

10-09-12A08:52 RCVD

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Agenda

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 13, 2012

Executive Conference Room
9:00 a.m.

ACTION RECOMMENDED

- | | | |
|----|---|---------|
| A. | ROLL CALL | |
| B. | APPROVAL OF MINUTES - July 12, 2012 | Approve |
| C. | COMMITTEE DISCUSSION ITEMS | |
| 1. | <u>Trolley Renewal Project Update (Denis Desmond and John Haggerty of SANDAG)</u> Action would receive a report for information. | Receive |
| 2. | <u>Proposed Revisions to MTS Policy No. 42 - Transit Service Evaluation and Adjustment (Denis Desmond)</u> Action would forward a recommendation to the Board of Directors to approve the proposed revisions to MTS Policy No. 42 - Transit Service Evaluation and Adjustment. | Approve |
| 3. | <u>Disadvantaged Business Enterprise (DBE) Goal (Karen Landers)</u> Action would forward a recommendation to the Board of Directors to adopt a 4.1% goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2013 to FFY 2015 triennial period. | Adopt |
| 4. | <u>California Public Employees' Pension Reform Act of 2013 (PEPRA) (Sharon Cooney)</u> Action would receive a report for information and provide comments. | Receive |

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.

C. COMMITTEE DISCUSSION ITEMS - Continued

5. Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN) Update (Sharon Cooney) Possible Action
Action would receive a report for information and provide comments and direction regarding next steps in response to LOSSAN actions and Senate Bill 1225.
6. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.8 Possible Action
Property: The San Diego and Arizona Eastern Railway Company (SD&AE) Desert Line from approximate Mile Post 60 to approximate Mile Post 130 (Division to Plaster City) in San Diego and Imperial Counties
Agency Negotiators: Karen Landers, General Counsel; Tim Allison, Manager of Real Estate Assets; and Paul Jablonski, Chief Executive Officer
Negotiating Parties: San Diego and Imperial Valley Railroad (SDIY) and Pacific Imperial Railroad, Inc. (PIR)
Under Negotiation: Price and Terms of Payment for Assignment of Operating Rights
7. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 Possible Action
Agency-Designated Representative: Jeff Stumbo
Employee Organization: Amalgamated Transit Union, Local 1309
8. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION Pursuant to California Government Code section 54956.9(b) (One Potential Case) Possible Action
- D. REVIEW OF DRAFT SEPTEMBER 20, 2012, BOARD AGENDA
- E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA Possible Action
Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting.
- F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- G. PUBLIC COMMENTS
- H. NEXT MEETING DATE: October 11, 2012
- I. ADJOURNMENT

CONSENT ITEMS - Continued

- | | | |
|-----|---|--------------------|
| 15. | <u>Engineering Support Services for the Mission Valley East Orange Line Signal Print Verification Project</u> Action would authorize the CEO to execute Work Order No. 13.01 to MTS Document No. G1494.0-13 with Pacific Railway Enterprises, Inc. | Approve |
| 16. | <u>Janitorial Services for MTS LRV Fleet - Additional Services</u> Action would: (1) ratify MTS Doc. No. G1387.2-11 dated September 30, 2011, with NMS Management for janitorial and light rail vehicle (LRV) cleaning services, which was previously executed pursuant to the CEO's authority; and (2) authorize the CEO to execute MTS Doc. No. G1387.3-11 for LRV cleaning services through September 30, 2016. | Ratify/ Approve |
| 17. | <u>Disadvantaged Business Enterprise (DBE) Goal</u> Action would adopt a 4.1% goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2013 to FFY 2015 triennial period. | Adopt |
| 18. | <u>SD 100 Complete Gearbox Assemblies for Light Rail Vehicles - Contract Award</u> Action would authorize the CEO to execute MTS Doc. No. L1053.0-12 with Hi-Tec Enterprises (Hi-Tec) to furnish complete gearbox assemblies for MTS's fleet of 52 SD 100 LRVs. | Approve |

CLOSED SESSION

- | | | |
|-----|--|--------------------|
| 24. | a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 <u>Agency-Designated Representative</u> - Jeff Stumbo; <u>Employee Organization</u> - Amalgamated Transit Union, Local 1309 | Possible Action |
| | b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 <u>Agency-Designated Representative</u> - Jeff Stumbo <u>Employee Organization</u> - International Brotherhood of Electrical Workers, Local 465 (IBEW) | Possible Action |

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

- | | | |
|-----|--|--------------------|
| 30. | <u>Proposed Revisions to Policy No. 42 - Transit Service Evaluation and Adjustment (Denis Desmond)</u> Action would approve the proposed revisions to MTS Policy No. 42 - Transit Service Evaluation and Adjustment. | Approve |
| 31. | <u>Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN) Update (Sharon Cooney)</u> Action would receive a report for information and provide comments and direction regarding next steps in response to LOSSAN actions and Senate Bill 1225. | Possible Action |

REPORT ITEMS

- | | | |
|-----|---|-------------|
| 45. | <u>Trolley Renewal Project Update (Denis Desmond and John Haggerty of SANDAG)</u> Action would receive a report for information. | Receive |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |
| 64. | <u>Additional Public Comments Not on the Agenda</u> If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. | |
| 65. | <u>Next Meeting Date:</u> October 18, 2012 | |
| 66. | <u>Adjournment</u> | |

DECLARATION

(LEG 493)

I, Valerie Vizkeleti, declare as follows:

I am the Metropolitan Transit System's (MTS) Clerk of the Board.

On September 13, 2012, my duties included recording the Executive Committee Meeting.

Due to a clerical error, the Executive Committee Meeting was not recorded.

I declare the foregoing statement is true and correct under penalty of perjury.

Executed on this 13 day of September 2012, in San Diego, California.

Valerie Vizkeleti
(Signature)

MEETING OF THE EXECUTIVE COMMITTEE FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS)
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

July 12, 2012

MINUTES

A. ROLL CALL

Vice Chairman Roberts called the Executive Committee meeting to order at 9:10 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Mr. Minto moved for approval of the minutes of the June 14, 2012, MTS Executive Committee meeting. Mr. Ovrom seconded the motion, and the vote was 3 to 0 in favor with Mr. Mathis and Mr. Young absent.

C. COMMITTEE DISCUSSION ITEMS

1. Trolley Renewal Project Update

John Haggerty of the San Diego Association of Governments (SANDAG) gave the Executive Committee an update on the Trolley Renewal Project. He provided an update of the station construction schedule for the Blue and Orange Line Improvement Corridor and explained that the Blue Line Improvements schedule has been slightly delayed. He talked about the budget and total expended dollars stating that 30% of the total budget has been expended. He explained that the SANDAG Board approved procurement of 8 additional vehicles to be included in the FY 13 budget. Mr. Haggerty talked about the project status in terms of design, construction, work completed, and work in progress. He provided before-and-after photographs of station shelters and furniture installed at the 12th & Imperial Station, Washington Street Station, Gaslamp Quarter Station, and the Convention Center Station. He also provided photos of the station platform work at the Santa Fe Depot Station, Middletown Station, and the Seaport Village Station.

Mr. Haggerty gave an update on the Blue Line Crossovers and Signaling Project. He provided pictures of a retaining wall close to completion for installation of signal cabinets near Main Street.

Mr. Haggerty talked about the work taking place at Orange Line stations. He provided pictures of station shelters and completed platforms for the 47th Street Station, Encanto/62nd Street Station, and the Massachusetts Avenue Station. He showed pictures of the platform improvements in progress at the Lemon Grove Depot Station, Euclid Avenue Station, and 25th & Commercial Station. He also showed pictures of the platform work being done at the Civic Center Station and the Park & Market Station.

Mr. Haggerty stated that 37 new light rail vehicles have been delivered from the Siemens plant at this time with 8 currently in production.

Action Taken

Mr. Ovrom moved to receive a report for information. Mr. Minto seconded the motion, and the vote was 3 to 0 in favor with Mr. Mathis and Mr. Young absent.

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

Karen Landers, General Counsel, provided the Committee with a report on the Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments. She explained that the report is required for federally funded contracts set forth in Title 49 of the U.S. Department of Transportation (DOT) Program. DBE regulations require MTS to prepare DBE goals based upon the number of ready, willing, and able DBE-certified contractors available to bid on certain categories of MTS procurements.

Ms. Landers explained that the agency has a race-neutral program with an aspirational goal of 12.6% DBE participation and that certified DBE contractors must have a woman or minority as a majority owner and meet specified income limits for both the business and the majority owner. She stated that contractors with only women, disabled veteran, or minority-owned certifications do not qualify for DBE reporting.

Ms. Landers explained that the current semiannual reporting period runs from October 1, 2011, to March 31, 2012. She stated that of the projects using federal funds, there were 26 contracts that MTS entered into and 22 contracts that were completed during the reporting period giving the agency a 8.38% DBE participation rate without the Veolia contract and 2.66% with the Veolia contract.

Action Taken

Mr. Ovrom moved to receive the Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments. Mr. Minto seconded the motion, and the vote was 3 to 0 in favor with Mr. Mathis and Mr. Young absent.

D. REVIEW OF DRAFT JULY 19, 2012, JOINT BOARD AGENDA

Recommended Consent Items

6. Fiscal Year 2013 Transportation Development Act (TDA) Claim

Action would adopt Resolution Nos. 12-7, 12-8, and 12-9 approval fiscal year (FY) 2013 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.

7. Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) - Transit Security Grant Program

Action would adopt Resolution No. 12-11 authorizing the CEO, or designated representative, to take any actions necessary to obtain funds provided by the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA).

8. Parking Lot Sweeping Services for San Diego Transit Corporation and San Diego Trolley, Inc. - Contract Award

Action would authorize the CEO to: (1) execute MTS Doc. No. G1450.0-12 for a three-year base period with 2 one-year options with Alpha & Omega Venture Group LLC for parking lot sweeping services for San Diego Transit Corporation (SDTC) and San Diego Trolley, Inc. (SDTI); and (2) exercise the option years at the CEO's discretion.

9. Light Rail Vehicle Pantograph Carbon Strips

Action would authorize the CEO to: (1) execute MTS Doc. No. L1074.0-12 with Schunk Graphite Industries for provision of light rail vehicle (LRV) pantograph carbon strips for a five-year period from August 1, 2012, through July 31, 2017; and (2) adjust annual expenditures to address any fluctuations in demand during the contract term.

10. Internal Audit Plan for Fiscal Year 2013

Action would receive the MTS Internal Auditor's Audit Plan for fiscal year 2013.

11. Type II Class B Paratransit Buses - Contract Award

Action would authorize the CEO: (1) to execute MTS Doc. No. B0588.0-12 with Creative Bus Sales to purchase 40 Class B Cutaway buses manufactured by Starcraft Bus; (2) exercise an option to purchase up to 6 additional Class B Cutaway buses for paratransit services; and (3) amend the contract to adjust the sales tax rate if necessary to be consistent with state law during the term of the contract. This is a piggyback procurement under the CalACT Purchasing Cooperative Contract No. 11-03 CBS.

12. Sperry Rail Service/Ultrasonic Rail Testing - Contract Amendment

Action would: (1) ratify MTS Doc. No. L0936.0-10 dated December 17, 2009, with Sperry Rail Services for ultrasonic rail testing, which was previously executed pursuant to the CEO's authority; and (2) authorize the CEO to negotiate and execute Amendment No. 1 to MTS Doc No. L0936.0-10 for ultrasonic rail testing through December 2012.

13. San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken at its Meeting on July 10, 2012

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 July 10, 2012.

14. Job Order Contract Approval and SDSU Station Fire Alarm and Security System Upgrade - Contract Award

Action would authorize the CEO to approve Job Order Contract (JOC) No. 1337-10 under MTS Doc. No. PWL132.0-11 with Southland Electrical Inc. for San Diego State University (SDSU) Station fire alarm and security system upgrades and installation.

15. RTMS for 26 Premium Express Coach Buses - Sole Source

Action would authorize the CEO to execute MTS Doc. No. G1481.0-12 with ACS Transport Solutions, Inc. (ACS) to purchase and install Regional Transportation Management System (RTMS) equipment on 26 Premium Express coach buses.

There was no additional discussion of the recommended Consent Items.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

There was no SANDAG Transportation Committee agenda discussion.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

There was no Committee Member Communications and Other Business discussion.

G. PUBLIC COMMENTS

There were no Public Comments.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for August 9, 2012, at 9:00 a.m. in the Executive Committee Conference Room.

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

The Executive Committee convened to Closed Session at 9:58 a.m.

3. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b) (One Potential Case)

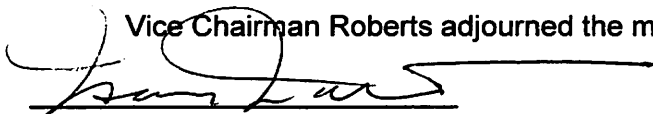
The Executive Committee reconvened to Open Session at 10:38 a.m.

Oral Report of Final Actions Taken in Closed Session:

Ms. Landers reported that the Committee received a report and gave direction to staff.

I. ADJOURNMENT

Vice Chairman Roberts adjourned the meeting at 10:39 a.m.


Chairman

Attachment: A. Roll Call Sheet

**EXECUTIVE COMMITTEE
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) July 12, 2012

CALL TO ORDER (TIME) 9:10 AM

RECESS _____

RECONVENE _____

CLOSED SESSION 9:58 AM

RECONVENE 10:38 AM

ADJOURN 10:39 AM

| BOARD MEMBER (Alternate) | PRESENT (TIME ARRIVED) | ABSENT (TIME LEFT) |
|---|---------------------------|-----------------------|
| YOUNG <input type="checkbox"/> (Gloria) <input type="checkbox"/> | | |
| MATHIS <input type="checkbox"/> | | |
| | | |
| OVROM <input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/> | | |
| ROBERTS <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/> | | |
| MINTO <input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/> | | |
| Transportation Committee Rep Slot (Mathis) | | |

SIGNED BY THE CLERK OF THE BOARD: Valerie Vizkeletti

CONFIRMED BY THE GENERAL COUNSEL: Karen Land



1255 Imperial Avenue, Suite 1000
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Agenda Item No. C1

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 13, 2012

SUBJECT:

TROLLEY RENEWAL PROJECT UPDATE (DENIS DESMOND AND JOHN HAGGERTY
OF SANDAG)

RECOMMENDATION:

That the Executive Committee receive a report for information.

Budget Impact

None.

DISCUSSION:

The Trolley Renewal Project is a system-wide rehabilitation and upgrade of the existing Trolley system. The project includes the purchase of new low-floor vehicles, the rehabilitation and retrofit of stations and transit centers throughout the system, new crossovers and upgraded signaling, replacement of the overhead catenary wire, track work and rail replacement, slope repair, and traction power substation replacement and rehabilitation. Construction and infrastructure work is currently underway in downtown San Diego and on the Orange and Blue Lines. Staff will provide an update on the construction project. The update will include a report on implementation of the September 2 comprehensive service change that included a new Trolley operating plan and enhanced levels of bus service as authorized by the Board of Directors.

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

Paul C. Jablonski
Chief Executive Officer

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



REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

☐

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

1. INSTRUCTIONS

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

(PLEASE PRINT)

| | | | |
|--------------------------------------|--------------------------|----------------|--|
| DATE | 2012-09-13 | | |
| Name | Clive Richard | | |
| Address | on file | | |
| Telephone | | | |
| Organization Represented | | | |
| Subject of Your Remarks | | | |
| Regarding Agenda Item No. | | | |
| Your Comments Present a Position of: | <input type="checkbox"/> | SUPPORT | <input type="checkbox"/> OPPOSITION |

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

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

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

MTS Executive Committee

Blue and Orange Line Improvement Corridor

Updated
September 13, 2012

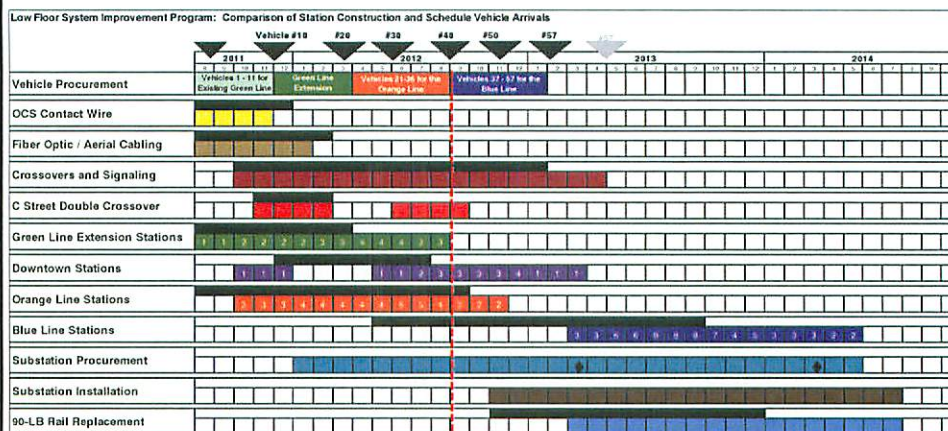


Blue & Orange Line Improvement Corridor



①

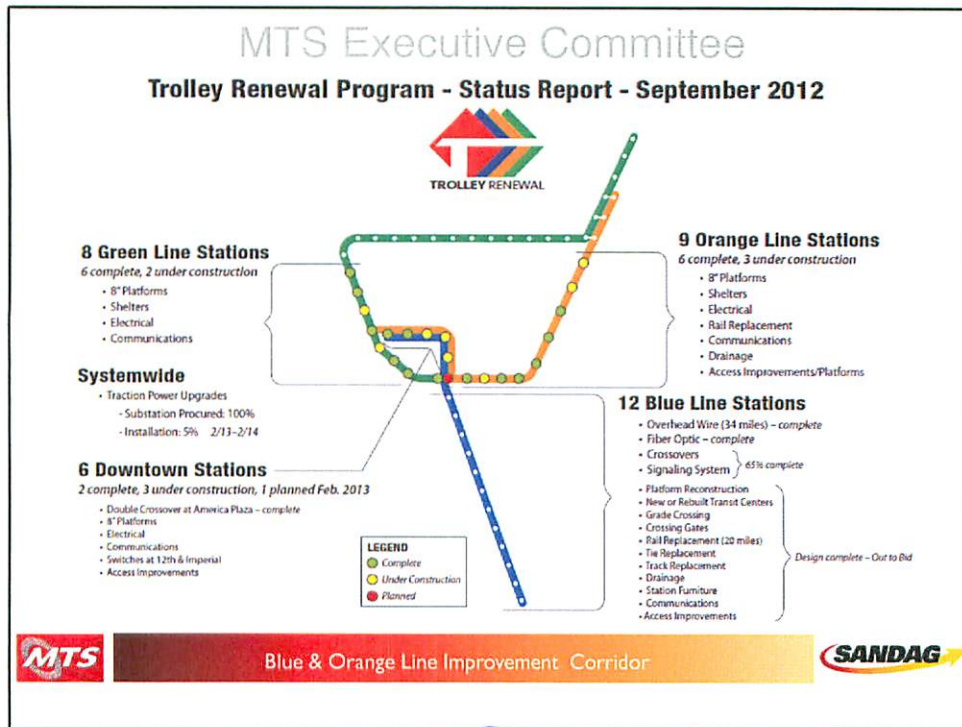
MTS Executive Committee Construction Schedule



Blue & Orange Line Improvement Corridor



②



3

MTS Executive Committee

Budget – Expended Status



| Description | \$ in Millions | | | |
|---|----------------|------------------------------|-----------------------------|---------------------------------|
| | FY2013 Budget | Committed As of 8/31/2012 | Expended As of 8/31/2012 | Expended (percent of Budget) |
| Program & Construction Management | \$33.4 | \$23.0 | \$15.4 | 46% |
| Blue Line Crossovers & Signaling | \$41.6 | \$38.3 | \$27.1 | 65% |
| Blue Line Station Improvements | \$79.7 | \$7.2 | \$6.6 | 8% |
| Blue Line Infrastructure | \$89.0 | \$16.8 | \$3.3 | 4% |
| Slope Repair / Substation Roof Repair | \$5.0 | \$0.1 | \$0.0 | <1% |
| Green Line Extension, Downtown & Orange Line Station Improvements | \$63.1 | \$59.1 | \$39.6 | 63% |
| Low Floor Vehicles | \$271.1 | \$230.7 | \$100.0 | 37% |
| TOTAL | \$582.9 | \$376.2 | \$192.0 | 33% |

MTS Blue & Orange Line Improvement Corridor **SANDAG**

4

MTS Executive Committee
Project Status

- **Design** **2009 – 2012**
 - No items at this time
- **Construction** **(Work Completed)**
 - Blue Line Contact Wire
 - Fiber Optic / Aerial Cabling
 - Euclid Avenue Station Trackwork and Grade Crossing
 - 32nd & Commercial Station Trackwork and Grade Crossing
 - America Plaza Station
 - Civic Center Station Trackwork
 - Rail Rehabilitation




Blue & Orange Line Improvement Corridor


⑤

MTS Executive Committee
Project Status

- **Construction** **2010 – 2014 (Work In Progress)**

| | |
|----------------------------------|------------------------------------|
| – C Street Double Crossover | 99% HMS (local) |
| – Crossovers & Signaling | 65% JV HMS/WCG (local) |
| – Green Line Extension Stations | 80% Wier, HMS and ABC (all local) |
| – Orange Line Stations | 80% WCG (local) |
| – Downtown Stations | 25% HMS (local) |
| – Traction Power Substations | |
| ▪ Substation Procurement | > 15% Siemens |
| ▪ Substation Installation | > 5% Shimmick |
| – Blue Line Station Improvements | Advertised-Pre Bid Opening Sept.12 |


Blue & Orange Line Improvement Corridor


⑥

MTS Executive Committee 12th and Imperial Station



- Small Shelters
- Cracked and Heaved Pavement
- Minimal Seating
- 6" Platform
- TWP Replacement Needed

Before Construction



Blue & Orange Line Improvement Corridor



⑦

MTS Executive Committee 12th and Imperial Station



- New Shelters
- Enhanced Pavement
- Additional Seating and Site Furniture
- Raised Platform
- Shade Trees

After Improvements



Blue & Orange Line Improvement Corridor



⑧

MTS Executive Committee Washington Street Station



- Small Shelters
- Narrow and Cluttered Platforms
- Minimal Seating
- 6" Platform
- TWP Replacement Needed

Before Construction



Blue & Orange Line Improvement Corridor



9

MTS Executive Committee Washington Street Station



- New Shelters
- Brick Pavement
- Additional Seating and Site Furniture
- ADA Improvements
- Raised Platform
- Landscape Improvements

After Improvements



Blue & Orange Line Improvement Corridor



10

MTS Executive Committee Gaslamp Station



- Small Shelters
- Cracked and Heaved Pavement
- Minimal Seating
- 6" Platform
- TWP Replacement Needed

Before Construction



Blue & Orange Line Improvement Corridor



11

MTS Executive Committee Gaslamp Station



- New Shelters
- Brick Pavement
- Additional Seating and Site Furniture
- ADA Improvements
- Raised Platform

After Improvements



Blue & Orange Line Improvement Corridor



12

MTS Executive Committee Convention Center Station



Platform Paving Completed and Shelters Installed - Opened for Low Floor Boarding



Blue & Orange Line Improvement Corridor



13

MTS Executive Committee Santa Fe Depot



Platform Paving Completed, Furniture and Signs Installed - Open for Low Floor Boarding



Blue & Orange Line Improvement Corridor



4

MTS Executive Committee Santa Fe Depot



Low Floor Vehicles in Operation and Open for Low Floor Boarding



Blue & Orange Line Improvement Corridor



15

MTS Executive Committee Middletown



Shelters and Furniture Installed, Enhanced Paving Completed – Open for Low Floor Boarding



Blue & Orange Line Improvement Corridor



16

MTS Executive Committee
Seaport Village



Station Closed During Construction - Placement of Pavers in Progress



Blue & Orange Line Improvement Corridor



(17)

MTS Executive Committee
County Center / Little Italy



Station Construction in Progress - Demolition and Placement of Conduits Completed



Blue & Orange Line Improvement Corridor



(18)

MTS Executive Committee

BLUE LINE CROSSOVER &
SIGNALING PROJECT



Blue & Orange Line Improvement Corridor



19

MTS Executive Committee
Blue Line Crossover & Signaling



Installation of Signal



Finalizing Civil Work for Crossings



Blue & Orange Line Improvement Corridor



20

MTS Executive Committee

ORANGE LINE STATIONS



Blue & Orange Line Improvement Corridor



21

MTS Executive Committee

47th Street Station



- Deteriorating Shelters
- On-grade Platform
- Minimal Seating and Site Furniture
- TWP Replacement Needed

Before Construction



Blue & Orange Line Improvement Corridor



22

MTS Executive Committee 47th Street Station



- New Shelters - Large and Small
- 8" Raised Platform
- Enhanced Paving
- Additional Seating and Site Furniture
- TWP Replaced

After Improvements



Blue & Orange Line Improvement Corridor



23

MTS Executive Committee Encanto / 62nd Street Station



- Deteriorating Shelters
- Cracked and Heaved Pavement
- Minimal Seating
- 6" Platform
- ADA Access

Before Construction



Blue & Orange Line Improvement Corridor



24

MTS Executive Committee Encanto / 62nd Street Station



- New Shelters - Large and Small
- Raised Platform
- Enhanced Paving
- ADA Improvements
- Additional Seating and Site Furniture
- TWP Replaced

After Improvements



Blue & Orange Line Improvement Corridor



25

MTS Executive Committee Euclid Street Station



Shelters - Stations Open for Boarding



Blue & Orange Line Improvement Corridor



26

MTS Executive Committee Massachusetts Station



Shelters and Furniture Installed - Open for Boarding



Blue & Orange Line Improvement Corridor



(27)

MTS Executive Committee Lemon Grove Station



Shelters and Furniture Installed - Open for Boarding



Blue & Orange Line Improvement Corridor



(28)

MTS Executive Committee La Mesa Station



Shelter Installation and Platform Pavers in Progress



Blue & Orange Line Improvement Corridor



29

MTS Executive Committee 25th & Commercial



North Platform Completed and Open for Boarding



Blue & Orange Line Improvement Corridor



30

MTS Executive Committee 25th & Commercial



South Platform Completed and Open for Boarding



Blue & Orange Line Improvement Corridor



31

MTS Executive Committee 32nd Street & Commercial Station



West Bound Platform Open for Boarding - Conduit Installed and Forming East Bound Platform for Improvements

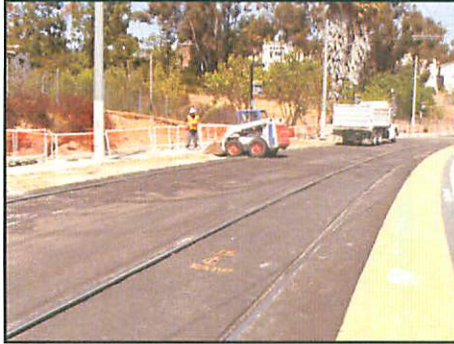


Blue & Orange Line Improvement Corridor



32

MTS Executive Committee Spring Street Station



Platform Removal in Progress



Demolition of Shelter and Platform in Progress



Blue & Orange Line Improvement Corridor



33

MTS Executive Committee

DOWNTOWN STATIONS



Blue & Orange Line Improvement Corridor



34

MTS Executive Committee Civic Center Station



Platform Installation Complete – Station Open for Boarding



Blue & Orange Line Improvement Corridor



35

MTS Executive Committee Park & Market Station



East Bound Platform - Paver Installation in Progress and Track Side Boarding - West Bound Platform




Blue & Orange Line Improvement Corridor



36


36



Blue & Orange Line Improvement Corridor




Temporary Platform on C Street - Open September 10th





City College Station
MTS Executive Committee



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Blue & Orange Line Improvement Corridor



Demolition for 6th and 5th Avenue "Bulb-Out" and New Bus Stop - In Progress

5th Avenue Station
MTS Executive Committee

MTS Executive Committee Downtown Trackway Paving



Trackway Paving Improvements on C Street Between 3rd and 6th Avenue



Blue & Orange Line Improvement Corridor



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MTS Executive Committee C Street Double Crossover



Trackway Paving Completed for C Street Double Crossover



Blue & Orange Line Improvement Corridor



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MTS Executive Committee Light Rail Procurement Status

- **Production Timeframe:** 2010 to 2013
 - Production Status: 70%
 - Delivered: 42 of 65
 - In Revenue Service: 27
 - In Production at the Plant: 8







Blue & Orange Line Improvement Corridor




(41)

MTS Executive Committee 9/2/12 SERVICE CHANGES

- Most significant Trolley changes since Mission Valley East in 2005
 - All three Trolley lines' routes and schedules changed
 - Some weekend frequency reduced over past four years was restored
- Most significant bus changes since majors reductions in February 2010
 - Trolley schedule changes required changing 95% of bus schedules to maintain connections
 - Second phase of FY2013 service improvements implemented: capacity added where necessitated by ridership, and some previous cuts restored



Blue & Orange Line Improvement Corridor



(42)

MTS Executive Committee

9/2/12 SERVICE CHANGES

PREPARATIONS

- Signage at every Trolley station needed to be replaced (destination signs, information kiosks, station ID signs, etc.)
- Maps and info changed on every Trolley LRV
- Schedules and maps posted at hundreds of bus shelters and bus stop pole displays were changed out
- 63 route timetables redesigned and printed
- Trolley maps and information on countless ancillary items being updated



Blue & Orange Line Improvement Corridor



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MTS Executive Committee

9/2/12 SERVICE CHANGES

OUTREACH

- Substantial outreach to passengers and staff began in early August:
 - 110,000 Take Ones posted on buses and Trolleys
 - Over 30 social service agencies provided information and posting materials
 - Over 200 hours of management staff outreach at nine different bus and Trolley transfer points
 - Special event staff at Trolley stations since early August distributing information, answering questions



Blue & Orange Line Improvement Corridor



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MTS Executive Committee

9/2/12 SERVICE CHANGES

CHALLENGES

- Multiple construction projects challenged Trolley and bus schedules
 - Trolley Renewal (slow orders, station closures)
 - Bus stop closures, bus detours
 - City water & sewer
 - City street paving
- High ridership
 - First weekday of month has traditionally highest ridership
 - Schools starting fall session (more riders and traffic)



Blue & Orange Line Improvement Corridor

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MTS Executive Committee

9/2/12 SERVICE CHANGES

NEXT STEPS

- Trolley Operations staff applying lessons learned from first days of operations to improve dispatch and communications
- Identifying adjustments to signage, way-finding, and station furniture
- Updating travel guides and other non-MTS sources' maps/information
- Bus schedules and ridership to be monitored for any issues/improvements
- Outreach by ambassador staff continues
- Passengers to be surveyed in Fall



Blue & Orange Line Improvement Corridor

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Agenda

Item No. C2

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 13, 2012

SUBJECT:

PROPOSED REVISIONS TO MTS POLICY NO. 42 – TRANSIT SERVICE
EVALUATION AND ADJUSTMENT (DENIS DESMOND)

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to approve the proposed revisions to MTS Policy No. 42 – Transit Service Evaluation and Adjustment (Attachment A).

Budget Impact

None.

DISCUSSION:

Background

MTS continually evaluates its system to ensure that the resources expended on transit services are used in the most effective and efficient manner. When changes are required, due to either performance issues or for budgetary reasons, established MTS policy guides staff on the process for conducting service adjustments. Policy No. 42 is the Board-adopted road map for evaluating service and recommending necessary changes. The Board last reviewed and approved Policy No. 42 in 2007, and staff is recommending an update to ensure that the policy is current and relevant and to adopt recommendations from a recent Title VI review panel.

Updates

The 21 performance indicators established during the Comprehensive Operational Analysis, and included in Policy No. 42, are used by planning staff for recommending service adjustments to the Board. Staff recommends minor adjustments to the performance indicators and updates to lists of routes and services.




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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.

Title VI

In July 2012, the Federal Transit Administration conducted its triennial review of MTS's compliance with Title VI of the Civil Rights Act of 1964, which provides that no person shall be excluded from participation in or denied the benefits of services on the basis of race, color, or national origin. The reviewers made a recommendation that MTS update its Policy No. 42 to incorporate additional criteria for triggering a Title VI analysis. As federal interpretation and guidance regarding Title VI evolves, MTS will need to periodically update its policies to remain current.

The proposed Policy No. 42 is attached, and staff will provide a summary of the recommended changes.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Proposed Revisions to MTS Policy No. 42

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REVISED

Policies and Procedures No. 42

SUBJECT:

Board Approval: 6/14/079/20/12

TRANSIT SERVICE EVALUATION AND ADJUSTMENT

PURPOSE:

To establish:

- (1) a process for evaluating and adjusting existing transit services to improve performance; and
- (2) procedures for implementing service changes.

BACKGROUND:

On June 23, 2005, the MTS Board of Directors approved the following vision for MTS services.

A Vision for MTS Services

- Develop a **Customer-Focused** System: Provide services that reflect the travel needs and priorities of our customers.
- Develop a **Competitive** System: Provide services that are competitive with other travel options by meeting market segment expectations.
- Develop an **Integrated** System: Develop transit services as part of an integrated network rather than a collection of individual routes.
- Develop a **Sustainable** System: Provide appropriate types and levels of service that are consistent with market demands and are maintainable under current financial conditions.



This policy establishes a process for evaluating existing transit services based on these vision statements. In addition, the policy outlines procedures for implementing minor and major service adjustments.

POLICY:

42.1 Categories of Transit Service

To ensure that transit services are evaluated against other similar services, routes are designated into ~~seven~~ eight service categories based on route characteristics. These categories include: Regional Premium Express, Express, Light Rail, Urban Frequent, Urban Standard, Circulator, Rural, and Demand-Responsive, as defined below. These categories also ensure that fares are consistent with the type and characteristics of the service. Attachment A specifies the services within each category.

Fixed-Route Services

Premium Express – High-speed, point-to-point service geared towards commute markets. Service provided during weekday peak periods only and scheduled to meet primary work shift times. May use over-the-road coaches for maximum comfort and highway operations.

Express – High-speed service geared toward linking major subregional residential, employment, and activity centers. Service is generally provided throughout the weekday and possibly on weekends. Operates primarily on highways and major arterials.





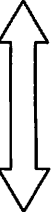
Light Rail – High-frequency service (15 minutes or better during the base weekday) operating on exclusive railroad right-of-way. Serves multiple trip purposes and generally experiences high turnover along the line.

Urban Frequent – High-frequency service (15 minutes or better during the base weekday) primarily operated along major arterials in denser urban areas. Serves multiple trip purposes and generally experiences high turnover along the route. May be operated as regular (all stops) or limited (stopping only at major transfer points and activity centers).

Urban Standard – Basic transit service with base weekday frequencies generally between 30 and 60 minutes. Operates in less dense urban and suburban areas. Serves multiple trip purposes and provides access to all stops.

Circulator – Neighborhood feeder/distributor to transfer stations or shuttle service to local destinations. Operates on arterials and local streets to provide access to residences, businesses, activity, and transfer centers.

Figure 1
Characteristics of Fixed-Route Services

| | Trip Distance | Speed | Stop Spacing | Streamlined Routing | Fares |
|--|---|--|---|---|---|
| | <i>Longer</i> | <i>Faster</i> | <i>Greater</i> | <i>More</i> | <i>Higher</i> |
| Premium Express Express Light Rail Urban Frequent Urban Standard Circulator |  |  |  |  |  |
| | <i>Shorter</i> | <i>Slower</i> | <i>Lesser</i> | <i>Less</i> | <i>Lower</i> |

Specialized Services

Rural – Lifeline service that provides a link between rural communities and the San Diego urban core. Very limited service levels; generally a few round-trips operating a few days per week given limited demand.

Demand-Responsive - Paratransit services that complement fixed-route services in accordance with the Americans with Disabilities Act (ADA), as well as services that provide transit access to areas difficult to serve by conventional fixed-routes (e.g., due to terrain, discontinuous street patterns, and extremely low densities).

42.2 Performance Indicators

The following performance indicators, summarized in Figure 2, ensure that the service evaluation is consistent with the vision statements established for MTS services.

Figure 2
Transit Service Performance Indicators

| CUSTOMER FOCUSED / COMPETITIVE | | | | INTEGRATED | | | SUSTAINABLE | | | | |
|--------------------------------|--|--|--|------------------------------------|--|--|------------------------------------|--|------------------------------------|--|--|
| PRODUCTIVITY | | | | QUALITY | | | CONNECTIVITY | | RESOURCES | | |
| Total Passengers | | | | Passenger Load Factor | | | On-Time Performance | | Mean Distance between Failures | | |
| Average Weekday Passengers | | | | On-Time Performance | | | Mean Distance between Failures | | Accidents/100,000 Miles | | |
| Passengers/Revenue Hour | | | | Passengers/In Service Hour | | | Missed Trips/100,000 Trips | | Comments/100,000 Passengers | | |
| | | | | Passenger Load Factor | | | Frequency at Major Transfer Points | | Frequency at Major Transfer Points | | |
| | | | | On-Time Performance | | | Route Headway | | Span of Service Consistency | | |
| | | | | Mean Distance between Failures | | | Span of Service Consistency | | Transfer Opportunities | | |
| | | | | Accidents/100,000 Miles | | | Transfer Opportunities | | In-Service Miles | | |
| | | | | Missed Trips/100,000 Trips | | | In-Service Miles | | In-Service Hours | | |
| | | | | Comments/100,000 Passengers | | | In-Service Hours | | Peak Vehicle Requirement | | |
| | | | | Frequency at Major Transfer Points | | | Peak Vehicle Requirement | | In-Service Speeds | | |
| | | | | Route Headway | | | In-Service Speeds | | In-Service/Total Miles | | |
| | | | | Span of Service Consistency | | | In-Service/Total Miles | | In-Service/Total Hours | | |
| | | | | Transfer Opportunities | | | In-Service/Total Hours | | Farebox Recovery Ratio | | |
| | | | | In-Service Miles | | | Farebox Recovery Ratio | | Subsidy/Passenger | | |
| | | | | In-Service Hours | | | Subsidy/Passenger | | | | |

Bold – Key indicators used for ranking route performance.

Total Passengers – Total number of unlinked boardings.

Average Weekday Passengers – Average of weekday unlinked boardings excluding abnormal weekday boardings due to unusual circumstances, such as inclement weather, special events, and other unusual impacts to daily ridership levels.

Passengers per Revenue Hour – Total number of unlinked boardings divided by the sum of in-service and layover (including recovery) hours. Does not include pull and deadhead hours. Consistent with National Transit Database (NTD) definitions, this indicator is generally used to compare the productivity of MTS services with other agencies.

Passengers per In Service Hour – Total number of unlinked boardings divided by in-service hours. Does not include layover, recovery, pull, and deadhead hours. This indicator is a more accurate measure of service performance because it only includes scheduled hours available for loading, unloading, and transporting passengers.

Passenger Load Factor – Percent of revenue-hour

On-Time Performance – Percent of service that is within zero minutes zero seconds (00m:00s) early and four minutes fifty nine seconds (04m:59s) late.

Mean Distance between Failures – Average distance (measured in total miles) between major mechanical failures.

Accidents per 100,000 Miles – Average number of collision accidents (preventable and nonpreventable) for every 100,000 miles operated (measured in total miles).

~~**Missed Trips per 100,000 Trips** – Average number of trips not provided for every 100,000 trips scheduled.~~

Comments per 100,000 Passengers – Average number of passenger comments for every 100,000 unlinked boardings.

~~**Frequency at Major Transfer Points** – Indication of the quality of transfers at major transfer locations given the base frequency of the routes serving each location.~~

Route Headway – Base weekday frequency of route.

Span of Service Consistency – Indication of consistency in service span for route groups that experience high levels of transfers between the services.

Transfer Opportunities – Indication of the destinations served within one transfer at major transfer locations.

In Service Miles – Scheduled miles of service available for loading, unloading, and transporting passengers (measured as scheduled miles between departure from the first stop and arrival to the last stop of a trip).

In-Service Hours – Scheduled hours of service available for loading, unloading, and transporting passengers (measured as scheduled hours between departure from the first stop and arrival to the last stop of a trip).

In-Service Speed – Average scheduled speed of transit service between departure from the first stop and arrival to the last stop of a trip.

In-Service Miles/Total Miles – Percent of total miles operated that are attributed to service available for loading, unloading, and transporting passengers.

In-Service Hours/Total Hours – Percent of total hours operated that are attributed to service available for loading, unloading, and transporting passengers.

Peak Vehicle Requirement – Maximum number of vehicles available to provide scheduled service during the heaviest service period of the week.

Farebox Recovery Ratio – Percent of total operating cost recovered through fare revenue.

Subsidy/Passenger – The amount of public subsidy required to provide service for each unlinked boarding (measured as total operating cost minus fare revenue divided by total passengers).

42.3 Performance Targets

Performance targets represent aggressive yet realistic service expectations based on service design, route characteristics, and operating environments. In addition to setting service expectations, targets are also used to flag and evaluate negative impacts that may occur when balancing an improvement in one aspect of performance at the expense of another aspect. Therefore, using targets ensures that service is designed to achieve the overall goals of the system through a balanced approach.

To ensure that targets are stable, yet reflect changes to market and operating conditions, they will be reviewed and adjusted, if needed, on a three-year basis. In addition to evaluating performance indicators against their targets, tracking the performance trend of each indicator will help ensure that no aspect of performance is unduly impacted over time as a result of overemphasizing other performance priorities. Attachment B presents the performance targets for each indicator.

42.4 Performance-Monitoring Process

Annual Service Evaluation - The MTS operating budget is adopted annually by the Board of Directors prior to the start of the fiscal year (July 1). This budget is developed around initial assumptions of service levels to be provided in the upcoming year, including anticipated service changes as well as expected performance in achieving the vision for MTS services.

The annual service evaluation will be conducted at the conclusion of each fiscal year to compare actual performance of the system with the targets outlined in Section 42.3 Attachment B and to identify opportunities for adjustments and improvements based on this analysis.

Key indicators for flagging low-performing routes are passengers per in service hour and subsidy per passenger. Routes on the bottom quartile of each route group for each both of these indicators will be identified for further analysis on a segment basis (temporal and geographic) as well as closer look at other aspects of the route's performance.

Service Change Evaluation – The triannual service evaluation will be conducted at the conclusion of each regularly scheduled service change period. This evaluation will present initial results of service changes and provide an early indication of significant trends. The analysis also provides a basis for tracking the progress of performance throughout the year.

Figure 3 Attachment B identifies the key performance indicators that will be used for analysis during the triannual and annual service evaluations.

Figure 3
Hierarchy of Service Evaluation

| | | System | Operator | Route Category | Route |
|-------------------------------------|---------------------|------------------------------------|---------------|----------------|---------------|
| CUSTOMER-FOCUSED/COMPETITIVE | PRODUCTIVITY | Total Passengers | X* | - | X* |
| | | Average Weekday Passengers | X | X | X |
| | | Passengers/Revenue Hour | X | - | X |
| | | Passengers/In-Service Hour | X | - | X |
| | QUALITY | Passenger Load Factor | X* | - | X* |
| | | On-Time Performance | X | X | X |
| | | Mean Distance between Failures | - | X | - |
| | | Accidents/100,000 Miles | - | X | - |
| | | Missed Trips/100,000 Trips | - | X | - |
| | | Comments/100,000 Passengers | - | X | X |
| | | | | | |
| INTEGRATED | CONNECTIVITY | Frequency at Major Transfer Points | X | - | - |
| | | Span of Service Consistency | X | - | - |
| | | Transfer Opportunities | X | - | - |
| SUSTAINABLE | RESOURCES | In-Service Miles | X | X | - |
| | | In-Service Hours | X | X | - |
| | | Peak Vehicle Requirement | X | X | - |
| | EFFICIENCY | In-Service Speeds | X | X | - |
| | | In-Service/Total Miles | X | X | - |
| | | In-Service/Total Hours | X | X | - |
| | | Farebox Recovery Ratio | X | - | X* |
| | | Subsidy/Passenger | X | - | X* |
| | | | | | |

Notes

~~X*~~—Annual evaluation only

~~X~~—Target set at this level

42.5 Service Changes

Changes to MTS bus and trolley services are implemented three times a year in the fall, winter, and summer. These regularly scheduled service changes provide an opportunity to: (1) improve the routing, operation, and schedules of the transit system consistent with service evaluation and customer comments, (2) implement changes as a result of service plans, including the implementation of new services, (3) optimize service according to the MTS service vision, and (4) adjust service levels according to budget constraints. Service changes can be classified into minor and major changes.

42.5a Minor Service Changes. Minor service changes generally include schedule adjustments for routes that are chronically late or to improve scheduling efficiencies or trip-level adjustments to address overcrowding and productivity improvements. Minor service changes can also include slight routing adjustments to serve a new trip generator, eliminate unproductive segments, or to streamline and optimize service.

Since minor service changes address service maintenance issues, it is important that they are implemented expeditiously. To streamline the process, these changes should not result in a significant impact to ridership. To ensure that impacts are minimized, minor service changes will not represent more than a 25 percent change in a route's weekly in-service miles or hours. Therefore, no action will be required of the MTS Board for approval and implementation of these changes, unless a Title VI report requires Board action as specified in Section 42.6.

42.5b Major Service Changes. Major service changes represent a change that is greater than 25 percent of a route's weekly in-service miles or hours. These changes are generally a result of in-depth research and analyses to address a significant change in a route's demand, operating environment, or performance. Changes may include significant route realignment, changes in scheduled headways, or subarea restructuring.

~~Major service changes must generally be cost neutral or cost reducing. Therefore, even though~~ Although these changes are strategically designed to maximize public benefit and minimize negative impacts, they often result in tradeoffs or reduction in benefits for some riders. Due to the significance and potential negative impacts, approval of these changes is contingent on a properly noticed public hearing.

42.5c New Service Implementation. All new services will be implemented on a trial basis for one year. New service can include new routes, increased frequency during a significant part of the service day, new days of operation, or a significant route extension. These services should perform to equal or better than the system average for passenger per in-service hour and subsidy per passenger within the

first year of operation. After the first year, the MTS Board of Directors must take action to approve the new service as regular service.

42.6 Title VI

MTS is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended. This includes the planning and scheduling of routes and services.

42.6a Analysis: Any of the following changes would require that a Title VI analysis be presented to the MTS Board of Directors before a final implementation decision is made:

- A change that is greater than 25 percent of a route's weekly in-service miles or hours.
- An increase or reduction in the average weekly span-of service of more than 25 percent.
- The implementation of a new route or the discontinuation of an existing route.
- A routing change that affects more than 25% of a route's Directional Route Miles and more than 25 % of the route's bus stops.

42.6b Complaints: Persons alleging violations of Title VI by MTS would follow the procedures outlined in MTS Policy No. 48.

JGarde/
SEPT20-12.30.POLICY42 SVC EVAL.DDESMOND.doc
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Attachments: A. Service Categories
B. FY 2008-2012 – FY 2011-2015 Performance Targets

Original Policy Accepted on 4/8/93.
Policy Revised on 12/8/94.
Policy Repealed and Readopted on 1/13/00.
Policy Revised on 10/26/00.
Policy Revised on 12/14/00.
Policy Revised on 4/25/02.
Policy Revised on 4/29/04.
Policy Revised on 6/14/07.
Policy Revised on 9/20/12.

Attachment A Service Categories

| Category | Routes |
|--|---|
| Premium Express – High-speed, point-to-point service geared toward commute markets. Service provided during weekday peak periods only and scheduled to meet primary work shift times. May use over-the-road coaches for maximum comfort and highway operations. <u>Base weekday headway goal: N/A</u> | Routes 810, 820, 850, 860, 870 , <u>880</u> |
| Express – High-speed service geared toward linking major subregional residential, employment, and activity centers. Service is generally provided throughout the weekday and possibly on weekends. Operates primarily on highways and major arterials. <u>Base weekday headway goal: N/A</u> | Routes 20, 50, 150, 210, <u>870</u> , 960 |
| Light Rail – High-frequency service (15 minutes or better during the base weekday) operating on exclusive railroad right-of-way. Serves multiple-trip purposes and generally experiences high turnover along the line. <u>Base weekday headway goal: 15 minutes</u> | Blue Line, Orange Line, Green Line |
| Urban Frequent – High-frequency service (15 minutes or better during the base weekday) primarily operated along major arterials in denser urban areas. Serves multiple-trip purposes and generally experiences high turnover along the route. May be operated as regular (all stops) or limited (stopping only at major transfer points and activity centers). <u>Base weekday headway goal: 15 minutes</u> | Routes 1, 2, 3, 5, 6, 7, 8/9 , <u>8</u> , 9, 10, 11, 13, 15, 30, 41, 44, 120, <u>201/202/204</u> , 701, 709, 712, 901, <u>906/907</u> , 929, 932, 933/934, 955, 961, 992 |
| Urban Standard – Basic transit service with base weekday frequencies generally between 30 and 60 minutes. Operates in less dense urban and suburban areas. Serves multiple-trip purposes and provides access to all stops. <u>Base weekday headway goal: 30 minutes</u> | Routes 4, 14, 27, 28, 31, 35, 48/49 , 105, 115, <u>703</u> , 704, 705, 707, 815, 816, 832, 833, 834, 844, 845, 848, 854, 855, 856, 864, 871, 872 , <u>874/875</u> , 878 , 904, 905, 916/917, 921, 923, 926/927 , 928, 936, 962, 963, 967, 968 |
| Circulator – Neighborhood feeder/distributor to transfer stations or shuttle service to local destinations. Operates on arterials and local streets to provide access to residences, businesses, activity, and transfer centers. <u>Base weekday headway goal: 60 minutes</u> | Routes 18, 25, 83, 89 <u>84</u> , 88 , 851, 964, 965, 966, 971, 972, 973, 974, 975, 976, 977, 978, 979 |
| Rural – Lifeline service that provides a link between rural communities and the San Diego urban core. Very limited service levels; generally a few round-trips operating a few days per week given limited demand. <u>Base weekday headway goal: N/A</u> | Routes 888, 891, 892, 894 |
| Demand-Responsive – Paratransit services that complement fixed-route services in accordance with the Americans with Disabilities Act (ADA) as well as services that provide transit access to areas difficult to serve by conventional fixed-routes (e.g., due to terrain, discontinuous street patterns, and extremely low densities). <u>Base weekday headway goal: N/A</u> | RB DART, SR DART, ACCESS ADA, Suburban ADAMTS Access (ADA Paratransit) |

Attachment B
FY 2008-2012 – FY 2014-2015 Performance Targets

| | | Performance Indicator | Level of Analysis | Freq | Target |
|------------------------------|--------------|---|------------------------------------|-------------|--|
| CUSTOMER FOCUSED/COMPETITIVE | PRODUCTIVITY | Total Passengers | System-wide <u>Sys, Cat, Rt</u> | <u>A, Q</u> | <ul style="list-style-type: none"> Percent change in passengers should equal or exceed percent change in average daily traffic within the MTS urban network area <u>Annual budgeted percentage increase</u> |
| | | Average Weekday Passengers | System-wide <u>Sys, Cat, Rt</u> | <u>A, Q</u> | <ul style="list-style-type: none"> Improve ratio between ridership and average daily traffic within the MTS urban network area <u>Annual budgeted percentage increase</u> |
| | | Passengers/Revenue Hour | Route Category <u>Sys, Cat, Rt</u> | <u>A, Q</u> | <ul style="list-style-type: none"> Improve route category average |
| | | Passengers/In-Service Hour | Route Category <u>Sys, Cat, Rt</u> | <u>A, Q</u> | <ul style="list-style-type: none"> Improve route category average |
| | QUALITY | Passenger Load Factor | Route Category <u>Rt</u> | <u>A</u> | <ul style="list-style-type: none"> No more than 20% of revenue hours trips exceeding one standee per 4 ft² on local street operation (55 passengers on a standard bus, and 90 passengers on an articulated bus), and seated capacity on freeway operations and minibus service |
| | | On-Time Performance | Route Category <u>Sys, Cat, Rt</u> | <u>A, Q</u> | <ul style="list-style-type: none"> 85% for Urban Frequent, and 90% for all other route categories |
| | | Mean Distance between Failures | Operator | <u>A</u> | <ul style="list-style-type: none"> Improve operator average |
| | | Accidents/100,000 Miles | Operator | <u>A</u> | <ul style="list-style-type: none"> Improve operator average |
| | | Missed Trips/100,000 Trips | Operator | | <ul style="list-style-type: none"> Improve operator average |
| | | Comments/100,000 Passengers | Operator | <u>A</u> | <ul style="list-style-type: none"> Improve operator average |
| | CONNECTIVITY | Frequency at Major Transfer Points Route Headway | System-wide <u>Rt</u> | <u>A, Q</u> | <ul style="list-style-type: none"> Improve number of routes with 15 min or better frequencies <u>Meet category base weekday headway goal</u> |
| | | Span of Service Consistency | System-wide | <u>Q+</u> | <ul style="list-style-type: none"> Improve for routes that share common transfers |
| | | Transfer Opportunities | System-wide | <u>Q+</u> | <ul style="list-style-type: none"> Improve number of routes at major transfer points |
| SUSTAINABLE | RESOURCES | In-Service Miles | Operator | <u>Q, A</u> | <ul style="list-style-type: none"> Not to exceed budget |
| | | In-Service Hours | Operator | <u>Q, A</u> | <ul style="list-style-type: none"> Not to exceed budget |
| | | Peak Vehicle Requirement | Operator | <u>Q, A</u> | <ul style="list-style-type: none"> Not to exceed budget |
| | EFFICIENCY | In-Service Speeds | Operator | <u>Q, A</u> | <ul style="list-style-type: none"> Improve operator average |
| | | In-Service/Total Miles | Operator | <u>Q, A</u> | <ul style="list-style-type: none"> Improve operator average |
| | | In-Service/Total Hours | Operator | <u>Q, A</u> | <ul style="list-style-type: none"> Improve operator average |
| | | Farebox Recovery Ratio | System-wide <u>Sys, Cat, Rt</u> | <u>A</u> | <ul style="list-style-type: none"> TDA requirement of 31.9 percent system wide for fixed-route (excluding regional routes that have a 20 percent requirement) |
| | | Subsidy/Passenger | Route Category <u>Sys, Cat, Rt</u> | <u>A</u> | <ul style="list-style-type: none"> Improve route category average |

Level of Analysis: Sys=System, Op=Operator, Cat=Route Category Rt=Route; Frequency: A=Annually, Q=Quarterly/Triannually
+ Staff analysis/Not included in Board report. **BOLD** indicates analysis level for the target.



POLICY 42 UPDATE

MTS Executive Committee
September 13, 2012



①

POLICY 42 UPDATE

- Policy 42 is the Board policy that:
 - guides evaluation and adjustments of existing service
 - establishes procedures for implementing service changes
- Last revision in 2007 includes goals through FY2011
- Needs to be updated to keep current with MTS system changes and evolving federal requirements
- Two primary areas need updating:
 - **Performance Indicators**
 - **Title VI Requirements**



POLICY 42 UPDATE

- 21 different performance indicators established in current policy:
 - Used in on-going service planning analysis prior to each shake-up
 - Some reported to the Board quarterly and/or annually by Planning and/or Operators
- Each indicator includes a performance target; performance targets to be updated every three years



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POLICY 42 UPDATE

Four major indicator recommendations:

| Performance Indicator | Current Target | Recommendation |
|------------------------------------|--|--|
| Total Passengers | % change should exceed % change in average daily traffic | Change target to: Y-T-Y improvement by route, category, and system |
| | <i>REASON: ADT data often unavailable or lags our analysis</i> | |
| Average Weekday Passengers | Improve ratio over average daily traffic | Change target to: Y-T-Y improvement by route, category, and system |
| | <i>REASON: ADT data often unavailable or lags our analysis</i> | |
| Missed Trips/100,000 Trips | Improve operator average | Discontinue |
| | <i>REASON: Duplicates other indicators that better define issue areas (On-Time Performance, Mean Distance Between Failures, Accidents/100,000 miles)</i> | |
| Frequency at Major Transfer Points | Improve the number of routes with 15 min. or better frequencies | Replace with Route Headway goal: Meet the target headway in each route's classification. |
| | <i>REASON: Target frequency varies by route category</i> | |



4



POLICY 42 UPDATE

Title VI

- Part of Civil Rights Act of 1964. Transit agencies must “ensure that no person is excluded from participation in, or denied the benefits of services on the basis of race, color, or national origin.”
- FTA requires an analysis prior to a “major service change” to determine if low-income and/or minority populations would be disproportionately impacted (more so than non-covered populations).
- If so, change can only be made if less impactful or no-change scenarios are not possible.



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POLICY 42 UPDATE

Title VI

- FTA just completed a triennial Title VI compliance review with MTS.
- Reviewers made a recommendation that MTS update its criteria for triggering a Title VI analysis.
- Current criteria: *any change of more than 25% of a route's weekly in-service miles or hours.*
- Title VI reviewers: FTA wants agencies to include criteria for days-of-service, span-of-service, and route segments.



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POLICY 42 UPDATE

Staff recommends the following additional criteria for requiring a Title VI analysis:

- *a change of more than 25% of a route's weekly in-service miles or hours (including new or discontinued routes).*
- *an increase or reduction of more than 25% of a route's weekly span-of-service.*
- *implementation or discontinuation of any route.*
- *A routing change that affects more than 25% of a route's road miles and more than 25% of the route's bus stops.*



POLICY 42 UPDATE

Recommendation: That the Board approve the update and changes to Policy 42.



POLICY 42 UPDATE

| Current Performance Indicators | | Quarterly Board Report | Annual Board Report | On-going Service Planning Analysis | Annual Operations Report |
|--------------------------------|--------------|------------------------------------|---------------------|------------------------------------|--------------------------|
| CUSTOMER FOCUSED/COMPETITIVE | PRODUCTIVITY | Total Passengers | X | X | X |
| | | Average Weekday Passengers | | X | |
| | | Passengers/Revenue Hour | | X | X |
| | | Passengers/In-Service Hour | | X | X (rev. hr.) |
| | | Passenger Load Factor | | X | |
| | QUALITY | On-Time Performance | | X | |
| | | Mean Distance between Failures | | X | X |
| | | Accidents/100,000 Miles | | X | X |
| | | Missed Trips/100,000 Trips | | | |
| | | Comments/100,000 Passengers | | X | X |
| INTEGRATED | CONNECTIVITY | Frequency at Major Transfer Points | | X | |
| | | Span of Service Consistency | | X | |
| | | Transfer Opportunities | | X | |
| SUSTAINABLE | RESOURCES | In-Service Miles | | X | |
| | | In-Service Hours | | X | |
| | | Peak Vehicle Requirement | | X | |
| | | In-Service Speeds | | X | X (rev. speed) |
| | EFFICIENCY | In Service/Total Miles | | X | |
| | | In Service/Total Hours | | X | |
| | | Farebox Recovery Ratio | X | X | X |
| | | Subsidy/Passenger | X | X | |



POLICY 42 UPDATE

| Performance Indicators | | Level | Target | Recommended Change |
|------------------------|------------------------------|--------------|----------------------------------|---|
| PRODUCTIVITY | Total Passengers | System | % change exceeds ADT % | Change to a Y-T-Y comparison |
| | Average Wkdy. Passengers | System | Improve ridership/ADT ratio | Change to a Y-T-Y comparison |
| | Passengers/Revenue Hour | Rt. Category | Improve category avg. | |
| | Passengers/In-Service Hour | Rt. Category | Improve category avg. | |
| QUALITY | Passenger Load Factor | Rt. Category | <1 standee/4 sq. ft. on 80% hrs. | Use peak/off-peak load standards for categories |
| | On-Time Performance | Rt. Category | 85% Urban Freq./90% Others | |
| | Distance betw. Failures | Operator | Improve operator avg. | |
| | Accidents/100K Miles | Operator | Improve operator avg. | |
| | Missed Trips/100K Trips | Operator | Improve operator avg. | Change to a 'completed trips' percentage goal. |
| | Comments/100K Psngs. | Operator | Improve operator avg. | |
| CONNECTIVITY | Freq. at Major Transfer Rts. | System | Incr. 15 min frequency rts. | Replace with Route Headways Indicator |
| | Span Consistency | System | Impr. for rts. w/ common trnsfrs | |
| | Transfer Opportunities | System | Impr. # of rts. at transfer pts. | |
| | Route Headways | Route | NEW | NEW |
| RESOURCES | In-Service Miles | Operator | Within budget | Change to Revenue Miles |
| | In-Service Hours | Operator | Within budget | Change to Revenue Hours |
| | Peak Vehicle Requirement | Operator | Within budget | |
| | In-Service Speeds | Operator | Improve operator avg. | |
| EFFICIENCY | In Service/Total Miles | Operator | Improve operator avg. | |
| | In Service/Total Hours | Operator | Improve operator avg. | |
| | Farebox Recovery Ratio | System | Fixed-rt.: 31.9% (TDA) | |
| | Subsidy/Passenger | Rt. Category | Improve category avg. | |



POLICY 42 UPDATE

| Performance Indicators | Level | Target | Recommended Change |
|------------------------------|--------------|----------------------------------|---|
| Total Passengers | System | % change exceeds ADT % | Change to a Y-T-Y comparison |
| Average Wkdy. Passengers | System | Improve ridership/ADT ratio | Change to a Y-T-Y comparison |
| Passengers/Revenue Hour | Rt. Category | Improve category avg. | |
| Passengers/In-Service Hour | Rt. Category | Improve category avg. | |
| Passenger Load Factor | Rt. Category | <1 standee/4 sq. ft. on 80% hrs. | Use peak/off-peak load standards for categories |
| On-Time Performance | Rt. Category | 85% Urban Freq./90% Others | |
| Distance betw. Failures | Operator | Improve operator avg. | |
| Accidents/100K Miles | Operator | Improve operator avg. | |
| Missed Trips/100K Trips | Operator | Improve operator avg. | Change to a 'completed trips' percentage goal. |
| Comments/100K Psngs. | Operator | Improve operator avg. | |
| Freq. at Major Transfer Rts. | System | Incr. 15 min frequency rts. | Replace with Route Headways Indicator |
| Span Consistency | System | Impr. for rts. w/ common trnsfrs | |
| Transfer Opportunities | System | Impr. # of rts. at transfer pts. | |
| Route Headways | Route | NEW | NEW |
| In-Service Miles | Operator | Within budget | Change to Revenue Miles |
| In-Service Hours | Operator | Within budget | Change to Revenue Hours |
| Peak Vehicle Requirement | Operator | Within budget | |
| In-Service Speeds | Operator | Improve operator avg. | |
| In Service/Total Miles | Operator | Improve operator avg. | |
| In Service/Total Hours | Operator | Improve operator avg. | |
| Farebox Recovery Ratio | System | Fixed-rt.: 31.9% (TDA) | |
| Subsidy/Passenger | Rt. Category | Improve category avg. | |



POLICY 42 UPDATE

| Performance Indicators | Level | Target | Recommended Change |
|--------------------------|--------|-----------------------------|------------------------------|
| Total Passengers | System | % change exceeds ADT % | Change to a Y-T-Y comparison |
| Average Wkdy. Passengers | System | Improve ridership/ADT ratio | Change to a Y-T-Y comparison |

Reason for change:

Average Daily Traffic information has been unreliable and difficult to obtain in a timely manner. Recommended target would still measure improvement, but using internally-generated data.

Recommended FY2012-FY2015 target:

Improve system average.



POLICY 42 UPDATE

| Performance Indicators | Level | Target | Recommended Change |
|------------------------|--------------|----------------------------------|---|
| Passenger Load Factor | Rt. Category | <1 standee/4 sq. ft. on 80% hrs. | Use peak/off-peak load standards for categories |

Reason for change:

Current target is not industry standard and is difficult for external stakeholders to understand.

Recommended FY2012-FY2015 target:

Each route category would have an average peak and off-peak/weekend goal, measured by a percentage load (100%=all vehicle seats). Routes would be measured as meeting or not meeting target.



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**POLICY 42 UPDATE**

| Performance Indicators | Level | Target | Recommended Change |
|------------------------|--------------|----------------------------------|---|
| Passenger Load Factor | Rt. Category | <1 standee/4 sq. ft. on 80% hrs. | Use peak/off-peak load standards for categories |

Recommended FY2012-FY2015 target:

| Route Category | Peak Load Target | Off Peak/Night/Weekend Load Target |
|-------------------|------------------|------------------------------------|
| Premium Express | 100% | N/A |
| Express | 110% | 90% |
| Light Rail | 175% | 125% |
| Urban Frequent | 135% | 90% |
| Urban Standard | 135% | 90% |
| Circulator | 100% | 75% |
| Rural | 85% | 85% |
| Demand Responsive | N/A | N/A |



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POLICY 42 UPDATE

| Performance Indicators | Level | Target | Recommended Change |
|-------------------------|----------|-----------------------|--|
| Missed Trips/100K Trips | Operator | Improve operator avg. | Change to a 'completed trips' percentage goal. |

Reason for change:

Typical standard is to use a completed trips percentage and include an actual measurement rather than a Y-T-Y improvement. Would be included in operators' annual report.

Recommended FY2012-FY2015 target:

Completed trip percentage of 99.85% for Urban Frequent and Urban Standard; 99.90% for all others.



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**POLICY 42 UPDATE**

| Performance Indicators | Level | Target | Recommended Change |
|------------------------------|--------|-----------------------------|---------------------------------------|
| Freq. at Major Transfer Pts. | System | Incr. 15 min frequency rts. | Replace with Route Headways Indicator |
| Route Headways | Route | NEW | NEW |

Reason for change:

Current target doesn't correlate frequency with performance.

Recommended FY2012-FY2015 target:

Each route category would have a target base day frequency. Routes would be measured as meeting or not meeting target.



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POLICY 42 UPDATE

| Performance Indicators | Level | Target | Recommended Change |
|------------------------------|--------|-----------------------------|---------------------------------------|
| Freq. at Major Transfer Pts. | System | Incr. 15 min frequency rts. | Replace with Route Headways Indicator |
| Route Headways | Route | NEW | NEW |

Recommended FY2012-FY2015 target:

| Route Category | Base Day Frequency Target |
|-------------------|---------------------------|
| Premium Express | No target |
| Express | 15 minutes |
| Light Rail | 15 minutes |
| Urban Frequent | 15 minutes |
| Urban Standard | 30 minutes |
| Circulator | 60 minutes |
| Rural | No target |
| Demand Responsive | No target |



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**POLICY 42 UPDATE**

| Performance Indicators | Level | Target | Recommended Change |
|------------------------|----------|---------------|-------------------------|
| In-Service Miles | Operator | Within budget | Change to Revenue Miles |
| In-Service Hours | Operator | Within budget | Change to Revenue Hours |

Reason for change:

MTS uses Revenue Miles and Revenue Hours for budgeting purposes. Unlike "in-service" figures, "revenue" figures include layover, and therefore better capture the cost of the service.

Recommended FY2012-FY2015 target:

Change In-Service Miles and Hours to Revenue Miles and Hours.



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Agenda Item No. C3

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 13, 2012

SUBJECT:

DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL (KAREN LANDERS)

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to adopt a 4.1% goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2013 to FFY 2015 triennial period.

Budget Impact

None.

DISCUSSION

As a Federal Transit Administration (FTA) grantee, MTS complies with the federal regulations set forth in Title 49 of the Code of Federal Regulations Part 26 regarding participation by DBEs in the U.S. Department of Transportation (DOT) Program. The DBE regulations require MTS to prepare DBE goals based upon the number of ready, willing, and able DBE-certified contractors available to bid on certain categories of MTS procurements.

The goals of the DBE program are:

1. to ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. to ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. to ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are



permitted to participate as DBEs;

5. to help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. to assist the development of firms that can compete successfully in the marketplace outside of the DBE program; and
7. to provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

MTS has a race-neutral program with an aspirational goal for DBE participation. This means that no special quotas or advantages are provided to DBE contractors. Instead, MTS conducts outreach to DBE and other contractors in an effort to inform them of upcoming MTS procurements. Successful bidders are chosen using race-neutral means—generally through a low-bid or best-value procurement process. For purposes of reporting DBE participation rates to the FTA, MTS may only count participation by certified DBE contractors. Contractors with only a women, disabled veteran, or minority-owned certification do not qualify for DBE reporting. Certified DBE contractors must (1) have a woman or minority as a majority owner, and (2) meet specified income limits for both the business and the majority owner.

MTS is required to calculate its goal on a triennial basis. The upcoming triennial period is FFY 2013 to FY 2015 (October 1, 2012, through September 30, 2015).

The DBE regulations establish the required goal-setting methodology, which includes 2 steps: (1) determination of a base figure of the relative availability of DBEs to all comparable firms (DBE and non-DBE) available to bid or propose on MTS's FTA-assisted contracts; and (2) adjusting the base figure to reflect any circumstances that may impact the relative availability of DBE firms in MTS's market area. This goal methodology requires MTS to forecast the specific contracts that it expects to award during the triennial period and identify if there are qualified DBE contractors who may successfully bid on such contracts.

To calculate the MTS DBE goal for the FFY 2013 to FFY 2015 triennial period, MTS hired DBE Consultant, GCAP Services, to review MTS procurement information, identify available DBE and non-DBE contractors qualified to bid on each procurement, and calculate MTS's potential DBE participation on such contracts. A 9-page "FTA Overall DBE Goal-Setting Methodology" document was prepared establishing a proposed goal of 4.1% (Attachment A).

The 4.1% proposed goal takes into consideration an estimated \$391 million in contract dollars that MTS expects to award in the 3-year period. This figure includes certain contracts with no qualified DBE firms available to bid on such work (e.g., Special Needs Transportation, All Other Transit and Ground Passenger Transportation, Support Activities for Rail Transportation). In such contracts, there is no reasonable opportunity for MTS to award the associated federal dollars to a DBE contractor. As a result, the Step One base figure of DBE firms available to bid on anticipated MTS contracts is 2.8%.

In Step Two, the base figure of 2.8% was compared to MTS's average DBE attainment for the previous 3-year period (5.5%). The average of these two figures is 4.1%. It is therefore recommended that the 2.8% base figure be adjusted upward to 4.1%.

MTS reports its DBE-participation to the FTA in semiannual reports. The specific participation rate for each 6-month reporting period will depend heavily on the type and dollar value of contracts that were awarded during a given period. During periods when MTS awards a large, multiyear service contract such as paratransit services or contract service bus operations, the large dollar value of these non-DBE contracts will dilute the percentage of DBE participation for other contracts in the reporting period. Therefore, while the specific DBE participation rate for each 6-month reporting period may fluctuate, the goal of the MTS DBE-outreach program will be to achieve the 4.1% DBE goal as an average for the FFY13/15 triennial period.

As required by the DBE regulations, MTS posted the proposed goal and associated goal-setting methodology document at its Executive Offices on August 15, 2012. On August 16, 2012, it was posted on the MTS website with a request for comments. On August 16, 2012, it was also sent to the following local minority and women organizations for comment: Asian Business Association-San Diego, Black Contractors Association of San Diego, Filipino American Chamber of Commerce of San Diego County, National Association of Women Business Owners-San Diego, National Association of Women in Construction-San Diego, and the National Latina Women's Business Association-San Diego. On August 17, 2012, a public notice was published in the *San Diego Daily Transcript*. On August 23, 2012, a public notice was published in the *San Diego Voice & Viewpoint* (Attachment B). To date, no comments have been received.


Paul G. Jablonski
Chief Executive Officer

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

Attachments: A. Draft Goal-Setting Methodology Document
B. Public Notice Documents



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

**Federal Transit Administration
(FTA) Overall DBE
Goal-Setting Methodology**

**for
FFY 2013-FFY 2015
Goal Period**

Submitted in fulfillment of:

Title 49 Code of Federal Regulations Part 26

This analysis is prepared exclusively for MTS; it is non-transferable and is not to be duplicated.

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DBE GOAL METHODOLOGY

I. INTRODUCTION

The San Diego Metropolitan Transit System (MTS) herein sets forth its Overall Disadvantaged Business Enterprise (DBE) Goal and corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal Year (FFY) goal period of 2013-2015 (October 1, 2012 through September 30, 2015), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26 "Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs." The purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for Department of Transportation-assisted contracts, however, the program must be narrowly tailored in accordance with applicable law.

II. BACKGROUND

MTS is a recipient of U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), funding. As a condition of receiving this assistance, MTS signed an assurance that it will comply with FTA's DBE requirements. In accordance with Title 49 CFR Part 26 provisions: Participation by DBEs in USDOT Programs, MTS is required to develop and submit a Triennial Overall DBE Goal for its FTA-assisted projects.

MTS herein presents its Overall DBE Goal Methodology for FFY 2013-15.

III. FTA-ASSISTED CONTRACTING PROGRAM FOR FFY 2013-2015

Table 1 represents MTS's FTA-assisted contracting program, which consists of projects considered in preparing this goal methodology. The projects, which include Construction, Professional Services and Materials/Supplies contracting opportunities, are anticipated to be awarded during the triennial period:

Table 1

| PROJECT NAME/DESCRIPTION | TOTAL ESTIMATED PROJECT COST |
|---|------------------------------------|
| ADA and Rural RCS Radio Replacement | \$320,000.00 |
| ADA Para-transit Services | \$106,007,025.00 |
| Armored Transport Services | \$502,540.41 |
| ATT CALNETII Telecommunications | \$890,760.00 |
| Bridge Inspection Services | \$79,768.00 |
| BRT Station Maintenance | \$108,420.00 |
| Building A Air-condition and Heater Replacement | \$140,000.00 |
| Building A Rollup Door Replacements | \$50,000.00 |
| C Street Traffic Signals | \$292,000.00 |
| CCI Handheld Units | \$457,526.00 |

| | |
|---|------------------|
| Clarifier Waste Transportation & Recycling | \$231,430.64 |
| Clean Inter Bus KMDIAD | \$1,105,169.00 |
| Copier Lease Program for 12 Copy | \$175,000.00 |
| Cummins CNG Engine In-Frame Overhauls | \$3,145,591.29 |
| Elevator and Escalator Maintenance | \$178,892.00 |
| Elevator and Escalator Modifications | \$250,000.00 |
| Elevator Maintenance and Repair | \$47,160.20 |
| Facilities Station Cleaning Equipment Replacement | \$150,000.00 |
| Fashion Valley Transit Center Driver Restroom | \$43,924.10 |
| Fire Alarm Monitoring | \$99,990.00 |
| Fire Alarm System Testing and Maintenance | \$26,400.00 |
| Fire Extinguisher Services | \$44,673.95 |
| Fixed Route Bus Services | \$234,551,353.00 |
| Grant Consulting Services | \$25,000.00 |
| GTO Firing Boards for SD-100 LRV | \$346,125.33 |
| Hazardous Material Disposal Services | \$258,449.50 |
| HVAC Preventative Maintenance | \$89,222.00 |
| iLON Fire Safety System Upgrade and Recert. | \$157,197.00 |
| iLON Replacement | \$80,000.00 |
| Janitorial Services | \$3,520,497.92 |
| Landscaping Maintenance- RB | \$21,220.62 |
| Light Rail Vehicle Electronic Components | \$360,000.00 |
| LRV Brake Overhaul | \$4,300,000.00 |
| LRV Paint and Body Rehab | \$1,920,000.00 |
| LRV Tire Kits | \$2,459,403.00 |
| LRV Tire Kits for U2s SD100s and S70s | \$1,372,390.20 |
| MTS (IAD) Server Room HVAC Improvements | \$60,000.00 |
| MTS Bus Operator Uniforms | \$710,079.01 |
| MVE / Orange Line Signal Print Verification & Revisions | \$500,000.00 |
| Network Infrastructure | \$510,000.00 |
| New IT System | \$3,025,000.00 |
| New Wheel Truing Machine - construction | \$650,000.00 |
| On-Call Engineering Services | \$500,000.00 |
| On-Call Engineering Services | \$750,000.00 |
| Para-transit Certification Service | \$929,098.62 |
| Plumbing Services SDTI | \$81,351.00 |
| Radio Communication Support Services | \$293,916.00 |
| Rail Grinding | \$675,000.00 |
| Rail Grinding Services | \$1,625,197.00 |
| Rail Noise Suppression Lubricant | \$716,053.50 |
| Rail Road Ties | \$194,400.27 |
| Rail Testing Blue/Orange/Green Lines | \$93,356.67 |
| Rebuilt Allison Transmissions | \$2,331,854.38 |
| Roof replacement on Builds B and C | \$200,000.00 |
| Regional Transit Management System | \$1,260,887.52 |
| RTMS Consultant Services | \$197,866.00 |
| RTMS South Bay and East County Divisions | \$2,900,000.00 |
| S70 Passenger Window Retrofit | \$660,000.00 |
| SD100 Operator Seats Replacement | \$325,000.00 |
| SD100 Traction Motor overhaul | \$5,200,000.00 |
| SDTC Towing Services | \$122,435.00 |

| | |
|-------------------------------------|-------------------------|
| Third Party Admin for Workers' Comp | \$1,726,914.00 |
| Track Tamping Machine Upgrade | \$30,000.00 |
| TransitWatch re-write | \$75,000.00 |
| Trauma Scene Clean-up Services | \$30,000.00 |
| TVM and DCU Software | \$634,775.00 |
| Weed Abatement Services | \$210,575.00 |
| TOTAL | \$391,025,888.13 |

Table 2 provides a summary of the categories of work with estimated cost breakdown for each. Categories of work are groups utilizing comparable North American Industry Classification System (NAICS) codes for purposes of weighting the categories of work based on the engineer's estimates.

Table 2:

| CATEGORY OF WORK | NAICS CODES | ESTIMATED \$ BY NAICS | ESTIMATED % BY NAICS |
|--|-------------|-----------------------|----------------------|
| Roofing Contractors | 238160 | 200,000.00 | 0.05% |
| Electrical Contractors and Other Wiring Installation Contractors | 238210 | 292,000.00 | 0.07% |
| Plumbing, Heating, and Air-Conditioning Contractors | 238220 | 370,573.00 | 0.09% |
| Other Building Equipment Contractors | 238290 | 526,052.20 | 0.13% |
| Other Commercial and Service Industry Machinery Manufacturing | 333318 | 150,000.00 | 0.04% |
| Computer and Computer Peripheral Equipment and Software Merchant Wholesalers | 423430 | 457,526.00 | 0.12% |
| Other Electronic Parts and Equipment Merchant Wholesalers | 423690 | 3,220,000.00 | 0.82% |
| Other Miscellaneous Durable Goods Merchant Wholesalers | 423990 | 201,870.95 | 0.05% |
| Special Needs Transportation | 485991 | 106,007,025.00 | 27.11% |
| All Other Transit and Ground Passenger Transportation | 485999 | 234,551,353.00 | 59.98% |
| Support Activities for Rail Transportation | 488210 | 20,926,925.97 | 5.35% |
| Motor Vehicle Towing | 488410 | 122,435.00 | 0.03% |
| Wired Telecommunications Carriers | 517110 | 890,760.00 | 0.23% |
| Office Machinery and Equipment Rental and Leasing | 532420 | 175,000.00 | 0.04% |
| Engineering Services | 541330 | 1,447,866.00 | 0.37% |
| Custom Computer Programming Services | 541511 | 5,075,662.52 | 1.30% |
| Computer Systems Design Services | 541512 | 510,000.00 | 0.13% |
| Administrative Management and General Management Consulting Services | 541611 | 954,098.62 | 0.24% |
| Human Resources Consulting Services | 541612 | 1,726,914.00 | 0.44% |
| Security Systems Services (except Locksmiths) | 561621 | 126,390.00 | 0.03% |
| Other Scientific and Technical Consulting Services | 541690 | 793,916.00 | 0.20% |
| All Other Professional, Scientific, and Technical Services | 541990 | 79,768.00 | 0.02% |
| Armored Car Services | 561613 | 502,540.41 | 0.13% |
| Janitorial Services | 561720 | 3,564,422.02 | 0.91% |
| Landscaping Services | 561730 | 231,795.62 | 0.06% |
| Other Services to Buildings and Dwellings | 561790 | 108,420.00 | 0.03% |

| | | | |
|--|--------|----------------|---------|
| All Other Support Services | 561990 | 30,000.00 | 0.01% |
| Solid Waste Collection | 562111 | 231,430.64 | 0.06% |
| Hazardous Waste Treatment and Disposal | 562211 | 258,449.50 | 0.07% |
| Automotive Transmission Repair | 811113 | 5,477,445.67 | 1.40% |
| Car Washes | 811192 | 1,105,169.00 | 0.28% |
| Linen Supply | 812331 | 710,079.01 | 0.18% |
| TOTAL | | 391,025,888.13 | 100.00% |

IV. GOAL METHODOLOGY

Step 1: Determination of a Base Figure (26.45)¹

To establish MTS's Base Figure of the relative availability of DBEs to all comparable firms (DBE and Non-DBE) available to bid or propose on MTS's FTA-assisted contracting opportunities projected to be solicited during the triennial goal period, MTS followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the *California Unified Certification Program (CUCP) DBE Database of Certified Firms* and the *2010 U.S. Census Bureau County Business Patterns Database* within MTS's market area (defined as San Diego County) for each of the categories of work defined in Table 2.

MTS's local market area consists of the geographic area where a substantial majority of contracting dollars are expended and/or where the substantial majority of contractor and subcontractor bids or quotes are located.

In accordance with the formula below, the Base Figure is derived by dividing the number of ready, willing and able DBE firms identified for each work category by the number of all firms identified for each corresponding work category (relative availability), weighting the relative availability for each work category by the corresponding work category weight from Table 2 (weighted ratio), and adding the weighted ratio figures together.

$$\text{Base Figure} = \sum \frac{(\text{Number of Ready, Willing and Able DBEs})}{\text{Number of All Ready, Willing and Able Firms}} \times \text{weight} \times 100$$

⇒ For the numerator: CUCP DBE Database of Certified Firms

⇒ For the denominator: 2010 U.S. Census Bureau's Business Patterns Database

A concerted effort was made to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator.

The result of the Base Figure calculation is 2.8%, as shown in Table 3 as follows:

¹ 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.

Table 3

| CATEGORY OF WORK | DBES | ALL FIRMS | CATEGORY WEIGHT | WEIGHTED RATIO |
|--|------|-----------|-----------------|----------------|
| Roofing Contractors | 1 | 168 | 0.05% | 0.00% |
| Electrical Contractors and Other Wiring Installation Contractors | 19 | 663 | 0.07% | 0.00% |
| Plumbing, Heating, and Air-Conditioning Contractors | 14 | 748 | 0.09% | 0.00% |
| Other Building Equipment Contractors | 2 | 46 | 0.13% | 0.01% |
| Other Commercial and Service Industry Machinery Manufacturing | 0 | 0 | 0.04% | 0.00% |
| Computer and Computer Peripheral Equipment and Software Merchant Wholesalers | 1 | 124 | 0.12% | 0.00% |
| Other Electronic Parts and Equipment Merchant Wholesalers | 0 | 263 | 0.82% | 0.00% |
| Other Miscellaneous Durable Goods Merchant Wholesalers | 4 | 130 | 0.05% | 0.00% |
| Special Needs Transportation | 0 | 14 | 27.11% | 0.00% |
| All Other Transit and Ground Passenger Transportation | 1 | 22 | 59.98% | 2.73% |
| Support Activities for Rail Transportation | 0 | 2 | 5.35% | 0.00% |
| Motor Vehicle Towing | 1 | 93 | 0.03% | 0.00% |
| Wired Telecommunications Carriers | 1 | 236 | 0.23% | 0.00% |
| Office Machinery and Equipment Rental and Leasing | 0 | 13 | 0.04% | 0.00% |
| Engineering Services | 37 | 997 | 0.37% | 0.01% |
| Custom Computer Programming Services | 8 | 983 | 1.30% | 0.01% |
| Computer Systems Design Services | 6 | 740 | 0.13% | 0.00% |
| Administrative Management and General Management Consulting Services | 23 | 734 | 0.24% | 0.01% |
| Human Resources Consulting Services | 2 | 122 | 0.44% | 0.01% |
| Security Systems Services (except Locksmiths) | 19 | 962 | 0.03% | 0.00% |
| Other Scientific and Technical Consulting Services | 6 | 260 | 0.20% | 0.00% |
| All Other Professional, Scientific, and Technical Services | 0 | 8 | 0.02% | 0.00% |
| Armored Car Services | 0 | 48 | 0.13% | 0.00% |
| Janitorial Services | 10 | 460 | 0.91% | 0.02% |
| Landscaping Services | 9 | 843 | 0.06% | 0.00% |
| Other Services to Buildings and Dwellings | 1 | 162 | 0.03% | 0.00% |
| All Other Support Services | 4 | 136 | 0.01% | 0.00% |
| Solid Waste Collection | 0 | 46 | 0.06% | 0.00% |
| Hazardous Waste Treatment and Disposal | 1 | 16 | 0.07% | 0.00% |
| Automotive Transmission Repair | 0 | 50 | 1.40% | 0.00% |
| Car Washes | 0 | 162 | 0.28% | 0.00% |
| Linen Supply | 0 | 7 | 0.18% | 0.00% |
| BASE FIGURE | | | | |
| Base Figure (i.e., Sum of Weighted Ratios for all Work Categories) | | | | 2.8% |

Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, MTS reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45: Step 2; DBE Goal Adjustment guidelines.

Evidence considered in making an adjustment to the Base Figure included Past DBE Goal Attainments and Other Evidence, as follows:

A. Past DBE Goal Attainments

As historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform, MTS proceeded to calculate past DBE participation attainments for the three (3) federal fiscal years, for which DBE attainment data is available. The table below reflects the demonstrated capacity of DBEs (measured by actual historical DBE participation attainments) on FTA-assisted contracts awarded by MTS within the last three (3) federal fiscal years.

Table 4

| FEDERAL FISCAL YEAR (FFY) | FTA DBE GOAL ATTAINMENT % |
|--|---------------------------|
| 2009/10 | 0.1% |
| 2010/11 | 15.5% ² |
| 2011/12* | 0.9% ³ |
| Average DBE Attainment Within the Last Three (3) Years | 5.5% |

* through 3/31/12

The average established for the past three years is higher than the Base Figure derived from Step 1; therefore, an adjustment to the Base Figure based on MTS's past DBE goal attainments has been made. The adjustment is calculated by averaging the Base Figure with the Average DBE Past Attainment, as shown below.

$$\text{Adjusted Base Figure} = \frac{\text{Base Figure (2.8\%)} + \text{Median DBE Attainment (5.5\%)}}{2}$$

The formula resulted in a proposed adjustment (upward) to the Base Figure from 2.8% to 4.1%.

B. MTS Bidder's List

MTS will begin to capture Bidders List information on future procurements for the potential use in future DBE goal determinations.

² In FFY 10/11, a major janitorial contractor who successfully bid on MTS contracts became DBE-certified, accounting for \$3.5 million in DBE participation for MTS. This experience has been factored into MTS's DBE outreach efforts.

³ DBE attainment for the first half of FFY 11/12 is 8.4% when a \$137 million multi-year contract for bus operations is excluded from the calculation. Award of large operations contracts of this nature dilutes the DBE participation for the reporting period. Notwithstanding the low percentage rate, MTS awarded \$1,460,173.40 in contract dollars to three DBE contractors during this period, one of its highest DBE commitments, in dollars, in the previous five years.

C. Disparity Study

In 2008, MTS and the San Diego Association of Governments (SANDAG) participated in a disparity study which included the Los Angeles Metropolitan Transportation Authority (Metro), the Orange County Transportation Authority (OCTA), and the Southern California Regional Rail Authority (Metrolink). The study was named the Southern California Regional Disparity Study.

The Study was conducted to assist MTS in making decisions concerning compliance with its FTA DBE Program. Although the study recommended that MTS consider a base figure that included MBE and SBE firms, MTS believes that the Study's determination of available certified DBE firms is appropriate for comparison with MTS past DBE participation. The Study found that counting certified DBE firms produces a base figure of 4.5%.

The Study also concluded that certified DBEs received 5 percent of the FTA-funded contract award dollars when the MTS DBE Program was race-neutral.

The Disparity Study finding that DBE availability is 4.5% is comparable to the base figure amount of 4.1% and does not necessitate an adjustment to the base figure.

D. Other Available Evidence

MTS is not in possession of other information that would have an impact on the DBE goal assessment.

V. PROPOSED OVERALL DBE GOAL

The Final Proposed Overall DBE Goal for FFY 2013-2015 for MTS's FTA-assisted contracts is 4.1%. As a part of the prescribed goal-setting methodology, MTS must project the percentage of its Proposed Overall DBE Goal that can be met utilizing race-neutral and race-conscious measures.

Race-Conscious & Race-Neutral Projection

The MTS DBE goal attainment data, which equals an 8% mean for the past three years, demonstrates that MTS is able to meet the DBE goal through race neutral means. MTS intends to continue to use race-neutral methods to meet the overall DBE goal of 4.1% for FFY 2013-2015 in accordance with Title 49 CFR Part 26.51.

| RACE-CONSCIOUS & RACE-NEUTRAL PROJECTIONS | |
|---|------|
| DBE Adjusted Base Figure | 4.1% |
| Race-Conscious Component | 0.0% |
| Race-Neutral Component | 4.1% |

VI. RACE-NEUTRAL IMPLEMENTATION MEASURES

MTS is currently implementing a number of race- and gender-neutral remedies to outreach and promote the participation of DBEs and small businesses in MTS's FTA-assisted contracting program. MTS plans to continue or implement the following race-neutral measures for FFY 2013-2015 and will continue to explore other options for consideration based on MTS's success in meeting its overall DBE goals based on these efforts:

- MTS will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation. MTS will also hold conferences, which include a networking component to promote teaming opportunities between prospective prime contractors and the DBE and Small Business contracting community.
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing). Specifically, MTS will, through its website, refer the DBE and Small Business contracting community to the SBA Bonding Assistance Program.
- MTS will solicit DBEs and other small businesses participation by carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- As a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses, MTS will actively promote the Small Business conferences, programs, and support services offered by other agencies that have established DBE and Small Business Programs.
- MTS will advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website: www.CaliforniaUCP.com. MTS will also advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at the following url: www.bidsync.com/DPXBisCASB.
- MTS will advise the DBE and small business community to participate and attend Caltrans' sponsored free courses specifically offered through the CCCP, specifically the "Navigating the Caltrans Procurement Website" course to assess bid opportunities as this course includes tips on accessing local agencies websites as well.
- MTS will provide outreach to current MTS contractors or past MTS contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.
- MTS will monitor prime contractors' use of subcontractors to identify potential payments to DBE subcontractors that have not previously been captured in MTS DBE reporting.

Fostering Small Business Participation⁴

MTS has implemented several strategies to foster small business participation in its contracting process. These include the following:

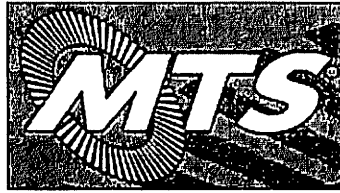
- In multi-year design-build contracts or other large contracts (e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
- On larger prime contracts requiring the prime contractor to consider subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Provide outreach to current MTS contractors or past MTS contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.

VII. PUBLIC PARTICIPATION AND FACILITATION

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations within the market area will be consulted and provided an opportunity to review the triennial goal analysis and provide input.

MTS plans to issue a Public Notice in general circulation media and minority focused media publishing the Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2013-FFY 2015. The notice would inform the public that the proposed goal and rationale are available for inspection at MTS’s principal office during normal business hours for 45 days following the date of the Public Notice, and that MTS would accept comments on the goal analysis for 45 days from the date of the Public Notice. MTS will give full consideration to all comments and input received as a part of this process and will assess its impact on the goal-setting methodology.

⁴ See Title 49 CFR Part 26 Section 26.39 “Fostering Small Business Participation.”



PUBLIC NOTICE

San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN, that the San Diego Metropolitan Transit System (hereinafter referred to as MTS), has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 4.1%, for Federal Fiscal Years 2013-15. The DBE Goal is applicable to DOT-(FTA) assisted contracting opportunities scheduled to be awarded during the period of October 1, 2012 through September 30, 2015. MTS's Proposed Overall DBE Goal and its rationale (developed in response to U.S. Department of Transportation's Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) are available for inspection for thirty (30) days following the date of this Notice, from 8:30 a.m. to 4:00 p.m., Pacific Standard Time, Monday through Friday at MTS located at:

San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
Attn: Karen Landers, General Counsel
Phone: (619) 557-4512

Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. Comments can be forwarded to Ms. Karen Landers at MTS, at the above stated address, or to Mr. Derrin Jourdan, Civil Rights Officer, U.S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA, 94105.

PUBLIC NOTICE

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San Diego Metropolitan
Transit System
1255 Imperial Avenue
Suite 1000
San Diego, CA 92101
Attn: Karen Landers,
General Counsel
Phone: (619) 557-4512

The Goal documents can also be downloaded from MTS's website at <http://www.sdmts.com/Business/Procurement-DBE.asp>. Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. Comments can be forwarded to Ms. Karen Landers at MTS,

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Mr. Derrin Jourdan, Civil
Rights Officer, U.S. Department
of Transportation, Federal
Transit Administration,
201 Mission Street, Suite
2210, San Francisco, CA,
94105.

8/23

408 Summons (Civil)

SUMMONS
(CITACION JUDICIAL)
The name and address of the court is:
3 nombre y dirección de la corte es)
SUPERIOR COURT
OF CALIFORNIA
COUNTY OF SAN DIEGO
330 W. BROADWAY
SAN DIEGO, CA 92101-3409
(IMAGED FILE)
CASE NUMBER: 37-2012-00095509-
CU-OR-CTL
(Número del Caso)

NOTICE TO DEFENDANT: (Aviso Al Demandado) Laurel Hill Escrow Co., Inc.; Estate of Maxine M. Deceased

YOU ARE BEING SUED BY PLAINTIFF: (Lo Esta Demandando El Demandante) Howard H. Mason
NOTICE: You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information on.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.
AVISO: Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.
Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo,

no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.
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408 Summons (Civil)

a California partnership; GREGORY LEE GRAY, an individual dba POOL 1; and MARCO GASTELBAUM, an individual

YOU ARE BEING SUED BY PLAINTIFF: (Lo Esta Demandando El Demandante) T. EDWARD McCLAMMA
NOTICE: You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information on.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money and property may be taken without further warning from the court.

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408 Summons (Civil)

4747 Executive Drive, Suite 700
San Diego, CA 92121
(858) 737-3100
Pub. Aug. 3, 10, 17, 24 -00101646

501 Miscellaneous Notices



PUBLIC NOTICE San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN, that the San Diego Metropolitan Transit System (hereinafter referred to as MTS), has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 4.1%, for Federal Fiscal Years 2013-15. The DBE Goal is applicable to DOT-(FTA) assisted contracting opportunities scheduled to be awarded during the period of October 1, 2012 through September 30, 2015. MTS's Proposed Overall DBE Goal and its rationale (developed in response to U.S. Department of Transportation's Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) are available for inspection for thirty (30) days following the date of this Notice, from 8:30 a.m. to 4:00 p.m., Pacific Standard Time, Monday through Friday at MTS located at:

San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
Attn: Karen Landers, General Counsel
Phone: (619) 557-4512

The Goal documents can also be downloaded from MTS's website at <http://www.sdmts.com/Business/Procurement/DBE.asp>. Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. Comments can be forwarded to Ms. Karen Landers at MTS, at the above stated address, or to Mr. Derrin Jourdan, Civil Rights Officer, U.S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA, 94105.
Pub. Aug. 17 -00102128

504 Notice of Public Sale

NOTICE OF PUBLIC LIEN SALE

NOTICE IS HEREBY GIVEN THAT PURSUANT TO SECTIONS 21701-21716 OF THE BUSINESS AND PROFESSIONS CODE, SECTION 2328 OF THE UCC, SECTION 535 OF THE

504 Notice of Public Sale

PENAL CODE AND PROVISIONS OF THE CIVIL CODE OF THE STATE OF CALIFORNIA THAT THE UNDERSIGNED, CARLSBAD SELF STORAGE, LLC LOCATED AT 2235 PALOMAR AIRPORT RD, CARLSBAD, CA 92011, WILL SELL AT PUBLIC AUCTION AT H&M GOODIES (818) 474-8296, 130 E. 8TH STREET, NATIONAL CITY, CA 91950, BOND#GA715482601, ON August 29, 2012, 4:30P.M. THE FOLLOWING DESCRIBED PROPERTY:

| UNIT# | NAME | GENERAL DESCRIPTION OF GOODS |
|-------------|---------------|------------------------------|
| UNIT B3590 | WADE H SIMMS | MISC. HOUSEHOLD/ORGAN |
| UNIT D31271 | ERIK P SCHOLL | MISC. HOUSEHOLD |
| UNIT D21102 | DAVID FINLEY | MISC. HOUSEHOLD |

SAID SALE IS FOR THE PURPOSE OF SATISFYING LIEN FOR UNPAID STORAGE FEES TOGETHER WITH COST OF ADVERTISING AND EXPENSES OF SALE.
Pub. Aug 17, 24 -00102002

PUBLIC NOTICE

Pursuant to Section 1988 of the Civil Code, notice is hereby given that PacTrust Bank has caused to be sold via Public Auction at 2317 Main Street #A078, Chula Vista CA 91911 (Moved from 1319 Dawson Drive, Chula Vista CA 91911) the following described property deemed to have been abandoned by, Richard A. Meza, Milisaa A. Meza, All Unknown Occupants.
INVENTORY: Stereo Cabinet, Welding Table, Metal Stock, Everlast Punching Bag, Cement Bags, Stainless Steel Banquet Cart, BMX Bike, IDC Work Lights, Books, Games, Spray Gun, Whirlpool Dishwasher, Maytag Dryer, GE Washer, 42" Projection TV Screen, Ohio Forge 6" Bench Grinder
Said Public Auction look place at the above address 10:00AM on June 26, 2012 for Cash, Cashier's Ck due immediately at close of sale.
Interested parties contact: McCormack Auction Company, Phone: 619-447-1196, CA Bond: 0418964
Pub. Aug 17, 24 -00102107

PUBLIC NOTICE

Pursuant to Section 1988 of the Civil Code, notice is hereby given that PacTrust Bank has caused to be sold via Public Auction at 610 Bay Blvd, Chula Vista CA 91910 (Moved from 23120 Gray Fox Drive, Canyon Lake CA 92587) the following described property deemed to have been abandoned by, Russell Romer, Linda

504 Notice of Public Sale

Romer, All Unknown Occupants.
INVENTORY: Metal Desk, Sonyo TV (Broken), Triceps Machine, Mitsubishi Stereo System, Lawn Chairs, Pads, Pictures, Clothes, Books, Personal Items, Vacuum Parts, File Cabinet, (2) Ir Waier Skis, (4) Snow Skis, Ski Bag, A Weights, Speakers, Luggage, Wall Art Posters, HP 4455 Pavilion, Wires, P

802 Propos

DOCUMENT NOTICE TO CONTRACTORS

NOTICE IS HEREBY GIVEN that Grossmont District of San Diego County, California, acting hereinafter referred to as the District, will receive Thursday on September 20, 2012, sealed bids for
B12.007- GROSSMOUNT COLLEGE DISTRICT
EXIT DOORS IN BUILDING

Scope of Work - The scope of work involves installation of (17) seventeen new exterior steel doors at the District Annex South of Grossmont College Drive, El Cajon, CA 92020 read aloud at the above-stated time and place. Each bid must conform and be responsive to specifications and any other documents pertaining to the project and may be obtained after 5:00 p.m. on August 17, 2012, at the District Annex South of Grossmont College Drive, El Cajon, CA 92020. Documents, drawings and specifications will be available for review on August 17, 2012.

A mandatory pre-bid meeting and job walk will be held on August 30, 2012 at 11:00 a.m. This mandatory meeting will be held at the District Annex South of Grossmont College, 8800 Grossmont College Drive, El Cajon, CA 92020. Representatives of the District, Project Manager and other interested parties will be present to answer questions bidders have regarding this project. Bids will not be accepted from any bidder who does not attend the meeting and job walk. All bidders in attendance must bring a valid photo ID and a list of attendees by the following day. Only bidders who attend the meeting and job walk will receive an addenda issued after the meeting. Each bid shall be accompanied by the following documents: the non-collusion affidavit, all addenda, and all additional documentation required for the project. All questions and requests for information must be submitted to the attention of Jack Miller at Galfco Parking Lot 4A at Grossmont College, 8800 Grossmont College Drive, El Cajon, CA 92020. Email: jmiller@galfco.com; fax number: 619-447-1196; or by mail to: 619-447-1196. Please Note: One (1) hard copy and one (1) electronic copy of the bid must be submitted by the deadline. The successful bidder will be required to furnish a bond equal to 100% of the successful bid, and a successful bid, prior to execution of the contract, surety company that meets all of the State of California, and all documents required by the District to the extent required by law.
Pursuant to the provisions of Public Contract Code, the District may substitute certain securities for the performance under the contract. At the discretion of the District, with either District or a surety agent, who shall then pay any fund successful bidder. Upon satisfactory completion of the project, the successful bidder will be returned to the successful bidder.

In order to assist the District in meeting its "DVBE" goal of at least three percent (3%) of the project, bidders are encouraged (but not required) to subcontractors and suppliers in your bid. The District is required to be included with or vendors are intended to be used for this project. "None" in the Subcontractor column. If preceding with good faith effort all DVBE bidders submit a bid to (Exhibit A). The DVBE goal of the bid opening scheduled for September 2, 2012, while not required as part of any participation, encourages and welcomes participation in the District's (MBE), Woman-Owned Business Enterprises (OBE), and Small Business Enterprises (SBE). The District reserves the right to reject any or all bids or in the bidding.

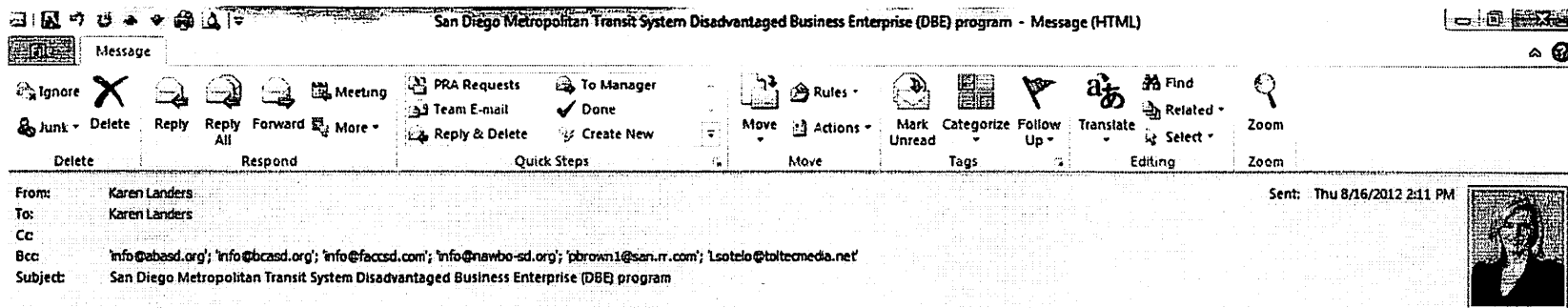
700 County of San Diego

COUNTY OF SAN DIEGO
DEPARTMENT OF PURCHASING AND CONTRACTING
10089 WILLOW CREEK RD STE 150
SAN DIEGO, CA 92131-1699

NOTICE TO CONTRACTORS

The County of San Diego, Owner, invites sealed bids for CONSTRUCTION, RELINING AND REHABILITATION OF DRAINAGE FACILITIES IN VARIOUS LOCATIONS; ORACLE PROJECT NO. 1016146 (BID #5697)

Sealed bids will be received at the Office of Purchasing and Contracting, 5560 Overland Avenue, Suite 270, San Diego, CA 92123-1294 until 2:00 p.m. on SEPTEMBER 4, 2012, at which time they will be publicly opened and read aloud. Contract documents including Plans, Specifications and Bid Forms are available to be downloaded, free of charge, from the Department of Purchasing and Contracting



Message: MTS 2013-15 FTA Goal Methodology DRAFT.pdf (550 KB)

PUBLIC NOTICE

San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN, that the San Diego Metropolitan Transit System (hereinafter referred to as MTS), has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 4.1%, for Federal Fiscal Years 2013-15. The DBE Goal is applicable to U.S. Department of Transportation/Federal Transit Administration-assisted contracting opportunities scheduled to be awarded during the period of October 1, 2012 through September 30, 2015. MTS's Proposed Overall DBE Goal and its rationale (developed in response to U.S. Department of Transportation's Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) is attached to this email.

More information about becoming a DBE-certified business can be found at MTS's website: <http://www.sdmts.com/Business/ProcurementDBE.asp>

MTS encourages public participation in this goal setting process, and encourages any comments your organization or members may have. Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. In addition, the MTS Board will be reviewing the proposed DBE Goal at its regularly scheduled meeting on September 20, 2012, at 9:00am at the MTS Executive Offices located at 1255 Imperial Avenue, Suite 1000, San Diego, CA 92130

Comments can be forwarded to my attention, at the address listed below, or to my email at karen.landiers@sdmts.com, or to Mr. Derrin Jourdan, Civil Rights Officer, U.S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA, 94105.

Notwithstanding this specific comment period, MTS welcomes comments at any time concerning our contracting and DBE process, including suggestions for how the program can be improved.

Karen Landers
General Counsel
San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
Direct: (619) 557-4512

San Diego Minority & Women Organizations

| Organization Name | Address | Contact #s | Email Address/Website |
|---|--|---------------------------------|--|
| Asian Business Association- San Diego | 5675 Ruffin Road, Suite 305 San Diego, CA 92123 | 858-277-2822 F: 858-277-2622 | info@abasd.org www.abasd.org |
| Black Contractors Association of San Diego | 6125 Imperial Avenue San Diego, CA 92114 | 619-263-9791 F: 619-263-6865 | info@bcasd.org www.bcasd.org |
| Filipino American Chamber of Commerce of San Diego County | 415 Laurel Street, PMB #218 San Diego, CA 92101 | | info@faccsd.com www.faccsd.com |
| National Association of Women Business Owners- San Diego | P.O. Box 880263 San Diego, CA 92168 | 877-866-2926 | info@nawbo-sd.org www.nawbo-sd.org |
| National Association of Women in Construction-San Diego Chapter | P.O. Box 880725 San Diego CA 92168 | 858-354-1175 | pbrown1@san.rr.com www.nawicsd.org |
| National Latina Women's Business Association – San Diego | P.O. Box 875 La Jolla, CA 92038 | 619-204-4048 | www.nlbwa-sd.com |



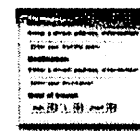
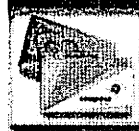
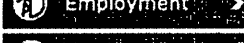
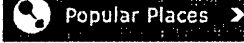
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Maps & Timetables


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Starting September 2

NEW Trolley Network!

More Bus Service!



Trolley Renewal construction updates

Trolley Renewal construction requires station closures, temporary station relocations and substitute bus services. [Stay up to date.](#)



Check your Compass Card

If your Compass Card looks like this, it may be expired/expiring soon. Exchange your expiring card for a free replacement. [Get more info.](#)



Ride MTS to see the Padres!

Baseball season is here! Avoid traffic and parking hassles and [take the Trolley or bus to Padres games.](#)



Construction at Rancho Bernardo T.S.

Improvements at this station will begin the week of August 6 and will last approximately six months. [During construction, the northwest parking lot will be temporarily closed and temporary parking will be available nearby. \(PDF\)](#)



Construction at Del Lago Transit Station

Improvements at this station will begin the week of August 6 and will last approximately six months. [During construction, the parking lot will be temporarily closed with temporary parking available at Kit Carson Park. Bus services will continue during construction. \(PDF\)](#)



Ride MTS to the U.S. Sand Sculpting Challenge & 3-D Art Exposition!

Let MTS be your ride to the [U.S. Sand Sculpting Challenge and 3-D Art Exposition](#), August 31st-September 3rd! Three hundred tons of sand will be brought to the B Street Pier for an urban sand sculpture extravaganza!



Google maps

MTS provides real-time info

Get real-time arrival times via [text message with GO!](#); with our [GO! iPhone, Android, or BlackBerry app](#); or with your web browser or smartphone with [Google Maps' live departure times.](#)



Ride the Vintage Trolley!

Vintage Trolley service has been expanded to Tuesdays and Thursdays in addition to the weekends. Take a ride through time! [Find out more.](#)



Disadvantaged Business Enterprise Goal

MTS has established a proposed Overall Disadvantaged Business Enterprise Goal of 4.1% for federally-funded contracts. MTS's proposed goal and the goal-setting methodology it is based on are available for public review and comment until September 30, 2012. [Click here to view Public Notice and Goal Documents.](#)



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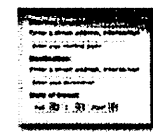
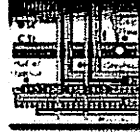
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**Metropolitan
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MTS Procurement - DBE



search:


[Overview](#) | [Contact Information](#) | [Terms and Conditions](#) | [How to Get Started](#)
[DBE](#) | [Frequently Asked Questions](#) | [Procurement Opportunities](#)

MTS has established a proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 4.1% for federally-funded contracts to be awarded by MTS between October 1, 2012 and September 30, 2015. MTS's proposed goal and the goal-setting methodology it is based on are available for public review and comment until September 30, 2012. [Click here to view Public Notice and Goal Documents.](#)

Welcome to MTS Disadvantaged Business Enterprises (DBE) program. MTS encourages participation by Disadvantaged Business Enterprises (DBE's) for all its contracting opportunities. Contractors, subcontractors, joint ventures, and vendors wishing to participate as a DBE on MTS projects must be certified as a DBE by a certifying agency member of the Unified Certification Program (UCP). All eligible firms are encouraged to obtain DBE certification. If your business currently is not certified and meets the following general guidelines, it may be eligible for DBE certification:

- The firm must be at least 51% owned by one or more socially & economically disadvantaged individuals.
- The firm must be an independent business, and one or more of the socially and economically disadvantaged owners must control its management and daily operations.
- Only existing for-profit "Small Business Concerns," as defined by the Small Business Act and Small Business Administration (SBA) regulations may be certified. DBE applicants are first subject to the applicable small business size standards of the SBA. Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed U.S. DOT's cap of \$22.41 million.
- The Personal Net Worth (PNW) of each socially and economically disadvantaged owner must not exceed \$1.32 million. The PNW **excludes** the individual's ownership interest in the applicant firm and the equity in his/her primary residence.

If you wish to view the Disadvantaged Business Enterprise (DBE) certification documents, please visit the Caltrans website at www.dot.ca.gov/hq/bep/ucp.htm.

DBE Race-Neutral Implementation

A court decision resulted in policy changes to the federally mandated DBE Program. As a recipient of federal funds, MTS participates in this program and adheres to the policy changes. On May 1, 2006, MTS implemented a DBE Race-Neutral program which no longer sets specific DBE goals on individual contracts. However, MTS strongly encourages bidding by DBE firms as prime contractors and the participation of DBE firms as subcontractors. Information regarding the policy changes to the federal DBE Program is available on the [Caltrans website](#).

B-8

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DBE Goal Setting FFY 13-15

Executive Committee
September 13, 2012

Item No. C3



1



DBE Program Requirements

- Requirement for Federally-Funded Contracts
- Race-Neutral program
- Ensure non-discrimination in contract awards
- Create level playing field for DBE contractors to compete for work



2



Goal Setting Methodology

- Step 1: Base Figure - 2.8%

Relative availability of DBEs to all comparable firms (DBE and non-DBE) available to bid or propose on MTS FTA-assisted contracts

Analysis based on contracts MTS is expected to award in the FFY 13-15 period.



3



Goal Setting Methodology

- Step 2: Adjusting the Base Figure (4.1%)

Adjust the base figure to reflect circumstances that may impact relative availability of DBE firms in MTS's market area.

Analysis considered MTS DBE participation in previous 3 years.



4



MTS Contracts

- \$391 Million in contracts estimated
- Includes large contracts where there are no qualified DBE contractors available to bid.
- Participation Rate depends on:
 - Availability of Qualified DBEs in specialty areas
 - Volume of other Contracts awarded during reporting period



5



History of MTS DBE Participation

| | MTS History of DBE Semi Annual Reports | | | | | | | |
|-------|--|------------------------|-----------------------------|------------------|-----------------|---------------------------------------|------------------|---------|
| | GOAL | REPORTING PERIOD | Contract Awards/Commitments | | | Contracts Completed (Actual Payments) | | |
| | | | Total Federal \$ | DBE \$ | DBE % | Total Federal \$ | DBE \$ | DBE % |
| FY 04 | 13.80% | Oct 1 03 to Mar 31 04 | \$ 68,933,772.00 | \$ 3,789,506.00 | 5.50% | 253,216.00 | \$ 67,220.00 | 26.55% |
| | | Apr 1 04 to Sept 30 04 | \$ 1,019,427.00 | \$ 22,298.00 | 2.19% | - | \$ - | n/a |
| FY 05 | 13.80% | Oct 1 04 to Mar 31 05 | \$ 15,427,536.00 | \$ 258,655.00 | 1.68% | 88,441,868.00 | \$ 10,158,403.00 | 11.49% |
| | | Apr 1 05 to Sept 30 05 | \$ 7,309,808.00 | \$ 626,128.00 | 8.57% | 53,609,229.00 | \$ 821,053.00 | 1.53% |
| FY06 | 2.30% | Oct 1 05 to Mar 31 06 | \$ 16,025,156.00 | \$ 1,231,189.00 | 7.68% | 7,041,539.00 | \$ 898,523.00 | 12.76% |
| | | Apr 1 06 to Sept 30 06 | no report | no report | n/a | no report | no report | n/a |
| FY07 | 1.60% | Oct 1 06 to Mar 31 07 | \$ 249,875,613.13 | \$ 40,700.00 | 0.02% | 35,600.00 | \$ 35,600.00 | 100.00% |
| | | Apr 1 07 to Sept 30 07 | \$ 14,531,851.03 | \$ 144,000.00 | 0.99% | 1,182,111.63 | \$ - | 0.00% |
| FY08 | 3.60% | Oct 1 07 to Mar 31 08 | \$ 41,995,633.95 | \$ - | 0.00% | 5,057,656.55 | \$ - | 0.00% |
| | | Apr 1 08 to Sept 30 08 | \$ 29,945,298.82 | \$ 30,000.00 | 0.10% | 6,158,102.32 | \$ - | 0.00% |
| FY09 | 1.60% | Oct 1 08 to Mar 31 09 | \$ 55,246,022.46 | \$ - | 0.00% | 60,644,404.46 | \$ - | 0.00% |
| | | Apr 1 09 to Sept 30 09 | \$ 23,987,652.82 | \$ 135,836.00 | 0.57% | 7,013,082.98 | \$ 135,836.00 | 1.94% |
| FY 10 | 1.72% | Oct 1 09 to Mar 31 10 | \$ 3,008,808.00 | \$ - | 0.00% | 4,011,752.00 | \$ - | 0.00% |
| | | Apr 1 10 to Sept 30 10 | \$ 170,230,393.00 | \$ 12,000.00 | 0.01% | 19,397,031.00 | \$ 12,000.00 | 0.06% |
| FY 11 | 12.6% | Oct 1 10 to Mar 31 11 | \$ 11,545,746.55 | \$ - | 0.00% | 16,092,041.86 | \$ - | 0.00% |
| | | Apr 1 11 to Sept 30 11 | \$ 22,286,323.98 | \$ 3,550,437.92 | 15.93% | 7,766,822.30 | \$ 3,690,492.22 | 47.52% |
| FY 12 | | Oct 1 11 to Mar 31 12 | \$ 154,463,950.06 | \$ 1,460,173.40 | 0.95% | 11,459,415.06 | \$ 4,800.00 | 0.04% |
| | | Apr 1 12 to Sept 30 12 | 1st Rpt w/o Veolia | \$ 17,415,594.11 | \$ 1,460,173.40 | 8.38% | n/a | n/a |



6



MTS DBE Participation - Triennial Period

| Cumulative Averages (Triennial Period) | | | | | | | | | |
|--|--------------|---------------------------|-------------------|-----------------|--------|------------------|-----------------|--------|--|
| October 1, 2010 to March 31, 2011 | | | | | | | | | |
| FY 11 | 12.6% | FY 2011 Averages | \$ 33,832,070.53 | \$ 3,550,437.92 | 10.49% | \$ 23,858,864.16 | \$ 3,690,492.22 | 15.47% | |
| October 1, 2010 to March 31, 2012 | | | | | | | | | |
| FY 11-12 | 12.6% | excluding Veolia contract | \$ 51,247,664.64 | \$ 5,010,611.32 | 9.78% | \$ 35,318,279.22 | \$ 3,695,292.22 | 10.46% | |
| | | including Veolia contract | \$ 188,296,020.59 | \$ 5,010,611.32 | 2.66% | \$ 35,318,279.22 | \$ 3,695,292.22 | 10.46% | |



7



Recommendation

- Forward recommendation to Board to approve new triennial DBE goal of 4.1%



8





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

Agenda Item No. C4

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 13, 2012

SUBJECT:

CALIFORNIA PUBLIC EMPLOYEES' PENSION REFORM ACT OF 2013 (PEPRA)
(SHARON COONEY)

RECOMMENDATION:

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

Budget Impact

None with this action.

DISCUSSION:

The California Public Employees' Pension Reform Act of 2013 (PEPRA) was enacted in August and becomes effective January 1, 2013. Reform measures included in the law affect all agencies that participate in the California Public Employees' Retirement System, including MTS. Provisions of the act include employee cost-sharing, compulsory reduced retirement formulas and increased retirement ages, limitations on pensionable compensation, anti-spiking provisions, limitations on postretirement employment, forfeiture of pension benefits upon conviction of certain felonies, health benefit equity, and prohibitions on pension funding holidays. Staff will provide a report on the bill and some of the highlights of how the bill will impact MTS and its employee benefits.

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



California Public Employees' Pension Reform Act of 2013 (PEPRA)

Executive Committee
September 13, 2012

Item C4



1



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|---------------------------------------|--|--|
| Rules generally apply January 1, 2013 | Applies to employees hired December 31, 2012 and before CalPERS Plans: <ul style="list-style-type: none">• MTS Non-Represented Employees (113 employees)• SDTI Employees (527 employees) | New rules generally apply to employees hired January 1, 2013 and later |



2



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|---|--|
| Reduced Benefit Formula Local Miscellaneous Members <ul style="list-style-type: none"> 2% at 62 (includes 1% at 52 and 2.5% at 67) | Current Employees: Local Miscellaneous Members <ul style="list-style-type: none"> MTS - 2.7% at 55 SDTI - 2.0% at 55 FY 13 Plan (to be in place by Fall 2012) for new employees: <ul style="list-style-type: none"> MTS & SDTI - 2.0% at 60 | FY 13 Plan for new employees will need to be changed to: <ul style="list-style-type: none"> MTS & SDTI - 2.0% at 62 Delays implementation to January 1, 2013 (depending on ability to get new contract with CalPERS by then) |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|--|---|
| Maximum Compensation for Calculating Pension Benefits Social Security Wage Cap (\$110,000) or \$132,000 for Non-Soc Sec employees (adjusted annually) | Current Employees: CalPERS limit of \$250,000 (set annually by 26 USC 401(a)(17)) MTS non-represented employees contribute to Social Security. SDTI employees do not contribute to Social Security | New Employees: To continue comparable benefit contributions for high-earning employees, MTS would be required to split retirement contributions as follows: <ol style="list-style-type: none"> Defined benefit contribution (2% at 62) for compensation up to \$110,000 or \$132,000. Defined <u>contribution</u> for compensation between \$110,000/\$132,000 and \$250,000 Employer total cost of (1) + (2) may not exceed the same percentage of pay as defined benefit payments for employees under the \$110,000/\$132,000 compensation limit |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|---|---|--------------------|
| Limits on Pensionable Compensation For new members, limits compensation that can be considered for pensions to base pay. Excludes one time payments, bonuses, allowances and leave cash-outs. | Current Employees: Pensionable Compensation already limited to base pay. | No change/impact. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|--|---|
| Employee to Contribute 50% of Total Annual Normal Cost "Normal Cost" is the portion of the present value of the projected benefits attributable to the current year of service. Normal Cost does not include unfunded liability costs. CalPERS designated "Employer Contribution" includes both Normal Cost and unfunded liabilities. <ul style="list-style-type: none"> • Required for New Employees • "Encouraged" for Current Employees (phase in option to 2018) • 50% - not to exceed 8% | Current Employees: Per FY 13 budget, effective January 1, 2013, all MTS non-represented employees will begin contributing to "Employee Cost". Phase in effective January 1, 2013 at 2%. Phase-in schedule beyond FY 13 to be set by future budget approvals. New Employees: Per FY 13 budget, effective January 1, 2013, all new employees will pay full "Employee Cost" of 7% for new plan. | Current Employees: Per FY 13 budget, employee payment of the "Employee Cost" will be phased in over several years, with 2% in FY 13. Anticipate reaching full Employee Cost within 4-5 years. SDTI represented employees already pay the full Employee Cost. For FY 12, the total normal cost of the MTS (2.7% @ 55) plan appears to be 18.736%. Employee contribution not to exceed 8%. FY 12 Total Normal Cost for the SDTI (2% @ 55) plan appears to be 13.7%. New Employees: CalPERS estimates Total Normal Cost for 2% at 62 plan to be 11.9%. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|---|---|
| <p>Three-Year Final Compensation Calculation</p> <p>Requires that final compensation for new employees be calculated using the highest annual compensation earnable averaged over a consecutive 36-month period as the basis for calculating retirement benefits.</p> | <p>Current Employees: Highest 12-month Final Compensation</p> | <p>Current Employees: No change</p> <p>New Employees: Highest 36-Month Final Compensation</p> |



7



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|---|--|
| <p>Assigning Pension Liability for Employees Hired from other PERS Agency</p> <p>Requires CalPERS to develop changes that ensure PERS agencies pay that "excessive compensation" pay the unfunded liability created by that "excessive compensation".</p> <p>CalPERS has not yet developed these standards and does not anticipate doing so before January 1, 2013.</p> | <p>No charges currently imposed for this type of liability.</p> | <p>Could impact MTS recruiting, especially from agencies with lower cost of living, which results in associated lower base rates of pay. An otherwise qualified candidate, because of his/her prior employment with a PERS agency at a lower rate of pay (because of job position, cost of living/regional pay rates, etc), may cause MTS to incur additional pension liability.</p> |



8



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|---|---|--|
| Health Benefit Vesting A public employer shall not provide to a non-represented employee any health benefit vesting schedule that is more advantageous than that provided generally to other public employees, including represented employees, of the same public employer who are in related retirement membership classifications. | SDTI represented employees have a set vesting schedule for retiree health benefits of \$100/month contribution. SDTI and MTS non-represented employees have a vesting schedule for retiree health benefits based on time of service, not to exceed 50% of the retiree health care premium costs. | The full impact of this provision is unclear. However, it may require a cost analysis and adjustment to the vesting schedules. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|--|---|
| Prohibit Purchases of Airtime Effective January 1, 2013, removes option for employees to purchase up to five years of service credit towards retirement. | Under CalPERS rules, current employees are allowed to purchase up to five years service credit. No contribution by MTS is required for this purchase. However, depending on the performance of the CalPERS funds, in future years these service credits may negatively impact MTS's unfunded liability calculations/contributions. | Over time, this may decrease the unfunded liabilities in the plans. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|------------------|---|
| <p>Prohibits Retroactive Pension Increases</p> <p>Future pension benefit increases generally will not be applied to service credit earned prior to the effective date of the benefit change.</p> | N/A | Unlikely to have significant impact on MTS. No pension increases anticipated. FY 13 budget contemplates lowering benefits for future employees. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|--|--------------------|
| <p>Prohibits Pension Holidays</p> <p>Would require employers to pay not less than the Annual Normal Costs each year.</p> | MTS has not paid less than the Annual Normal Costs in any plan year. | No impact. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|---|---|--------------------|
| Prohibits New Members from Participating in PARS Plans (Supplemental Defined Benefit Plans) | <p>MTS non-represented employees are not offered a PARS plan.</p> <p>Currently, only trolley management employees who are members of the SDTI CalPERS 2%@55 plan are offered a PARS plan to provide equity with MTS non-represented employees (2.7% @55).</p> <p>Pursuant to the pension reforms put in place as part of the FY 13 budget, the trolley-PARS plan has been eliminated for new employees.</p> | No impact. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|---|--|--------------------|
| <p>Limits on Post-Retirement Employment</p> <ul style="list-style-type: none"> • Applies to Work with other PERS employers only • Limits work to 960 hours or 120 days in a year period. • Requires a 180 day sit-out period before retiree can return to work, unless certain exceptions apply. | 960 hour work limit for PERS retirees already applies. | No impact. |



| AB 340 Pension Law Provision | MTS Current Plan | Impact on MTS Plan |
|--|------------------|--|
| <p>Forfeiture of Pension Upon Conviction of Certain Felonies</p> <p>Extends pension forfeiture provisions applicable to elected officials to all public employees and appointed officials.</p> <p>Forfeiture applies to all accrued rights and benefits, as of the earliest date of the commission of the felony to the date of forfeiture and prohibits accrual of additional benefits after date of conviction.</p> | N/A | CalPERS analysis questions if this is enforceable for acts committed before effective date of legislation. |





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Agenda Item No. C5

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 13, 2012

SUBJECT:

LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO RAIL CORRIDOR AGENCY (LOSSAN)
UPDATE (SHARON COONEY)

RECOMMENDATION:

That the Executive Committee receive a report for information and provide comments and direction regarding next steps in response to LOSSAN actions and Senate Bill 1225.

Budget Impact

None.

DISCUSSION:

The LOSSAN Member Agency Interagency Memorandum of Understanding approved in 2009 intends to collectively work towards improvements in the LOSSAN Corridor through enhanced and increased service, better coordination and integration of passenger rail operations, and to decide on the appropriate institutional and organizational structure for the future success of the corridor.

Since that time, the Board has approved moving forward with legislation authorizing a local authority to manage the Pacific Surfliner intercity passenger rail service. At its January 25, 2012, meeting the LOSSAN Board directed its staff to introduce a bill into the current legislative session to authorize the creation of a local authority; Senate Bill 1225 (Padilla) has since been approved by the legislature and awaits the Governor's signature. SB 1225 permits the transfer of the management authority of the Pacific Surfliner intercity passenger rail service from the California Department of Transportation (Caltrans) to a newly created LOSSAN Joint Powers Authority. It permits the creation of the new joint powers authority and the designation of an administrative agency to oversee operation of the Pacific Surfliner intercity passenger service. Staff will provide a report on the legislation and its potential implications.

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. SB 1225



BILL NUMBER: SB 1225 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY AUGUST 30, 2012
AMENDED IN ASSEMBLY AUGUST 24, 2012
AMENDED IN ASSEMBLY AUGUST 20, 2012
AMENDED IN ASSEMBLY AUGUST 6, 2012
AMENDED IN ASSEMBLY JUNE 27, 2012
AMENDED IN SENATE MAY 29, 2012
AMENDED IN SENATE MAY 1, 2012
AMENDED IN SENATE APRIL 9, 2012

INTRODUCED BY Senator Padilla
(Coauthor: Senator Correa)
(Coauthors: Assembly Members Davis, Galgiani, and Williams)

FEBRUARY 23, 2012

An act to amend Sections 14031.8, 14070.2, 14070.4, and 14070.6 of, to add ~~Sections 14031.9, 14070.3, 14070.5,~~ and Section 14070.7 to, and to repeal and add Article 5.2 (commencing with Section 14072) of Chapter 1 of Part 5 of Division 3 of Title 2 of, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1225, as amended, Padilla. Intercity rail agreements.

Existing law authorizes the Department of Transportation to contract with Amtrak for intercity ~~passenger~~ rail passenger services and provides funding for these services from the Public Transportation Account. Existing law, until December

31, 1996, authorized the department, subject to approval of the Secretary of the Business, Transportation and Housing Agency, to enter into an interagency transfer agreement under which a joint powers board assumes responsibility for administering the state-funded intercity rail service in a particular corridor. Existing law, with respect to a transferred corridor, requires the board to demonstrate the ability to meet performance standards established by the secretary.

This bill would authorize the department, with approval of the secretary, to enter into interagency transfer agreements for additional intercity rail corridors, to be entered into between June 30, 2014, and June 30, 2015. The bill would require the agreements to cover the initial 3-year period after the transfer, and would authorize subsequent extensions by mutual agreement. If agreements are not entered into by the expiration of that period, the bill would require the secretary to report to the Governor and the Legislature by June 30, 2016, as specified.

This bill would specifically authorize ~~the department, with the approval of the secretary, to enter into~~

an additional interagency transfer agreement to be entered into with respect to the LOSSAN Corridor, defined to mean the intercity passenger rail corridor between San Diego, Los Angeles, and San Luis Obispo, if the LOSSAN Agency, an existing joint powers agency, is reconstituted through an amended joint powers

agreement approved by the governing boards of its members to enable that agency to enter into an interagency transfer agreement with the secretary relative to the LOSSAN Corridor.

~~This bill would require a transfer agreement, as provided above, to be entered into no later than June 30, 2015, subject to negotiation and approval by the state and the LOSSAN Corridor Joint Powers Agency. The bill would require the agreement to cover the initial 3-year period after the transfer. If an agreement is not entered into by that date, the bill would require the secretary to report to the Governor and the Legislature by June 30, 2016, as specified.~~

Existing law requires the level of service to be funded by the state pursuant to a transfer agreement to not be less than the current number of intercity round trips operated in a corridor and serving the same endpoints.

This bill would require the service funded by the state ~~in the LOSSAN Corridor~~ to remain the same during the first 3 years following the effective date of ~~the~~ a transfer agreement, and would require ~~the LOSSAN Corridor Joint Powers Agency~~ the entity assuming responsibility for a corridor to provide that level of service. The bill would prohibit termination of feeder bus services except for specified reasons.

Existing law provides for the allocation of state funds by the secretary to a joint powers board under an interagency transfer

agreement based on the annual business plan for the intercity rail corridor and subsequent appropriation of state funds. Existing law states that the interagency transfer agreement may provide that any additional funds required to operate the ~~passenger~~ intercity rail service during a fiscal year shall be provided by ~~the~~ a joint powers board from jurisdictions that receive service.

This bill, ~~with respect to the LOSSAN Corridor,~~ would,

if local resources are made available for operating the intercity rail ~~services~~ service , would require a vote of the local agency providing the resources, and would require the concurrence of the LOSSAN Corridor Joint Powers Agency in that regard joint powers board in that regard .

This bill would authorize the secretary to adopt new performance standards for intercity rail services.

Existing law authorizes the department and any entity that assumes administrative responsibility for passenger rail services through an interagency transfer agreement to contract with specified entities for the use of tracks and other facilities and for the provision of passenger rail services.

This bill would require a contractor under an agreement specified above to agree that its labor relations shall be governed by a specified federal act relating to labor relations on railroads and would add similar provisions applicable to the LOSSAN Corridor, as specified.

This bill would repeal now-obsolete provisions authorizing the

Southern California Regional Rail Authority to be a party to an interagency transfer agreement for intercity rail services in specified counties.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known and may be cited as the Intercity Passenger Rail Act of 2012.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) An intercity passenger rail system, linking major urban centers and complemented by feeder bus services that provide access to outlying areas and destinations, is an important element of the state's transportation system, and shall remain a state-funded program.

(2) The state has a continuing interest in the provision of cost-effective intercity passenger rail services and has a responsibility to coordinate intercity passenger rail services statewide.

(3) Since 1976, the state has invested over one billion eight hundred million dollars (\$1,800,000,000) in capital improvements and operating support for intercity passenger rail service and must ensure the protection of that investment.

(4) Intercity rail service and ridership increases will result in

more jobs, improve air quality, and help promote sustainable development.

(b) The Legislature, through the enactment of this act, intends all of the following:

(1) The Secretary of Business, Transportation and Housing shall be responsible for the overall planning, coordination, and budgeting of the intercity passenger rail service.

(2) If the secretary determines that transferring responsibility for intercity passenger rail service in a particular corridor or corridors to a statutorily created joint powers agency would result in administrative or operating cost reductions, the secretary may authorize the Department of Transportation to enter into an interagency transfer agreement to effect a transfer of those administrative functions, consistent with this act.

(3) Any intercity passenger rail corridor for which administrative responsibility has been transferred to a joint powers board through an interagency transfer agreement shall remain a component of the statewide system of intercity passenger rail corridors.

(4) The public interest requires expansion of the state intercity passenger rail program in order to keep pace with the needs of an expanding population.

(5) For not less than a three-year period following the effective date of the interagency transfer agreement, the level of state funding for intercity rail service in each corridor shall be maintained at a level equal to at least the level of service funded

by the state in the corridor as of the effective date of the interagency transfer agreement, thus providing fiscal stability that will allow appropriate planning and operation of these services.

(6) *It is in the public interest to ensure fiscal accountability that the intercity rail service operating in the LOSSAN Corridor maintain a ratio of fare revenue to operating cost of no less than 55 percent.*

~~SEC. 3. Section 14031.9 is added to the Government Code, to read:~~

~~14031.9. (a) (1) This section shall apply only to the San Diego Los Angeles San Luis Obispo (LOSSAN) Corridor, and only if that corridor is the subject of an interagency transfer agreement.~~

~~(2) The Secretary of Business, Transportation and Housing shall establish, through an annual budget process, the level of state funding available for the operation of intercity passenger rail service, including associated feeder bus service, in the LOSSAN Corridor.~~

~~(b) Where applicable, operating funds shall be allocated by the secretary to the LOSSAN Corridor Joint Powers Agency in accordance with the interagency transfer agreement that includes mutually agreed upon rail services. Funds for the administration and marketing of services, as appropriate, shall also be transferred by the secretary to the LOSSAN Corridor Joint Powers Agency, subject to the terms of the interagency transfer agreement.~~

~~(c) The LOSSAN Corridor Joint Powers Agency or local or regional agencies may, but shall not be required to, augment state provided resources to expand intercity passenger rail services using local resources, or to address funding shortfalls in achieving agreed upon performance standards. The LOSSAN Corridor Joint Powers Agency or local or regional agencies may identify and secure new supplemental sources of funding for the purpose of expanding or maintaining intercity rail passenger rail service levels, which may include state and federal intercity rail resources. Local resources may be available to offset any redirection, elimination, reduction, or reclassification by the state of state resources for operating intercity rail services identified in subdivision (b) only if the resources are dedicated by a vote of the local agency providing the funds, with the concurrence of the LOSSAN Corridor Joint Powers Agency.~~

~~(d) The department may provide any support services as may be mutually agreed upon by the LOSSAN Corridor Joint Powers Agency and the department.~~

~~(e) Operating costs shall be controlled by dealing with, at a minimum, the Amtrak cost allocation formula and the ability to contract out to Amtrak or other rail operators as a part of federal legislation dealing with Amtrak reauthorization.~~

~~(f) (1) Not later than June 30, 2014, the secretary shall~~

establish a set of uniform performance standards for all corridors and operators to control cost and improve efficiency.

(2) To the extent necessary, as determined by the secretary, performance standards may be modified not later than July 30, 2015, or the effective date of the interagency transfer agreement, whichever comes first.

(3) Feeder bus services that provide connections for intercity rail passenger service shall not be terminated unless the bus services fail to meet the cost-effectiveness standard described in paragraph (3) of subdivision (a) of Section 14035.2.

SEC. 4. Section 14070.3 is added to the Government Code, to read:

14070.3. (a) If authorized by the secretary, the department may, through an interagency transfer agreement, transfer to the LOSSAN Corridor Joint Powers Agency, and that agency may assume, all responsibility for administering state-funded intercity passenger rail service, including associated feeder bus service, in the San Diego-Los Angeles-San Luis Obispo (LOSSAN) Corridor. Upon the date specified in the agreement, the LOSSAN Corridor Joint Powers Agency shall succeed to the department's powers and duties relative to that service, except that the department shall retain responsibility for developing budget requests for the service, consistent with the annual business plan as approved by the secretary for the service, through the state budget process, which shall be developed in

consultation with that agency, and for coordinating service in the corridor with other intercity passenger rail services in the state.

(b) With respect to the LOSSAN Corridor, an interagency transfer agreement may be entered into on or before June 30, 2014, but not later than June 30, 2015, subject to negotiation and approval by the state and the LOSSAN Corridor Joint Powers Agency. The interagency transfer agreement between the department and the LOSSAN Corridor Joint Powers Agency shall cover the initial three-year period after the transfer, but may be extended thereafter by mutual agreement. If an interagency agreement is not entered into on or before June 30, 2015, the secretary shall provide a report to the Governor and the Legislature on or before June 30, 2016, explaining why an acceptable agreement has not been developed, with specific recommendations for developing an acceptable interagency agreement.

(c) The secretary shall require the LOSSAN Corridor Joint Powers Agency to demonstrate the ability to meet the performance standards established by the secretary pursuant to subdivision (f) of Section 14031.9.

(d) Section 14070.2 shall not apply to the LOSSAN Corridor.

SEC. 5. Section 14070.5 is added to the Government Code, to read:

14070.5. (a) An interagency transfer agreement between the department and the LOSSAN Corridor Joint Powers Agency, when approved by the secretary, shall do all of the following:

~~(1) Specify the date and conditions for the transfer of responsibilities and identify the annual level of funding for the initial three years following the transfer and ensure that the level of funding is consistent with and sufficient for the planned service improvements within the LOSSAN Corridor.~~

~~(2) Identify, for the initial year and subsequent years, the funds to be transferred to the agency including state operating subsidies made available for intercity rail services in the corridor, and funds currently used by the department for administration and marketing of the corridor, with the amounts adjusted annually for inflation and in accordance with the business plan.~~

~~(3) Specify the level of service to be provided, the respective responsibilities of the agency and the department, the methods that the department will use to ensure the coordination of services with other rail passenger and feeder bus services in the state, and the methods that the department will use for the annual review of the business plan and annual proposals on funding and appropriations.~~

~~(4) Describe the terms of use by the LOSSAN Corridor Joint Powers Agency of car and locomotive train sets, and other equipment and property owned by the department and required for intercity passenger rail service in the LOSSAN Corridor, including, but not limited to, the number of units to be provided, liability coverage, maintenance and warranty responsibilities, and indemnification issues.~~

~~(5) Describe auditing responsibilities and process requirements, reimbursement and billing procedures, the responsibility for funding shortfalls, if any, during the course of each fiscal year, an operating contract oversight review process, performance standards and reporting procedures, the level of rail infrastructure maintenance, and other relevant monitoring procedures.~~

~~(b) Use of the annual state funding allocation, as set forth in the interagency transfer agreement, shall be described in an annual business plan submitted by the LOSSAN Corridor Joint Powers Agency to the secretary for review and recommendation by April 1 of each year.~~

~~The business plan, when approved by the secretary, shall be deemed accepted by the state. The budget proposal developed by the department for the subsequent year shall be based upon the business plan approved by the secretary. The business plan shall be consistent with the interagency transfer agreement, and shall include a report on the recent as well as historical performance of the corridor service, an overall operating plan including proposed enhancements to increase ridership and provide for increased traveler demands in the corridor for the upcoming year, short-term and long-term capital improvement programs, funding requirements for the upcoming fiscal year, and an action plan with specific performance goals and objectives. The business plan shall document service~~

improvements to provide the planned level of service, inclusion of operating plans to serve peak period work trips, and consideration of other service expansions and enhancements. The initial business plan shall be consistent with the immediately previous State Rail Plan developed by the department pursuant to Section 14036 and the January 2014 business plan developed by the High-Speed Rail Authority pursuant to Section 185033 of the Public Utilities Code. Subsequent business plans shall be consistent with the immediately previous plans developed by the department and the authority. The business plan shall clearly delineate how funding and accounting for state-sponsored intercity passenger rail services shall be separate from locally sponsored services in the corridor. Proposals to expand or modify intercity passenger rail services shall be accompanied by the identification of all associated costs and ridership projections. The business plan shall establish, among other things: fares, operating strategies, capital improvements needed, and marketing and operational strategies designed to meet performance standards established in the interagency transfer agreement.

(c) Based on the annual business plan and the subsequent appropriation by the legislature the secretary shall allocate state funds on an annual basis to the LOSSAN Corridor Joint Powers Agency. As provided in the interagency transfer agreement, any additional

funds that are needed to operate the passenger rail service during a fiscal year shall be provided by the LOSSAN Corridor Joint Powers Agency from jurisdictions that receive service. In addition, the LOSSAN Corridor Joint Powers Agency may use any cost savings or farebox revenues to provide service improvements related to intercity service. In any event, the agency shall report the fiscal results of the previous year's operations as part of the annual business plan.

(d) The level of service funded by the state during the first three years following the effective date of the transfer agreement shall in no case be less than the number of intercity round trips operated in a corridor and serving the end points currently served by the intercity rail corridor as of the effective date of the interagency transfer agreement. Subject to Section 14035.2, the level of service funded by the state shall also include feeder bus service with substantially the same number of route miles as the current feeder system, to be operated in conjunction with the trains. For that same three-year period, the LOSSAN Corridor Joint Powers Agency shall continue to provide at least the same level of intercity rail and feeder bus services as were in operation on the effective date of the interagency transfer agreement, except that the interagency transfer agreement shall not prohibit the agency from reducing the number of feeder bus route miles if the agency determines that a

~~feeder bus route is not cost effective as provided in Section 14035.2.~~

~~(c) Nothing in this article shall be construed to preclude expansion of state approved intercity passenger rail service.~~

~~(f) Local resources may be available to offset any redirection, elimination, reduction, or reclassification by the state of state resources for operating intercity rail services identified in~~

~~subdivision (b) only if the local resources are dedicated by a vote of the local agency providing the funds, with the concurrence of the LOSSAN Rail Corridor Agency.~~

~~(g) Section 14070.4 shall not apply to the LOSSAN Corridor.~~

SEC. 3. Section 14031.8 of the Government Code is amended to read:

14031.8. (a) The Secretary of Business, Transportation and Housing shall establish, through an annual budget process, the level of state funding available for the operation of intercity passenger rail service in each corridor.

(b) Where applicable, operating funds shall be allocated by the secretary to the joint powers board in accordance with an interagency

~~transfer agreement which that~~ includes mutually agreed-upon rail services. Funds for the administration and marketing of services, as appropriate, shall also be transferred by the secretary to the joint powers board, subject to the terms of the interagency agreement.

(c) The joint powers board or local or regional entities may

augment state-provided resources to expand intercity passenger rail services, or to address funding shortfalls in achieving agreed-upon performance standards. The joint powers board or local or regional agencies may, but shall not be required to, identify and secure new supplemental sources of funding for the purpose of expanding or maintaining intercity rail passenger service levels, which may include state and federal intercity rail resources.

Local resources may be available to offset any redirection, elimination, reduction, or reclassification by the state of state resources for operating intercity passenger rail services identified in subdivision (b) only if the local resources are dedicated by a vote of the local agency providing funds, with the concurrence of the joint powers board.

(d) The department may provide any support services as may be mutually agreed upon by the joint powers board and the department.

(e) Operating costs shall be controlled by dealing with, at a minimum, the ~~current~~ Amtrak cost allocation formula and the ability to contract out to Amtrak or other rail operators as a part of federal legislation dealing with Amtrak reauthorization.

(f) (1) Not later than ~~December 31, 1997~~ June 30, 2014, the secretary shall establish a set of uniform performance standards for all corridors and operators to control cost and improve efficiency.

(2) To the extent necessary, as determined by the secretary,

performance standards may be modified not later than July 30, 2015, or the effective date of the interagency transfer agreement, whichever comes first.

(3) Feeder bus services that provide connections for intercity rail passengers shall not be terminated unless the bus services fail to meet the cost-effectiveness standard described in paragraph (3) of subdivision (a) of Section 14035.2.

SEC. 4. Section 14070.2 of the Government Code is amended to read:

14070.2. (a) If authorized by the secretary, the department may, through an interagency transfer agreement, transfer to a joint powers board, and the board may assume, all responsibility for administering intercity passenger rail service in the corridor, including associated feeder bus service. Upon the date specified in the agreement, the board shall succeed to the department's powers and duties relative to that service, except that the department shall retain responsibility for developing budget requests for the service, consistent with the annual business plan as approved by the secretary for the service, through the state budget process, which shall be developed in consultation with the board, and for coordinating service in the corridor with other intercity passenger rail services in the state.

(b) ~~The~~ An interagency transfer agreement ~~shall~~ may be executed on or ~~before December 31, 1996~~ after June 30, 2014, but not later than June 30, 2015, subject to negotiation and

approval by the state and the board. The interagency transfer agreement between the department and the board shall cover the initial three-year period after the transfer, but may be extended thereafter by mutual agreement. If an interagency agreement is not entered into on or before June 30, 2015, the secretary shall provide a report to the Governor and the Legislature on or before June 30, 2016, explaining why an acceptable agreement has not been developed, with specific recommendations for developing an acceptable interagency agreement.

(c) The secretary shall require the board to demonstrate the ability to meet the performance standards established by the secretary pursuant to subdivision (f) of Section 14031.8.

SEC. 5. Section 14070.4 of the Government Code is amended to read:

14070.4. (a) An interagency transfer agreement between the department and a joint powers board, when approved by the secretary, shall do all of the following:

(1) Specify the date and conditions for the transfer of responsibilities and identify the annual level of funding for the initial three years following the transfer and ensure that the level of funding is consistent with and sufficient for the planned service improvements within the corridor.

(2) Identify, for the initial year and subsequent years, the funds to be transferred to the board including state operating subsidies

made available for intercity rail services in the corridor, and funds currently used by the department for administration and marketing of the corridor, with the amounts adjusted annually for inflation and in accordance with the business plan.

(3) Specify the level of service to be provided, the respective responsibilities of the board and the department, the methods that the department will use to assure the coordination of services with other rail passenger *and feeder bus* services in the state, and the methods that the department will use for the annual review of the business plan and annual proposals on funding and appropriations.

(4) Describe the terms ~~for transferring to~~ of use by the ~~joint exercise of powers agency~~ board of car and locomotive train sets, and other equipment and property owned by the department and required for the intercity service in the corridor including, but not limited to, the number of units to be provided, liability coverage, maintenance and warranty responsibilities, and indemnification issues.

(5) Describe auditing responsibilities and process requirements, reimbursement and billing procedures, the responsibility for funding shortfalls, if any, during the course of each fiscal year, an operating contract oversight review process, performance standards and reporting procedures, the level of rail infrastructure maintenance, and other relevant monitoring procedures. The

~~description shall contain an evaluation of the impact of any transfer of equipment on other intercity corridors. The agreement shall endeavor to minimize the impact and maximize the efficient use of the equipment, including continued joint use of equipment that is currently shared by one or more corridors.~~

(b) Use of the annual state funding allocation, as set forth in the interagency transfer agreement, shall be described in an annual business plan submitted by the board to the secretary for review and recommendation by April 1 of each year. The business plan, when approved by the secretary, shall be deemed accepted by the state. The budget proposal developed by the department for the subsequent year shall be based upon the business plan approved by the secretary. The business plan shall be consistent with the interagency agreement and shall include a report on the recent as well as historical performance of the corridor service, an overall operating plan including proposed service ~~enhancement~~ *enhancements* to increase ridership and provide for increased traveler demands in the corridor for the upcoming year, short-term and long-term ~~capital~~ *capital* improvement programs, funding requirements for the upcoming fiscal year, and an action plan with specific performance goals and objectives. The business plan shall document service improvements to provide the planned level of service, inclusion of operating plans to

serve peak period work trips, and consideration of other service expansions and enhancements. The initial business plan shall be consistent with the immediately previous State Rail Plan developed by the department pursuant to Section 14036 and the January 2014 business plan developed by the High-Speed Rail Authority pursuant to Section 185033 of the Public Utilities Code. Subsequent business plans shall be consistent with the immediately previous plans developed by the department and the authority. The business plan shall clearly delineate how funding and accounting for state-sponsored intercity rail passenger services shall be separate from locally sponsored services in the corridor. Proposals to expand or modify passenger services shall be accompanied by the identification of all associated costs and ridership projections. The business plan shall establish, among other things: fares, operating strategies, capital improvements needed, and marketing and operational strategies designed to meet performance standards established in the interagency transfer agreement.

(c) Based on the annual business plan and the subsequent appropriation by the Legislature, the secretary shall allocate state funds on an annual basis to the board. As provided in the interagency agreement, any additional funds that are ~~required~~ needed to operate the passenger rail service during the fiscal year shall be provided by the board from jurisdictions that

receive service. In addition, the board may use any cost savings or farebox revenues to provide service improvements related to intercity service. In any event, the board shall report the fiscal results of the previous year's operations as part of the annual business plan.

(d) The level of service funded by the state during the first three years following the effective date of the interagency transfer agreement shall in no case be less than the ~~current~~ number of intercity round trips operated in a corridor and serving the end points ~~currently~~ served by the intercity rail corridor as of the effective date of the interagency transfer agreement.

. Subject to Section 14035.2, the level of service funded by the state shall also include feeder bus service with substantially the same number of route miles as the current feeder system, to be operated in conjunction with the trains. ~~However,~~ For that same three-year period, the board shall continue to provide at least the same level of intercity rail and feeder bus services as were in operation on the effective date of the interagency transfer agreement, except that the interagency agreement shall not prohibit the ~~joint powers~~ board from reducing the number of feeder bus route miles if the ~~joint powers~~ board determines that a feeder bus route is not cost effective as provided in Section 14035.2.

(e) Nothing in this article shall be construed to preclude expansion of state-approved intercity rail service.

(f) Local resources may be available to offset any redirection, elimination, reduction, or reclassification by the state of state resources for operating intercity rail services identified in subdivision (b) only if the local resources are dedicated by a vote of the local agency providing the funds, with the concurrence of the board.

SEC. 6. Section 14070.6 of the Government Code is amended to read:

14070.6. The department and any entity that assumes administrative responsibility for intercity passenger rail services through an interagency transfer agreement, may, through a competitive solicitation process, contract with the National Railroad Passenger Corporation (Amtrak) or with organizations not precluded by state or federal law to provide intercity passenger rail services, and may contract with rail corporations and other rail operators for the use of tracks and other facilities and for the provision of intercity passenger services on terms and conditions as the parties may agree. The department is deemed to be a third-party beneficiary of the contract, and the contract shall not contain any provision or condition that would negatively impact on or conflict with any other contracts the department has regarding intercity passenger rail services. Any entity that succeeds the department as sponsor of state-supported intercity passenger rail services through an interagency transfer

agreement, is deemed an agency of the state for all purposes related to intercity passenger rail services, including Section ~~1614~~ 5311 of Title 49 of the United States Code. If the intercity passenger rail service is operated by a contractor, the contractor shall, as a condition of entering into an operating agreement with the entity, agree that its labor relations shall be governed by the federal Railway Labor Act (45 U.S.C. Sec. 151 et seq.).

~~SEC. 6.~~ SEC. 7. Section 14070.7 is added to the Government Code, to read:

14070.7. The department and the LOSSAN Rail Corridor Agency, to the extent the agency assumes administrative responsibility for intercity passenger rail services on the LOSSAN Corridor through an interagency transfer agreement, may, through a competitive solicitation process, contract with Amtrak or with organizations authorized by state or federal law to provide intercity passenger rail services, and may contract with rail corporations and other rail operators for the use of the tracks and other facilities and for the provision of intercity passenger rail services on terms and conditions as the parties may agree. The department is deemed to be a third-party beneficiary of the contract, and the contract shall not contain any provision or condition that would negatively impact on or conflict with any other contracts the department has regarding intercity passenger rail services. The LOSSAN Rail Corridor Agency,

if it succeeds the department as sponsor of state-supported intercity passenger rail services on the LOSSAN Corridor through an interagency transfer agreement, is deemed to be an agency of the state for all purposes related to intercity passenger rail services, including Section 5311 of Title 49 of the United States Code. If the ~~intercity passenger rail service is operated by a contractor~~

LOSSAN Rail Corridor Agency or the entity providing administrative services enters into a contract for the operation of those services, the contractor shall, as a condition of entering into an operating agreement with the *entity providing administrative services or the LOSSAN Rail Corridor Agency*, agree that its labor relations shall be governed by the federal Railway Labor Act (45 U.S.C. Sec. 151 and following).

Section 14070.6 shall not apply to the LOSSAN Corridor.

~~SEC. 7.~~ SEC. 8. Article 5.2 (commencing with Section 14072) of Chapter 1 of Part 5 of Division 3 of Title 2 of the Government Code is repealed.

~~SEC. 8.~~ SEC. 9. Article 5.2 (commencing with Section 14072) is added to Chapter 1 of Part 5 of Division 3 of Title 2 of the Government Code, to read:

Article 5.2. LOSSAN Corridor

14072. (a) The LOSSAN Rail Corridor Agency, also known as the LOSSAN Agency, is an existing joint powers authority established to provide an organization capable of implementing the recommendations

contained in the State Rail Corridor Study Group's June 1987 report entitled "Los Angeles-San Diego State Rail Corridor Study" and undertaking related efforts to improve intercity services and facilities in the corridor and to coordinate subcorridor commuter rail services with intercity services. The LOSSAN Agency is composed of voting members, as specified in the joint powers agreement.

(b) "LOSSAN Corridor" or "LOSSAN Rail Corridor" means the San Diego-Los Angeles-San Luis Obispo intercity passenger rail corridor.

14072.2. This article shall be applicable only if the members of the LOSSAN Agency enter into an amended joint powers agreement to expand the authority of the agency to permit the administration of state-funded intercity passenger rail services on the LOSSAN Corridor, and the LOSSAN Agency thereafter elects to become a party to an interagency transfer agreement pursuant to Article 5 (commencing with Section 14070). The amended joint powers agreement shall establish the terms and conditions for the joint powers agency and is subject to the approval of the governing board of each member agency of the LOSSAN Agency. Only the LOSSAN Agency operating under the amended joint powers agreement, and not the LOSSAN Agency existing on January 1, 2013, may exercise jurisdiction over intercity rail services on the LOSSAN Corridor under an interagency transfer agreement.

Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN)

Executive Committee
September 13, 2012



1



Senate Bill 1225 (Padilla) - Intercity Rail Agreements

- Authorizes LOSSAN to enter into at least a 3-year transfer agreement with Caltrans to assume responsibility for administering state-funded intercity passenger rail service (includes feeder bus service)
- An interagency transfer agreement may be entered into on or after June 30, 2014, but not later than June 30, 2015
 - LOSSAN would become responsible for Amtrak operations, including contracting with service operators, maintenance of equipment, implementation of a capital program, marketing of the service, risk management, scheduling and fare setting, financial reporting, creation of a business plan, grant writing
- An amended LOSSAN joint powers agreement (JPA) must be put in place prior to entering into the transfer agreement
- All LOSSAN member agencies must vote to approve
 - LACMTA, OCTA, MTS, NCTD, SANDAG, Ventura County Transportation Commission, Santa Barbara County Association of Governments, and San Luis Obispo Council of Governments.



2



Senate Bill 1225 (Padilla) - Intercity Rail Agreements

- State must fund the service for at least 3 years at levels equal to those at the time of the agreement (2014 levels)
- State Business, Transportation and Housing retains control over appropriations requests in the budgeting process
 - Business plan created by the agency with Secretary approval governs
 - consistent with State Rail Plan, High Speed Rail Authority Business Plan
- LOSSAN or other local or regional agencies may augment state funding, but only with concurrence of LOSSAN Board
- BTH must set performance measures that must be met by the corridor service
 - Establishes farebox recovery of 55% or higher



3



Draft Amendments to the LOSSAN JPA

- Governance
 - Adds Riverside County Transportation Commission as a voting member agency
 - Four regions replace the two current regions:
 - North (SLOCOG, SBCAG, VCTC)
 - Central (LAMTA)
 - South (MTS, SANDAG, NCTD)
 - South Central (OCTA and RCTC)
 - 10 votes spread among the member agencies
 - 2 for LA, 2 for OCTA
 - San Diego County has two votes, with the 3 agencies deciding how to split them.
 - Currently, MTS and NCTD have the votes with SANDAG as tiebreaker
 - Ex-officio nonvoting member agency means the Southern California Association of Governments, Amtrak, California High-Speed Rail Authority and Caltrans



4



Draft Amendments to the LOSSAN JPA

- Voting
 - Supermajority votes are required for
 - legislative changes
 - board membership changes
 - voting structure changes
 - bylaw changes
 - reduction of corridor service
 - For super majority votes involving member voting matters, *eight members* must approve including *at least one from each region*.
 - For non-super majority votes, five members must approve including at least one member from each region.
 - Amendments to the JPA require the unanimous agreement of the Member Agencies.



5



Draft Amendments to the LOSSAN JPA

- Managing Agency
 - A member agency to serve as Managing Agency for (1) a start-up period beginning January 1, 2013 and (2) an initial three-year term beginning with the effective start date of the inter-agency transfer agreement
 - e.g., the member agency could serve a maximum of 4 ½ years - January 1, 2013 through June 30, 2017 if the ITA is not signed until June 30, 2014.
 - Currently looking for a process that will allow agencies to submit letters of interest.
 - Separate staff versus use of existing agency staff resources.
 - Managing Director appointed by the LOSSAN Board



6



Policy Items for Discussion

- MTS position on SB 1225? (support, oppose, neutral)
- LOSSAN entering into an inter-agency agreement with the State
- Draft JPA amendments: eg. the voting structure, addition of Riverside to the voting membership
- Managing Agency





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DRAFT

Agenda

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 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 - July 19, 2012
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Approve

Please SILENCE electronics
during the meeting



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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>Investment Report - June 2012</u> Action would receive a report for information. | Receive |
| 7. | <u>Compass Card Back-Office Implementation and Commissions on Fare Media - Amendment to MOU with SANDAG and NCTD</u> Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1248.3-09 amending the Memorandum of Understanding (MOU) between the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD) regarding Compass Card back-office implementation and commissions on fare media. | Approve |
| 8. | <u>State Transit Assistance (STA) Claims</u> Action would adopt Resolution No. 12-12 approving fiscal year (FY) 2013 State Transit Assistance (STA) claims. | Adopt |
| 9. | <u>Job Order Contract Work Order for San Miguel Grade-Crossing Renewal Project</u> Action would authorize the CEO to execute Job Order Contract (JOC) No. 11183 (under Work Order No. MTSJOC1582-02) with Herzog Contracting Corporation to perform work under MTS Doc. No. PWL134.0-12 for the San Miguel Grade-Crossing Renewal Project on the Orange Line. | Approve |
| 10. | <u>General Engineering Contracts - Various</u> Action would authorize the CEO to execute General Engineering On-Call Services contracts piggybacking on contracts between the San Diego Association of Governments (SANDAG) and Parsons Brinckerhoff, Kimley-Horn Associates, Inc., Pacific Railway Enterprises, PGH Wong Engineering, Inc., and RailPros, Inc. | Approve |
| 11. | <u>High-Speed Circuit Breaker Replacement and Installation - Contract Award</u> Action would authorize the CEO to execute MTS Doc. No. L1052.0-12 with Siemens Transportation Systems, Inc. (Siemens) to furnish and install high-speed circuit breakers on MTS's fleet of 52 SD 100 light rail vehicles (LRVs). | Approve |
| 12. | <u>Replacement Bus Radios for MTS Paratransit and Rural Bus Fleets</u> Action would authorize the CEO to purchase 92 new 5300 ES Mobile Radios for the MTS Access and Rural bus fleets. | Approve |
| 13. | <u>Platform Card Interface Devices (PCIDs) for Trolley Renewal Project</u> Action would authorize the CEO to execute MTS Doc. No. L1111.0-13 as a sole-source contract with Cubic Transportation System for the procurement of Platform Card Interface Devices (PCIDs) and associated PCID spare parts to support the additional fare equipment requirements called for in the Trolley Renewal Project's station design specifications. | Approve |
| 14. | <u>Transmissions and In-Frame Engine Overhaul Services - Contract Award</u> Action would authorize the CEO to: (1) execute MTS Doc. No. B0574.0-12 with Cummins Cal Pacific, LLC for the provision of transmission and in-frame engine overhaul services for Group I (In-Frame Engine Overhauls) for a three-year base period with two 1-year options; and (2) exercise each option year at the CEO's discretion. | Approve |

CONSENT ITEMS - Continued

- | | | |
|-----|---|--------------------|
| 15. | <u>Engineering Support Services for the Mission Valley East Orange Line Signal Print Verification Project</u> Action would authorize the CEO to execute Work Order No. 13.01 to MTS Document No. G1494.0-13 with Pacific Railway Enterprises, Inc. | Approve |
| 16. | <u>Janitorial Services for MTS LRV Fleet - Additional Services</u> Action would: (1) ratify MTS Doc. No. G1387.2-11 dated September 30, 2011, with NMS Management for janitorial and light rail vehicle (LRV) cleaning services, which was previously executed pursuant to the CEO's authority; and (2) authorize the CEO to execute MTS Doc. No. G1387.3-11 for LRV cleaning services through September 30, 2016. | Ratify/ Approve |
| 17. | <u>Disadvantaged Business Enterprise (DBE) Goal</u> Action would adopt a 4.1% goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2013 to FFY 2015 triennial period. | Adopt |
| 18. | <u>SD 100 Complete Gearbox Assemblies for Light Rail Vehicles - Contract Award</u> Action would authorize the CEO to execute MTS Doc. No. L1053.0-12 with Hi-Tec Enterprises (Hi-Tec) to furnish complete gearbox assemblies for MTS's fleet of 52 SD 100 LRVs. | Approve |

CLOSED SESSION

- | | | |
|-----|--|--------------------|
| 24. | a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 <u>Agency-Designated Representative</u> - Jeff Stumbo; <u>Employee Organization</u> - Amalgamated Transit Union, Local 1309 | Possible Action |
| | b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 <u>Agency-Designated Representative</u> - Jeff Stumbo <u>Employee Organization</u> - International Brotherhood of Electrical Workers, Local 465 (IBEW) | Possible Action |
| | <u>Oral Report of Final Actions Taken in Closed Session</u> | |

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

- | | | |
|-----|--|--------------------|
| 30. | <u>Proposed Revisions to Policy No. 42 - Transit Service Evaluation and Adjustment (Denis Desmond)</u> Action would approve the proposed revisions to MTS Policy No. 42 - Transit Service Evaluation and Adjustment. | Approve |
| 31. | <u>Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN) Update (Sharon Cooney)</u> Action would receive a report for information and provide comments and direction regarding next steps in response to LOSSAN actions and Senate Bill 1225. | Possible Action |

REPORT ITEMS

- | | | |
|-----|---|-------------|
| 45. | <u>Trolley Renewal Project Update (Denis Desmond and John Haggerty of SANDAG)</u> Action would receive a report for information. | Receive |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |
| 64. | <u>Additional Public Comments Not on the Agenda</u> If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. | |
| 65. | <u>Next Meeting Date:</u> October 18, 2012 | |
| 66. | <u>Adjournment</u> | |



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*REVISED DRAFT

Agenda

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

9:00 a.m.

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

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**ACTION
RECOMMENDED**

1. Roll Call
2. Approval of Minutes - July 19, 2012
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Approve

Please **SILENCE** electronics
during the meeting

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CONSENT ITEMS

- | | | |
|-----|--|---------|
| 6. | <u>Investment Report - June 2012</u> Action would receive a report for information. | Receive |
| 7. | <u>Compass Card Back-Office Implementation and Commissions on Fare Media - Amendment to MOU with SANDAG and NCTD</u> Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1248.3-09 amending the Memorandum of Understanding (MOU) between the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD) regarding Compass Card back-office implementation and commissions on fare media. | Approve |
| 8. | <u>State Transit Assistance (STA) Claims</u> Action would adopt Resolution No. 12-12 approving fiscal year (FY) 2013 State Transit Assistance (STA) claims. | Adopt |
| 9. | <u>Job Order Contract Work Order for San Miguel Grade-Crossing Renewal Project</u> Action would authorize the CEO to execute Job Order Contract (JOC) No. 11183 (under Work Order No. MTSJOC1582-02) with Herzog Contracting Corporation to perform work under MTS Doc. No. PWL134.0-12 for the San Miguel Grade-Crossing Renewal Project on the Orange Line. | Approve |
| 10. | <u>General Engineering Contracts - Various</u> Action would authorize the CEO to execute General Engineering On-Call Services contracts piggybacking on contracts between the San Diego Association of Governments (SANDAG) and Parsons Brinckerhoff, Kimley-Horn Associates, Inc., Pacific Railway Enterprises, PGH Wong Engineering, Inc., and RailPros, Inc. | Approve |
| 11. | <u>High-Speed Circuit Breaker Replacement and Installation - Contract Award</u> Action would authorize the CEO to execute MTS Doc. No. L1052.0-12 with Siemens Transportation Systems, Inc. (Siemens) to furnish and install high-speed circuit breakers on MTS's fleet of 52 SD 100 light rail vehicles (LRVs). | Approve |
| 12. | <u>Replacement Bus Radios for MTS Paratransit and Rural Bus Fleets</u> Action would authorize the CEO to purchase 92 new 5300 ES Mobile Radios for the MTS Access and Rural bus fleets. | Approve |
| 13. | <u>Platform Card Interface Devices (PCIDs) for Trolley Renewal Project</u> Action would authorize the CEO to execute MTS Doc. No. L1111.0-13 as a sole-source contract with Cubic Transportation System for the procurement of Platform Card Interface Devices (PCIDs) and associated PCID spare parts to support the additional fare equipment requirements called for in the Trolley Renewal Project's station design specifications. | Approve |
| 14. | <u>Transmissions and In-Frame Engine Overhaul Services - Contract Award</u> Action would authorize the CEO to: (1) execute MTS Doc. No. B0574.0-12 with Cummins Cal Pacific, LLC for the provision of transmission and in-frame engine overhaul services for Group I (In-Frame Engine Overhauls) for a three-year base period with two 1-year options; and (2) exercise each option year at the CEO's discretion. | Approve |

CONSENT ITEMS - Continued

- | | | |
|------|---|--------------------|
| 15. | <u>Engineering Support Services for the Mission Valley East Orange Line Signal Print Verification Project</u> Action would authorize the CEO to execute Work Order No. 13.01 to MTS Document No. G1494.0-13 with Pacific Railway Enterprises, Inc. | Approve |
| 16. | <u>Janitorial Services for MTS LRV Fleet - Additional Services</u> Action would: (1) ratify MTS Doc. No. G1387.2-11 dated September 30, 2011, with NMS Management for janitorial and light rail vehicle (LRV) cleaning services, which was previously executed pursuant to the CEO's authority; and (2) authorize the CEO to execute MTS Doc. No. G1387.3-11 for LRV cleaning services through September 30, 2016. | Ratify/ Approve |
| 17. | <u>Disadvantaged Business Enterprise (DBE) Goal</u> Action would adopt a 4.1% goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2013 to FFY 2015 triennial period. | Adopt |
| 18. | <u>SD 100 Complete Gearbox Assemblies for Light Rail Vehicles - Contract Award</u> Action would authorize the CEO to execute MTS Doc. No. L1053.0-12 with Hi-Tec Enterprises (Hi-Tec) to furnish complete gearbox assemblies for MTS's fleet of 52 SD 100 LRVs. | Approve |
| *19 | <u>Proposed Revisions to Policy No. 42 - Transit Service Evaluation and Adjustment (Denis Desmond)</u> Action would approve the proposed revisions to MTS Policy No. 42 - Transit Service Evaluation and Adjustment. | Approve |
| *20. | <u>LiveScan Authorization</u> Action would approve Resolution No. 12-13 authorizing staff to execute a request to the California Department of Justice to become a contributing agency for LiveScan fingerprinting. | Approve |
| *21. | <u>San Diego Trolley Inc. Building B Roof Replacement</u> Action would authorize the CEO to execute Work Order No. MTSJOC1337-12 with Southland Electric (MTS Doc. No. PWL132.0-11) for repairs to San Diego Trolley, Inc.'s (SDTI's) Building B. | Approve |

CLOSED SESSION

- | | | |
|-----|--|--------------------|
| 24. | a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 <u>Agency-Designated Representative</u> - Jeff Stumbo; <u>Employee Organization</u> - Amalgamated Transit Union, Local 1309 | Possible Action |
| | b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code section 54957.6 <u>Agency-Designated Representative</u> - Jeff Stumbo <u>Employee Organization</u> - International Brotherhood of Electrical Workers, Local 465 (IBEW) | Possible Action |

CLOSED SESSION - Continued

| | | |
|-----|--|-----------------|
| 24. | <p>c. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant To California Government Code Section 54956.8</p> <p><u>Property:</u> 6645 Imperial Avenue, San Diego, California (Assessor Parcel No. 549-181-05)</p> <p><u>Agency Negotiators:</u> Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; and Tim Allison, Manager of Real Estate Assets</p> <p><u>Negotiating Parties:</u> Thomas and Tiffany Mannion</p> <p><u>Under Negotiation:</u> Price and Terms of Payment</p> | Possible Action |
|-----|--|-----------------|

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

| | | |
|------|---|-----------------|
| *30. | <p><u>115-Pound High-Strength Rail - Contract Award</u></p> <p>Action would authorize the CEO to execute MTS Doc. No. L1092.0-13 with Progress Rail Services Corporation, Inc. for the purchase of 115-pound high-strength rail.</p> | Approve |
| 31. | <p><u>Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN) Update (Sharon Cooney)</u></p> <p>Action would receive a report for information and provide comments and direction regarding next steps in response to LOSSAN actions and Senate Bill 1225.</p> | Possible Action |

REPORT ITEMS

| | | |
|-----|--|-------------|
| 45. | <p><u>Trolley Renewal Project Update (Denis Desmond and John Haggerty of SANDAG)</u></p> <p>Action would receive a report for information.</p> | Receive |
| 46. | <p><u>Operations Budget Status Report for June 2012 (Mike Thompson)</u></p> <p>Action would receive the MTS operations budget status report for June 2012.</p> | Receive |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |
| 64. | <p><u>Additional Public Comments Not on the Agenda</u></p> <p>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.</p> | |
| 65. | <u>Next Meeting Date:</u> October 18, 2012 | |
| 66. | <u>Adjournment</u> | |



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Agenda Item No. 6

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

INVESTMENT REPORT – JUNE 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 June 2012. The combined total of all investments has increased from \$178.8 million to \$238.8 million in the current month. This \$60 million increase is due to current-month receipt of \$70 million in state funds designated for acquisition of capital assets, which is partially offset by disbursements of \$13 million for capital assets and the normal timing variances in vendor payments and payroll disbursements. The first column 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 \$70 million in Proposition 1B funding restricted for the acquisition of capital assets to the San Diego County Investment Pool. The second column (unrestricted investments) reports the working capital for MTS operations for employee payroll and vendors' goods and services. During June, MTS transferred \$21 million from the Local Agency Investment Fund temporary investment account to fund anticipated disbursements for normal operations and capital acquisitions.

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. Investment Report for June 2012

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

| | <u>Restricted</u> | <u>Unrestricted</u> | <u>Total</u> | Average rate of return |
|--|-----------------------|----------------------|-----------------------|---------------------------------------|
| Cash and Cash Equivalents | | | | |
| Bank of America - concentration account | \$ - | \$ 4,377,830 | \$ 4,377,830 | 0.00% |
| JP Morgan Chase - concentration account | 2,569,062 | 21,130,399 | 23,699,461 | |
| Total Cash and Cash Equivalents | <u>2,569,062</u> | <u>25,508,229</u> | <u>28,077,291</u> | |
| Cash - Restricted for Capital Support | | | | |
| US Bank - retention trust account | 6,435,064 | - | 6,435,064 | N/A * |
| San Diego County Investment Pool | | | | |
| Proposition 1B grant funds | 69,429,847 | - | 69,429,847 | |
| Proposition 1B TSGP grant funds | 6,531,411 | - | 6,531,411 | |
| Total Cash - Restricted for Capital Support | <u>82,396,323</u> | <u>-</u> | <u>82,396,323</u> | |
| Investments - Working Capital | | | | |
| Local Agency Investment Fund (LAIF) | - | 9,013,148 | 9,013,148 | 0.358% |
| Total Investments - Working Capital | <u>-</u> | <u>9,013,148</u> | <u>9,013,148</u> | |
| Investments - Restricted for Debt Service | | | | |
| US Bank - Treasury Strips - market value (Par value \$39,474,000) | 38,924,428 | - | 38,924,428 | 7.69% |
| Rabobank - | | | | |
| Payment Undertaking Agreement | 80,435,481 | - | 80,435,481 | |
| Total Investments Restricted for Debt Service | <u>119,359,909</u> | <u>-</u> | <u>119,359,909</u> | |
| Total cash and investments | <u>\$ 204,325,294</u> | <u>\$ 34,521,377</u> | <u>\$ 238,846,672</u> | |

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



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Agenda Item No. 7

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

Draft for
Executive Committee
Review Date: 9/13/12

SUBJECT:

COMPASS CARD BACK-OFFICE IMPLEMENTATION AND COMMISSIONS ON FARE
MEDIA – AMENDMENT TO MOU WITH SANDAG AND NCTD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1248.3-09 (Attachment A) amending the Memorandum of Understanding (MOU) between the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD) regarding Compass Card back-office implementation and commissions on fare media.

Budget Impact

MTS's share for FY 13 would equal \$1,451,864 less \$679,132 in TDA owed to MTS by SANDAG for a net expense of \$772,732. Expenses for Compass Card are budgeted in the FY 2013 Budget.

DISCUSSION:

The Compass Card Program (under SANDAG's Capital Improvement Program [CIP] 1145700) is a fare-collection system that was implemented for the San Diego region's fixed-route bus and rail operations.

SANDAG, NCTD, and MTS entered into an interim agreement (SANDAG Doc. No. 5001230) on June 23, 2009, for shared responsibilities of funding and operating the Compass Card Program. Amendment No. 1 was executed to extend the interim



agreement to June 30, 2011. Amendment No. 2 extended the agreement to June 30, 2012.

Amendment No. 3 would extend the agreement until June 30, 2013, and set the new cost shares for the Compass Card Program.

Therefore, staff is requesting Board approve of MTS Doc. No. G1248.3-09 (Attachment A) amending the MOU between SANDAG and NCTD regarding Compass Card back-office implementation and commission on fare media.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. MTS Doc. No. G1248.3-09 (SANDAG Doc. No. 5001230)

AMENDMENT 3 TO INTERIM AGREEMENT
BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS, THE
METROPOLITAN TRANSIT SYSTEM, AND THE NORTH COUNTY TRANSIT DISTRICT
REGARDING COMPASS CARD BACK OFFICE IMPLEMENTATION AND COMMISSIONS
ON FARE MEDIA (SANDAG CONTRACT NO. 5001230)

This Amendment 3 to Interim Agreement (Amendment 3) concerns the funding and operation of the Compass Card program and is intended to serve as an amendment to an interim form of agreement until a long-term memorandum of understanding is executed by the parties. The parties hereby agree to the following:

1. The parties plan to enter a Memorandum of Understanding (MOU) between the San Diego Association of Governments (SANDAG), the Metropolitan Transit System (MTS), and North County Transit District (NCTD) concerning funding of the Compass Card and the regional Pass Sales program expenses. The Interim Agreement between the parties went into effect on June 23, 2009, with the expectation a long-term MOU would be executed within nine (9) months, however, the disposition of Compass Card back office and regional pass sales program is still under discussion with MTS and NCTD. The parties are not yet prepared to finalize their responsibilities. Therefore, the parties have agreed to execute this Amendment 3 to the Interim Agreement to modify and extend the term of the Interim Agreement.
2. The parties intend for this Amendment 3 to supersede the terms of the Interim Agreement and previous amendments to the extent the terms or conditions are in conflict. In all other respects the Interim Agreement shall remain binding on the parties.
3. The following language shall be added to Section 4 of the Interim Agreement: The agreed Compass Program expenses for Fiscal Year 2013 (FY 13) are budgeted at \$1,935,818 for baseline operations. Based on the cost allocation formula in Section 3 of the Interim Agreement, MTS's share of the FY 13 expenses is \$1,451,864 and NCTD's share is \$483,955. SANDAG, MTS, and NCTD agree to review and establish metrics for the appropriate distribution of costs and potential revenues earned through the program.

SANDAG, MTS, and NCTD shall report monthly the total amount of Compass Card fees collected. SANDAG shall account for, collect, and retain all fee revenue and report the cumulative balance of fees collected by all three agencies each month. The executive directors of MTS and NCTD shall authorize the expense application of any collected fees. Any fee revenues distributed to MTS and NCTD shall be based on the cost allocation formula in Section 3 of the Interim Agreement.

4. Section 7 of the Interim Agreement shall be replaced and will instead state: For FY 13, SANDAG shall deduct MTS's annual Transportation Development Act (TDA) contribution for the Pass Sales program, which is based on the FY 13 TDA claim amount approved by the SANDAG Board of Directors, from the amount owed by MTS. The MTS FY 13 TDA amount owed is \$679,132. SANDAG will divide the balance of \$772,732 (\$1,451,864 - \$679,132 = \$772,732), into twelve (12) equal monthly payments and deduct the amounts owed from the monthly distribution of MTS's revenue share of regional pass sales. This same methodology will be used in future years for MTS to pay its share of Compass Program costs. To the extent that MTS's share of the annual Compass Program costs do not exceed the pass sales portion of MTS's TDA allocation in future years, the balance of the pass sales portion of the TDA allocation would be refunded to MTS.

DRAFT

Att. A, AI 7, 9/20/12

5. The following language shall be added between the second and third sentence of Section 9 of the Interim Agreement: NCTD shall divide NCTD's share of the annual Compass Program costs for FY 13 into 12 equal monthly payments of \$40,330 and NCTD shall send the monthly payment to SANDAG by the 30th of each month.
6. The following language shall be added to the first sentence of Section 12, on the first line after the word "Agreement" or any amendments thereto:

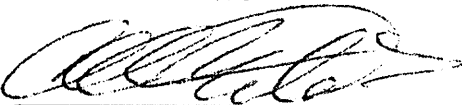
This Amendment 3 and the Interim Agreement shall terminate on June 30, 2013, or when the long-term MOU referenced herein is executed, whichever occurs first.

This Amendment 3 shall be effective this _____ day _____ 2012.

METROPOLITAN
TRANSIT SYSTEM

PAUL JABLONSKI
Chief Executive Officer

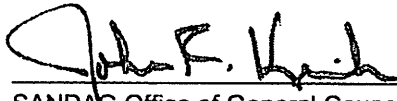
SAN DIEGO ASSOCIATION
OF GOVERNMENTS



GARY L. GALLEGOS
Executive Director

APPROVED AS TO FORM:

MTS Office of General Counsel



SANDAG Office of General Counsel

NORTH COUNTY TRANSIT DISTRICT

APPROVED AS TO FORM:

MATTHEW TUCKER
Executive Director

NCTD Legal Counsel



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

Agenda Item No. 8

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

STATE TRANSIT ASSISTANCE (STA) CLAIMS

RECOMMENDATION:

That the Board of Directors adopt Resolution No. 12-12 (Attachment A) approving fiscal year (FY) 2013 State Transit Assistance (STA) claims.

Budget Impact

None.

DISCUSSION:

Attachment A reflects the detailed breakdown of the claim.

STA Claims \$22,228,257

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

State law and MTS Policy No. 20 "Allocation of State Transit Assistance Funds" require that priority consideration be given to STA claims for the following purposes:

- to enhance existing public transportation services;
- to meet priority regional, county, or area-wide public transportation needs; and
- to offset reductions in federal operating assistance and unanticipated increases in fuel costs.



Periodic Review of Expenditures

The San Diego Association of Governments (SANDAG) requires each operator to submit—at least quarterly—operating reports to SANDAG staff for review. These reports allow SANDAG, local jurisdictions, and operators to track STA expenditures during the course of the fiscal year with appropriate budget and operational adjustments made as necessary. In certain instances, it may be necessary to revise the original STA claims.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. MTS Resolution No. 12-12

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 12-12

Resolution Approving the MTS Area Fiscal Year 2013 STA Claim

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

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

WHEREAS, the County Auditor has informed MTS that its eligible STA allocation for fiscal year (FY) 2013 is \$22,228,257; and

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

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

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

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

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

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

WHEREAS, in the last 13 months, MTS has received a certification from the California Highway Patrol verifying that MTS is in compliance with section 1808.1 of the Vehicle Code, as required in PUC section 99251; and

WHEREAS, MTS is in compliance with the eligibility requirements of PUC section 99314.6;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board does hereby direct and empower MTS staff to prepare and transmit allocation instructions to the County Auditor to disburse to MTS the FY 2013 STA amount totaling \$22,228,257.

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

Agenda Item No. 9

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

JOB ORDER CONTRACT WORK ORDER FOR SAN MIGUEL GRADE-CROSSING
RENEWAL PROJECT

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Job Order Contract (JOC) No. 11183 (under Work Order No. MTSJOC1582-02) (in substantially the same format as Attachment A) with Herzog Contracting Corporation to perform work under MTS Doc. No. PWL134.0-12 for the San Miguel Grade-Crossing Renewal Project on the Orange Line.

Budget Impact

As individual JOC work orders are written, they are encumbered from each project's funding source; \$150,505.83 for San Miguel Grade Crossing Renewal Project would come from CIP 11183 (Blue Line Tie Replacement). JOC contracts completed by the San Diego Association of Governments (SANDAG) also require a 6.75% payment amount of \$10,159.14 (under CIP 11183) for administrative costs and costs related to the JOC procurement method. This JOC work order would not exceed \$160,664.97.

DISCUSSION:

The work order MTSJOC1582-02 being requested would be for the replacement of the east and westbound track at San Miguel grade crossing totaling 130 track feet. The work shall require the following tasks:

- | | | |
|----------------------------|-------------------------|------------------------------|
| ➤ Installation of new rail | ➤ Filter fabric | ➤ Hot mix asphaltic concrete |
| ➤ Railroad ties | ➤ Concrete panels | |
| ➤ Ballast rock | ➤ rubber rail interface | |

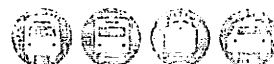
The contractor would be responsible for disposal of old track material, waste, and any spoils, testing of concrete, welds, and providing traffic control.


Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. JOC Contract with Herzog Contracting Corporation
B. Standard Services Agreement

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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.



Detailed Scope of Work
Job Order Contract

Date: 06/07/2012

To: Gene Chimits
Project Manager
Herzog
3760 Kilroy Airport Way
Suite 120
Long Beach, CA 90806
Phone: (562) 595-7414
Fax:

From: Michael Diana
Resident Engineer
MTS
1255 Imperial Avenue, Suite 900
San Diego, CA 92101
Phone: (619) 595-1021
Fax:

Project: MTSJOC1582-02

MTS Work Order Number: 11183

Title: San Miguel Grade Crossing Renewal

Location: MTS Orange Line

Railroad Protective: ☒ Yes ☐ No

Detailed Scope of Work

The Contractor shall complete the construction of this project in its entirety and shall provide all labor, materials, equipment and traffic control permits required for all work including utility location and protection, demolition, track replacement, drainage, resurfacing and replacement striping and pavement markings, traffic control, procuring all materials and performing all other work necessary to complete the work in accordance with this Detailed Scope of Work, and the Conformed Special Provisions.

This job order is for the replacement of the San Miguel grade crossing located at the intersection of Lemon Grove Avenue and San Miguel in Lemon Grove using the standard drawing as provide by MTS. ~~Contractor to include with the price a cost for tamping 2.0 track miles of adjacent track.~~ Revised, M. Diana 7/9/12.

The work requires but is not limited to the installation of new rail, ties, ballast, filter fabric, rebar, concrete, hot asphalt between the new crossing and existing, and rubber rail interface. The contractor is responsible for disposal of the old track material, waste and any spoils along with testing of concrete, welds, etc. along with providing traffic control. Replacement of the existing asphalt a minimum of 6' from the centerline of track for transitioning the grades through the crossing to be included in this job order.

Revised, M. Diana 7/16/12

Install a minimum of 9" of ballast and remove and replace the existing filter fabric.

Submittals: Contractor to provide the following but not limited to submittals, Progress Schedule per section 8-1.04 of the Special Provisions, quality control work plan with written summary of work describing proposed labor, material, equipment, testing and contingency plans; hourly schedule for weekend cutovers, water pollution control plan, safety plan, staging plan, pedestrian control plan with temporary signage, rail, weld kits, insulated joints, track bonding materials, pre-cast concrete grade crossing panels, rubber crossing, rubber rail interface, other track materials, ballast, sub ballast, filter fabric, concrete, asphaltic concrete, traffic coatings, joint sealant, drainage pipe, select backfill, PVC conduit, tracer wire, pull boxes, prior to starting work. Provide notification to the adjacent occupants or businesses 7 days prior to the start of work.

Construction Surveying:

All field construction surveying required for accurate horizontal and vertical location of railroad tracks and other various items of work on the contract shall be furnished by the Contractor. For track rehabilitation, the elevation and alignment of the new track shall, generally, be based on the location of the existing tracks as indicated on the plans. The Contractor shall provide the Engineer with the location and elevation of the existing track extending 100 feet beyond the project limits.

The Contractor shall replace all existing property corner markers and monuments and any local agency monuments disturbed during construction operations as directed by the Engineer. These new markers, monuments, and well monuments shall be on a record of survey map in accordance with applicable laws and regulations and filed in the Office of the County Recorder of San Diego County.

Owner Furnished Material:

MTS to supply the contractor with 10' standard ties and rail for use on the project and are located at 1255 Imperial Avenue, San Diego. Contractor to supply all other material i.e. clips, pads, etc. for installing the ties including transporting the material to the project site. Contact Ricardo Medina of MTS a minimum 24 hours prior to transporting material at (619) 595-4928.

Existing Utilities:

The contractor shall notify the Engineer and

Underground Service Alert (USA) (800) 422-4133

At least two working days, but not more than 14 calendar days, prior to performing any excavation or other work close to any underground pipeline, conduit, wire or other structure.

Signal wires, track circuits, platform lighting cables, irrigation lines or other MTS underground facilities may exist within the track way. The Contractor is to locate and protect in-place all existing underground facilities. The contractor shall coordinate with SDTI MOW personnel in order to have said facilities located and marked out by

Cable, Pipe & Leak Detection (CPL) (619) 660-0844

or other approved utility locating subcontractor familiar with MTS facilities. If the Contractor cannot protect in-place existing underground facilities, the Contractor shall replace any damaged or removed underground facilities in a timely manner as to not allow for extended delays to the trolley services. If the services are subject to extended delays, the Contractor shall notify MTS prior to the expiring of the original scheduled work time. All existing MTS underground facilities located shall be as-built and included on the contractor's as-built drawings.

Where such facilities are not located on the plans, no work shall be performed near said facilities until the owner, or his representative, has located the facility by potholing, probing, or other means that will locate and identify the facility.

The Contractor's attention is directed to the existence of overhead power lines, energized trolley wires, catenary poles, signals and grade-crossing signals at the locations of work. Any one or a combination of these obstructions could exist at any one location. No obstructions shall be permitted within 10 feet of operating tracks. The Contractor shall notify MTS at least 2 working days prior to excavating in the railroad right-of-way to locate buried cables.

Schedule: All work shall be completed as soon as possible within 120 calendar days from issuance of NTP. The work shall proceed using 1 weekend for installation of the grade crossing. Staging of materials and partial demolition work may take place during the week under single track and during non-revenue service. The contractor to provide ingress egress, including accessible wheelchair access and directional signage to include the universal symbol for wheelchair access, for passengers at all times during construction.

WORK WINDOWS: Revised 7/9/12, M. Diana

The work to take place during one (1) weekend shutdown, the hours will be from 9:00PM on Friday to 4:00AM on Monday 1:30 AM on Saturday to 4:30 AM on Sunday. Contractor to work between trains on Friday night until non-revenue service on Saturday morning.

Week day work to be performed between trains from 9:30 PM to 1:30 AM. Weekday non-revenue service is from 1:30 AM to 4:30 AM.

Special Events: Contractor to schedule the work around special events such as Padres, Chargers, Comicom etc. and to coordinate with other City and MTS Projects.

Revised 7/16/12, M. Diana

MTS Owner furnished material includes precast concrete panels and ballast. Contractor responsible for installation.

Michael Dineen for
Fred Byle, Superintendent of Wayside Maintenance

7/23/12
Date

Gene Chimits
Gene Chimits, Project Manager

7/23/12
Date

Price Proposal - CSI Summary

To: Michael Diana
Assistant Resident Engineer
Metropolitan Transit System
1255 Imperial Avenue, Suite 900
San Diego, CA 92101

From: Gene Chimits
Contractor Project Manager
Herzog
3760 Kilroy Airport Way
Suite 120
Long Beach, CA 90806

Date : 07/23/2012

Basic Project Information

Job Order Number: MTSJOC1582-02
Job Order Name: San Miguel Crossing
Contractor: Herzog
Proposal Name: San Miguel Crossing
Proposal Value: \$ 150,505.83

Subtotal for 01-General Requirements **\$39,938.94**

Subtotal for 02-SiteWork **\$110,346.19**

Subtotal for 03-Concrete **\$220.70**

Project Proposal Total **\$160,505.83**

The work order proposal total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding of the line totals and sub-totals.


Contractor Project Manager

7/23/12
Date



Metropolitan Transit System

Att. B, AI 9, 9/20/12

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

ORIGINAL

STANDARD SERVICES AGREEMENT



PWL134.0-12
CONTRACT NUMBER
OPS 970.4
FILE NUMBER(S)

THIS AGREEMENT is entered into this 6 day of September 2011, in the State of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Herzog Contracting Corporation

Address: 600 South Riverside Road

Form of Business: Corporation

Saint Joseph, MO 64507

(Corporation, partnership, sole proprietor, etc.)

Telephone: 816.901.4076

Authorized person to sign contracts: Scott Norman
Name

Vice President
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 Contract (JOC) services as described in SANDAG JOC No. 5001582, in accordance with the Standard Conditions Services, Federal Requirements, and MTS Safety Program (hereinafter "Contract Documents").

This contract shall be effective September 1, 2011, through August 31, 2014. The total cost of this contract shall not exceed \$2,000,000.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CONTRACTOR AUTHORIZATION

By: [Signature]

Chief Executive Officer

Firm: Herzog Contracting Corp

By: [Signature]

Signature

Approved as to form:

By: [Signature]

Office of General Counsel

Title: Vice President

AMOUNT ENCUMBERED

BUDGET ITEM

FISCAL YEAR

\$to be encumbered on JOC

By: [Signature]

Chief Financial Officer

FY 12-14

Date 8/25/11

CBROWN-SA

(84 total pages, each bearing contract number)

SA-PWL134.0-12.HERZOGCONTRACTIMHCCORP.MYNIGUEZ
8/12/11

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





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San Diego, CA 92101-7490
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Agenda Item No. 10

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

GENERAL ENGINEERING CONTRACTS - VARIOUS

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute General Engineering On-Call Services contracts piggybacking on contracts between the San Diego Association of Governments (SANDAG) and Parsons Brinckerhoff, Kimley-Horn Associates, Inc., Pacific Railway Enterprises, Inc., PGH Wong Engineering, Inc., and RailPros, Inc.

Budget Impact

Funding for these on-call contract services is approved by the MTS Board on an annual basis within the MTS capital and operating budgets. Total authorization would be \$15.5 million if all contract capacity is utilized.

DISCUSSION:

SANDAG has awarded contracts to general engineering firms for design services that extend until 2019. Each general engineering contract contains language that allows other agencies to piggyback on SANDAG's general engineering contract.

Staff recommends contracting with the following firms at the corresponding capacity:

- | | | |
|----|-----------------------------------|---------------|
| 1. | Parsons Brinckerhoff | \$4 million |
| 2. | Kimley-Horn Associates, Inc. | \$4 million |
| 3. | Pacific Railway Enterprises, Inc. | \$1.5 million |
| 4. | PGH Wong Engineering, Inc. | \$4 million |
| 5. | RailPros, Inc. | \$2 million |



Each of the above firms has the necessary resources to assist MTS with developing capital projects for MTS Rail, Bus, and Administration as well as assisting with land-management project development and right of entry inquiries. Work orders would be developed with each firm and would require Board approval if over \$100,000 in cumulative value.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. G1492.0-13 – Parsons Brinckerhoff
B. G1493.0-13 – Kimley-Horn Associates, Inc.
C. G1494.0-13 – Pacific Railway Enterprises, Inc.
D. G1495.0-13 – PGH Wong Engineering, Inc.
E. G1496.0-13 – RailPros, Inc.

DRAFT

Att. A, AI 10, 9/20/12

STANDARD SERVICES AGREEMENT

G1492.0-13

CONTRACT NUMBER

Various

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 ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: Parsons Brinkerhoff Address: 401 B Street, Suite 1650

Form of Business: Corporation San Diego, CA 92101

(Corporation, partnership, sole proprietor, etc.)

Telephone: 619-338-9376

Authorized person to sign contracts: Michael Palacios Vice President
Name Title

The Contractor agrees to furnish to MTS services and materials, summarized as follows:

Provide on-call general environmental planning, architect, and engineering services according to Contract Number 5001904 effective June 1, 2012, between the San Diego Association of Governments (SANDAG) and Kimley-Horn Associates, Inc. ("Agreement") incorporated by reference as directed, on an as-needed basis. Exhibit D, Section XI, of the Agreement authorizes other governmental agencies to utilize (i.e. "piggyback") the Agreement for the services covered using the same terms, conditions, and pricing if such governmental agencies determine that it is in their best interest to do so.

The amount of this contract shall not exceed \$4,000,000 cumulative of the negotiated work orders. All references to SANDAG in the Agreement shall be interpreted as MTS. The MTS Contract Manager is Tim Allison, 619.595.4903, tim.allison@sdmts.com. Section 4.A (2) of the Agreement shall be supplemented as follows: All such policies shall name in the endorsement San Diego Metropolitan Transit System (MTS), San Diego Trolley, Inc. (SDTI), San Diego and Arizona Eastern Railway Company (SD&AE), San Diego and Imperial Valley Railroad, (SD&IV), and San Diego Transit Corporation (SDTC), their directors, officers, agents, and employees as additional insureds as their interests may appear.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CONTRACTOR AUTHORIZATION

By: _____
Chief Executive Officer

Approved as to form:

By: _____
Office of General Counsel

Firm: _____

By: _____
Signature

Title: _____

AMOUNT ENCUMBERED

BUDGET ITEM

FISCAL YEAR

\$(per work order)

(per individual work order)

FY12-10

By: _____ Date
Chief Financial Officer

STANDARD SERVICES AGREEMENT

G1493.0-13
 CONTRACT NUMBER
 Various
 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 ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: Kimley-Horn Associates, Inc. Address: 401 B Street, Suite 600

Form of Business: Corporation San Diego, CA 92101
 (Corporation, partnership, sole proprietor, etc.)

Telephone: 619-234-9411

Authorized person to sign contracts: Dennis J. Landaal Senior Vice President
 Name Title

The Contractor agrees to furnish to MTS services and materials, summarized as follows:

Provide on-call general environmental planning, architect, and engineering services according to Contract Number 5001903 effective June 1, 2012, between the San Diego Association of Governments (SANDAG) and Kimley-Horn Associates, Inc. ("Agreement") incorporated by reference as directed, on an as-needed basis. Exhibit D, Section XI, of the Agreement authorizes other governmental agencies to utilize (i.e. "piggyback") the Agreement for the services covered using the same terms, conditions, and pricing if such governmental agencies determine that it is in their best interest to do so.

The amount of this contract shall not exceed \$4,000,000 cumulative of the negotiated work orders. All references to SANDAG in the Agreement shall be interpreted as MTS. The MTS Contract Manager is Tim Allison, 619.595.4903, tim.allison@sdmts.com. Section 4.A.(2) of the Agreement shall be supplemented as follows: All such policies shall name in the endorsement San Diego Metropolitan Transit System (MTS), San Diego Trolley, Inc. (SDTI), San Diego and Arizona Eastern Railway Company (SD&AE), San Diego and Imperial Valley Railroad, (SD&IV), and San Diego Transit Corporation (SDTC), their directors, officers, agents, and employees as additional insureds as their interests may appear.

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

| AMOUNT ENCUMBERED | BUDGET ITEM | FISCAL YEAR |
|---------------------|-----------------------------|-------------|
| \$ (Per work order) | (Per individual work order) | FY12-19 |

By: _____ Date
 Chief Financial Officer

Attachment: Page 1 of SANDAG Contract Number 5001903

DRAFT

Att. C, AI 10, 9/20/12

STANDARD SERVICES AGREEMENT

G1494.0-13
CONTRACT NUMBER
Various
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 ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: Pacific Railway Enterprises, Inc. Address: 501 West Broadway, Suite 2040

Form of Business: Corporation San Diego, CA 92101
(Corporation, partnership, sole proprietor, etc.)

Telephone: 951-784-4630

Authorized person to sign contracts: Cathy L. Hirsch President
Name Title

The Contractor agrees to furnish to MTS services and materials, summarized as follows:

Provide on-call general environmental planning, architect, and engineering services according to Contract Number 5001913 effective June 1, 2012, between the San Diego Association of Governments (SANDAG) and Kimley-Horn Associates, Inc. ("Agreement") incorporated by reference as directed, on an as-needed basis. Exhibit D, Section XI, of the Agreement authorizes other governmental agencies to utilize (i.e. "piggyback") the Agreement for the services covered using the same terms, conditions, and pricing if such governmental agencies determine that it is in their best interest to do so.

The amount of this contract shall not exceed \$1,500,000 cumulative of the negotiated work orders. All references to SANDAG in the Agreement shall be interpreted as MTS. The MTS Contract Manager is Tim Allison, 619.595.4903, tim.allison@sdmmts.com. Section 4.A.(2) of the Agreement shall be supplemented as follows: All such policies shall name in the endorsement San Diego Metropolitan Transit System (MTS), San Diego Trolley, Inc. (SDTI), San Diego and Arizona Eastern Railway Company (SD&AE), San Diego and Imperial Valley Railroad, (SD&IV), and San Diego Transit Corporation (SDTC), their directors, officers, agents, and employees as additional insureds as their interests may appear.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CONTRACTOR AUTHORIZATION

By: _____
Chief Executive Officer
Approved as to form:
By: _____
Office of General Counsel

Firm: _____
By: _____
Signature
Title: _____

| AMOUNT ENCUMBERED | BUDGET ITEM | FISCAL YEAR |
|---------------------|-----------------------------|-------------|
| \$ (per work order) | (per individual work order) | FY 12-19 |

By: _____ Date _____
Chief Financial Officer

DRAFT

Att. D, AI 10, 9/20/12

STANDARD SERVICES AGREEMENT

G1495.0-13
CONTRACT NUMBER
Various
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 ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: PGH Wong Engineering, Inc. Address: 182 2nd Street, Suite 500

Form of Business: Corporation San Francisco, CA 94105-3801
(Corporation, partnership, sole proprietor, etc.)

Telephone: 415-566-0800

Authorized person to sign contracts: Peter G. H. Wong Chief Executive Officer
Name Title

The Contractor agrees to furnish to MTS services and materials, summarized as follows:

Provide on-call general environmental planning, architect, and engineering services according to Contract Number 5001905 effective June 1, 2012, between the San Diego Association of Governments (SANDAG) and Kimley-Horn Associates, Inc. ("Agreement") incorporated by reference as directed, on an as-needed basis. Exhibit D, Section XI, of the Agreement authorizes other governmental agencies to utilize (i.e. "piggyback") the Agreement for the services covered using the same terms, conditions, and pricing if such governmental agencies determine that it is in their best interest to do so.

The amount of this contract shall not exceed \$4,000,000 cumulative of the negotiated work orders. All references to SANDAG in the Agreement shall be interpreted as MTS. The MTS Contract Manager is Tim Allison, 619.595.4903, tim.allison@sdmts.com. Section 4.A.(2) of the Agreement shall be supplemented as follows: All such policies shall name in the endorsement San Diego Metropolitan Transit System (MTS), San Diego Trolley, Inc. (SDTI), San Diego and Arizona Eastern Railway Company (SD&AE), San Diego and Imperial Valley Railroad, (SD&IV), and San Diego Transit Corporation (SDTC), their directors, officers, agents, and employees as additional insureds as their interests may appear.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CONTRACTOR AUTHORIZATION

By: _____
Chief Executive Officer

Approved as to form:

By: _____
Office of General Counsel

Firm: _____

By: _____
Signature

Title: _____

AMOUNT ENCUMBERED

BUDGET ITEM

FISCAL YEAR

\$ (per work order)

(per individual work order)

FY12-19

By: _____
Chief Financial Officer Date

DRAFT

Att. E, AI 10, 9/20/12

STANDARD SERVICES AGREEMENT

G1496.0-13
CONTRACT NUMBER
Various
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 ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: Railpros, Inc. Address: 401 B Street, Suite 302

Form of Business: Corporation San Diego, CA 92101
(Corporation, partnership, sole proprietor, etc.)

Telephone: 619-795-0325

Authorized person to sign contracts: Eric Hankinson President
Name Title

The Contractor agrees to furnish to MTS services and materials, summarized as follows:

Provide on-call general environmental planning, architect, and engineering services according to Contract Number 5001908 effective June 1, 2012, between the San Diego Association of Governments (SANDAG) and Kimley-Horn Associates, Inc. ("Agreement") incorporated by reference as directed, on an as-needed basis. Exhibit D, Section XI, of the Agreement authorizes other governmental agencies to utilize (i.e. "piggyback") the Agreement for the services covered using the same terms, conditions, and pricing if such governmental agencies determine that it is in their best interest to do so.

The amount of this contract shall not exceed \$2,000,000 cumulative of the negotiated work orders. All references to SANDAG in the Agreement shall be interpreted as MTS. The MTS Contract Manager is Tim Allison, 619.595.4903, tim.allison@sdmts.com. Section 4.A.(2) of the Agreement shall be supplemented as follows: All such policies shall name in the endorsement San Diego Metropolitan Transit System (MTS), San Diego Trolley, Inc. (SDTI), San Diego and Arizona Eastern Railway Company (SD&AE), San Diego and Imperial Valley Railroad, (SD&IV), and San Diego Transit Corporation (SDTC), their directors, officers, agents, and employees as additional insureds as their interests may appear.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CONTRACTOR AUTHORIZATION

By: _____
Chief Executive Officer

Approved as to form:

By: _____
Office of General Counsel

Firm: _____

By: _____
Signature

Title: _____

AMOUNT ENCUMBERED

BUDGET ITEM

FISCAL YEAR

\$ (per work order)

(per individual work order)

FY12-19

By: _____ Date
Chief Financial Officer



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

Agenda Item No. 11

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

Draft for

Executive Committee

Review Date: 9/13/12

SUBJECT:

HIGH-SPEED CIRCUIT BREAKER REPLACEMENT AND INSTALLATION –
CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1052.0-12 (in substantially the same format as Attachment A) with Siemens Transportation Systems, Inc. (Siemens), to furnish and install high-speed circuit breakers on MTS's fleet of 52 SD 100 light rail vehicles (LRVs).

Budget Impact

The total cost would not exceed \$571,601.06 and would include training, freight, and taxes. The expenditure would be funded by CIP 11302-0200.

DISCUSSION:

Background

San Diego Trolley, Inc. (SDTI) is currently operating a fleet of 52 Siemens SD 100 light rail vehicles (LRVs). The fleet of SD-100 LRVs was procured between 1995 and 1998. These 15- to 17-year-old high-speed circuit breaker components are at the end of their useful lives and are now experiencing age-related failures. Therefore, SDTI needs to procure Secheron Model UR6-31 high-speed circuit breakers from Siemens as replacements. The high-speed circuit breaker is an integrated component installed in SDTI's SD 100 vehicle that protects the high-voltage auxiliary equipment, heating ventilation air-conditioning (HVAC), static converters, etc. against Overhead Catenary System (OCS) defects.



This particular high-speed circuit breaker is designed and manufactured by Secheron, which is a company from Switzerland. All drawings and specifications to manufacture this component are proprietary and there are no known distributors of the product except for Siemens. Siemens designed and engineered its LRVs using this component for all of its SD 100 and S70 series LRVs sold in North America. The high-speed circuit breaker is manufactured and originates in Switzerland and, therefore, will not meet the Buy America requirements of the specifications. Therefore, this component qualifies for a nonavailability waiver in accordance with 49 C.F.R. 661.7. SDTI will apply for a nonavailability waiver from the Federal Transit Administration (FTA) and expects to receive approval of the waiver.

MTS Policy No. 52 (Procurement of Goods and Services) requires a formal competitive bidding process for procurements exceeding \$100,000. In accordance with FTA Circular 4220.1F, a cost analysis is required when only a single responsive bid is received for any type of formal procurements.

MTS issued an Invitation for Bids at the beginning of 2012, for procurement and installation of high-speed circuit breaker for SDTI Rail Divisions. One responsive bid was received from Siemens. Since it was single bid, a cost analysis was conducted and concluded that the total bid amount from Siemens exceeded the available budget in the project by \$79,452.39. When a single responsive bid is received, the FTA allows negotiation. Staff was able to reduce the cost and determine the revised pricing to be fair and reasonable (see Cost Analysis, Attachment B). Therefore, staff is recommending approval of MTS Doc. No. L1052.0-12 waiver approval from the FTA.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. L1052.0-12
B. Cost Analysis

DRAFT

Att. A, AI 11, 9/20/12

STANDARD PROCUREMENT AGREEMENT

L1052.0-12
CONTRACT NUMBER
CIP 11216-0200
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: Siemens Transportation Systems, Inc. Address: 7464 French Road

Form of Business: Corporation Sacramento, CA 95828
(corporation, partnership, sole proprietor, etc.)

Telephone: (916) 681-3023

Authorized person to sign contracts: Reiner Martin Director of Customer Service
Name Title

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

Furnish and install up to 52 Siemens Light Rail Vehicle (LRV) high-speed circuit breakers as specified in the Technical Specifications, Bid Summary, Standard Conditions Procurement, and the Federal Requirements.

The total amount of this contract shall not exceed \$ 571,601.06, 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: _____ | |
| By: _____ Office of General Counsel | Signature | |
| Title: _____ | | |
| AMOUNT ENCUMBERED | BUDGET ITEM | FISCAL YEAR |
| \$571.601.06 Total | CIP 11302-0200 | 2012 |

By: _____ Date
Chief Financial Officer

(_____ total pages, each bearing contract number)



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

Att. B, AI 11, 9/20/12

COST ANALYSIS

HIGH-SPEED CIRCUIT BREAKER IFB MTS DOC. NO. L1052.0-12

| HIGH SPEED CIRCUIT BREAKER | SIEMENS | MTS |
|----------------------------|---------------|---------------|
| COST PROPOSAL | \$ 571,601.06 | N/A |
| INHOUSE ENGINEERS ESTIMATE | N/A | \$ 569,006.25 |

The difference between Siemens Bid Proposal and MTS's engineer's estimate is within 1% of the capital project amount.



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. MTDD 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.



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Agenda Item No. 12

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

REPLACEMENT BUS RADIOS FOR MTS PARATRANSIT AND RURAL BUS FLEETS

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to purchase 92 new 5300 ES Mobile Radios for the MTS Access and Rural bus fleets.

Budget Impact

The total cost of these new radios would not exceed \$170,337.58 and would be paid for with Capital Improvement Project 11333-0200 funds.

DISCUSSION:

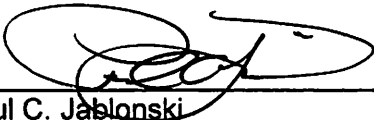
MTS's ADA Paratransit program currently consists of 142 vehicles. An additional 40 vehicles are on order as replacements for retiring vehicles and to accommodate future growth. MTS's Rural bus fleet currently consists of five buses.

MTS needs to purchase new 700/800 MHz radios to allow the drivers of these new vehicles to communicate with dispatchers. Additional radios are needed to replace older models that have surpassed their useful life and to provide an adequate spare ratio. Furthermore, San Diego County is making upgrades to its current regional communications system and is replacing older-model radios that are currently in use to ensure compatibility with the new system. Since MTS is a participant, it is necessary for current radios to be replaced. MTS currently owns 74 radios that are compatible with the new RCS system.



MTS has the option to purchase new radios at a lower price point based on a competitively bid state contract. During the last two previous procurements, radios were only purchased to be installed on new vehicles. The current upgrades to the County's system require MTS to not only purchase radios for new vehicles but to replace older equipment and provide an adequate amount of spares as well.

Purchasing these radios off of the pricing detailed in the state contract would provide the agency with the ability to procure the equipment in the quickest manner and at the most reasonable price. The per-unit cost of the radios is \$1,495.00. The price is the same cost per unit that MTS paid during the two previous procurements.



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. 13

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

Draft for

Executive Committee

Review Date: 9/13/12

SUBJECT:

PLATFORM CARD INTERFACE DEVICES (PCIDs) FOR TROLLEY RENEWAL
PROJECT

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1111.0-13 (in substantially the same format as Attachment A) as a sole-source contract with Cubic Transportation System for the procurement of Platform Card Interface Devices (PCIDs) and associated PCID spare parts to support the additional fare equipment requirements called for in the Trolley Renewal Project's station design specifications.

Budget Impact

The total cost would not exceed \$494,216.00 and would include freight and taxes. The expenditure would be funded by FY 13 CIP 11331.

DISCUSSION:

Background

The San Diego Trolley currently operates 132 Ticket Vending Machines (TVMs) and 183 Platform Card Interface Devices (PCIDs), which are deployed throughout its 53 stations. The PCID device is an integral part of San Diego's Automated Fare Collection (AFC) system, or more commonly referred to as the "Compass Card" system. Through the use of smart card technology, MTS has successfully transitioned its monthly pass fare media from paper to the Compass Card. MTS is also currently in the process of moving its paper Day Pass fare media to the Compass Card. Monthly and Day Pass fares may now be loaded onto Compass Cards at the Trolley's Ticket Vending Machines. Once a patron's pass has been loaded to the Compass Card, it must be validated by the patron before each boarding. Trolley patrons validate their passes by "Tapping" their Compass Cards on the PCID devices located on the Trolley's station platforms.



MTS's Trolley Renewal Project's station design specifications call for a total of 241 PCID's deployed throughout its 53 stations. As such, SDTI will need to obtain 58 PCIDs, 44 PCID Master Modules, and other associated PCID spare parts required to fulfill the Trolley Renewal station design specification requirements. This will ensure that there will be a sufficient number of strategically placed PCIDs in all Trolley stations for MTS patrons to easily and conveniently validate their Compass Cards before boarding the Trolley.

All of SDTI's TVMs and PCIDs are manufactured and supported by Cubic Transportation Systems. SDTI's TVMs and PCIDs utilize hardware designs and unique software programming designed and developed by Cubic. Due to the proprietary nature of these hardware designs and software programs, Cubic Transportation Systems, Inc. is the sole source for the procurement of all PCID devices and supporting spare parts and components for said devices currently used by SDTI.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. L1111.0-13
B. Memo regarding Sole-Source Justification
C. SANDAG Rev. 3 Pricing

DRAFT

Att. A, AI 13, 9/20/12

STANDARD PROCUREMENT AGREEMENT

L1111.0-13
CONTRACT NUMBER
CIP 11331-0200
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: Cubic Transportation Systems, Inc. Address: 5650 Kearny Mesa Road

Form of Business: Corporation San Diego, CA 92111
(corporation, partnership, sole proprietor, etc.)

Telephone: (858) 627-4666

Authorized person to sign contracts: Michael Margro Contracts Manager
Name Title

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

Provide Platform Card Interface Devices (PCIDs) 58 PCIDs, 44 PCID Master Modules, and other associated PCID spare parts required as specified in the Technical Specifications, the Proposal Summary, and the Standard Conditions Procurement, and the Federal Requirements.

The total amount of this contract shall not exceed \$494,216.00, 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 |
|---------------------------|----------------|-------------|
| \$494,216.00 total | CIP 11331-0200 | 2013 |

By: _____
Chief Financial Officer Date

(_____ total pages, each bearing contract number)

Att. B, AI 13, 9/20/12

Memorandum

TO: Purchasing Department

FROM: Scott Donnell, Revenue Manager San Diego Trolley

DATE: August 30, 2012

SUBJECT: **Sole Source Justification for Cubic Platform Card Interface Device (PCID) Procurement**

The San Diego Trolley (SDTI) currently operates 132 Ticket Vending Machines (TVMs), and 183 Platform Card Interface Devices (PCIDs) which are deployed throughout its 53 stations. The PCID device is an integral part of the San Diego region's Automated Fare Collection (AFC) system, or more commonly referred to as the "Compass Card" program. The Compass Card program, utilizing smart card technology, has allowed MTS to move its various monthly pass fare media from paper to plastic compass cards. MTS is also currently in the process of moving its paper day pass fare products to the Compass Card. The PCIDs play an important role in MTS' Compass Card program by facilitating the validation of our patrons pass fare media loaded onto their Compass Cards. Trolley patrons validate their passes by "Tapping" their compass card on the PCID device.

In an effort to ensure that there are enough strategically placed PCIDs in SDTI's Trolley stations for our patrons to easily and conveniently validate (or TAP) their Compass Cards, SDTI is procuring additional PCID devices. MTS' station renewal project's Trolley station design specifications call for 241 total PCID's deployed throughout our 53 stations. As such, SDTI is procuring 58 additional PCIDs, along with the necessary and required supporting spare parts for said PCIDs, to fulfill the station renewal design specification requirements.

All of SDTI's TVMs and PCIDs are manufactured and supported by Cubic Transportation Systems. SDTI's TVMs and PCIDs utilize hardware designs and unique software programming designed and developed by Cubic. Due to the proprietary nature of these hardware designs and software programs, Cubic Transportation Systems, Inc. is the sole source for the procurement of all PCID devices, and supporting spare parts and components for said devices, currently used by SDTI.



SANDAG Rev 3
PCIDs, RSV I/O Adapter, Micro. Dev Servers & MM4s
Proposal Number: 12-099
Total Price

| Description | | Dollars | |
|---|-------------|------------------|-----------------|
| Program Management | | \$35,641 | |
| Production | | \$375,484 | |
| | <u>Qty.</u> | | <u>Per Unit</u> |
| PCIDs | 58 | \$375,484 | \$6,473.86 |
| Warranty Materials (subject to Sales/Use Tax) | | \$8,064 | |
| Warranty Labor | | \$2,176 | |
| Subtotal PCIDs | | <u>\$421,365</u> | |

| Spares Items | | <u>Qty.</u> | | <u>Per Unit</u> |
|-----------------------|--|-------------|-----------------|-----------------|
| RSV I/O Adapter | | 7 | \$5,236 | \$748 |
| Micro. Dev. Server | | 12 | \$3,408 | \$284 |
| MM4s (Mod) | | 44 | \$31,380 | \$713 |
| Subtotal Spares Items | | | <u>\$40,024</u> | |

| | | | |
|-------------------------------------|--|-------|-----------------|
| PCIDs | | | |
| California State Sales/Use Tax Base | | | \$383,548 |
| Sales/Use Tax | | 7.75% | <u>\$29,725</u> |

| | | | |
|-------------------------------------|--|-------|----------------|
| Spares | | | |
| California State Sales/Use Tax Base | | | \$40,024 |
| Sales/Use Tax | | 7.75% | <u>\$3,102</u> |

Total Price PCIDs & Spares Items Including Taxes **\$494,216**



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Agenda Item No. 14

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

TRANSMISSIONS AND IN-FRAME ENGINE OVERHAUL SERVICES – CONTRACT
AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to:

1. execute MTS Doc. No. B0574.0-12 (in substantially the same form as Attachment A) with Cummins Cal Pacific, LLC for the provision of transmission and in-frame engine overhaul services for Group I (In-Frame Engine Overhauls) for a three-year base period with two 1-year options; and
2. exercise each option year at the CEO's discretion.

Budget Impact

The three-year base contract would total \$5,007,224.91. The two 1-year options would total \$2,700,824.20. The total contract amount would not exceed \$7,708,049.11.

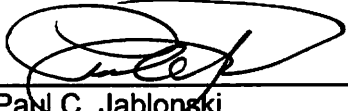
The funding for this contract would be allocated under the MTS Bus Maintenance operation budget (312/322/801/820/926-53810), which uses 80 percent federal and 20 percent local funds.

DISCUSSION:

An Invitation for Bids (IFB) for the provision of transmissions and in-frame engine overhaul services was issued on March 1, 2012. Bids were opened on July 26, 2012, and a total of seven bids were received. Four of the seven bidders were determined to be responsive, and the other three were nonresponsive (see Bid Summary – Attachment B). Cummins Cal Pacific, LLC was determined to be the lowest responsive



and responsible bidder; therefore, staff is recommending that a single-responsive contract be awarded to Cummins Cal Pacific, LLC for Group I in-frame engine overhauls for three years with two 1-year options effective October 1, 2012.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. B0574.0-12 - Cummins Cal Pacific, LLC
B. Bid Summary

DRAFT

**STANDARD PROCUREMENT AGREEMENT
FOR
IN FRAME ENGINE OVERHAULS**

| |
|--|
| B0574.0-12 CONTRACT NUMBER |
| OPS 960.6 FILE/PO NUMBER(S) |

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

Name: Cummins Cal Pacific, LLCAddress: 310 N. Johnson Ave.Form of Business: Partnership
(Corporation, Partnership, Sole Proprietor, etc.)El Cajon, CA 92020Telephone: 619-593-3093

Authorized person to sign contracts: Bruce Hagemann Operations Manager
Name Title

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

In-Frame Engine Overhauls as specified in the Technical Specifications (attached as Exhibit A), the Contractor's Bid (attached as Exhibit B), the Standard Conditions Procurement (attached as Exhibit C), and the Federal Requirements (attached as Exhibit D).

This contract shall be for a three-year base period with two 1-year options. The total amount for the base period shall not exceed \$5,007,224.91 and shall be effective October 1, 2012, through September 30, 2015. The total amount for the two option years is \$2,700,824.20 and shall be effective October 1, 2015, through September 30, 2017.

The total amount of this contract shall not exceed \$7,708,049.11 for the 3-year base period and two 1-year options, including all applicable sales taxes which is subject to increase with the California Sales and Income Tax Increase Initiative (November 2012).

| SAN DIEGO METROPOLITAN TRANSIT SYSTEM | CONTRACTOR AUTHORIZATION |
|---|--------------------------|
| By: _____ Paul C. Jablonski, Chief Executive Officer | Firm: _____ |
| Approved as to form: | By: _____ Signature |
| By: _____ Office of General Counsel | Title: _____ |

| AMOUNT ENCUMBERED | BUDGET ITEM | FISCAL YEAR |
|-----------------------|----------------------------------|--------------------|
| <u>\$7,708,049.11</u> | <u>312/322/801/820/926-53810</u> | <u>FY 13-FY 15</u> |

By: _____
Chief Financial Officer

(_____ total pages, each bearing contract number)

GRAND TOTALS

| GROUP II | *Miramar Truck | Distributor Independent | Harbor Diesel | Valley Power Systems | **Cummins Cal Pacific |
|---|------------------------|--------------------------------|----------------------|-----------------------------|------------------------------|
| <i>Grand Total Year 1:</i> | \$ 1,796,682.01 | NO BID | NO BID | NO BID | \$ 1,823,778.97 |
| <i>Grand Total Year 2:</i> | \$ 1,750,003.74 | | | | \$ 1,781,446.84 |
| <i>Grand Total Year 3:</i> | \$ 1,363,337.80 | | | | \$ 1,401,999.10 |
| <i>Grand Total Year 4 (Option Yr. 1):</i> | \$ 1,296,086.73 | | | | \$ 1,337,963.42 |
| <i>Grand Total Year 5 (Option Yr. 2):</i> | \$ 1,318,119.68 | | | | \$ 1,362,860.78 |
| GRAND TOTAL BID AMOUNT (Basis of Award): | \$ 7,524,229.96 | | | | \$ 7,708,049.11 |

* NON-RESPONSIVE

** RESPONSIBLE/LOWEST BID



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Agenda Item No. 15

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

ENGINEERING SUPPORT SERVICES FOR THE MISSION VALLEY EAST ORANGE
LINE SIGNAL PRINT VERIFICATION PROJECT

Item to be provided





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

Agenda Item No. 16

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

JANITORIAL SERVICES FOR MTS LRV FLEET - ADDITIONAL SERVICES

RECOMMENDATION:

That the Board of Directors:

1. ratify MTS Doc. No. G1387.2-11 (Attachment A) dated September 30, 2011, with NMS Management for janitorial and light rail vehicle (LRV) cleaning services, which was previously executed pursuant to the Chief Executive Officer's (CEO's) authority¹; and
2. authorize the CEO to execute MTS Doc. No. G1387.3-11 (Attachment B) for LRV cleaning services through September 30, 2016.

Budget Impact

The contract amount would increase by \$174,392.08 for years 2 and 3 of the base contract and \$161,684.92 for option years 1 and 2 (if exercised at the discretion of the CEO) for a grand total increase of \$336,077.00 for LRV fleet cleaning services paid for from the San Diego Trolley, Inc. Operations Budget (352-53615). As a result of this request, the total Board-approved amount would increase from \$6,019,091.08 to \$6,355,168.08.

¹ Board Policy No. 52.2(A)(i) grants the CEO authority to approve all procurements up to \$100,000.



DISCUSSION:

In September 2011, following a Request for Proposals process, the Board authorized the CEO to award a three-year base contract with two 1-year options for janitorial and LRV fleet-cleaning services to NMS Management, Inc. for \$3,520,497.92. Total Board approval, inclusive of options, was \$5,898,492.28. In January 2012, the Board approved an increase of \$120,598.80 for a total of \$6,019,091.08. The services include janitorial services for San Diego Transit Corporation's Imperial Avenue Division and Kearny Mesa Division buildings, San Diego Trolley, Inc. buildings, the LRV fleet, and three LRV day-porters located at three different trolley stations.

As part of the LRV fleet cleaning scope of work, tasks include that a designated average number of LRVs receive exterior "carbon cleaning" (in which the black carbon residue is cleaned from the exterior of the vehicle), "monthly cleanings" (in which the entire exterior and interior of the passenger area and operator cabs are cleaned thoroughly from floor to ceiling), and "quarterly cleanings" (in which, in addition to the "monthly cleaning" tasks, rubber floors are scrubbed and waxed and the level of detailed cleaning increases) each day (or night) so the entire fleet of vehicles is cleaned in a regular rotation. With increasing MTS Trolley ridership, it has become apparent that the current frequency of these services is insufficient to meet MTS's cleanliness expectations.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. MTS Doc. No. G1387.2-11
B. MTS Doc. No. G1386.3-11



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

July 31, 2012

MTS Doc. No. G1387.2-11

NMS Management, Inc.
David Guaderrama, President
155 West 35th St., Suite D
National City, CA 91950

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1387.0-11 JANITORIAL SERVICES

In accordance with Exhibit A, Section B.1.3 "Contractor Responsibility" of Contract No. G1387.0-11, MTS amends the Agreement to incorporate the following changes:

SCOPE OF WORK

Section B.2.3, 4 Nightly LRV Carbon Cleanings (Entire Visible Carbody); the average number of LRVs per night will increase from 2 to 4.

Section B.2.4 Monthly Cleaning; the average number of LRVs to perform the Monthly Cleaning task each night will increase from 1.5 to 3.

Section B.2.5 Quarterly LRV Interior Cleaning; the average number of LRVs to perform the Quarterly Cleaning task each night will increase from 1 to 3.

TIME OF PERFORMANCE

The time of performance for this Amendment will be August 1, 2012 through September 30, 2012 unless otherwise modified by a formal contract Amendment.

PAYMENT

Increase in payment for these tasks are stated in a per month increase as follows:

| | |
|--|-------------------|
| Section B.2.3, 4 Nightly LRV Carbon Cleaning | \$1,788.50 |
| Section B.2.4 Monthly Cleanings | \$3,577.00 |
| Section B.2.5 Quarterly LRV Cleaning | <u>\$1,788.50</u> |
| Total Monthly Contract Changes | \$7,154.00 |

The total additional price increase to the contract is \$14,308.00.

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

Sincerely,

Paul C. Jablonski
Chief Executive Officer

Agreed:

David Guaderrama
President NMS Management, Inc.

Date: 8-1-12

LMARQUIS-CL
CL-G1387.2-11.NMSMGMT.SREED.073112

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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. A-1



DRAFT

September 20, 2012

MTS Doc. No. G1387.3-11

Mr. David Guaderrama
President
NMS Management, Inc.
155 West 35th St., Suite D
National City, CA 91950

Dear Mr. Guaderrama:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1387.0-11 JANITORIAL SERVICES

In accordance with Exhibit A, Section B.1.3 "Contractor Responsibility" of MTS Doc. No. G1387.0-11, MTS amends the Agreement to incorporate the following changes:

SCOPE OF WORK

Section B.2.3, 4 Nightly LRV Carbon Cleanings (Entire Visible Carbody); the average number of LRVs per night will decrease from 4 to 3 as compared to Amendment No. 2, which was for a two-month period. If compared to the original contract, the average number will increase from 2 to 3.

Section B.2.4 Monthly Cleaning; the average number of LRVs to perform the Monthly Cleaning task each night will increase from 1.5 to 3.

Section B.2.5 Quarterly LRV Interior Cleaning; the average number of LRVs to perform the Quarterly Cleaning task each night will increase from 1 to 3.

Section B.2.7 Cleaning LRVs at Terminal Station; As agreed to with the MTS Project Manager, and effective as of September 2, 2012, the one cleaner (referred to as a "day porter") located at "Old Town Station" trolley stop, will now be located at "Santa Fe Depot" trolley stop. Cleaning times for both "Santa Fe Depot" and "12th and Imperial" trolley stops shall change from 11:00 a.m. – 7:30 p.m. to 8:30 a.m. – 5:00 p.m. There is no cost impact to this change.

TIME OF PERFORMANCE

The time of performance for this Amendment will be October 1, 2012, through September 30, 2014, which represents Years 2 and 3 of the base contract period. October 1, 2014, through September 30, 2016, which represents Option Years 1 and 2, will be effective at the sole discretion of MTS unless otherwise modified by a formal contract amendment.

PAYMENT

Increases in payment for these tasks are inclusive of additional cleaning supplies and taxes and are stated in a per-month increase as follows:

Base Contract Years 2 and 3; October 1, 2012 – September 30, 2014

| | |
|--|-------------------|
| Section B.2.3, 4: Nightly LRV Carbon Cleaning | \$ 969.40 |
| Section B.2.4: Monthly Cleanings | \$1,936.15 |
| Section B.2.5: Quarterly LRV Cleaning | <u>\$3,764.62</u> |
| Total Additional Monthly Contract Charges | \$6,670.17 |

The total additional price increase to each Contract Year 2 and 3 is \$80,042.04 for a total Contract increase of \$160,084.08.

Option Years 1 and 2; October 1, 2014 – September 30, 2016

| | |
|--|-------------------|
| Section B.2.3, 4: Nightly LRV Carbon Cleaning | \$ 979.09 |
| Section B.2.4: Monthly Cleanings | \$1,955.52 |
| Section B.2.5: Quarterly LRV Cleaning | <u>\$3,802.27</u> |
| Total Additional Monthly Contract Charges | \$6,736.87 |

If exercised at the discretion of MTS, the total additional price increase to each Option Year 1 and 2 is \$80,842.46 for a total option period increase of \$161,684.92.

As a result of this Amendment, the total contract price has increased by \$160,084.08 from \$3,603,425.52 to \$3,763,509.60.

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

Sincerely,

Agreed:

Paul C. Jablonski
Chief Executive Officer

David Guaderrama
NMS Management, Inc.

Date: _____



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
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Agenda Item No. 17

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL

RECOMMENDATION:

That the Board of Directors adopt a 4.1% goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2013 to FFY 2015 triennial period.

Budget Impact

None.

Recommendation by the Executive Committee

At its meeting on September 13, 2012, the Executive Committee recommended forwarding this agenda item to the Board of Directors for approval.

DISCUSSION

As a Federal Transit Administration (FTA) grantee, MTS complies with the federal regulations set forth in Title 49 of the Code of Federal Regulations Part 26 regarding participation by DBEs in the U.S. Department of Transportation (DOT) Program. The DBE regulations requires MTS to prepare DBE goals based upon the number of ready, willing, and able DBE-certified contractors available to bid on certain categories of MTS procurements.

The goals of the DBE program are:

1. to ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;



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3. to ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. to ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. to help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. to assist the development of firms that can compete successfully in the marketplace outside of the DBE program; and
7. to provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

MTS has a race-neutral program with an aspirational goal for DBE participation. This means that no special quotas or advantages are provided to DBE contractors. Instead, MTS conducts outreach to DBE and other contractors in an effort to inform them of upcoming MTS procurements. Successful bidders are chosen using race-neutral means—generally through a low-bid or best-value procurement process. For purposes of reporting DBE participation rates to the FTA, MTS may only count participation by certified DBE contractors. Contractors with only a women, disabled veteran, or minority-owned certification do not qualify for DBE reporting. Certified DBE contractors must (1) have a woman or minority as a majority owner, and (2) meet specified income limits for both the business and the majority owner.

MTS is required to calculate its goal on a triennial basis. The upcoming triennial period is FFY 2013 to FY 2015 (October 1, 2012, through September 30, 2015).

The DBE regulations establish the required goal methodology, which includes 2 steps: (1) determination of a base figure of the relative availability of DBEs to all comparable firms (DBE and non-DBE) available to bid or propose on MTS's FTA-assisted contracts; and (2) adjusting the base figure to reflect any circumstances that may impact the relative availability of DBE firms in MTS's market area. This goal methodology requires MTS to forecast the specific contracts that it expects to award during the triennial period and identify if there are qualified DBE contractors who may successfully bid on such contracts.

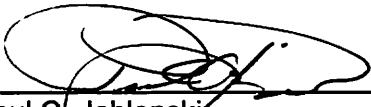
To calculate the MTS DBE goal for the FFY 2013 to FFY 2015 triennial period, MTS hired DBE Consultant, GCAP Services, to review MTS procurement information, identify available DBE and non-DBE contractors qualified to bid on each procurement, and calculate MTS's potential DBE participation on such contracts. A 9-page "FTA Overall DBE Goal-Setting Methodology" document was prepared establishing a proposed goal of 4.1% (Attachment A).

The 4.1% proposed goal takes into consideration an estimated \$391 million in contract dollars that MTS expects to award in the 3-year period. This figure includes certain contracts with no qualified DBE firms available to bid on such work (e.g., Special Needs Transportation, All Other Transit and Ground Passenger Transportation, Support Activities for Rail Transportation). In such contracts, there is no reasonable opportunity for MTS to award the associated federal dollars to a DBE contractor. As a result, the Step One base figure of DBE firms available to bid on anticipated MTS contracts is 2.8%.

In Step Two, the base figure of 2.8% was compared to MTS's average DBE attainment for the previous 3-year period (5.5%). The average of these two figures is 4.1%. It is therefore recommended that the 2.8% base figure be adjusted upward to 4.1%.

MTS reports its DBE-participation to the FTA in semiannual reports. The specific participation rate for each 6-month reporting period will depend heavily on the type and dollar value of contracts that were awarded during a given period. During periods when MTS awards a large, multiyear service contract such as paratransit services or contract service bus operations, the large dollar value of these non-DBE contracts will dilute the percentage of DBE participation for other contracts in the reporting period. Therefore, while the specific DBE participation rate for each 6-month reporting period may fluctuate, the goal of the MTS DBE-outreach program will be to achieve the 4.1% DBE goal as an average for the FFY13/15 triennial period.

As required by the DBE regulations, MTS posted the proposed goal and associated goal-setting methodology document at its Executive Offices on August 15, 2012. On August 16, 2012, it was posted on the MTS website with a request for comments. On August 16, 2012, it was also sent to the following local minority and women organizations for comment: Asian Business Association-San Diego, Black Contractors Association of San Diego, Filipino American Chamber of Commerce of San Diego County, National Association of Women Business Owners-San Diego, National Association of Women in Construction-San Diego, and the National Latina Women's Business Association-San Diego. On August 17, 2012, a public notice was published in the *San Diego Daily Transcript*. On August 23, 2012, a public notice was published in the *San Diego Voice & Viewpoint* (Attachment B). To date, no comments have been received.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft Goal-Setting Methodology Document
B. Public Notice Documents



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

**Federal Transit Administration
(FTA) Overall DBE
Goal-Setting Methodology**

**for
FFY 2013-FFY 2015
Goal Period**

Submitted in fulfillment of:

Title 49 Code of Federal Regulations Part 26

This analysis is prepared exclusively for MTS; it is non-transferable and is not to be duplicated.

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DBE GOAL METHODOLOGY

I. INTRODUCTION

The San Diego Metropolitan Transit System (MTS) herein sets forth its Overall Disadvantaged Business Enterprise (DBE) Goal and corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal Year (FFY) goal period of 2013-2015 (October 1, 2012 through September 30, 2015), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26 "Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs." The purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for Department of Transportation-assisted contracts, however, the program must be narrowly tailored in accordance with applicable law.

II. BACKGROUND

MTS is a recipient of U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), funding. As a condition of receiving this assistance, MTS signed an assurance that it will comply with FTA's DBE requirements. In accordance with Title 49 CFR Part 26 provisions: Participation by DBEs in USDOT Programs, MTS is required to develop and submit a Triennial Overall DBE Goal for its FTA-assisted projects.

MTS herein presents its Overall DBE Goal Methodology for FFY 2013-15.

III. FTA-ASSISTED CONTRACTING PROGRAM FOR FFY 2013-2015

Table 1 represents MTS's FTA-assisted contracting program, which consists of projects considered in preparing this goal methodology. The projects, which include Construction, Professional Services and Materials/Supplies contracting opportunities, are anticipated to be awarded during the triennial period:

Table 1

| PROJECT NAME/DESCRIPTION | TOTAL ESTIMATED PROJECT COST |
|---|------------------------------------|
| ADA and Rural RCS Radio Replacement | \$320,000.00 |
| ADA Para-transit Services | \$106,007,025.00 |
| Armored Transport Services | \$502,540.41 |
| ATT CALNETII Telecommunications | \$890,760.00 |
| Bridge Inspection Services | \$79,768.00 |
| BRT Station Maintenance | \$108,420.00 |
| Building A Air-condition and Heater Replacement | \$140,000.00 |
| Building A Rollup Door Replacements | \$50,000.00 |
| C Street Traffic Signals | \$292,000.00 |
| CCI Handheld Units | \$457,526.00 |

| | |
|---|------------------|
| Clarifier Waste Transportation & Recycling | \$231,430.64 |
| Clean Inter Bus KMDIAD | \$1,105,169.00 |
| Copier Lease Program for 12 Copy | \$175,000.00 |
| Cummins CNG Engine In-Frame Overhauls | \$3,145,591.29 |
| Elevator and Escalator Maintenance | \$178,892.00 |
| Elevator and Escalator Modifications | \$250,000.00 |
| Elevator Maintenance and Repair | \$47,160.20 |
| Facilities Station Cleaning Equipment Replacement | \$150,000.00 |
| Fashion Valley Transit Center Driver Restroom | \$43,924.10 |
| Fire Alarm Monitoring | \$99,990.00 |
| Fire Alarm System Testing and Maintenance | \$26,400.00 |
| Fire Extinguisher Services | \$44,673.95 |
| Fixed Route Bus Services | \$234,551,353.00 |
| Grant Consulting Services | \$25,000.00 |
| GTO Firing Boards for SD-100 LRV | \$346,125.33 |
| Hazardous Material Disposal Services | \$258,449.50 |
| HVAC Preventative Maintenance | \$89,222.00 |
| iLON Fire Safety System Upgrade and Recert. | \$157,197.00 |
| iLON Replacement | \$80,000.00 |
| Janitorial Services | \$3,520,497.92 |
| Landscaping Maintenance- RB | \$21,220.62 |
| Light Rail Vehicle Electronic Components | \$360,000.00 |
| LRV Brake Overhaul | \$4,300,000.00 |
| LRV Paint and Body Rehab | \$1,920,000.00 |
| LRV Tire Kits | \$2,459,403.00 |
| LRV Tire Kits for U2s SD100s and S70s | \$1,372,390.20 |
| MTS (IAD) Server Room HVAC Improvements | \$60,000.00 |
| MTS Bus Operator Uniforms | \$710,079.01 |
| MVE / Orange Line Signal Print Verification & Revisions | \$500,000.00 |
| Network Infrastructure | \$510,000.00 |
| New IT System | \$3,025,000.00 |
| New Wheel Truing Machine - construction | \$650,000.00 |
| On-Call Engineering Services | \$500,000.00 |
| On-Call Engineering Services | \$750,000.00 |
| Para-transit Certification Service | \$929,098.62 |
| Plumbing Services SDTI | \$81,351.00 |
| Radio Communication Support Services | \$293,916.00 |
| Rail Grinding | \$675,000.00 |
| Rail Grinding Services | \$1,625,197.00 |
| Rail Noise Suppression Lubricant | \$716,053.50 |
| Rail Road Ties | \$194,400.27 |
| Rail Testing Blue/Orange/Green Lines | \$93,356.67 |
| Rebuilt Allison Transmissions | \$2,331,854.38 |
| Roof replacement on Builds B and C | \$200,000.00 |
| Regional Transit Management System | \$1,260,887.52 |
| RTMS Consultant Services | \$197,866.00 |
| RTMS South Bay and East County Divisions | \$2,900,000.00 |
| S70 Passenger Window Retrofit | \$660,000.00 |
| SD100 Operator Seats Replacement | \$325,000.00 |
| SD100 Traction Motor overhaul | \$5,200,000.00 |
| SDTC Towing Services | \$122,435.00 |

| | |
|-------------------------------------|-------------------------|
| Third Party Admin for Workers' Comp | \$1,726,914.00 |
| Track Tamping Machine Upgrade | \$30,000.00 |
| TransitWatch re-write | \$75,000.00 |
| Trauma Scene Clean-up Services | \$30,000.00 |
| TVM and DCU Software | \$634,775.00 |
| Weed Abatement Services | \$210,575.00 |
| TOTAL | \$391,025,888.13 |

Table 2 provides a summary of the categories of work with estimated cost breakdown for each. Categories of work are groups utilizing comparable North American Industry Classification System (NAICS) codes for purposes of weighting the categories of work based on the engineer's estimates.

Table 2:

| CATEGORY OF WORK | NAICS CODES | ESTIMATED \$ BY NAICS | ESTIMATED % BY NAICS |
|--|-------------|-----------------------|----------------------|
| Roofing Contractors | 238160 | 200,000.00 | 0.05% |
| Electrical Contractors and Other Wiring Installation Contractors | 238210 | 292,000.00 | 0.07% |
| Plumbing, Heating, and Air-Conditioning Contractors | 238220 | 370,573.00 | 0.09% |
| Other Building Equipment Contractors | 238290 | 526,052.20 | 0.13% |
| Other Commercial and Service Industry Machinery Manufacturing | 333318 | 150,000.00 | 0.04% |
| Computer and Computer Peripheral Equipment and Software Merchant Wholesalers | 423430 | 457,526.00 | 0.12% |
| Other Electronic Parts and Equipment Merchant Wholesalers | 423690 | 3,220,000.00 | 0.82% |
| Other Miscellaneous Durable Goods Merchant Wholesalers | 423990 | 201,870.95 | 0.05% |
| Special Needs Transportation | 485991 | 106,007,025.00 | 27.11% |
| All Other Transit and Ground Passenger Transportation | 485999 | 234,551,353.00 | 59.98% |
| Support Activities for Rail Transportation | 488210 | 20,926,925.97 | 5.35% |
| Motor Vehicle Towing | 488410 | 122,435.00 | 0.03% |
| Wired Telecommunications Carriers | 517110 | 890,760.00 | 0.23% |
| Office Machinery and Equipment Rental and Leasing | 532420 | 175,000.00 | 0.04% |
| Engineering Services | 541330 | 1,447,866.00 | 0.37% |
| Custom Computer Programming Services | 541511 | 5,075,662.52 | 1.30% |
| Computer Systems Design Services | 541512 | 510,000.00 | 0.13% |
| Administrative Management and General Management Consulting Services | 541611 | 954,098.62 | 0.24% |
| Human Resources Consulting Services | 541612 | 1,726,914.00 | 0.44% |
| Security Systems Services (except Locksmiths) | 561621 | 126,390.00 | 0.03% |
| Other Scientific and Technical Consulting Services | 541690 | 793,916.00 | 0.20% |
| All Other Professional, Scientific, and Technical Services | 541990 | 79,768.00 | 0.02% |
| Armored Car Services | 561613 | 502,540.41 | 0.13% |
| Janitorial Services | 561720 | 3,564,422.02 | 0.91% |
| Landscaping Services | 561730 | 231,795.62 | 0.06% |
| Other Services to Buildings and Dwellings | 561790 | 108,420.00 | 0.03% |

| | | | |
|--|--------|----------------|---------|
| All Other Support Services | 561990 | 30,000.00 | 0.01% |
| Solid Waste Collection | 562111 | 231,430.64 | 0.06% |
| Hazardous Waste Treatment and Disposal | 562211 | 258,449.50 | 0.07% |
| Automotive Transmission Repair | 811113 | 5,477,445.67 | 1.40% |
| Car Washes | 811192 | 1,105,169.00 | 0.28% |
| Linen Supply | 812331 | 710,079.01 | 0.18% |
| TOTAL | | 391,025,888.13 | 100.00% |

IV. GOAL METHODOLOGY

Step 1: Determination of a Base Figure (26.45)¹

To establish MTS's Base Figure of the relative availability of DBEs to all comparable firms (DBE and Non-DBE) available to bid or propose on MTS's FTA-assisted contracting opportunities projected to be solicited during the triennial goal period, MTS followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the *California Unified Certification Program (CUCP) DBE Database of Certified Firms* and the *2010 U.S. Census Bureau County Business Patterns Database* within MTS's market area (defined as San Diego County) for each of the categories of work defined in Table 2.

MTS's local market area consists of the geographic area where a substantial majority of contracting dollars are expended and/or where the substantial majority of contractor and subcontractor bids or quotes are located.

In accordance with the formula below, the Base Figure is derived by dividing the number of ready, willing and able DBE firms identified for each work category by the number of all firms identified for each corresponding work category (relative availability), weighting the relative availability for each work category by the corresponding work category weight from Table 2 (weighted ratio), and adding the weighted ratio figures together.

$$\text{Base Figure} = \sum \frac{(\text{Number of Ready, Willing and Able DBEs})}{\text{Number of All Ready, Willing and Able Firms}} \times \text{weight} \times 100$$

⇒ For the numerator: CUCP DBE Database of Certified Firms

⇒ For the denominator: 2010 U.S. Census Bureau's Business Patterns Database

A concerted effort was made to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator.

The result of the Base Figure calculation is 2.8%, as shown in Table 3 as follows:

¹ 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.

Table 3

| CATEGORY OF WORK | DBES | ALL FIRMS | CATEGORY WEIGHT | WEIGHTED RATIO |
|--|------|-----------|-----------------|----------------|
| Roofing Contractors | 1 | 168 | 0.05% | 0.00% |
| Electrical Contractors and Other Wiring Installation Contractors | 19 | 663 | 0.07% | 0.00% |
| Plumbing, Heating, and Air-Conditioning Contractors | 14 | 748 | 0.09% | 0.00% |
| Other Building Equipment Contractors | 2 | 46 | 0.13% | 0.01% |
| Other Commercial and Service Industry Machinery Manufacturing | 0 | 0 | 0.04% | 0.00% |
| Computer and Computer Peripheral Equipment and Software Merchant Wholesalers | 1 | 124 | 0.12% | 0.00% |
| Other Electronic Parts and Equipment Merchant Wholesalers | 0 | 263 | 0.82% | 0.00% |
| Other Miscellaneous Durable Goods Merchant Wholesalers | 4 | 130 | 0.05% | 0.00% |
| Special Needs Transportation | 0 | 14 | 27.11% | 0.00% |
| All Other Transit and Ground Passenger Transportation | 1 | 22 | 59.98% | 2.73% |
| Support Activities for Rail Transportation | 0 | 2 | 5.35% | 0.00% |
| Motor Vehicle Towing | 1 | 93 | 0.03% | 0.00% |
| Wired Telecommunications Carriers | 1 | 236 | 0.23% | 0.00% |
| Office Machinery and Equipment Rental and Leasing | 0 | 13 | 0.04% | 0.00% |
| Engineering Services | 37 | 997 | 0.37% | 0.01% |
| Custom Computer Programming Services | 8 | 983 | 1.30% | 0.01% |
| Computer Systems Design Services | 6 | 740 | 0.13% | 0.00% |
| Administrative Management and General Management Consulting Services | 23 | 734 | 0.24% | 0.01% |
| Human Resources Consulting Services | 2 | 122 | 0.44% | 0.01% |
| Security Systems Services (except Locksmiths) | 19 | 962 | 0.03% | 0.00% |
| Other Scientific and Technical Consulting Services | 6 | 260 | 0.20% | 0.00% |
| All Other Professional, Scientific, and Technical Services | 0 | 8 | 0.02% | 0.00% |
| Armored Car Services | 0 | 48 | 0.13% | 0.00% |
| Janitorial Services | 10 | 460 | 0.91% | 0.02% |
| Landscaping Services | 9 | 843 | 0.06% | 0.00% |
| Other Services to Buildings and Dwellings | 1 | 162 | 0.03% | 0.00% |
| All Other Support Services | 4 | 136 | 0.01% | 0.00% |
| Solid Waste Collection | 0 | 46 | 0.06% | 0.00% |
| Hazardous Waste Treatment and Disposal | 1 | 16 | 0.07% | 0.00% |
| Automotive Transmission Repair | 0 | 50 | 1.40% | 0.00% |
| Car Washes | 0 | 162 | 0.28% | 0.00% |
| Linen Supply | 0 | 7 | 0.18% | 0.00% |
| BASE FIGURE | | | | |
| Base Figure (i.e., Sum of Weighted Ratios for all Work Categories) | | | | 2.8% |

Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, MTS reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45: Step 2; DBE Goal Adjustment guidelines.

Evidence considered in making an adjustment to the Base Figure included Past DBE Goal Attainments and Other Evidence, as follows:

A. Past DBE Goal Attainments

As historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform, MTS proceeded to calculate past DBE participation attainments for the three (3) federal fiscal years, for which DBE attainment data is available. The table below reflects the demonstrated capacity of DBEs (measured by actual historical DBE participation attainments) on FTA-assisted contracts awarded by MTS within the last three (3) federal fiscal years.

Table 4

| FEDERAL FISCAL YEAR (FFY) | FTA DBE GOAL ATTAINMENT % |
|--|---------------------------|
| 2009/10 | 0.1% |
| 2010/11 | 15.5% ² |
| 2011/12* | 0.9% ³ |
| Average DBE Attainment Within the Last Three (3) Years | 5.5% |

* through 3/31/12

The average established for the past three years is higher than the Base Figure derived from Step 1; therefore, an adjustment to the Base Figure based on MTS's past DBE goal attainments has been made. The adjustment is calculated by averaging the Base Figure with the Average DBE Past Attainment, as shown below.

$$\text{Adjusted Base Figure} = \frac{\text{Base Figure (2.8\%)} + \text{Median DBE Attainment (5.5\%)}}{2}$$

The formula resulted in a proposed adjustment (upward) to the Base Figure from 2.8% to 4.1%.

B. MTS Bidder's List

MTS will begin to capture Bidders List information on future procurements for the potential use in future DBE goal determinations.

² In FFY 10/11, a major janitorial contractor who successfully bid on MTS contracts became DBE-certified, accounting for \$3.5 million in DBE participation for MTS. This experience has been factored into MTS's DBE outreach efforts.

³ DBE attainment for the first half of FFY 11/12 is 8.4% when a \$137 million multi-year contract for bus operations is excluded from the calculation. Award of large operations contracts of this nature dilutes the DBE participation for the reporting period. Notwithstanding the low percentage rate, MTS awarded \$1,460,173.40 in contract dollars to three DBE contractors during this period, one of its highest DBE commitments, in dollars, in the previous five years.

C. Disparity Study

In 2008, MTS and the San Diego Association of Governments (SANDAG) participated in a disparity study which included the Los Angeles Metropolitan Transportation Authority (Metro), the Orange County Transportation Authority (OCTA), and the Southern California Regional Rail Authority (Metrolink). The study was named the Southern California Regional Disparity Study.

The Study was conducted to assist MTS in making decisions concerning compliance with its FTA DBE Program. Although the study recommended that MTS consider a base figure that included MBE and SBE firms, MTS believes that the Study's determination of available certified DBE firms is appropriate for comparison with MTS past DBE participation. The Study found that counting certified DBE firms produces a base figure of 4.5%.

The Study also concluded that certified DBEs received 5 percent of the FTA-funded contract award dollars when the MTS DBE Program was race-neutral.

The Disparity Study finding that DBE availability is 4.5% is comparable to the base figure amount of 4.1% and does not necessitate an adjustment to the base figure.

D. Other Available Evidence

MTS is not in possession of other information that would have an impact on the DBE goal assessment.

V. PROPOSED OVERALL DBE GOAL

The Final Proposed Overall DBE Goal for FFY 2013-2015 for MTS's FTA-assisted contracts is 4.1%. As a part of the prescribed goal-setting methodology, MTS must project the percentage of its Proposed Overall DBE Goal that can be met utilizing race-neutral and race-conscious measures.

Race-Conscious & Race-Neutral Projection

The MTS DBE goal attainment data, which equals an 8% mean for the past three years, demonstrates that MTS is able to meet the DBE goal through race neutral means. MTS intends to continue to use race-neutral methods to meet the overall DBE goal of 4.1% for FFY 2013-2015 in accordance with Title 49 CFR Part 26.51.

| RACE-CONSCIOUS & RACE-NEUTRAL PROJECTIONS | |
|---|------|
| DBE Adjusted Base Figure | 4.1% |
| Race-Conscious Component | 0.0% |
| Race-Neutral Component | 4.1% |

VI. RACE-NEUTRAL IMPLEMENTATION MEASURES

MTS is currently implementing a number of race- and gender-neutral remedies to outreach and promote the participation of DBEs and small businesses in MTS's FTA-assisted contracting program. MTS plans to continue or implement the following race-neutral measures for FFY 2013-2015 and will continue to explore other options for consideration based on MTS's success in meeting its overall DBE goals based on these efforts:

- MTS will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation. MTS will also hold conferences, which include a networking component to promote teaming opportunities between prospective prime contractors and the DBE and Small Business contracting community.
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing). Specifically, MTS will, through its website, refer the DBE and Small Business contracting community to the SBA Bonding Assistance Program.
- MTS will solicit DBEs and other small businesses participation by carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- As a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses, MTS will actively promote the Small Business conferences, programs, and support services offered by other agencies that have established DBE and Small Business Programs.
- MTS will advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website: www.CaliforniaUCP.com. MTS will also advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at the following url: www.bidsync.com/DPXBisCASB.
- MTS will advise the DBE and small business community to participate and attend Caltrans' sponsored free courses specifically offered through the CCCP, specifically the "Navigating the Caltrans Procurement Website" course to assess bid opportunities as this course includes tips on accessing local agencies websites as well.
- MTS will provide outreach to current MTS contractors or past MTS contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.
- MTS will monitor prime contractors' use of subcontractors to identify potential payments to DBE subcontractors that have not previously been captured in MTS DBE reporting.

Fostering Small Business Participation⁴

MTS has implemented several strategies to foster small business participation in its contracting process. These include the following:

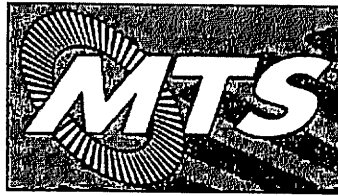
- In multi-year design-build contracts or other large contracts (e.g., for “megaprojects”) requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
- On larger prime contracts requiring the prime contractor to consider subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Provide outreach to current MTS contractors or past MTS contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.

VII. PUBLIC PARTICIPATION AND FACILITATION

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations within the market area will be consulted and provided an opportunity to review the triennial goal analysis and provide input.

MTS plans to issue a Public Notice in general circulation media and minority focused media publishing the Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2013-FFY 2015. The notice would inform the public that the proposed goal and rationale are available for inspection at MTS’s principal office during normal business hours for 45 days following the date of the Public Notice, and that MTS would accept comments on the goal analysis for 45 days from the date of the Public Notice. MTS will give full consideration to all comments and input received as a part of this process and will assess its impact on the goal-setting methodology.

⁴ See Title 49 CFR Part 26 Section 26.39 “Fostering Small Business Participation.”



PUBLIC NOTICE

San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN, that the San Diego Metropolitan Transit System (hereinafter referred to as MTS), has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 4.1%, for Federal Fiscal Years 2013-15. The DBE Goal is applicable to DOT-(FTA) assisted contracting opportunities scheduled to be awarded during the period of October 1, 2012 through September 30, 2015. MTS's Proposed Overall DBE Goal and its rationale (developed in response to U.S. Department of Transportation's Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) are available for inspection for thirty (30) days following the date of this Notice, from 8:30 a.m. to 4:00 p.m., Pacific Standard Time, Monday through Friday at MTS located at:

San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
Attn: Karen Landers, General Counsel
Phone: (619) 557-4512

Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. Comments can be forwarded to Ms. Karen Landers at MTS, at the above stated address, or to Mr. Derrin Jourdan, Civil Rights Officer, U.S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA, 94105.

PUBLIC NOTICE

San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN, that the San Diego Metropolitan Transit System (hereinafter referred to as MTS), has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 4.1%, for Federal Fiscal Years 2013-15. The DBE Goal is applicable to DOT- (FTA) assisted contracting opportunities scheduled to be awarded during the period of October 1, 2012 through September 30, 2015. MTS's Proposed Overall DBE Goal and its rationale (developed in response to U.S. Department of Transportation's Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) are available for inspection for thirty (30) days following the date of this Notice, from 8:30 a.m. to 4:00 p.m., Pacific Standard Time, Monday through Friday at MTS located at:

San Diego Metropolitan
Transit System
1255 Imperial Avenue
Suite 1000
San Diego, CA 92101
Attn: Karen Landers,
General Counsel
Phone: (619) 557-4512

The Goal documents can also be downloaded from MTS's website at <http://www.sdmts.com/Business/Procurement-DBE.asp>. Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. Comments can be forwarded to Ms. Karen Landers at MTS,

at the above stated address, or to

Mr. Derrin Jourdan, Civil
Rights Officer, U.S. Department
of Transportation, Federal
Transit Administration,
201 Mission Street, Suite
2210, San Francisco, CA,
94105.

8/23

408 Summons (Civil)

SUMMONS
(CITACION JUDICIAL)
—
to name and address of the court is:
(Nombre y dirección de la corte es)
SUPERIOR COURT
OF CALIFORNIA
COUNTY OF SAN DIEGO
330 W. BROADWAY
SAN DIEGO, CA 92101-3409
[IMAGED FILE]
CASE NUMBER: 37-2012-00095509-
CU-OR-CTL
(Número del Caso)

NOTICE TO DEFENDANT: (Aviso Al
mandante) Laurel Hill Escrow
vices, Inc.; Estate of Maxine M.
Deceased

YOU ARE BEING SUED BY
PLAINTIFF: (Lo Esta Demandando El
Demandante) T. EDWARD
McCLAMMA
NOTICE! You have been sued. The
court may decide against you without
your being heard unless you respond
within 30 days. Read the information
below.

You have 30 **CALENDAR DAYS** after
this summons and legal papers are
served on you to file a written
response at this court and have a
copy served on the plaintiff. A letter
or phone call will not protect you.
Your written response must be in
proper legal form if you want the
court to hear your case. There may
be a court form that you can use for
your response. You can find these
court forms and more information at
the California Courts Online Self-Help
Center

(www.courtinfo.ca.gov/selfhelp), your
county law library, or the courthouse
nearest you. If you cannot pay the
filing fee, ask the court clerk for a fee
waiver form. If you do not file your
response on time, you may lose the
case by default, and your wages,
money and property may be taken
without further warning from the
court.

There are other legal requirements.
You may want to call an attorney
right away. If you do not know an
attorney, you may want to call an
attorney referral service. If you
cannot afford an attorney, you may
be eligible for free legal services from
a nonprofit legal services program.

You can locate these nonprofit
groups at the California Legal
Services Web site
(www.lawhelpcalifornia.org), the
California Courts Online Self-Help
Center

(www.courtinfo.ca.gov/selfhelp), or
contacting your local court or
county bar association.

30 DIAS DE CALENDARIO
después de que le entreguen esta
citación y papeles legales para
presentar una respuesta por escrito
en esta corte y hacer que se entregue
una copia al demandante. Una carta o
una llamada telefónica no lo
protegen. Su respuesta por escrito
no que estar en formato legal
correcto al desea que procesen su
caso en la corte. Es posible que haya
un formulario que usted pueda usar
para su respuesta. Puede encontrar
los formularios de la corte y más
información en el Centro de Ayuda de
las Cortes de California
(www.courtinfo.ca.gov/selfhelp/espan
ol), en la biblioteca de leyes de su
condado o en la corte que le quede
más cerca.

Si no puede pagar la cuota de
presentación, pida al secretario de la

408 Summons (Civil)

a California partnership; GREGORY
LEE GRAY, an individual dba POOL 1;
and MARCO GASTELBAUM, an
individual
YOU ARE BEING SUED BY
PLAINTIFF: (Lo Esta Demandando El
Demandante) T. EDWARD
McCLAMMA
NOTICE! You have been sued. The
court may decide against you without
your being heard unless you respond
within 30 days. Read the information
below.

You have 30 **CALENDAR DAYS** after
this summons and legal papers are
served on you to file a written
response at this court and have a
copy served on the plaintiff. A letter
or phone call will not protect you.
Your written response must be in
proper legal form if you want the
court to hear your case. There may
be a court form that you can use for
your response. You can find these
court forms and more information at
the California Courts Online Self-Help
Center

(www.courtinfo.ca.gov/selfhelp), your
county law library, or the courthouse
nearest you. If you cannot pay the
filing fee, ask the court clerk for a fee
waiver form. If you do not file your
response on time, you may lose the
case by default, and your wages,
money and property may be taken
without further warning from the
court.

There are other legal requirements.
You may want to call an attorney
right away. If you do not know an
attorney, you may want to call an
attorney referral service. If you
cannot afford an attorney, you may
be eligible for free legal services from
a nonprofit legal services program.

You can locate these nonprofit
groups at the California Legal
Services Web site
(www.lawhelpcalifornia.org), the
California Courts Online Self-Help
Center

(www.courtinfo.ca.gov/selfhelp), or
by contacting your local court or
county bar association.

NOTE: The court has a statutory lien
for waived fees and costs on any
settlement or arbitration award of
\$10,000 or more in a civil case. The
court's lien must be paid before the
court will dismiss the case.

AVISO! Lo han demandado. Si no
responde dentro de 30 días, la corte
puede decidir en su contra sin
escuchar su versión. Lea la
información a continuación.

Tiene 30 **DÍAS DE CALENDARIO**
después de que le entreguen esta
citación y papeles legales para
presentar una respuesta por escrito
en esta corte y hacer que se entregue
una copia al demandante. Una carta o
una llamada telefónica no lo
protegen. Su respuesta por escrito
tiene que estar en formato legal
correcto si desea que procesen su
caso en la corte. Es posible que haya
un formulario que usted pueda usar
para su respuesta. Puede encontrar
estos formularios de la corte y más
información en el Centro de Ayuda de
las Cortes de California
(www.sucorta.ca.gov), en la
biblioteca de leyes de su condado o
en la corte que le quede más cerca.
Si no puede pagar la cuota de
presentación, pida al secretario de la
corte que le dé un formulario de
exención de pago de costas. Si no
presenta su respuesta a tiempo,

408 Summons (Civil)

4747 Executive Drive, Suite 700
San Diego, CA 92121
(858) 737-3100
Pub. Aug. 3, 10, 17, 24 -00101646

501 Miscellaneous Notices



PUBLIC NOTICE San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN, that the
San Diego Metropolitan Transit System
(hereinafter referred to as MTS), has
established a Proposed Overall
Disadvantaged Business Enterprise
(DBE) Goal of 4.1%, for Federal Fiscal
Years 2013-15. The DBE Goal is
applicable to DOT-(FTA) assisted
contracting opportunities scheduled to
be awarded during the period of October
1, 2012 through September 30, 2015.
MTS's Proposed Overall DBE Goal and
its rationale (developed in response to
U.S. Department of Transportation's
Disadvantaged Business Enterprise
Program Regulations published under
Title 49 CFR Part 26) are available for
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4:00 p.m., Pacific Standard Time,
Monday through Friday at MTS located
at:

San Diego Metropolitan Transit System
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San Diego, CA 92101

Attn: Karen Landers, General Counsel
Phone: (619) 557-4512

The Goal documents can also be
downloaded from MTS's website at
http://www.sdmts.com/Business/Procure
ment/DBE.asp. Comments will be
accepted on the Goal for forty-five (45)
days from the date of this Notice.
Comments can be forwarded to Ms.
Karen Landers at MTS, at the above
stated address, or to Mr. Darrin
Jourdan, Civil Rights Officer, U.S.
Department of Transportation, Federal
Transit Administration, 201 Mission
Street, Suite 2210, San Francisco, CA.
94105.
Pub. Aug. 17 -00102128

504 Notice of Public Sale

NOTICE OF PUBLIC LIEN SALE

NOTICE IS HEREBY GIVEN THAT
PURSUANT TO SECTIONS 21701-
21716 OF THE BUSINESS AND
PROFESSIONS CODE, SECTION 2328
OF THE UCC, SECTION 535 OF THE

504 Notice of Public Sale

PENAL CODE AND PROVISIONS OF
THE CIVIL CODE OF THE STATE OF
CALIFORNIA THAT THE
UDERSIGNED, CARLSBAD SELF
STORAGE, LLC LOCATED AT 2235
PALOMAR AIRPORT RD, CARLSBAD,
CA 92011, WILL SELL AT PUBLIC
AUCTION AT H&M GOODIES (619)
474-8256, 130 E. 8TH STREET,
NATIONAL CITY, CA 91950,
BOND#GA715482601, ON August 29,
2012, 4:30P.M. THE FOLLOWING
DESCRIBED PROPERTY:
UNIT#- NAME- GENERAL
DESCRIPTION OF GOODS
UNIT B3590 WADE H SIMMS
MISC. HOUSEHOLD/ORGAN
UNIT D31271 ERIK P SCHOLL
MISC. HOUSEHOLD
UNIT D21102 DAVID FINLEY MISC.
HOUSEHOLD
SAID SALE IS FOR THE PURPOSE OF
SATISFYING LIEN FOR UNPAID
STORAGE FEES TOGETHER WITH
COST OF ADVERTISING AND
EXPENSES OF SALE.
Pub. Aug 17, 24 -00102002

PUBLIC NOTICE

Pursuant to Section 1988 of the Civil
Code, notice is hereby given that
PacTrust Bank has caused to be sold
via Public Auction at 2317 Main Street
#A078, Chula Vista CA 91911 (Moved
from 1319 Dawson Drive, Chula Vista
CA 91911) the following described
property deemed to have been
abandoned by, Richard A. Meza,
Milissa A. Meza, All Unknown
Occupants.
INVENTORY: Stereo Cabinet, Welding
Table, Metal Stock, Everlast Punching
Bag, Cement Bags, Stainless Steel
Banquet Cart, BMX Bike, IDC Work
Lights, Books, Games, Spray Gun,
Whirlpool Dishwasher, Maytag Dryer,
GE Washer, 42" Projection TV Screen,
Chula Forge 6" Bench Grinder
Said Public Auction took place at the
above address 10:00AM on June 26,
2012 for Cash, Cashier's Check due
immediately at close of sale.

Interested parties contact: McCormack
Auction Company. Phone: 619-447-
1196. CA Bond: 0418964
Pub. Aug 17, 24 -00102107

PUBLIC NOTICE

Pursuant to Section 1988 of the Civil
Code, notice is hereby given that
PacTrust Bank has caused to be sold
via Public Auction at 610 Bay Blvd,
Chula Vista CA 91910 (Moved from
23120 Gray Fox Drive, Canyon Lake
CA 92587) the following described
property deemed to have been
abandoned by, Russell Romer, Linda

504 Notice of Public Sale

Romer, All Unknown Occupants.
INVENTORY: Metal Desk, Sanyo TV
(Broken), Tricops Machine, Mitsubishi
Stereo System, Lawn Chairs, Pads, 21
Pictures, Clothes, Books, Personal
Items, Vacuum Parts, File Cabinet, (2) Ir
Water Skis, (4) Snow Skis, Ski Bag, A
Weights, Speakers, Luggage, Wall Art
Posters, HP 4455 Pavilion, Wires, P

802 Propos

DOCUMENT NOTICE TO CONTRACTORS

NOTICE IS HEREBY GIVEN that Grossm
District of San Diego County, California, actin
hereinafter referred to as the District, will rece
Thursday on September 20, 2012, sealed bid
B12.007- GROSSMO
EXIT DOORS IN BUIL

Scope of Work - The scope of work involves
installation of (17) sevenleen new exterior steel
51 and 53 to provide additional exits. Work inc
Estimated contract value - \$142,500.00
Bids shall be received in the Purchasing ar
Cuyamaca Community College District, Gro
Grossmont College Drive, El Cajon, CA 92020
Read aloud at the above-stated time and place
Each bid must conform and be responsive to
specifications and any other documents pertai
now on file and may be obtained after F
Reprographics Company Downtown San Die
San Diego, CA 92101. Phone 619-232-8440
documents, drawings and specifications will al
same day.

A mandatory pre-bid meeting and job wa
August 30, 2012 at 11:00 a.m. This manda
take place at the District Annex South Ce
Grossmont College, 8800 Grossmont C
Representatives of the District. Project Manag
answer questions bidders have regarding this
Bids will not be accepted from any bidder wh
meeting and job walk. All bidders in attendi
attendees list by the following day. Only bi
walks will receive any addenda issued after th
Each bid shall be accompanied by the:
Documents, the non-collusion affidavit, it
all additional documentation required
All questions and requests for information mu
fax to the attention of Jack Miller at Galfco
Parking Lot 4A at Grossmont College, 8800
92020. Email: jnmiller@galfco.com; fax nu
questions, you may call Natalie Yurraide at 61
Please Note: One (1) hard copy and one e
documents will be provided at no cost to each
delivery). Any additional sets can be ordered
The successful bidder will be required to furni
equal to 100% of the successful bid, and a
successful bid, prior to execution of the Contr
surety company that meets all of the State
defined in Code of Civil Procedure section 81
of California, and all documents required by C
to the extent required by law.

Pursuant to the provisions of Public Contrac
bidder may substitute certain securities for f
performance under the Contract. At the re
bidder, securities equivalent to any amount
discretion of District, with either District or a
escrow agent, who shall then pay any fund
successful bidder. Upon satisfactory complete
be returned to the successful bidder.

In order to assist the District in meeting its
("DVBE") goal of at least three percent (3%) (i
bidders are encouraged (but not require
subcontractors and suppliers in your bid. The
subcontractors is required to be included with
or vendors are intended to be used for this
indicate "None" in the Subcontractor column.

If preceding with good faith effort all DVBE
bid submission refer to (Exhibit A). The DVBE
to the bid opening scheduled for September 2
While not required as part of any partici
encourages and welcomes participation in th
Enterprises (MBE), Women-Owned Busine
Business Enterprises (DBE), and Small Busin
The District reserves the right to reject any or
informalities in any bids or in the bidding.

700 County of San Diego

COUNTY OF SAN DIEGO
DEPARTMENT OF PURCHASING AND CONTRACTING
10089 WILLOW CREEK RD STE 150
SAN DIEGO, CA 92131-1699

NOTICE TO CONTRACTORS

The County of San Diego, Owner, invites sealed bids for CONSTRUCTION,
RELINING AND REHABILITATION OF DRAINAGE FACILITIES IN VARIOUS
LOCATIONS; ORACLE PROJECT NO. 1016146 (BID #5697)

Sealed bids will be received at the Office of Purchasing and Contracting, 5560
Overland Avenue, Suite 270, San Diego, CA 92123-1294 until 2:00 p.m. on
SEPTEMBER 4, 2012, at which time they will be publicly opened and read aloud.
Contract documents including Plans, Specifications and Bid Forms are available to be
downloaded, free of charge, from the Department of Purchasing and Contracting

San Diego Metropolitan Transit System Disadvantaged Business Enterprise (DBE) program - Message (HTML)

Message

Ignore X Delete Reply Reply Forward More Respond

PRQ Requests Meeting Team E-mail Reply & Delete

To Manager Done Create New

Move Move Actions Unread Mark Categorize Follow Up Find Related Select Zoom

Editing

Sent: Thu 8/16/2012 2:11 PM

From: Karen Landers

To: Karen Landers

Cc: 'info@basd.org'; 'info@facsd.com'; 'info@newbo-sd.org'; 'pbrown1@san.rr.com'; 'lsoleb@tollcomedia.net'

Bcc: San Diego Metropolitan Transit System Disadvantaged Business Enterprise (DBE) program

Subject: MTS 2013-15 FTA Goal Methodology DRAFT.pdf (550 KB)

Message MTS 2013-15 FTA Goal Methodology DRAFT.pdf (550 KB)

PUBLIC NOTICE

San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN, that the San Diego Metropolitan Transit System (hereinafter referred to as MTS), has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 4.1%, for Federal Fiscal Years 2013-15. The DBE Goal is applicable to U.S. Department of Transportation/Federal Transit Administration-assisted contracting opportunities scheduled to be awarded during the period of October 1, 2012 through September 30, 2015. MTS's Proposed Overall DBE Goal and its rationale (developed in response to U.S. Department of Transportation's Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) is attached to this email.

More information about becoming a DBE-certified business can be found at MTS's website: <http://www.sdmmts.com/Business/ProcurementDBE.asp>

MTS encourages public participation in this goal setting process, and encourages any comments your organization or members may have. Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. In addition, the MTS Board will be reviewing the proposed DBE Goal at its regularly scheduled meeting on September 20, 2012, at 9:00am at the MTS Executive Offices located at 1255 Imperial Avenue, Suite 1000, San Diego, CA 92130

Comments can be forwarded to my attention, at the address listed below, or to my email at karen.landiers@sdmts.com, or to Mr. Derrin Jourdan, Civil Rights Officer, U.S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA, 94105.

Notwithstanding this specific comment period, MTS welcomes comments at any time concerning our contracting and DBE process, including suggestions for how the program can be improved.

Karen Landers
General Counsel
San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
Direct: (619) 557-4512

San Diego Minority & Women Organizations

| Organization Name | Address | Contact #s | Email Address/Website |
|---|--|---------------------------------|--|
| Asian Business Association- San Diego | 5675 Ruffin Road, Suite 305 San Diego, CA 92123 | 858-277-2822 F: 858-277-2622 | info@abasd.org www.abasd.org |
| Black Contractors Association of San Diego | 6125 Imperial Avenue San Diego, CA 92114 | 619-263-9791 F: 619-263-6865 | info@bcasd.org www.bcasd.org |
| Filipino American Chamber of Commerce of San Diego County | 415 Laurel Street, PMB #218 San Diego, CA 92101 | | info@faccsd.com www.faccsd.com |
| National Association of Women Business Owners- San Diego | P.O. Box 880263 San Diego, CA 92168 | 877-866-2926 | info@nawbo-sd.org www.nawbo-sd.org |
| National Association of Women in Construction-San Diego Chapter | P.O. Box 880725 San Diego CA 92168 | 858-354-1175 | pbrown1@san.rr.com www.nawicsd.org |
| National Latina Women's Business Association – San Diego | P.O. Box 875 La Jolla, CA 92038 | 619-204-4048 | www.nlbwa-sd.com |



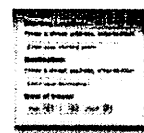
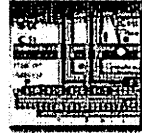
Mobile | Text

Maps & Timetables

Fares

How to Ride

Travel Planner


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Transit System**


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Starting September 2

NEW Trolley Network!

More Bus Service!



Trolley Renewal construction updates

Trolley Renewal construction requires station closures, temporary station relocations and substitute bus services. [Stay up to date.](#)



Check your Compass Card

If your Compass Card looks like this, it may be expired/expiring soon. Exchange your expiring card for a free replacement. [Get more info.](#)



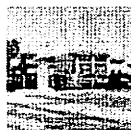
Ride MTS to see the Padres!

Baseball season is here! Avoid traffic and parking hassles and [take the Trolley or bus to Padres games.](#)



Construction at Rancho Bernardo T.S.

Improvements at this station will begin the week of August 6 and will last approximately six months. During construction, the northwest parking lot will be temporarily closed and temporary parking will be available nearby. ([PDF](#))



Construction at Del Lago Transit Station

Improvements at this station will begin the week of August 6 and will last approximately six months. During construction, the parking lot will be temporarily closed with temporary parking available at Kit Carson Park. Bus services will continue during construction. ([PDF](#))



Ride MTS to the U.S. Sand Sculpting Challenge & 3-D Art Exposition!

Let MTS be your ride to the [U.S. Sand Sculpting Challenge and 3-D Art Exposition](#), August 31st-September 3rd! Three hundred tons of sand will be brought to the B Street Pier for an urban sand sculpture extravaganza!



MTS provides real-time info

Get real-time arrival times via [text message with GO!](#); with our [GO! iPhone, Android, or BlackBerry app](#); or with your web browser or smartphone with [Google Maps' live departure times.](#)

**Ride the Vintage Trolley!**

Vintage Trolley service has been expanded to Tuesdays and Thursdays in addition to the weekends. Take a ride through time! [Find out more.](#)

**Disadvantaged Business Enterprise Goal**

MTS has established a proposed Overall Disadvantaged Business Enterprise Goal of 4.1% for federally-funded contracts. MTS's proposed goal and the goal-setting methodology it is based on are available for public review and comment until September 30, 2012. [Click here to view Public Notice and Goal Documents.](#)



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

Agenda Item No. 18

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2012

**Draft for
Executive Committee
Review Date: 9/13/12**

SUBJECT:

**SD 100 COMPLETE GEARBOX ASSEMBLIES FOR LIGHT RAIL VEHICLES -
CONTRACT AWARD**

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1053.0-12 (in substantially the same format as Attachment A) with Hi-Tec Enterprises (Hi-Tec) to furnish complete gearbox assemblies for MTS's fleet of 52 SD 100 LRVs.

Budget Impact

The total cost would not exceed \$884,178.03 inclusive of freight and taxes. Funding for this contract would be allocated under the MTS Trolley Operating budget for FY 2013, which uses 80% percent federal and 20% percent local funds.

DISCUSSION:

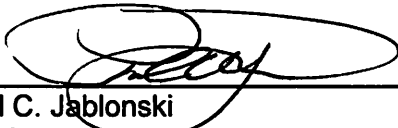
Background

San Diego Trolley, Inc. (SDTI) operates a fleet of 52 Siemens SD 100 LRVs that were procured between 1995 and 1998. Their gearbox assemblies are now 15 to 17 years old, are at the end of their useful lives, and must be replaced. For staff to proceed with their replacement, SDTI must purchase SD 100 (9005) gearbox assemblies from Hi-Tec Enterprises. These gearbox assemblies are critical components of SD 100 traction power systems.



The SD 100 gearbox assemblies are only manufactured in Europe, and those installed in MTS's fleet are only made in Germany. Currently there are very limited distributors of this gearbox in the United States. As the manufacturer of the LRVs designed and engineered its light rail vehicles using this component for all of its U-2 and SD 100 series LRVs made for the North American market, the 9005 does not meet Buy America requirements and qualifies for a nonavailability waiver in accordance with 49 C.F.R, Part 661.7. MTS staff has applied for a nonavailability waiver from the Federal Transit Administration (FTA).

MTS Policy No. 52 (Procurement of Goods and Services) requires a formal competitive process for procurements exceeding \$100,000. MTS issued an Invitation for Bids in January 2012 for the procurement of SD 100 gearbox assemblies for San Diego Trolley Rail Division. Staff solicited bids from six possible sources. One responsive bid was received from Hi-Tec Enterprises. Since it was single bid, a cost analysis was performed as prescribed by FTA Circular 4220.1F with the conclusion that the cost was fair and reasonable. (See Cost Analysis, Attachment B.) Therefore, staff recommends approval of MTS Doc. No. L1053.0-12 contingent upon approval of a Buy America waiver from the FTA.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. L1053.0-12
B. Cost Analysis
C. Hi-Tec Proposal

DRAFT
STANDARD PROCUREMENT AGREEMENT

Att. A, AI 18, 9/20/12
L1053.0-12
CONTRACT NUMBER
352-54510
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: Hi-Tec Enterprises Address: 1601 Ives Avenue Unit J

Form of Business: Corporation Oxnard, CA 93033-1907
(corporation, partnership, sole proprietor, etc.)

Telephone: (805) 247-9007

Authorized person to sign contracts: Clark A. Eising Vice President
Name Title

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

Furnish 12 Light Rail Vehicle (LRV) complete 9005 Gearbox Assemblies with an option to purchase up to six as specified in the Technical Specifications, Bid Summary, Standard Conditions Procurement, and the Federal Requirements.

The total amount of this contract shall not exceed \$844,178.03, 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 |
| \$884,178.03 Total | 352-54510 | 2013 |

By: _____
Chief Financial Officer Date

(_____ total pages, each bearing contract number)



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

Att. B, AI 18, 9/20/12

COST ANALYSIS

LIGHT RAIL VEHICLE COMPLETE GEARBOX ASSEMBLIES IFB MTS DOC. NO. L1053.0-12

| COMPLETE GEARBOX ASSMEBLIES | |
|-----------------------------|---------------|
| HI-TEC | 2011 PRICING |
| \$ 884,178.03 | \$ 827,602.81 |
| COST DIFFERENCE | \$ 56,575.22 |

The difference between Hi-Tec's Bid Proposal and MTS's in-house cost estimate is a cost range of 6.836% increase amount.



SECTION 10.0 - MTS BID FORMS

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
LIGHT RAIL VEHICLE (LRV) SD-100 COMPLETE GEARBOX ASSEMBLIES - MTS DOC. NO. L1053.0-12

MTS PRICING FORM

IFB Title: Light Rail Vehicle (LRV) SD-100
Complete Gearbox Assemblies

Bid Due Date: Wednesday, March 28, 2012
 Bid Due Time: 2:00 p.m., Prevailing Local
Time

MTS Doc. No. L1053.0-12

BASE QUANTITY TWELVE (12) LIGHT RAIL VEHICLE COMPLETE GEARBOX

| (b) | Description | Qty | Unit Price | Unit | Extended Price |
|-----|---|-----|--------------|------|----------------|
| 1 | 9005-00 BSI Complete Gearbox Assemblies | 12 | \$ 47,995.00 | Each | \$ 575,940.00 |
| 2 | Freight Charges: | | | | \$ 8,500.00 |
| 3 | CA Sales Tax - 7.75% (used tax 7.75%) | | | | \$ 44,635.35 |
| 4 | SUB-TOTAL: | | | | \$ 629,075.35 |

OPTION OF UP TO SIX (6): LIGHT RAIL VEHICLE COMPLETE GEARBOX

| (b) | Description | Qty | Unit Price | Unit | Extended Price |
|-----|---|---------|--------------|------|----------------|
| 1a | 9005-00 BSI Complete Gearbox Assemblies | Up to 6 | \$ 38,995.00 | Each | \$ 233,970.00 |
| 2a | Freight Charges: | | | | \$ 3,000.00 |
| 3a | CA Sales Tax - 7.75% (used tax 7.75 %): | | | | \$ 18,132.68 |
| 4a | SUB-TOTAL: | | | | \$ 255,102.68 |

| | | | |
|-------------------------------------|--|----|------------|
| SUB-TOTAL FROM LINE ITEM #4 ABOVE: | | \$ | 629,075.35 |
| SUB-TOTAL FROM LINE ITEM #4a ABOVE: | | \$ | 255,102.68 |
| GRAND TOTAL (BASIS OF WARD): | | \$ | 884,178.03 |

* The quantities described on the bid form are for bidding purposes only. They represent what MTS anticipates as a requirement, but MTS does not guarantee this quantity. The actual quantity ordered may be more or less than what is anticipated on the bid form, and it is dictated by MTS' actual requirements and the available funding at the time each phase and/or option is initiated.

BIDDER ACCEPTS RESPONSIBILITY FOR ACCURACY AND PRESENTATION OF THE ABOVE NUMBERS.

F.O.B. POINT: San Diego Metropolitan Transit System
 Attn: Lee Summerlott
 1341 Commercial Street
 San Diego, CA 92113

DELIVERY DATE: four months from release

Read attached General Provisions carefully. They are a part of your bid. Unit prices will prevail regardless of extensions submitted by the Bidder. The following Addenda have been noted and attached hereto: