning the new equipment; and
2. forward a request to SANDAG to prepare accounts for engineering, administration, and construction-management costs for charging against CIP 11309.

Budget Impact

There would be no change to the overall CIP amount. SANDAG would be reimbursed for the new wheel-truing pit from MTS CIP 11309. The budgetary amount for this project would be \$348,000.

DISCUSSION:

MTS is procuring a new wheel-truing machine as manufactured through the Simmons/Hegenscheidt Machine Tool Corporation. The new machine, Model U2000-50 Under-Floor Wheel-Truing Lathe, will be installed in the existing maintenance facility located at 1535 Newton Street (Building C). This new machine will replace the older wheel-truing machine installed in the early 1980s located in Building A. The work requires concrete demolition, reinforced concrete, and electrical and mechanical modifications for installing the new machine. The plans, specifications, and estimated costs of the new wheel-truing pit were provided by David Evans and Associates.



This action would authorize SANDAG to advertise and/or award the project, provide project and construction management, submittal review, on-site testing, and commissioning of the equipment. MTS staff supports SANDAG taking the lead on this procurement.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Amendment 17 Project Scope of Work

Addendum 17 Project Scope of Work

| | | | |
|-----------------------|----------------------|----------------------------|-----------------------------|
| MTS File No. | G0930.17-04.12 | SANDAG Reference No. | 5000710 SOW 12 |
| CIP Title: | Wheel Truing Machine | | |
| CIP No. | 11309 | Project Manager: | M. Diana / L. Summerlott |
| Lead Agency: | MTS | Operating Agency: | MTS |
| Estimated Start Date: | February 2013 | Estimated Completion Date: | July 2013 |
| Estimated Budget: | \$348,000 | Effective Date: | Dec 2012 |

Intended Source of Funds: (Describe types and amounts of local, state, and/or federal funding and attach any unique pass-through requirements):

100% TDA.

Describe Any Necessary Transfers of Project Funds Between the Parties:

Based on reimbursement of invoices from SANDAG to MTS.

Project Description:

MTS is procuring a new wheel truing machine as supplied from Simmons Machine Tool Corporation, Model U2000-50 Under floor wheel truing lathe. The new machine will be installed in the existing Light Rail Vehicle maintenance facility located at 535 Newton Street, also know as Building C. The work requires concrete demolition, reinforced concrete, electrical and mechanical modifications for installing the new machine.

Scope of Work to be Performed by MTS: Monitor budget, schedule and coordination with LRV Operations.

Scope of Work to be Performed by SANDAG:

Advertise and award project, project and construction management, submittal review, on-site testing, commissioning of the equipment, maintain schedule and budget.

Any Additional Project-Specific Conditions (Any special conditions will require legal review of this document.): None.

APPROVED BY:
SANDAG

METROPOLITAN TRANSIT SYSTEM

Jim Linthicum
Director of Mobility Management
and Project Implementation

Date

Paul Jablonski
Chief Executive Officer

Date



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Agenda Item No. 18

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

MENDOZA, ARGENTINA LRV PURCHASE – CONTRACT AMENDMENT

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to negotiate and execute a contract amendment with the Government of Mendoza, Argentina (Mendoza) including the exercise of Mendoza's option to purchase spare parts, the transfer of 5 nonoperable U-2 light rail vehicles to Mendoza, and the loaning of up to 2 light rail vehicle (LRV) Maintenance employees to Mendoza for training and support purposes for a 12-month period.

Budget Impact

The 2010 and 2012 LRV purchase agreements with Mendoza have resulted in \$8,425,003.00 in revenue to MTS for the purchase of 35 U-2 light rail vehicles. It has also resulted in the no-cost-to-MTS shipment of each U-2 off of MTS property. This amendment would result in revenue of \$591,598.68 offset by the personnel costs for two LRV Maintenance employees who would be loaned to Mendoza (approximately \$150,000).

DISCUSSION:

In two agreements executed in 2010 and 2012, MTS agreed to sell Mendoza 35 U-2 LRVs for a total price of \$8,425,003.00. Mendoza also acquired an option to purchase up to \$600,000 in U-2 spare parts from MTS. Delivery of the first 11 vehicles took place in 2011. Delivery of the next 24 vehicles is scheduled to take place in 3 shipments during 2013. The U-2 cars are approximately 23-31 years old and are scheduled to be phased out of the MTS LRV fleet when the Blue Line platform upgrades are complete and the newly purchased low-floor LRVs are deployed throughout the MTS system in 2014. As the new LRVs arrive at MTS, yard space currently used by U-2 LRVs is needed.



MTS's superior maintenance standards facilitated the sale of the phased-out vehicles to Mendoza at premium prices. Following the 2010 sale of the first 11 vehicles, MTS has provided ongoing advice and support to Mendoza concerning the maintenance and operation of its new light rail system. This ongoing support led to the sale of the next 24 vehicles to Mendoza this year. MTS has an additional 31 operable U-2 vehicles in its fleet and 5 nonoperable U-2 vehicles. MTS staff is exploring opportunities to sell these additional vehicles to Mendoza or other interested third parties.

With this agenda item, the Board will authorize the following actions:

1. Exercise Mendoza's option to purchase \$591,598.66 in U-2 spare parts. Per the terms of the 2012 Agreement, Mendoza will pay the costs to ship the parts to Argentina.
2. Transfer ownership of 5 nonoperable U-2 vehicles to Mendoza. Mendoza will pay the costs of shipping the vehicles to Argentina (approximately \$90,000 per vehicle). This transaction will free up needed yard space at MTS and dispose of uneconomic vehicles at no cost to MTS (the value of the 5 vehicles is estimated at \$98,000 before disposal costs are factored in). Mendoza will use the nonoperable vehicles for spare component parts, such as door operators, door leaves, windows, seats, interior fitments, truck frames, axles, relays, switches, push buttons, and other similar parts.
3. Loan up to 2 LRV Maintenance employees to Mendoza for maintenance training purposes for up to a 12-month period. Mendoza will pay all travel, room, and subsistence costs for the MTS employees while in Argentina. The employees will remain on the MTS payroll and be paid out the LRV Maintenance budget with no change in salary or benefits. Subject to MTS and Mendoza scheduling needs, the Maintenance employees assigned to the Mendoza contract will rotate during the 12-month period. This arrangement will provide expertise to train Mendoza employees how to properly repair and maintain the U-2 vehicles, support Mendoza's ability to operate its light rail system, and enable the Province to accept delivery of the additional 24 vehicles in calendar year 2013.



Paul C. Jablonski
Chief Executive Officer

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



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Agenda Item No. 19

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

SECURITY CCTV SYSTEM PROJECTS - FUND TRANSFERS

RECOMMENDATION:

That the Board of Directors:

1. approve Addendum 17 Project Scope of Work (Attachment A), which is a Memorandum of Understanding (MOU) with the San Diego Association of Governments (SANDAG), for transferring funds from MTS's Capital Improvement Project (CIP) 11324 (CCTV System Upgrade) to SANDAG CIP 1210070 (System Station Platforms). The funds would be used for providing and installing new CCTV cameras on the Orange Line and Downtown Stations using a SANDAG Job Order Contractor. The cameras would be added to the existing equipment as a result of the reconfiguration of the new platforms;
2. forward a request to SANDAG to prepare accounts for contractor billings to MTS CIP 11324 for the installation of the new cameras;
3. approve Addendum 17 Project Scope of Work (Attachment B), which is an MOU for transferring funds from MTS's CIP 11325 (SDSU Monitoring System) to SANDAG CIP 1210070 (System Station Platforms). The funds would be used for providing and installing new cameras in the San Diego State University (SDSU) Trolley Station tunnels using a SANDAG Job Order Contractor; and
4. forward a request to SANDAG to prepare accounts for contractor billings to MTS CIP 11325 for installation of the new cameras.

Budget Impact

There would be no change to the overall CIP amount. SANDAG would be reimbursed \$370,131.07 for the Orange Line CCTV Upgrade Project from MTS CIP 11324 and \$267,283.25 for the SDSU Tunnel CCTV Project from MTS CIP 11325 for a total of \$637,414.32.



DISCUSSION:

Background

As a result of the Orange Line Station Platform Modifications Project, there is insufficient video coverage of the entire station due to the new station layout, which has low-profile shelters and catenary poles where the existing cameras used to be mounted. While the contractor is reconstructing the new platforms as part of the low-floor station modifications, MTS (through SANDAG's Job Order Contractor) would like to install additional digital surveillance cameras and upgrade the existing analog cameras to new digital cameras for these Orange Line stations. Once the stations are back in service, MTS Security would be able to monitor these stations remotely from the Security Dispatch Center at Central Control. This project allows the work to be accomplished through CIP 11324 (CCTV System Upgrade) using Prop. 1B FY 10/11 funds.

In the SDSU tunnel, MTS Security and Operations would like to enhance its capability of monitoring train movement and detecting intruders inside the tunnels by installing high-resolution digital cameras with infrared features along the tunnel walls. These cameras would allow MTS to direct train movement when there is an incident inside of the tunnel. This project would be accomplished through CIP 11325 (SDSU Monitoring System) using Prop. 1B FY 11/12 funds through SANDAG's Job Order Contracting process.

Since MTS JOC with Southland Electric contractor has reached its \$2 million limit, staff is recommending that the MTS Board forward a request to SANDAG to approve the fund transfers for these two security CCTV projects.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Southland Cost Proposal for Orange Line CCTV
B. Southland Cost Proposal for SDSU Tunnel CCTV

Addendum 17 Project Scope of Work

| | | | |
|-----------------------|---------------------|----------------------------|--------------|
| MTS File No. | | SANDAG Reference No. | 5000710 SOW |
| CIP Title: | CCTV System Upgrade | | |
| CIP No. | 11324/1210070 | Project Manager: | Thang Nguyen |
| Lead Agency: | SANDAG | Operating Agency: | MTS |
| Estimated Start Date: | 12/10/2012 | Estimated Completion Date: | 06/01/2013 |
| Estimated Budget: | \$370,131.07 | Effective Date: | 11/15/12 |

Intended Source of Funds: (Describe types and amounts of local, state and/or federal funding and attach any unique pass-through requirements):

MTS CIP#11324 (CCTV System Upgrade) is funded from a Proposition 1B TSGP FY10/12

Describe Any Necessary Transfers of Project Funds Between the Parties:

Based on reimbursement of invoices from SANDAG to MTS

Project Description:

Under Orange Line Platform Modifications project, MTS Security would like to install additional digital CCTV cameras for full station coverage and to upgrade the existing analog cameras to the new digital cameras.

Scope of Work to be Performed by MTS:

MTS Project Manager will prepare the SANDAG JOC and manage the JOC contractor and subcontractor.

Scope of Work to be Performed by SANDAG:

SANDAG Contract Administrator will keep tracks of all paid invoices and send out the payment voucher to MTS for reimbursement.

Any Additional Project-Specific Conditions (Any special conditions will require legal review of this document.):

None

APPROVED BY:
SANDAG

METROPOLITAN TRANSIT SYSTEM

Jim Linthicum
Director of Mobility Management
and Project Implementation

Date

Paul Jablonski
Chief Executive Officer

Date

Addendum 17 Project Scope of Work

| | | | |
|-----------------------|---------------------|----------------------------|--------------|
| MTS File No. | | SANDAG Reference No. | 5000710 SOW |
| CIP Title: | SDSU Tunnel CCTV | | |
| CIP No. | 11324/11325/1210070 | Project Manager: | Thang Nguyen |
| Lead Agency: | SANDAG | Operating Agency: | MTS |
| Estimated Start Date: | 12/10/2012 | Estimated Completion Date: | 06/01/2013 |
| Estimated Budget: | \$267,283.25 | Effective Date: | 11/15/12 |

Intended Source of Funds: (Describe types and amounts of local, state and/or federal funding and attach any unique pass-through requirements):

MTS CIP#11324 (SDSU Tunnel CCTV) is funded from a Proposition 1B TSGP FY10/12

Describe Any Necessary Transfers of Project Funds Between the Parties:

Based on reimbursement of invoices from SANDAG to MTS

Project Description:

To enhance monitoring of trains movement inside the tunnel, MTS Security and Operations would like to install high resolution CCTV cameras with infrared capability to detect trains location and any intruders inside the SDSU tunnels.

Scope of Work to be Performed by MTS:

MTS Project Manager will prepare the SANDAG JOC and manage the JOC contractor and subcontractor.

Scope of Work to be Performed by SANDAG:

SANDAG Contract Administrator will keep tracks of all paid invoices and send out the payment voucher to MTS for reimbursement.

Any Additional Project-Specific Conditions (Any special conditions will require legal review of this document.):

None

APPROVED BY:
SANDAG

METROPOLITAN TRANSIT SYSTEM

Jim Linthicum
Director of Mobility Management
and Project Implementation

Date

Paul Jablonski
Chief Executive Officer

Date



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Agenda Item No. 20

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

AN ORDINANCE AMENDING ORDINANCE NO. 5, AN ORDINANCE RELATING TO THE ENFORCEMENT AUTHORITIES OF CODE COMPLIANCE INSPECTORS, ASSISTANT CODE COMPLIANCE SUPERVISORS, THE CODE COMPLIANCE INSPECTION SUPERVISOR, AND TAXICAB INSPECTORS I & II AND AN ORDINANCE AMENDING ORDINANCE NO. 11, AN ORDINANCE PROVIDING FOR THE LICENSING AND THE REGULATING OF TRANSPORTATION SERVICES WITHIN THE CITY BY THE ADOPTION OF A UNIFORM PARATRANSIT ORDINANCE

RECOMMENDATION:

That the MTS Board of Directors:

1. read the title of Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II and Ordinance No. 11, An Ordinance Providing for the Licensing and the Regulating of Transportation Services Within the City By the Adoption of a Uniform Paratransit Ordinance;
2. waive further readings of the ordinance;
3. adopt the proposed ordinance amendments; and
4. direct publication of an ordinance summary.

Budget Impact:

None.



DISCUSSION:

October 18, 2012, Public Hearing

At the public hearing on October 18, 2012, staff proposed various minor amendments to Ordinance No. 11 related to taxicab permitting issues and also to Ordinance No. 5 related to enforcement authority of Taxicab Inspectors.

The MTS Board of Directors approved staff's recommendations for changes to Ordinance Nos. 5 and 11 with minor amendments as follows:

- (i) add to Section 1.10, in language to be drafted by staff, a requirement for permit holders to maintain copies of leases and receipts for leaseholder payments;
- (ii) in Section 2.4(c) (1), replace the word "maximum" with "minimum"; and
- (iii) in Section 2.7(d), add the phrase "and the vehicle begins moving" to the end of the first sentence.

Attachment A is the amended Ordinance No. 11, and Attachment B is Ordinance No. 5 as introduced on October 18, 2012. In addition, staff was asked to append the Vehicle Inspection Check List (which can be found in Attachment C).

In addition to the above amendments, the proposed Ordinance No. 11 changes address the following:

- Clarifies permit application requirements and process to conform to Taxicab Administration past practice.
- Imposes additional permit holder and driver reporting requirements.
- Prohibits smoking in taxicabs.
- Requires taxicabs to accept major credit cards and prohibits charging extra fees to passengers for credit card use; requires taxicabs to be equipped with a device capable of electronically processing credit card transactions.
- Prohibits use of cellular phones by drivers when a passenger is in the vehicle; California Vehicle Code rules otherwise apply.
- Grants the CEO the authority to establish taxicab and jitney loading and holding zone rules.
- Imposes additional radio dispatch service organization requirements.
- Clarifies and emphasizes that no for-hire vehicle driver shall be issued a driver identification card if he/she has been convicted of certain crimes that are reasonably related to the taxicab or paratransit industry and impact the integrity or ability of the driver to operate a for-hire vehicle and transport passengers unless five years have elapsed from the completion of the sentence and all related probation.

- Authorizes inspections by MTS Taxicab Administration for compliance with an applicable California Public Utilities Commission (CPUC) permit.

The Proposed Ordinance No. 5 Changes Address the following:

- Grants Taxicab Inspectors I & II, Regulatory Specialists, and the Taxicab Manager the right to enforce certain California Public Utilities Code sections and the CPUC General Order related to charter vehicles.

There are also some minor, nonsubstantive changes to the ordinance language. The proposed changes are necessary to allow MTS Taxicab Administration to enforce applicable rules for both taxicabs and charters and to maintain the distinction between what a taxicab permit allows a for-hire vehicle to do and what a CPUC charter permit allows a for-hire vehicle to do.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Redline draft of Ordinance No. 11 (with October 18 amendments in blue)
B. Redline draft of Ordinance No. 5
C. Vehicle Inspection Check List

DRAFT

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through April 19, 2012-November 15, 2012)

An Ordinance Providing for the Licensing and the Regulating
of Transportation Services Within the City By the Adoption
of a Uniform Paratransit Ordinance

MTS CODIFIED ORDINANCE NO. 11

TABLE OF CONTENTS

| Description | Page No. |
|--|----------|
| SECTION 1.0 - GENERAL REGULATIONS..... | 1 |
| Section 1.1 - Definitions..... | 1 |
| Section 1.2 - Operating Permits | 4 |
| Section 1.3 – Application for Permit | 4 |
| Section 1.4 - Issuance of Permit..... | 5 |
| Section 1.5 - Transfer and Administration of Permits..... | 6 |
| Section 1.6 - Limited Permits..... | 7 |
| Section 1.7 - Blank | 7 |
| Section 1.8 - Equipment and Operating Regulations | 7 |
| Section 1.9 - Public Liability..... | 13 |
| Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements | 13 |
| Section 1.11 - Destruction, Permanent Replacement or Retirement of For-Hire Vehicles..... | 15 |
| Section 1.12 - Driver's Identification Cards | 16 |
| Section 1.13 - Suspension and Revocation of Permit..... | 17 |
| Section 1.14 - Suspension and Revocation of Driver's Identification Cards..... | 20 |
| Section 1.15 - Surrender of Medallion..... | 20 |
| Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or Driver's Identification Card or Related Adverse Action..... | 21 |
| Section 1.17 - Procedure Upon Administrative Appeal..... | 21 |
| Section 1.18 - Exceptions to Provisions | 22 |
| Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines ... | 22 |
| Section 1.20 - Americans with Disabilities Act | 22 |
| SECTION 2.0 - TAXICABS | 23 |
| Section 2.1 - Types of Service..... | 23 |
| Section 2.2 - Rates of Fare | 23 |
| Section 2.3 - Equipment and Specifications..... | 25 |
| Section 2.4 - Operating Regulations..... | 27 |
| Section 2.5 - Stands | 29 |
| Section 2.6 - Radio Services | 30 |
| Section 2.7 - Driver Safety Requirements | 31 |

| | |
|---|----|
| SECTION 3.0 - CHARTER VEHICLES | 32 |
| Section 3.1 - Rates of Fare | 32 |
| Section 3.2 - Operating Regulations..... | 32 |
| SECTION 4.0 - SIGHTSEEING VEHICLES | 33 |
| Section 4.1 - Rates of Fare | 33 |
| Section 4.2 - Operating Regulations..... | 33 |
| SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES | 34 |
| Section 5.1 - Rates of Fare | 34 |
| Section 5.2 - Operating and Equipment Regulations | 34 |
| Section 5.3 - Driver Identification Cards..... | 34 |
| SECTION 6.0 - JITNEY VEHICLES | 35 |
| Section 6.1 - Rates of Fare | 35 |
| Section 6.2 - Jitney Routes..... | 35 |
| Section 6.3 – Operating Regulations..... | 36 |
| Section 6.4 - Jitney Holding Zones..... | 37 |
| Section 6.5 - Equipment and Specifications..... | 37 |
| SECTION 7.0 – LOW-SPEED VEHICLES | 38 |
| Section 7.1 – Low-Speed Vehicle (LSV) Definition | 38 |
| Section 7.2 – Establishment of Zones | 38 |
| Section 7.3 – Zone Rates of Fare..... | 38 |
| Section 7.4 – Spare Vehicle Policy..... | 38 |
| Section 7.5 – LSV Driver Identification Cards..... | 39 |
| Section 7.6 - Equipment and Specifications | 39 |
| SECTION 8 - EFFECTIVE DATE OF ORDINANCE | 41 |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through April 19, 2012) **October 18, 2012**

An Ordinance Providing for the Licensing and the Regulating of Transportation Services Within the City By the Adoption of a Uniform Paratransit Ordinance

SECTION 1.0 - GENERAL REGULATIONS

Section 1.1 - Definitions

The following words and phrases, wherever used in this section, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

(a) "Association" shall mean an incorporated or unincorporated group of persons united for some purpose related to the operation of for-hire vehicles.

(b) "Board" shall mean the Board of Directors of the San Diego Metropolitan Transit System.

(c) A "low-speed vehicle" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a "low-speed vehicle" is not a golf cart, except when operated pursuant to California Vehicle Code Section 21115 or 21115.1.

(d) "Charter vehicle" shall mean every vehicle which:

- (1) Transports passengers or parcels or both over the public streets of the City;
- (2) Is routed at the direction of the hiring passenger;
- (3) Is prearranged in writing for hire;
- (4) Is not made available through "cruising"; and
- (5) Is hired by and at the service of a person for the benefit of himself or herself or a specified group.

(e) "City" and "Cities" shall mean the incorporated areas of the Cities of El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, and Santee; and the unincorporated area of the county of San Diego within MTS's area of jurisdiction.

(f) "Compensation" shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

(g) "Cruising" shall mean the movement over the public streets of a taxicab or low-speed vehicle (LSV) in search of prospective passengers; except the term does not include either the travel of a taxicab or LSV proceeding to answer a call for service received by telephone or radio from an intended passenger or the travel of such a vehicle, having discharged a passenger or passengers, returning to the owner's place of business or to its established point of departure.

(h) "Days" shall mean working days, exclusive of weekends and holidays for which MTS offices are closed.

(i) "Doing business" shall mean accepting or soliciting passengers for hire in a City.

(j) "Driver" shall mean every person operating any for-hire vehicle.

(k) "Driver's identification card" shall mean license, issued pursuant to this Ordinance, which permits a person to drive a for-hire vehicle within the City.

(l) "Employ" as used in this Ordinance includes any form of agreement or contract under which the driver may operate the permit holder's for-hire vehicle.

(m) "Exclusive ride" shall mean exclusive use of a for-hire vehicle by one or more related passengers at a time.

(n) "For-hire vehicle" shall mean every vehicle, other than public transit vehicles or vehicles involved in an organized carpool not available to the general public, which is operated for any fare for compensation and used for the transportation of passengers over city public streets, irrespective of whether such operations extend beyond the boundary limits of said City. Such for-hire vehicles shall include taxicabs, vehicles for charter, jitneys, nonemergency medical vehicles, sightseeing vehicles, and LSVs.

(o) "Chief Executive Officer" shall mean the Chief Executive Officer of MTS or his or her designated representative.

(p) "Group ride" shall mean shared use of a taxicab or LSV where a group of related passengers enter at the same point of origin and disembark at the same destination and pay a single fare for the trip.

(q) "Hearing officer" shall mean any person or entity that meets the requirements of this ordinance and that has been retained to conduct administrative hearings.

(r) "Jitney" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;

(2) Follows a fixed route of travel between specified points with the fare based on a per capita charge established in its permit; and

(3) Is made available to boarding passengers at specified locations along its route on a variable schedule.

(s) "Medallion" shall mean the numbered plate, sticker, or decal issued by MTS to the permit holder which is displayed on a for-hire vehicle to indicate the authorized use or uses of that vehicle.

(t) "MTS" shall mean the San Diego Metropolitan Transit System Board, a public agency created pursuant to Public Utilities Code Section 120050 et seq.

(u) "MTS inspector" shall mean those individuals, regardless of job title, who are authorized by the Board, by ordinance, to enforce the provisions of this Ordinance.

(v) "Nonemergency medical vehicle" shall mean every vehicle which:

(1) Transports physically and/or mentally disabled persons who require supervision and/or specialized transportation equipment or assistance related to the disability, and such persons' attendants, over the public streets of the city.

(w) "Operate" or "Operating" shall refer to the solicitation or acceptance of a fare within City limits for compensation. It shall also include, as the context may require, the act of driving, managing or directing the utilization of one or more for-hire vehicles.

(x) "Owner" shall mean the person, partnership, association, firm or corporation that is the registered owner of any for-hire vehicle and that holds the right to use the vehicle for its advantage.

(y) "Passenger" shall mean every occupant other than the driver of the for-hire vehicle.

(z) "Permit" shall mean the authority under which a person, firm, partnership, association, or corporation may operate a for-hire vehicle as a business.

(aa) "Permit holder" shall mean any person or approved entity operating a business under a for-hire vehicle permit.

(bb) "Shared ride" shall mean nonexclusive use of a for-hire vehicle by two or more unrelated passengers traveling between different points of origins and/or destination, and traveling in the same general direction.

(cc) "Shifts" shall mean the minimum number of hours a permit holder or driver operates a for-hire vehicle.

(dd) "Sightseeing vehicle" shall mean every vehicle which:

(1) Transports passengers for sightseeing purposes of showing points of interest over the public streets of the City; and

(2) Charges a fee or compensation therefor; regardless of whether any fee or compensation is paid to the driver of such sightseeing vehicle, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or hires such sightseeing vehicle with a driver to transport or convey any passenger; and irrespective of whether or not such driver receives any fee or compensation for his or her services as driver.

(ee) "Stands" shall mean public areas designated for specific use of for-hire vehicles.

(ff) "Street" shall mean any place commonly used for the purpose of public travel.

(gg) "Taxicab" shall mean every vehicle other than a vehicle-for-charter, a jitney, a nonemergency medical vehicle, a sightseeing vehicle, or LSV which:

(1) Transports passengers or parcels or both over city public streets.

(2) Is made available for hire on call or demand through "cruising," at taxi stands or by telephone to destination(s) specified by the hiring passenger.

(hh) "Taximeter" shall mean any instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is calculated, either for distance traveled or time consumed, or a combination of both, and upon which such charge is indicated by figures.

(ii) "Vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a street, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(Section 1.1 amended 8/7/03)

(Section 1.1 amended 11/14/02)

(Section 1.1 amended 6/24/99)

(Sections 1.1(d), 1.1(R)(1) amended 6/22/95)

(Section 1.1 amended 1/12/95)

(Section 1.1 amended 6/27/91; effective 7/27/91)

(Section 1.1 amended 5/23/91; effective 6/23/91)

Section 1.2 - Operating Permits

(a) No person shall engage in the business of operating any for-hire vehicle or in the business of providing any vehicle for the operation of vehicle for-hire services within the cities without first having obtained an operating permit from the Chief Executive Officer or his designated representative, which permit has not been revoked, suspended or otherwise canceled or terminated by operation of law or otherwise. A separate permit is required for each for-hire vehicle operated or provided for operation.

(b) An operating permit represents the granting of a privilege to operate a for-hire vehicle within the cities or zones specified by the permit for the purpose of the public convenience and necessity. This privilege may be rescinded at any time by operation of law or otherwise.

(c) A person who obtains an operating permit shall be responsible for the provision of vehicle-for-hire services in accordance with the provisions of this ordinance and shall exercise due diligence to assure that drivers of the permitted vehicles adhere to all pertinent requirements of this ordinance.

(Section 1.2 amended 8/7/03)

(Section 1.2 amended 11/14/02)

(Section 1.2 amended 6/24/99)

Section 1.3 - Application for Permit

(a) All persons applying to the Chief Executive Officer for permit(s) for the operation of one or more for-hire vehicles shall file with the Chief Executive Officer a sworn application therefore on forms provided by the Chief Executive Officer, stating as follows:

(1) The ~~individual applicant and business~~ name, company name (doing business as, mailing and business address (a business address is not a Post Office [PO] Box) (Post Office (PO) boxes are not acceptable), and telephone number of the permit applicant;

- (2) The number of permitted vehicles actually owned and operated by such owner on the date of application, if any;
- (3) The name and address of all legal and registered owner(s) of the vehicle(s);
- (4) The name and address of each person with a financial interest in the business which operates the vehicle;
- (5) Data sufficient to establish the applicant's financial responsibility;
- (6) The number of vehicle(s) for which a permit(s) is desired;
- (7) The intended make, type, year of manufacture and passenger seating capacity of each vehicle for which application for permit is made;
- (8) The rates of fare which the applicant proposes to charge for vehicle-for-hire services;
- (9) A description of the proposed color scheme, insignia, trade style, or any other distinguishing characteristics of the proposed vehicle design;
- (10) Where the application is for a limited permit or LSV, a detailed description of the geographic area in which said permit shall be in existence; and
- (11) Such other information as the Chief Executive Officer may in his or her discretion require.

(b) The applicant shall also submit, with the application, a nonrefundable ~~filing-application~~ fee prior to the permit approval. Upon issuance of the permit, the applicant shall also pay an initial nonrefundable permit issuance-vehicle regulatory fee to be determined by the Chief Executive Officer in order to recover the cost of processing such applications.

(Section 1.3 amended 10/18/12)

(Section 1.3 amended 8/7/03)

(Section 1.3 amended 11/14/02)

Section 1.4 - Issuance of Permit

- (a) The Board shall, in its discretion, determine the total number of for-hire vehicle permits to be granted.
- (b) The Chief Executive Officer shall, in accordance with Board policy, determine the number of permits to be granted any applicant(s) and approve permits for any applicant(s) subject to such conditions as the Board may deem advisable or necessary in the public interest. Before a permit may be approved, the applicant shall pay an initial regulatory fee in an amount to be determined by the Chief Executive Officer.
- (c) The Chief Executive Officer shall deny the approval of a permit upon making a finding:
 - (1) That the applicant is under twenty-one (21) years of age; or
 - (2) That within the five (5) years immediately preceding the processing of the application, the applicant has been convicted of, or held by any final administrative determination to

have been in violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the permit in accordance with Section 1.13 of this Ordinance. For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere or a forfeiture of bail shall be deemed a conviction; or

(3) That the applicant provided false information of a material fact in an application within the past five (5) years.

(d) ~~All permits~~ Permits shall be approved for a period of one (1) year and shall be renewable annually upon payment of a regulatory fee in an amount and on a date to be determined by the Chief Executive Officer.

(e) No permit shall be approved or renewed for any person who has not fully complied with all of the requirements of this Ordinance and all other applicable laws and/or regulations necessary to be complied with before commencement of the operation of the proposed service.

(f) When the permit has been approved and upon determination by the Chief Executive Officer that the color scheme and for-hire vehicle the company name (doing business as) are sufficiently distinctive so as not to cause confusion with other for-hire vehicles already operating, and that the for-hire vehicle, after appropriate inspection, meets the requirements of this Ordinance, the Chief Executive Officer will issue a numbered medallion(s) to be affixed to the for-hire vehicle.

(Section 1.4 amended 10/18/12)

(Section 1.4 amended 11/14/02)

Section 1.5 - Transfer and Administration of Permits

(a) Each permit issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the permit holder to another person or entity only with the approval of the Chief Executive Officer. City of San Diego taxicab permits represented by medallion numbers 0001 through 1199 may be transferred only after the passage of one (1) year from the date a permit was issued to the current permit holder. All other City of San Diego taxicab permits and LSV permits shall be transferable only after the passage of five (5) years from the date a permit was issued to the current permit holder. All taxicab permits may be transferred upon the verifiable death or permanent disability of the current permit holder. The transferability of permits may be limited by policy of the Board established by resolution.

(b) In the event that the permit holder is a corporation, partnership or legal entity other than a natural person, prior approval of the Chief Executive Officer shall be required for any transfer or acquisition of majority ownership or control of that corporation, partnership or legal entity to a person or group of persons acting in concert, none of whom already owns or controls a majority interest. Any such acquisition or transfer occurring without prior approval of the Chief Executive Officer shall constitute a failure to comply with a provision of this section.

(c) The proposed transferee shall file with the Chief Executive Officer a sworn application for the transfer and shall comply with the requirements of Section 1.3. The permit holder shall certify in writing that the permit holder has notified the proposed transferee of the requirements of this section pertaining to the transfer of a permit. Whenever an application for a transfer of permit is filed, the Chief Executive Officer shall process the application for transfer in accordance with Section 1.4 of this Ordinance.

(d) The Chief Executive Officer shall charge regulatory fees to affect the full cost recovery of activities associated with the administration, regulation, issuance, or transfer of for-hire vehicle permits and associated records.

(1) Changes in fee schedules affecting permits shall be mailed to all permit holders. Changes shall be effective thirty (30) calendar days thereafter.

(2) Any person objecting to a particular fee or charge may file, within ten (10) days of the mailing of such changes, an appeal for review with the Chief Executive Officer who shall thereafter process it in accordance with Section 1.17; provided, however, that the sole issue to be determined on review is whether the fee or charge exceeds the reasonable costs for personnel salaries and administrative overhead associated with the particular administrative service or function.

(Section 1.5 amended 8/7/03)

(Section 1.5 amended 11/14/02)

Section 1.6 - Limited Permits

(a) The Chief Executive Officer may approve permits which are limited in duration of time and/or limited to a specific geographical area of the cities. Applicants for limited permits must submit all relevant information as set forth in Section 1.3 (a), Subsections (1) through (11), and shall state specifically the appropriate time and/or the geographical limitations. In addition to the requirements set forth in this section, services operating pursuant to a limited permit shall:

(1) Commence operations at the specified date approved by the Chief Executive Officer and cease operations at the ending date approved by the Chief Executive Officer;

(2) Pick up passengers only in the specified geographical area of the City approved by the Chief Executive Officer and shall not pick up passengers under any circumstances outside the specified geographical area;

(3) Be allowed to transport passengers from a specified geographical area to points within or outside the area;

(4) Prominently display on the vehicle the geographical area of the City in which the driver is authorized to pick up passengers; and

(5) Be subject to each and every provision relating to the operation of a for-hire vehicle as if granted a regular permit for the operation of a for-hire vehicle.

(Section 1.6 amended 11/14/02)

Section 1.7 - Blank

The text of Section 1.7 is deleted in its entirety effective October 24, 1998.

(Section 1.7 was deleted 9/24/98)

Section 1.8 - Equipment and Operating Regulations

(a) No medallion shall be issued for a vehicle unless the vehicle conforms to all the applicable provisions of this Ordinance.

(b) The privilege of engaging in the business of operating a for-hire vehicle in a City granted in the permit is personal to the permit holder, who must be the owner of the for-hire vehicle. The rights, requirements, and responsibilities which attach to the permit remain with the holder at all times the

for-hire vehicle is operated under the authority of the permit. These rights, requirements and responsibilities, which include, but are not limited to, the requirements of this Ordinance, will remain unaffected by any agreement or contractual arrangement between the permit holder and those persons who operate for-hire vehicles, irrespective of the form or characterization of the agreement under which the driver operates the for-hire vehicle.

(c) The permit holder shall maintain a business address, a mailing address where he or she can accept mail directed to his or her company, and a business telephone in working order which must be answered during normal business hours, Monday through Friday, and during all hours of operation. The permit holder shall, in the case of any change in his or her business address, mailing address, or business telephone, notify the Chief Executive Officer in writing of such change within forty-eight (48) hours of the effective date of this change.

(d) Before a for-hire vehicle is placed in service and at least annually thereafter, the for-hire vehicle shall be delivered to a place designated by the Chief Executive Officer for inspection. All new permit holders are required to observe at least one full vehicle inspection as part of the initial permit issuance. MTS inspectors shall inspect the for-hire vehicle and its equipment to ascertain whether the vehicle complies with the provisions of this Ordinance. Failure to produce the vehicle for inspection shall be cause for suspension or revocation of the permit for such vehicle.

(e) Any MTS inspector or peace officer, after displaying proper identification, may make reasonable and periodic inspections of any for-hire vehicle operating under an MTS permit for the purpose of determining whether the vehicle is in compliance with the provisions of this Ordinance.

(f) Any for-hire vehicle which fails to meet the requirements of the California Vehicle Code or this section after inspection shall be immediately ordered out-of-service by an MTS inspector or Peace Officer if it is unsafe for service. Ordering a vehicle out-of-service does not constitute a suspension or revocation of the permit. A vehicle is deemed unsafe for service when any of the following conditions exists:

- (1) Tires fail to meet the requirements of the California Vehicle Code;
- (2) Headlights, taillights or signal lights are inoperable during hours of darkness (sunset to sunrise);
- (3) Windshield wipers are inoperable during rain conditions;
- (4) Meter is not working or the seal is broken;
- (5) Brakes, brake lights or brake system are inoperable or otherwise fail to meet the requirements of the California Vehicle Code;
- (6) Excessive play in steering wheel exceeding three (3) inches;
- (7) Windshield glass contains cracks or chips that interfere with driver's vision;
- (8) Any door latch is inoperable from either the interior or exterior of the vehicle;
- (9) Any seat is not securely fastened to the floor;
- (10) Seat belts, when required, fail to meet requirements of the California Vehicle Code;

(11) Either side or rearview mirrors are missing or defective; and

(12) Any other condition which reasonably and rationally pertains to the operating safety of the vehicle or to passenger or pedestrian safety.

(g) If the vehicle is not unsafe but is unsuitable or otherwise in violation of this Ordinance, the operator or permit holder, as appropriate, shall be issued a notice to correct said violation within seventy-two (72) hours.

(1) Failure to correct such violation within the seventy-two (72) hours shall then be cause to order the vehicle out-of-service. When a vehicle is ordered out-of-service, the medallion shall be immediately removed.

(2) Before the vehicle may again be placed in service, the violation shall be corrected and the vehicle shall be inspected by an MTS inspector.

(3) The medallion shall be reaffixed when the MTS inspector finds that the vehicle meets prescribed standards.

(h) The interior and exterior of the for-hire vehicle shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements and the requirements of this Ordinance at all times when in operation. The following minimum vehicle standards must be maintained to comply with this section:

(1) Wheels. Hubcaps or wheel covers shall be on all wheels for which hubcaps or wheel covers are standard equipment.

(2) Body Condition. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. Fenders, bumpers, and light trim shall be securely fixed to the vehicle. No extensive unrepaired body damage shall be allowed. The vehicle shall be equipped with front and rear bumpers. The exterior of the vehicle shall be maintained in a reasonably clean condition so as not to obscure the approved color scheme and/or vehicle markings.

(3) Paint. The vehicle shall be painted and marked in accordance with the color scheme approved under Section 1.4 (f) of this Ordinance. Paint and markings may not be faded or deteriorated in such a manner as to preclude immediate recognition of the approved color scheme.

(4) Lights. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights shall all be operable.

(5) Wipers. Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.

(6) Brakes. Both the parking and hydraulic or other brake system must be operable.

(7) Steering. Excessive play in the steering mechanism shall not exceed three (3) inches free play in turning the steering wheel from side to side.

(8) Engine. The engine compartment shall be reasonably clean and free of uncontained combustible materials.

(9) Mufflers. Mufflers shall be in good operating condition.

(10) Windows. The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer. The windows and windshield shall be maintained in a reasonably clean condition so as not to obstruct visibility.

(11) Door Latches. All door latches shall be operable from both the interior and exterior of the vehicle.

(12) Suspension. The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.

(13) Seats. All seats shall be securely fastened. Seat belts, when required by the California Vehicle Code, shall be installed. The upholstery shall be free of grease, holes, rips, torn seams, and burns.

(14) Interior. The interior of each vehicle and the trunk or luggage area shall be maintained in a reasonably clean condition, free of foreign matter, offensive odors, and litter. The seats shall be kept reasonably clean and without large wear spots. The door handles and doors shall be intact and clean. The trunk or luggage area shall be kept empty except for spare tire and personal container for the driver not exceeding one (1) cubic foot in volume and emergency equipment, to allow maximum space for passenger luggage and belongings.

(i) Each for-hire vehicle except taxicabs shall contain:

(1) A fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 5 B/C units and a current inspection card affixed to it.

(2) A minimum of three (3) red emergency reflectors.

(3) A first-aid kit containing medical items to adequately attend to minor medical problems.

(j) In the event that a for-hire vehicle for which a permit has been approved is taken out of service, the permit holder may utilize a spare for-hire vehicle which has been duly inspected by an MTS inspector and approved prior to use. The permit holder must immediately inform an MTS inspector when a spare for-hire vehicle is in use and the location of the disabled vehicle. The spare vehicle will be issued a "spare vehicle" sticker which must be affixed to the left rear portion of the for-hire vehicle for which it is approved, in plain view from the rear of the for-hire vehicle. The permit holder may utilize one (1) spare for-hire vehicle for a period not to exceed sixty (60) days. This subsection shall not be construed, nor deemed to replace, those provisions in this Ordinance which apply to permanent replacement of a for-hire vehicle.

(k) The medallion issued to the permit holder must be affixed by an MTS inspector on the for-hire vehicle for which the permit is approved in plain view from the rear of the for-hire vehicle. The permit holder must immediately report the loss, destruction, or defacing of a medallion to the Chief Executive Officer. Except as provided in Subsection (j), it shall be unlawful to operate a for-hire vehicle without the medallion affixed and visible.

(l) There shall be displayed in the passenger compartment of each for-hire vehicle between the sun visors, in full view of the passengers in the front and rear seats, a card not less than ten (10) inches wide by six (6) inches high in size. Posted on this card, utilizing "Universe" font in black ink on white background, shall be:

1) The first line of the card, 3/4 inch in height, shall say one of the following according to permit type: TAXICAB, SIGHTSEEING, CHARTER, NONEMERGENCY, LOW-SPEED VEHICLE, OR JITNEY LOST AND FOUND.

2) Below this, the card shall include the vehicle medallion number in three-inch numerals.

3) Below the medallion number, the name, address, and phone number of the MTS Taxicab Administration and the permit holder and/or permit holder trade name shall be printed, 1/4-inch in height.

4) No other signs, markings, lettering, decals, or any type of information shall be displayed within 18 inches around the above sign.

5) No other signs, markings, lettering, decals or any type of information except the rates of fare and the tire size specifications required by San Diego County Weights and Measures shall be posted within the area 18 inches around the taxicab meter.

(m) There shall be carried either on the person of the driver or in each for-hire vehicle, a map of the City, published within the past two (2) years, which shall be displayed to any passenger upon request.

(n) The rates of fare charged for for-hire vehicle services shall be clearly displayed in the passenger compartment.

(o) Each for-hire vehicle licensed to operate in the City shall have located in a convenient place in the driver's compartment, in full view of the passengers, a container of type and design approved by the Chief Executive Officer. The container shall contain a card provided by the Sheriff of the County of San Diego or by the Chief Executive Officer. The card shall be visible to passengers and shall bear the following information:

(1) The number of the license of the driver;

(2) The name and business address of the driver;

(3) The name of the owner of the vehicle; and

(4) A small photograph of the driver.

(p) Each for-hire vehicle shall be equipped with a rearview mirror affixed to the right side of the vehicle, as an addition to those rearview mirrors otherwise required by the California Vehicle Code.

(q) The driver shall offer each passenger a receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the medallion number, the trade name, and the name and signature of the driver.

(r) All disputes to fare shall be determined by the peace officer or MTS inspector most readily available where the dispute is had. It shall be unlawful for any person to fail or refuse to comply with such determination by the peace officer or MTS inspector.

(s) It is unlawful for any person to refuse to pay the lawful fare of a for-hire vehicle after employing or hiring the same.

(t) The driver of any for-hire vehicle shall promptly obey all lawful orders or instructions of any peace officer, fire fighter, or MTS inspector.

(u) No driver of any for-hire vehicle shall transport any greater number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(v) It shall be unlawful for any person to solicit business for a for-hire vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any passenger to a specific for-hire vehicle or company. It shall be unlawful for any permit holder, association, or driver to have or make a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agents or employees of such owner, by which the permit holder, association or driver receives any type of payment or commission for recommending or directing any passenger to an establishment operated by a specific owner.

(w) The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, an identification card approved by the Chief Executive Officer.

(x) The Board specifically finds that the dress, grooming, and conduct of for-hire vehicle drivers affect the public health and safety, particularly as it relates to visitors and the tourist industry. Therefore, while driving or operating a for-hire vehicle, drivers shall be hygienically clean, well groomed and neat, and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(2) The term "well-groomed" shall mean that male drivers shall be clean-shaven, except for those parts of the face where a beard or mustache is worn and their hair shall be neatly trimmed; beards or mustaches shall be groomed and neatly trimmed at all times in order not to present a ragged appearance. For all drivers, it shall mean that scalp or facial hair shall be combed or brushed and that all clothing is clean, free from soil, grease and dirt, and without unrepaired rips or tears.

(3) The term "neat and suitably dressed" shall be interpreted to require that a driver shall be fully covered by clothing at a minimum from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms. Drivers shall wear shoes. It shall not be permissible for any driver to wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swim wear, jogging or warm-up suits or sweatshirts or similar attire, jogging or bathing shorts or trunks, or sandals. Trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(y) The color scheme of a for-hire vehicle may not be changed without the prior written permission of the Chief Executive Officer.

(z) For-hire vehicles shall comply with the California Vehicle Code, e.g., not impede traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers, including taxicab, shall not load or unload passengers in traffic lanes.

(Section 1.8 amended 8/7/03)

(Section 1.8 amended 11/14/02)

(Section 1.8 amended 9/24/98)

(Section 1.8 amended 2/13/97)

(Section 1.8 amended 6/24/93)

Section 1.9 - Public Liability

(a) It shall be unlawful to operate a for-hire vehicle unless the permit holder establishes and maintains in effect one of the forms of financial responsibility specified in this section.

(1) This requirement may be met by maintaining a valid policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company has been approved by the Chief Executive Officer. The terms of the policy shall provide that the insurance company assumes financial responsibility for injuries to persons or property caused by the operation of the for-hire vehicle in an amount determined by the Chief Executive Officer.

(2) The permit holder may also meet this requirement by obtaining a certificate of self-insurance for a specified amount approved by the Board and pursuant to the applicable provisions of the California Vehicle Code.

(b) A valid ~~certificate-proof~~ of insurance issued by the company providing the insurance policy required under Subsection (a) (1) of this section shall be filed with and approved by the Chief Executive Officer. This certificate shall provide that MTS is a named certificate holder and shall be placed in each vehicle, per California Vehicle Code Section 16020. It shall also provide that the insurer will notify MTS of any cancellation and that the cancellation notice shall be in writing and shall be sent by registered mail at least thirty (30) days prior to cancellation of the policy. The certificate shall also state:

- (1) The full name of the insurer;
- (2) The name and address of the insured;
- (3) The insurance policy number;
- (4) The type and limits of coverage;
- (5) The specific vehicle(s) insured;
- (6) The effective dates of the certificate; and
- (7) The certificate issue date.

(Section 1.9 amended 11/14/02)

Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements

(a) Every person engaged in the business of operating a for-hire vehicle within the City under a permit granted by the Chief Executive Officer shall maintain:

(1) Financial records, including but not limited to the current taxicab driver lease agreement, in accordance with good accounting practices;

(2) Ownership records; and

(3) Operating records in a form, and at intervals, which shall be determined from time to time by the Chief Executive Officer.

(b) Ownership and operating records shall be made available to the Chief Executive Officer upon demand at any reasonable time. The permit holder shall retain operating records for a minimum of six (6) months from the date the records are created.

(c) For purposes of this section, ownership records shall include, but are not limited to, the following:

(1) Copies of the Articles of Incorporation as filed with the Secretary of State of California;

(2) Records identifying all corporate officers and members of the corporation's Board of Directors. A corporation shall report any change in corporate officers or members of its Board of Directors to MTS within ten (10) days of the effective date.

(3) A stock register recording the issuance or transfer of any shares of the corporate stock; and

(4) The registration cards issued by the State of California Department of Motor Vehicles to the vehicle owner for all for-hire vehicles operated under the authority of an MTS for-hire vehicle permit.

(d) For purposes of this section, operating records shall include, but are not limited to, the following:

(1) Typed or written dispatch records for taxicab or LSV companies which operate their own radio dispatch service;

(2) Any logs which a for-hire vehicle driver keeps describing the trips carried by a for-hire vehicle other than a taxicab;

(3) Copies of the daily trip log required by taxicab or LSV drivers under Section 2.4 (p); and

(4) Any other similar records.

(e) Between January 1 and December 31 of each calendar year, every permit holder shall file with the Chief Executive Officer a signed statement which shall report and attest to the accuracy of the following information:

(1) The individual name(s), business name, business address, and telephone number of the permit holder(s);

(2) The name and address of all legal and registered owner(s) of the for-hire vehicle(s);

(3) The name and address of each person with a financial interest in the business which operates the vehicle(s); and

(4) The year, manufacturer, model, vehicle identification number, license plate, and medallion number affixed to the permitted vehicle(s).

(f) If the permit holder is an individual, the permit holder must appear in person in the offices of MTS to file the statement; if the permit holder is a partnership, one of the partners must appear in person in the offices of MTS to file the statement; if the permit holder is an association or corporation, an officer of the association or corporation authorized to represent the company must appear in person in the offices of MTS to file the statement.

(Section 1.10 amended 8/7/03)

(Section 1.10 amended 11/14/02)

(Section 1.10 amended 6/24/93)

Section 1.11 - Destruction, Permanent Replacement or Retirement of For-Hire Vehicles

(a) Whenever a for-hire vehicle is destroyed, rendered permanently inoperative, is sold, or the permit holder is no longer the owner of the for-hire vehicle, the permit holder shall notify the Chief Executive Officer in writing within forty-eight (48) hours.

(b) A replacement vehicle must be placed in service within sixty (60) days of the date the original vehicle is removed from service unless prior written permission has been obtained from the Chief Executive Officer. It is the intent of this section that the Chief Executive Officer, in granting such permission, gives due consideration to the operating situation of the permit holder on a case-by-case basis.

The following guidelines are to be used in granting permission for a permit holder to take longer than sixty (60) days in placing a replacement vehicle in service.

(1) The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and identifying a plan and timetable for placing the replacement vehicle in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.

(2) The plan and timetable submitted must reflect a reasonable approach for placing the vehicle in service within the shortest possible time frame.

(3) An additional period of time, not to exceed sixty (60) calendar days, may be granted to a permit holder in case of severe personal illness or other similar hardship.

(4) An additional period of time, not to exceed thirty (30) calendar days, may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.

(5) No extensions will be granted to any permit holder who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs of operating a for-hire vehicle.

(6) No more than one (1) extension will be granted for each vehicle in a single twelve (12) month period.

(c) The Chief Executive Officer shall, as a matter of owner right, allow the replacement of a vehicle which is destroyed, rendered inoperative, sold or transferred, provided that the permit holder has complied with, and the for-hire vehicle is in conformance with, all applicable provisions of this

Ordinance. An owner must remove the markings from the vehicle that indicate it is a taxicab or LSV before the owner disposes of it.

(d) When a permit holder retires any for-hire vehicle or vehicles from service and does not replace them within sixty (60) days, the permit for each such retired for-hire vehicle shall be considered abandoned and will be void. The permit holder shall immediately surrender each related medallion to the Chief Executive Officer. Such abandoned permits may not be restored by any means other than through application for new permits in the manner provided in this Ordinance.

(Section 1.11 amended 8/7/03)

(Section 1.11 amended 11/14/02)

(Section 1.11 amended 2/13/97)

Section 1.12 - Driver's Identification Cards

(a) No person shall drive or operate any for-hire vehicle under the authority of a permit granted under this Ordinance unless such person has and displays a valid driver's identification card obtained annually through the Sheriff of the County of San Diego.

(b) No permit holder shall employ as a for-hire vehicle driver or operator any person who has not obtained a for-hire vehicle driver's identification card through the Sheriff of the County of San Diego.

(c) No permit holder shall employ as a driver or operator any person whose privilege to operate a for-hire vehicle within the City has expired, or has been revoked, denied or suspended or prohibited.

(d) A driver may drive for more than one permit holder. The driver must, however, have on file with and accepted by the Sheriff of the County of San Diego, a separate application on forms provided by the Sheriff, for each permit holder with whom he has a current driving agreement. A driver may have on file with the Sheriff a maximum of four (4) such applications at any one time. It shall be unlawful for a driver to accept or solicit passengers for hire in the City while operating the taxicab or LSV of any permit holder for whom the driver does not have such an application on file with the Sheriff.

(e) No person shall drive or operate any for-hire vehicle, except nonemergency medical, under the authority of a permit granted under this Ordinance unless such person has successfully completed an MTS-approved driver training course concerning driver safety, rules, and regulations, Map reading, crime prevention, courtesy and professionalism and a corresponding qualification examination.

(f) No person who has received a notice of prohibition pursuant to Section 1.14, or whose privilege to operate a for-hire vehicle within the City has expired, or has been suspended, revoked or denied by the Sheriff or the Chief Executive Officer shall drive or operate a for-hire vehicle within the City.

(g) No for-hire vehicle driver's identification card shall be issued or renewed to any of the following persons:

(1) Any person under the age of twenty-one (21) years.

(2) Any person who has been convicted of a felony involving a crime of force or violence against any person, or the theft of property, unless five (5) years have elapsed since his or her

discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time his or her record is good.

(3) Any person who has been convicted of assault, battery, resisting arrest, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the driver to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(4) Any person who, within the five (5) years immediately preceding the processing of the application, has been convicted of or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally related to the for-hire vehicle industry or any similar business operation which would have authorized the suspension or revocation of the driver's identification card in accordance with Section 1.14 of this Ordinance.

(54) Any person who is required to register as a sex offender pursuant to the California Penal Code.

(65) Any person who has provided false information of a material fact in their application within the past five (5) years.

(76) No person shall obtain or renew a driver's identification card unless such person has successfully completed a personal safety training course approved by the Chief Executive Officer.

(8) When a driver permanently no longer drives for an MTS Taxicab Administration permit holder, the permit holder shall report this to the Sheriff's Department within 10 calendar days.

(h) The Sheriff is authorized to issue temporary for-hire vehicle driver identification cards pending the approval or denial of an application for a regular for-hire vehicle driver identification card. No temporary for-hire vehicle driver identification card shall be issued without the satisfactory completion of a local law enforcement agency record check of the applicant. Any temporary identification card so issued shall be valid for a period not to exceed ninety (90) days or until the date of approval or denial of the application for a regular for-hire vehicle driver identification card, whichever shall occur first. The issuance of a temporary identification card hereunder shall not authorize the operation of a for-hire vehicle following the denial of the application while pending the resolution of any appeal otherwise provided for in Section 1.16 of this Ordinance.

(1) The Sheriff or the Chief Executive Officer shall establish nonrefundable filing fees to defray the costs of processing regular and temporary driver identification cards.

(Section 1.12 amended 10/18/12)

(Section 1.12 amended 8/7/03)

(Section 1.12 amended 11/14/02)

(Section 1.12 amended 9/24/98)

(Section 1.12 amended 10/30/97)

(Section 1.12 amended 11/9/95)

Section 1.13 - Suspension and Revocation of Permit

(a) Permits may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the permit holder's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance.

(2) The permit holder fails to comply with the applicable provisions of this Ordinance.

(3) The drivers of the for-hire vehicle or vehicles fail to act in accordance with those provisions of this Ordinance which govern driver actions. The permit holder shall have strict liability in this regard; however, this provision shall not restrict the Chief Executive Officer's ability to penalize a driver for violations of those provisions of this Ordinance which govern driver actions.

(4) The owner shall cease to operate any for-hire vehicle for a period of sixty (60) consecutive days without having obtained written permission for cessation of such operation from the Chief Executive Officer. It is the intent of this section that the Chief Executive Officer, in granting such permission, gives due consideration to the operating situation of the permit holder on a case-by-case basis.

The following guidelines are to be used in granting permission for a permit holder to cease operating a for-hire vehicle for a period longer than sixty (60) days.

(a) The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and identifying a plan and timetable for placing the vehicle back in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.

(b) The plan and timetable submitted must reflect a reasonable approach for placing the vehicle back in service within the shortest possible time frame.

(c) An additional period of time, not to exceed sixty (60) calendar days, may be granted to a permit holder in case of severe personal illness or other similar hardship.

(d) An additional period of time, not to exceed thirty (30) calendar days, may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.

(e) No extension will be granted to any permit holder who is unable to meet the basic operational costs including liability insurance, regulatory fees, and normal maintenance and repairs of operating a for-hire vehicle.

(f) No more than one (1) extension in time will be granted for each vehicle permit in a single twelve (12) month period.

(5) The for-hire vehicle or vehicles, if operated as other than a taxicab, are operated at a rate of fare other than those fares on file with the Chief Executive Officer.

(6) The for-hire vehicle or vehicles, if operated as a taxicab or LSV, are operated at a rate of fare greater than those fares on file with the Chief Executive Officer or posted on the taxicab or LSV pursuant to Section 2.2 (b) of this Ordinance.

(7) The for-hire vehicle or vehicles, if operated as a taxicab or LSV, are operated at a rate of fare greater than current maximum rate established by the Board pursuant to Section 2.2(a) of this Ordinance.

(8) The permit holder fails to begin operating the for-hire vehicle for which the permit is first approved within ninety (90) days after the approval date.

(9) The permit holder has been convicted of assault, battery, resisting arrest, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the applicant or permit holder to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(10) The permit holder has been convicted of a crime that would require a person to register as a sex offender under the California Penal Code. For purposes of this section, a plea or verdict of guilty, a finding of guilt by a court, a plea of nolo contendere or a forfeiture of bail shall be considered a conviction.

(a) A permit holder shall be notified in writing within 10 working days when a credible complaint has been filed with the Chief Executive Officer by a member of the public where such complaint involves the permit holder, the driver of the permitted for-hire vehicle, or the radio service to which the permit holder is subscribed. It shall be the responsibility of the permit holder to investigate the complaint and report in writing to the Chief Executive Officer within 30 days the result of the investigation and any corrective action taken or proposed. Where the complainant has agreed to the sharing of their identity, the results of the investigation, findings, and actions shall be communicated to the complainant.

(b) In the event the Chief Executive Officer finds a permit holder has failed to responsibly respond to notification of complaints or to initiate corrective action, the Chief Executive Officer shall issue a notice of proposed adverse action to the permit holder. If the circumstances of the complaint or subsequent investigation so warrant, the Chief Executive Officer may issue a notice of adverse action to a driver independently of or in conjunction with any adverse action proposed to the permit holder. The Chief Executive Officer shall refer to the Administrative Penalty Guidelines in determining a proposed adverse action.

(c) The permit holder or driver in receipt of a notice of proposed adverse action shall be given the opportunity to appear for an informal hearing before the Chief Executive Officer or his designated representative. Failure to appear will constitute waiver of the hearing. Following the hearing or waiver thereof, the Chief Executive Officer shall issue the notice of adverse action if justified by the facts. If the Chief Executive Officer determines that the performance of the permit holder or driver involves criminal activity or constitutes a serious degradation of the public safety, convenience, or necessity, a notice of adverse action may be issued and the action effected without hearing.

(d) Upon a finding by the Chief Executive Officer that a permit holder falls within the provisions of this section, the permit holder or driver shall be notified that his or her permit has been subjected to an adverse action and that the matter is such that the action may be appealed. In lieu of an action provided for in the Administrative Penalty Guidelines, the Chief Executive Officer may impose a fine or a fine and a period of suspension for any violation(s) of this Ordinance.

(Section 1.13 amended 8/7/03)

(Section 1.13 amended 11/14/02)

(Section 1.13 amended 6/24/99)

Section 1.14 - Suspension and Revocation of Driver's Identification Cards

(a) Driver's identification cards may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the driver's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance; or

(2) The driver fails to comply with the applicable provisions of this Ordinance; or

(3) Circumstances furnish grounds for the denial, suspension, revocation or refusal to renew the driver's identification card by the Sheriff under the terms of the applicable Ordinance of the County of San Diego; or

(4) His/her California Driver's License is revoked or suspended; or

(5) The driver is convicted of reckless driving or driving while under the influence of intoxicating liquors and/or narcotics; or

(6) The driver has been convicted of assault, battery, resisting arrest, any **felony crime** involving force and violence, or ~~any crime~~ reasonably and rationally **is** related to the ability or integrity of the driver to operate a for-hire vehicle or transport passengers; or

(7) The driver has ever been convicted of a crime that requires registration under the California Penal Code as a sex offender.

(b) For purposes of Subsections (a) (1) through (a) (6) of this section, a plea of nolo contendere, or a forfeiture of bail shall be considered a conviction if it occurred within the five (5) years immediately preceding the date of application for a permit or identification card.

(c) Notwithstanding a driver's possession of a valid taxicab or LSV driver identification card, the Chief Executive Officer may deny, suspend, revoke, or refuse to renew the driver's privilege to operate a for-hire vehicle in the City if the driver falls within the provisions of this section. The Chief Executive Officer shall send a notice of prohibition **the date postmarked** to operate a taxicab or LSV to any holder of a Sheriff's driver identification card who is ineligible under Subsection (a) to operate a for-hire vehicle within the City limits. The notice of prohibition shall be appealable in accordance with Section 1.16.

(Section 1.14 amended 8/7/03)

(Section 1.14 amended 11/14/02)

(Section 1.14 amended 6/24/99)

Section 1.15 - Surrender of Medallion

(a) When a permit has been suspended or revoked, the operation of any for-hire vehicle authorized by such permit shall cease, and its medallion surrendered immediately to the Chief Executive Officer.

(Section 1.15 amended 11/14/02)

Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or Driver's Identification Card or Related Adverse Action

(a) The permit holder or driver shall be notified that he or she may file with the Chief Executive Officer a written administrative appeal ten (10) days after delivery of the notice of revocation or suspension, or the denial of a license, permit, or driver's identification card, the notice of prohibition to operate or the imposition of a fine. The permit holder or driver shall set forth in the appeal the reasons why such action is not proper.

(b) If no administrative appeal is filed within the proper time, the permit or driver's identification card shall be considered revoked, suspended or denied, and shall be surrendered, the fine be imposed, as applicable, or the notice of prohibition to operate take effect.

(c) Except as provided in Subsection (d), once an administrative appeal is filed, the revocation or suspension of the permit or driver's identification card, the effect of the notice of prohibition to operate, or the imposition of the fine shall be stayed pending the final determination of the administrative appeal.

(d) If, in the Chief Executive Officer's opinion, the continued operation of a for-hire vehicle or possession of a driver's identification card represents an unsafe condition for any passenger or pedestrian, the revocation or suspension of the related permit, driver's identification card, or the effect of any notice of prohibition to operate shall not be stayed. A revocation or suspension of a permit imposed for failure to comply with Section 1.8 (f) or Section 1.9 is rebuttably presumed to represent an unsafe condition pending the determination of the appeal or the correction of the violation, whichever shall occur first. Notwithstanding, no medallion shall be reaffixed to a vehicle until the violation under Sections 1.8 (f) or 1.9 has been corrected.

(Section 1.16 amended 8/7/03)

(Section 1.16 amended 11/14/02)

Section 1.17 - Procedure Upon Administrative Appeal

(a) When an appeal is filed, the Chief Executive Officer shall review the appeal, and based on additional information provided therein, may revise his findings and penalty; in accordance with the additional information provided; or cause the appeal to be assigned to a Hearing Officer, who shall expeditiously schedule the hearing before him/her.

(1) The Chief Executive Officer shall maintain a list of qualified Hearing Officers and shall regularly rotate assignments based on availability of the proposed Hearing Officers.

(2) The Hearing Officer shall be appointed by the Chief Executive Officer, shall be a member of the California State Bar, and shall not be an MTS employee.

(b) The appellant and the Chief Executive Officer or designate shall each have the right to appear in person and be represented by legal counsel, to receive notice, to present evidence, to call and cross-examine witnesses under oath, and to present argument.

(c) An appellant may select an individual to interpret for them. MTS will not pay any costs or be held responsible for any aspect of the interpreter's ability to accurately interpret the hearing.

(1) The Hearing Officer shall have the power to compel attendance of witnesses and documents by subpoena, in accordance with state law.

(2) The formal rules of evidence need not apply, and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs shall be admissible. Hearsay evidence may be considered by the Hearing Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The formal exceptions to the hearsay rule shall apply.

(c) The Chief Executive Officer shall promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.

(d) The decision of the Hearing Officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.

(e) If the Hearing Officer decides to suspend or revoke a permit or driver's identification card, the appellant shall immediately surrender the medallion or driver's identification card to the Chief Executive Officer.

(Section 1.17 amended 10/18/12)

Section 1.18 - Exceptions to Provisions

(a) The provisions of this Ordinance do not apply to a vehicle properly licensed under the jurisdiction of the Public Utilities Commission of the State of California (CPUC), or to public transit vehicles owned, operated, or contracted for by the Metropolitan Transit System Board or to a vehicle properly licensed by the State or County as an ambulance.

(b) For compliance purposes, MTS Inspectors may inspect all CPUC licensed vehicles, ensure they are not exceeding the authority granted by their license or operating as unlicensed private-hire transportation provider.

(Section 1.18 amended 10/18/12)

(Section renumbered to 1.18 9/24/98)

(Section 1.17 amended 1/12/95)

(Section 1.17 amended 6/24/93)

Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines

(a) Except where Board action is specifically required in this Ordinance, the Chief Executive Officer may adopt any rules and regulations reasonable and necessary to implement the provisions of this Ordinance. The Chief Executive Officer shall promulgate a schedule of administrative fines and penalties for violations of this Ordinance in lieu of the revocation or suspension of a permit or identification card, a copy of which schedule shall be filed with the Clerk of the Board.

(Section renumbered to 1.19 9/24/98)

Section 1.20 - Americans with Disabilities Act

(a) Permit holders, vehicles, and drivers are required to comply with the requirements of the federal Americans with Disabilities Act (ADA), and ADA regulations are hereby incorporated into MTS Ordinance No. 11 by reference. A violation of ADA requirements is a violation of this Ordinance and subject to a fine or suspension or revocation or a combination.

(Section renumbered to 1.20 9/24/98)

(Section 1.19(a) was added 4/10/97)

SECTION 2.0 - TAXICABS AND/OR LSVs

Section 2.1 - Types of Service

(a) A taxicab or LSV is authorized to provide exclusive ride and group ride service.
(Section 2.0 and 2.1 amended 8/7/03)

Section 2.2 - Rates of Fare

(a) After a notice and open public hearing of the Taxicab Advisory Committee, MTS shall establish a maximum rate of fare for exclusive ride and group ride hire of taxicabs and/or LSVs except for trips from Lindbergh-FieldSan Diego International Airport. A permit holder may petition the Board for any desired change in the maximum taxicab or LSV rates for exclusive ride and/or zone rates and group ride hire.

(b) Taxicab trips from Lindbergh-FieldSan Diego International Airport shall be at a uniform rate of fare. Rates for trips originating at the airport may include an extra charge equal to the Airport Trip Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the customer by utilizing the extra button on the taxicab meter. A driver may not verbally request payment. All taxicabs utilizing the Airport Trip Fee extra button must have a decal, approved by the Chief Executive Officer and the County of San Diego Office of Weights and Measures. The decal shall identify and accurately describe the extra charge consistent with regulatory requirements.

(c) Each permit holder shall file with the Chief Executive Officer the rates of fare that he/she will charge, which shall not exceed the maximum rate set by the Board pursuant to Section 2.2(a).

(1) Each taxicab permit holder shall set-have the taximeter set by properly licensed personnel for the rate that he/she will charge and have the taximeter sealed and inspected.

(2) All taxicabs shall accept major credit cards including, but not limited to, VISA, MasterCard, American Express, and Discover. Fees shall not be passed onto passengers.

(23) Each taxicab permit holder shall prominently post rates in dollars-per-mile centered on the upper third part of both rear doors one (1) inch in height utilizing "Univers" or other MTS pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(34) No other information shall be posted on rear doors.

(d) If a taxicab permit holder desires to change his/her rates of fare, he/she shall file with the Chief Executive Officer the new rates, reset the taximeter, have the taximeter sealed and inspected, and post the revised rates on each side of the taxicab as provided in Subsection (c) of this section.

(e) It shall be unlawful for a permit holder or driver to operate any taxicab in the City, unless the vehicle is equipped with a taximeter that meets the requirements of the State of California.

(1) The taximeter shall be of a style and design approved by the Chief Executive Officer.

(2) The taximeter shall calculate fares upon the basis of a combination of mileage traveled and time elapsed. When operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this, and when the vehicle is not in motion.

(3) Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate. Waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged the taxicab.

(4) It shall be the duty of every permit holder operating a taxicab to keep the taximeter in proper condition so that the taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The taximeter shall be at all times subject to the charge for the distance traveled and waiting time.

(5) The taximeter shall be at all times subject to inspection by an MTS inspector or any peace officer. The MTS inspector or peace officer is hereby authorized at his or her instance or upon complaint of any person to investigate or cause to be investigated the taximeter, and upon discovery of any inaccuracy in the taximeter, or if the taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of the City until the taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and taximeter must be inspected and approved by the Chief Executive Officer.

(6) Any device repairperson who places into service, repairs, or recalibrates a taximeter shall record the tire size and pressure of the drive wheels of that vehicle, as tested, on the repair person's sticker.

(7) It shall be the duty of the permit holder to ensure the proper device repair person's sticker is affixed to the taximeter and to ensure the tires are the proper size.

(f) It shall be unlawful for any driver of a taxicab, while carrying exclusive or group ride passengers, to display the flag or device attached to the taximeter in such a position as to denote that the vehicle is for hire, or is not employed, or to have the flag or other attached device in such a position as to prevent the taximeter from operating. It shall be unlawful for any driver to throw the flag into a position which causes the taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into nonrecording position at the termination of each and every service.

(g) The taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well-lighted and easily readable by the passenger riding in such taxicab.

(h) It shall be unlawful for any permit holder and/or driver of a taxicab or LSV to demand of a passenger a charge for hire which is greater than the current maximum rate approved by the Board pursuant to Section 2.2 (a) or (b) of this Ordinance.

(i) Except as provided in this section, it shall be unlawful for any permit holder and/or driver to demand of a passenger a charge for hire which is greater than the permit holder's meter rate filed with the Chief Executive Officer pursuant to Sections 2.1 (a), 2.2 (b), or 2.2 (c) of this Ordinance.

(j) Nothing in this Ordinance shall preclude a permit holder or driver from agreeing with prospective passenger(s) to a rate of fare which is less than the permit holder's filed and posted rates of fare if the agreement is entered into in advance of the passenger(s), hiring the taxicab for the trip, except for trips commencing at the Lindbergh Field International Airport.

(Section 2.2(c)(2) amended 10/18/12)

(Section 2.2(b) amended 4/19/12)

(Section 2.2 amended 8/7/03)

(Section 2.2 amended 5/8/03)

(Section 2.2 amended 11/14/02)

(Section 2.2 amended 6/24/99)

(Section 2.2 amended 9/24/98; Section 2.2c operative May 1, 1999)

(Section 2.2 amended 10/30/97)

(Section 2.2 amended 4/10/97)

Section 2.3 - Equipment and Specifications

(a) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed by an authorized representative of the State of California, and thereafter so maintained in a manner satisfactory to the Chief Executive Officer.

(b) Each taxicab shall be equipped with a device which shall plainly indicate to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(c) **Exterior Markings**

(1) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both front doors utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

(2) The medallion number shall be painted or permanently affixed, on both front doors, one (1) inch below the permit holder's trade name, six (6) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(3) The permit holder's trade name and medallion number shall be painted or permanently affixed on the rear of the taxicab, four (4) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the rear of the vehicle does not have four inches of vertical space for the trade name and medallion number, the rear lettering may be less than four inches, provided that it is easily readable from a distance of 50 feet.

(4) No other information shall be permitted to be posted on front doors.

(5) **Optional Exterior Vehicle Markings.** The permit holder has the option of choosing to post any combination of the below-listed five options on his or her taxicab which must be posted only at the specific location and in the size noted and are subject to the Chief Executive Officer's approval.

a) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

b) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot utilize the words "cab" or "taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

c) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than three (3) inches in height and posted only on the top front portion of both front side quarter panels.

d) "Driver Carries Only \$ _____ Change." If the permit holder chooses to post "Driver Carries only \$ _____ Change," postings must be located only on rear quarter panels near the rear door but clear of the rates of fare.

e) "Leased to Driver." If permit holder chooses to post "Leased to Driver," it must be posted only on both side rear quarter panels near the rear door but clear of the rate of fares in lettering no larger than 1 inch.

(6) Body Numbers. If the permit holder chooses to post an internally assigned body number, different from the medallion number, the body number shall be posted in one (1) inch numerals on the front and rear bumpers.

(7) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(d) All taxicabs shall be equipped and operated so that they may be dispatched by two-way radio communication in response to a telephone or other request for service by a prospective passenger. This requirement may not be met by use of a mobile radio telephone service.

(1) Radio must be turned on, and audible to driver, at all times the taxicab is in service.

(e) The radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

(1) The current valid FCC license shall be on file with MTS.

(2) Taxicab permit holder shall provide current proof the radio has passed inspection by an MTS-approved inspector.

(3) Taxicab radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(f) Radio scanners are not allowed in taxicabs.

(g) Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions

(Section 2.3 amended 10/18/12)

(Section 2.3 amended 6/27/02)

(Section 2.3 amended 9/24/98; Section 2.3c operative May 1, 1999)

(Section 2.3 amended 6/27/91; effective 7/27/91)

(Section 2.3 amended 4/10/97)

Section 2.4 - Operating Regulations

(a) Operating regulations shall be promulgated and adopted from time to time by resolution of the Board. These resolutions will have the force of law and will be published and processed as though set forth in this Ordinance.

(1) Smoking is not permitted at any time inside a MTS-permitted vehicle.

(b) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

(c) It shall be unlawful for the driver or operator of any taxicab or LSV to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis of race, creed, color, age, sex, national origin, disability, or for any other reason, unless it shall be readily apparent that the prospective or actual fare is a hazard to the driver or operator. Rude or abusive language directed to a passenger(s) or any physical action that a reasonable person would construe as threatening or intimidating shall be specifically defined as a violation of this section.

(1) A driver, however, is not obligated to transport any person who is verbally or otherwise abusive to the driver. Such incidents shall also be noted on the trip log and notification shall be immediately sent to the radio service organization, which shall record the incident and keep the record for the ~~minimum~~ maximum of 6 months.

(2) A failure of the driver of any taxicab or LSV to assist a passenger with the loading or unloading of a reasonable size, number, and kind of passenger luggage or other items, when requested to do so, shall be specifically defined as a violation of this section. A driver is not required to lift any single piece of passenger luggage or other item that exceeds 25 pounds in weight. The requirement for loading or unloading assistance shall be limited to retrieval from or deposit onto the nearest curbside adjacent to the legally parked taxicab or LSV. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE."

(3) A driver with a lawful disability that prevents him/her from handling items as defined in subsection (2) above is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (2). A driver so situated may affix a small sign either in the passenger section of the vehicle to be clearly visible to a rear seat passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(d) It shall be unlawful for taxicab operators to refuse or discourage a prospective or actual fare based upon trip length within the cities.

(1) A vehicle designated as an LSV may refuse a prospective or actual fare if the trip distance is outside allowed areas of operations.

(2) All LSV operators will carry a current list of MTS-approved radio services and refer the prospective or actual fare to that list of radio service organizations. All referrals shall be noted on the driver daily trip sheet.

(3) A failure to promptly dispatch (within the standards required by Sections 2.6(a)(1), (2), and (3) of this Ordinance), or any action by a driver of any taxicab or LSV to refuse or discourage a prospective or actual passenger who must transport foodstuffs or who must meet a medical appointment, irrespective of trip length, shall be specifically defined as a violation of this section so long as that prospective passenger has notified the dispatch service of this circumstance at the time a request for taxi service was made.

(e) No driver of any taxicab or LSV shall stop, park, or otherwise leave standing a taxicab or LSV on the same side of the street in any block in which taxicabs or LSVs are already stopped, parked, or otherwise standing except the taxicab or LSV may actively unload in a passenger loading zone or be parked in a marked taxi/LSV stand.

(f) No driver shall stop, park or otherwise leave standing a taxicab or LSV within one-hundred (100) feet of any other taxicab or LSV except in a marked taxi/LSV stand or while actively loading or unloading passengers.

(g) No driver shall stop, park, or otherwise leave standing a taxicab or LSV within fifteen (15) feet of any fire plug except as modified in Section 2.5 of this Ordinance.

(h) An out-of-service sign must be displayed when the taxicab or LSV is not available for hire and is being operated or is lawfully parked for purposes of maintenance, inspection, or personal use. The sign must be placed in a location in the vehicle that is clearly visible from the exterior of the vehicle. The sign must be of durable material and written in block letters in black ink and easily readable from a distance of not less than 10 feet.

(i) A taxicab driver may seek passengers by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic.

(j) It shall be unlawful, however, for the driver to seek passengers by stopping at or driving slowly in the vicinity of an entertainment center or transportation center or any other location of public gathering, in such a manner as to interfere with public access to or departure from that center or location, or so as to interfere with or impede traffic.

(k) It shall also be unlawful for a taxicab or LSV driver, having parked and left his or her taxicab or LSV, to solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.

(l) No person shall solicit passengers for a taxicab or LSV other than the driver thereof; however, the Chief Executive Officer may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his or her discretion, public service and traffic conditions require.

(m) It shall be unlawful for the driver or operator of any taxicab or LSV to remain standing in any established taxicab or LSV stand or passenger loading zone, unless the driver or operator remains

within twelve (12) feet of his or her taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

(n) Only paying passengers and persons specifically authorized by the Chief Executive Officer may occupy a taxicab or LSV that is already occupied by a paying passenger. No driver, once a paying passenger has occupied his taxicab or LSV, shall permit any other nonpaying passenger to occupy or ride in the taxicab or LSV.

(o) It shall be unlawful to respond to a call for service dispatched to another operator except when an LSV refers service to another operator because the trip distance is outside of the approved area of jurisdiction.

(p) The taxicab or LSV driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name, taxicab or LSV number, date, time, beginning odometer reading, starting and ending locations, type of service provided, and fare paid for each trip provided.

(1) The daily trip log shall consist, at a minimum, of a five- by seven-inch paper form retained on a stiff-board writing surface with ruled lines and columns sufficient to contain the required information. All entries will be in black or dark blue ink, block letters, and be clearly legible. Colored paper that is lightly shaded is allowed provided there is sufficient contrast for entries to be easily read. Onboard electronically generated reports that meet the legibility requirements are acceptable.

(2) The driver shall deliver trip logs to the permit holder upon request or at a weekly interval, whichever is less.

(q) All operating regulations set forth in Section 1.8 apply.

(r) The permit holder for any taxicab or LSV with a permit issued after July 1, 1991, shall comply with the following:

(1) The color scheme of the vehicle will conform to that of the radio dispatch service organization.

(2) Establish a business office in a location available to the public, and have staff on duty during regular business hours.

(3) File with MTS, and charge a rate of fare common to the radio service organization providing service required by this Ordinance.

(Section 2.4 amended 10/18/12)

(Section 2.4 amended 8/7/03)

(Section 2.4 amended 11/14/02)

(Section 2.4 amended 6/24/99)

(Section 2.4 amended 2/13/97)

(Section 2.4 amended 6/27/91; effective 7/27/91)

Section 2.5 - Stands

(a) The **Board-Chief Executive Officer** may, **by resolution establish**, locate and designate shared use taxicab/LSV stands for one or more taxicabs/LSVs, which stands when so established shall be appropriately designated "Taxis/LSVs Only." The operating regulations of this Ordinance shall apply

to such stands and to taxicab/LSV stands established by the San Diego Unified Port District in areas under its jurisdiction within the City.

(b) Each taxicab or LSV stand established hereunder ~~shall~~may be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer.

(c) Any individual, partnership, association, or other organization may petition MTS requesting that a new taxicab/LSV stand be established, or that the location of an existing taxicab/LSV stand be changed to another location. A nonrefundable filing fee to be determined by the Chief Executive Officer must be paid at the time the petition is submitted.

(d) It shall be unlawful for a vehicle other than a taxicab or LSV with a proper MTS taxicab or LSV permit to occupy a taxi/LSV stand.

(e) LSVs may only occupy taxicab stands that are specially signed, designated their approved use.

(Section 2.5 amended 10/18/12)

(Section 2.5 amended 8/7/03)

Section 2.6 - Radio Services

(a) In order to provide taxicab or LSV radio dispatch service required by Section 2.3(d, e), the dispatch service organization adding or changing subscribers after July 1, 1991 shall establish and conform to written policies and procedures concerning the following:

- (1) Standard time elapse for answering the telephone service-request line(s).
- (2) Standard time elapse for the taxicab's or LSV's arrival at requested pick-up location.
- (3) Passenger's request for a specific driver ("personals").
- (4) Additional two-way communication devices (mobile or cellular phones) in taxicabs or LSVs.
- (5) 10-code.
- (6) Lost and found for passengers' items.
- (7) Assignment of vehicle body numbers.
- (8) Immediately notify the permit holder of all lost items and inquiries.**

Current written policies and procedures shall be available to subscribers from the radio dispatch organization, and on file with MTS.

(b) Taxicab and/or LSV ~~radio-dispatch-service~~service organizations shall, 24 hours a day, have dispatch staff on duty at the business location, which must be a preapproved physical address, answer telephone-request line(s), properly dispatch those requests to all members, and provide radio response to all licensed radio frequencies/channels, and respond to direct requests from drivers, permit holders, and MTS as well as law enforcement and local regulatory agencies.

(c) Taxicab and or LSV radio dispatch services shall keep written records of all requests for taxi and/or LSV service, calls dispatched, and the time(s) each taxicab and/or LSV goes in and out of service. These records shall be kept on file for a minimum of six months, and made available to MTS, upon request.

(d) Taxicab and/or LSV radio dispatch services shall maintain a listing in the major business telephone directory.

(e) No person, partnership, corporation, association, other organization providing radio or other dispatch service shall dispatch a request for service to a driver, owner, or vehicle unless the driver, owner, and vehicle are properly licensed to provide the service requested.

(f) The Chief Executive Officer may, at any time, revoke or suspend the taxicab or LSV privileges of or fine any person, partnership, corporation, association, other organization providing radio or other dispatch service that violates a provision of this ordinance.

(Section 2.6 amended 10/18/12)

(Section 2.6 amended 8/7/03)

(Section 2.6 amended 9/24/98)

(Section 2.6 added 6/27/91; effective 7/27/91)

Section 2.7 - Driver Safety Requirements

(a) No taxicab vehicle or LSV shall be operated unless such vehicle is equipped with an emergency signaling device approved by the Chief Executive Officer.

(b) No taxicab vehicle may be operated with window tinting, shades, or markings that could interfere with a clear view of the cab interior from the outside.

(c) Taxicab/LSV radio services required by Section 2.3 shall at all times have a dispatch staff person on duty who has successfully completed a driver safety training course approved by the Chief Executive Officer.

(d) Cellular phone use by drivers is prohibited at all times when a passenger is in the vehicle and the vehicle begins moving. Otherwise, California Vehicle Code rules apply.

(Section 2.7 amended 10/18/12)

(Section 2.7 amended 8/7/03)

(Section 2.7 added 9/24/98)

SECTION 3.0 - CHARTER VEHICLES

Section 3.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for charter services.

(b) If a permit holder desires to change the rates of fare being charged for charter services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for charter services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rates of fare shall be established by a prearranged written contract on a per-mile or per-hour basis.

(Section 3.1 amended 4/10/97)

Section 3.2 - Operating Regulations

(a) It shall be unlawful for any charter vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) The charter for-hire vehicle driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name and the medallion number on the vehicle. In addition, the trip log shall identify the scheduling parties by name, date, and time of the prearranged hire.

(d) All other operating regulations defined in Section 1.8 apply.

(Section 3.2 amended 11/14/02)

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SECTION 4.0 - SIGHTSEEING VEHICLES

Section 4.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder of sightseeing vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for sightseeing services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said changes.

(c) No permit holder shall charge any rate of fare for sightseeing services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rate of fare shall be established on a per capita or per event basis.
(Section 4.1 amended 4/10/97)

Section 4.2 - Operating Regulations

(a) It shall be unlawful for any sightseeing vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) All other operating regulations defined in Section 1.8 apply, except Section 1.8 (v).

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SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES

Section 5.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for nonemergency medical vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for nonemergency medical vehicle services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for nonemergency medical vehicle services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rate of fare for exclusive ride service shall be established on a per capita plus per mile basis.

(e) The rates of fare for shared ride service shall be established on a per capita plus per mile basis, or on a per capita plus per zone basis.

(Section 5.1 amended 4/10/97)

Section 5.2 - Operating and Equipment Regulations

(a) It shall be unlawful for any nonemergency medical vehicle to remain standing on any public street in the City, except when enabling passengers to load or unload.

(b) All other operating regulations defined in Section 1.8 apply.

(c) Special equipment on a nonemergency medical vehicle shall, at all times the vehicle is in operation, be in proper working order. Such vehicles equipped with wheelchair ramps or lifts shall have proper device(s) to secure each wheelchair on board.

(d) The permit holder is responsible for ensuring that the driver of a nonemergency medical vehicle is properly trained:

(1) in the use of any of the vehicle's special equipment;

(2) concerning supervision of or assistance to the disabled passengers whom the driver is to transport.

(Section 5.2 amended 6/22/95)

(Section 5.2 amended 6/24/93)

Section 5.3 - Driver Identification Cards

In addition to the requirements set forth in Section 1.12, nonemergency medical vehicle drivers shall acquire and maintain valid proof of proper first-aid and CPR training.

(Section 5.3 added 6/24/93)

SECTION 6.0 - JITNEY VEHICLES

Section 6.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for jitney services.

(b) If a permit holder desires to change the rates of fare being charged for jitney services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for jitney services unless said rates are on file with the General Manager as aforesaid, and duly displayed.

(d) The rates of fare shall be established on a per capita basis.

(Section 6.1 amended 4/10/97)

Section 6.2 - Jitney Routes

(a) A permit holder who wishes to provide a fixed route service shall apply to the Chief Executive Officer for authorization to serve a defined route with a specific vehicle. No for-hire vehicle may be operated as a jitney until it has met all other requirements of this Ordinance and has been approved for service on a specific fixed route. A jitney may be authorized to serve more than one route; however, a jitney may provide fixed route service on only those routes which the Chief Executive Officer has approved in writing for that vehicle.

(b) The application for a fixed route shall be in writing and shall contain the following information:

(1) A description of the vehicle(s) which will be utilizing the route;

(2) A detailed written description of the route, to include starting location, ending location, and the street name and direction of travel for all streets to be used in the route;

(3) A map in sufficient detail to clearly indicate the proposed route;

(4) The fare to be charged; and

(5) Such other information as the Chief Executive Officer may, in his or her discretion, require.

(c) Upon approval of a fixed route by the Chief Executive Officer, the permit holder shall display a representation of the route, the fare, and the permit holder's trade name on each side of the vehicle in letters large enough to be easily read by potential customers in accordance with the standards established by the Chief Executive Officer under Section 6.5 of this Ordinance. Only one (1) route may be displayed on a vehicle at any time.

(d) If a permit holder wishes to alter his or her approved fixed route(s), he or she must apply in writing to the Chief Executive Officer, submitting the information required in Section 6.2 (b).

(e) The Chief Executive Officer may, in his or her discretion, place conditions on the approval of fixed routes.

(f) The Chief Executive Officer may change a route that has been approved previously when the Chief Executive Officer finds it necessary to do so. A change of route may be necessary when a street has been closed temporarily or permanently because of construction, or the direction of a street has been changed, or a street has been vacated, or for similar reasons as determined by the Chief Executive Officer. The Chief Executive Officer shall notify in writing any permit holder whose route has been changed. The Chief Executive Officer's change of a route is subject to appeal under Section 1.16 of this Ordinance.

(g) Except as provided for within this subsection, an approved fixed route may not be transferred to another vehicle or permit holder. A permit holder may receive approval for a vehicle that is replacing a jitney already in service to use the approved fixed routes of the replaced vehicle.
(Section 6.2 amended 11/14/02)

Section 6.3 – Operating Regulations

(a) It is unlawful for any jitney to remain standing on any public street in the City, except when enabling passengers to load or unload, or except when standing in a jitney holding zone for the time period established by MTS.

(b) It is unlawful for any person including, but not limited to, a jitney owner, driver, or agent thereof, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway, airport, or light rail transit station.

(c) A peace officer or MTS inspector may authorize a dispatcher to solicit passengers and assist with loading passengers at such times and places as, in his/her discretion, public service and traffic conditions require.

(d) Except when a driver or operator is actually engaged in assisting passengers to load or unload, a jitney driver or operator must remain within twelve (12) feet of his/her jitney while the jitney is in service.

(e) It is unlawful for a jitney vehicle to operate a fixed route service on other than that route designated by the Chief Executive Officer.

(f) It shall be unlawful for a jitney driver to load or unload passengers in any place other than an authorized jitney stop, bus stop, or passenger loading zone.

(g) All other operating regulations defined in Section 1.8 apply.
(Section 6.3 amended 11/14/02)

Section 6.4 - Jitney Holding Zones

(a) The ~~Board~~Chief Executive Officer may, by resolution, locate and designate holding zones for one (1) or more jitneys, which holding zones when so established, shall be designated by appropriate signs. The operating regulations of Section 6.3 shall apply to any holding zones so established, and to holding zones established by the San Diego Unified Port District in areas under its jurisdiction. The ~~Board~~Chief Executive Officer may, ~~in its resolution~~by his or her discretion, establish the maximum number of jitneys permitted to remain standing at one time in a holding zone.

(b) Each holding zone established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer. The Chief Executive Officer shall adopt written standards to determine whether to allow holding zones to be in operation fewer than twenty-four (24) hours every day. If a holding zone is to be in operation fewer than twenty-four (24) hours every day, the Chief Executive Officer shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

(c) The ~~Board~~Chief Executive Officer may, on ~~its~~his or her own motion, ~~or upon the recommendation of the Chief Executive Officer~~, establish holding zones.

(d) Any individual, partnership, corporation, association or other organization may petition MTS requesting that a new holding zone be established. The petition must be filed in writing with the Chief Executive Officer or his/her designee. The petition must state the reason for the request and the proposed location(s). The Board may approve, deny, or modify the request.

(e) Whether initiated by the ~~Board~~Chief Executive Officer under Subsection (c) of this section or by persons described in Subsection (d) of this section, before any holding zone is established, the proposed location of any holding zone must be reviewed by the Traffic Engineer of the City. The Traffic Engineer shall report his/her recommendations to approve, deny, or modify the proposed location in writing to the ~~Board~~Chief Executive Officer. The Traffic Engineer's report shall include a statement of reasons supporting the recommendation to the ~~Board~~Chief Executive Officer.

(f) The ~~Board~~Chief Executive Officer shall, by resolution, establish a maximum time limit for individual jitneys to remain standing in any holding zone. The time limit shall apply uniformly to all holding zones.

(g) It shall be unlawful for a vehicle other than a jitney with a proper MTS jitney permit to occupy a jitney holding zone.

(Section 6.4 amended 10/18/12)

Section 6.5 - Equipment and Specifications

(a) Each jitney shall bear on the outside, signs clearly designating the route which it serves. The specifications of the sign are subject to the approval of the Chief Executive Officer. The Chief Executive Officer shall adopt written standards for approval or denial of the size of the signs, the location of the signs on the vehicle, the size of the lettering or graphics on the signs, and other specifications that the Chief Executive Officer finds necessary.

(b) All jitney vehicles must bear a trade name and shall be assigned a body number by the permit holder. The trade name and body number so assigned shall be placed on the vehicle in accordance with written standards adopted by the Chief Executive Officer.

Any violation of this Ordinance shall constitute an infraction unless otherwise specified.

SECTION 7.0 – LOW-SPEED VEHICLES

Section 7.1 – Low-Speed Vehicle (LSV) Definition

Low-Speed Vehicles (LSV) shall mean every vehicle that is designated per the requirements of Ordinance No. 11, Section 1.1(c). LSVs may operate by zones and/or a prearranged basis as set forth in Section 1.1 (d) (1)-(5).

(Section 7.0 and 7.1 added 8/7/03)

Section 7.2 – Establishment of Zones

The Chief Executive Officer shall establish and authorize the use of zones of operation.

(Section 7.2 added 8/7/03)

Section 7.3 – Zone Rates of Fare

(a) All vehicles permitted as LSV may use two methods of seeking compensation, either by zone rates or on a prearranged basis. Either method may be used when working inside of an approved zone. However, when operating on a prearranged charter basis, within an approved zone, no operator may exceed the maximum number of vehicles that are medallioned.

(b) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for LSV services.

(c) When a permit holder desires to change the rates of fare being charged for LSV services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(d) No permit holder shall charge any rate of fare for LSV services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(e) The rates of fare shall be established by a zone and/or prearranged written contract on a per-mile or per-hour basis.

(f) The maximum rates of fare shall be established pursuant to Section 2.2.

(Section 7.3 added 8/7/03)

Section 7.4 – Spare Vehicle Policy

(a) The following sets out procedures for LSV permit holders to place a spare vehicle into service as either a temporary replacement for a permitted vehicle that is out of service for recharging or mechanical problems.

(1) Spare LSVs must be marked with the approved company markings.

(2) In place of the medallion number, the spare LSV must be marked "Spare LSV." Where more than one spare LSV is being requested, under the provisions of paragraph 9, the LSVs will be marked "Spare LSV 1," "Spare LSV 2," and so on. The "Spare LSV" marking should be sized to fit in approximately the same space as the medallion number would otherwise be placed with legibility and visibility being the primary criteria.

(3) Spare LSVs must be inspected upon initial issuance and annually thereafter.

(4) All spare LSVs must meet all MTS insurance requirements.

(5) To use a spare LSV that meets the requirements of 1 through 4 above, the permit holder must communicate in writing (facsimile is acceptable), a request to place a spare LSV into service.

The request must state:

(a) the medallion number of the LSV being taken out of service, the reason for being out of service, and the location of the out-of-service LSV; and

(b) the estimated time the spare LSV will be in use.

(6) When the out-of-service LSV is ready to re-enter service, the permit holder must immediately notify MTS in writing (facsimile is acceptable).

(7) The out-of-service LSV may not be required to be reinspected to be placed back into service.

(8) The spare LSV must be removed from service at the time the LSV it has been replacing is placed back into service.

(9) Under normal circumstances, a permit holder may utilize spare LSVs. Permit holders may utilize spare LSVs in a ratio of 3:1 permits held.

(10) Spare LSVs that are placed in service may only operate inside of the MTS-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular medallioned vehicles.

(11) A permit holder found to have operated a spare LSV in deliberate violation of these procedures will be subject to immediate suspension/revocation of the permit and the loss of the spare LSV utilization privilege.

(Section 7.4 amended 10/16/03)

(Section 7.4 added 8/7/03)

Section 7.5 – LSV Driver Identification Cards

(a) Refer to Section 1.12 of this Ordinance to reference driver and permit holder ID requirements.

(Section 7.5 added 8/7/03)

Section 7.6 - Equipment and Specifications

(a) Each LSV shall be equipped with a device which shall plainly indicate to a person outside the LSV whether the LSV is in operation or is not.

(b) Exterior Markings

(1) The permit holder's trade name shall be painted or permanently affixed in letters and numerals 2-1/2 inches high all on one line on the upper third part of both the front and rear of the vehicle utilizing "Univers" or other Chief Executive Officer preapproved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing 2-1/2 inch lettering, the trade name lettering must be as large as possible, up to 2-1/2 inches in height, to enable the trade name to fit on one line.

(2) The medallion number shall be painted or permanently affixed, on both the front and rear of the vehicle, one (1) inch below the permit holder's trade name, two (2) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(3) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her LSV which must be posted only at the specific location and in the size noted and are subject to the Chief Executive Officer's approval.

a) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

b) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot utilize the words "cab" or "taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

c) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than two (2) inches in height and posted only on the top front portion of both front side quarter panels.

d) "Driver Carries Only \$ _____ Change." If the permit holder chooses to post "Driver Carries only \$ _____ Change," postings must be located only on panels near the rear door but clear of the rates of fare.

e) "Leased to Driver." If permit holder chooses to post "Leased to Driver," it must be posted only on both rear quarter panels near the rear door area but clear of the rate of fares in lettering no larger than 1 inch.

(4) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(c) All LSVs shall be equipped and operated so that they may be dispatched by two-way radio communication in response to a telephone or other request for service by a prospective passenger. This requirement may not be met by use of a mobile radio telephone service.

(1) Radio must be turned on, and audible to driver, at all times the LSV is in service.

(d) The radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

(1) The current valid FCC license shall be on file with MTS.

(2) LSV permit holder shall provide current proof the radio has passed inspection by an MTS-approved inspector.

(3) LSV radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(e) Radio scanners are not allowed in LSVs.

(Section 7.6 added 8/7/03)

SECTION 8 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be effective 30 days after adoption, and before the expiration of 15 days after its passage, this Ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

Amended: 10/18/12

Amended: 4/19/12

Amended: 10/16/03

Amended: 8/7/03

Amended: 5/8/03

Amended: 11/14/02

Amended: 6/27/02

Amended: 5/23/02

Amended: 6/24/99

Amended: 9/24/98

Amended: 10/30/97

Amended: 4/10/97

Amended: 2/13/97

Amended: 11/9/95

Amended: 6/22/95

Amended: 1/12/95

Amended: 6/24/93

Amended: 6/27/91

Amended: 5/23/91

Amended: 10/11/90

Repealed & Readopted: 8/9/90

Amended: 4/12/90

Amended: 4/27/89

Adopted: 8/11/88

SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD
(also known as San Diego Metropolitan Transit System)

CODIFIED ORDINANCE NO. 5
(as amended 6/28/07/10/18/12)

An Ordinance Relating to the Enforcement
Authorities of Code Compliance Inspectors,
Assistant Code Compliance Supervisors,
the Code Compliance Inspection Supervisor,
and Taxicab Inspectors I & II

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

Section 5.1 Statutory Authorities

A. The Metropolitan Transit System has been created by State law (Public Utilities Code Section 120000 through 12054) as a public agency with the authority and duty to plan and construct exclusive public mass transit guideways (Section 120260) and to acquire, construct, maintain, and operate or let a contract to operate public transit systems and related transportation facilities and services (Section 120264).

B. Additionally, the Board is vested with the duty to adopt all ordinances and make all rules and regulations proper and necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services (Section 120105). The violation of any ordinance, rule, or regulation enacted by the Board relating to evasion of fares in any transit facility owned or controlled by the Board is an infraction and upon a violation after the second conviction is a misdemeanor (Section 120450).

C. The provision of information known to be false to a Code Compliance Inspector, Assistant Code Compliance Supervisor, the Code Compliance Inspection Supervisor, or the Transit Security Administrator (hereinafter cumulatively referred to as Inspectors) is similarly an infraction or misdemeanor (Section 120450.5).

D. The violation of any ordinance, rule, or regulation prohibiting unauthorized operation or manipulation of transit facilities or prohibiting unauthorized tampering or interference with transit facilities is similarly an infraction or misdemeanor (Section 120451).

E. The violation of any ordinance, rule, or regulation prohibiting the unauthorized entering into, climbing upon, holding onto, or in any manner attaching oneself to vehicles operated upon exclusive public mass transit guideways is an infraction or misdemeanor (Section 120452).

F. In implementation of those provisions of State law, the Board has adopted Ordinance No. 13, prohibiting specified conduct onboard transit vehicles and prohibiting specified actions on or about the transit facilities. The Board has further adopted Ordinance No. 2 requiring proof of fare payment by passengers using the San Diego Trolley and Ordinance No. 3, regulating parking in the San Diego Trolley parking lots and other transit facilities.

G. The Board is authorized to contract with cities and the County to license or regulate by ordinance any transportation services within such cities or the unincorporated area (Section 120266) and has done so by adoption of Ordinance No. 11, the enforcement of which will be done by Taxicab Inspectors I & II, and other Taxicab Administration staff designated in Section 5.3.

H. Pursuant to Penal Code Section 836.5, the Board may authorize public officers and employees to arrest a person without warrant, including officers and ~~employers-employees~~ of a nonprofit transit corporation wholly owned by a local agency and formed to carry out the purposes of the local agency and San Diego Trolley, Inc., is such a corporation.

(Section 5.1 amended 10/18/12)

(Section 5.1 amended 7/12/01)

(Section 5.1 amended 9/26/96)

(Section 5.1 amended 1/11/96)

(Section 5.1 amended 11/10/94)

(Section 5.1 amended 8/12/93)

Section 5.2 Purposes

In view of the multitude of regulations applicable to the facilities and vehicles of the San Diego Metropolitan Transit Development Board, it is desirable to clarify and specify the authority of the Inspectors, relative to various acts committed on or about the property.

Section 5.3 Duties and Authorizations

A. Inspectors employed by the San Diego Metropolitan Transit System (MTS) and Inspectors employed by San Diego Trolley, Inc., are hereby vested with the duty to enforce MTS Ordinances No. 2, No. 3, No. 4, No. 11, and No. 13 and the following code sections:- Business and Professions Code Sections 4140 and 25662, Health and Safety Code Sections 11364 and 11357(b), and 11532, Public Utilities Code Sections 5411.5, 120450, 120450.5, 120451, and 120452, Penal Code Sections 148, 219.2, 308(b), 369(g), 417.25(a), 470(a), 481.1, 555.1, 555.2, 587(a), 594, 594.1, 594.2, 594.4, 602(f), 602(o), 602(q), 640, 640(a), 640.5, 647(a), 647(c), 647(j), and 653(k), Vehicle Code Sections 5204(a), 21456, 21461(a), 21955, 22500, 22507, 22521, and 22526, San Diego City Municipal Code Sections 56.54 (at transit facilities owned, controlled, or used by the Board, including but not limited to transit centers, rail stations, bus shelters, and bus stops on public and private property), 58.05(b)(1), and 58.05(b)(2), and San Diego County Code of Regulatory Ordinances Section 32.1303, ~~and in~~ accordance with Penal Code Section 836.5, Inspectors employed by MTS are authorized to arrest a person without a warrant whenever an Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

B. Taxicab Inspectors I & II, Regulatory Specialists and the Taxicab Administrator, employed by MTS, are hereby vested with the duty to enforce MTS Ordinance No. 11 and the following code sections: Public Utilities Code sections 5360.5, 5371.4, 5379, 5386.5, and California Public Utilities Commission General Order 157-D, Sections 3.01 and 3.03. ~~and, in~~ accordance with Penal Code Section 836.5, Taxicab Inspectors I & II, Regulatory Specialists and the Taxicab Administrator, employed by MTS are authorized to arrest a person without a warrant whenever a Taxicab Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

C. Right-of-Way Agents, designated by the General Manager and employed by MTS are hereby vested with the duty to enforce MTS Ordinance No. 3 and, in accordance with Penal Code Section 836.5, are authorized to arrest a person without a warrant whenever an agent has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Agent's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

~~(Section 5.3 amended 10/18/12)~~

~~(Section 5.3 amended 10/28/04)~~

~~(Section 5.3 amended 10/3/02)~~

~~(Section 5.3 amended 7/12/01)~~

~~(Section 5.3 amended 3/23/00)~~

~~(Section 5.3 amended 9/26/96)~~

~~(Section 5.3 amended 1/11/96)~~

~~(Section 5.3 amended 11/10/94)~~

~~(Section 5.3 amended 8/12/93)~~

~~(Section 5.3 amended 10/28/04)~~

Section 5.4 Severability

The provisions of this Ordinance are severable, and if any of the provisions, clauses, sentences, subsections, sections, words, or parts thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, section, word, or part had not been included therein or such person or circumstance to which the Ordinance or part thereof is held inapplicable has been specifically exempted therefrom.

Amended: 10/18/12

Amended: 6/28/07

Amended: 10/28/04

Amended: 10/3/02

Amended: 8/9/01

Amended: 3/23/00

Amended: 9/26/96

Amended: 1/11/96

Amended: 11/10/94

Amended: 8/12/93

Repealed & Readopted: 12/12/91

Amended: 2/8/90

Amended: 10/13/88

Amended: 10/4/84

Amended: 2/27/84

Adopted: 7/25/83

GWilliams/TLoren

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6/1/0710/18/12



Metropolitan Transit System

Taxicab Administration

 White-Permit Holder
 Yellow-Vehicle File (510)
 Pink-Vehicle Inspector
 Gold-Office Copy

Date:

VEHICLE INSPECTION NOTICE

To:

Company name

Your vehicle, medallion # _____ has been scheduled for inspection on _____ at _____, at 1601 Newton Ave., San Diego.

PLEASE READ REVERSE SIDE OF THIS FORM FOR FURTHER INFORMATION

Permit Issuance:

New _____ Transfer _____ SD. medallion _____

Medallion re-assignment:

From # _____ To # _____

Radio Service Organization _____ NC. medallion _____

Retain _____

Other medallion _____

Permit Holder Signature

Date

TAXICAB/FOR-HIRE VEHICLE INSPECTION REPORT - (FOR MTS USE ONLY)

| | | |
|----------------------------------|-----------------|----------------------------|
| TYPE | Time | Reg. No. |
| Permit Issuance | Year/Make | Seating Capacity |
| Replacement Vehicle | Mileage | Vehicle Identification No. |
| Scheduled | License Plate # | Date |
| Supplemental Schedule | Body No. | Staff Signature |
| Field Report Referral (attached) | | |
| Return to Service | | |
| Spare Vehicle | | |
| Other | | |

| BRAKES/TIRES | | PASS | FIX & RETURN | FAIL | ENGINE COMPARTMENT | | PASS | FIX & RETURN | FAIL |
|-----------------|------------------------------|--------------------------|--------------------------|--------------------------|---|---------------------------------------|--------------------------|--------------------------|--------------------------|
| *1.1 | Available Pedal | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | *4.1 | Fuel Line | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *1.2 | Brake System Leaks, etc. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **4.2 | Oil Leaks | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *1.3 | Emergency Brake | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **4.3 | Water Leaks, Hose/Radiator, etc. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *1.4 | Tire Tread Wear/Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **4.4 | Belts | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| EXTERIOR | | | | | **4.5 | Hood Latch | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *2.1 | Headlights (high & low beam) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **4.6 | Operation/Engine | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *2.2 | Signal Lights (both) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4.7 | Battery Connections, Cables, etc. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *2.3 | Taillights (both) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4.8 | Uncontained Combustibles | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *2.4 | Brake Lights (both) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | FLUID LEVELS | | | | |
| *2.5 | Top Lights (both) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **5.1 | Power Steering | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *2.6 | Mirrors (all 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **5.2 | Automatic Transmission | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| **2.7 | Windshields | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **5.3 | Engine Oil | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| **2.8 | Body Condition/Dents, etc. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | CHASSIS/SUSPENSION | | | | |
| **2.9 | Posted Rates of Fare | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **6.1 | Steering Gear and Mounting | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| **2.10 | Driver Safety System | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **6.2 | Suspension System | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.11 | Reverse Lights (both) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **6.3 | Exhaust System | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.12 | Fuel Cap | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | DOORS | | | | |
| 2.13 | Paint Faded, Chipped, Peeled | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | *7.1 | Operate/Secure/Lock | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.14 | Emergency Flashers | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7.2 | Handrails/Arm rests | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.15 | Markings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 7.3 | Window/Operation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2.16 | Hub Caps | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | TRUNK | | | | |
| 2.17 | Cleanliness | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8.1 | Spare tire and Equipment/Road Service | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| INTERIOR | | | | | 8.2 | Cleanliness/Condition | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *3.1 | Horn | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 8.3 | Security Latched | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *3.2 | Windshield Wipers | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ALL FOR-HIRE VEHICLES (EXCEPT TAXIS) | | | | |
| *3.3 | Seats/Seatbelts | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | *9.1 | Fire Extinguisher | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| *3.4 | Meter Seals/Operation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | *9.2 | Reflectors | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| **3.5 | Defroster/Heater Operation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 9.3 | First Aid Kit | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| **3.6 | Radio Response/Scanner | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **10.0 | ADA | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.7 | Dash Gauges/Odometer | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | **11.0 | Other | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3.8 | Cleanliness | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | |
| 3.9 | Condition | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | |
| 3.10 | All Interior Lights | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | | | | |

* Out of Service ** Possible out of Service

Comments

In Service ☐ Out of Service ☐ Next Recommended Inspection

Passed Inspection

C-1

Signed

Inspector

Date





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

Agenda Item No. 21

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

LIVESCAN AUTHORIZATION

RECOMMENDATION:

That the Board of Directors approve Resolution No. 12-18 (Attachment A) authorizing staff to execute a request to the California Department of Justice for San Diego Trolley, Inc. to become a contributing agency for LiveScan fingerprinting.

Budget Impact

None.

DISCUSSION:

On September 20, 2012, the Board approved Resolution No. 12-13 authorizing LiveScan fingerprinting for MTS Code Compliance Inspectors (CCI) and taxicab permit holders. The CCI fingerprinting program would be overseen by the MTS Department of Human Resources. The taxicab permit holder fingerprinting program would be overseen by the MTS Taxicab Administration. After reviewing Resolution 12-13 and MTS's application to participate in the LiveScan program, the Department of Justice has requested a separate resolution for San Diego Trolley, Inc. so that the Human Resources Department may administer fingerprinting for CCIs independently from the Taxicab Administration program. Resolution 12-18 has been reviewed by the Department of Justice for compliance with the program's requirements.

MTS Code Compliance Inspectors are authorized to enforce MTS ordinances and certain California Penal, Business & Professions, Health & Safety, Vehicle, Public Utilities, and City and County of San Diego Codes. In the course of their enforcement activities, MTS CCIs occasionally encounter violators without identification or individuals



on supervised release; i.e., parolees, probationers, sex registrants, drug registrants, documented gang members.

CCIs historically have contacted the San Diego Police Department to verify an individual's identity provided through verbal information. In situations like these, the San Diego Police Department queries local, state, federal, and Department of Motor Vehicles records. This type of information is considered CORI (Criminal Offender Record Information), and the use of such information is restricted to only those authorized by the California Department of Justice. The San Diego Police Department has indicated that this information will no longer be provided to MTS CCIs unless the CCIs have been authorized by California Department of Justice to receive the information. This authorization can only be obtained by fingerprint submissions to the California Department of Justice via LiveScan on all CCIs.

The attached resolution will support the request of San Diego Trolley, Inc. and the Human Resources Department to become a contributing agency for LiveScan fingerprints.

Once approved, MTS would then be authorized by the California Department of Justice to fingerprint CCIs, submit the images, and receive criminal record information on the individuals. Subsequently, once cleared by the California Department of Justice, any other law enforcement agency would be authorized to share CORI information with MTS CCIs.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Resolution No. 12-18

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 12-18

Resolution Approving LiveScan Authorization

WHEREAS, California Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts, and joint powers authorities to access state and local summary criminal history information for employment licensing or certification purposes; and

WHEREAS, California Penal Code Section 11105(b)(11) authorizes cities, counties, districts, and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, California Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, California Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county, or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the San Diego Metropolitan Transit System governing board and its subsidiary, San Diego Trolley, Inc. does hereby authorize access to state- and federal-level summary criminal history information for employment (including volunteers and contract employees), licensing of taxicab permit holders, and other related purposes, and may not disseminate the information to a private entity.

PASSED AND ADOPTED by the Board this _____ day of _____ 2012
by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairman
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

Office of the General Counsel
San Diego Metropolitan Transit System



1255 Imperial Avenue, Suite 1000
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619.231 1466 FAX 619.234.3407

Agenda Item No. 30

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

FY 2013 CAPITAL IMPROVEMENT PLAN AMENDMENT (MIKE THOMPSON)

RECOMMENDATION:

That the MTS Board approve the amended FY 2013 Capital Improvement Program.

Budget Impact

This action would increase the FY 2013 Capital Improvement Program (CIP) budget from \$74,930,000 to \$176,468,000, which is an increase of \$101,538,000.

DISCUSSION:

The Budget Development Committee received a report on the amended FY 13 Capital Improvement Plan (CIP) on November 14, 2012, and has forwarded its recommendation for approval.

Since the FY 13 CIP was approved by the MTS Board of Directors, MTS has received additional funding that was not included in the original plan. In total, funding adjustments of just over \$101,538,000 need to be added to the FY 13 CIP. The majority of this funding adjustment—\$69,470,000 of the \$101,538,000—is funding earmarked for the Blue Line/Orange Line rehabilitation. The specific funding adjustments are detailed in Attachment A and can be summarized as follows:

- FY 10/11 Prop 1B funding received in July - \$69,470,000 (supporting the rehabilitation of the Blue and Orange Lines).
- FY 11/12 Prop 1B - Security funding awarded in July - \$2,779,000 (funding five security projects).



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.

- Total net State Transit Assistance funding increased by \$21,534,000.
 - ✓ The Budget Development Committee and MTS Board provided direction as part of the FY 13 operating budget process to add FY 13 State Transit Assistance funding of \$22,228,000 to the FY 13 CIP. However, \$5,024,000 of this State Transit Assistance was included in the operating budget (as directed by the Board) to fund additional service, pay off the Dexia Pension Debt, and increase the contingency reserves.
 - ✓ A revision was made to the FY 12 State Transit Assistance amount. The original estimate was \$19,480,000 and the actual was \$18,785,000 resulting in a decrease of \$695,000.
- Federal discretionary State of Good Repair funding awarded in July - \$13,000,000 funding the East County Bus Maintenance Facility and Transit Asset Management system.
- Final numbers received for Federal 5307, 5309, Transportation Development Act carry-forward, transfers, and Mendoza, Argentina proceeds - a decrease of approximately \$220,000.

The majority of the additional funding is dedicated to specific projects. The complete list of projects and the funding per project is included in Attachment B. Below is a summary of the adjustments by project for the dedicated funding:

- Light Rail Vehicle Procurement - Increasing the FY 13 expenditures to include the \$69,470,000 of Prop 1B (as mentioned above) and \$15,450,000 of State Transit Assistance for MTS's share of the 8 additional LRV cars bringing the total number of cars to 65.
- East County Bus Maintenance Facility (ECBMF) - This project was fully funded with State Transit Assistance. Since MTS had funded ECBMF with State Transit Assistance funds, the \$10,000,000 in State of Good Repair allows MTS to free up \$10,000,000 in State Transit Assistance for other projects (see below for details of the project allocations).
- Transit Asset Management System - This project is added as a result of the State of Good Repair award—\$3,000,000 in State of Good Repair money and \$750,000 in local match.
- Five security projects funded with FY 11/12 Prop 1B Security funds—\$2,779,000 in total—were incorporated as per the Security Grant Program project approvals.

A total of \$10,089,000 in funding remains to be allocated. The staff proposal for this remainder of funds is as follows:

- Bus Replacement - Add \$7,749,000 of funding to this project.
- Substation Supervisory Control and Data Acquisition (SCADA) Design - The funding for this project was spread across multiple fiscal years; however, the San Diego Association of Governments (SANDAG) has requested \$1,200,000 in additional funding to this project in FY 13.
- Miscellaneous Capital - Add \$1,000,000 to this project in anticipation of small projects arising out of the Blue Line rehabilitation.
- San Diego State University (SDSU) Monitoring System - This project requires another \$80,000 in funding for the contract for the iLon portion of the SDSU Monitoring System Project.
- System Rail, Ties, and Ballast - This project requires another \$60,000 to complete the Job Order Contract project at San Miguel crossing.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Fiscal Year 2013 Funding Sources
B. Fiscal Year 2013 Capital Improvement Projects List

**San Diego Metropolitan Transit System
FY 2013 Funding Sources (\$000s)**

| Funding Description | Approved FY13 | Adjustments | Proposed FY13 |
|---|----------------------|--------------------|----------------------|
| Federal FY12 - 5307 Funding Estimate | \$ 39,952 | | \$ 39,952 |
| FY11 - 5307 Carryforward from FY12 grant | 901 | | 901 |
| Federal FY12 - 5309 Funding Estimate | 13,437 | | 13,437 |
| Transportation Development Act (TDA) | 31,300 | | 31,300 |
| Proposition 1B | 15,723 | 69,470 | 85,193 |
| Proposition 1B - Security | 2,779 | 2,779 | 5,558 |
| California State Transit Assistance (STA) | 19,480 | 21,534 | 41,014 |
| State of Good Repair Grants (SGR) | - | 13,000 | 13,000 |
| Mendoza U2 Sale Proceeds | 2,841 | 484 | 3,325 |
| Compressed Natural Gas (CNG) Tax Credits | 1,573 | | 1,573 |
| Project Transfers | 4,924 | (704) | 4,220 |
| Total Available Funding | \$ 132,910 | \$ 106,562 | \$ 239,472 |
| Preventive Maintenance - Federal 5307 | \$ (19,763) | | \$ (19,763) |
| ADA Preventive Maintenance -Federal 5307 | (3,995) | | (3,995) |
| SANDAG Planning Study - Federal 5307 | (729) | | (729) |
| Preventive Maintenance - Federal 5309 | (13,437) | | (13,437) |
| Preventive Maintenance - FY13 TDA Match | (8,300) | | (8,300) |
| SANDAG Planning Study - FT13 TDA Match | (182) | | (182) |
| Operations Usage - \$5.0M TDA; \$1.5M CNG Credits; \$2.4M STA | (6,573) | (2,424) | (8,997) |
| Variable Pension Obligation Bonds (Dexia) | (5,000) | (2,600) | (7,600) |
| Total Preventative Maintenance/SANDAG Planning | \$ (57,980) | \$ (5,024) | \$ (63,004) |
| Available Funding for FY 13 Capital Program | \$ 74,930 | \$ 101,538 | \$ 176,468 |

**San Diego Metropolitan Transit System
Capital Improvement Program - Project List
Fiscal Year 2013**

Att. B, AI 30, 11/15/12

| Project Description | Funding Thru FY 2012 | FY 2013 Funded | FY 2013 Unfunded | FY 2014 | FY 2015 | FY 2016 | FY 2017 | Budget FY13 - FY17 |
|---|-------------------------|--------------------|---------------------|-------------------|-------------------|-------------------|-------------------|-----------------------|
| LRV Procurement | 43,373 | 100,649 | | 31,038 | 31,038 | | | 162,719 |
| EC Facility Redevelopment | 19,117 | 25,890 | | | | | | 25,890 |
| MITS Bus Replacement | 19,657 | 24,438 | 2,551 | 19,970 | 20,325 | 20,700 | 19,745 | 107,729 |
| Transit Asset Management System (TAM) | | 3,750 | | | | | | 3,750 |
| Paratransit Vehicles | 3,871 | 2,940 | 320 | 2,530 | 2,175 | 1,800 | 2,755 | 12,520 |
| Substation SCADA Design | 1,000 | 1,846 | | | | | | 1,846 |
| New ERP System | 1,300 | 1,300 | | 750 | 725 | | | 2,775 |
| Misc. Capital | 1,041 | 1,250 | | | | | | 1,250 |
| CCTV System Upgrade | | 1,050 | | | | | | 1,050 |
| RTMS South Bay and East County Divisions | 2,235 | 1,000 | | 1,900 | | | | 2,900 |
| Mainline Drainage and Slope Improvements | 403 | 991 | | | | | | 991 |
| SDSU Monitoring System | | 860 | | | | | | 860 |
| Video Surveillance System for New Buses | | 731 | | | | | | 731 |
| SD100 Traction Motor overhaul | | 660 | | 1,135 | 1,135 | 1,135 | 1,135 | 5,200 |
| S70 Passenger Window Retrofit | | 660 | | | | | | 660 |
| New Wheel Truing Machine - construction | 2,200 | 650 | | | | | | 650 |
| Network Infrastructure | 380 | 510 | | | | | | 510 |
| Video Surveillance System for ADA Paratransit Vehicles | | 505 | | | | | | 505 |
| MVE / Orange Line Signal Print Verification & Revisions | | 500 | | | | | | 500 |
| PCIDs For Station Renewal | | 495 | | | | | | 495 |
| SDIC Security Improvement | | 465 | | | | | | 465 |
| Barrier System at SYTC | | 458 | | | | | | 458 |
| CCI Handheld Units | | 458 | | | | | | 458 |
| Fiber Optics Link | | 400 | | | | | | 400 |
| Blue Line Wireless Nodes | | 400 | | | | | | 400 |
| Light Rail Vehicle Electronic Components | 1,180 | 360 | | | | 180 | | 540 |
| SD100 Operator Seats Replacement | | 325 | | | | | | 325 |
| ADA and Rural RCS Radio Replacement | | 320 | | | | | | 320 |
| LRV Brake Overhaul | 2,225 | 300 | | 800 | 800 | 1,200 | 1,200 | 4,300 |
| Operations Control Center upgrade | | 293 | | | | | | 293 |
| C Street Traffic Signals | - | 292 | | | | | | 292 |
| Elevator and Escalator Modifications | 250 | 250 | | 150 | 200 | | | 600 |
| Substation Rehabilitation (Standardization) | 5,498 | 250 | | | | | | 250 |
| Roof replacement on Builds B and C | | 200 | | | | | | 200 |
| Rail Grinding | 1,648 | 190 | | | | | | 190 |
| Facilities Station Cleaning Equipment Replacement | | 150 | | | | | | 150 |
| LRV Body Rehabilitation | 2,960 | 140 | | | | | | 140 |
| Building "A" Air-condition and Heater Replacement | 125 | 140 | | | | | | 140 |
| Transit Store Security Improvement | | 100 | | | | | | 100 |
| TransitWatch re-write | | 75 | | | | | | 75 |

Att. B, AI 30, 11/15/12

**San Diego Metropolitan Transit System
Capital Improvement Program - Project List
Fiscal Year 2013**

Att. B, AI 30, 11/15/12

| Project Description | Funding Thru FY 2012 | FY 2013 Funded | FY 2013 Unfunded | FY 2014 | FY 2015 | FY 2016 | FY 2017 | Budget FY13 - FY17 |
|--|-------------------------|-------------------|---------------------|----------------|----------------|----------------|----------------|-----------------------|
| System rail ties and ballast | 1,295 | 60 | | 110 | 110 | 110 | 110 | 500 |
| MTS (IAD) Server Room HVAC Improvements | | 60 | | | | | | 60 |
| Building A Rollup Door Replacements | 50 | 50 | | | | | | 50 |
| Track Tamping Machine Upgrade | | 30 | | | | | | 30 |
| Portable Compressor | | 20 | | | | | | 20 |
| Electric Utility Shop Vehicle | | 15 | | | | | | 15 |
| LED Interior / Exterior Lighting Upgrade SD100 | | | 1,470 | | | | | 1,470 |
| OCS Standardization | 1,740 | | 975 | | | | | 975 |
| System Grade Crossing Replacements | | | 900 | 900 | 900 | 900 | 900 | 4,500 |
| IAD HVAC & Roof Repair | 209 | | 862 | 367 | | | | 1,229 |
| Orange Line Crossing Signal Upgrades | | | 810 | 1,038 | 1,038 | 1,038 | 1,038 | 4,962 |
| SD100 Inverters Overhaul | | | 500 | 500 | 500 | 500 | | 2,000 |
| ADA Vehicle Cameras | | | 500 | | | | | 500 |
| SD100 Propulsion System Overhaul | | | 485 | 485 | 485 | | | 1,456 |
| ADA AVL / MDT Equipment | | | 425 | | | | | 425 |
| Power Yard Switch Automation / Replacement | | | 400 | 1,300 | | | | 1,700 |
| Parking Lot Pavement and Striping | | | 300 | | | | | 300 |
| MVE Interlocking Manual Turn Back | | | 265 | 175 | | | | 440 |
| Replace Wiggins Forklift 10K Capacity | | | 200 | | | | | 200 |
| S70 Brake Tooling | | | 200 | | | | | 200 |
| Installation Of Interlocking Event Recorders | 78 | | 150 | | | | | 150 |
| Sanding / Shop | | | 150 | | | | | 150 |
| Switch Frog and Crossing Diamond Replacement | | | 100 | 300 | | | | 400 |
| IAD Generator Power Distribution Upgrades | | | 100 | | | | | 100 |
| Top Bus Stop Improvements | | | 96 | 80 | | | | 176 |
| Removal of Commercial Street Switches | | | 75 | 75 | 75 | | | 225 |
| Service Lanes Compressed Air System | | | 20 | | | | | 20 |
| LRV HVAC Overhaul | 3,429 | | | 1,200 | 1,200 | 1,200 | 1,200 | 4,800 |
| Buffer/Coupler Overhaul SD100 | 980 | | | 520 | 500 | | | 1,020 |
| SD100 Traction Motor Disconnects | 1,070 | | | 500 | 600 | | | 1,100 |
| MTS Service Trucks (3-F450's) | 240 | | | 330 | 200 | | | 530 |
| LRV Tires | 3,630 | | | 286 | 460 | 432 | 500 | 1,678 |
| Santa Fe Depot Operations Improvements | | | | 250 | | | | 250 |
| CNG Compressor Replacement | | | | 150 | 150 | | | 300 |
| LRV Gearbox Overhaul | 2,500 | | | | | | | - |
| Project Totals | 123,624 | 176,468 | 11,854 | 66,839 | 62,616 | 29,195 | 28,583 | 375,555 |



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Agenda Item No. 31

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

MANAGEMENT PENSION FORMULA (SHARON COONEY)

RECOMMENDATION:

That the Board of Directors adopt Resolution No. 12-17 (Attachment A) establishing a new MTS employee pension formula.

Budget Impact

Board approval would result in a reduction in future pension costs (see Attachment B - CalPERS Valuation report projects future savings).

DISCUSSION:

MTS currently contracts with the California Public Employees' Retirement System (CalPERS) to provide a pension plan of 2.7% at age 55 to MTS employees. During fiscal year 2013, the Budget Development Committee directed staff to implement a second-tier pension formula to apply to new management staff hires.

After researching the best pension modification options for MTS, staff proposed to change the formula to 2% at age 60, which is a plan that is currently offered by CalPERS. In August 2012, the California Public Employees' Pension Reform Act of 2013 (PEPRA) was enacted with a January 1, 2013, effective date. Reform measures included in the law affect all public agencies that offer governmental pension plans, including MTS and its subsidiaries San Diego Transit Corporation and San Diego Trolley, Inc. Provisions of the act include employee cost-sharing, compulsory reduced retirement formulas, increased retirement ages, limitations on pensionable compensation, antispiking provisions, limitations on postretirement employment, forfeiture of pension benefits upon conviction of certain felonies, health benefit equitability, and prohibitions on pension funding holidays.



Several provisions in PEPRRA impact staff's initial proposal to add a 2%-at-age-60 pension formula for newly hired MTS employees. First, PEPRRA restricts plan availability for new, miscellaneous members hired after January 1, 2013, to 2% at age 62, which is a formula that will not even become available until after its effective date. Second, PEPRRA requires that the MTS plan, which is in effect on December 31, 2012, be offered to new hires who were members of CalPERS or a reciprocal pension plan prior to December 31, 2012, even if those employees are hired in 2013 or beyond.

Based on the legislation's requirements, staff recommends changing the formula offered to new hires as soon as possible—prior to the December 31, 2012 date—to 2% at age 60, which is an action that requires a Board resolution to implement. This action would lower MTS's pension burden going forward for new hires who are members of CalPERS or another retirement fund with reciprocity. Without this action, affected new hires will be eligible for the 2.7%-at-age-55 formula that management staff currently receives.

There are three steps that must be completed to adopt the amendment that MTS is seeking:

- In Step 1, which has been completed, MTS requested CalPERS prepare a special valuation that discloses the costs or savings related to the benefit change that is being considered (Attachment A).
- In Step 2, which is the subject of today's requested action, staff recommends that the Board of Directors adopt Resolution No. 12-17 (Attachment B) authorizing the contract amendment required for implementation of the 2% at 60 years pension formula for new MTS employees. (A Summary of the Major Provisions that will apply to new employees is provided as Attachment C.) In addition, the Board is asked to authorize the Chief Executive Officer to execute the "Certification of Governing Body's Action," "Certification of Compliance with Government Code Section 7507," and "Certification of Compliance with Government Code Section 20475" (Attachments D, E, and F, respectively). The last of these certifications—Certification of Compliance with Government Code Section 20475—is a Certification of Compliance with the Meyers Milias Brown Act (Gov. Code § 3500 et seq.), which concerns union activity. As the proposed amendment only impacts MTS (which has no union employees), MTS has met the applicable statutory obligations.
- In Step 3, the Board of Directors will be asked to adopt a final resolution authorizing the requested contract amendment with CalPERS. Government Code Section 7507 requires that the future annual costs or benefit change of the proposed contract (Attachment B) be disclosed at a public meeting at least two weeks prior to the adoption of the final resolution. It is anticipated that the final resolution item will be presented at the December 13, 2012, Board meeting with an adoption date of December 23, 2012 (the first date of the next MTS pay period) as required by CalPERS. The contract amendment would go into effect the following day, so any new employees hired on or after December 24, 2012, would receive the 2%-at-age-60 pension benefit. Employees hired after January 1, 2013, who are already members of CalPERS (or a reciprocal pension system), would then receive this formula instead of MTS's current 2.7% at age 55 benefit.

Staff is continuing to evaluate and seek guidance on the new PEPRA legislation, and future updates will be provided to the Board as they become available.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. CalPERS Valuation Report
B. Resolution No. 12-17 with Exhibit "Amendment to Contract"
C. Summary of the Major Provisions
D. Certification of Governing Body's Action
E. Certification of Compliance with Government Code Section 7507
F. Certification of Compliance with Government Code Section 20475



California Public Employees' Retirement System
Actuarial Office
P.O. Box 942709
Sacramento, CA 94229-2709
TTY: (916) 795-3240
(888) 225-7377 phone • (916) 795-2744 fax
www.calpers.ca.gov

Att. A, AI 31, 11/15/12

October 12, 2012

CALPERS ID: 7490546841
Employer Name: SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD
Rate Plan: MISCELLANEOUS PLAN

Re: New Second Tier Plan (Section 20475: Different Level of Benefits Provided for New Employees; Section 21353 2%@60 Full Formula)

Dear Requestor:

In the table below, we show your 2012-2013 employer contribution rates before and after opening a second tier.

Of the five rate components, the first three are specific to the pool to which the plan belongs and the last two are specific to your agency. However, the Phase out of Normal Cost Difference will normally be 0% beginning with rates established for 2010-2011, so it has no impact from that time on.

The Side Fund will continue to be paid off by the first tier plan since all the past service on which it is based belongs to those current members who will continue in the first tier. The scheduled dollar amounts payable will continue as before. However, because newly hired members will be covered by the second tier, the number of members and payroll in the first tier will (after several years) gradually decline. The Amortization of Side Fund rate component is the dollars needed to pay off the side fund divided by the payroll. So as long as the Side Fund remains, **the first tier rate will increase as its payroll decreases**. The first tier side fund is scheduled to be paid off after 13 years from June 30, 2012.

Therefore, in determining the employer contributions savings, Amortization of Side Fund should be excluded. For your agency, the ultimate annual employer savings equals the difference between the Normal Cost and Surcharges rates times the second tier payroll. For 2012-2013 the Normal Cost and Surcharges percentage savings is $(9.981\% + 0.653\%) - (6.640\% + 0.465\%) = 3.529\%$. **The ultimate employer annual dollar savings is about 3.5% of the second tier fiscal year payroll.**

The Risk Pool's Payment on Amortization Bases is a temporary adjustment to the pool's contribution to "get the pool back on schedule". This temporary adjustment varies in amount and duration from pool to pool.

| As of June 30, 2010 | Existing Plan | New Second Tier Plan |
|---|----------------|-------------------------------|
| | 2.7%@55 | 2%@60 for newly hired members |
| 2012-2013 Employer Contribution Rate: | | |
| Risk Pool's Net Employer Normal Cost | 9.981% | 6.640% |
| Risk Pool's Payment on Amortization Bases | 4.544% | 1.206% |
| One-Year Final Compensation | 0.653% | 0.465% |
| Phase out of Normal Cost Difference | 0.000% | 0.000% |
| Amortization of Side Fund | 3.137% | 0.000% |
| Total Employer Contribution Rate | 18.315% | 8.311% |
| | | |
| 2012-2013 Employee Contribution Rate | 8.000% | 7.000% |

The employee rate reduction of 1% would begin immediately after you hire your first employee and last indefinitely.

MISCELLANEOUS PLAN OF THE SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD (CALPERS ID:
7490546841)
October 2012
Page 2

To initiate an amendment to the contract, please follow the Contract Amendment Report process on MyCalPERS with our Retirement Contract Services Unit, indicating your wish to contract for Section 20475 (Different Level of Benefits) and identifying the group(s) to which the benefit reduction applies.

The information is based on the June 30, 2010 annual valuation and is good until June 30, 2013. Note, however, that your rate after June 30, 2013 could change substantially. If your agency has not taken action to amend its contract by June 30, 2013, **you must contact the Retirement Contract Services Unit for an updated cost analysis.**

In sections 20463 (b) and (c), the California Public Employees' Retirement Law requires the governing body of a public agency within five days of receipt of the contract amendment cost analysis, to provide each employee organization with a copy of the analysis. If this cost analysis was requested by an employee organization, the employee organization is also required within five days of receipt of the analysis, to provide a copy of the analysis to the public agency.

The June 30, 2010 Section 2 Risk Pool actuarial valuation report applicable to your new second tier plan can be viewed on the following website:
<http://www.calpers.ca.gov/index.jsp?bc=/employer/actuarial-gasb/risk-pooling/valuation-reports.xml>

If you have questions, please call (888) CalPERS (225-7377).



NANCY E. CAMPBELL, ASA, MAAA
Enrolled Actuary
Supervising Pension Actuary, CalPERS

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 12-17

Resolution of Intention to Approve an Amendment to the Contract between the
Board of Administration California Public Employees' Retirement System and the
Governing Board San Diego Metropolitan Transit System

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change: to provide Section 20475 (Different Level of Benefits). Section 21353 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

PASSED AND ADOPTED by the Board of Directors this _____ day of _____ 2012,
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

Attachment: Exhibit – Amendment to Contract



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
Governing Board
San Diego Metropolitan Transit Development Board

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective April 4, 1977, and witnessed March 28, 1977, and as amended effective May 29, 1978, February 10, 1995, July 13, 2000, October 27, 2000 and June 9, 2003 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 12 are hereby stricken from said contract as executed effective June 9, 2003, and hereby replaced by the following paragraphs numbered 1 through 14 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract and age 60 for local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.
 2. Public Agency shall participate in the Public Employees' Retirement System from and after April 4, 1977 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. **Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:**
 - (a) **Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.**
 - (b) **Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.**
 - (c) **Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.**
 - (d) **Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.**
 - (e) **Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.**
 - (f) **The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.**
 - (g) **Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.**
4. **Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:**
 - a. **Employees other than local safety members (herein referred to as local miscellaneous members).**

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **ELECTIVE OFFICIALS; AND**
 - b. **SAFETY EMPLOYEES.**
6. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after June 9, 2003 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after November 7, 1977, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after June 9, 2003 and not entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract shall be determined in accordance with Section 21354.5 of said Retirement Law, subject to the reduction provided therein for service on and after November 7, 1977, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2.7% at age 55 Full and Modified).
8. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous after the effective date of this amendment to contract shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
9. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 20965 (Credit for Unused Sick Leave).
 - b. Section 20042 (One-Year Final Compensation).
 - c. Section 20903 (Two Years Additional Service Credit).
 - d. Section 20475 (Different Level of Benefits). Section 21354 (2% @ 60 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract.
10. Public Agency, in accordance with Government Code Section 20834, shall not be considered an "employer" for purposes of the Public Employees' Retirement Law. Contributions of the Public Agency shall be fixed and determined as provided in Government Code Section 20834, and such contributions hereafter made shall be held by the Board as provided in Government Code Section 20834.

11. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
12. Public Agency shall also contribute to said Retirement System as follows:
 - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
13. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
14. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

GOVERNING BOARD
SAN DIEGO METROPOLITAN
TRANSIT DEVELOPMENT BOARD

BY _____
KAREN DE FRANK, CHIEF
CUSTOMER ACCOUNT SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch
Public Agency Contract Services
(888) CalPERS (225-7377)

SUMMARY OF MAJOR PROVISIONS

2% @ 60 Formula (Section 21353)
Local Miscellaneous Members

SERVICE RETIREMENT

To be eligible for service retirement, a member must be at least age 50 and have five years of CalPERS credited service. There is no compulsory retirement age.

The monthly retirement allowance is determined by age at retirement, years of service credit and final compensation. The basic benefit is 2% of final compensation for each year of credited service upon retirement at age 60. If retirement is earlier than age 60, the percentage of final compensation decreases for each quarter year of attained age to 1.092% at age 50. If retirement is deferred beyond age 60, the percentage of final compensation increases for each quarter year of attained age to 2.418% at age 63.

Final compensation is the average monthly pay rate during the last consecutive 36 months of employment, or 12 months if provided by the employer's contract, unless the member designates a different period of 36 or 12 consecutive months when the average pay rate was higher.

DISABILITY RETIREMENT

Members substantially incapacitated from performing the usual duties for the position for his/her current employer, and from performing the usual duties of the position for other CalPERS covered employers (including State agencies, schools, and local public agencies), and where similar positions with these other employers with reasonably comparable in pay, benefits, and promotional opportunities are not available, would be eligible for disability retirement provided they have at least five years of service credit. The monthly retirement allowance is 1.8% of final compensation for each year of service. The maximum percentage for members who have between 10.000 and 18.518 years of service credit is one-third of their final compensation. If the member is eligible for service retirement the member will receive the highest allowance payable, service or disability. If provided by the employer's contract, the benefit would be a minimum of 30% of final compensation for the first five years of service credit, plus 1% for each additional year of service to a maximum benefit of 50% of final compensation.

INDUSTRIAL DISABILITY RETIREMENT

If provided by the employer's contract, members permanently incapacitated from performing their duties, as defined above under Disability Retirement, and the disability is a result of a job-related injury or illness may receive an Industrial Disability Retirement benefit equal to 50% of their final compensation. If provided in the employer's contract and the member is totally disabled, the disability retirement allowance would equal 75% of final compensation in lieu of the disability retirement allowance otherwise provided. If the member is eligible for service retirement, the service retirement allowance is payable. The total allowance cannot exceed 90% of final compensation.

PRE-RETIREMENT DEATH BENEFITS

Basic Death Benefit: This benefit is a refund of the member's contributions plus interest and up to six months' pay (one month's salary rate for each year of current service to a maximum of six months).

1957 Survivor Benefit: An eligible beneficiary may elect to receive either the Basic Death Benefit or the 1957 Survivor Benefit. The 1957 Survivor Benefit provides a monthly allowance equal to one-half of the highest service retirement allowance the member would have received had he/she retired on the date of death. The 1957 Survivor Benefit is payable to the surviving spouse or registered domestic partner until death or to eligible unmarried children until age 18.

1959 Survivor Benefit: (If provided by the employer's contract and the member is not covered under social security.) A surviving spouse or registered domestic partner and eligible children may receive a monthly allowance as determine by the level of coverage. This benefit is payable in addition to the Basic Death Benefit or 1957 Survivor Benefit. Children are eligible if under age 22 and unmarried.

Pre-Retirement Optional Settlement 2 Death Benefit: (If provided by the employer's contract.) The spouse or registered domestic partner of a deceased member, who was eligible to retire for service at the time of death, may to elect to receive the Pre-Retirement Optional Settlement 2 Death Benefit in lieu of the lump sum Basic Death Benefit. The benefit is a monthly allowance equal to the amount the member would have received if he/she had retired for service on the date of death and elected Optional Settlement 2, the highest monthly allowance a member can leave a spouse or registered domestic partner.

COST-OF-LIVING ADJUSTMENTS

The cost of living allowance increases are limited to a maximum of 2% compounded annually unless the employer's contract provides a 3, 4, or 5% increase.

DEATH AFTER RETIREMENT

The lump sum death benefit is \$500 (or \$600, \$2,000, \$3,000, \$4,000 or \$5,000 if provided by the employer's contract) regardless of the retirement plan chosen by the member at the time of retirement.

TERMINATION OF EMPLOYMENT

Members who have separated from employment may elect to leave their contributions on deposit or request a refund of contributions and interest. Those who leave their contributions on deposit may apply at a later date for a monthly retirement allowance if the minimum service and age requirements are met. Members who request a refund of their contributions terminate their membership and are not eligible for any future benefits unless they return to CalPERS membership.

EMPLOYEE CONTRIBUTIONS

Miscellaneous members covered by the 2% @ 60 formula contribute 7% of reportable earnings. Those covered under a modified formula (coordinated with Social Security) do not contribute on the first \$133.33 earned.

The employer also contributes toward the cost of the benefits. The amount contributed by the employer for current service retirement benefits generally exceeds the cost to the employee. In addition, the employer bears the entire cost of prior service benefits (the period of time before the employer provided retirement coverage under CalPERS). All employer contribution rates are subject to adjustment by the CalPERS Board of Administration.

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial and Employer Services Branch

Public Agency Contract Services

P.O. Box 942709

Sacramento, CA 94229-2709

(888) CalPERS (225-7377)

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

_____ of the
(governing body)

(public agency)

on _____.
(date)

Clerk/Secretary

Title

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 7507**

I hereby certify that in accordance with Section 7507 of the Government Code
the future annual costs as determined by the System Actuary for the
increase/change in retirement benefit(s) have been made public at a public meeting
of the

_____ of the
(governing body)

(public agency)

on _____ which is at least two weeks prior to the adoption of the
(date)

Resolution / Ordinance.

Adoption of the retirement benefit increase/change will not be placed on the consent
calendar.

Clerk/Secretary

Title

Date _____

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (225-7377)

**CERTIFICATION OF COMPLIANCE WITH
GOVERNMENT CODE SECTION 20475**

I hereby certify that the _____ of the
(governing body)

(public agency)

has fully discharged all of the obligation imposed by Chapter 10 (commencing with
Section 3500) of Division 4 of Title 1, Government Code.

By _____

Title

Witness

Date



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

Agenda Item No. 45

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

ANNUAL SERVICE PERFORMANCE-MONITORING REPORT (DEVIN BRAUN)

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

MTS Board Policy No. 42 establishes a process for evaluating existing transit services to achieve the objective of developing a customer-focused, competitive, integrated, and sustainable system. The policy states that services will be evaluated annually and provides a set of measures for evaluation. This report represents the annual service evaluation for FY 2012.

Attachment A provides route-specific details. Routes are designated into seven service categories based on route characteristics and compared against other similar services in the same category.



Develop a Customer-Focused and Competitive System

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

- *Total Passengers - Percent change in passengers should equal or exceed percent change in average daily traffic within the MTS urban network area*

| Route Categories | FY 2010 | FY 2011 | FY 2012 | % Chg. 10-11 | % Chg. 11-12 | Rev. Hrs Change |
|-----------------------------|-------------------|-------------------|-------------------|-----------------|-----------------|--------------------|
| Premium Express | 282,097 | 300,330 | 310,455 | 6.5% | 3.4% | 5.6% |
| Express | 2,149,975 | 2,146,895 | 2,329,041 | -0.1% | 8.5% | 0.7% |
| Light Rail | 30,468,981 | 31,612,877 | 32,674,616 | 3.8% | 3.4% | 0.1% |
| Urban Frequent | 37,101,318 | 36,672,454 | 38,311,741 | -1.2% | 4.5% | 0.8% |
| Urban Standard | 11,552,482 | 12,791,167 | 13,647,404 | 10.7% | 6.7% | 1.0% |
| Circulator | 823,681 | 807,117 | 841,764 | -2.0% | 4.3% | 0.9% |
| Rural | 26,697 | 37,828 | 41,819 | 41.7% | 10.6% | 1.9% |
| Demand-Responsive | 353,986 | 358,646 | 355,300 | 1.3% | -0.9% | -0.5% |
| Total MTS Passengers | 82,759,217 | 84,727,314 | 88,512,140 | 2.4% | 4.5% | 0.7% |

Despite only a slight increase of 0.7% of added revenue hours from FY 11, system-wide ridership increased 4.5% (+3,784,826 passengers) between FY 2011 and FY 2012.

The largest percentage increase was in Rural routes (10.6% or 4,592 passengers). Route 894 (Campo/Tecate to El Cajon) experienced explosive growth in the last year. Due to overcrowding, we have begun to use full-size buses on these routes and are planning to add trips.

Express routes also saw an 8.5% increase in ridership with only a 0.7% increase in service levels from FY 2011.

Urban Frequent routes had the largest increase in numbers of passengers at +1,639,287 passengers or 4.5%.

Demand-Responsive refers to Americans with Disabilities Act (ADA) Paratransit operations called MTS Access. There was a slight decline—partially due to the slight decrease in revenue hours for the year.

(Average Daily Traffic [ADT] statistics for the San Diego region are not available for FY 2012; therefore, the increase in ridership cannot be compared to the ADT for this report.)

- **Average Weekday Passengers - Improve ratio between ridership and average daily traffic within the MTS urban network area**

| Route Categories | FY 2010 | FY 2011 | FY 2012 | % Chg. 10-11 | % Chg. 11-12 |
|--------------------------------|----------------|----------------|----------------|-----------------|-----------------|
| Premium Express | 1,126 | 1,181 | 1,221 | 4.9% | 3.5% |
| Express | 7,741 | 7,760 | 8,422 | 0.2% | 8.5% |
| Light Rail | 91,284 | 94,217 | 97,401 | 3.2% | 3.4% |
| Urban Frequent | 119,764 | 120,416 | 125,394 | 0.5% | 4.1% |
| Urban Standard | 38,474 | 43,505 | 46,467 | 13.1% | 6.8% |
| Circulator | 3,467 | 3,435 | 3,582 | -0.9% | 4.3% |
| Rural | 158 | 209 | 265 | 31.8% | 27.0% |
| Demand-Responsive | 1,292 | 1,334 | 1,302 | 3.2% | -2.4% |
| Avg. Weekday Passengers | 263,306 | 272,056 | 284,053 | 3.3% | 4.4% |

Average weekday ridership increased 4.4% (+11,997 passengers per weekday) between FY 2011 and FY 2012.

Express routes saw an increase of 8.5% in weekday ridership or +662 passengers per day.

Urban Standard and Urban Frequent routes also saw dramatic increases of 6.8% and 4.1%, or +2,962 and +4,978 passengers per weekday.

Rural routes saw a 27% increase mostly due to Route 894 (Campo/Tecate to El Cajon).

(Transit's percent of ADT, or mode split, cannot be calculated at this time since ADT statistics are not available for FY 2012.)

- **Passengers per Revenue Hour – *Improve route-category average***

| Route Categories | FY 2010 | FY 2011 | FY 2012 | % Chg. 10-11 | % Chg. 11-12 |
|----------------------|-------------|-------------|-------------|-----------------|-----------------|
| Premium Express | 23.5 | 22.4 | 21.9 | -4.6% | -2.1% |
| Express | 28.9 | 31.5 | 33.9 | 9.1% | 7.7% |
| Light Rail | 171.7 | 181.9 | 187.7 | 5.9% | 3.2% |
| Urban Frequent | 34.4 | 36.2 | 37.5 | 5.4% | 3.7% |
| Urban Standard | 25.7 | 28.0 | 29.6 | 9.1% | 5.6% |
| Circulator | 15.7 | 15.9 | 16.5 | 1.6% | 3.3% |
| Rural | 6.05 | 8.66 | 9.40 | 43.2% | 8.5% |
| Demand-Responsive | 2.0 | 2.1 | 2.1 | 2.3% | -0.5% |
| MTS System | 40.9 | 43.4 | 45.0 | 6.2% | 3.7% |
| Fixed-Route Bus Only | 31.1 | 32.9 | 34.3 | 5.8% | 4.2% |

Passengers per revenue hour is an industry standard for assessing service productivity. Revenue hours include the time that vehicles are transporting passengers (in service) as well as the recovery time at the end of each trip.

Overall, passengers per revenue hour for the system increased by 3.7% from 43.4 to 45.0. Fixed-route bus service increased from 32.9 to 34.3 passengers per revenue hour.

The only category with a measurable decreased performance was the Premium Express category with a decline of 2.1%. This was mainly due to the addition of Route 830 (the Tierrasanta to 32nd Street Naval Base express), which brought more ridership but relatively few riders compared to the levels of service provided. Route 830 was discontinued in December 2011. MTS also added service to Route 810 to alleviate overcrowding, which caused a slight decrease in performance.

- **Passengers per In-Service Hour – *Improve route category average***

| Route Categories | FY 2010 | FY 2011 | FY 2012 | % Chg. 10-11 | % Chg. 11-12 |
|-------------------|-------------|-------------|-------------|-----------------|-----------------|
| Premium Express | 25.0 | 24.7 | 24.0 | -1.2% | -2.8% |
| Express | 35.0 | 38.3 | 41.0 | 9.5% | 7.1% |
| Light Rail | 205.7 | 215.1 | 222.4 | 4.6% | 3.4% |
| Urban Frequent | 42.5 | 44.7 | 45.7 | 5.0% | 2.2% |
| Urban Standard | 34.3 | 37.4 | 39.5 | 8.9% | 5.7% |
| Circulator | 24.2 | 25.0 | 25.7 | 3.2% | 2.8% |
| Rural | 5.5 | 7.9 | 10.1 | 42.8% | 28.1% |
| Demand-Responsive | N/A | N/A | N/A | N/A | N/A |
| MTS System | 54.6 | 57.7 | 60.3 | 5.7% | 4.5% |

Passengers per in-service hour represents a more accurate picture of productivity because in-service hours only include hours of operation solely dedicated to transporting passengers and does not include recovery time. This measure demonstrates how passenger levels increase or decrease in relation to changes in service levels rather than changes in out-of-service time, such as layovers.

Overall, passengers per in-service hour was up by 2.6 passengers per in-service hour or 4.5%. Only Premium Express routes declined slightly due to the addition of Route 830 and extra service added on Route 810.

Passenger Load Factor – No more than 20% of revenue hours exceeding one standee per 4 ft² on local street operation (55 passengers on a standard bus and 90 passengers on an articulated bus) and seating capacity on freeway operations and minibuss service

| Route | Type of Route | % Trips With Overcrowding |
|-------------|-----------------|---------------------------|
| 3 | Urban Frequent | 4.00% |
| 28 | Urban Standard | 6.30% |
| 30 | Urban Frequent | 2.20% |
| 41 | Urban Frequent | 0.80% |
| 115 | Urban Standard | 1.70% |
| 709 | Urban Frequent | 17.40% |
| 712 | Urban Frequent | 6.00% |
| 810 | Premium Express | 9.50% |
| 854 | Urban Standard | 2.70% |
| 901 | Urban Frequent | 1.10% |
| 905 | Urban Frequent | 5.90% |
| 906/907 | Urban Frequent | 6.60% |
| 921 | Urban Standard | 25.90% |
| 923 | Urban Standard | 7.30% |
| 929 | Urban Frequent | 3.00% |
| 932 | Urban Frequent | 0.80% |
| 933/934 | Urban Frequent | 3.40% |
| 961/962/963 | Urban Standard | 0.40% |

Due to a change in the passenger-reporting system administered by the San Diego Association of Governments (SANDAG), overcrowding is only available on the trip level for FY 2008 and beyond; therefore, a figure for overcrowding is not available. As a result, the number of trips that had overcrowding at some point during the trip is reported above. These figures do not mean that buses were overcrowded for the whole trip, but rather at some time during the trip, they experienced overcrowding conditions based on the definition.

Overcrowded trips are uncommon, and when overcrowding becomes chronic, MTS adds tripper buses where needed and appropriate to pick up the extra passengers. Typically, buses are overcrowded on trips during the peak periods of the above-listed routes. Several of these routes received additional service in September or are slated for additions in future service changes.

- On-Time Performance – 85% for Urban Frequent and 90% for all other route categories

| Route Categories | Service Changes | | | | | |
|-------------------|-----------------|--------|---------|---------|--------|---------|
| | Sept-10 | Jan-11 | June-11 | Sept-11 | Jan-12 | June-12 |
| Premium Express | 98% | 98% | 100% | 99.6% | 98.1% | 99.5% |
| Express | 84% | 70% | 71% | 87.5% | 80.7% | 75.1% |
| Light Rail | 90% | 91% | 92% | 90.9% | 89.1% | 86.4% |
| Urban Frequent | 85% | 84% | 82% | 82.1% | 83.6% | 84.5% |
| Urban Standard | 87% | 84% | 84% | 83.7% | 86.0% | 85.1% |
| Circulator | 80% | 87% | 90% | 90.2% | 86.5% | 86.3% |
| Rural | N/A | N/A | N/A | N/A | N/A | N/A |
| Demand-Responsive | N/A | N/A | N/A | N/A | N/A | N/A |
| MTS System | 86% | 84% | 84% | 85% | 86% | 85% |

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

On-time performance is reported for service-change periods in order to isolate the changes made to routes so that MTS staff can monitor the impact of scheduling changes on on-time performance and make adjustments as needed. Even though this report covers the period through June 30, 2012, we have included on-time performance data through September 1, 2012, to see the summer on-time performance for 2012.

Express routes show an on-time performance for the January 2011 and June 2012 service periods of 70%-80%. Express routes are routes that have fewer stops and often run on freeways and include Routes 20, 50, 150, 210, and 960. The on-time performance for this group of routes is particularly low due to the inclusion of Route 960. This one-way express route has a very small sample size of trips checked. On the occasions it was checked, its on-time performance was extremely low. These few trips could have been delayed due to freeway traffic or other outside influences, which would be counteracted by a larger sample size. However, we will continue to monitor the route and make adjustments to the times as necessary.

If Route 960 were excluded from the results, the on-time performance for the express routes would be 87.5% for the September 2011 period, 88.0% for the January 2012 scheduling period, and 86.1% for the June 2012 scheduling period.

MTS system-wide on-time performance has been consistent from service change to service change and varies only slightly due to seasonal adjustments. Where route categories have not reached their on-time performance goals, both the Planning and Scheduling and Bus Operations Departments work to improve on-time performance through driver counseling, improved running times, and strict oversight of contract operations.

As more traffic signals and stop signs are added and as traffic congestion increases, routes will continue to be negatively impacted. The Planning and Scheduling Department will continue to monitor these routes and make schedule adjustments as the budget and available resources allow.

• Mean Distance Between Failures – *Improve operator average*

| Operator | FY 2011 | FY 2012 | % Chg 11-12 |
|-----------------------|---------|---------|----------------|
| MTS Bus | 6,781 | 9,706 | 43.1% |
| MTS Contract Services | 13,751 | 10,908 | -20.7% |
| MTS Rail | 318,705 | 476,369 | 49.5% |

Mean distance between failures (MDBF) signifies the average mileage of transit vehicles between major mechanical failures.

The MTS Bus figure shows a 43.1% increase in MDBF mostly due to many new vehicles beginning service, which are more reliable—57 new buses began revenue service in FY 2012.

Contracted buses experienced a decline of 20.7%.

MTS Rail shows an increase of 49.5% mostly due to the purchase and operation of 30 new cars.

• Preventable Accidents per 100,000 Miles – *Improve operator average*

| Operator | FY 2010 | FY 2011 | FY 2012 | % Chg 10-11 | % Chg 11-12 |
|-----------------------|---------|---------|---------|----------------|----------------|
| MTS Bus | 1.73 | 1.58 | 1.47 | -8.5% | -7.5% |
| MTS Contract Services | 1.00 | 0.96 | 0.89 | -3.6% | -7.6% |
| MTS Rail | 0.01 | 0.00 | 0.04 | 0% | N/A |

MTS Rail reported three preventable accidents in FY 2012 (none of which were violations of the California Vehicle Code). MTS Bus and MTS Contract Services had a slight decrease in the preventable accident rate. Continued operator retraining and improved driver safety-awareness programs and materials were used throughout the year to maintain relatively low incident levels for bus and trolley operators. Staff will continue to strive to improve the operator average for this important safety metric.

• Complaints per 100,000 Passengers – *Improve operator average*

| Operator | FY 2010 | FY 2011 | FY 2012 | % Chg 10-11 | % Chg 11-12 |
|---------------------------------------|---------|---------|---------|----------------|----------------|
| MTS Bus | 8.9 | 7.8 | 5.7 | -12.4% | -27.2% |
| MTS Contract Services ¹ FR | 9.4 | 7.4 | 8.3 | -21.1% | 11.2% |
| MTS Contract Services ² DR | N/A | N/A | N/A | N/A | N/A |
| MTS Rail | 2.37 | 1.78 | 1.42 | -25.1% | -19.9% |
| MTS General System | NA | NA | 0.76 | NA | NA |

The rate of complaints per 100,000 passengers has decreased for MTS Bus while it has increased slightly for contracted fixed-route buses. Complaints for MTS Rail have

¹ Fixed-Route

² Demand-Response Routes

decreased by 19.9%. The increases and decreases can be attributed to changes in record-keeping.

MTS general complaints that cannot be attributed to an operator are now recorded separately, and this is the first year of reporting. There were 0.76 additional complaints per 100,000 passengers in this category.

Staff will continue to aggressively address complaints and seek to drive down the number of incidents.

Develop a Sustainable System

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

• In-Service Miles - *Not to exceed budget*

| Operator | FY 2012 | | Difference | |
|-----------------|-----------|-----------|------------|---------|
| | Actual | Budget | Number | Percent |
| MTS Bus | 8,220,815 | 8,207,055 | 13,760 | 0.17% |
| MTS Contract FR | 8,203,591 | 8,191,453 | 12,138 | 0.15% |
| MTS Rail | 7,544,239 | 7,554,169 | -9,930 | -0.13% |

In FY 2012, actual in-service miles were just above budget for MTS Contract Services Fixed-Route and MTS Bus while MTS Rail was slightly under budget for the year.

• Revenue Hours - *Not to exceed budget*

| Operator | FY 2012 | | Difference | |
|----------------------------------|---------|---------|------------|---------|
| | Actual | Budget | Number | Percent |
| MTS Bus | 756,637 | 755,425 | 1,212 | 0.16% |
| MTS Contract Service Fixed-Route | 756,779 | 756,703 | 76 | 0.01% |
| MTS Rail | 427,603 | 427,929 | -326 | -0.08% |

In FY 2012, actual revenue hours were slightly higher for MTS Bus and MTS Contracted Services Fixed-Route while MTS Rail was slightly under budget for the year.

• Weekday Peak-Vehicle Requirement - *Not to exceed budget*

| Operator | June 2011 | June 2012 | Chg. 11-12 |
|-----------------------------------|-----------|-----------|------------|
| MTS Bus | 196 | 199 | +3 |
| MTS Contract Services Fixed-Route | 242 | 246 | +4 |
| MTS Rail | 93 | 93 | - |

The weekday peak-vehicle requirement is the maximum number of vehicles available to provide scheduled service during the heaviest service period of the week. Peak vehicles have seen a slight increase for MTS Bus and MTS Contract Service fixed-route services. These increases are mainly due to increased service implemented in June 2012.

- In-Service Speeds - *Improve operator average*

| Operator | June 2011 | June 2012 | % Chg. 11-12 |
|-----------------------------------|-----------|-----------|--------------|
| MTS Bus | 13.4 | 13.3 | -0.7% |
| MTS Contract Services Fixed-Route | 14.0 | 14.0 | - |
| MTS Rail | 18.3 | 17.9 | -2.1% |

In-service speeds were almost neutral for all modes of service between the June 2011 and June 2012 schedule periods.

- In-Service Miles/Total Miles - *Improve operator average*

| Operator | June 2011 | June 2012 | % Chg. 11-12 |
|-----------------------------------|-----------|-----------|--------------|
| MTS Bus | 87.5% | 87.3% | -0.3% |
| MTS Contract Services Fixed-Route | N/A | N/A | N/A |
| MTS Rail | 98.7% | 98.8% | +0.1% |

In-service miles per total miles are only calculated for MTS Bus operations, which are scheduled and run-cut (assigning buses and drivers) by MTS. Since the bus contractor is responsible for run-cutting, their figures are not tracked. MTS Bus ratios have been generally consistent over time with only a minor decrease in the ratio. MTS Rail operates only minimal out-of-service miles.

- In-Service Hours/Total Hours - *Improve operator average*

| Operator | June 2011 | June 2012 | % Chg. 11-12 |
|-----------------------------------|-----------|-----------|--------------|
| MTS Bus | 76.9% | 76.8% | -0.1% |
| MTS Contract Services Fixed-Route | N/A | N/A | N/A |
| MTS Rail | 98.3% | 98.5% | +0.2% |

As with the mileage statistic, in-service hours per total hours can only be calculated for MTS Bus (in-house) operations. Efficiency of scheduling has shown that the in-service to total vehicle hours has remained steady for MTS Bus. MTS Rail operates only minimal out-of-service hours.

- Farebox Recovery Ratio – *Transportation Development Act (TDA) requirement of 31.9 percent system wide for fixed-route (excluding regional routes that have a 20 percent requirement)*

| Operator | FY 10 | FY 11 | FY 12 | % Chg. 10-11 | % Chg. 11-12 |
|--------------------------|-------|-------|-------|--------------|--------------|
| MTS FR (No Premium Exp.) | 38.0% | 36.3% | 36.7% | -4.5% | 1.1% |
| MTS Premium Express | 53.1% | 49.2% | 46.0% | -7.3% | -6.4% |
| MTS Rail | 55.3% | 58.9% | 57.2% | 6.5% | -2.9% |
| MTS System | 43.3% | 43.0% | 42.8% | -0.8% | -0.5% |

For both system-wide and Premium Express services, farebox recovery ratios continue to exceed the Transportation Development Act (TDA) target but have slightly decreased year over year. Since passenger ridership increased and fare revenues increased, the decline is primarily due to higher increases in cost (service and personnel), which outpaced increased revenues.

• Subsidy per Passenger - *Improve route-category average*

| Route Categories | FY 2010 | FY 2011 | FY 2012 | % Chg. 10-11 | % Chg. 11-12 |
|----------------------------|---------------|---------------|---------------|-----------------|-----------------|
| Premium Express | \$3.50 | \$3.89 | \$4.44 | 11.2% | 14.0% |
| Express | \$2.46 | \$2.42 | \$2.33 | -1.3% | -3.8% |
| Light Rail | \$0.88 | \$0.77 | \$0.81 | -12.6% | 5.3% |
| Urban Frequent | \$1.44 | \$1.50 | \$1.50 | 3.9% | 0.0% |
| Urban Standard | \$1.40 | \$1.31 | \$1.24 | -6.1% | -5.6% |
| Circulator | \$2.25 | \$2.66 | \$2.23 | 18.3% | -16.2% |
| Rural | \$20.28 | \$14.48 | \$12.91 | -28.6% | -10.9% |
| Demand-Responsive | \$26.61 | \$31.04 | \$32.56 | 16.6% | 4.9% |
| Fixed-Route Bus Average | \$1.50 | \$1.52 | \$1.50 | 1.6% | -1.7% |
| MTS System | \$1.38 | \$1.37 | \$1.37 | -0.8% | 0.1% |

Overall, system-wide subsidy per passenger was even at \$1.37 in FY 2012 (with only a negligible increase). For fixed-route bus service, subsidy per passenger decreased from \$1.52 to \$1.50 in FY 2012 (-1.7%). Light rail increased from \$0.77 to \$0.81 over the last year, which is a 5.3% increase.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. FY 2012 Annual Route Statistics

FY 2012 ANNUAL ROUTE STATISTICS

Updated: 10/31/2012

| Route | Annual Passengers | Avg. Weekday Passengers | Passengers/ Revenue Hour | Subsidy per Passenger | Farebox Recovery |
|--------------|----------------------|----------------------------|-----------------------------|--------------------------|---------------------|
| Blue Line | 18,479,825 | 55,177 | 250.8 | \$0.33 | 76.4% |
| Orange Line | 7,075,672 | 21,051 | 126.6 | \$1.71 | 38.6% |
| Green Line | 7,119,119 | 21,173 | 160.1 | \$1.13 | 48.8% |
| 1 | 1,637,525 | 5,324 | 34.3 | \$2.28 | 29.0% |
| 2 | 1,548,495 | 4,930 | 41.2 | \$1.74 | 35.2% |
| 3 | 1,903,350 | 6,470 | 40.9 | \$0.16 | 85.2% |
| 4 | 891,558 | 2,839 | 38.5 | \$1.95 | 32.1% |
| 5 | 943,755 | 3,177 | 50.0 | \$1.29 | 41.5% |
| 6 | 658,663 | 2,141 | 37.7 | \$2.01 | 31.4% |
| 7 | 3,903,109 | 12,155 | 50.1 | \$1.26 | 42.6% |
| 8 | 679,614 | 1,865 | 35.9 | \$2.14 | 30.4% |
| 9 | 516,267 | 1,499 | 30.4 | \$2.71 | 25.5% |
| 10 | 1,525,612 | 4,958 | 41.1 | \$1.74 | 35.1% |
| 11 | 2,563,957 | 8,608 | 34.1 | \$2.30 | 28.9% |
| 13 | 2,095,232 | 6,911 | 46.3 | \$1.46 | 38.9% |
| 14 | 86,987 | 337 | 11.6 | \$8.61 | 9.5% |
| 15 | 1,678,994 | 5,452 | 42.8 | \$1.64 | 36.6% |
| 18 | 58,874 | 231 | 20.5 | \$1.34 | 43.6% |
| 20 | 1,261,835 | 4,225 | 34.5 | \$2.27 | 29.3% |
| 25 | 108,770 | 427 | 17.0 | \$1.86 | 35.3% |
| 27 | 306,506 | 1,134 | 20.4 | \$1.66 | 36.4% |
| 28 | 439,223 | 1,434 | 34.9 | \$0.23 | 80.4% |
| 30 | 2,089,813 | 6,774 | 31.4 | \$2.50 | 28.9% |
| 31 | 113,932 | 446 | 23.5 | \$3.75 | 20.1% |
| 35 | 536,781 | 1,642 | 32.1 | \$0.23 | 80.7% |
| 41 | 1,320,701 | 4,416 | 40.4 | \$1.73 | 36.8% |
| 44 | 1,311,162 | 4,423 | 38.7 | \$1.90 | 33.3% |
| 50 | 304,180 | 1,197 | 27.0 | \$3.16 | 22.7% |
| 83 | 43,244 | 170 | 13.3 | \$2.64 | 27.9% |
| 84 | 37,961 | 150 | 12.6 | \$2.84 | 26.9% |
| 88 | 102,916 | 341 | 24.8 | \$3.48 | 21.9% |
| 105 | 403,914 | 1,349 | 26.3 | \$3.24 | 22.9% |
| 115 | 350,259 | 1,284 | 23.6 | \$2.28 | 31.0% |
| 120 | 1,135,471 | 3,640 | 33.6 | \$2.36 | 28.1% |
| 150 | 565,349 | 2,225 | 39.0 | \$1.86 | 34.1% |
| 201 | 695,676 | 2,199 | 37.9 | \$1.79 | 38.6% |
| 202 | 688,658 | 2,163 | 37.2 | \$1.84 | 38.0% |
| 204 | 6,138 | 367 | 11.1 | \$9.08 | 8.7% |
| 210 | 79,614 | 312 | 28.3 | \$2.98 | 23.5% |
| 701 | 630,933 | 2,357 | 25.8 | \$1.30 | 38.8% |
| 703 | 35,953 | - | 26.7 | \$1.50 | 38.7% |
| 704 | 562,738 | 2,057 | 27.4 | \$1.34 | 38.3% |
| 705 | 302,949 | 1,102 | 27.0 | \$0.95 | 46.3% |
| 707 | 66,738 | 264 | 25.0 | \$1.78 | 31.8% |
| 709 | 1,056,961 | 3,891 | 40.2 | \$0.68 | 55.1% |
| 712 | 825,920 | 3,145 | 35.7 | \$0.71 | 53.5% |
| 810 | 161,539 | 636 | 28.8 | \$3.45 | 52.6% |
| 815 | 353,626 | 1,102 | 35.1 | \$0.36 | 73.6% |
| 816 | 326,741 | 1,286 | 31.0 | \$1.03 | 49.8% |
| 820 | 46,626 | 183 | 23.4 | \$4.37 | 45.2% |
| 830 (Note A) | 3,254 | - | 5.8 | \$0.00 | N/A |
| 832 | 54,610 | 188 | 14.5 | \$2.28 | 30.8% |
| 833 | 129,668 | 440 | 18.7 | \$1.59 | 39.0% |
| 834 | 18,176 | 72 | 15.3 | \$4.77 | 17.8% |
| 844/845 | 192,128 | 718 | 14.2 | \$2.43 | 29.1% |
| 848 | 389,848 | 1,247 | 28.0 | \$1.34 | 43.0% |
| 850 | 39,046 | 154 | 22.1 | \$5.05 | 42.4% |
| 851 | 105,120 | 411 | 22.5 | \$1.15 | 46.6% |
| 854 | 192,200 | 720 | 25.7 | \$1.58 | 39.3% |
| 855 | 298,784 | 1,040 | 32.5 | \$0.81 | 55.4% |

| Route | Annual Passengers | Avg. Weekday Passengers | Passengers/ Revenue Hour | Subsidy per Passenger | Farebox Recovery |
|--------------|-------------------|-------------------------|--------------------------|-----------------------|------------------|
| 856 | 741,716 | 2,756 | 32.6 | \$1.32 | 43.3% |
| 860 | 38,305 | 151 | 28.0 | \$3.92 | 48.0% |
| 864 | 445,819 | 1,490 | 20.5 | \$3.20 | 24.1% |
| 870 | 19,878 | 79 | 15.4 | \$2.13 | 32.5% |
| 871/872 | 128,208 | 485 | 21.7 | \$1.51 | 40.1% |
| 874/875 | 503,570 | 1,727 | 28.3 | \$1.25 | 44.7% |
| 880 (Note B) | 21,685 | 85 | 13.7 | \$6.18 | 38.5% |
| 888 | 2,442 | 27 | 4.2 | \$36.26 | 8.1% |
| 891 | 2,140 | 37 | 5.9 | \$27.46 | 6.3% |
| 892 | 1,308 | 26 | 3.7 | \$44.19 | 6.3% |
| 894 | 35,929 | 175 | 11.4 | \$9.31 | 27.1% |
| 901 | 1,032,990 | 3,263 | 25.5 | \$2.33 | 28.9% |
| 904 | 31,581 | 101 | 11.7 | \$1.60 | 38.2% |
| 905 (Note D) | 538,336 | 1,964 | 39.9 | \$0.51 | 76.9% |
| 906/907 | 1,938,765 | 6,332 | 47.4 | (\$0.05) | 105.4% |
| 916/917 | 259,417 | 916 | 22.5 | \$2.01 | 31.8% |
| 921 | 389,929 | 1,460 | 25.9 | \$1.48 | 41.2% |
| 923 | 255,287 | 967 | 17.9 | \$1.85 | 34.1% |
| 928 | 377,184 | 1,314 | 28.1 | \$1.62 | 36.9% |
| 929 | 2,415,167 | 7,663 | 37.0 | \$0.66 | 58.7% |
| 932 | 1,328,438 | 4,548 | 33.4 | \$0.89 | 51.1% |
| 933/934 | 1,936,034 | 6,409 | 33.9 | \$1.17 | 44.4% |
| 936 | 587,313 | 1,713 | 31.1 | \$0.93 | 51.4% |
| 955 | 1,759,211 | 5,723 | 42.3 | \$0.38 | 70.9% |
| 960 (Note E) | 98,185 | 384 | 27.9 | \$3.28 | 22.4% |
| 961/962/963 | 1,363,733 | 4,786 | 32.6 | \$0.99 | 48.7% |
| 964 | 88,105 | 346 | 15.6 | \$2.13 | 31.9% |
| 965 | 79,215 | 282 | 16.8 | \$1.89 | 34.8% |
| 967 | 61,829 | 237 | 14.1 | \$2.92 | 24.3% |
| 968 | 69,476 | 263 | 15.7 | \$2.99 | 23.8% |
| 992 | 423,895 | 1,258 | 21.8 | \$1.28 | 43.3% |
| MTS ACCESS | 355,300 | 1,302 | 2.1 | \$32.56 | 12.0% |
| SVCC | 119,481 | 478 | 21.9 | \$2.26 | Note F |

| SERVICE CATEGORY | Annual Passengers | Avg. Weekday Passengers | Passengers/ Revenue Hour | Subsidy per Passenger | Farebox Recovery |
|-------------------|-------------------|-------------------------|--------------------------|-----------------------|------------------|
| Premium Express | 310,455 | 1,221 | 21.9 | \$ 4.44 | 46.0% |
| Express | 2,329,041 | 8,422 | 33.9 | \$ 2.33 | 28.6% |
| Light Rail | 32,674,616 | 97,401 | 187.7 | \$ 0.81 | 57.2% |
| Urban Frequent | 38,311,741 | 125,394 | 37.5 | \$ 1.50 | 38.6% |
| Urban Standard | 13,647,404 | 46,467 | 29.6 | \$ 1.24 | 44.2% |
| Circulator | 841,764 | 3,582 | 16.5 | \$ 2.23 | 33.7% |
| Rural (Note C) | 41,819 | 265 | 9.4 | \$ 12.91 | 20.6% |
| Demand-Responsive | 355,300 | 1,302 | 2.1 | \$ 32.56 | 12.0% |

| MODE | Annual Passengers | Avg. Weekday Passengers | Passengers/ Revenue Hour | Subsidy per Passenger | Farebox Recovery |
|-------------------|-------------------|-------------------------|--------------------------|-----------------------|------------------|
| Light Rail | 32,674,616 | 97,401 | 187.7 | \$0.81 | 57.2% |
| Fixed Route Bus | 55,440,405 | 185,085 | 34.3 | \$1.50 | 39.3% |
| Demand-Responsive | 355,300 | 1,302 | 2.1 | \$32.56 | 12.0% |
| Rural (Note C) | 41,819 | 265 | 9.4 | \$12.91 | 20.6% |

| | | | | | |
|---------------|------------|---------|------|---------|-------|
| System Totals | 88,512,140 | 284,053 | 45.0 | \$ 1.37 | 42.8% |
|---------------|------------|---------|------|---------|-------|

Notes

- A: Route 830 subsidy is fully funded by SANDAG and the Navy. discontinued Dec 11.
- B: Route 880 subsidy is fully funded by the 4S Ranch Transit Fund.
- C: After Rural 5311 and 5311(c) grants, subsidy/passenger is \$2.51.
- D: After federal JARC grant, Route 905 subsidy/passenger is \$0.11.
- E: After federal JARC grant, Route 960 subsidy/passenger is \$2.45.
- F: Fares and one-half of the subsidy are paid for by NCTD resulting in a 72% farebox recovery.



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Agenda Item No. 46

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

ANNUAL RAIL OPERATIONS REPORT (WAYNE TERRY)

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

This report provides information pertaining to the status of San Diego Trolley, Inc.'s (SDTI's) rail operations and maintenance for FY 12.

TRANSPORTATION

Ridership

The annual ridership for FY 12 was fixed at 32,674,613, which represents an increase of 3.4% from the previous fiscal year (32,674,613 vs. 31,612,877).

Accidents Per 100,000 Train Miles

SDTI experienced an increase in accidents in FY 12 (24 vs. 21 in FY 11) but continues to rank favorably among the other light rail agencies in the state. The total number of accidents (preventable or non-preventable) during the fiscal year was 24 representing 0.76 accidents per 100,000 miles operated. Of these incidents, none involved a violation of the California Vehicle Code (CVC) by trolley operators.



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

Operating Rule Infractions

Operating rule infractions decreased by 8.2% in FY 12 (78 vs. 85 in FY 11). This is the least amount of infractions in a fiscal year in over 15 years, which predates the opening of the Mission Valley East extension. The Transportation Department, working with the Safety Manager, will continue to evaluate individual incidents and causes, evaluate and track trends, and modify training and recertification programs as necessary to improve staff skills and reduce the potential for an infraction.

Lift Service

Total lift-access boardings during FY 12 reached 150,679 passengers representing a 6.4% increase over FY 11 (150,679 vs. 141,657). Senior/disabled boardings on S70 LRVs are independent boardings and are not included in these numbers.

Special Events Service

During FY 12, SDTI provided service to 159 special events, including 80 Padres games, 10 Chargers games, the Holiday Bowl, the Poinsettia Bowl, ComicCon, the Rock 'N' Roll Marathon, and Oktoberfest. Of these, it is estimated that 10-20% used the trolley as their choice of transportation with as many as 26% for individual Chargers games. There were over 4,220 train trips operated to support special events service. Revenue from manual ticket sales was down 12% as compared to FY 11 (\$733,388 vs. \$833,445). This corresponds with fewer special event ticket sales locations for Padres games and an increased reliance on automated ticket machines. Chargers game attendance was down 1.9%; however, ridership as a percentage of the gate was up slightly from FY 11 (23% vs. 22.7%).

LRV MAINTENANCE DEPARTMENT

Train Miles Between Service Failures

The LRV Maintenance Department has instituted numerous LRV fleet tasks (component inspections and repairs) throughout the year in an effort to ensure maximum efficiency and reliability. The fleet incorporates four series of Siemens vehicles: 60 U-2 LRVs (26 to 31 years old), 52 SD 100 LRVs (18 years old), 11 S70 3000 Series LRVs (7 years old), and 27 S70 4000 Series LRVs (less than 1 year old). Dissimilar maintenance training and service programs for each vehicle series requires personnel to maintain a high degree of technical knowledge in a variety of areas associated with the electrical and mechanical components of each vehicle.

The LRV Maintenance Department remains focused on preventative maintenance programs to address the most common component defects, enhance maintenance procedures, and reduce equipment failures and service delays. Based on the National Transit Database (NTD) criteria for train miles between service failures, in FY 12 the LRV Maintenance Department recorded 15 failures (208,146 miles between incidents) vs. 17 failures (188,406 miles between incidents) in FY 11.

LRV Door Failures

The LRV doors are the most heavily used piece of equipment on the system as evidenced by the number of passengers carried in FY 12. The Maintenance Department maintains an aggressive preventative maintenance program to ensure that the door mechanisms are properly serviced and proactively institutes fleet tasks to meet performance standards. In FY 12, there were fewer door failures reported than in FY 11 (851 vs. 890), and door failures per 100,000 car miles operated in FY 12 was 10.15 as compared to 10.75 in FY 11. The primary reason for the decrease in failures in FY 12 was the completion of the SD 100 door light-sensor upgrade project.

S70US LRV Procurement

The LRV Maintenance Department continues to manage the design and procurement of 65 low-floor LRVs. During FY 12, a total of 27 new low-floor S70 LRVs arrived on the property to begin commissioning, testing, and California Public Utilities Code safety certification for revenue service. Part of the testing process includes mixed-consist operations between the older SD 100 LRV and the new S70 LRV. This aspect of the testing process has revealed only minor difficulties (most of which are corrected with minor software modifications).

REVENUE DEPARTMENT

Mean Transactions Between Failures

In FY 12, the transactions between failures were 4,657, which surpassed the goal of 4,000.

WAYSIDE MAINTENANCE DEPARTMENT

Maintenance programs and inspection activities specific to the track structure, safety, ride quality, signaling, grade-crossing safety, and general system maintenance continued throughout the year. These programs are initiated annually to ensure that a safe operating environment is maintained. The Wayside Maintenance Department continued to improve on its preventive maintenance programs with the implementation of training modules associated with signaling, traction power, and station electrical systems. An enhanced substation and catenary inspection program has significantly reduced the frequency of system failures involving these critical wayside components.

San Altos Substation

In September 2011, the San Altos substation suffered a major failure resulting in a major fire within the direct-current compartment, which spread to the San Diego Gas and Electric (SDG&E) feeds. The substation sustained fire and smoke damage. Due to time and budget constraints, the Wayside Maintenance Department crews undertook the task of repairing the substation and returning it to operating condition, which included removal of the burned contactor and a rebuild of the west feeder compartment and associated switch gear. Personnel rewired the low-voltage power system and installed a separate step-down isolation transformer to prevent future problems with back feeding SDG&E's

power grid during any future contactor failure. The Wayside Maintenance Department rapidly restored the substation to limited service by operating both east and west feeds through the use of one contactor. This station will receive a complete retrofit to direct-current breakers under the Substation Retrofit Capital Improvement Program in FY 13.

California Air Resources Board (CARB) Compliance

In FY 12, the remaining Wayside Maintenance Department diesel vehicles that were noncompliant with CARB were replaced. This project has been ongoing over the past three years. Vehicle replacements in FY 12 consisted of one International 23-ton crane, two International 55-foot man lifts, and one International catenary inspection platform truck. In addition to these new vehicles, the CARB compliance plan included replacing the smaller diesel vehicles with gas-powered models.

System Rehabilitation Efforts

Throughout FY 12, Wayside Maintenance Department personnel focused on the system-wide low-floor project by attending weekly meetings and providing nightly power-down support to contractors. Facilities personnel worked to maintain the stations' cleanliness during platform modifications. Track Department personnel provided equipment piloting and inspection services in support of the contractor activity.

Track Projects

In FY 12, the Track Department (in conjunction with ABC Construction) rebuilt the Horton and 43rd Street grade crossings. Both projects included the replacement of wood cross-ties, new ballast, and surfacing and installation of rubber rail interface. ABC Construction was responsible for the demolition and replacement of the asphalt road surface material. By utilizing this joint work method, MTS saved over \$75,000.

PROJECTS, PROGRAMS, AND SERVICES

Blue Line Rehabilitation Program/Orange Line Station Improvement Corridor

A series of major capital projects have been identified for the infrastructure renewal program and transition to system-wide low-floor rail service. The blueprint for the overall capital plan matured in FY 12 to the extent that a variety of projects have been advertised, awarded, or are in some phase of construction. The ongoing status of the project is reported regularly at MTS Executive Committee and Board of Directors meetings.

Master Concessionaire Services

FY 12 brought to completion the second year of this multiyear contract for master concessionaire services provided by Kobey/Bricehouse, LLC. The terms and conditions of the contract were structured more favorably toward MTS than the previous contract. The revenue generated from the contract is based on a tiered rent split between MTS and the master concessionaire; the master concessionaire is responsible for advertising and contracting with vendors to occupy vendor kiosks at various MTS trolley stations. The master concessionaire is also responsible for securing advertising opportunities for display on kiosks at trolley stations, as well as other approved areas along the MTS right-of-way. The revenue from vendor advertising is subject to the same percentage

split with MTS. The FY 11 goal for the newly structured master concessionaire program was to increase revenue by 200%, which was surpassed with a 310% increase (\$32,772 vs. \$101,688). The goal is to continue a steady annual climb, which was achieved in FY 12 with an increase of 41% over FY 11 (\$143,824 vs. \$101,688). It should be noted that vendor revenue has been negatively impacted by station construction activity relating to the trolley renewal program.


Car Wash Replacement Project

The car wash that was replaced was 22 years old (installed in 1990) and was in a state of disrepair due to its age, years of service, and exposure to the elements. Additionally, it was unable to properly clean the front of the vehicle and upper roof line due to the limited reach of the brush arms. The new system is comprised of state-of-the-art equipment and components, which are protected from corrosion and exposure to the elements. Sensors are mounted in the wash area and a programmed controller sequences each component as the vehicle moves through the wash bay. It also features an enhanced rinse cycle and longer brushes to reach the upper roofline and front cab portion of the LRV. The car wash replacement project included demolition of the existing wash system and surrounding concrete, minor track work, new concrete and pavement, modification to the existing drainage system, and construction of the wash structure and facility lighting.

Wheel-Scan System

During FY 12, a wheel-scan system was installed in the LRV Maintenance shop. The LRV Maintenance Department maintains an accurate database of tire measurement for its fleet of LRVs; however, accurately measuring tires on the S70 low-floor LRV has been difficult due to placement of equipment around the tire. The new wheel-scan system accurately measures the tires of an LRV as it passes over the scanner and provides an immediate and accurate tire measurement. All LRVs have a sensor on each end of the car that identifies the model, car number, and which tires enter the scanner first. The machine uses a series of lasers to thoroughly scan the tire. The computer then compares the scanned area with the pattern programmed for that model of LRV.

The information generated by these tests is critical for maintenance, wheel truing, and wheel/rail analysis. Identification of worn wheel sets provides early warnings of conditions that could potentially accelerate wheel wear and lead to derailments. Additionally, the wheel-scan system will improve forecasting of wheel demand and enhance the overall efficiency of this aspect of the LRV maintenance program.



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Agenda Item No. 47

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

BUS YEAR-END REPORT (CLAIRE SPIELBERG)

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

This report provides a summary of combined fixed-route bus and paratransit operations during FY 12.

FY 12 MTS BUS AND CONTRACT SERVICES OPERATIONAL HIGHLIGHTS:

MTS Bus Operational Successes

- *Customer Service* – for the fifth year in a row, MTS has seen a decrease in bus operator-related complaints through improved management procedures of customer complaints and a respective operating retraining program.



- *Safety & Driver Recognition* – Preventable accidents are down for the fifth year in a row in FY 12. This has been achieved in-part-by MTS's instituted Safe Driver Award Program to provide greater positive recognition for its safest bus operators. Ninety-three bus operators achieved this award in FY 12.
- *Rock N Roll Marathon* – MTS set a record this year by utilizing 155 buses to support this event. This is the largest number of buses ever used during this event by MTS. Customer feedback from runners, employees of the event, and event coordinators/sponsors was entirely positive.

ADA Paratransit Update

MTS Access (MTS's ADA Paratransit Service) concluded its first full year of operation under the new operating contract managed by First Transit. During this year, MTS experienced little to no change in ridership but demonstrated a reduction in operating cost per hour of -14.7% and cost per trip of -13.8%.

East County Maintenance Facility Master Plan

Initial site plan and final design work for the East County Bus Maintenance Facility was initiated during FY 12. During this phase of work, there were several milestones:

1. Achieved 30% civil design.
2. Completed compressed natural gas technical specifications.
3. Currently the only remaining all diesel bus operating facility, MTS was awarded \$10 million in federal grant funding to design and build a new state-of-the-art compressed natural gas facility.

Through October 2012, MTS achieved 70% design on the new facility and recently completed demolition of the unutilized building located on site at 544 Vernon Way.

South Bay Maintenance Facility Improvements

The \$4 million site development project (which included demolition of old buildings, installation of new utilities, paving, and landscaping) has been completed. The San Diego Association of Governments (SANDAG) issued a Request for Qualifications (RFQ) in July 2012 resulting in three design-build-team finalists.

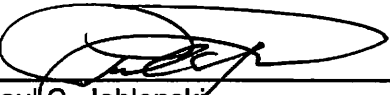
MTS Bus Vehicle Maintenance

During FY 12, MTS continued to utilize the negotiated extended warranty for its articulated fleet that allowed it to proceed with the replacement of defective cylinders heads and turbochargers as well as make key software-programming changes as needed. The overall health of MTS's articulated fleet improved in FY 12 over FY 11, and Cummins is continuing to support warranty work past the original negotiated warranty time period.

In addition, MTS negotiated and received an extended warranty of 6 years on its SuperLoop gasoline hybrid fleet. Although the overall health of the fleet improved in FY 12 over FY 11, this resolution will ensure that MTS does not suffer operationally from any issues affecting this unique fleet.

Other Notable Maintenance Accomplishments in FY 12:

1. Purchased and inspected 53 New Flyer buses.
2. Crafted technical specifications for both 40-foot and 60-foot buses and currently in the procurement process for these buses.
3. Completed installation of the Apollo Security Camera System on 133 buses.
4. Developed and awarded an engine overhaul contract to Cummins Cal Pacific.



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Agenda Item No. 48

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

SEMIANNUAL SECURITY REPORT (JANUARY THROUGH JUNE 2012)
(BILL BURKE)

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

Statistics related to security incidents concerning the transit system are compiled by staff based on reports generated by security personnel and Code Compliance inspectors. This information is augmented by reports from local police authorities and is then compiled, summarized, and submitted to the Board of Directors on a midyear and year-end basis. The semiannual report covers the period from January 1, 2012, through June 30, 2012.

DEPARTMENT OF HOMELAND SECURITY – TRANSPORTATION SECURITY GRANT PROGRAM (TSGP)

The Transit Enforcement Department has been the recipient of several Homeland Security grants on an annual basis. Approved funding through current open grants is approximately \$12,319,732.



STATUS OF ONGOING AND OPEN GRANTS

Federal Grants

- TSGP FY 2010

Award: \$3,981,000
Projects: \$2.6 million for Fiber-Optic Green Line Project
\$750,000 Fiber-Optic Orange Line Project
\$500,000 Onboard bus video (Phase IV)
\$100,000 Vulnerability Assessment/Cyber Security Plan

This funding will enable MTS to continue various fiber-optic projects that will greatly enhance the transmission of video data to the Operations Control Center. Additionally, another phase of onboard CCTV for buses will be completed as well as an assessment of MTS's information technology security in order to create a cyber-security plan in the future.

Status: Open - \$530,000 expended to date
Expiration date: May 2013

California Funding

- Proposition 1B FY 2008-09

Award: \$2.7 million
Projects: \$2.7 million for fiber-infrastructure enhancements

This investment is a two-phase project to create a high-speed quality network connection for all Mission Valley East stations terminating at the Operations Control Center.

Status: Open - \$571,975 expended to date
Expiration date: March 2013

- Proposition 1B FY 2009-10

Award: \$2.7 million
Projects: \$2.7 million for wireless infrastructure to capture real-time video from trolley Onboard Video Surveillance System

This investment funds the continuing phases of onboard CCTV on LRVs and will enable viewing of onboard CCTV at the Operations Control Center on trains and buses via wireless uplinks strategically located along train lines and select transit centers.

Status: Open - \$802,928 expended to date
Expiration date: March 2014

- Proposition 1B FY 2010-11

Award: \$2.78 million
Projects: \$457,526 for Barrier System at the San Ysidro Transit Center
\$457,526 for CCI Handheld Units
\$100,000 for Transit Store Security
\$1.764 million for CCTV System Upgrades

This investment is for improvements to patron flow at the San Ysidro Transit Center, improved handheld fare reader devices, improved security measures at The Transit Store, and additional closed-circuit television upgrades throughout the system.

Status: Open - No expenditures to date
Expiration date: March 2014

California Public Utilities Commission (CPUC) Triennial Security Review

The CPUC's Rail Transit Safety Section conducts an on-site security review of transit agencies systems once every three years. CPUC staff conducted a review of the MTS security program in March. The review focused on verifying the effective implementation of the System Security Plan (SSP), Threat and Vulnerability Assessment (TVA) and Emergency Response Plan (ERP).

The security review results indicate that MTS has a comprehensive System Security Plan (SSP) and has effectively carried out that Plan. CPUC staff found MTS's progressive and effective security program very concise and efficient. There were no areas of noncompliance, and no recommendations were issued.

Training

MTS, in collaboration with TSA Bomb Explosive Technicians, provided Improvised Explosive Device training to approximately 45 San Diego Transit Corporation and Veolia personnel (mostly supervisors) in June. This included information on distinguishing between "suspicious" and "unattended" packages. Transit Enforcement personnel have also attended the right-of-way safety training presented by the San Diego Trolley, Inc. Safety Department. Approximately 30 MTS personnel from various departments attended Federal Emergency Management Agency Emergency Planning workshops in June at North Country Transit District.

Transportation Security Administration (TSA)

MTS Transit Enforcement collaborates with TSA by attending the Transit Security Working Group meetings, planning Visual Intermodal Prevention and Response (VIPR) operations, and coordinating cross-jurisdictional investigations. MTS Transit Enforcement also received a satisfactory Baseline Assessment and Security Enhancement (BASE) review from the TSA.

Closed-Circuit Television (CCTV)

Onboard CCTV for 103 LRVs has been accepted. New work stations have been installed in the Operations Control Center and training on the new equipment for operators has been accomplished. The new equipment and configuration in the Operations Control Center is more efficient and user friendly for operators. Video-

monitoring capability is also enhanced. Recently added equipment includes 42" and 24" flat panel widescreen commercial-grade monitors and 4 Avigilon Workstations so that a single operator may control all of the Workstations from a single Avigilon Pro Joystick. Blue Violet Networks configured Avigilon Workstation views for "best-practice" configuration.

Technology

Code Compliance Inspectors and Security Officers have been issued improved hand-held units (110 total) for verifying fares. These units have lower failure rates than the old ones and allow the inspectors to check fares more quickly. The HHUs incorporate GIS (UK Company) technology and are designed by Cubic Corporation. The unit has also increased MTS's detection of Senior/Disabled/Medicare Compass Card violations.

Digital personal audio recording devices have been issued to 9 CCIs on a trial basis. If test results are successful, MTS anticipates that these units will help in defending complaints and lawsuits as well as provide another tool to review employee performance. Currently, the sound level onboard LRVs is not satisfactory, and staff is working on resolution.

In June, representatives from MTS Transit Enforcement toured the Long Beach Airport with other MTS representatives to examine the airport's video monitoring system and assess best practices for security surveillance procedures.

Special Details

The Sheriff's Department conducted a Special Enforcement Unit detail at the Grossmont Center Transit in April, in which MTS Transit Enforcement participated. MTS Transit Enforcement also participated in an Operation Stonegarden detail with the Border Crime Suppression Team in June targeting trolley lines in the South Bay and downtown.

Transit Enforcement participation in a TSA VIPR is scheduled for Chargers games for August through November, and VIPR operations are also scheduled in the downtown loop in October.

Approximately 10 transient camp details were performed from January to June. This is a multipurpose detail that targets transient camps throughout the MTS system. The details cover the MTS/San Diego Trolley right-of-ways and properties, including protected wildlife areas, such as the Mission Valley Preserve, Cactus Park, and Gunpowder Point in the Sweetwater Preserve; these details normally take place late nights and early mornings and target individuals who camp out or sleep overnight in the Trolley stations and bus stops. Occasionally, this detail will also target early-morning complaints of transient-related crimes and activities onboard trains. During this reporting period, this unit issued approximately 108 trespassing citations, 70 loitering citations, and 30 fare violations. MTS has seen a significant increase in arrestees with extensive criminal histories.

Border Transportation Council (BTC)

MTS continues to provide representation at the regularly scheduled meetings. Security personnel collaborate with Border Transportation Council (BTC) representatives to troubleshoot specific problems and plan security strategies.

From January through June 2012, the main topic at the BTC meetings was wildcatting at the San Ysidro border.

In January, SDPD reported it had a shift change, and a large amount of officers were rotated throughout San Diego County. SDPD Sergeant Casillas, of Southern Division, has been placed in charge of the new team that will be focusing on wildcatting at the San Ysidro Border. Citations were issued for illegally parking at the Route 905 bus stop at the Otay border.

At the March meeting, SDPD reported that the Border Crime Suppression Team (BCST) has 8 officers assigned and will continue to work wildcatting details at least twice a month.

In April, SDPD reported that the Border Crime Suppression Team (BCST) is still working the San Ysidro border to address the wildcatting issue. The Team has issued various citations for loitering, three stay-away orders, and confiscated \$4,000 in cash.

In June, SDPD reported that wildcatting activity continues behind the McDonalds and at the Jack in the Box in San Ysidro.

Canine Teams

Three explosive-detection canine teams are funded through a Cooperative Agreement with the Transportation Security Administration (TSA). Primary duties include patrol of trains and facilities, fare enforcement, and response to check suspicious packages.

Outside training included a week-long training coordinated by TSA handlers. The FBI set up mass explosive vehicle scenarios as well as homemade explosives to train the dogs. Most of this training was at the airport with the Harbor Police canine teams. A Hornblower Yacht was searched in a training scenario. Canine staff also visited the Sheriff's Bomb Squad Range in Campo and was allowed to view several detonations.

One officer attended the annual International Association of Bomb Technicians and Investigators (IABTI) training in Hershey, Pennsylvania.

A day-long training conducted by National Odor Recognition Training (NORT) took place in May. An MTS representative, as well as representatives from the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), US Marshal, San Diego Police, and private security were in attendance.

Joint training with various police agencies was again conducted during the first part of this year. Staff attended the Quarterly Bomb Investigator's Meeting with the San Diego Lindberg Field Bomb Appraisal Officer Conrad Grayson presenting. An awareness intelligence update was given by Southern California TSA Field Intelligence Officer Jason Lombard.

During this reporting period, the following activity was generated by the teams:

| | | | |
|---------------------|---------|------------------------------|-----|
| Patrons contacted | 107,203 | Training scenarios conducted | 197 |
| Violators contacted | 200 | Calls for service | 8 |
| K9 Utilizations | 1,724 | | |

Special Enforcement Units (SEUs)

SEU operations are conducted at random transit centers at irregular intervals. The purpose is to check all patrons for proper fare media who are boarding and deboarding trains. In the first six months of 2012, 21 SEUs were conducted, which resulted in a fare evasion rate of 2.8% and the following statistics:

- Patrons Inspected 84,567
- Citations Issued 2,365
- Written Warnings 44

Community Outreach

Transit Enforcement provided special coverage along the C Street Corridor (in response to a special request from Board Member Steve Castaneda) and also reached out to management at the King-Chavez High School in an effort to work together to enhance after-school safety for students.

Juvenile Diversion Program

In collaboration with the Juvenile Court system, MTS launched a Juvenile Diversion Program. This program is an effort to relieve parents from taking time off of work and their children out of school to attend court as well as to eliminate some of the burden on the court system. Many parents appealed to the court asking if they could simply pay a fine rather than attend court.

Staff worked with the Juvenile Court to develop a diversion program for select violations. When offered participation in the program, juveniles have the option to pay a fine directly to MTS or attend court as they have in the past. If the fine is not paid within 60 days, the citation is sent to the Juvenile Court for adjudication.

In late April, MTS began offering the Diversion Program to juveniles for minor ordinance violations, such as fare evasion, feet on seats, littering, etc.

In May and June combined, 78 juveniles were offered the option of the Juvenile Diversion Program. Only 28 took advantage of the program and paid the fine—the remainder will be adjudicated through Juvenile Court.

Staff is working with the court system to improve the number of participants, which would help alleviate more of the burden from the court system.

Operation Lifesaver

Operation Lifesaver is a nationwide railroad safety program. The program seeks to reduce collisions, injuries, and fatalities at America's highway rail grade crossings and on the railroad rights-of-way.

In January, an Operation Lifesaver rail safety presentation was given to the San Diego Youth Council at the City Administration building. There were approximately 23 people in attendance, including parents. Operation Lifesaver and MTS visual aids were used, and the Operation Lifesavers motto "Look, Listen, and Live" was discussed. The Three E's of Operation Lifesaver, "Education, Engineering, and Enforcement" was presented

and questions from the group answered. K9 trading cards, MTS safety brochures and pens, and Operation Lifesaver pins and safety brochures were distributed.

In June, two Operation Lifesaver safety presentations were given at Bell Middle School. A total of approximately 100 students participated in the presentations. K9 cards, safety brochures, and pencils were given to the students.

Also in June, an Operation Lifesaver event was held at the Pacific Fleet Trolley Station while San Diego Police, Burlington Northern Santa Fe (BNSF) Railway Police, TSA, and Carrizo Gorge Police were enforcing grade-crossing and pedestrian violations. Safety brochures, K9 photo cards, and Operation Lifesaver pens, pencils, and key chains were distributed, and staff spoke to patrons about rail safety and Operation Lifesaver's message of "Look, Listen, and Live."

Buses and Bus Stops

During the reporting period, MTS Code Compliance Inspectors and Transit Systems Security Officers conducted numerous sweeps and checks at bus stops and onboard buses (based on complaints from bus operators and passengers). Some complaints included storefronts near MTS bus stops and benches.

There was a Security Awareness training given for first responders including security personnel and road supervisors from other bus agencies. There were approximately 125 attendees.

Seven plainclothes/undercover details were conducted targeting routes servicing the local middle and high schools. The details resulted in 9 arrests and 64 citations for quality-of-life violations.

A Fire and Life safety drill was conducted at the San Diego State University (SDSU) Transit Center. The drill included San Diego Association of Governments (SANDAG), SDSU Police Department, Cal-State Fire, San Diego Fire Department, SDPD, MTS officers, and MTS Maintenance-of-Way and Facilities crews. One local news channel crew was on scene. This was a mandatory drill required by the State Fire Marshall. MTS is required to conduct annual drills out of this location and also to further enhance the familiarization and layouts for the local fire department in case of an emergency. The drill lasted about an hour resulting in closure of the bus loop, and a simulated bus bridge went into effect. Trolleys were kept on normal schedule for this drill.

San Diego Trolley, Inc.

San Diego Trolley, Inc. experienced 1,075 Part II arrests and 67 reports of Part I incidents during the first half of 2011. In the first 6 months of 2012, there were 1,186 Part II arrests and 66 reports of Part I incidents.

San Diego Transit Corporation

San Diego Transit Corporation experienced 96 Part II arrests and 11 reports of Part I incidents in the first 6 months of 2011. In the first half of 2012, there were 94 Part II arrests and 21 reports of Part I incidents.

Contract Transportation Services

MTS's contract services experienced 30 Part II arrests and 4 reports of Part I incidents for this period in 2011. In the same period in 2012, there were 48 Part II arrests and 6 reports of Part I incidents.



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Chief Executive Officer

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- Attachments:
- A. Board FTA 405 Reports (January - June 2011 SDTI)
 - B. Board FTA 405 Reports (January - June 2012 SDTI)
 - C. Board FTA 405 Reports (January - June 2011 SDTC)
 - D. Board FTA 405 Reports (January - June 2012 SDTC)

| | | | | | |
|---|---------|---|-----------|---|-------|
| <input type="checkbox"/> Form not applicable NTD ID | | BOARD 405 REPORT | | Required from transit agencies serving UZAs of 200,000 or more population | |
| <input type="checkbox"/> Form 005 Included | | Based on the Uniform Crime Reporting Handbook | | Mode Type of Service | |
| Security Items | | In Vehicle | | In Station | |
| Location SDTI | | | | Other Transit Prop. | |
| Part I Offenses (Reports) | | | | | |
| Violent Crime | Inc Inv | Arrests | | | |
| Homicide | 0 | 0 | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Forcible rape | 0 | 0 | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Robbery | 20 | 10 | Patrons | 11 | 7 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Aggravated assault | 9 | 6 | Patrons | 1 | 2 |
| | | | Employees | 0 | 0 |
| | | | Others | 1 | 4 |
| Property Crime | Inc Inv | Arrests | | | |
| Burglary | 0 | 0 | Patrons | 0 | 0 |
| Larceny/theft | 35 | 2 | Employees | 0 | 0 |
| | | | Others | 0 | 5 |
| Motor vehicle theft | 3 | 0 | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Arson | 0 | 0 | Patrons | 0 | 0 |
| Part II Offenses (Arrests) | | | | | |
| Other assaults | 57 | 40 | Patrons | 12 | 24 |
| Vandalism | 247 | 79 | Employees | 35 | 36 |
| Sex offenses | 5 | 5 | Others | 3 | 2 |
| Drug abuse violations | 88 | 89 | Patrons | 13 | 70 |
| Driving under the influence | 2 | 2 | Employees | 0 | 0 |
| Drunkenness | 127 | 122 | Others | 33 | 80 |
| Disorderly conduct | 521 | 474 | Patrons | 131 | 318 |
| Trespassing | 270 | 165 | Employees | 1 | 0 |
| Fare evasion | 8,997 | 7,568 | Others | 4,274 | 3,294 |
| Curfew & loitering laws | 117 | 99 | Patrons | 0 | 90 |
| Total Transit Property Damage | | | | \$ 18,454.80 | |
| Internal Use Only | | | | | |
| Report Run Date | | Report Run Time | | Reporting Period | |
| 10/11/2012 | | 08:44:43AM | | 01/01/2011 To 06/30/2011 | |

| | | | | | |
|---|---------|------------------|-------------|--|---|
| <input type="checkbox"/> Form not applicable NTD ID | | BOARD 405 REPORT | | Required from transit agencies serving UZAs of 200,000 or more population. | |
| <input type="checkbox"/> Form 005 Included | | | | Mode | |
| Based on the Uniform Crime Reporting Handbook | | | | | |
| Security Items | | In Vehicle | | In Station | |
| Location SDTI | | | | Other Transit Prop. | |
| Part I Offenses (Reports) | | | | | |
| Violent Crime | Inc Inv | Arrests | | | |
| Homicide | 0 | 0 | | | |
| | | | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Forcible rape | 2 | 3 | | | |
| | | | Patrons | 0 | 1 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Robbery | 8 | 2 | | | |
| | | | Patrons | 6 | 2 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Aggravated assault | 6 | 5 | | | |
| | | | Patrons | 1 | 2 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 3 |
| Property Crime | Inc Inv | Arrests | | | |
| Burglary | 1 | 0 | | | |
| Larceny/theft | 39 | 6 | | | |
| | | | Patrons | 12 | 2 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 3 |
| Motor vehicle theft | 10 | 0 | | | |
| | | | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Arson | 0 | 0 | | | |
| | | | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Part II Offenses (Arrests) | | | | | |
| | Inc Inv | Arrests | | | |
| Other assaults | 58 | 32 | | | |
| Vandalism | 116 | 60 | | | |
| Sex offenses | 7 | 1 | | | |
| Drug abuse violations | 107 | 104 | | | |
| Driving under the influence | 4 | 4 | | | |
| Drunkenness | 137 | 101 | | | |
| Disorderly conduct | 610 | 579 | | | |
| Trespassing | 262 | 204 | | | |
| Fare evasion | 13,883 | 13,280 | | | |
| Curfew & loitering laws | 127 | 101 | | | |
| Total Transit Property Damage | | | \$ 8,337.57 | | |
| Internal Use Only | | | | | |
| Report Run Date | | Report Run Time | | Reporting Period | |
| 10/11/2012 | | 08:44:08AM | | 01/01/2012 To 06/30/2012 | |

| | | | | | |
|--|---------|------------------|------------|--|---|
| <input type="checkbox"/> Form not applicable NTD ID <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="checkbox"/> Form 005 Included | | BOARD 405 REPORT | | Required from transit agencies serving UZAs of 200,000 or more population. | |
| | | | | Mode <input type="text"/> | |
| Based on the Uniform Crime Reporting Handbook | | | | Type of Service <input type="text"/> | |
| Security Items | | In Vehicle | In Station | Other Transit Prop. | |
| Location SDTC | | | | | |
| Part I Offenses (Reports) | | | | | |
| Violent Crime | Inc Inv | Arrests | | | |
| Homicide | 1 | 1 | | | |
| | | | Patrons | 0 | 1 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Forcible rape | 0 | 0 | | | |
| | | | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Robbery | 4 | 3 | | | |
| | | | Patrons | 2 | 2 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Aggravated assault | 1 | 0 | | | |
| | | | Patrons | 0 | 0 |
| | | | Employees | 1 | 0 |
| | | | Others | 0 | 0 |
| Property Crime | Inc Inv | Arrests | | | |
| Burglary | 0 | 0 | | | |
| Larceny/theft | 5 | 0 | | | |
| | | | Patrons | 2 | 2 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 1 |
| Motor vehicle theft | 0 | 0 | | | |
| | | | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Arson | 0 | 0 | | | |
| | | | Patrons | 0 | 0 |
| | | | Employees | 0 | 0 |
| | | | Others | 0 | 0 |
| Part II Offenses (Arrests) | | | | | |
| Inc Inv | Arrests | | | | |
| Other assaults | 27 | 0 | | | |
| Vandalism | 39 | 12 | | | |
| Sex offenses | 2 | 0 | | | |
| Drug abuse violations | 8 | 7 | | | |
| Driving under the influence | 2 | 2 | | | |
| Drunkenness | 25 | 24 | | | |
| Disorderly conduct | 165 | 30 | | | |
| Trespassing | 2 | 1 | | | |
| Fare evasion | 23 | 3 | | | |
| Curfew & loitering laws | 23 | 20 | | | |
| Total Transit Property Damage | | | | \$ 2,489.57 | |
| Internal Use Only | | | | | |
| Report Run Date | | Report Run Time | | Reporting Period | |
| 10/11/2012 | | 08:44:43AM | | 01/01/2011 To 06/30/2011 | |

☐ Form not applicable
 NTD ID ☐
☐ Form 005 included

BOARD 405 REPORT

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

Mode ☐

Type of Service ☐

Based on the Uniform Crime Reporting Handbook

| Security Items | In Vehicle | In Station | Other Transit Prop. |
|--------------------------------------|----------------|--------------------|---------------------|
| Location SDTC | | | |
| Part I Offenses (Reports) | | | |
| Violent Crime | Inc Inv | Arrests | |
| Homicide | 0 | 0 | |
| | | | Patrons 0 0 0 |
| | | | Employees 0 0 0 |
| | | | Others 0 0 0 |
| Forcible rape | 0 | 0 | |
| | | | Patrons 0 0 0 |
| | | | Employees 0 0 0 |
| | | | Others 0 0 0 |
| Robbery | 5 | 1 | |
| | | | Patrons 1 3 0 |
| | | | Employees 0 0 0 |
| | | | Others 0 1 0 |
| Aggravated assault | 4 | 5 | |
| | | | Patrons 1 1 0 |
| | | | Employees 1 0 0 |
| | | | Others 2 2 0 |
| Property Crime | Inc Inv | Arrests | |
| Burglary | 0 | 0 | |
| Larceny/theft | 11 | 1 | |
| | | | Patrons 6 0 5 |
| | | | Employees 1 0 0 |
| | | | Others 0 0 1 |
| Motor vehicle theft | 1 | 1 | |
| | | | Patrons 0 0 0 |
| | | | Employees 0 0 0 |
| | | | Others 0 1 0 |
| Arson | 0 | 0 | |
| | | | 0 0 0 |
| Part II Offenses (Arrests) | Inc Inv | Arrests | |
| Other assaults | 18 | 2 | |
| Vandalism | 39 | 5 | |
| Sex offenses | 5 | 0 | |
| Drug abuse violations | 3 | 3 | |
| Driving under the influence | 1 | 1 | |
| Drunkenness | 36 | 16 | |
| Disorderly conduct | 212 | 44 | |
| Trespassing | 1 | 1 | |
| Fare evasion | 63 | 44 | |
| Curfew & loitering laws | 27 | 22 | |
| | | | 0 13 9 |
| Total Transit Property Damage | | \$ 4,339.92 | |

Internal Use Only

| | | |
|-----------------|-----------------|--------------------------|
| Report Run Date | Report Run Time | Reporting Period |
| 10/11/2012 | 08:44:08AM | 01/01/2012 To 06/30/2012 |

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Agenda Item No. 49

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

EAST COUNTY BUS MAINTENANCE FACILITY PROJECT UPDATE
(CLAIRE SPIELBERG)

RECOMMENDATION:

That the Board of Directors receive a report for information on the East County Bus Maintenance Facility.

Recommendation by the Executive Committee

At its meeting on October 11, 2012, the Executive Committee recommended forwarding this agenda item to the Board of Directors for approval.

Budget Impact

None at this time. Capital for the existing projects is covered by various federal, state, and local capital grants.

DISCUSSION:

East County Bus Maintenance Facility Expansion Project

The East County Bus Maintenance Facility is currently located in the El Cajon Industrial Park near Johnson Avenue and Vernon Way. MTS contracts with Veolia Transportation to operate 56 diesel-powered MTS-provided buses and 26 Veolia-owned commuter express buses from this facility. The San Diego Association of Governments (SANDAG) has executed a task order with Parsons Brinckerhoff and Kimley-Horn and Associates to prepare plans, specifications, and estimates for moving forward to redevelop the site. Staff from MTS and Parsons Brinckerhoff will provide a presentation updating the project status.



Paul C. Jablonski
Chief Executive Officer

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





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Agenda Item No. 50

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

November 15, 2012

SUBJECT:

OPERATIONS BUDGET STATUS REPORT FOR SEPTEMBER 2012
(MIKE THOMPSON)

RECOMMENDATION:

That the Board of Directors receive the MTS operations budget status report for September 2012.

Budget Impact

None at this time.

DISCUSSION:

This report summarizes MTS's operating results for September 2012 compared to the fiscal year 2013 budget. Attachment A-1 combines the operations, administration, and other activities results for September 2012. Attachment A-2 details the September 2012 combined operations results, and Attachments A-3 to A-8 present budget comparisons for each MTS operation. Attachment A-9 details budget comparisons for MTS Administration, and A-10 provides September 2012 results for MTS's other activities (Taxicab/San Diego and Arizona Eastern Railway Company).

MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1, for the year-to-date period ending September 2012, the MTS net-operating income favorable variance totaled \$858,000 (2.6%). Operations produced a \$904,000 (2.7%) favorable variance, and the administrative/other activities areas were unfavorable by \$46,000.



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

MTS COMBINED RESULTS

Revenues

Year-to-date combined revenues through September 2012 were \$25,762,000 compared to the year-to-date budget of \$25,179,000, which represented a \$583,000 (2.3%) positive variance. This is primarily due to a favorable variance within passenger revenue.

Expenses

Year-to-date combined expenses through September 2012 were \$58,435,000 compared to the budget of \$58,711,000, which resulted in a \$275,000 (0.5%) favorable variance.

Personnel Costs. Year-to-date personnel-related costs totaled \$30,007,000 compared to a budgetary figure of \$30,729,000, producing a favorable variance of \$723,000 (2.4%). This is primarily due to favorable variances within Transit Operations.

Outside Services and Purchased Transportation. Total outside services for the first three months of the fiscal year totaled \$18,349,000 compared to a budget of \$18,661,000, which results in a favorable variance of \$313,000 (1.7%). This is primarily due to favorable experience with repairs/maintenance costs and engines/transmissions costs within Operations.

Materials and Supplies. Total year-to-date materials and supplies expenses were \$2,558,000 compared to a budgetary figure of \$2,104,000, which resulted in an unfavorable expense variance of \$454,000 (-21.6%). This unfavorable variance is primarily due to revenue parts costs within Rail Operations.

Energy. Total year-to-date energy costs were \$5,846,000 compared to the budget of \$5,548,000, which resulted in an unfavorable variance of \$298,000 (-5.4%). Energy rates for the fiscal year are as follows:

- Diesel: cost per gallon was \$3.40 versus a budgeted rate of \$3.85
- Gasoline: cost per gallon was \$3.45 versus a budgeted rate of \$3.83
- CNG: cost per therm was \$0.68 versus a budgeted rate of \$0.72
- Electricity: cost per kWh was \$0.172 versus a budgeted rate of \$0.149

Risk Management. Total year-to-date expenses for risk management were \$950,000, compared to the budget of \$1,009,000, which resulted in a favorable variance totaling \$59,000 (5.9%).

General and Administrative. The year-to-date general and administrative costs, including vehicle and facilities leases, were \$68,000 (-10.3%) unfavorable to budget totaling \$726,000 through September 2012 compared to a budget of \$659,000.

YEAR-TO-DATE SUMMARY

The September 2012 year-to-date net-operating income totaled a favorable variance of \$858,000 (2.6%). These factors include favorable variances in passenger revenue, other operating revenue, personnel costs, and outside services, partially offset by unfavorable variances in energy and materials and supplies.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Comparison to Budget

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
MTS
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|--------------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ 24,349 | \$ 23,844 | \$ 505 | 2.1% |
| Other Revenue | 1,414 | 1,336 | 78 | 5.8% |
| Total Operating Revenue | \$ 25,762 | \$ 25,179 | \$ 583 | 2.3% |
| Personnel costs | \$ 30,007 | \$ 30,729 | \$ 723 | 2.4% |
| Outside services | 18,349 | 18,661 | 313 | 1.7% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 2,558 | 2,104 | (454) | -21.6% |
| Energy | 5,846 | 5,548 | (298) | -5.4% |
| Risk management | 950 | 1,009 | 59 | 5.9% |
| General & administrative | 525 | 444 | (81) | -18.2% |
| Vehicle/facility leases | 201 | 215 | 13 | 6.2% |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | - | 0 | 0 | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 58,435 | \$ 58,711 | \$ 275 | 0.5% |
| Operating income (loss) | \$ (32,673) | \$ (33,532) | \$ 858 | 2.6% |
| Total public support and nonoperating revenues | 511 | 492 | 18 | 3.7% |
| Income (loss) before capital contributions | \$ (32,163) | \$ (33,039) | \$ 876 | -2.7% |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
CONSOLIDATED OPERATIONS
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|--------------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ 24,349 | \$ 23,844 | \$ 505 | 2.1% |
| Other Revenue | 101 | 169 | (68) | -40.1% |
| Total Operating Revenue | \$ 24,450 | \$ 24,013 | \$ 437 | 1.8% |
| Personnel costs | \$ 25,854 | \$ 26,714 | \$ 859 | 3.2% |
| Outside services | 15,725 | 16,067 | 342 | 2.1% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 2,549 | 2,098 | (451) | -21.5% |
| Energy | 5,690 | 5,388 | (302) | -5.6% |
| Risk management | 874 | 909 | 35 | 3.8% |
| General & administrative | 83 | 61 | (22) | -36.8% |
| Vehicle/facility leases | 153 | 161 | 8 | 4.7% |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | 6,253 | 6,253 | - | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 57,183 | \$ 57,650 | \$ 467 | 0.8% |
| Operating income (loss) | \$ (32,733) | \$ (33,637) | \$ 904 | 2.7% |
| Total public support and nonoperating revenues | 500 | 492 | 8 | 1.5% |
| Income (loss) before capital contributions | \$ (32,233) | \$ (33,144) | \$ 912 | -2.8% |

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
TRANSIT SERVICES (SAN DIEGO TRANSIT CORPORATION)
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)**

| | YEAR TO DATE | | | |
|---|---------------------|--------------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ 7,362 | \$ 7,113 | \$ 250 | 3.5% |
| Other Revenue | 3 | 2 | 0 | 3.6% |
| Total Operating Revenue | \$ 7,365 | \$ 7,115 | \$ 250 | 3.5% |
| Personnel costs | \$ 17,556 | \$ 18,397 | \$ 841 | 4.6% |
| Outside services | 475 | 570 | 95 | 16.6% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 1,187 | 1,189 | 2 | 0.2% |
| Energy | 1,209 | 1,182 | (27) | -2.3% |
| Risk management | 435 | 450 | 15 | 3.4% |
| General & administrative | 31 | 37 | 5 | 14.6% |
| Vehicle/facility leases | 70 | 71 | 1 | 2.0% |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | 2,351 | 2,351 | - | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 23,314 | \$ 24,247 | \$ 933 | 3.8% |
| Operating income (loss) | \$ (15,949) | \$ (17,131) | \$ 1,183 | 6.9% |
| Total public support and nonoperating revenues | (432) | (429) | (3) | 0.8% |
| Income (loss) before capital contributions | \$ (16,381) | \$ (17,560) | \$ 1,179 | -6.7% |

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
RAIL OPERATIONS (SAN DIEGO TROLLEY, INCORPORATED)
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)**

| | YEAR TO DATE | | | |
|---|---------------------|-------------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ 9,729 | \$ 9,509 | \$ 221 | 2.3% |
| Other Revenue | 99 | 167 | (68) | -40.8% |
| Total Operating Revenue | \$ 9,828 | \$ 9,675 | \$ 153 | 1.6% |
| Personnel costs | \$ 7,921 | \$ 7,895 | \$ (26) | -0.3% |
| Outside services | 837 | 973 | 136 | 14.0% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 1,361 | 907 | (454) | -50.0% |
| Energy | 2,358 | 2,064 | (294) | -14.2% |
| Risk management | 436 | 455 | 20 | 4.3% |
| General & administrative | 51 | 22 | (29) | -134.1% |
| Vehicle/facility leases | 80 | 85 | 5 | 6.3% |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | 3,518 | 3,518 | - | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 16,562 | \$ 15,920 | \$ (642) | -4.0% |
| Operating income (loss) | \$ (6,734) | \$ (6,244) | \$ (489) | -7.8% |
| Total public support and nonoperating revenues | - | - | - | - |
| Income (loss) before capital contributions | \$ (6,734) | \$ (6,244) | \$ (489) | 7.8% |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
MULTIMODAL OPERATIONS (FIXED ROUTE)
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|-------------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ 6,176 | \$ 5,985 | \$ 190 | 3.2% |
| Other Revenue | - | - | - | - |
| Total Operating Revenue | \$ 6,176 | \$ 5,985 | \$ 190 | 3.2% |
| Personnel costs | \$ 112 | \$ 110 | \$ (2) | -2.0% |
| Outside services | 10,043 | 10,214 | 171 | 1.7% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 1 | 1 | 0 | 41.6% |
| Energy | 1,417 | 1,441 | 24 | 1.7% |
| Risk management | - | - | - | - |
| General & administrative | - | 1 | 1 | - |
| Vehicle/facility leases | 4 | 5 | 1 | 17.2% |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | 265 | 265 | 0 | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 11,842 | \$ 12,037 | \$ 195 | 1.6% |
| Operating income (loss) | \$ (5,666) | \$ (6,051) | \$ 385 | 6.4% |
| Total public support and nonoperating revenues | - | - | - | - |
| Income (loss) before capital contributions | \$ (5,666) | \$ (6,051) | \$ 385 | -6.4% |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
MULTIMODAL OPERATIONS (PARATRANSIT)
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|-------------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ 453 | \$ 487 | \$ (34) | -6.9% |
| Other Revenue | - | - | - | - |
| Total Operating Revenue | \$ 453 | \$ 487 | \$ (34) | -6.9% |
| Personnel costs | \$ 36 | \$ 37 | \$ 2 | 4.8% |
| Outside services | 2,832 | 2,753 | (78) | -2.8% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | - | - | - | - |
| Energy | 614 | 573 | (41) | -7.2% |
| Risk management | 4 | 4 | - | 0.0% |
| General & administrative | 1 | 1 | 1 | 56.9% |
| Vehicle/facility leases | - | - | - | - |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | 89 | 89 | 0 | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 3,574 | \$ 3,457 | \$ (117) | -3.4% |
| Operating income (loss) | \$ (3,121) | \$ (2,970) | \$ (151) | -5.1% |
| Total public support and nonoperating revenues | - | - | - | - |
| Income (loss) before capital contributions | \$ (3,121) | \$ (2,970) | \$ (151) | 5.1% |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
CONSOLIDATED CHULA VISTA TRANSIT OPERATIONS
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|-----------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ 628 | \$ 750 | \$ (122) | -16.3% |
| Other Revenue | - | - | - | - |
| Total Operating Revenue | \$ 628 | \$ 750 | \$ (122) | -16.3% |
| Personnel costs | \$ 41 | \$ 86 | \$ 44 | 51.7% |
| Outside services | 1,341 | 1,359 | 18 | 1.3% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 0 | 0 | 0 | 84.5% |
| Energy | 92 | 128 | 36 | 28.1% |
| Risk management | - | - | - | - |
| General & administrative | 0 | 0 | (0) | -30.9% |
| Vehicle/facility leases | - | - | - | - |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | 31 | 31 | (0) | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 1,505 | \$ 1,603 | \$ 98 | 6.1% |
| Operating income (loss) | \$ (877) | \$ (854) | \$ (23) | -2.7% |
| Total public support and nonoperating revenues | 879 | 879 | (0) | 0.0% |
| Income (loss) before capital contributions | \$ 2 | \$ 26 | \$ (23) | -91.8% |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
CORONADO FERRY
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|----------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ - | \$ - | \$ - | - |
| Other Revenue | - | - | - | - |
| Total Operating Revenue | \$ - | \$ - | \$ - | - |
| Personnel costs | \$ - | \$ - | \$ - | - |
| Outside services | 42 | 42 | - | 0.0% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | - | - | - | - |
| Energy | - | - | - | - |
| Risk management | - | - | - | - |
| General & administrative | - | - | - | - |
| Vehicle/facility leases | - | - | - | - |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | - | - | - | - |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 42 | \$ 42 | \$ - | 0.0% |
| Operating income (loss) | \$ (42) | \$ (42) | \$ - | 0.0% |
| Total public support and nonoperating revenues | 53 | 42 | 11 | 26.2% |
| Income (loss) before capital contributions | \$ 11 | \$ - | \$ 11 | - |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
ADMINISTRATION
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|-----------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ - | \$ - | \$ - | - |
| Other Revenue | 1,217 | 1,070 | 146 | 13.7% |
| Total Operating Revenue | \$ 1,217 | \$ 1,070 | \$ 146 | 13.7% |
| Personnel costs | \$ 3,971 | \$ 3,842 | \$ (128) | -3.3% |
| Outside services | 2,595 | 2,563 | (32) | -1.3% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 5 | 5 | 1 | 15.9% |
| Energy | 154 | 157 | 3 | 2.2% |
| Risk management | 70 | 95 | 25 | 26.0% |
| General & administrative | 416 | 356 | (60) | -16.8% |
| Vehicle/facility leases | 48 | 54 | 6 | 10.5% |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | (6,278) | (6,278) | - | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 980 | \$ 794 | \$ (186) | -23.4% |
| Operating income (loss) | \$ 237 | \$ 276 | \$ (40) | 14.3% |
| Total public support and nonoperating revenues | 10 | - | 10 | - |
| Income (loss) before capital contributions | \$ 247 | \$ 276 | \$ (29) | -10.5% |

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OTHER ACTIVITIES
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2013
SEPTEMBER 30, 2012
(in \$000's)

| | YEAR TO DATE | | | |
|---|---------------------|-----------------|-----------------|---------------|
| | ACTUAL | BUDGET | VARIANCE | VAR. % |
| Passenger Revenue | \$ - | \$ - | \$ - | - |
| Other Revenue | 96 | 96 | (1) | -0.7% |
| Total Operating Revenue | \$ 96 | \$ 96 | \$ (1) | -0.7% |
| Personnel costs | \$ 182 | \$ 174 | \$ (8) | -4.8% |
| Outside services | 29 | 32 | 3 | 10.3% |
| Transit operations funding | - | - | - | - |
| Materials and supplies | 4 | 1 | (3) | -235.7% |
| Energy | 2 | 3 | 1 | 36.5% |
| Risk management | 6 | 6 | (0) | -3.1% |
| General & administrative | 25 | 27 | 1 | 5.5% |
| Vehicle/facility leases | - | - | - | - |
| Amortization of net pension asset | - | - | - | - |
| Administrative Allocation | 25 | 25 | - | 0.0% |
| Depreciation | - | - | - | - |
| Total Operating Expenses | \$ 273 | \$ 267 | \$ (6) | -2.1% |
| Operating income (loss) | \$ (177) | \$ (171) | \$ (6) | -3.7% |
| Total public support and nonoperating revenues | - | - | - | - |
| Income (loss) before capital contributions | \$ (177) | \$ (171) | \$ (6) | 3.7% |



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Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

November 15, 2012

In accordance with Board Policy No. 52, Procurement of Goods and Services, attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period October 11, 2012, through November 6, 2012.



EXPENSE CONTRACTS

| Doc # | Organization | Subject | Amount | Day |
|------------|-------------------------------|--|-------------|------------|
| G1421.1-12 | BAKER AND MILLER, PLCC | LEGAL SERVICES - RAILROAD & ENVIRONMENTA | \$50,000.00 | 10/18/2012 |
| G0980.5-06 | SANDAG | FEDERAL LEGISLATIVE SERVICES - CONT. EXT | \$97,060.50 | 10/19/2012 |
| G1204.2-09 | SMITH WATTS & COMPANY | EXERCISE FINAL OPTION YEAR | \$69,600.00 | 10/22/2012 |
| G1500.0-13 | APPLIED TRUST, INC. | CYBER SECURITY ASSESSMENT (I.T.) | \$40,000.00 | 10/25/2012 |
| G1501.0-13 | R. L. BANKS & ASSOC. | ON-CALL COUNSEL FOR MTS DESERT LINE | \$25,000.00 | 10/26/2012 |
| G1503.0-13 | FOUNDATION COMMUNITY SERVICES | PRIVATE-HIRE DRIVER AND RADIO SERVICE | \$69,300.00 | 11/2/2012 |

REVENUE OR NO-VALUE CONTRACTS

| Doc # | Organization | Subject | Amount | Day |
|-------------|--------------------------------|--|------------------|------------|
| G1498.0-13 | BP ENERGY COMPANY | CONFIDENTIALITY AGREEMENT - NEG. REBATES | \$0.00 | 10/11/2012 |
| B0572.1-12 | ISS FACILITY SERVICES, INC. | UTC SUPERLOOP BUS STOP MAINT DATES | \$0.00 | 10/15/2012 |
| B0523.3-09 | SANDAG | SUPERLOOP TRANSIT PROJECT MOU | | 10/15/2012 |
| L5743.0-13 | HERZOG CONTRACTING, CORP. | JROE NCTD TECOLOTE-WASHINGTON CROSSOVER | (\$500.00) | 10/15/2012 |
| S200-13-551 | ORION CONSTRUCTION CORP. | ROE - ADA SIDEWALK IMPROVEMENTS 68TH ST | (\$1,850.00) | 10/15/2012 |
| G1492.0-13 | PARSONS BRINKERHOFF | ON-CALL ENGINEERING SERVICES | | 10/15/2012 |
| L1114.0-13 | COSMO SPACE OF AMERICA | ROE - FILM ON TROLLEY PLATFORMS-LRVS | \$0.00 | 10/15/2012 |
| G1452.1-12 | AMCAL MULTI-HOUSING | FIRST AMEND TO NEGOTIATING AGMT | \$0.00 | 10/17/2012 |
| S20084323. | SD&IV RAILROAD | SDIV ASSIGN RIGHTS ON DESERT LINE TO PIR | \$0.00 | 10/17/2012 |
| L1107.0-13 | PACIFIC DRILLING CO | ROE PERMIT - GEO BORE-DRILLING SVCS | \$0.00 | 10/19/2012 |
| S200-13-511 | INTEGRATED MARINE SERVICES, IN | JOINT USE LICENSE AGMT - MAIN STREET | \$0.00 | 10/22/2012 |
| L1110.0-13 | PROJECT DESIGN CONSULTANTS | ROE PERMIT - GEN ENGINEER-TOPO SURVEY | \$0.00 | 10/23/2012 |
| L5746.0-13 | UNITED STATES OF AMERICA | QUIT CLAIM DEED - WASHINGTON WYE NAVY | \$0.00 | 10/25/2012 |
| L5740.0-12 | VECTOR RESOURCES | JROE PERMIT FIBER OPTIC CABLE PORT OF SD | \$0.00 | 10/25/2012 |
| L5741.0-12 | HP COMMUNICATIONS | JROE PERMIT FIBER OPTIC CABLE PORT OF SD | \$0.00 | 10/25/2012 |
| G1264.1-09 | BP CORP NORTH AMERICA, INC. | AMEND TO FINANCIAL CNG HEDGING AGMT | | 10/29/2012 |
| B0563.2-11 | TRAPEZE SOFTWARE GROUP, INC. | MODIFY SOW IVR SYSTEM | \$0.00 | 10/31/2012 |
| S200-13-549 | SCS TIMBER RESOUCES | ROE PERMIT - RW ACCESS VEGETATION ABATE | (\$1,000.00) | 10/31/2012 |
| L1116.0-13 | PUREFITNESS PACIFIC, LLC | ROE PERMIT - RUN FOR THE HUNGRY | (\$605.00) | 11/2/2012 |
| L1099.0-13 | WEST SIDE CREEK LLC | ACCESS EASEMENT - MARKET CREEK PLAZA | \$0.00 | 11/5/2012 |
| S200-13-555 | SHIMMICK CONSTRUCTION CO., INC | ROE PERMIT - ORANGE/BLUE TPSS | (\$500.00) | 11/6/2012 |
| G1140.2-08 | MICHAEL-ALLEN & ASSOCIATES | EXTEND CONTRACT TERM | (\$2,250,000.00) | 11/6/2012 |

PURCHASE ORDERS (IFAS)

| DATE | Organization | Subject | AMOUNT |
|-------------|--------------------------------|-------------------------------------|---------------|
| 10/11/2012 | IACCESS INC. | HID CARDS FOR HR DEPT | \$549.53 |
| 10/12/2012 | EL CAJON BLVD BUSINESS IMPROVE | INSTALL GREEN LINE BANNERS/44 POLES | \$3,960.00 |
| 10/12/2012 | COX MEDIA | 35 WEEK TELEVISION 60 SEC COMMERCIA | \$99,000.00 |
| 10/16/2012 | CDW GOVERNMENT, INC. | DISPLAY - LG LCD | \$366.33 |
| 10/16/2012 | CDW GOVERNMENT, INC. | SYMANTEC ENTERPRISE VAULT | \$13,239.37 |
| 10/16/2012 | CDW GOVERNMENT, INC. | LAPTOP - BTO APPLE/APPLE CARE | \$2,759.87 |
| 10/16/2012 | DELL COMPUTER CORP | LAPTOP - DELL LATITUDE | \$1,675.68 |
| 10/16/2012 | CDW GOVERNMENT, INC. | MOBILE SCANNER - ETHERNET ADAPTER | \$862.61 |
| 10/17/2012 | COMMUNICATIONS USA INC. | MOTOROLA CD1250 VHF RADIO | \$11,361.16 |
| 10/17/2012 | LOCAL MEDIA OF SD LLC | ANNUAL SPOT SCHEDULE XHTZ Z90.3 | \$25,000.00 |
| 10/17/2012 | LOCAL MEDIA OF SD LLC | ANNUAL SPOT SCHEDULE XTRA 91X | \$25,000.00 |
| 10/18/2012 | LINKEDIN CORPORATION | RECRUITER - JOB SLOTS | \$14,200.00 |
| 10/18/2012 | ABTECH SYSTEMS INC. | HP TECH SUPPORT AND HARDWARE SUPPOR | \$23,984.00 |
| 10/22/2012 | KRONOS INCORPORATED | SOFTWARE SUPPORT SVCS | \$11,866.02 |
| 10/23/2012 | KYXY 96.5 | 60 SECOND COMMERCIALS KYXY 96.5 | \$25,000.00 |
| 10/24/2012 | QUANTUM CORPORATION | SERVICE RENEWAL TAPE LIBRARY | \$1,847.00 |
| 10/24/2012 | iACCESS INC. | HID CARDS FOR HR DEPARTMENT | \$2,747.63 |
| 10/25/2012 | ESRI | ESRI SOFTWARE, TRAINING, & SUPPORT | \$49,844.75 |
| 10/25/2012 | DELL COMPUTER CORP | OPTIPLEX ALL-IN-ONE | \$1,259.73 |
| 10/25/2012 | CITY ELECTRIC WORKS, INC. | LABOR AND MATERIALS FOR TAXI ADMIN | \$1,800.00 |
| 10/29/2012 | SUNGARD BI-TECH, INC. | IFAS ANNUAL SUPPORT 11/12 - 10/13 | \$21,339.45 |
| 11/1/2012 | DELL COMPUTER CORP | 9010 SFF WSCA - IT | \$13,153.47 |
| 11/1/2012 | CDW GOVERNMENT, INC. | QUANTUM LTO 3 TAPE MEDIA CARTRIDGE | \$635.63 |
| 11/2/2012 | DELL COMPUTER CORP | DELL LAPTOP, ADAPTER CORD, KEYBOARD | \$1,780.92 |
| 11/2/2012 | DELL COMPUTER CORP | E-PORT REPLICATOR WITH USB | \$241.34 |
| 11/5/2012 | V & V MANUFACTURING, INC. | SERVICE PINS | \$5,765.49 |
| 11/5/2012 | CDW GOVERNMENT, INC. | KINGSTON 16GB, HP LASERJET PRINTER | \$2,413.05 |
| 11/5/2012 | MADDEN CONSTRUCTION, INC. | PARKING LOT LIGHTING AND REPAIR | \$19,189.63 |
| 11/6/2012 | HORNBERGER COMPANY | SURVEILLANCE CAMERA/SMOKING SIGNS | \$7,309.16 |

WORK ORDERS

| Doc # | Organization | Subject | Amount | Day |
|-----------------|---------------------------|-------------------------------------|-------------|------------|
| PWL 134.0-12.06 | HERZOG CONSTRUCTION, INC. | 8TH STREET BRIDGE SURVEY | \$12,351.53 | 10/15/2012 |
| PWL 132.0-11.14 | SOUTHLAND ELECTRIC, INC. | SDSU STATION CCTV UPGRADE | \$55,946.72 | 10/18/2012 |
| G1496.0-13.01 | RAILPROS, INC. | ON-CALL ENGINEERING - ROE/REAL EST | \$25,000.00 | 10/25/2012 |
| G1245.0-09.08 | KIMLEY-HORN & ASSOC. | ENGINEERING SVCS ENVIRONMENTAL INSP | \$15,500.00 | 10/29/2012 |
| PWL 136.0-12.04 | HMS CONSTRUCTION, INC. | SAN MIGUEL SIGNAL WIRE REPLACEMENT | \$10,802.82 | 10/31/2012 |
| PWL 134.0-12.08 | HERZOG CONSTRUCTION, INC. | ORANGE LINE JOINT BAR AT 3 LOCATION | \$41,956.80 | 11/6/2012 |