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

Agenda

METROPOLITAN TRANSIT SYSTEM

****BOARD OF DIRECTORS MEETING & FINANCE WORKSHOP****

April 18, 2013

▶▶ 9:00 a.m. ◀◀

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

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FINANCE WORKSHOP - 9:00 a.m.

**ACTION
RECOMMENDED**

- 1. Roll Call
- 2. Proposed Fiscal Year 2014 Operating Budget (Cliff Telfer and Mike Thompson) Approve
Action would set a public hearing on May 16, 2013, for the purpose of reviewing and approving the proposed combined MTS fiscal year 2014 operating budget.
- 3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.
- 4. a. Next Finance Workshop: May 16, 2013, at 9:00 a.m.
- b. Adjournment

Please SILENCE electronics
during the meeting

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



BOARD MEETING - Meeting will begin when the Finance Workshop ends.

5. a. Roll Call
- b. Approval of Minutes - March 21, 2013 Approve
- c. 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 furnish a copy to the Clerk of the Board.

CONSENT ITEMS

6. Investment Report - January 2013 Receive
Action would receive a report for information.
7. Investment Report - February 2013 Receive
Action would receive a report for information.
8. CBS Outdoor Advertising - Contract Extension Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. T0068.9-91 with CBS Outdoor to extend the existing bus shelter advertising and maintenance contract until December 31, 2013.
9. Hi-Rail Bucket Trucks - Contract Award Approve
Action would authorize the CEO to execute MTS Doc. No. L1147.0-13 with Altec Industries for the purchase of two hi-rail bucket trucks.
10. MTS Code Compliance Records Management System - Contract Award (Sole Source) Approve
Action would authorize the CEO to execute MTS Doc. No. G1528.0-13 with Intellichoice, Inc. (doing business as eForce) for the purchase of a Code Compliance Records Management System (RMS) software, including the option to exercise additional programming support and two additional years of system maintenance (pending available funding).
11. Proposed Revisions to MTS Policy No. 36 (MTS Reserve Funds) Approve
Action would approve revisions to MTS Policy No. 36 (MTS Reserve Funds), including amending the contingency reserve rate to 12.5%.
12. MTS Job Order Contract Work Order for Bus Pavement Replacement at 12th & Imperial Avenue Approve
Action would authorize the CEO to execute Work Order No. MTSJOC1431-07 (under MTS Doc. No. PWL135.0-12) with ABC Construction, Inc. to remove the existing bus concrete paving and install new with curb and gutter.
13. Fiscal Year 2013 Transportation Development Act Claim Amendment Adopt
Action would adopt Resolution Nos. 13-9, 13-10, and 13-11 approving the revised fiscal year (FY) 2013 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.

CLOSED SESSION

24. None.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. Los Angeles-San Diego-San Luis Obispo Rail Corridor (LOSSAN) Amended Joint Powers Agreement (JPA) (Brent Boyd) Approve
Action would: (1) affirm that MTS Resolution No. 13-2 applies to and approves the final amended LOSSAN Joint Powers Agreement (JPA) approved by the LOSSAN Board on February 20, 2013; and (2) approve and authorize the (CEO) to execute an agreement concerning voting representation of the three San Diego County member agencies (MTS, North County Transit District [NCTD], and the San Diego Association of Governments [SANDAG]) on the LOSSAN Board).
31. Taxicab Contract Extensions for Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach (Bill Kellerman) Approve
Action would approve a one-year extension of existing agreements for the Taxicab Administration with the cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach.
32. Exercise Option for Purchase of Additional Low-Floor Light Rail Vehicles from Siemens Industry, Inc. (Karen Landers) Approve
Action would authorize the CEO to execute MTS Doc. No. L0914.10-10 to exercise the option to purchase up to 45 additional low-floor light rail vehicles (LRVs).

REPORT ITEMS

45. Compass Card (Sharon Cooney) Receive
Action would receive a report for information.
60. Chairman's Report Information
61. Audit Oversight Committee Chairman's Report Information
62. Chief Executive Officer's Report Information
63. Board Member Communications
64. Additional Public Comments Not on the Agenda
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.
65. Next Meeting Date: May 16, 2013 - **Finance Workshop at 9:00 a.m.**
66. Adjournment

MTS OPERATORS FINANCE WORKSHOP

April 18, 2013

SUBJECT:

PROPOSED FISCAL YEAR 2014 OPERATING BUDGET (CLIFF TELFER AND MIKE THOMPSON)

RECOMMENDATION:

That the MTS Board of Directors set a public hearing on May 16, 2013, for the purpose of reviewing and approving the proposed combined MTS fiscal year 2014 operating budget.

Budget Impact

None at this time.

DISCUSSION:

Fiscal Year 2014 Budget Recap

The following is a recap of the fiscal year 2014 budget process:

- In March, staff met with the Budget Development (BDC) and MTS Board. Within these two meetings, staff discussed and received approval of the fiscal year 2013 midyear budget adjustment, fiscal year 2014 capital improvement program (CIP), and discussed preliminary revenues and assumptions for fiscal year 2014, including federal appropriations, Transportation Development Act (TDA), TransNet, and State Transit Assistance (STA) revenues.

Federal appropriations changed due to the new Moving Ahead for Progress in the 21st Century (MAP-21) legislation, which reauthorizes surface transportation programs through fiscal year 2014. MAP-21 results in a net increase of federal revenues of \$10.1 million in fiscal year 2014 for the CIP.

Regional sales tax receipts for fiscal year 2013 are projected to grow by 5.0% year over year for fiscal year 2012 and by an additional 5.0% in fiscal year 2014. In total, MTS's share of TransNet and TDA revenues are projected to increase by approximately \$4.9 million in fiscal year 2014.

In fiscal year 2013, MTS has received \$9.6 million of STA funding and projects to receive \$22.2 million. Staff projects that MTS will receive an additional \$22.2 million for fiscal year 2014. This funding is primarily for the CIP, but a portion will be utilized in the operating budget to fund the service increases put into place during fiscal year 2013 at Board direction.



- In early April, staff met with the BDC to review a number of assumptions relating to passenger levels, operating income, personnel assumptions, energy rates and other expense assumptions. Staff also presented a preliminary draft budget for fiscal year 2014.

Fiscal Year 2014 Operating Budget

The fiscal year 2014 total budgeted revenue is projected at \$247,884,000, and total projected expenses are budgeted at \$247,884,000 resulting in a balanced budget for fiscal year 2014.

Fiscal Year 2014 Revenues

Attachment A summarizes the total operating and nonoperating revenues in a schedule format. As indicated within the schedule, fiscal year 2014 combined revenues total \$247.9 million, a decrease from the fiscal year 2013 amended budget of \$6 million (-2.4 percent).

Operating revenue totals \$101.4 million, which is an increase from the fiscal year 2013 amended budget of \$1.7 million (1.7 percent). This is primarily due to a projected increase in organic ridership as well as new service. Attachment B details the operating revenues by MTS operator.

Subsidy revenue totals \$138.8 million, which is a decrease from the fiscal year 2013 amended budget of \$4.5 million (-3.1 percent). This is due to \$3.2 million decrease in federal revenue, which is a funding shift from the CIP in fiscal year 2013 allowing MTS to draw the federal funding in a more timely manner. STA revenues within operations are projected to increase by \$576,000. TransNet revenues are also projected to increase by \$1.4 million; however, TDA revenues within operations are projected to decrease by \$2.5 million. Attachment C details all nonoperating revenues by funding source.

Other revenue totaled \$7.7 million, which is a decrease from the fiscal year 2013 amended budget of \$3.2 million (-29.3 percent). This is caused by contingency reserves utilized in the amended fiscal year 2013 budget; there is no contingency reserve usage in the fiscal year 2014 budget.

Fiscal Year 2014 Expenses

Attachment E contains the total revenues as detailed above and the total proposed expenses for the 2014 fiscal year. As indicated within the schedule, fiscal year 2014 combined expenses total \$247.9 million, which is a decrease from the fiscal year 2013 amended budget of \$1.5 million (-0.6 percent). Attachment D contains the proposed service levels for fiscal year 2014, showing a 1.6 percent increase in revenue miles.

Within operating expenses, personnel expenses are projected to increase from the fiscal year 2013 amended budget by \$4.5 million (4.0 percent). This increase is due to increases in service, MTS pension contribution rates, health and welfare cost increases, and general wage increases.

Personnel expenses relating to the Dexia pension debt are expected to decrease by \$12.6 million as this debt was paid in full in fiscal year 2013.

Within personnel expenses, the BDC has recommended a 3 percent increase to the top of each salary-grade range. These salary-grade ranges have been in place since 2011. Attachment H details the resulting change for each salary-grade range.

Purchased transportation also is projected to increase from the fiscal year 2013 amended budget by \$2.3 million (4.1 percent) primarily due to contractual rate increases as well as the increased service levels.

Attachment F details the operating expense budgets for each operating division and administrative department in detail.

Attachment G details the energy rate assumptions for the 2014 fiscal year. Staff projects rates for compressed natural gas, gasoline, diesel, and electricity at \$0.81 per therm, \$3.40 per gallon, \$3.42 per gallon, and \$0.167 per kWh, respectively.

Adjusting for the added service and the Dexia pension debt payment in fiscal year 2013, expenses are increasing by \$8.4 million or 3.5 percent.



Paul C. Jablonski
Chief Executive Officer

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

- Attachments:
- A. Operating Revenue Summary
 - B. Operating Revenue
 - C. Nonoperating Revenue
 - D. Operating Statistics
 - E. Operating Budget – Consolidated
 - F. Total Operating Budget
 - G. Energy Impact on Operations
 - H. Proposed Salary Grade Ranges

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATING BUDGET
REVENUE SUMMARY
FISCAL YEAR 2014

	ACTUAL FY12	AMENDED BUDGET FY13	PROPOSED BUDGET FY14	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
Operating Revenue					
Passenger Revenue	\$ 90,764,526	\$ 94,027,678	\$ 95,312,025	\$ 1,284,346	1.4%
Advertising Revenue	784,204	900,000	720,000	(180,000)	-20.0%
Contract Service Revenue	186,728	0	0	0	-
Other Income	4,458,862	4,812,704	5,370,360	557,656	11.6%
Total Operating Revenue	\$ 96,194,320	\$ 99,740,382	\$ 101,402,385	\$ 1,662,002	1.7%
Subsidy Revenue					
Federal Revenue	\$ 38,512,163	\$ 41,738,754	\$ 38,501,733	\$ (3,237,022)	-7.8%
Transportation Development Act (TDA)	65,341,898	67,740,993	65,210,907	(2,530,086)	-3.7%
State Transit Assistance (STA)	1,697,468	5,023,765	5,600,000	576,236	11.5%
State Revenue - Other	1,471,433	1,320,000	1,320,000	0	-
Transnet	22,390,054	24,853,634	26,248,289	1,394,655	5.6%
Other Local Subsidies	4,816,267	2,539,631	1,881,609	(658,022)	-25.9%
Total Subsidy Revenue	\$ 134,229,283	\$ 143,216,777	\$ 138,762,538	\$ (4,454,240)	-3.1%
Other Revenue					
Other Funds	\$ 7,514,290	\$ 7,571,926	\$ 7,566,990	\$ (4,936)	-0.1%
Reserves Revenue	31,846	3,342,498	152,587	(3,189,911)	-95.4%
Total Other Revenues	\$ 7,546,136	\$ 10,914,424	\$ 7,719,577	\$ (3,194,847)	-29.3%
GRAND TOTAL REVENUES	\$ 237,969,740	\$ 253,871,583	\$ 247,884,499	\$ (5,987,084)	-2.4%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATING BUDGET
OPERATING REVENUE
FISCAL YEAR 2014

	ACTUAL FY12	AMENDED BUDGET FY13	PROPOSED BUDGET FY14	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
<u>Passenger Revenue</u>					
Internal Bus Operations	\$ 27,497,861	\$ 28,707,697	\$ 28,993,362	\$ 285,665	1.0%
Rail Operations - Base	35,216,068	36,294,351	36,773,378	479,027	1.3%
MCS - Fixed route	23,689,188	24,277,253	24,635,673	358,421	1.5%
MCS - Paratransit	1,690,932	2,068,156	2,125,105	56,949	2.8%
Chula Vista Transit	2,670,477	2,680,221	2,784,506	104,285	3.9%
Total Passenger Revenue	\$ 90,764,526	\$ 94,027,678	\$ 95,312,025	\$ 1,284,346	1.4%
<u>Advertising Revenue</u>					
Administration	\$ 784,204	\$ 900,000	\$ 720,000	\$ (180,000)	-20.0%
Total Advertising Revenue	\$ 784,204	\$ 900,000	\$ 720,000	\$ (180,000)	-20.0%
<u>Contract Service Revenue</u>					
Internal Bus Operations	\$ 186,388	\$ -	\$ -	\$ -	-
Total Contract Service Revenue	\$ 186,728	\$ -	\$ -	\$ -	-
<u>Other Income</u>					
Internal Bus Operations	\$ 9,190	\$ 10,000	\$ 10,000	\$ -	-
Rail Operations	551,893	575,000	575,000	-	-
Administrative	2,932,904	3,197,704	3,775,360	577,656	18.1%
Taxicab	845,127	865,000	865,000	-	-
SD&AE	119,749	165,000	145,000	(20,000)	-12.1%
Total Other Income	\$ 4,458,862	\$ 4,812,704	\$ 5,370,360	\$ 557,656	11.6%
TOTAL OPERATING REVENUE	\$ 96,194,320	\$ 99,740,382	\$ 101,402,385	\$ 1,662,002	1.7%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATING BUDGET**

NON OPERATING REVENUE

FISCAL YEAR 2014

	ACTUAL FY12	AMENDED BUDGET FY13	PROPOSED BUDGET FY14	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
FEDERAL					
FTA 5307 - Planning	\$ 151,771	\$ 110,000	\$ -	\$ (110,000)	-100.0%
FTA 5307/5309 - Preventative Maintenance	33,200,000	33,200,000	33,200,000	-	-
FTA 5307 - ADA PM	3,967,449	3,995,213	3,887,480	(107,733)	-2.7%
FTA 5307 - Fuel PM	-	2,959,280	-	(2,959,280)	-100.0%
JARC	758,106	1,039,425	984,253	(55,172)	-5.3%
FTA 5311 / 5311(f) - Rural	434,837	434,837	430,000	(4,837)	-1.1%
Total Federal Funds	\$ 38,512,163	\$ 41,738,754	\$ 38,501,733	\$ (3,237,022)	-7.8%

TRANSPORTATION DEVELOPMENT ACT (TDA)

TDA - Article 4.0 MTS Area	\$ 61,094,667	\$ 63,318,786	\$ 60,575,595	\$ (2,743,191)	-4.3%
TDA - Fuel PM	-	-	-	-	-
TDA - Article 4.5 (ADA)	3,692,182	3,985,719	4,189,922	204,203	5.1%
TDA - Article 8.0	555,049	436,488	445,390	8,902	2.0%
Total TDA Funds	\$ 65,341,898	\$ 67,740,993	\$ 65,210,907	\$ (2,530,086)	-3.7%

STATE TRANSIT ASSISTANCE (STA)

STA - Formula	1,697,468	5,023,765	5,600,000	576,236	11.5%
Total State Funds	\$ 1,697,468	\$ 5,023,765	\$ 5,600,000	\$ 576,236	11.5%

STATE REVENUE - OTHER

Caltrans	\$ 73,683	-	-	\$ -	-
MediCal	1,397,749	1,320,000	1,320,000	-	-
Total State Funds	\$ 1,471,433	\$ 1,320,000	\$ 1,320,000	\$ -	-

TRANSNET

TransNet - 40% Operating Support	\$ 19,821,804	\$ 21,255,580	\$ 22,554,000	\$ 1,298,420	6.1%
TransNet - Access ADA	671,783	709,697	744,000	34,303	4.8%
TransNet - Superloop	1,823,745	2,598,357	2,600,289	1,933	0.1%
TransNet - BRT	72,722	290,000	350,000	60,000	20.7%

Total TransNet Funds	\$ 22,390,054	\$ 24,853,634	\$ 26,248,289	\$ 1,394,655	5.6%
<u>OTHER LOCAL</u>					
City of San Diego	\$ 459,102	\$ 459,102	\$ 459,102	\$ -	-
SANDAG - Inland Breeze	1,000,000	1,000,000	1,000,000	-	-
Other - 4S Ranch	128,035	210,030	202,037	(7,993)	-3.8%
SANDAG - Murphy Canyon	182,576	-	-	-	-
Other	82,881	81,073	220,559	139,486	172.0%
CNG Rebates	2,963,673	789,426	-	(789,426)	-100.0%
Other Local Funds	\$ 4,816,267	\$ 2,539,631	\$ 1,881,698	\$ (657,933)	-25.9%
<u>LEASE-LEASEBACK / RESERVES</u>					
Lease-Leaseback	\$ 7,514,290	\$ 7,571,926	\$ 7,566,990	\$ (4,936)	-0.1%
Reserve Utilization	31,846	3,342,498	152,587	(3,189,911)	-95.4%
Total Lease-Leaseback / Reserves	\$ 7,546,136	\$ 10,914,424	\$ 7,719,577	\$ (3,194,847)	-29.3%
TOTAL NON OPERATING REVENUE	\$ 141,775,419	\$ 154,131,201	\$ 146,482,204	\$ (7,648,997)	-5.0%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATING BUDGET
OPERATING STATISTICS
FISCAL YEAR 2014**

	ACTUAL FY12	AMENDED BUDGET FY13	PROPOSED BUDGET FY14	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
Revenue Miles					
Internal Bus Operations	8,601,031	8,554,827	8,636,516	81,689	1.0%
Rail Operations - Base	7,766,032	7,570,045	7,559,212	(10,833)	-0.1%
MCS - Fixed Route	8,298,789	8,290,267	8,418,080	127,814	1.5%
MCS - Paratransit	3,030,610	3,249,002	3,513,106	264,104	8.1%
Chula Vista Transit	1,024,202	1,035,800	1,044,695	8,895	0.9%
Total	28,720,665	28,699,940	29,171,609	471,669	1.6%
Total Miles					
Internal Bus Operations	9,795,312	9,899,004	10,031,048	132,045	1.3%
Rail Operations - Base	7,848,649	7,689,128	7,672,600	(16,528)	-0.2%
MCS - Fixed Route	9,964,802	10,018,354	10,201,992	183,638	1.8%
MCS - Paratransit	4,378,375	4,590,497	4,964,165	373,668	8.1%
Chula Vista Transit	1,131,502	1,151,851	1,168,072	16,221	1.4%
Total	33,118,640	33,348,834	34,037,878	689,045	2.1%
Revenue Hours					
Internal Bus Operations	790,390	786,789	794,003	7,214	0.9%
Rail Operations - Base	435,632	461,029	464,285	3,256	0.7%
MCS - Fixed Route	765,483	770,802	781,398	10,596	1.4%
MCS - Paratransit	172,302	184,785	199,713	14,928	8.1%
Chula Vista Transit	100,130	100,335	100,723	388	0.4%
Total	2,263,937	2,303,740	2,340,123	36,382	1.6%
Total Hours					
Internal Bus Operations	831,188	834,262	843,498	9,236	1.1%
Rail Operations - Base	441,661	464,477	466,618	2,141	0.5%
MCS - Fixed Route	817,824	825,388	837,982	12,594	1.5%
MCS - Paratransit	252,431	272,969	295,167	22,198	8.1%
Chula Vista Transit	105,329	105,954	106,768	814	0.8%
Total	2,448,434	2,503,050	2,550,033	46,983	1.9%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATING BUDGET**

CONSOLIDATED INCOME STATEMENT

FISCAL YEAR 2014

in (\$000s)

	ACTUAL FY12	AMENDED BUDGET FY13	PROPOSED BUDGET FY14	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
Passenger Revenue	\$ 90,765	\$ 94,028	\$ 95,312	\$ 1,284	1.4%
Other Revenue	5,430	5,713	6,090	378	6.6%
Total Operating Revenues	\$ 96,194	\$ 99,740	\$ 101,402	\$ 1,662	1.7%
Total Non-Operating Revenue	141,775	154,131	146,482	(7,649)	-5.0%
Total Revenues	\$ 237,970	\$ 253,872	\$ 247,884	\$ (5,987)	-2.4%
Personnel Expenses	107,053	112,946	117,488	4,542	4.0%
Personnel-Dexia Pension Debt	5,000	12,600	-	(12,600)	-100.0%
Outside Services	17,274	18,551	20,873	2,321	12.5%
Purchased Transportation	54,549	56,487	58,809	2,322	4.1%
Materials And Supplies	7,981	8,450	8,824	373	4.4%
Energy	23,402	23,596	24,987	1,390	5.9%
Risk Management	3,657	3,833	4,308	475	12.4%
General And Administrative	1,575	1,966	1,831	(134)	-6.8%
Vehicle / Facility Lease	966	1,175	1,221	47	4.0%
Debt Service	10,127	9,759	9,543	(217)	-2.2%
Total Operating Expenses	\$ 231,583	\$ 249,365	\$ 247,884	\$ (1,480)	-0.6%
Total Revenues Less Total Expenses	6,387	4,507	0	(4,507)	-
Net Operating Subsidy	\$ (135,389)	\$ (149,624)	\$ (146,482)	\$ 3,142	2.1%

**San Diego Metropolitan Transit System
Operating Budget**

Total Operating Expenses

Fiscal Year 2014

(in \$000's)

	Mid Year FY 2013	Allocation Differences	ADJUSTED FY13	PROPOSED FY14	\$ VARIANCE	Percent Variance
Operations						
Internal Bus Operations	91,297	(12,600)	\$ 78,697	\$ 81,552	\$ 2,855	3.6%
Rail Operations	50,000	-	50,000	51,811	1,810	3.6%
Contract Services - Fixed Rout	47,527	-	47,527	49,496	1,969	4.1%
Contract Services - Paratransit	14,444	-	14,444	14,926	482	3.3%
Chula Vista Transit	6,289	-	6,289	6,446	156	2.5%
Coronado Ferry	174	-	174	183	9	5.1%
Administrative Pass Through	344	-	344	344	-	0.0%
Combined Operations	210,075	(12,600)	\$ 197,475	\$ 204,757	\$ 7,281	3.7%
Other Operations						
Taxicab Administration	929	-	929	903	(25)	-2.7%
San Diego & Arizona Eastern	137	-	137	134	(4)	-2.6%
Combined Other Operations	1,066	-	\$ 1,066	\$ 1,037	(29)	-2.7%
Administrative						
Board of Directors	72	-	72	69	(3)	-3.6%
BOD Admin	187	-	187	197	10	5.2%
Bus Bench / Bus Shelter	124	-	124	123	(1)	-0.4%
Compass Card	-	-	-	1,482	1,482	0.0%
Executive	587	-	587	611	24	4.1%
Finance	1,442	-	1,442	1,534	92	6.4%
Fringes	5,201	-	5,201	5,887	686	13.2%
General	10,476	-	10,476	10,511	35	0.3%
Human Resources	1,484	-	1,484	1,495	11	0.8%
Information Technology	3,193	-	3,193	3,746	553	17.3%
Land Management	351	-	351	547	196	55.9%
Legal	292	-	292	383	91	31.1%

Att. F, AI 2, 4/18/13 - Finance Workshop

Marketing	1,428	-	1,428	1,508	80	5.6%
Operations Planning	672	-	672	767	95	14.2%
Procurement	710	-	710	824	114	16.1%
Revenue	-	-	-	-	-	0.0%
Risk	600	-	600	633	33	5.4%
Security	9,280	-	9,280	9,623	343	3.7%
Stores	1,143	-	1,143	1,162	19	1.7%
Telephone Information Service	637	-	637	631	(6)	-0.9%
Transit Store	346	-	346	359	12	3.6%
Combined Administrative	38,223	-	\$ 38,223	\$ 42,091	\$ 3,867	10.1%
Combined Grand Total	249,365	(12,600)	\$ 236,765	\$ 247,884	\$ 11,120	4.7%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
Operating Budget

Energy Impact on Operations
Fiscal Year 2014

	CNG	Gasoline	Diesel	Electricity
Unit of Measure	Therm	Gallon	Gallon	KwH
FY14 Projected Rate	\$ 0.81	\$ 3.40	\$ 3.42	\$ 0.167
Annual Usage	8,200,000	1,120,000	850,000	51,300,000
Cost Impact of \$0.01 Rate Increase	\$ 82,000	\$ 11,200	\$ 8,500	\$ 513,000
Annual Miles	16,400,000	6,400,000	3,100,000	7,700,000
Average Cost per Mile	\$ 0.41	\$ 0.60	\$ 0.94	\$ 1.11

Historical Rate Trend

	FY09 Actual	FY10 Actual	FY11 Actual	FY12 Actual	FY13 Projected	FY14 Projected
Diesel	\$ 2.70	\$ 2.41	\$ 2.91	\$ 3.39	\$ 3.40	\$ 3.42
Gasoline	3.01	2.70	3.35	3.53	3.38	3.40
CNG	1.295	1.096	0.955	0.837	0.754	0.812
Electricity	0.162	0.168	0.164	0.158	0.154	0.167

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
Operating Budget
Proposed Salary Grade Ranges
Fiscal Year 2014

Range	Existing			Proposed		
	Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
01	\$ 20,567	\$ 25,709	\$ 30,851	\$ 20,567	\$ 26,172	\$ 31,777
02	\$ 23,652	\$ 29,565	\$ 35,478	\$ 23,652	\$ 30,097	\$ 36,542
03	\$ 27,200	\$ 34,000	\$ 40,800	\$ 27,200	\$ 34,612	\$ 42,024
04	\$ 31,280	\$ 39,100	\$ 46,920	\$ 31,280	\$ 39,804	\$ 48,328
05	\$ 35,972	\$ 44,965	\$ 53,958	\$ 35,972	\$ 45,774	\$ 55,577
06	\$ 41,512	\$ 51,890	\$ 62,268	\$ 41,512	\$ 52,824	\$ 64,136
07	\$ 47,531	\$ 59,414	\$ 71,297	\$ 47,531	\$ 60,483	\$ 73,436
08	\$ 53,356	\$ 68,029	\$ 82,702	\$ 53,356	\$ 69,270	\$ 85,183
09	\$ 61,093	\$ 77,893	\$ 94,693	\$ 61,093	\$ 79,313	\$ 97,534
10	\$ 69,951	\$ 89,187	\$ 108,423	\$ 69,951	\$ 90,813	\$ 111,676
11	\$ 80,093	\$ 102,119	\$ 124,145	\$ 80,093	\$ 103,981	\$ 127,869
12	\$ 91,707	\$ 116,927	\$ 142,147	\$ 91,707	\$ 119,059	\$ 146,411
13	\$ 102,985	\$ 133,881	\$ 164,777	\$ 102,985	\$ 136,353	\$ 169,720
14	\$ 113,284	\$ 147,269	\$ 181,254	\$ 113,284	\$ 149,988	\$ 186,692
15	\$ 124,612	\$ 161,996	\$ 199,380	\$ 124,612	\$ 164,987	\$ 205,361
16	\$ 208,000	\$ 364,000	\$ 520,000	\$ 208,000	\$ 371,800	\$ 535,600

* Adjusted based on Consumer Price Index Change for the San Diego Region

Metropolitan Transit System FY 2014 Budget Development (Mike Thompson)

Finance Workshop
April 18, 2013



1



Fiscal Year 2014 Budget Revenue Assumptions - Subsidy

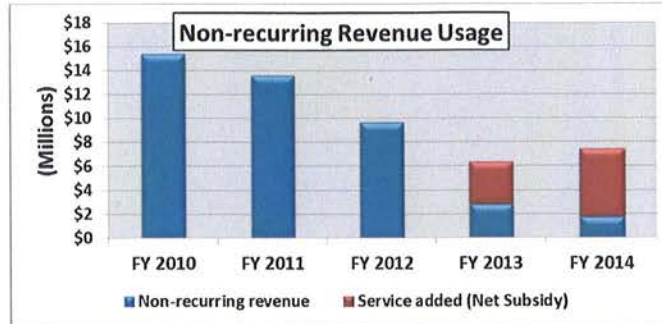
- Sales tax revenue - TDA/Transnet
 - YTD sales tax receipts through Q3 are 5.6% higher than FY 2012
 - On target to meet SANDAG FY 2013 forecast of 5.0%
 - SANDAG forecasts increase of 5.0% for FY 2014
 - Includes \$1.8M TDA shifted from Capital (prior years included \$5M)
 - \$1.1M less revenue overall in the operating budget
- Other Subsidy
 - Federal Revenue
 - FY13 included \$3.0M PM for fuel purchases
 - Trial by FTA, put more federal in operating budget to spend it faster
 - FY14 returns to normal levels - \$38M
 - STA Revenue
 - FY14 receipts primarily in FY14 CIP
 - Operating budget includes \$5.6M - net subsidy cost of service added



2



Fiscal Year 2014 Budget MTS Sustainability

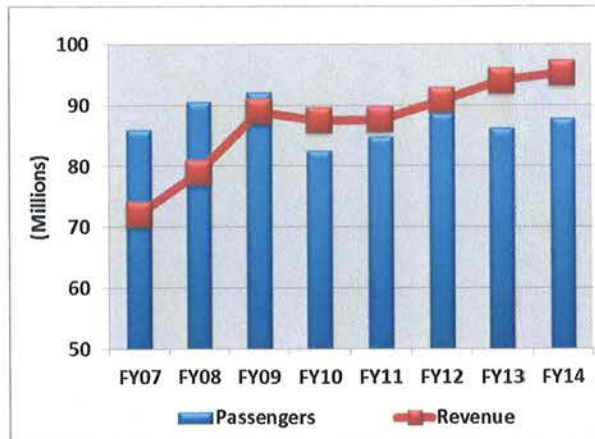


- \$7.4M of non-recurring revenue in FY14
 - \$5.6M net subsidy cost of service added
 - \$1.8M of non-recurring revenue usage net of the added service



Fiscal Year 2014 Budget Revenue Assumptions - Passenger Fares

- Review variety of economic indicators
 - Bureau of Labor Statistics forecasts
 - Employment growth expected to be 1.6% - 1.9%
- Average growth in passengers over last 10 years was 1.8% annually
- Currently assuming 1.8% growth in passengers
 - 1.6M passenger increase
- No change in fare structure
 - Average fare decreasing by 0.4% to \$1.086



Fiscal Year 2014 Budget Revenue Projection

	FY 2013 Amended	Adjust	FY 2013 Adjusted	FY 2014 Prelim.	Var.	Var. %
Passenger Revenue	\$ 94,028		\$ 94,028	\$ 95,312	\$ 1,284	1.4%
Other Operating Income	5,713		5,713	6,090	378	6.6%
Total Operating Income	\$ 99,740	\$ -	\$ 99,740	\$ 101,402	\$ 1,662	1.7%
Federal	41,629	(3,000)	38,629	38,502	(127)	-0.3%
TDA/Transnet	92,595	(2,000)	90,595	91,459	865	1.0%
STA	5,024	(4,400)	624	5,600	4,976	797.8%
Other	14,884	(3,200)	11,684	10,921	(763)	-6.5%
Total Subsidy	\$ 154,131	\$ (12,600)	\$ 141,531	\$ 146,482	\$ 4,951	3.5%
Total Revenue	\$ 253,872	\$ (12,600)	\$ 241,272	\$ 247,884	\$ 6,613	2.7%

- Adjustments

- Remove Dexia revenues (-\$5M TDA, -\$5M Reserves, -\$2.6M STA)
- Reverse Federal Fuel PM swap (\$3M TDA, -\$3M Federal)
- Addition to the Contingency Reserves (-\$1.8M STA, \$1.8M Reserves)



Fiscal Year 2014 Budget Expense Assumptions - Personnel

- Personnel costs decreasing by \$8.1M (-6.4%)
 - FY13 included \$12.6M final Dexia payment, less that, costs increasing by \$4.5M or 4.0%
 - Headcount increasing by 32 Full Time Equivalents (FTEs)
 - Operators (Bus and Rail) - 10.5 FTEs - Service levels
 - Flagpersons - 10 FTEs - Blue Line Project
 - Compass Card - 8 FTEs - Transfer function from SANDAG
 - ERP/TAM - 3 FTEs - will be charged to Capital projects
 - Management Employees
 - Merit pool assumed at 3.5%
 - Pension contribution up from 2% to 4% January 2014
 - Salary grade ranges
 - Approved in FY12, going forward to review each year as part of budget development
 - Proposing 3% changes to top of each range to stay at market levels
 - Impacts 15-20 employees
 - » Employees at top of range receive lump sum amount
 - » Minimal budget impact in FY14, however rate compounding will impact future years



Fiscal Year 2014 Budget Expense Assumptions - Personnel continued

- Pension plan costs increasing by \$1.8M (11.8%)
 - San Diego Transit Pension plan rate increasing by 17.6%
 - Management CalPers plan rate increasing by 2.6%
 - San Diego Trolley CalPers plan rate increasing by 5.1%
 - All employees contribute towards their pension plan:

	FY13	FY14	FY15
Management	2%	4%	TBD
ATU	2%	3%	5%
IBEW - Bus	3%	3%	TBD
IBEW - Rail	7%	7%	7%
TEOA	7%	7%	7%

* All SDTI Employees are exempt from Social Security

- Health and Welfare costs increasing by \$1.0M (8.3%)
 - Insurance rates increased by an average of 9.4% on 1/1/2013
 - Timing of new ATU contract results in 6.2% increase in FY14



Fiscal Year 2014 Budget Expense Assumptions - Energy

- Compressed Natural Gas (CNG) - Increasing by \$563K (8.7%)
 - FY14 forecasted NG commodity average price: \$3.80 (from Mid-March^{13a})
 - Rate assumption used in FY14 draft budget, not fixed at this time
 - 8.9% increase over FY13 Amended budget levels
 - FY13 year-to-date average price: \$3.36
 - FY12 average price: \$3.04
 - Current spot prices
 - March - \$3.50
 - April - \$3.90
 - May - \$4.14
 - Not planning on fixing the rate for FY14
 - One year quotes = \$4.36 - 4.46
 - Two year quotes = \$4.40 - 4.46



Fiscal Year 2014 Budget Expense Assumptions - Energy

- Diesel/Gasoline - Increasing by \$130K (1.7%)
 - Crude oil prices projected to decrease by 3% versus FY 2013 amended prices
- Electricity/Traction Power - Increasing by \$700K (7.4%)
 - Commodity highly correlates to natural gas rates, currently an 8.9% increase
 - SDG&E Demand and Transmission rates expected to increase by 5-10% before the end of this year

	Unit of Measure	FY12 Actual	FY13 Amended	FY14 Projected	Change	Annual Usage	Cost per \$0.01 Increase
Diesel	Gallon	\$ 3.387	\$ 3.532	\$ 3.419	-3.2%	850,000	\$ 8,500
Gasoline	Gallon	3.530	3.501	3.401	-2.9%	1,120,000	\$ 11,200
CNG	Therm	0.837	0.746	0.812	8.9%	8,200,000	\$ 82,000
Electricity	kWh	0.158	0.154	0.167	8.2%	51,300,000	\$513,000



Fiscal Year 2014 Budget Expense Assumptions - Continued

- Outside Services increasing by \$4.6M (6.2%)
 - Compass Card \$1.0M of the increase, 4.9% without
 - Purchased Transportation increasing by \$2.3M (4.1%)
 - \$950K related to increased service levels
 - Veolia contract variable rate increases by 2.7% for fixed route services
 - ADA/Minibus rates increasing by 0.5%
 - Engines and Transmissions increasing by \$283K (25.6%)
 - Other Outside Services, less Compass Card, increasing by \$550K (8.0%)
 - Repairs and Maintenance increasing by \$177K (4.5%)
- Total Materials and Supplies increasing by \$373K (4.4%)



Fiscal Year 2014 Budget Expense Projection

	FY 2013 Amended	FY 2014 Projected	Var.	Var. %
Personnel Expenses	\$ 112,946	\$ 117,488	\$ 4,542	4.0%
Personnel Expenses - Dexia	12,600	-	(12,600)	-
Outside Services	75,039	79,682	4,643	6.2%
Materials and Supplies	8,450	8,824	373	4.4%
Energy	23,596	24,987	1,390	5.9%
Risk Management	3,833	4,308	475	12.4%
Other	12,900	12,595	(305)	-2.4%
Total Expenses	\$ 249,365	\$ 247,884	\$ (1,480)	-0.6%

- Removing Dexia from FY13, expenses grow by \$11.1M or 4.7%



Fiscal Year 2014 Budget Consolidated Revenues less Expenses

	FY 2013 Adjusted*	FY 2014 Prelim.	Var.	Var. %
Operating Revenues	\$ 99,740	\$ 101,402	\$ 1,662	1.7%
Subsidy Revenues	141,389	146,330	4,941	3.5%
Reserve Revenues	142	152	10	7.0%
Total Revenues	\$ 241,272	\$ 247,884	\$ 6,613	2.7%
Total Expenses	236,765	247,884	11,120	4.7%
Revenues Less Expenses	\$ 4,507	\$ -	\$ (4,507)	-

*FY13 Adjusted:

- Subsidy revenue adjusted as presented previously
- Expenses adjusted to remove Dexia related expenses



Fiscal Year 2014 Contingency Reserve Policy

- Reviewed existing policy
 - MTDB policy last revised in 2004
 - 4% of operating expense budget listed as contingency reserve level
 - Planning agency in 2004 versus operating agency today
 - Informally management has used 10-15% of operating expense budget
- Surveyed 7 peer agencies
 - Compared policy language and contingency reserve levels
 - Levels in place range from 12.5% to 20.8%
- BDC recommendations
 - 12.5% for contingency reserve level going forward
 - Get to 12.5% over the next two years
- Agenda Item 11 on the Consent list
 - Proposed draft revision of Policy 36



Fiscal Year 2014 Open Items

- Federal sequestration risks
- Potential delay in receiving Federal funding due to the 13c issue
 - August typically draw preventative maintenance funds of \$37M
- Energy - finalize rate assumptions for commodities with April publications
- Final review



Metropolitan Transit System
Fiscal Year 2014 Budget Timeline

<u>DATE</u>	<u>Meeting</u>
4/4/2013	Budget Development Committee
4/18/2013	Finance Workshop
5/16/2013	Public Hearing



Metropolitan Transit System
Fiscal Year 2014 Operating Budget
Staff Recommendation

That the Board of Directors recommend staff hold a public hearing on May 16, 2013 with the purpose of reviewing the proposed combined MTS fiscal year 2014 operating budget.



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

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

March 21, 2013

MINUTES

FINANCE WORKSHOP

1. Roll Call

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

Finance Workshop

Mike Thompson, Budget Manager provided an operating and capital budget background. He discussed the Federal revenue, State funding, sales tax revenues, state transit assistance, service levels, SDTC pension rates and SDTC pension bonds.

2. a. Fiscal Year 2014 Capital Improvement Program

Mr. Thompson discussed the development of the fiscal year 2014 ("FY14") Capital Improvement Program ("CIP"), capital funding levels proposed for FY14, FY14 capital project highlights, the capital improvement program for fiscal years 2014-2018 and FY14 CIP recommendations.

Mr. Ramirez questioned social equity principles and the CIP. Ms. Cooney responded that SANDAG asked MTS to look at the CIP to be certain that no area carries a disproportionate share of the burdens or benefits of capital investment.

Mr. Mathis advised the recommendations had been vetted by the MTS Budget Committee.

Action Taken

Mr. Ewin moved to: (1) approve the fiscal year 2014 Capital Improvement Program (CIP) with the estimated federal and nonfederal funding levels. As the federal appropriation figures are finalized and/or other project funding sources become available, allow the Chief Executive Officer (CEO) to identify and adjust projects for the adjusted funding levels; (2) forward a recommendation to the San Diego Association of Governments (SANDAG) Board of Directors to approve the submittal of Federal Section 5307, 5337, and 5339 applications for the MTS fiscal year 2014 CIP; (3) approve the transfer of \$1,300,139 from previous CIP projects to the fiscal year 2014 CIP; and (4) forward a recommendation to the SANDAG Board of Directors to approve Amendment No. 12-03 of the Regional Transportation Improvement Program (RTIP) in accordance with the fiscal year 2014 CIP recommendations. Mr. McClellan seconded the motion, and the vote was 12 to 0 in favor (with Messrs. Alvarez, Roberts and Ms. Emerald absent).

b. Fiscal Year 2013 Midyear Operating Budget Adjustment

Mr. Thompson provided a fiscal year 2013 ("FY13") midyear revenue assumptions summary and discussed trolley ridership.

Ms. Cooney advised with regard to trolley ridership there is a problem with the current estimation program being inaccurate.

Mr. Thompson provided a FY13 midyear revenue summary, expenses assumptions summary including personnel expenses, expenses assumptions executive summary, revenue less expenses, final year end budget comparison for fiscal year 2012 contingency reserve, and FY13 midyear options for \$4.5M.

Ms. Cooney advised these recommendations had been vetted by MTS's Budget Committee.

Mr. Gloria questioned with regard to the contingency reserve policy and asked if there was an update on the policy. Karen Landers, General Counsel advised that with regard to Board Policy 36 MTS's current reserves far exceed the policy's mandated 4% reserve. She stated the policy will be updated and subsequently brought to the Board for approval. Mr. Thompson advised the policy was formerly written when MTS was MDTB and was written for a planning agency and not an operating agency such as MTS.

Mr. Gloria questioned with regard to the current health of MTS's reserves. Mr. Jablonski answered that MTS has a \$750K contingency reserve (in the CIP) for emergency costs that aren't anticipated.

Mr. Ewin questioned with regard to the electric component of the energy cost and with renewable energy sources being much more expensive than those used currently to power the grids and asked what this potential impact would be on future costs and commented that MTS needs to start looking ahead. Mr. Thompson advised MTS pays the commodity cost directly from the State and SDGE-specific increases won't have any impact on MTS. Mr. Jablonski advised MTS takes advantage of the IRS CNG credit and the agreement with BP to take advantage of green energy credits through our CNG credits which will hopefully generate approximately \$1M which would offset those energy costs.

Mr. Cunningham questioned with regard to the new SD100 LRV replacement capital reserve account and asked what the expectations are with regard to this account. Mr. Jablonski advised MTS would put an amount away every year into this account and the objective is that when MTS's SD100 fleet reaches 30 years old MTS would replace half of the fleet using the funds from this account and use other measures to come up with capital to replace the other half. He stated that the CIP will look at what needs to be done with regard to the reserve fleet replacement program and vehicle procurement would be spread out. He advised there was discussion at the Budget Development Committee to implement a secondary reserve for this and make sure it's very transparent and would include a general operating reserve and will have a subset to talk about capital reserve for rail cars.

Action Taken

Mr. Gloria moved to approve Resolution No. 13-6 amending the fiscal year 2013 operating budget for MTS, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, Chula Vista Transit, and the Coronado Ferry including using excess revenues over expenses of \$4.5 million to initiate a capital reserve for SD 100 light rail vehicle replacement.. Mr. Cunningham seconded the motion, and the vote was 12 to 0 in favor (with Messrs. Alvarez, Roberts and Ms. Emerald absent).

c. Preliminary Projections for Fiscal Year 2014 Operating Budget

Mr. Thompson presented a FY2014 projection including key assumptions, a FY14 preliminary projection, FY14 open items, FY14 budget timeline, and a FY14 preliminary projection staff recommendation.

Mr. Gloria questioned if MTS currently considers STA nonrecurring revenue and at what point does MTS decide to put that back in the recurring column. Mr. Jablonski advised it is a policy issue and about a third of that money is categorized as recurrent which is a moderate risk. He stated that previously all of the STA money was put in the budget and when the state cut that out it had a significant impact on MTS's operating budget.

Ms. Cooney advised the Planning Department believes MTS is currently at stable levels. Mr. Jablonski advised MTS has the capability to respond to hot spots to send additional transportation and not every single service adjustment will come to the Board if MTS can perform these adjustments within the budget.

Mr. Gloria discussed the letter to the School District regarding free bus passes and asked if the cost was factored into the budget. Ms. Cooney advised that it was not. Based on a recent discussion with the School District a proposal is forthcoming and will be brought to the Board for review.

Mr. Gloria commented with regard to pension contributions and the plan to bring management in line with other bargaining units when it comes to their pension costs.

Mr. Ramirez asked if there was a social equity component or analysis with regard to the operating budget and Ms. Cooney responded there is not. Ms. Cooney stated that the component required on service changes is based on Title VI and when MTS performs major or significant service changes MTS is required to do a Title VI analysis at that time. MTS has a Title VI program that gets approved by the Federal Government and last year MTS had a Title VI audit which is required every three years and MTS was found to have zero deficiencies in its Title VI program. Mr. Jablonski advised MTS tries to operate a market based system and at MTS the areas with the most transit dependent are where there is the most transit service.

Action Taken

Mr. Minto moved to receive a report regarding the preliminary projection for the fiscal year 2014 operating budget. Mr. Cunningham seconded the motion, and the vote was 11 to 0 in favor (with Messrs. Alvarez, Roberts, Gloria and Ms. Emerald absent).

3. Public Comments

There were no public comments.

4. a. Next Meeting Date

The next MTS Finance Workshop is April 18, 2013, at 9:00 a.m.

b. Adjournment

Chairman Mathis adjourned the Finance Workshop at 9:57 a.m.

BOARD MEETING

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:58 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Ovrom moved to approve the minutes of the February 21, 2013, MTS Board of Directors meeting. Ms. Rios seconded the motion, and the vote was 11 to 0 in favor with Messrs. Alvarez, Roberts, Gloria and Ms. Emerald absent (with Mr. Jones abstaining).

3. Public Comments

John L. Wood – Mr. Wood advised he did not receive answers to his questions at the previous Board meeting. He stated the announcements on the inbound train from Lemon Grove wasn't as frequent as it is supposed to be and he would like to know why and he would also like to know how often MTS does track maintenance. He would like to know what is going on with the Massachusetts parking lot and the exit onto Massachusetts is blocked off and he would like to know why.

Richard Gomez – Mr. Gomez advised he is President of the Border Transportation Council which is an organization of interstate passenger carriers founded in 1993 and incorporated in 2003 as a 501(c)(3). San Ysidro is the busiest pedestrian port of entry in the world and has been plagued by wildcatters who illegally solicit northbound pedestrians and tourists to utilize unlicensed passenger operators as a means of transportation. They are in violation of San Diego Municipal Codes but are negatively impacting the economy and placing citizens at risk. The Board of Transportation Council has been successful in mitigating numerous issues relating to passenger transportation. In 2010 the San Ysidro Chamber of Commerce designated the Border Transportation Council as their formal Transportation Committee. He would like to discuss concerns regarding recent Board action to approve the SYPS Management Agreement and how it financially impacts the carriers who are struggling during these tough economic times and the safety issue. He discussed the safety issues.

Mr. Jablonski responded that the contract MTS approved does in some cases require additional rate increases for some operators and there is enhanced security specifically to deal with wildcatting and he has spoken to Greyhound/SYPS and has asked them to look at the design they preliminarily talked about with regard to the inner city service and he suggests that Mr. Gomez continue his dialogue with the Management at Greyhound/SYPS.

Leslie Henshaw – Ms. Henshaw asked what the legal speed of a trolley should be in order to pull into the station safely. She advised she had an accident on MTS's trolley that prior Monday. She stated it is something that needs to be addressed because people do get hurt.

CONSENT ITEMS

6. California Emergency Management Agency (Cal EMA) California Transit Security Grant Program (CTSGP) Funding - Fiscal Year 2012-2013

Action would approve Resolution No. 13-5 authorizing the use of and application for California Transit Security Grant Program (CTSGP) funding for capital projects that provide increased protection against security and safety threats and/or increases the capacity of transit operators to prepare for and provide disaster-response transportation systems.

7. California Department of Transportation (Caltrans) Program of Projects for Federal Transit Administration (FTA) Section 5311(f) Funding - Fiscal Year 2013

Action would approve Resolution No. 13-4 authorizing the use of and application for FTA Section 5311(f) funds for operating assistance in nonurbanized areas.

8. Buffer/Coupler Overhaul Services - Contract Award

Action would authorize the CEO to execute MTS Doc. No. L1100.0 with Complete Coach Works to overhaul up to 104 buffer/couplers—including the replacement of certain subcomponents as needed—and up to 6 refurbished buffer/couplers to use as spares.

9. Bus Bench Advertising - Exercise Contract Option Years 4 and 5

Action would authorize the CEO to execute MTS Doc. No. B0201.2-99 to exercise option years 4 and 5 with Coast United Advertising for bus bench advertising revenues from February 2, 2013, through February 1, 2015.

10. Amendment to Chief Executive Officer Employment Agreement

Action would approve MTS Doc. No. G0912.6-04 (the Executive Employment Agreement between MTS and Paul C. Jablonski) to allow Mr. Jablonski to accrue up to 80 hours of compensatory time in 2013 (retroactive to January 1, 2013).

11. Audit Reports - Trolley and Bus Storerooms

Action would receive internal audit reports on Trolley and Bus Storeroom operations

12. Hewlett-Packard Storage Solution for MTS in Support of Enterprise Resource Planning (ERP) Project

Action would authorize the CEO to execute MTS Doc. No. G1521.0-13 with Nth Generation Computing, Inc. to purchase two Hewlett-Packard 3PAR 7400 (4) Node Arrays, associated software, 24/7 support for five years, and the professional services required to install, configure, and test the equipment.

13. Increased Authorization for Legal Services - Trovillion, Inveiss & Demakis, APC

Action would authorize the CEO to execute MTS Doc. No. G1433.2-12 with Trovillion, Inveiss & Demakis, APC to pay current and future legal expenses throughout the remainder of fiscal year 2013. This will include ratification of prior contracts/amendments entered into under the CEO's authority.

14. Property Insurance Renewal

Action would authorize the CEO to renew the property insurance coverage for the Metropolitan Transit System (MTS), San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) with the California State Association of Counties - Excess Insurance Authority (CSAC-EIA) Property Insurance Program, effective March 31, 2013, through March 31, 2014, with various coverage deductibles of \$25,000 (real estate and personal contents property), \$100,000 (bus fleet), \$250,000 (light rail fleet), and \$1,500,000 (roads, bridges, and tunnels).

15. Authorize Execution and Amendment of Site Lease in Connection with Issuance and Sale of Lease Revenue Bonds and Lease Revenue Refunding Bonds and Other Documents by the Public Facilities Financing Authority of the City of San Diego

Action would adopt Resolution No. 13-8 authorizing the CEO to execute a Site Lease, and any other necessary documents, with the City of San Diego (City) as part of the City's refunding of the lease revenue bonds used to finance the 1993 construction of the light rail extension to the Old Town Transit Center.

Action on Consent Item 6-15

Mr. Gloria moved to approve Consent Items 6-15. Ms. Bragg seconded the motion, and the vote was 12 to 0 in favor (with Messrs. Cunningham, Roberts and Ms. Emerald absent)

NOTICED PUBLIC HEARINGS (TAKEN OUT OF ORDER):

25. Public Hearing to Adopt a Resolution of Necessity for Full Acquisition of Assessor's Parcel No. 549-181-05, 6645 Imperial Avenue, San Diego, California Owned by Thomas and Tiffany Mannion (Karen Landers and Tim Allison)

Ms. Landers advised it was a hearing to adopt a resolution of necessity to acquire a piece of property and she introduced outside legal counsel Bruce Beach. Mr. Beach discussed the four findings required by the Board in order to adopt the resolution of necessity including the public interest and necessity which require the project, the project is planned and located in a manner compatible with the greatest public good and the least private injury, the property is needed for the project and an offer of just compensation has been made to the owner of the property. Mr. Beech discussed each of the four requirements in further detail.

Mr. Gloria asked if there was no other suitable site that could be found. Mr. Beach advised there are few pieces of property that are vacant that would serve MTS's purposes that meet the electrical requirements of the new rail vehicles.

Mr. Gloria questioned with regard to public good. Mr. Beach advised this particular substation will serve the improvements to the trolley service and will keep the new vehicles running which will serve the community much better than the older vehicles.

Mr. Gloria asked what else would be located on the parcel. Tim Allison advised at this time there wouldn't be anything other than the grading required to build the substation.

Mr. Minto commented that he has participated in public takings in the past and property owners have always been well compensated.

Mr. Minto moved to (1) receive public testimony; (2) adopt Resolution No. 13-7 by a two-thirds vote approving the full acquisition of Assessor's Parcel No. (APN) 549-181-05; and find that the public interest and necessity require the project; the project is still planned or located in a manner that will be the most compatible with the greatest public good and the least private injury; the acquisition of the property is necessary for the project; and an offer of just compensation has been made to the property owner; and (3) authorize staff to proceed with condemnation proceedings to acquire the subject parcel. Mr. Gloria seconded the motion, and the vote was 12 to 0 in favor (with Messrs. Cunningham, Roberts and Ms. Emerald absent).

CONSENT ITEMS CONT.

16. Taxicab Administration Contract Extension

Ms. Cooney advised of the contract renewal and advised the Mayor asked for a one year transition period to assist in the transfer of the contract to the City of San Diego and discussed a contract extension. Ms. Cooney advised the proposed one year extension is an amendment to the existing Memorandum of Understanding and MTS's current roles and responsibilities remain the same and any policy changes would wait until it officially transferred over to the City of San Diego. She stated that Mayor's staff planned to create a forum for the public to bring up issues regarding Taxicab.

Mr. Gloria asked if MTS received a request for the one year extension in writing from the Mayor's office. Ms. Cooney advised they did not but MTS has spoken to the Mayor's staff. Mr. Jablonski advised he spoke with the Mayor's Chief of Staff, Mr. Hall, and he advised that the transition could take up to a year but hopefully the transition will not require the full year allowed by the contract extension.

Mr. Gloria asked who specifically from the Mayor's office was working on the transition. Ms. Cooney advised she was working directly with Karen Dennison who was the lead on the project and a group led by Nelson Hernandez.

Mr. Gloria asked if MTS was comfortable with the one year extension. Mr. Jablonski responded that he supports the City and MTS will help in any way it can with the transition.

Mr. Gloria asked if the City understood MTS wished to maintain its current responsibilities and Mr. Jablonski advised he did convey this to the City's Chief of Staff, Mr. Hall.

Ms. Zapf asked if the Board was comfortable voting on the extension when it was not provided in writing.

Mr. Mathis advised a year is given to make it a smooth transition. Mr. Jablonski advised it was his understanding the City would possibly hire a Consultant to help with the transition and this process alone could take several months. Mr. Gloria said he remains concerned that the San Diego City Council has not been consulted whether or not this is a transition they want as there was a reason why Taxi was transferred to MTS in the past, but he was supportive of the request for a one year extension.

Ms. Zapf advised she also supports the transition, but there are a lot of implications to the City

as well as budget impacts. Mr. Jablonski advised it is an agreement that requires a signature on both sides and if there are any issues it will come back to the Board for review. Mr. Mathis further explained there may be negotiations.

Mr. Ewin questioned if by approving this matter (1) is MTS still the point of contact with regard to Taxicab matters during the transition periods and will MTS advise other agencies who are also part of Taxicab, (2) will that require MTS to keep their committee as San Diego nears completion and (3) can it be assumed this initial extension becomes effective when both sides have signed and ratified the agreement. Mr. Jablonski answered yes to all three questions. MTS is trying to create a transition plan to include the other cities and the City of San Diego has no desire to have the other cities as part of its Taxicab program. MTS will continue to perform under the contract with the other cities. Mr. Ewin asked if there's anything else Mr. Jablonski feels the Board should know with regard to the transition. Mr. Jablonski responded that one of the most valuable components to the Taxi operation is MTS Taxi staff as they understand all of the processes and are very experienced and it is his hope those people could be retained by the City of San Diego as it would be in their best interest.

Mr. Minto asked how it would affect Santee and the taxi contract with Santee. Mr. Mathis advised these issues must be resolved with the City at San Diego first. Mr. Jablonski advised it would be easiest for all of these contracts to be extended a year. Mr. Jablonski advised MTS would like to create a residual staff and that might be enough to generate revenue as MTS is obligated to break even pursuant to legislation and MTS is looking at this possibility now and will bring to the Board at a later date.

Mr. Ewin asked staff to notify the City Managers of the other cities MTS regulates.

Mr. Ovrom asked if the phrase "through the end of June 2013" should be changed "up to June 2013".

Public Comments:

Mikhail Hussein – Mr. Hussein, President of United Taxi Workers of San Diego stated there is tension between leased drivers and permit holders and said he supports the amendment and the contract extension. He supports MTS supporting the smaller cities other than San Diego with regard to Taxicab Administration.

Margo Tanquay – Ms. Tanquay provided a historical background with regard to regulation of the Taxicab industry with regard to unrest, bribes and scandal. Ms. Tanquay advised when the City managed Taxicab the conditions of the vehicles were poor. Ms. Tanquay disagrees with the yearly contract extension/transfer to the City. She advised the other smaller cities don't have the infrastructure to run their own Taxicab administration and they need assistance. She stated there needs to be a serious dialogue regarding the outstanding issues.

Michel Anderson – Mr. Anderson of West Coast Cab advised he was speaking on behalf of many drivers and advised they support the one year extension. He stated there is apprehension regarding the uncertainty of the future and look forward to dialogue with the City and the Mayor's office.

Action on Consent Item 16

Ms. Zapf moved to approve the draft "Eighth Amendment to Agreement for Administration of Taxicab and Other For-Hire Vehicle Regulations between San Diego Metropolitan Transit

System and City of San Diego” with minor and non-material modifications and authorize the CEO to negotiate the final contract. Mr. Gloria seconded the motion, and the vote was 12 to 0 in favor (with Messrs. Cunningham, Roberts and Ms. Emerald absent).

CLOSED SESSION

24. None.

DISCUSSION ITEMS

30. None.

REPORT ITEMS

45. Security Report

Mr. Jablonski commented that Chief Burke has worked on the report in response to concerns regarding training and preparedness for emergency issues that was aired in a media report. The following report is in response to the Board’s request with regard to how MTS conducts security. He introduced Bill Burke, Director of Security and Chief of Police.

Mr. Burke provided a presentation on safety, training and preparedness. He discussed rail incidents against persons and property and rail incidents of assault against Universal Protection Service (“UPS”) Officers and victims. He provided a rail incidents comparison per 100,000 passengers from 2007-2011 (2012 pending). He discussed the training of general security officers including requirements, screening and the additional requirements and screening for armed officers. He discussed the firearms training course requirement in order to obtain a firearms qualification card, the training program for UPS security officers, operational training for MTS CCI and UPS security officers, training in action for MTS CCI and UPS security officers and anti-terrorist training for MTS CCI and UPS security officers. Mr. Burke advised of preventative measures MTS takes to prevent terrorist acts, drills and exercises and MTS’s response to power outages.

Board members asked questions and discussion ensued.

Action Taken

Mr. Minto moved to receive a report for information. Ms. Rios seconded the motion, and the vote was 8 to 0 in favor (with Messrs. Cunningham, Roberts, Ovrom, Gloria, McClellan and Meses Emerald and Zapf absent).

46. Bus Rapid Transit (BRT) Project Updates

Denis Desmond, Senior Transportation Planner provided an update on the Rapid bus projects SANDAG is developing under Transnet. He discussed the routes, the Superloop, Mid-City Rapid, I-15 BRT including Sabre Springs/Penasquitos, South Bay BRT, Broadway stations and the downtown Westside layover facility.

Ms. Cooney responded that MTS will be the operator of these transit projects once they open. Therefore, MTS has been working very closely with SANDAG staff on the planning and design to make sure they are maintainable and they operate as well as possible. SANDAG is the lead agency. In addition, MTS will have to come back to the Board at some point in 2014 to make a

service change. MTS procures the buses for these services and these buses will begin to arrive at MTS this spring. MTS will maintain them.

Mr. Ramirez commented that in Chula Vista the BRT line is very controversial and there is one segment where citizens are told the bridge for the bus line is 15 feet from some resident's windows. He said he has spoke with SANDAG about possibly buying residents out but the Board should pay attention to these issues.

Mr. Mathis advised SANDAG has an outreach program with regard to these issues.

Action Taken

Mr. Ewin moved to receive a report for information. Ms. Rios seconded the motion, and the vote was 8 to 0 in favor (with Messrs. Cunningham, Roberts, Ovrom, Gloria, McClellan and Meses Emerald and Zapf absent).

47. Bus Rapid Transit (BRT) Branding (Rob Schupp)

Rob Schupp, Director of Marketing provided a BRT Branding update. He discussed SANDAG Policy 18, the collaborative process with consultant Miriello Grafico and naming conventions. He presented slides of the MTS brand, the Superloop and Trolley. He provided background on the creative process and discussed the Rapid stations and pylons.

Action Taken

Mr. Ewin moved to receive a report on Bus Rapid Transit (BRT) branding for buses procured for Interstate 15 (I-15), Mid-City, and South Bay BRT services. Mr. Minto seconded the motion, and the vote was 8 to 0 in favor (with Messrs. Cunningham, Roberts, Ovrom, Gloria, McClellan and Meses Emerald and Zapf absent).

48. Compass Card

There was no report given and the item was deferred to the next Board meeting.

60. Chairman's Report

There was no Chairman's Report.

61. Audit Oversight Committee (AOC) Chairman's Report

Mr. Ewin advised the first AOC meeting has not been set yet and under AB1234 Mr. Ewin is travelling on public funds to Santa Barbara in the near future to attend a LOSSAN meeting.

62. Chief Executive Officer's Report

Mr. Jablonski advised he had three recent trips to Sacramento, CA. The first was for a CTA Executive Committee meeting, to lead a class called "Transit 101" for legislators and staff to discuss transit issues in the state and the final trip was to discuss the bus weight issues with the legislature and the administration staff. He also had the opportunity to meet with the Governor's staff to discuss PEPR and the 13(c) issue. He travelled to Washington, D.C. to attend the APTA Legislative meeting and took that opportunity to meet with congressional staff.

63. Board Member Communications

Ms. Bragg announced the ASAC meeting would be held at 1:30 p.m. and there would be a shuttle available for pickup at MTS.

Mr. Ramirez advised it was a pleasure to attend his first MTS Board meeting as an alternate and he thinks MTS has a very able-bodied staff.

Mr. Alvarez commented some of the items could be discussed quicker if they could be provided with the PowerPoints prior to the meeting.

64. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is April 18, 2013 (Finance Workshop starts at 9:00 a.m.).

66. Adjournment

Chairman Mathis adjourned the meeting at 12:26 p.m.



Chairperson
San Diego Metropolitan Transit System

Filed by:

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

Approved as to form:



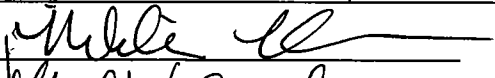
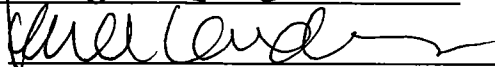
Office of the General Counsel
San Diego Metropolitan Transit System

- Attachments: 1. Roll Call Sheet
2. Letter to Bernie Rhinerson, Chief of Staff, San Diego Unified School District

METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): March 21, 2013 CALL TO ORDER (TIME): 9:02 a.m.
 RECESS: 10:18 a.m. RECONVENE: 10:22 a.m.
 CLOSED SESSION: N/A RECONVENE: _____
 PUBLIC HEARING: 10:07 a.m. RECONVENE: 10:17 a.m.
 ORDINANCES ADOPTED: N/A ADJOURN: 12:26 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Falconer) <input type="checkbox"/>	10:15 a.m.	12:26 p.m.
BRAGG	<input checked="" type="checkbox"/> (Bilbray) <input type="checkbox"/>	9:00 a.m.	12:26 p.m.
CUNNINGHAM	<input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/>	9:00 a.m.	10:10 a.m.
EMERALD	<input type="checkbox"/> (Falconer) <input type="checkbox"/>		
EWIN	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:00 a.m.	12:26 p.m.
GASTIL	<input type="checkbox"/> (Jones) <input checked="" type="checkbox"/>	9:00 a.m.	12:26 p.m.
GLORIA	<input checked="" type="checkbox"/> (Falconer) <input type="checkbox"/>	9:03 a.m.	11:01 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:00 a.m.	12:26 p.m.
MCCLELLAN	<input checked="" type="checkbox"/> (Ambrose) <input type="checkbox"/>	9:00 a.m.	11:45 a.m.
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:00 a.m.	12:26 p.m.
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>	9:00 a.m.	11:45 a.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:00 a.m.	12:26 p.m.
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		
SALAS	<input type="checkbox"/> (Ramirez) <input checked="" type="checkbox"/>	9:00 a.m.	12:26 p.m.
ZAPF	<input checked="" type="checkbox"/> (Falconer) <input type="checkbox"/>	9:06 a.m.	12:03 p.m.

SIGNED BY THE CLERK OF THE BOARD: 
 CONFIRMED BY THE GENERAL COUNSEL: 



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

February 19, 2013

Mr. Bernie Rhinerson
Chief of Staff
San Diego Unified School District
4100 Normal Street, Room 2219
San Diego, CA 92103

Dear Bernie:

I am writing to express the Metropolitan Transit System's (MTS) continued interest in working with the San Diego Unified School District in crafting a solution for students unable to access school due to lack of transit passes.

When we met on December 5 we discussed what the District's goals for a transit pass program were, and MTS agreed to look at some demographic and transit information pertaining to the targeted schools. We scheduled a second meeting for January 10. While you cancelled this meeting due to a conflict, we continue to stand ready to reschedule.

We look forward to meeting with you and the working group when you are available, and in the meantime please do not hesitate to contact me at 619.557.4513 if you would like to discuss the matter prior to that date.

Sincerely,

A handwritten signature in black ink that reads "Sharon Cooney". The signature is written in a cursive, flowing style.

Sharon Cooney
CHIEF OF STAFF

Cc Mr. Paul Jablonski
Mr. Richard Barrera





AGENDA ITEM NO.

55C

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

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

1. INSTRUCTIONS

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

(PLEASE PRINT)

DATE	APR 18 2013		
Name (Mike Werner)	Werner, Mike		
Address	8030 La Mesa Bl #475		
Telephone	619 741 2128		
Organization Represented	myself		
Subject of Your Remarks	fare overcharge		
Regarding Agenda Item No.	not on agenda		
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.

Ulsan Diego
Dec 15, 2011
Robert J. Hawkins

"Burke manages 150
security inspectors who
'check for
proper fares',
safety, and.."

1

My job is to
drive the bus! R#7
(when I asked for fare)

As fare no schedule

were in bus to give fare amount.

No label on farebox to show fare,

driver claim 'DISABLED' fare be

1.30.

As / paid / 1.30

Tens for R#1

on return top, R#1 drive charges

fare of \$1.10 and that bus had

schedules and that farebox had

label showing callout fares

#14 --
articulated

with
10/05
can
schedule
from
Le Mesa R1/Allison

2

1 had filed report
1 complaint on 4/2 via
email, followed by later
ATS phone rep

Mallett got an email
copy of phone copy
AS of 4/17

Report mentioned
of certified mail being
sent, in addition to
details of incident.

LA MESA PO
 LA MESA, California
 919429994
 0567760941 -0095
 (800)275-8777

04/11/2013 09:46:35 AM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	

SAN DIEGO CA 92101			\$0.46
Zone-1 First-Class Letter			
0.40 oz.			
Expected Delivery: Fri 04/12/13			
Return Rcpt (Green Card)			\$2.55
@@ Certified			\$3.10
Label #:	70081830000013377398		
Customer Postage			-\$0.46
Subtotal:			\$5.65
Issue PVI:			\$5.65

Total: \$5.65

Paid by:
 Debit Card \$5.65
 Account #: XXXXXXXXXXXXX9821
 Approval #: 658190
 Transaction #: 917
 23 903490761
 Receipt#: 002121

@@ For tracking or inquiries go to USPS.com or call 1-800-222-1811.

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Get your mail when and where you want it with a secure Post Office Box. Sign up for a box online at usps.com/poboxes.

Bill#: 1000502914582
 Clerk: 05

All sales final on stamps and postage
 Refunds for guaranteed services only
 Thank you for your business

 HELP US SERVE YOU BETTER

Go to: <https://postalexperience.com/Pos>

TELL US ABOUT YOUR RECENT POSTAL EXPERIENCE

YOUR OPINION COUNTS

Customer Copy

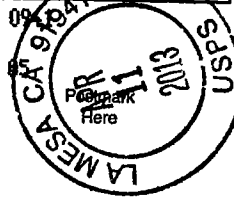
7008 1830 0000 1337 7398

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SAN DIEGO CA 92101
OFFICIAL USE

Postage	\$	\$0.46
Certified Fee		\$3.10
Return Receipt Fee (Endorsement Required)		\$2.55
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.11



04/11/2013

Sent To *Bill Buckle*
 Street, Apt. No., or PO Box No. *1255 Imperial Ave, suite 100*
 City, State, ZIP+4 *San Diego, Ca 92101-7490*
 PS Form 3800, August 2006 See Reverse for Instructions

April 11, 2018
9:47am

Hi Bill,

I did what you requested:
for me to call-in my comment/situation to
MITS customer service.

But over later time, I have found out,
that no reply be given -- as I sacrifice my
phone #.

Even be it if I ~~calls~~ am
transferred (not my choice of request)
to speak to an upper person.

That upper person speak in the context
to me -- as if what my reason for call
(situation of route) be laborious.

To investigate.

~ Just another memory to add, via
my past times of Bill ~

sincerely, thanks for all that you/Bill had done
mike wecner



AGENDA ITEM NO.

35C

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

2

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

1. INSTRUCTIONS

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(PLEASE PRINT)

DATE	4/18/2013		
Name (Diane Pitzel)	Diane Pitzel		
Address	4378 Cleveland Ave		
Telephone	689 - 574 - 0905		
Organization Represented	MTA Riders' Rights		
Subject of Your Remarks	"Vehicularism" = discrimination		
Regarding Agenda Item No.	64		
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.

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

Diane Pitzel
dianepitzel@hotmail.com

"Vehicularist" discrimination is discrimination based on a majority prejudice against non-drivers and those who choose not to operate vehicles. "Vehicularists" discriminate by requiring employees to drive vehicles ~~with no additional wages or reimbursement~~ with no additional wages or reimbursement from employers. This maintains exclusion of non-drivers in more than just vehicle operating jobs.



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Agenda Item No. 6

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

INVESTMENT REPORT – JANUARY 2013

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 January 2013. The combined total of all investments has decreased from \$213.4 million to \$206 million in the current month. This \$7 million decrease is attributable to capital acquisitions totaling \$7 million.

The first column in Attachment A provides details about investments restricted for capital improvement projects and debt service, which are related to the 1995 lease and leaseback transactions. The funds restricted for debt service are structured investments with fixed returns that will not vary with market fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities. In addition, in the current month, MTS transferred \$2.3 million in Proposition 1B funding restricted for the acquisition of capital assets from the San Diego County Investment Pool to fund the acquisition of trolley cars and other assets.

The second column in Attachment A (unrestricted investments) reports the working capital for MTS operations allowing payments for employee payroll and vendors' goods and services.

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

Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Investment Report for January 2013

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

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



**San Diego Metropolitan Transit System
Investment Report
January 31, 2013**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration account			\$ -	
JP Morgan Chase - concentration account	1,322,629	16,711,984	18,034,613	0.00%
Total Cash and Cash Equivalents	<u>1,322,629</u>	<u>16,711,984</u>	<u>18,034,613</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	8,560,161	-	8,560,161	N/A *
San Diego County Investment Pool				
Proposition 1B grant funds	14,622,191	-	14,622,191	
Proposition 1B TSGP grant funds	3,152,917	-	3,152,917	
Total Cash - Restricted for Capital Support	<u>26,335,269</u>	<u>-</u>	<u>26,335,269</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	42,072,188	42,072,188	0.300%
Total Investments - Working Capital	<u>-</u>	<u>42,072,188</u>	<u>42,072,188</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	39,141,044	-	39,141,044	
Rabobank - Payment Undertaking Agreement	80,435,481	-	80,435,481	7.69%
Total Investments Restricted for Debt Service	<u>119,576,526</u>	<u>-</u>	<u>119,576,526</u>	
Total cash and investments	<u>\$ 147,234,424</u>	<u>\$ 58,784,172</u>	<u>\$ 206,018,595</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

April 18, 2013

SUBJECT:

INVESTMENT REPORT – FEBRUARY 2013

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 February 2013. The combined total of all investments has increased from \$206 million to \$213 million in the current month. This \$7 million increase is attributable to current-month receipt of \$2.8 million in additional Proposition 1B funding restricted for security projects and \$5 million in State Transit Assistance funding designated for capital expenditures.

The first column in Attachment A provides details about investments restricted for capital improvement projects and debt service, which are related to the 1995 lease and leaseback transactions. The funds restricted for debt service are structured investments with fixed returns that will not vary with market fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities. In the current month, MTS transferred \$4.7 million in Proposition 1B funding restricted for the acquisition of capital assets from the San Diego County Investment Pool to fund the acquisition of trolley cars and other assets. In addition, MTS transferred \$2.8 million in Proposition 1B—restricted for funding security projects—to the San Diego County Investment Pool. The second column in Attachment A (unrestricted investments) reports the working capital for MTS operations allowing payments for employee payroll and vendors' goods and services.

Paul G. Jablonski
Chief Executive Officer

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

Attachment: A. Investment Report for February 2013

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**San Diego Metropolitan Transit System
Investment Report
February 28, 2013**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration account			\$	
JP Morgan Chase - concentration account	1,322,629	25,655,900	26,978,529	0.00%
Total Cash and Cash Equivalents	<u>1,322,629</u>	<u>25,655,900</u>	<u>26,978,529</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	8,560,161	-	8,560,161	N/A *
San Diego County Investment Pool				
Proposition 1B grant funds	10,252,219	-	10,252,219	
Proposition 1B TSGP grant funds	5,944,103	-	5,944,103	
Total Cash - Restricted for Capital Support	<u>24,756,483</u>	<u>-</u>	<u>24,756,483</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	42,072,188	42,072,188	2.860%
Total Investments - Working Capital	<u>-</u>	<u>42,072,188</u>	<u>42,072,188</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	39,198,342	-	39,198,342	
Rabobank -				
Payment Undertaking Agreement	80,435,481	-	80,435,481	7.69%
Total Investments Restricted for Debt Service	<u>119,633,824</u>	<u>-</u>	<u>119,633,824</u>	
Total cash and investments	<u>\$ 145,712,936</u>	<u>\$ 67,728,088</u>	<u>\$ 213,441,024</u>	

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



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Agenda Item No. 8

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

CBS OUTDOOR ADVERTISING – CONTRACT EXTENSION

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. T0068.9-91 (in substantially the same format as Attachment A) with CBS Outdoor to extend the existing bus shelter advertising and maintenance contract until December 31, 2013.

Budget Impact

This is a revenue contract for MTS. Based on approval of this request for the 6-month extension, this contract would generate approximately \$400,000 (or \$66,666.67 per month).

DISCUSSION:

In 1990, MTS entered into a 15-year agreement with Gannett Outdoor to provide and maintain bus shelters in the Cities of San Diego, National City, Imperial Beach, Santee, and La Mesa. The contract included two 5-year options. CBS Outdoor subsequently assumed the contract from Gannett Outdoor.

In July 2008, MTS exercised a 5-year option CBS Outdoors, which is set to expire on June 30, 2013. In this agreement, CBS Outdoor paid MTS a one-time, up-front payment of \$1 million and a monthly payment of \$50,000 for a period of 5 years (or a total of \$4 million). This contract extension would provide an additional 6 months of revenue under the same terms (for an average of \$66,666.67 per month). In addition, MTS would assume full ownership of the bus shelters at the end of the contract extension.

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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.

MTS is now considering options available for bus shelter advertising and shelter procurement. A contract award date for a new bus shelter advertising contract is tentatively scheduled for September 19, 2013, with a beginning date of January 1, 2014. Extending the current contract for an additional 6 months would ensure that there is uninterrupted maintenance and revenue provided until a new contract is awarded.



Paul G. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No. T0068.9-91

DRAFT

Att. A, AI 8, 4/18/13

April 18, 2013

MTS Doc. No. T0068.9-91
OPS 850.3 (PC 50911)

Mr. Rich Ament
Sr. Vice President
CBS Outdoor
405 Lexington Avenue
New York, NY 10174

Dear Mr. Moreno:

Subject: AMENDMENT NO. 9 TO MTS DOC. NO. T0068.9-91; ADVERTISING TRANSIT SHELTER AGREEMENT

This shall serve as Amendment No. 9 to our agreement for the Advertising Transit Shelter Agreement as further described below.

STATEMENT OF WORK

Continue to operate and maintain advertising transit shelters on each participating municipality's property in accordance with the terms and conditions of MTS Doc. No. T0068.9-91. In addition, MTS will assume full ownership of the shelters at the end of the contract extension.

SCHEDULE

This amendment shall extend the current contract for an additional six (6) months with an effective date beginning July 1, 2013, through December 31, 2013.

PAYMENT

The anticipated revenue payments to MTS shall be \$66,666.67 per month for the additional six (6) month contract extension.

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

Sincerely,

Agreed:

Paul C. Jablonski
Chief Executive Officer

Rich Ament, Sr. Vice President
CBS Outdoor

Date: _____

cc: Rob Schupp, Cliff Telfer, Andrew Conriquez, Procurement File



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Agenda Item No. 9

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

HI-RAIL BUCKET TRUCKS – CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1147.0-13 (in substantially the same format as Attachment A) with Altec Industries for the purchase of two hi-rail bucket trucks.

Budget Impact

The total cost of this procurement is \$319,315.36 and will be locally and state funded under the FY 2014 CIP 11349 (Hi-Rail Truck).

Subtotal	\$281,142.00
Sale Tax	\$ 22,491.36
Delivery Fee	\$ 15,566.00
Doc Fee	\$ 116.00
Total Award	\$319,315.36

DISCUSSION:

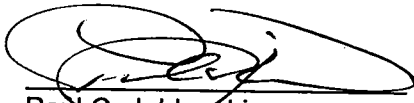
On July 19, 2011, The National Joint Powers Alliance (NJPA) awarded a competitive contract to Altec Industries for heavy construction equipment and related accessories, supplies, and services. NJPA is a national municipal contracting cooperative formed under Minnesota Statute 123A.21. NJPA contracts work similarly to California Department of General Services (DGS) schedules and is available for use by participating members. As these contracts are a result of competitive solicitations, they satisfy state and federal requirements for competition.



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

MTS's two bucket trucks entered service in 1992 and 1994. Because they no longer meet the 2010 California Emission Standards and also due to their age and mileage, these vehicles are no longer modifiable to meet current standards. These support vehicles would be used by Maintenance of Way Department (MOW) staff for catenary inspections and repairs, repair and maintenance of signal systems, and parking lot station lighting maintenance.

After reviewing the pricing offered on the NJPA contract, it was determined that Altec Industries' price is fair and reasonable (see Cost Analysis – Attachment B). Therefore, staff is requesting that the Board authorize the CEO to execute MTS Doc. No. L1147.0-13 (in substantially the same format as Attachment A) with Altec Industries for the purchase of two hi-rail bucket trucks.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. L1147.0-13
B. Price Analysis

DRAFT

Att. A, AI 9, 4/18/13

STANDARD PROCUREMENT AGREEMENT

L1147.0-13
 CONTRACT NUMBER
CIP 11349-0200
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2013 in the State of California, by and between the San Diego Metropolitan Transit System, a California Transit public agency, and the following, hereinafter referred to as "Contractor":

Name: Altec Industries Address: 2882 Pomona Blvd.

Form of Business: Corporation Pomona, CA 91768
 (Corporation, partnership, sole proprietor, etc.)

Telephone: (858) 627-4666

Authorized person to sign contracts: Albert Gutierrez Account 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 two (2) hi-rail bucket trucks, as specified in the Technical Specifications, the Proposal Summary, and the Standard Conditions Procurement.

The total amount of this contract shall not exceed \$319,315.36, including California sales tax, freight, and doc. fees 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
\$319,315.36	CIP 11349-0200	2013

By: Chief Financial Officer _____ Date _____

(_____ total pages, each bearing contract number)



Purchasing Department
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San Diego, CA 92101
619.231.1466 FAX 619.696.7084

PRICE ANALYSIS

**MTS DOC. NO. L1147.0-13
BUCKET TRUCK EQUIPMENT VEHICLES**

	NJPA RFP 060311 (Altec Quote to MTS)	Altec Industries List Price
BUCKET TRUCK WITH HI-RAIL AND OPTIONAL EQUIPMENT	\$ 319,315.36	\$ 322,585.70





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Agenda Item No. 10

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

**MTS CODE COMPLIANCE RECORDS MANAGEMENT SYSTEM – CONTRACT
 AWARD (SOLE SOURCE)**

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1528.0-13 (in substantially the same format as Attachment A) with Intellichoice, Inc. (doing business as eForce) for the purchase of a Code Compliance Records Management System (RMS) software, including the option to exercise additional programming support and two additional years of system maintenance (pending available funding).

Budget Impact

The total cost of the new Code Compliance RMS, including options for additional programming support and two years of system maintenance would be funded as follows:

CIP 11322 (approved in FY 12 Budget Prop. 1B Security)	\$401,435.00
FY 13 (\$75,000.00) & FY 14 (\$125,000.00) CIP 11336 (TDA)	\$200,000.00
Year 2 maintenance & support (FY 15, 661-53910 Operations)	\$72,877.00
Programming Support (anticipated FY 15 CIP 11322 Prop. 1B Security*)	\$29,437.00
Year 3 maintenance & support (FY 16 661-53910 Operations)	\$75,063.00
TOTAL	\$778,812.00

*Dependent upon availability of funding



DISCUSSION:

MTS's current Code Compliance software used to support its fare and law enforcement activities is a system called TransitWatch. TransitWatch is critical to Code Compliance's daily operations and required Records Management System (RMS) and is a custom solution that was developed internally. The technology used to create TransitWatch is now obsolete and no longer supported. This presents a serious risk to daily MTS Code Compliance operations should the system fault or fail.

IT staff compared the implementation time line and costs of hiring additional project and full-time staff to develop a new and comparable system or purchase an existing system available in the market place. The internal labor costs over a comparable three-year performance period are estimated to exceed \$934,000.00 versus a purchase estimate of \$778,812.00.

The implementation time line to perform the work internally is 28 months. The implementation time line by purchasing a system from eForce is approximately 3 months.

Consistent with MTS IT policy of purchasing solutions instead of custom software development, staff found a comparable system (eForce, by Intellichoice, Inc.) currently being utilized by a comparable sized agency, Regional Transportation District (RTD), Denver, Colorado.

Some key benefits of the system include:

1. Server-based system.
2. Compatibility with MTS standardized software systems.
3. Support for MTS Code Compliance officers with real-time information (e.g. history of prior encounters or offenses).
4. Ability to issue and print citations via Personal Digital Assistant (PDA) equipment utilized by MTS Code Compliance officers throughout the MTS operational jurisdiction.
5. Support for all reporting and database activity requirements for MTS Code Compliance referred to as RMS.
6. Utilization of current Microsoft technologies with the capability of additional functionality added if needed.

IT staff conducted a site visit to RTD to review the eForce system, identified two prospective companies (eForce and Brazos) capable of providing this type of a system, and conducted a review of both companies systems. The conclusion of the review revealed that only Intellichoice, Inc's eForce system was capable of meeting and supporting all of MTS's operational, reporting, and technology requirements. The Brazos system—while capable of accomplishing many requirements—did not support a RMS, which is a critical component of the complete Code Compliance system and operations.

CONCLUSION

The Code Compliance software system is critical and necessary for day-to-day MTS Code Compliance operations and after comparing the long-term costs and risk inherent in developing and maintaining a customized solution versus an existing solution available in the marketplace, staff has concluded that the costs of purchasing a solution from Intellichoice, Inc. are fair and reasonable.

Therefore, MTS staff is requesting that the Board of Directors authorize the CEO to execute MTS Doc. No. G1528.0-13 (in substantially the same format as Attachment A) with Intellichoice, Inc. (doing business as eForce) for the purchase of a Code Compliance Records Management System (RMS) software, including the option to exercise additional programming support and two additional years of system maintenance (pending available funding).



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No. G1528.0-13

STANDARD SERVICES AGREEMENT

G1528.0-13
 CONTRACT NUMBER
 CIP 11322 & 11336, OPS 661-53910
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2013, 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: Intellichoice, Inc, DBA eForce Software Address: 1047 South 100 West, Suite 130
 Form of Business: Corporation Logan, UT 84321
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: 510.264.5017
 Authorized person to sign contracts: Cory Bowers Chief Executive Officer
 Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS the following:

Software, licenses, training, program support, professional services, programming, implementation, annual support and other services, subject to availability of funding, as specified in Intellichoice, Inc's (d.b.a. eForce) Proposal dated March 12, 2013, the MTS Standard Procurement Agreement, Standard Conditions, Federal Requirements, and MTS Policy No. 44 (MTS Travel Expense Policy).

Implementation and operation of the system shall occur no later than July 1, 2013, unless otherwise agreed upon by both parties in writing.

This is a firm-fixed-price contract. The total cost for software, licenses, implementation, custom development, professional services, business intelligence, and optional services shall not exceed \$601,435.00. Year two and three maintenance and support (subject to availability of funding), if exercised at MTS's sole discretion, shall not exceed \$147,940.00, and additional optional programming support (subject to availability of funding), if exercised at MTS's sole discretion, shall not exceed \$29,437.00 for a total estimated value of \$778,812.00.

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
\$401,435.00	11322	FY 12
\$ 75,000.00	11336	FY 13
\$125,000.00	11336	FY 14

By: _____
 Chief Financial Officer

(___ total pages, each bearing contract number)

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REVISED

Agenda Item No. 11

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

PROPOSED REVISIONS TO MTS POLICY NO. 36 (MTS RESERVE FUNDS)

RECOMMENDATION:

That the MTS Board of Directors approve revisions to MTS Policy No. 36 (MTS Reserve Funds) (Attachment A), including amending the contingency reserve rate to 12.5%.


Budget Impact

The contingency reserve rate currently is approximately 10% and will reach 12.5% in a phased manner beginning in fiscal year 2014 through fiscal year 2016.

DISCUSSION:

At its April 2013 Budget Development Committee (BDC) meeting, the MTS Committee members were updated as to the results of staff's outreach to peer agencies and their respective contingency reserve balances. As part of the discussion, the BDC recommended formally amending the MTS policy to incorporate a contingency reserve rate of 12.5% and for the agency to achieve that reserve balance over the course of the next two fiscal years.

The attached MTS Reserve Funds Policy, Policy No. 36, (Attachment A) includes modifications to the MTS contingency reserve rate and other procedural revisions that are relevant to an operating organization as the previous version was structured toward a planning agency structure (MTDB).


Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Proposed Revisions to MTS Policy No. 36 (redline)

Attachment: B. Proposed Revisions to MTS Policy No. 36 (clean)

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Policies and Procedures

No. 36

SUBJECT:

Board Approval: 04/29/044/18/13

MTS RESERVE FUNDS

PURPOSE:

This policy and procedure is established to standardize and to create requirements for the establishment, management, utilization, and minimum funding requirements (where applicable) of all MTS reserve funds. To establish guidelines and procedures for the establishment, management, and use of MTS reserve funds.

BACKGROUND:

MTS maintains a number of reserve accounts that are designated for various purposes including serving as MTS contingency reserves and other MTS Board-approved reserves. specific purposes. These Such funds will be incorporated in an annual report to the MTS Board as part of the fiscal year-end financial analysis and will be the basis of discussions as part of the annual budgetary process. would be allocated as part of the annual budget or periodically during the fiscal year as appropriate. This policy would will standardize the policy and procedures of all MTS reserves. establish guidelines and procedures for the establishment and management of such reserves.

POLICY:

36.1 Establishment of Reserves

Reserve accounts shall be established upon the adoption of a resolution that must specify:

- a. Purpose of the reserve and eligible use(s).
- b. Source/type of the funding. Establishment of eligible uses of funding.
- c. Source/type of the funding.
- d. Minimum funding level, if applicable. Minimum funding level, if necessary.



The form of this resolution is shown in Exhibit 36.1.

36.2 Management of Reserves

Unless otherwise stated, all reserves shall be invested and interest earnings allocated proportionately. ~~A table shall be included in the annual MTS Budget that indicates the amount of funds available. As part of the fiscal year-end financial analysis, staff will prepare a report to the MTS Board of Directors that shall include all MTS reserves. This information will also be included within the following fiscal year's annual budgetary book. All reserves shall be audited as part of the annual financial audit and shall include a schedule of the reserves and the available funds. All reporting of reserve accounts will satisfy the objective of being self-explanatory and easy to understand.~~

36.3 Allocation-Utilization of Reserves

~~Reserves may be allocated-utilized and/or expended provided that staff verifies that funds are available and upon specific approval by the Board either with the adoption of the annual MTS budget or as needed.~~

36.4 Expenditure of Reserve Funds

~~Funds from any reserve may be expended provided that: (1) funds are available, and (2) authorization is received by the Board.~~

36.54 Unrestricted "Contingency Reserve" Minimum Percentage Funding Requirments (where applicable)

~~It is prudent that MTS maintain certain reserves for ongoing capital projects, future matching of grants, and unforeseen/special occurrences.~~

~~A minimum level percentage of approximately 12.5 percent 4 percent of the total combined MTS operating budgeted expenses should be maintained in a contingency reserve. Excess funds beyond this minimum level in unrestricted, contingency reserves will be available for the Board's purposes, to be determined by the Board of Directors as part of the annual budget development process or at any time of the year if unforeseen/special occurrences justify action. Periodically, due to the timing of subsidy fund receipts, contingency reserves act as ~~The Board may approve working capital advances in anticipation of the receipt of these subsidy funds. Such advances are to be immediately repaid upon receipt of the subsidy funds.~~~~

~~As of fiscal year 2013, the contingency reserve rate is lower than the minimum requirement as per this policy. Beginning in fiscal year 2014, over the course of the next two fiscal years, this funding rate will increase to the 12.5 percent rate.~~

~~The Board's Director of Finance and Administration or the Chief Executive Financial Officer's designated representative shall provide a fiscal year-end financial report providing updated balances on all MTS reserve accounts, including a roll-forward analysis of the MTS contingency reserve account, monthly estimates of the status of this reserve as part of the "Controller's Report" to the Board with an analysis of the status addressed in the Board's midyear~~

Budget review. Any potential significant changes to the reserve's balance shall be reported to the Board at the time it becomes known to the Director of Finance Chief Financial Officer and/or the representative.

Action to decrease this minimum contingency reserve level shall require two-thirds vote of the MTS Board of Directors.

KYarno/SChamp/JGarde
POLICY.36.RESERVE FUNDS
7/17/064/18/13

Exhibit: Reserve Account Request Resolution

Original Policy adopted on 2/9/89.
Policy revised on 1/13/94.
Policy revised on 6/28/01.
Policy revised on 4/29/04.
Policy revised on 4/18/13.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Resolution No. _____

Resolution Establishing a Reserve Account(s)

WHEREAS, the San Diego Metropolitan Transit System of ~~Directors~~ (MTS) has determined that certain funds are to be reserved for specific purposes; and

WHEREAS, said reserve account(s) shall be established and maintained in accordance with MTS Policy No. 36 – Reserve Funds; NOW, THEREFORE, BE IT RESOLVED, that the MTS Board of Directors approves the establishment of the reserve account(s) ~~as per the attached proposed Reserve Request.~~

SChamp/JGarde
Exhibit 1 - Policy 36
~~7/17/06~~04/18/2013

~~Attachment: Reserve Account Request form~~

RESERVE ACCOUNT REQUEST

1. **Title/Name:**

2. **Purpose/Description:**

3. **Eligible Use(s):**

4. **Source/Type of Fund(s):**

5. **Initial and Minimum Funding Level(s):**

6. **Special Requirements:**

Approved by Board: _____

Effective Date: _____

MM:rlb
RSRVACRQ.MMC



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Att. B, AI 11, 4/18/13

Policies and Procedures

No. 36

SUBJECT:

Board Approval: 4/18/13

MTS RESERVE FUNDS

PURPOSE:

This policy and procedure is established to standardize and to create requirements for the establishment, management, utilization, and minimum funding requirements (where applicable) of all MTS reserve funds.

BACKGROUND:

MTS maintains a number of reserve accounts that are designated for various purposes including serving as MTS contingency reserves and other MTS Board-approved reserves. These funds will be incorporated in an annual report to the MTS Board as part of the fiscal year-end financial analysis and will be the basis of discussions as part of the annual budgetary process. This policy will standardize the policy and procedures of all MTS reserves.

POLICY:

36.1 Establishment of Reserves

Reserve accounts shall be established upon the adoption of a resolution that must specify:

- a. Purpose of the reserve and eligible use(s).
- b. Establishment of eligible uses of funding.
- c. Source/type of the funding.
- d. Minimum funding level, if applicable.

The form of this resolution is shown in Exhibit 36.1.

36.2 Management of Reserves

Unless otherwise stated, all reserves shall be invested and interest earnings allocated proportionately. As part of the fiscal year-end financial analysis, staff will prepare a report to the MTS Board of Directors that



shall include all MTS reserves. This information will also be included within the following fiscal year's annual budgetary book. All reporting of reserve accounts will satisfy the objective of being self-explanatory and easy to understand.

36.3 Utilization of Reserves

Reserves may be utilized and/or expended provided that staff verifies that funds are available and upon specific approval by the Board either with the adoption of the annual MTS budget or as needed.

36.4 Minimum Percentage Funding Requirements (where applicable)

A minimum percentage of approximately 12.5 percent of the total combined MTS operating budgeted expenses should be maintained in a contingency reserve. Excess funds beyond this minimum level in unrestricted, contingency reserves will be available for the Board's purposes, to be determined by the Board of Directors as part of the annual budget development process or at any time of the year if unforeseen/special occurrences justify action. Periodically, due to the timing of subsidy fund receipts, contingency reserves act as working capital advances in anticipation of the receipt of these subsidy funds. Such advances are to be immediately repaid upon receipt of the subsidy funds.

As of fiscal year 2013, the contingency reserve rate is lower than the minimum requirement as per this policy. Beginning in fiscal year 2014, over the course of the next two fiscal years, this funding rate will increase to the 12.5 percent rate.

The Chief Financial Officer's designated representative shall provide a fiscal year-end financial report providing updated balances on all MTS reserve accounts, including a roll-forward analysis of the MTS contingency reserve account. Any potential significant changes to the reserve's balance shall be reported to the Board at the time it becomes known to the Chief Financial Officer and/or the representative.

Action to decrease this minimum contingency reserve level shall require two-thirds vote of the MTS Board of Directors.

POLICY.36.RESERVE FUNDS
4/18/13

Exhibit: Reserve Account Request Resolution

Original Policy adopted on 2/9/89.
Policy revised on 1/13/94.
Policy revised on 6/28/01.
Policy revised on 4/29/04.
Policy revised on 4/18/13.

EXHIBIT 36.1

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Resolution No. _____

Resolution Establishing a Reserve Account(s)

WHEREAS, the San Diego Metropolitan Transit System (MTS) has determined that certain funds are to be reserved for specific purposes; and

WHEREAS, said reserve account(s) shall be established and maintained in accordance with MTS Policy No. 36 – Reserve Funds; NOW, THEREFORE, BE IT RESOLVED, that the MTS Board of Directors approves the establishment of the reserve account(s).

Exhibit 1 - Policy 36
04/18/2013



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Agenda Item No. 12

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

MTS JOB ORDER CONTRACT WORK ORDER FOR BUS PAVEMENT REPLACEMENT AT
12TH & IMPERIAL AVENUE

RECOMMENDATION:

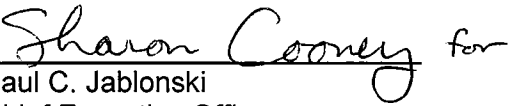
That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC1431-07 (under MTS Doc. No. PWL135.0-12) with ABC Construction, Inc. (in substantially the same format as Attachment A) to remove the existing bus concrete paving and install new with curb and gutter.

Budget Impact

The total cost of \$591,297.76 would be funded by the San Diego Association of Governments' (SANDAG's) Capital Improvement Project 1210030-1000 budget (Blue Line Stations). Use of SANDAG job order contracts also requires a 6.75% payment (\$39,912.60 for this project) for administrative costs. The total amount for this JOC work order would not exceed \$631,210.35.

DISCUSSION:

This project is for removal and installation of approximately 11,600 square feet of existing concrete pavement, curb and gutter, concrete sidewalk, traffic striping, landscaping, ADA ramps, and island lighting. The bus-paving entrance is located on the east side of 1255 Imperial Avenue and is utilized by bus Routes 4, 11, 901, and 929. A sawtooth curb will be installed to provide improved access onto and off the bus. The existing paving is showing significant cracking due to the subgrade conditions. The new pavement addresses the poor soil conditions with the installation of reinforced concrete and installation of a geogrid for support. New light fixtures will be installed to illuminate the island and driveway for improved visibility during nighttime operations and security. The work is scheduled to be performed over a four-week period between the hours of 7:00 a.m. and 4:30 p.m., and bus traffic will be diverted to Imperial Avenue during construction. The contract duration is 90 calendar days with paving removal beginning on April 29, 2013.


Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Work Order No. MTSJOC1431-07 (with cost proposal)

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





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

**JOB ORDER CONTRACT
WORK ORDER**



PWL135.0-12
CONTRACT NUMBER

MTSJOC1431-07
WORK ORDER NUMBER

THIS AGREEMENT is entered into this _____ day of _____ 2013, 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: ABC Construction, Inc. Address: 320 National Avenue

Form of Business: Corporation San Diego CA 92113
(Corporation, partnership, sole proprietor, etc.)

Telephone: (619) 239-3428

Authorized person to sign contracts: Wayne Czubernat Project Manager
Name Title

Pursuant to the existing Job Order Contract (MTS Doc. No. PWL135.0-12), MTS issues a Work Order to Contractor to complete the detailed Scope of Work (attached as Exhibit A.), the Cost Breakdown for the Scope of Work (attached as Exhibit B.), and the subcontractor listing form applicable to this Work Order (attached as Exhibit C.)

TOTAL AMOUNT OF WORK ORDER SHALL NOT EXCEED \$ 591,297.76

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
\$ 591,297.76	1210030-1000	2013

By: _____ Chief Financial Officer Date

(___ total pages, each bearing contract number and work order number)



**Job Order Contract
Contractor's Price Proposal Summary- CSI**

This price proposal - all information and data - shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate this price proposal. This price proposal - all information and data - is Confidential and Proprietary.

Work Order #: MTSJOC1431-07
Title: 12th & Imperial Bus Driveway Paving
Contractor: ABC Construction, Inc.
Proposal Value: \$591,297.76
Proposal Name: 12th & Imperial Bus Driveway Paving

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

From: Kenneth Czubernat
 Project Manager
 ABC Construction Co. Inc.
 3120 National Ave
 San Diego, Ca 92113

01 - General Requirements:	\$84,584.01
02 - Site Work:	\$425,865.57
03 - Concrete:	\$16,971.69
07 - Thermal & Moisture Protection:	\$10,449.12
12 - Furnishings:	\$41,800.00
16 - Electrical:	\$11,627.37
Work Order Proposal Total	\$591,297.76

This 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.

The Percent of NPP on this Proposal: 7.96%



Kenneth Czubernat, Project Manager

4.10.13

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Contractor Cost Proposal - Category Summary

Date: April 09, 2013

IQC Master Contract #: JOC1431 (Year 3)
JOC Work Order #: MTSJOC1431-07
FMS Work Order #:
Title: 12th & Imperial Bus Driveway Paving
Proposal Value: \$591,297.76

To: Michael Diana
 Assistant Resident Engineer

(619) 595-1021

From: Kenneth Czubernat
 Project Manager
 ABC Construction, Inc.
 3120 National Ave
 San Diego, CA 92113
 (619) 239-3428

Category	Category Total
Category - 01 General Requirements	63,067.44
Category - 02 Demo, Excavation & Sub Grade Prep	169,464.19
Category - 03 New Bus Driveway Section	288,187.53
Category - 04 Electrical & Lighting	64,486.86
Category - 05 Striping & Signage	6,091.74
Work Order Proposal Total	591,297.76

This 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.

The Percent of NPP on this Proposal: 7.96%



Contractor Cost Proposal - Category Detail

Job Order Contract

Date: April 09, 2013

Re: JOC #: MTSJOC1431-07
 Title: 12th & Imperial Bus Driveway Paving
 Contractor: ABC Construction, Inc.
 Proposal Value: \$591,297.76

Sect.	Item	Mod.	UOM	Description	Line Total
Category - 01 General Requirements					
1	01000	0085	LS	WPCP & Monitoring	\$2,915.00
			NPP Task	Installation	
				Quantity 1.00 x Unit Price 2,915.00 x Factor 1.0000 = Total \$2,915.00	
				WPCP & Monitoring	
2	01000	0086	LS	Traffic Control Plans	\$660.00
			NPP Task	Installation	
				Quantity 1.00 x Unit Price 660.00 x Factor 1.0000 = Total \$660.00	
				Plans to be prepared	
3	01000	0087	LS	Traffic Control Inspection	\$792.00
			NPP Task	Installation	
				Quantity 1.00 x Unit Price 792.00 x Factor 1.0000 = Total \$792.00	
				City of San Diego Inspection Fees	
4	01000	0088	LS	Traffic Control Permits	\$910.80
			NPP Task	Installation	
				Quantity 1.00 x Unit Price 910.80 x Factor 1.0000 = Total \$910.80	
				City of San Diego Permit Fees	
5	01352	0039	HR	Laborer>Note: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$1,675.07
				Installation	
				Quantity 32.00 x Unit Price 58.91 x Factor 0.9198 = Total \$1,675.07	
				Potholing activities, 2 Laborers for 2 days	
6	01352	0039	HR	Laborer>Note: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$11,112.25
				Installation	
				Quantity 200.00 x Unit Price 58.91 x Factor 0.9763 = Total \$11,112.25	
				MTS Safety Training, 5 Hours per Worker, 40 Workers	
7	01352	0051	HR	Flagperson For Traffic Control	\$3,140.76
				Installation	
				Quantity 60.00 x Unit Price 58.91 x Factor 0.9198 = Total \$3,140.76	
				1 Flagger for 2 Hours per day for 90 days. Maintenance of traffic control, controlling egress of vehicles	
8	01510	0011	EA	10 CY Dumpster (1.5 Ton) "Construction Debris"Note: Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$255.70
				Installation	
				Quantity 1.00 x Unit Price 277.98 x Factor 0.9198 = Total \$255.70	
				Misc Site Debris	

Sect.	Item	Mod.	UOM	Description	Line Total
9	01560	0016	LF	Temporary 6' High Chain Link Fence Panel, Self Standing, Up To 6 Month Rental	\$11,460.71
				Installation	
				Quantity	
				1,000.00 x	
				Unit Price	
				12.46 x	
				Factor	
				0.9198 =	
				Total	\$11,460.71
				Site protection and control for length of project	
10	01MOD	0016	0047	LF For Each SF Of Shade Cloth, Add	\$2,483.46
				Installation	
				Quantity	
				6,000.00 x	
				Unit Price	
				0.45 x	
				Factor	
				0.9198 =	
				Total	\$2,483.46
				'Site protection and control for length of project'	
11	01560	0050	WK	28" Cone With Reflective Collar	\$662.26
				Installation	
				Quantity	
				600.00 x	
				Unit Price	
				1.20 x	
				Factor	
				0.9198 =	
				Total	\$662.26
				100 cones per week for 6 weeks	
12	01560	0065	WK	Type II Barricade, Up To 3' Wide With Two Reflective Rails Each Side	\$631.35
				Installation	
				Quantity	
				120.00 x	
				Unit Price	
				5.72 x	
				Factor	
				0.9198 =	
				Total	\$631.35
				20 Misc signs per week for 6 weeks	
13	01560	0106	WK	Mesh Or Vinyl Roll-up Sign With Stand	\$640.18
				Installation	
				Quantity	
				60.00 x	
				Unit Price	
				11.60 x	
				Factor	
				0.9198 =	
				Total	\$640.18
				10 Signs per week for 6 weeks	
14	01560	0124	EA	Place And Remove Up To 250 Cones Using Truck	\$8,085.04
				Installation	
				Quantity	
				3,000.00 x	
				Unit Price	
				2.93 x	
				Factor	
				0.9198 =	
				Total	\$8,085.04
				100 Cones per day for 6 weeks	
15	01560	0128	EA	Place And Remove Up To 250 Barricades Using Truck	\$3,228.50
				Installation	
				Quantity	
				600.00 x	
				Unit Price	
				5.85 x	
				Factor	
				0.9198 =	
				Total	\$3,228.50
				20 Barricades per day for 6 weeks	
16	01560	0131	EA	Place And Remove Portable Sign And Stand Using Truck	\$968.55
				Installation	
				Quantity	
				300.00 x	
				Unit Price	
				3.51 x	
				Factor	
				0.9198 =	
				Total	\$968.55
				10 Signs per day for 6 weeks	
17	01590	0187	DAY	Self-Propelled Street Sweeper With Hopper And Full-Time OperatorNote: Truck with main and gutter brooms, elevator, debris hopper and water tank.	\$5,222.22
				Installation	
				Quantity	
				6.00 x	
				Unit Price	
				946.26 x	
				Factor	
				0.9198 =	
				Total	\$5,222.22
				4 hours per day, twice a week for 6 weeks	
18	01720	0016	ACR	Survey Clear Area For Underground Utilities	\$3,065.54
				Installation	
				Quantity	
				1.00 x	
				Unit Price	
				3,332.83 x	
				Factor	
				0.9198 =	
				Total	\$3,065.54
				CPL & USA	
19	02264	0046	EA	Wattles (Sterile Straw Filled Rolls), 12" x18'	\$1,555.93
				Installation	
				Quantity	
				20.00 x	
				Unit Price	
				84.58 x	
				Factor	
				0.9198 =	
				Total	\$1,555.93
				BMP's	
20	02264	0049	BAG	Gravel Bag #33 With 5/16" Birdseye Gravel	\$1,582.06
				Installation	
				Quantity	
				500.00 x	
				Unit Price	
				3.44 x	
				Factor	
				0.9198 =	
				Total	\$1,582.06
				BMP's	
21	02264	0050	BAG	Bag Removal	\$731.24
				Installation	
				Quantity	
				500.00 x	
				Unit Price	
				1.59 x	
				Factor	
				0.9198 =	
				Total	\$731.24
				BMP's	

Sect.	Item	Mod.	UOM	Description	Line Total
22	02722	0232	EA	Pedestrian BarricadeNote: Includes two 2" square galvanized steel posts with bases, 12' 1" x 1-1/4" galvanized steel chain, and one 18" x 42" aluminum sign.	\$1,288.83
			Installation	Quantity 6.00 x Unit Price 220.02 x Factor 0.9763 = Total \$1,288.83	
				Pedestrian Protection	
Subtotal for 01 General Requirements					\$63,067.44
Category - 02 Demo, Excavation & Sub Grade Prep					
23	01352	0039	HR	LaborerNote: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$1,675.07
			Installation	Quantity 32.00 x Unit Price 56.91 x Factor 0.9198 = Total \$1,675.07	
				Relocate existing Electrical Utilities boxes and abandon misc electrical prior to demo (G8-G10) 2 men for 2 days	
24	01352	0039	HR	LaborerNote: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$1,884.45
			Installation	Quantity 36.00 x Unit Price 56.91 x Factor 0.9198 = Total \$1,884.45	
				Relocate existing Irrigation Meters & cut/cap Irrigation Lines for demo, 2 men for 2 days	
25	01352	0039	HR	LaborerNote: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC.	\$837.53
			Installation	Quantity 16.00 x Unit Price 56.91 x Factor 0.9198 = Total \$837.53	
				Removal of Site furnishing, Trash cans, Benches, etc (G5), 2 Men for 1 day	
26	01590	0318	DAY	2 CY, 110 HP Loader, With Full-Time Operator	\$1,985.85
			Installation	Quantity 2.00 x Unit Price 1,017.03 x Factor 0.9763 = Total \$1,985.85	
				Skip loader for removal & installation of site furnishings	
27	01590	0812	DAY	2000 Gallon Water Truck With Full-Time Operator	\$2,885.60
			Installation	Quantity 4.00 x Unit Price 784.30 x Factor 0.9198 = Total \$2,885.60	
				Water Truck for Dust Control during Excavation	
28	01720	0003	ACR	Survey Clear Area With Few To No Obstacles	\$560.31
			Installation	Quantity 1.00 x Unit Price 609.16 x Factor 0.9198 = Total \$560.31	
				Survey for Sub Base Grade under concrete	
29	01720	0007	ACR	Survey Highly Developed Areas, Sidewalks, Etcetera (>65% Buildings)	\$4,478.27
			Installation	Quantity 1.00 x Unit Price 4,868.74 x Factor 0.9198 = Total \$4,478.27	
				Demo Layout and limits	
30	02112	0008	SY	Break-Up And Remove > 3" To 6" Thick Concrete, With Wire Mesh	\$8,186.22
			Installation	Quantity 500.00 x Unit Price 17.80 x Factor 0.9198 = Total \$8,186.22	
				Demo of Existing Sidewalk	
31	02112	0013	SY	Break-Up And Remove >9" To 14" Thick Concrete With Reinforcing Rod.	\$49,831.45
			Installation	Quantity 1,212.00 x Unit Price 44.70 x Factor 0.9198 = Total \$49,831.45	
				Demo of Existing Concrete Pavement	
32	02112	0124	LF	Saw Cut Mesh Reinforced Concrete Slab Up To 4" (10 cm) Depth	\$798.39
			Installation	Quantity 350.00 x Unit Price 2.48 x Factor 0.9198 = Total \$798.39	
				Sidewalk Saw Cutting (6")	

Sect.	Item	Mod.	UCM	Description	Line Total
33	02MOD	0124	0065	For Each Additional Pass (Depth To 3"), Add	\$292.96
				Installation	
				Quantity 350.00 x Unit Price 0.81 x Factor 0.9198 = Total \$262.96	
				'Sidewalk Saw Cutting (6")	
34	02112	0125		LF Saw Cut Rod Reinforced Concrete Slab Up To 4" (10 cm) Depth	\$1,438.57
				Installation	
				Quantity 400.00 x Unit Price 3.91 x Factor 0.9198 = Total \$1,438.57	
				Roadway Saw Cutting (12")	
35	02MOD	0125	0065	For Each Additional Pass (Depth To 3"), Add	\$1,089.04
				Installation	
				Quantity 800.00 x Unit Price 1.48 x Factor 0.9198 = Total \$1,089.04	
36	02119	0008		CY Reinforced concrete and asphalt, not trimmed, 2" minus	\$8,611.63
				Installation	
				Quantity 740.00 x Unit Price 12.50 x Factor 0.9198 = Total \$8,611.63	
				Demol Concrete Dump fees	
37	02119	0012		TON General refuse	\$14,002.58
				Installation	
				Quantity 306.00 x Unit Price 49.75 x Factor 0.9198 = Total \$14,002.58	
				Landscape Areas and Trees Dump fees	
38	02119	0016		CYM Hauling On Paved Roads, First 15 Miles	\$1,840.24
				Installation	
				Quantity 2,565.00 x Unit Price 0.78 x Factor 0.9198 = Total \$1,840.24	
				Landscape Areas and Trees	
39	02119	0016		CYM Hauling On Paved Roads, First 15 Miles	\$8,060.48
				Installation	
				Quantity 11,235.00 x Unit Price 0.78 x Factor 0.9198 = Total \$8,060.48	
				Demol Concrete	
40	02119	0016		CYM Hauling On Paved Roads, First 15 Miles	\$5,079.50
				Installation	
				Quantity 7,080.00 x Unit Price 0.78 x Factor 0.9198 = Total \$5,079.50	
				Excavated Materials to Dump	
41	02119	0017		CYM Hauling On Paved Roads, Miles Over Initial 15 Miles	\$5,993.69
				Installation	
				Quantity 11,235.00 x Unit Price 0.58 x Factor 0.9198 = Total \$5,993.69	
				Demol Concrete	
42	02119	0017		CYM Hauling On Paved Roads, Miles Over Initial 15 Miles	\$1,368.39
				Installation	
				Quantity 2,565.00 x Unit Price 0.58 x Factor 0.9198 = Total \$1,368.39	
				Landscape Areas and Trees	
43	02119	0017		CYM Hauling On Paved Roads, Miles Over Initial 15 Miles	\$240.07
				Installation	
				Quantity 450.00 x Unit Price 0.58 x Factor 0.9198 = Total \$240.07	
				Class II Base Import for the Removed Tree Pits	
44	02119	0017		CYM Hauling On Paved Roads, Miles Over Initial 15 Miles	\$3,777.07
				Installation	
				Quantity 7,080.00 x Unit Price 0.58 x Factor 0.9198 = Total \$3,777.07	
				Excavated Materials	
45	02201	0003		EA Backhoe, Dozer Or Roller Up To 250 HP Delivery, Mobilization And Demobilization Note: Use for backhoe, dozer, roller, loader, excavator or similar sized equipment. Includes delivery fee, delivery, set-up and return.	\$1,840.68
				Installation	
				Quantity 4.00 x Unit Price 471.34 x Factor 0.9763 = Total \$1,840.68	
				Excavator, dozer Rollers (3 ton & 8 ton) delivery for Grading activities	

Secf.	Item	Mod.	UOM	Description	Line Total
46	02201	0003	EA	Backhoe, Dozer Or Roller Up To 250 HP Delivery, Mobilization And Demobilization Note: Use for backhoe, dozer, roller, loader, excavator or similar sized equipment. Includes delivery fee, delivery, set-up and return.	\$920.34
			Installation	Quantity 2.00 x Unit Price 471.34 x Factor 0.9763 = Total \$920.34	
				Skip loader and backhoe delivery for Demo activities	
47	02205	0002	CY	Bulk Excavation by Hydraulic Excavator, Front End Loader, Backhoe in Soil	\$1,658.44
			Installation	Quantity 472.00 x Unit Price 3.52 x Factor 0.9198 = Total \$1,658.44	
				Excavation for new section	
48	02205	0020	CY	Loading Excess Material For Removal From Bulk Excavation	\$1,641.07
			Installation	Quantity 472.00 x Unit Price 3.78 x Factor 0.9198 = Total \$1,641.07	
				Loading of Excavated Materials	
49	02205	0020	CY	Loading Excess Material For Removal From Bulk Excavation	\$2,604.16
			Installation	Quantity 749.00 x Unit Price 3.78 x Factor 0.9198 = Total \$2,604.16	
				Loading of Demo'd Concrete	
50	02210	0005	CY	Excavation For Building Foundations And Other Structures By Hand in Soil	\$8,289.38
			Installation	Quantity 105.00 x Unit Price 85.63 x Factor 0.9198 = Total \$8,289.38	
				Landscape Areas	
51	02210	0016	CY	Backfilling Around Building Foundations And Other Structures by Hand	\$1,127.77
			Installation	Quantity 30.00 x Unit Price 40.87 x Factor 0.9198 = Total \$1,127.77	
				Class II Base for Removed Tree Pits	
52	02210	0021	CY	Compaction Of Fill Or Subbase For Building Foundations and Other Structures by Vibratory Plate, Air Tamper, Etcetera	\$3,425.41
			Installation	Quantity 472.00 x Unit Price 7.89 x Factor 0.9198 = Total \$3,425.41	
				Compaction after Scarification of Sub Base under concrete	
53	02MOD	0021	0095	For Quantities > 250 To 500 (> 192 To 382 MS), Add	\$512.29
			Installation	Quantity 472.00 x Unit Price 1.18 x Factor 0.9198 = Total \$512.29	
				Compaction after Scarification of Sub Base under concrete	
54	02210	0022	CY	Compaction Of Fill Or Subbase For Building Foundations and Other Structures by Hand	\$742.28
			Installation	Quantity 30.00 x Unit Price 26.90 x Factor 0.9198 = Total \$742.28	
				Class II Base for Removed Tree Pits	
55	02210	0029	CY	Load Excess Material For Removal From Excavation For Building Foundations and Other Structures by Hand	\$6,078.68
			Installation	Quantity 105.00 x Unit Price 62.94 x Factor 0.9198 = Total \$6,078.68	
				Excavated Material from Landscape Areas	
56	02212	0009	CSF	Scarify Soil For Roadways, Parking Areas, Landscaping And Embankments By Machine	\$558.78
			Installation	Quantity 150.00 x Unit Price 4.05 x Factor 0.9198 = Total \$558.78	
				Scarify new Sub Base under concrete	
57	02212	0016	SY	Rough Grade Roadway, Parking Areas, Landscaping And Embankments By Machine	\$766.65
			Installation	Quantity 1,667.00 x Unit Price 0.50 x Factor 0.9198 = Total \$766.65	
				New Sub Base under concrete	

Sect.	Item	Mod.	UOM	Description					Line Total	
58	02212	0017	SY	Finish Grade Roadway, Parking Areas, Landscaping And Embankments By Machine					\$1,027.32	
				Installation	Quantity		Unit Price	Factor	Total	
					1,667.00	x	0.67	x	0.9198 =	\$1,027.32
				New Sub Base under concrete						
59	02212	0019	LF	Finish Grade For Curb And Gutter					\$455.26	
				Installation	Quantity		Unit Price	Factor	Total	
					538.00	x	0.92	x	0.9198 =	\$455.26
				New Curb Line						
60	02441	0005	EA	4" Pop-Up Height, Spray Sprinkler Head					\$501.09	
				Installation	Quantity		Unit Price	Factor	Total	
					25.00	x	20.53	x	0.9763 =	\$501.09
				New relocated Sprinkler Heads						
61	02441	0200	LF	3/4" (19mm) Class 200 PVC Socketweld Pipe With Fittings					\$347.56	
				Installation	Quantity		Unit Price	Factor	Total	
					200.00	x	1.78	x	0.9763 =	\$347.56
				New relocated Sprinkler lines						
62	02520	0064	EA	6' Inside Dimension Precast Catch Basin, 6' Deep					\$560.71	
				Installation	Quantity		Unit Price	Factor	Total	
					0.00	x	2,344.92	x	0.9198 =	\$0.00
				Demolition	Quantity		Unit Price	Factor	Total	
					1.00	x	609.60	x	0.9198 =	\$560.71
				Demo'd Existing Catch Basin						
63	02611	0005	CY	Class II Base Course					\$1,641.02	
				Installation	Quantity		Unit Price	Factor	Total	
					30.00	x	59.47	x	0.9198 =	\$1,641.02
				Tree Pits						
64	02620	0025	LF	6" x 18" Concrete Gutter With 6" Curb And Face - Straight					\$2,009.12	
				Installation	Quantity		Unit Price	Factor	Total	
					0.00	x	21.83	x	0.9198 =	\$0.00
				Demolition	Quantity		Unit Price	Factor	Total	
					270.00	x	8.09	x	0.9198 =	\$2,009.12
				Demo'd Existing Curb						
65	02620	0026	LF	6" x 18" Concrete Gutter With 6" Curb And Face - Radius					\$2,237.60	
				Installation	Quantity		Unit Price	Factor	Total	
						x	24.09	x	0.9198 =	
				Demolition	Quantity		Unit Price	Factor	Total	
					270.00	x	9.01	x	0.9198 =	\$2,237.60
				Demo'd Existing Curb						
66	02720	0011	EA	12" Diameter x 30" High Concrete Bollard, Light SandblastNote: Surface mounted with anchor bolts embedded into grout pockets.					\$242.90	
				Installation	Quantity		Unit Price	Factor	Total	
						x	462.21	x	0.9763 =	
				Demolition	Quantity		Unit Price	Factor	Total	
					4.00	x	62.20	x	0.9763 =	\$242.90
				Demo'd Bollards						
67	02840	0042	EA	Stump Removal, >12" To 24" (>30 cm To 61 cm) Diameter, Includes Loading					\$929.48	
				Installation	Quantity		Unit Price	Factor	Total	
					6.00	x	168.42	x	0.9198 =	\$929.48
				6 Trees Removal						
68	02840	0052	EA	Tree Removal, >12" To 24" (>30 cm To 61 cm) D.B.H. (Diameter At Breast Height), Includes Cutting Up Tree, Chipping And Loading.					\$4,428.84	
				Installation	Quantity		Unit Price	Factor	Total	
					6.00	x	802.50	x	0.9198 =	\$4,428.84
				6 Trees Removal						
Subtotal for 02 Demo, Excavation & Sub Grade Prep								\$169,464.19		

Category - 03 New Bus Driveway Section

Sect.	Item	Mod.	UOM	Description	Line Total
69	01352	0039	HR	LaborerNote: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC. Installation Quantity 16.00 x Unit Price 56.91 x Factor 0.9198 = Total \$837.53 Re-Install Site furnishing, 2 Men for 1 day (Trash cans, Bus Shelter & Benches-G5)	\$837.53
70	01352	0039	HR	LaborerNote: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC. Installation Quantity 32.00 x Unit Price 56.91 x Factor 0.9198 = Total \$1,675.07 Anchor down the re-installed benches, trashes can, etc., 2 Men for 2 days	\$1,675.07
71	01352	0039	HR	LaborerNote: Tasks in the CTC include appropriate costs to cover labor. These tasks will be requested specifically by the owner for miscellaneous work not covered in the CTC. Installation Quantity 32.00 x Unit Price 56.91 x Factor 0.9198 = Total \$1,675.07 Raise existing Utilities within Concrete to finish grade, 2 Men for 2 days	\$1,675.07
72	01510	0011	EA	10 CY Dumpster (1.5 Ton) "Construction Debris" Note: Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material. Installation Quantity 1.00 x Unit Price 277.99 x Factor 0.9198 = Total \$255.70 Concrete Washout	\$255.70
73	01590	0812	DAY	2000 Gallon Water Truck With Full-Time Operator Installation Quantity 4.00 x Unit Price 784.30 x Factor 0.9198 = Total \$2,885.60 Water truck for Dust control during Grading	\$2,885.60
74	01720	0003	ACR	Survey Clear Area With Few To No Obstacles Installation Quantity 1.00 x Unit Price 609.16 x Factor 0.9198 = Total \$560.31 Survey of Grade for Class II Base grade under concrete	\$560.31
75	01720	0007	ACR	Survey Highly Developed Areas, Sidewalks, Etcetera (>65% Buildings) Installation Quantity 1.00 x Unit Price 4,868.74 x Factor 0.9198 = Total \$4,478.27 New Concrete Layout, Sidewalks, Pavement, Curbs, flow lines, catch basins etc.	\$4,478.27
76	02112	0263	IN	1-1/2" Diameter Drilling In Concrete Per Inch Of Depth Installation Quantity 5,940.00 x Unit Price 3.78 x Factor 0.9198 = Total \$20,652.45 Drilling of Dowels into perimeter Concrete and Catch Basin (660x9"ea) pper detail	\$20,652.45
77	02119	0008	CY	Reinforced concrete and asphalt, not trimmed, 2" minus Installation Quantity 80.00 x Unit Price 12.50 x Factor 0.9198 = Total \$919.80 Asphalt Grindings Dump fees	\$919.80
78	02119	0016	CYM	Hauling On Paved Roads, First 15 Miles Installation Quantity 1,200.00 x Unit Price 0.78 x Factor 0.9198 = Total \$860.93 Asphalt Grindings	\$860.93
79	02119	0017	CYM	Hauling On Paved Roads, Miles Over Initial 15 Miles Installation Quantity 6,675.00 x Unit Price 0.58 x Factor 0.9198 = Total \$3,561.01 Importing of Concrete	\$3,561.01
80	02119	0017	CYM	Hauling On Paved Roads, Miles Over Initial 15 Miles Installation Quantity 1,200.00 x Unit Price 0.58 x Factor 0.9198 = Total \$640.18 Importing of Asphalt	\$640.18

Sect.	Item	Mod.	UOM	Description	Line Total
81	02119	0017	CYM	Hauling On Paved Roads, Miles Over Initial 15 Miles	\$1,616.46
			Installation	Quantity 3,030.00 x Unit Price 0.58 x Factor 0.9198 = Total \$1,616.46	
				Importing of Class II for under concrete	
82	02119	0017	CYM	Hauling On Paved Roads, Miles Over Initial 15 Miles	\$640.18
			Installation	Quantity 1,200.00 x Unit Price 0.58 x Factor 0.9198 = Total \$640.18	
				Asphalt Grindings	
83	02201	0003	EA	Backhoe, Dozer Or Roller Up To 250 HP Delivery, Mobilization And Demobilization Note: Use for backhoe, dozer, roller, loader, excavator or similar sized equipment. Includes delivery fee, delivery, set-up and return.	\$1,300.62
			Installation	Quantity 3.00 x Unit Price 471.34 x Factor 0.9198 = Total \$1,300.62	
				Paver and Rollers (3 & 8 Ton) for Asphalt repairs	
84	02210	0021	CY	Compaction Of Fill Or Subbase For Building Foundations and Other Structures by Vibratory Plate, Air Tamper, Etcetera	\$580.58
			Installation	Quantity 80.00 x Unit Price 7.89 x Factor 0.9198 = Total \$580.58	
				2 Asphalt Areas of Repair	
85	02210	0021	CY	Compaction Of Fill Or Subbase For Building Foundations and Other Structures by Vibratory Plate, Air Tamper, Etcetera	\$1,465.96
			Installation	Quantity 202.00 x Unit Price 7.89 x Factor 0.9198 = Total \$1,465.96	
				Class II Base under concrete	
86	02MOD	0021	0094	For Quantities > 50 To 250 (> 39 m3 To 191 m3), Add	\$587.13
			Installation	Quantity 202.00 x Unit Price 3.16 x Factor 0.9198 = Total \$587.13	
				'Class II Base under concrete'	
87	02212	0014	CY	Spread And Shape Imported Or Stockpiled Material For Roadways, Parking Areas, Landscaping and Embankments	\$893.70
			Installation	Quantity 202.00 x Unit Price 4.81 x Factor 0.9198 = Total \$893.70	
				Class II Base under concrete	
88	02MOD	0014	0115	For Quantities > 50 To 250 (> 39 m3 To 191 m3), Add	\$356.74
			Installation	Quantity 202.00 x Unit Price 1.92 x Factor 0.9198 = Total \$356.74	
				'Class II Base under concrete'	
89	02212	0016	SY	Rough Grade Roadway, Parking Areas, Landscaping And Embankments By Machine	\$766.65
			Installation	Quantity 1,667.00 x Unit Price 0.50 x Factor 0.9198 = Total \$766.65	
				Class II Base grading under concrete	
90	02212	0017	SY	Finish Grade Roadway, Parking Areas, Landscaping And Embankments By Machine	\$1,027.32
			Installation	Quantity 1,667.00 x Unit Price 0.67 x Factor 0.9198 = Total \$1,027.32	
				Class II Base grading under concrete	
91	02242	0027	SY	14.1 Oz/SY, 9790 LB/FT Wide Width Tensile Ultimate Bi-Directional Woven Polyester Geogrid Fabric	\$6,133.23
			Installation	Quantity 1,667.00 x Unit Price 4.00 x Factor 0.9198 = Total \$6,133.23	
				Between Sub Base and Base under concrete	
92	02520	0047	EA	4' Inside Dimension Precast Catch Basin, 4' Deep	\$820.98
			Installation	Quantity 1.00 x Unit Price 892.56 x Factor 0.9198 = Total \$820.98	
				New Catch Basin	

Sect.	Item	Mod.	UOM	Description	Line Total
93	02611	0005	CY	Class II Base Course	\$11,049.50
			Installation	Quantity 202.00 x Unit Price 58.47 x Factor 0.9198 = Total \$11,049.50	
				Base Section under concrete	
94	02612	0023	CSF	Tack Coat, 0.1 Gallon/SY (0.5 l/m2)	\$214.31
			Installation	Quantity 50.00 x Unit Price 4.66 x Factor 0.9198 = Total \$214.31	
				2 Asphalt Areas of Repair	
95	02613	0005	SY	Limited Cold Milling Of Asphalt > 3" To 6" Depth	\$12,145.98
			Installation	Quantity 596.00 x Unit Price 23.75 x Factor 0.9198 = Total \$12,145.98	
				2 Asphalt Areas of Repair	
96	02614	0006	SY	7" (10 cm) Concrete Pavement, 4500 PSI Assembly	\$4,392.96
			Installation	Quantity 80.00 x Unit Price 59.70 x Factor 0.9198 = Total \$4,392.96	
				Concrete Cross Gutter	
97	02MOD	0005	0552	For < 10' Wide Pass, Add	\$715.24
			Installation	Quantity 80.00 x Unit Price 9.72 x Factor 0.9198 = Total \$715.24	
				'Concrete Cross Gutter'	
98	02MOD	0006	0555	For Accelerator Admixtures, Add	\$153.05
			Installation	Quantity 80.00 x Unit Price 2.03 x Factor 0.9198 = Total \$153.05	
				'Concrete Cross Gutter'	
99	02MOD	0006	0557	For Small Quantities Repair Up To 100, Add	\$1,614.43
			Installation	Quantity 80.00 x Unit Price 21.94 x Factor 0.9198 = Total \$1,614.43	
				'Concrete Cross Gutter'	
100	02614	0010	SY	12" (30 cm) Concrete Pavement, 4500 PSI Assembly	\$103,535.45
			Installation	Quantity 1,100.00 x Unit Price 102.33 x Factor 0.9198 = Total \$103,535.45	
				Concrete Pavement	
101	02MOD	0010	0555	For Accelerator Admixtures, Add	\$3,480.52
			Installation	Quantity 1,100.00 x Unit Price 3.44 x Factor 0.9198 = Total \$3,480.52	
				'Concrete Pavement'	
102	02616	0025	EA	Asphalt Placement For Small Repair Areas, Hot Mix, Up To 3 Tons	\$2,602.70
			Installation	Quantity 2.00 x Unit Price 1,414.82 x Factor 0.9198 = Total \$2,602.70	
				2 Asphalt Areas of Repair	
103	02616	0026	TON	Asphalt Placement For Small Repair Areas, Hot Mix Note: For each ton over 3 to 100 tons.	\$25,471.36
			Installation	Quantity 154.00 x Unit Price 170.82 x Factor 0.9198 = Total \$25,471.36	
				2 Asphalt Areas of Repair	
104	02620	0025	LF	6" x 18" Concrete Gutter With 6" Curb And Face - Straight	\$7,228.52
			Installation	Quantity 360.00 x Unit Price 21.83 x Factor 0.9198 = Total \$7,228.52	
				New Curb	
105	02620	0026	LF	6" x 18" Concrete Gutter With 6" Curb And Face - Radius	\$3,986.44
			Installation	Quantity 180.00 x Unit Price 24.09 x Factor 0.9198 = Total \$3,986.44	
				New Curb	

Sect.	Item	Mod.	UOM	Description	Line Total
106	02630	0002	SC	4" (10 cm) Cast In Place Concrete Sidewalk With Wire Mesh	\$23,496.29
			Installation	Quantity 3,900.00 x Unit Price 8.55 x Factor 0.9198 = Total \$23,496.29	
				New Sidewalk	
107	02630	0007	SC	For Exposed Aggregate Finish In Sidewalk	\$5,022.11
			Installation	Quantity 3,900.00 x Unit Price 1.40 x Factor 0.9198 = Total \$5,022.11	
				New Sidewalk	
108	02630	0010	EA	For Handicap Drop Section In Sidewalk Note: Does not include patterned (Tactile) finish.	\$464.41
			Installation	Quantity 6.00 x Unit Price 84.15 x Factor 0.9198 = Total \$464.41	
				New Sidewalk Pedestrian Ramps	
109	03150	0016	LF	1" x 12" Premolded Cork Expansion Joint With Resin, In Slabs Or Walls	\$157.47
			Installation	Quantity 20.00 x Unit Price 8.55 x Factor 0.9198 = Total \$157.47	
				Joint at Catch Basin	
110	03210	0002	TON	Grade 40 Reinforcing Steel, Footings And Slabs, #3-#6	\$999.01
			Installation	Quantity 0.50 x Unit Price 2,174.19 x Factor 0.9198 = Total \$999.01	
				Reinforcement	
111	03210	003E	EA	Epoxy Coated Straight Dowels, 1-1/4" x 24" Leng, #10 Rebar	\$15,814.31
			Installation	Quantity 2,120.00 x Unit Price 8.11 x Factor 0.9198 = Total \$15,814.31	
				Dowels at Joints per Caltrans STD Plans P10	
112	07910	0022	CLF	1/2" x 12" Polyethylene Joint Backing, Closed Cell	\$4,885.46
			Installation	Quantity 6.00 x Unit Price 836.01 x Factor 0.9763 = Total \$4,885.46	
				Compression Joints at Curb and Gutter, Catch Basin, and Cross Gutter	
113	07920	0009	CLF	1/2" x 1/2" Joint, Silicone Sealant And Caulking	\$5,553.66
			Installation	Quantity 16.00 x Unit Price 356.17 x Factor 0.9763 = Total \$5,553.66	
				Joint Sealing	
Subtotal for 03 New Bus Driveway Section					\$288,187.53
Category - 04 Electrical & Lighting					
114	02112	0124	LF	Saw Cut Mesh Reinforced Concrete Slab Up To 4" (10 cm) Depth	\$912.44
			Installation	Quantity 400.00 x Unit Price 2.48 x Factor 0.9198 = Total \$912.44	
				Electrical Trench	
115	02MOD	0124	0065	For Each Additional Pass (Depth To 3"), Add	\$334.81
			Installation	Quantity 400.00 x Unit Price 0.91 x Factor 0.9198 = Total \$334.81	
116	02119	0008	CY	Reinforced concrete and asphalt, not trimmed, 2" minus	\$724.34
			Installation	Quantity 63.00 x Unit Price 12.50 x Factor 0.9198 = Total \$724.34	
				Electrical Trench Dump fees	
117	02119	0016	CYM	Hauling On Paved Roads, First 15 Miles	\$677.98
			Installation	Quantity 945.00 x Unit Price 0.78 x Factor 0.9198 = Total \$677.98	
				Electrical Trench	

Sect.	Item	Mod.	UOM	Description	Line Total
118	02119	0017	CYM	Hauling On Paved Roads, Miles Over Initial 15 Miles	\$1,612.43
			Installation	Quantity 2,835.00 x Unit Price 0.58 x Factor 0.9198 = Total \$1,512.43	
				Electrical Trench	
119	02215	0007	CY	Excavation for Trenching by Hand in Soil Includes Stockpiling Excess Materials and Trimming Sides and Bottom of Trench.	\$4,573.63
			Installation	Quantity 63.00 x Unit Price \$5.83 x Factor 0.9198 = Total \$4,973.63	
				Electrical Trench	
120	02215	0011	CY	Backfilling or Placing Subbase for Trenches with Imported or Stockpiled Materials by Hand	\$1,381.47
			Installation	Quantity 63.00 x Unit Price 23.84 x Factor 0.9198 = Total \$1,381.47	
				Electrical Trench	
121	02215	0013	CY	Compaction of Fill or Subbase for Trenches by Vibratory Plate, Air Tamper, Etcetera	\$289.16
			Installation	Quantity 63.00 x Unit Price 4.99 x Factor 0.9198 = Total \$289.16	
				Electrical Trench	
122	02215	0018	CY	Load Excess Material by Machine for Removal from Excavation for Trenching	\$253.23
			Installation	Quantity 63.00 x Unit Price 4.37 x Factor 0.9198 = Total \$253.23	
				Electrical Trench	
123	12000	0008	LS	Lighting and Foundations	\$41,600.00
			NPP Task Installation	Quantity 1.00 x Unit Price 41,600.00 x Factor 1.0000 = Total \$41,600.00	
124	16102	0003	LF	1/4" Nylon Pull Cord Installed To Remain In Place, in New Conduits	\$134.47
			Installation	Quantity 850.00 x Unit Price 0.17 x Factor 0.9198 = Total \$134.47	
				New Conduit	
125	16120	0015	MLF	#8 AWG Cable - XLP (XHHW), 600 V, Single Stranded, Placed in Conduit	\$1,000.25
			Installation	Quantity 1.00 x Unit Price 1,087.47 x Factor 0.9198 = Total \$1,000.25	
				New wire within new Conduit	
126	16131	1121	LF	1" PVC Schedule 40 Conduit With Coupling, Direct Burial, Glued Coupling	\$388.89
			Installation	Quantity 140.00 x Unit Price 3.02 x Factor 0.9198 = Total \$388.89	
				New Conduit	
127	16131	1124	LF	2" PVC Schedule 40 Conduit With Coupling, Direct Burial, Glued Coupling	\$1,777.05
			Installation	Quantity 420.00 x Unit Price 4.60 x Factor 0.9198 = Total \$1,777.05	
				New Conduit	
128	16131	1128	LF	4" PVC Schedule 40 Conduit With Coupling, Direct Burial, Glued Coupling	\$3,079.49
			Installation	Quantity 300.00 x Unit Price 11.16 x Factor 0.9198 = Total \$3,079.49	
				New Conduit	
129	16134	0291	EA	24"x24"x10" Cast Iron Pull Box With Cover	\$5,247.22
			Installation	Quantity 9.00 x Unit Price 633.06 x Factor 0.9198 = Total \$5,247.22	
Subtotal for 04 Electrical & Lighting					\$64,486.86
Category - 05 Striping & Signage					
130	02618	0002	EA	Mobilize Pavement Marking Crew And Equipment At New Location	\$249.19
			Installation	Quantity 1.00 x Unit Price 270.52 x Factor 0.9198 = Total \$249.19	

Sect.	Item	Mod.	UOM	Description					Line Total
131	02618	0087	SF	>12" Wide, Epoxy Reflective Pavement Striping					\$508.32
				Installation	Quantity	Unit Price	Factor	Total	
					628.00	0.88	0.9198	\$508.32	
				24" Yellow Stripe along sidewalk					
132	02618	0088	EA	6" (15 cm) High, Letter/Number, Epoxy Reflective Pavement Marking					\$1,001.66
				Installation	Quantity	Unit Price	Factor	Total	
					450.00	2.42	0.9198	\$1,001.66	
				"STAND BEHIND LINE" text along sidewalk, 10' O.C.					
133	02618	0095	EA	120" (305 cm) High, Letter/Number, Epoxy Reflective Pavement Marking					\$1,733.46
				Installation	Quantity	Unit Price	Factor	Total	
					30.00	62.82	0.9198	\$1,733.46	
				1-"BUS ONLY", 2-"DO NOT ENTER", 3-ARROWS					
134	02618	0129	LF	Single 12" (31 cm) Wide Solid Line, Painted Pavement Striping For Parking Areas					\$142.16
				Installation	Quantity	Unit Price	Factor	Total	
					168.00	0.92	0.9198	\$142.16	
				White Cross Walks					
135	02618	0145	LF	Painted Curb, Any Color					\$317.70
				Installation	Quantity	Unit Price	Factor	Total	
					314.00	1.10	0.9198	\$317.70	
				Red Curb					
136	02722	0028	EA	24" x 24" Aluminum Engineer Grade Traffic Sign					\$648.08
				Installation	Quantity	Unit Price	Factor	Total	
					9.00	68.27	0.9198	\$565.15	
				Demolition	Quantity	Unit Price	Factor	Total	
					7.00	12.88	0.9198	\$82.93	
				Misc Signs					
137	02722	0195	EA	12', 2-3/8" Diameter, Galvanized Steel Tubular Sign Post					\$1,172.89
				Installation	Quantity	Unit Price	Factor	Total	
					9.00	122.31	0.9198	\$1,012.51	
				Demolition	Quantity	Unit Price	Factor	Total	
					7.00	24.91	0.9198	\$160.39	
				Misc Signs					
138	02722	0206	EA	2-3/8" (6 cm) Outside Diameter, Single Sign Bracket Set					\$203.76
				Installation	Quantity	Unit Price	Factor	Total	
					9.00	21.27	0.9198	\$176.08	
				Demolition	Quantity	Unit Price	Factor	Total	
					7.00	4.30	0.9198	\$27.69	
				Misc Signs					
139	02722	0210	EA	Traffic Sign Post Cap					\$114.52
				Installation	Quantity	Unit Price	Factor	Total	
					9.00	11.61	0.9198	\$96.11	
				Demolition	Quantity	Unit Price	Factor	Total	
					7.00	2.86	0.9198	\$18.41	
				Misc Signs					

Subtotal for 05 Striping & Signage **\$6,091.74**

Project Proposal Total **\$591,297.76**

This 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.

**Job Order Contract
Subcontractor Listing**



Date: 4/9/2013
 Job Order Number: MTSJOC1431-07
 Job Order Title: 12th & Imperial Bus Driveway Paving

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

From: Kenneth Czubernat
 Project Manager
 ABC Construction Co. Inc.
 3120 National Ave
 San Diego, Ca 92113

Phone: (619) 595-1021
 Fax:

Phone: (619) 239-3428
 Fax: (619) 239-6614

Railroad Protective: Yes No

Race Conscious: Yes No

DBE/UDBE Goal: _____

Name of Contractor	Trade	UDBE \$	DBE \$	SB \$	Non UDBE/DBE/SB	%
Cement Cutting Inc.	Concrete Demo	\$0.00	\$0.00	\$0.00	\$52,640.00	8.90%
SLS Construction Inc.	WPCP	\$0.00	\$2,650.00	\$0.00	\$0.00	0.45%
QSB Construction	Concrete	\$0.00	\$0.00	\$0.00	\$168,597.00	28.51%
McCullough Landscape	Landscape	\$0.00	\$0.00	\$0.00	\$5,250.00	0.89%
Hudson Safe-T-Lite	Traffic Control	\$0.00	\$0.00	\$0.00	\$23,140.00	3.91%
Statewide Striping	Striping	\$0.00	\$4,000.00	\$0.00	\$0.00	0.68%
Anton's Service Inc.	Tree Cutting	\$0.00	\$0.00	\$0.00	\$1,800.00	0.30%
ACE Electric	Electrical & Lighting	\$0.00	\$0.00	\$0.00	\$55,500.00	9.39%
RBF Consulting	Survey	\$0.00	\$0.00	\$0.00	\$10,500.00	1.78%
TOTALS		\$0.00	\$6,650.00	\$0.00	\$317,427.00	54.81%

Work Order Total:	\$591,297.76
% of Work to be performed by Certified UDBE/DBE/SB:	1.13%

Signature: *Wayne Gabriel* Kenneth Czubernat
 Title: Project Manager
 Firm or Corporate Name: ABC Construction, Inc.
 Address: 3120 National Ave., San Diego, CA 92113
 Telephone Number: (619) 239-3428

SANDAG
Job Order Contract
Non-Prepriced Worksheet

Project # **JOC1431-07**
 Title **12th & Imperial Bus Driveway Paving**
 NPP Item **Traffic Control Plans**

Contractor Self Performed Duties

A.	Direct Labor Costs and Fringe Benefits	\$ -
B.	Direct Material Costs	\$ -
C.	Direct Equipment Costs	\$ -
D.	Allowable Overhead Costs = A x 55%	\$ -
E.	Allowable Profit = (A+B+C) X 10%	\$ -

Subcontractors Performed Duties

F.	Subcontractors Costs to Contractor	\$ 600.00
G.	Contractors Overhead for Subcontractors costs:	\$ 60.00

Total	A+B+C+D+E+F+G	\$ 660.00
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Robcar Corporation
 dba Hudson Safe-T-Lite Rentals
 dba Prest-O-Lite Barricade Co.
 777 Gable Way, El Cajon CA



Hudson Safe-T-Lite Rentals
REMIT PAYMENTS TO:
PO Box 117, El Cajon, CA 92022-0117
 619-441-3644
 Fax 619-441-3652

QUOTATION
 Alt. A, Alt 12, 4/18/13

Quote Date	Quote ID
4/1/2013	AG

Valid Through: 5/9/2013

ABC CONSTRUCTION CO

3120 NATIONAL AVE
 SAN DIEGO, CA 92113
 Fax: 619-239-6614

Job Location:
 12TH & IMPERIAL
 SAN DIEGO
 Quote Created By: Amber Gibb
 Estimated Days: 1

Item Description	Price	UOM	Qty/Day	Days	Total Qty.	Total
TRAFFIC CONTROL PLAN - 2 PAGES	\$300.00	Per Each	2	-	2	\$600.00

Note: The * indicates taxable items.

PRICE VALID FOR 2 PAGE TC PLAN

EQUIPMENT	\$0.00
ONE TIME CHARGES	\$0.00
LABOR	\$600.00
SUBTOTAL	\$600.00
SALES TAX (9%)	\$0.00
QUOTE TOTAL	\$600.00
TOTAL PER DAY	\$600.00

Scope: Setup and maintain traffic control per approved traffic control plan (TCP)
Included: Temporary Traffic Control Devices
 Delivery, Setup, Takedown and Pickup
Add'l Terms: Invoices are payable with Terms of Net 30 Days.
 Any additional equipment added to the job site will be billed separately.

Created By: _____
 Amber Gibb _____
 Hudson Safe-T-Lite Rentals _____
 Date _____

Accepted By: _____
 Signature _____
 Date _____

 Print Name _____

 Title _____

 Company _____

Visit Our Website at HudsonSafeTLite.com

**SANDAG
Job Order Contract
Non-Prepriced Worksheet**

Project # **JOC1431-07**
 Title **12th & Imperial Bus Driveway Paving**
 NPP Item **Traffic Control Inspection**

Contractor Self Performed Duties

A.	Direct Labor Costs and Fringe Benefits	\$ -
B.	Direct Material Costs	<u>\$ -</u>
C.	Direct Equipment Costs	<u>\$ -</u>
D.	Allowable Overhead Costs = A x 55%	<u>\$ -</u>
E.	Allowable Profit = (A+B+C) X 10%	<u>\$ -</u>

Subcontractors Performed Duties

F.	Subcontractors Costs to Contractor	\$ 720.00
G.	Contractors Overhead for Subcontractors costs:	<u>\$ 72.00</u>

Total	A+B+C+D+E+F+G	<u>\$ 792.00</u>
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Traffic Control Specifications
 First block/intersection (less than 2 weeks)..... \$146
 Each additional block/intersection (per week)..... \$72

A "block" is the space between street intersections. Blocks over 600 feet count as more than one block.

Parking Meters: Fees are required for parking meters that cannot be used due to the location of the project.

Meter head & post removed..... \$187 and \$94 per meter
 Meter deactivated (per day)..... \$8

Dumpster Permits: A dumpster permit is required to place a dumpster in the Public Right-of-Way.

Each location..... \$110

Work without a Permit: Any work requiring a traffic control plan which is undertaken without an approved permit or with an expired permit will be charged double the normal fee amount.

V. AGENCY NOTIFICATIONS
 When applicable, the contractor shall notify all the following agencies five (5) working days prior to starting work: Police Department Dispatch, Fire Department Dispatch, Waste Management - Refuse Collection, San Diego Transit, Com-

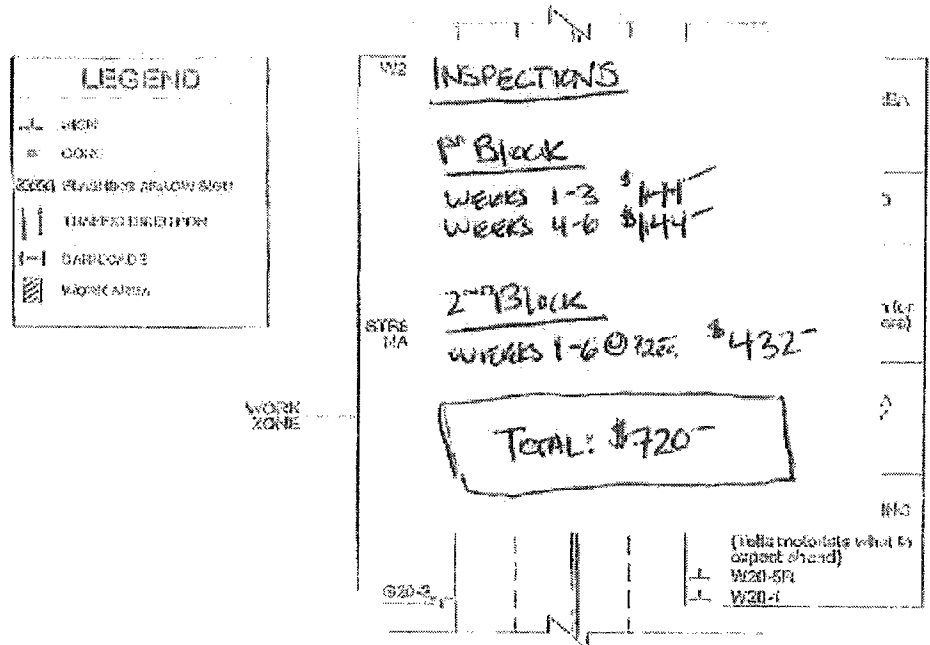
munications and Electrical - Traffic Signals and Underground Service Alerts. In addition, the contractor shall notify property owners and/or tenants prior to closure of drive-ways.

VI. POSTING/NO PARKING
 The contractor shall post Tow-Away/No Parking signs twenty-four (24) hours in advance of commencing work and shall deactivate parking meters (where applicable).

VII. EXTENSION TO PERMIT
 Under certain circumstances a permit may be extended. This extension, with approval by the City Engineer, may be subject to additional permit fees. Extensions must be submitted two (2) working days in advance of permit expiration. Call Traffic Control at (619) 446-5159 for more information.

VIII. INSPECTIONS
 All work sites are subject to inspection by City personnel without prior notification. The City Engineer reserves the right to observe the traffic control plans in operation and to make any changes as field conditions warrant. Any changes shall supersede the previous approved plans.

Components of a Typical Traffic Control Plan



SANDAG
Job Order Contract
Non-Prepriced Worksheet

Project # **JOC1431-07**
 Title **12th & Imperial Bus Driveway Paving**
 NPP Item **WPCP & Monitoring**

Contractor Self Performed Duties

A.	Direct Labor Costs and Fringe Benefits	\$ -
B.	Direct Material Costs	\$ -
C.	Direct Equipment Costs	\$ -
D.	Allowable Overhead Costs = A x 55%	\$ -
E.	Allowable Profit = (A+B+C) X 10%	\$ -

Subcontractors Performed Duties

F.	Subcontractors Costs to Contractor	\$ 2,650.00
G.	Contractors Overhead for Subcontractors costs:	\$ 265.00

Total A+B+C+D+E+F+G **\$ 2,915.00**



SLS CONSTRUCTION INC. (DVBE)
A DISABLED VETERANS BUSINESS ENTERPRISE
10769 WOODSIDE AVE.# 201, SANTEE, CA. 92071

OFFICE: (619) 448-8928 FAX: (866) 440-0002
 A GENERAL ENGINEERING CONTRACTOR LICENSE #953683
 DVBE/SBE REFERENCE #1423660
 SIGNATORY TO LABORERS AND OPERATING ENGINEERS

PROJECT NAME: 12TH AND IMPERIAL (THE CLOCK TOWER)

BID DATE: 04/5/201

PRICE PROPOSAL

<u>Item</u>	<u>Description of Work</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Price</u>
	PREPARE WATER POLLUTION CONTROL PROGRAM (WPCP) WITH QSD/QSP	LS	LS	\$ 650.00	\$ 650.00
	WATER POLLUTION CONTROL COMPLIANCE 8 WEEKLY'S 1ST LOCATION (QSP INSPECTION SERVICES)	EA	8	\$ 250.00	\$ 2,000.00
TOTAL					\$ 2,650.00

WATER POLLUTION CONTROL PROGRAM (WPCP) CONDITIONS:

- ❖ REGULATORY OR FILING FEES ARE NOT INCLUDED IN PRICE. ALL FEES ARE SOLELY THE RESPONSIBILITY OF THE CONTRACTOR
 - ❖ 3 COPIES WILL BE DELIVERED VIA UPS GROUND
 - ❖ PREPARED BY QUALIFIED SWPPP DEVELOPER (QSD)
- ❖ THIS IS A LUMP SUM PRICE & MUST BE ACCEPTED IN ITS ENTIRETY

Included in Price:

1. WEEKLY JOB INSPECTIONS BY QSP
2. 1 PRE or POST RAIN INSPECTIONS
3. 1 EXTENDED RAIN EVENT INSPECTION
4. WEEKLY INSPECTION REPORTS
5. ANY ANNUAL REPORTING IF NEEDED

Excluded from Price:

1. AMMENDMENTS TO WPCP AFTER INITIAL APPROVAL.
2. DEWATERING PLAN
3. BMP IMPLEMENTATION

Note: This is an estimate. Actual price is based upon weather events. This price is based upon NO separate rain events within the 2 MONTH duration. If there are more rain events additional inspections may be required each one is billed @ 250.00 per site visit includes report.

THANK YOU FOR YOUR CONSIDERATION FOR ANY QUESTIONS CONTACT:
 BRIAN LAUER

OFFICE: (619) 448-8928
 FAX: (866) 440-0002
 E-MAIL: sls.construction@att.net



PRICE PROPOSAL

**SANDAG
Job Order Contract
Non-Prepriced Worksheet**

Project # **JOC1431-07**
 Title **12th & Imperial Bus Driveway Paving**
 NPP Item **Traffic Control Permits**


Contractor Self Performed Duties

A.	Direct Labor Costs and Fringe Benefits	\$	-
B.	Direct Material Costs	\$	-
C.	Direct Equipment Costs	\$	-
D.	Allowable Overhead Costs = A x 55%	\$	-
E.	Allowable Profit = (A+B+C) X 10%	\$	-

Subcontractors Performed Duties

F.	Subcontractors Costs to Contractor		
	City of San Diego	\$	828.00
G.	Contractors Overhead for Subcontractors costs:	\$	82.80

Total	A+B+C+D+E+F+G	\$		<u>910.80</u>
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HOW TO OBTAIN A PUBLIC RIGHT-OF-WAY PERMIT FOR
Traffic Control
 CITY OF SAN DIEGO DEVELOPMENT SERVICES
 1322 FIRST AVENUE, MS 502, SAN DIEGO, CA 92101
 CALL (619) 446-5160 FOR INFORMATION

INFORMATION BULLETIN
177
 December 2009

This information bulletin explains how to obtain a Traffic Control permit.

- I. **WHEN IS A PERMIT REQUIRED?**
 A Public Right-of-Way Permit for Traffic Control is required for all public improvement projects, construction projects, and other work which encroaches into the public right-of-way including the sidewalk area (Municipal Code Section 129.0702).
- II. **PERMIT APPLICATION**
 Complete a Public Right-of-Way Permit for Traffic Control form and submit a traffic control plan. This sheet is available at the Traffic Control Permits counter or on the City web site. See "Components of a Typical Traffic Control Plan," below.
- III. **TRAFFIC CONTROL PLANS**
 Traffic control plans shall conform to the latest editions of City of San Diego Standard Drawings, Appendix "A"; California Manual on Uniform Traffic Control Devices; and Standard Specifications for Public Works Construction, including Regional Supplemental Amendments and City of San Diego Supplemental Amendments. Information needed prior to permit issuance is listed below:
 - A. Work start/end dates (a minimum of two [2] working days notice is required prior to beginning of work).
 - B. Name of street where work is being done.
 - C. Cross streets.
 - D. Thomas Brothers map coordinates.
 - E. Work hours (standard 8:30 a.m. - 5:30 p.m.).
 - F. Contractor name/address/phone number/TAX number.
 - G. Posted speed limits.
 - G. A plan view drawing of the project which includes the following:
 1. The street segment/intersection containing the location of the project/work area.
 2. Dimension to the nearest cross streets on either side of the work area if the project is located in a mid-block site it represent (use break lines if necessary).
 3. A north arrow.
 4. Location of parking (note: if metered parking provides the meter number which is stenciled on the pole or meter head).

Documents referenced in this Information Bulletin

- San Diego Manual Code, (§§ 171-177)
- California Manual on Uniform Traffic Control Devices
- Traffic Control Plan/Permit, U.S. 95

1st Block
 WEEKS 1-3 \$ 171
 WEEKS 4-6 \$ 171

2nd Block
 WEEKS 1-6 @ \$1 \$ 486

TOTAL \$ 828

- IV. **PERMIT FEES**
 The Public Right-of-Way Permit for Traffic Control fee is charged to recover City costs for office and field review of construction traffic control plans. The fees for each project are charged based on the following guidelines:
 Traffic Control Plan Check
 First block/intersection (less than 3 weeks)..... \$171
 Each additional block/intersection (per week)..... \$81

Printed on recycled paper. Visit our web site at www.sandiego.gov/development/services. Upon request, this information is available in a larger format for persons with disabilities. (DS-ST/77/13-09)

**SANDAG
Job Order Contract
Non-Prepriced Worksheet**

Project # **JOC1431-07**
 Title **12th & Imperial Bus Driveway Paving**
 NPP Item **Lighing and Light Fondations**

Contractor Self Performed Duties

A.	Direct Labor Costs and Fringe Benefits	<u>\$ -</u>
B.	Direct Material Costs	<u>\$ -</u>
C.	Direct Equipment Costs	<u>\$ -</u>
D.	Allowable Overhead Costs = A x 55%	<u>\$ -</u>
E.	Allowable Profit = (A+B+C) X 10%	<u>\$ -</u>

Subcontractors Performed Duties

F.	Subcontractors Costs to Contractor	<u>\$ 38,000.00</u>
G.	Contractors Overhead for Subcontractors costs:	<u>\$ 3,800.00</u>

Total	A+B+C+D+E+F+G	<u>\$ 41,800.00</u>
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ACE ELECTRIC, INC.

P.O. BOX 601071 ♦ SAN DIEGO, CA 92160-1071

**12th & Imperial
San Diego, CA
April 8, 2013**

We are pleased to submit our proposal for light pole bases and fixtures only on the above referenced project. Our price is based on the Electrical plan drawing No. 8 dated April 5, 2013. Our pricing is subject to the following exclusions and clarifications:

Exclusions:

- ♣ Temporary power and lighting
- ♣ Electrical permits and utility company charges and fees
- ♣ Premium for payment and performance bonds
- ♣ Saw cutting, breaking and removal, coring, patching of concrete and asphalt
- ♣ We have excluded all trenching, conduit and wire in this price
- ♣ Engineering, staking, traffic control, trench plates, construction watering, dewatering, importing, removal, spreading, and disposal of excess spoils
- ♣ Excludes all fiber optic work

Clarifications:

- ♣ We have included Lighting only in this quote
- ♣ We have included demolition of (4) bollard fixtures and (2) pole lights
- ♣ We have included (5) concrete pole bases
- ♣ We have included safety training
- ♣ We have included (5) dual head fixtures on new poles
- ♣ We have included (2) dual head fixtures on existing poles
- ♣ We have included (3) wall mounted fixtures

Pricing:

Light Pole Bases and Fixtures	\$ 38,000
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We look forward to working with you on this project. Please call us if you have any questions.

Sincerely,

Ryan Swenson

CONTRACTOR'S LICENSE NO. 835109
PHONE: (619) 521-9740 ♦ FAX: (619) 521-9742
CA SMALL BUSINESS CERT #54659



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

Agenda Item No. 13

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

FISCAL YEAR 2013 TRANSPORTATION DEVELOPMENT ACT CLAIM AMENDMENT

RECOMMENDATION:

That the MTS Board of Directors adopt Resolution Nos. 13-9 (Attachment A), 13-10 (Attachment B), and 13-11 (Attachment C) approving the revised fiscal year (FY) 2013 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.

Budget Impact

As indicated in Attachment D, the FY 2013 TDA claim amendment would result in the increase of receipts for MTS by \$2,490,929 for TDA Article 4.0 funds, which is an increase of \$132,075 for TDA Article 4.5 funds and a decrease of \$5,156 for TDA Article 8.0 funds. Article 4.0 of the TDA provides authority for claiming funds for general transit operations and capital. Article 4.5 funds are set aside by the San Diego Association of Governments (SANDAG) for Americans with Disabilities (ADA) Act Access services. Article 8.0 funds are used for the ferry/commuter express.

DISCUSSION:

TDA revenues are generated based on sales tax receipts. The original projection for FY 2013 was for a decrease of .03% under FY 2012 revenues. Based on sales tax receipts for FY 2013, SANDAG has revised its projection to an increase of 3.2% over FY 2012 actual revenues. As a result of these increasing revenues, MTS will receive an additional TDA allocation of \$2,617,848.

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

Attachments: A. Resolution No. 13-9
B. Resolution No. 13-10
C. Resolution No. 13-11
D. Amendment Summary

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 13-9

Resolution Approving Fiscal Year 2013 Transportation Development Act Article 4.0 Claim Amendment

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

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2013 TDA claim, and

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

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR);

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve an amendment revising the FY 2013 TDA Article 4.0 MTS TDA claim by \$2,490,929 to \$73,928,734 as a result of the increase in sales tax revenues for the San Diego area. \$63,318,786 of the 4.0 TDA claim will be used for operating activities, and the remaining \$10,609,948 will be used to fund capital.

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

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 13-10

Resolution Approving Fiscal Year 2013 Transportation Development Act Article 4.5 Claim Amendment

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

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2013 TDA claim, and

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

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR);

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve an amendment revising the FY 2013 TDA Article 4.5 claim by \$132,075 to \$3,985,719 as a result of the increase in sales tax revenues for the San Diego area. The allocation will be used to fund the MTS Access/CTS Paratransit services.

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

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 13-11

Resolution Approving Fiscal Year 2013 Transportation Development Act Article 8.0 Claim Amendment

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

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2013 TDA claim, and

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

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR);

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve an amendment revising the FY 2013 TDA Article 8.0 claim by \$5,156 to \$436,488 as a result of the changes in sales tax revenues for the San Diego area. The allocation will be used to fund the ferry/commuter express services.

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

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

FY 2013 TRANSPORTATION DEVELOPMENT ACT CLAIM AMENDMENT SUMMARY**ATTACHMENT D**

TDA Section	Original FY2013 Claim	Amended FY2013 Claim	change	% Change	Resolution/ Attachment
TDA 4.0	\$ 60,827,857	\$ 63,318,786	\$ 2,490,929	4.1%	13-09 (A)
TDA 4.0 Capital	10,609,948	10,609,948	-	0.0%	
TDA 4.5	3,853,644	3,985,719	132,075	3.4%	13-10 (B)
TDA 8.0	441,644	436,488	(5,156)	-1.2%	13-11 (C)
	<u>\$ 75,733,093</u>	<u>\$ 78,350,941</u>	<u>\$ 2,617,848</u>	<u>3.5%</u>	

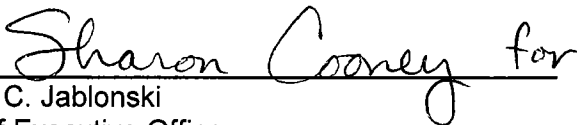
- a. that the Interagency Transfer Agreement (ITA) must be approved by a supermajority vote as defined in Section 17.1;
- b. that the LOSSAN ITA be required to include a provision that should the State cut funding for a mutually agreed-upon minimum level of service, service will revert back to State authority within 30 days; and
- c. that if an ITA cannot be agreed upon, the JPA would revert back to 2011 version.

The LOSSAN Board of Directors approved the 3 amendments with additional minor revisions for distribution to member agencies at its February 20, 2013, meeting. By taking the action proposed today in Recommendation No. 1, the Board will be affirming that the previously adopted Resolution 13-2 applies to the final version of the Amended LOSSAN JPA (Attachment B – redline showing changes since January 2013 draft).

San Diego Voting Representation on LOSSAN Board

MTS, NCTD, and SANDAG share 2 votes on the LOSSAN Board of Directors. Currently, NCTD and MTS normally vote, and SANDAG only votes in the case of an absence or a difference in vote between MTS and NCTD. Recent negotiations between the three agencies have resulted in proposed revisions to the voting arrangement. Under the proposed agreement, each agency will now cast a vote at each LOSSAN meeting. The agencies will continue to share a total of 2 votes. Therefore, if all agencies' LOSSAN representatives are present, each agency would receive two-thirds of 1 vote. If, at the time of the vote, only 1 or 2 members were present, each member would have 1 vote. This voting arrangement is a separate agreement between MTS, NCTD and SANDAG. (See Attachment C.) It is not included within the terms of the Amended LOSSAN JPA.

Certain items (such as service reductions or changes to the overall board voting system) will require a supermajority vote by the LOSSAN Board of Directors (8 of 10 votes). Where a supermajority vote is required, at least 1 affirmative vote from each of the 4 regions is required for the vote to pass (San Diego County is its own region). In the case where only 1 of the 3 San Diego County agencies vote for a supermajority item, that vote would qualify as the affirmative vote from the San Diego County region, even if it only counts as two-thirds of 1 vote in the final tally.

 Sharon Cooney for

Paul C. Jablonski
Chief Executive Officer

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

- Attachments:
- A. MTS Board Resolution No. 13-2 adopted January 17, 2013
 - B. Amended LOSSAN JPA Agreement approved by LOSSAN on February 20, 2013
 - C. Draft Agreement Concerning Voting Representation

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 13-2

Resolution Authorizing the Approval of the Los Angeles-San Diego-San Luis Obispo (LOSSAN)
Agency Amended Joint Powers Agreement

WHEREAS, the LOSSAN Agency is a joint powers authority that oversees intercity passenger rail service in the six-county coastal rail corridor between San Diego, Los Angeles, and San Luis Obispo; and

WHEREAS, the members of the LOSSAN Agency include the rail owners and operators and regional transportation planning agencies in this six-county region; and

WHEREAS, the San Diego Metropolitan Transit System is a member of the LOSSAN Agency; and

WHEREAS, Amtrak operates the Pacific Surfliner intercity passenger rail service in the corridor with administrative oversight and management by the California Department of Transportation (Caltrans); and

WHEREAS, Senate Bill 1225 (SB 1225) allows the LOSSAN rail corridor agency to amend the Joint Powers Agreement (JPA) to expand the authority of the agency to permit the administration of state-funded Pacific Surfliner intercity passenger rail services on the LOSSAN corridor and elect to become party to an Interagency Transfer Agreement (ITA) with the State; and

WHEREAS, SB 1225 requires that member agencies approve an amended JPA for the LOSSAN Agency that expands the authority of the agency to permit the administration of state-funded intercity passenger rail services on the LOSSAN Corridor;

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Metropolitan Transit System Board of Directors that San Diego Metropolitan Transit System is authorized to approve the amended JPA for the LOSSAN Agency.

PASSED AND ADOPTED, by the Board of Directors this 17th day of January 2013 by the following vote:

AYES: Bragg, Rindone, Cunningham, Ewin, Emerald, Gastil, Gloria, Mathis, Minto, Ovrom, Rios, Roberts, Zapf

NAYS:

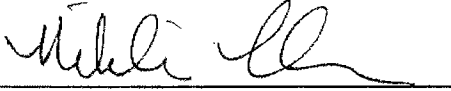
ABSENT: Alvarez, McClellan

ABSTAINING:



Chairperson
San Diego Metropolitan Transit System

Filed by:



Clerk of the Board
San Diego Metropolitan Transit System

Approved as to form:



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. 30

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO RAIL CORRIDOR (LOSSAN)
AMENDED JOINT POWERS AGREEMENT (JPA) (BRENT BOYD)

RECOMMENDATION:

That the Board of Directors:

1. affirm that MTS Resolution No. 13-2 (Attachment A) applies to and approves the final amended LOSSAN Joint Powers Agreement (JPA) (Attachment B) approved by the LOSSAN Board on February 20, 2013; and
2. approve and authorize the Chief Executive Officer (CEO) to execute an agreement concerning voting representation of the three San Diego County member agencies (MTS, North County Transit District [NCTD], and the San Diego Association of Governments [SANDAG]) on the LOSSAN Board (in substantially the same format as Attachment C).

Budget Impact

None.

DISCUSSION:

Amended LOSSAN JPA

On January 17, 2013, the MTS Board of Directors adopted MTS Resolution No. 13-2 (Attachment A), which approved an amended JPA for LOSSAN. The approval was contingent upon MTS requesting that 3 additional amendments/revisions be incorporated into the Amended LOSSAN JPA:



2013 AMENDMENT TO THE
JOINT POWERS AGREEMENT
CONCERNING THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO
CORRIDOR RAIL AGENCY

INTRODUCTION

This Agreement is made and entered into in the State of California by and among the LOSSAN Agency Governing Board and the following public agencies that are parties of this Agreement:

Los Angeles County Metropolitan Transportation Authority;

Orange County Transportation Authority;

Riverside County Transportation Commission;

North County Transit District;

San Diego Metropolitan Transit System;

California Department of Transportation;

Southern California Association of Governments;

San Diego Association of Governments;

Ventura County Transportation Commission;

Santa Barbara County Association of Governments;

San Luis Obispo Council of Governments;

National Railroad Passenger Corporation;

California High-Speed Rail Authority;

RECITALS

WHEREAS, some, but not all of the parties to this Agreement had entered into that certain joint exercise of powers agreement to establish the Los Angeles-San Diego Corridor Rail Agency (Agency), effective February 6, 1989, but desire to amend and restate such existing joint exercise of powers agreement as provided herein; and

WHEREAS, the parties to this Agreement recognize the need for a public agency to oversee increases in the level of intercity passenger rail service in the travel corridor between San Diego,

Los Angeles and San Luis Obispo, and improvements to the facilities that will ensure reduced travel times and that will aid the joint operation of freight and passenger service in the Corridor; and

WHEREAS, the Los Angeles-San Diego State Rail Corridor Study Group created pursuant to Senate Bill 1095 (Chapter 1313, Statutes of 1985) analyzed the feasibility of increasing the level of intercity passenger service in the corridor and instituting commuter rail service from San Clemente to Union Station in Los Angeles and from Oceanside to San Diego; identified and recommended improvements to track and right-of-way to accommodate the higher levels of service; and recommended the creation of a joint exercise of powers agency to oversee the implementation of additional intercity rail passenger service and the necessary track improvements; and

WHEREAS, rail service on the coast corridor has been extended to Ventura, Santa Barbara, and San Luis Obispo Counties; and

WHEREAS, the parties to this Agreement believe that the joint exercise of their powers will provide an organization capable of implementing the recommendations contained in both the State Rail Corridor Study Group's June 1987 report entitled, *Los Angeles-San Diego State Rail Corridor Study*, and the April 2012 *LOSSAN Corridorwide Strategic Implementation Plan* and assist related efforts to coordinate corridor rail services and to improve corridor services and facilities; and

WHEREAS, each party to this Agreement is authorized to contract with each other for the joint exercise of any common power under Article I, Chapter 5, Division 7, Title 1 of the Government Code of the State of California; and

WHEREAS, an act to amend Sections 14031.8, 14070.2, 14070.4, and 14070.6 of, and to add 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 and known as the Intercity Passenger Rail Act of 2012 (SB 1225), authorized expansion of the authority of the LOSSAN Corridor Rail Agency, through an amendment to the existing Joint Exercise of Powers Agreement; and

WHEREAS, SB 1225 authorizes the Agency, beginning on June 30, 2014, to enter into an Interagency Transfer Agreement with the State of California, with an initial term of three years (Initial Term) commencing with the transfer of the responsibilities for administering state-funded intercity rail passenger service in the LOSSAN Corridor from the State to the Agency; and

WHEREAS, the Agency will, through the Interagency Transfer Agreement, succeed to the State's current agreement with Amtrak for the operation of the LOSSAN Corridor Rail Service and may initiate changes in said agreement or, in the future, may, through a competitive solicitation process, contract with Amtrak, or other organizations not precluded by State or Federal law to provide passenger rail services, to operate the rail service; and

WHEREAS, the Agency may contract with one of its Member Agencies, Associate Agencies or any commuter rail agency which uses the same facilities to provide commuter rail services as are used by the intercity passenger rail corridor service, called the Managing Agency, to provide all necessary administrative support to the Agency in order to prepare and negotiate the Interagency Transfer Agreement and to perform the Agency's duties and responsibilities during the Initial Term of the Interagency Transfer Agreement; and

WHEREAS, the Agency will initiate a process for selection of a Managing Agency which shall begin upon the effective date of the Agreement as amended per SB 1225 and shall continue during a transition period (Transition Period) until such time as a Managing Agency is selected and contracts with the Agency to serve in that capacity as called for in Section 8.0 below; and

WHEREAS, at the conclusion of the Initial Term, the Agency may, through procedures that it determines, select a Managing Agency, for a subsequent three year term to continue to administer the rail service under the direction of the Agency; and

WHEREAS, the Managing Agency shall produce a business plan (Business Plan) for approval by the Agency for each of the initial three years of operation of the service which shall describe the methods by which the Agency will administer rail service and seek to increase ridership in the LOSSAN Corridor and which shall be updated and submitted by the Agency to the Secretary of the Business, Transportation and Housing Agency by April 1 of each year; and

WHEREAS, the initial Business Plan shall be consistent with the immediately previous California State Rail Plan developed by the Department of Transportation pursuant to Government Code Section 14036, and the January 2014 business plan developed by the California High-Speed Rail Authority pursuant to Section 185033 of the Public Utilities Code and subsequent Business Plans shall be consistent with the immediately previous plans developed by the Department and the Authority; And

WHEREAS, there are three previous amendments to this JPA, effective 2001, 2010, and 2011;

NOW THEREFORE, in consideration of the recitals, the parties to this Agreement agree to the following:

1.0 DEFINITIONS

- 1.1 **Agency** means the Los Angeles-San Diego-San Luis Obispo Corridor Rail Agency.
- 1.2 **Governing Board** or **Board** means the Board of Directors of the Agency.
- 1.3 **LOSSAN** is the acronym for Los Angeles-San Diego-San Luis Obispo.
- 1.4 **Voting member agencies (Member Agency)** mean Los Angeles County Metropolitan Transportation Authority, Orange County Transportation Authority, Riverside County Transportation Commission, San Diego

Metropolitan Transit System, North County Transit District, San Diego Association of Governments, Ventura County Transportation Commission, Santa Barbara County Association of Governments, and San Luis Obispo Council of Governments.

- 1.5 **Ex-officio non-voting associate agencies (Associate Agency)** mean the Southern California Association of Governments, the National Railroad Passenger Corporation (Amtrak), California High-Speed Rail Authority and the California Department of Transportation.
- 1.6 **LOSSAN Corridor Rail Service** means Pacific Surfliner intercity passenger rail service that operates on the LOSSAN Corridor, which is a 351 mile long intercity and commuter rail corridor, stretching from San Diego in the south, up the coast to Orange County, Los Angeles County, Ventura County, and Santa Barbara County to San Luis Obispo County.
- 1.7 **Regional Transportation Planning Agency** means an entity authorized to prepare a regional transportation plan pursuant to Government Code Section 65080.
- 1.8 **Corridor City** means a city adjacent to the LOSSAN Corridor right-of-way.
- 1.9 **LOSSAN Regions** are defined as North Region: Ventura County, Santa Barbara, County and San Luis Obispo County; Central Region: Los Angeles County; South Region: San Diego County; South Central Region: Orange County and Riverside County.
- 1.10 **Fiscal Year** means from July 1 to and including the following June 30.
- 1.11 **California State Rail Plan** is prepared every two years by the California Department of Transportation as an examination of passenger and freight rail transportation in California, in accordance with Section 14036 of the Government Code.
- 1.12 **Member Agency** shall mean each of those voting governmental entities set forth in paragraph 1.4 to this Agreement that have executed this Agreement and that have not withdrawn from the Agency.
- 1.13 **Business Plan** shall mean the business plan to be submitted by the Agency to the Secretary of the Business, Transportation and Housing Agency covering the initial three year term of the Agreement as mandated by Section 14070.4(b) and updated and submitted annually thereafter.
- 1.14 **Interagency Transfer Agreement** shall mean the agreement provided for in Section 14070.2(a) whereby the State of California will transfer all responsibility for administering the LOSSAN Corridor Rail Service to the Agency.

- 1.15 **Interim Workplan** shall mean the workplan proposed for the period commencing with the execution of the Managing Agency contract called for in Section 12.0 and ending with the then current fiscal year.
- 1.16 **Initial Term** shall mean the period that begins with the transfer of responsibilities from the California Department of Transportation to the Agency and continues for a three-year period.
- 1.17 **Managing Agency** means the Member Agency or Associate Agency or any commuter rail agency which uses the same facilities to provide commuter rail services as are used by the intercity passenger rail corridor service that has been selected by the Agency and has contracted with the Agency to provide all necessary administrative support to the Agency in order to prepare and assist in negotiating the Interagency Transfer Agreement, and to perform the Agency's duties and responsibilities during the Initial Term of the Interagency Transfer Agreement and any subsequent terms.
- 1.18 **Managing Director** means the director of LOSSAN Agency who is an employee of the Managing Agency. The Managing Director reports to and serves at the pleasure of the Governing Board.
- 1.19 **Transition Period** means the time period beginning with the effective date of the 2013 amendment to this Agreement in or around April 2013 and continuing until the effective date of a contract between the Agency and the Managing Agency to provide Managing Agency services to the Agency as called for in Section 12.0 below.

2.0 CREATION OF AGENCY

There is hereby created an organization to be known as the Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency, hereafter Agency, which shall be a public entity separate and apart from any member agency. The Agency shall be governed by the terms of this Joint Powers Agreement and any Bylaws passed and adopted by its Governing Board.

3.0 PURPOSES

The specific purposes for the creation of the Agency and the exercise of common powers are as follows:

- 3.1 Administer and manage the operations of the LOSSAN Corridor Rail Service as part of the California Passenger Rail System.
- 3.2 Plan, program, and fund improvements for intercity rail passenger services and facilities in the LOSSAN Corridor, including the acquisition or leasing of right-of-way, stations and station sites; the leasing or acquisition of equipment; and related activities.

- 3.3 Negotiate for and accept funds to be expended for the purpose of providing and improving intercity rail passenger services and activities.
- 3.4 Review and comment on facility, service, and operational plans and programs of the agency or agencies operating commuter rail service in the LOSSAN Corridor.
- 3.5 Coordinate facility, service, and operational plans and programs with other organizations, providing rail passenger service in the Southern California Region or with whom the Agency may share common facilities, including the agency or agencies operating commuter rail service in the LOSSAN Corridor, the BNSF Railway and Union Pacific or their successor corporations, the National Railroad Passenger Corporation (Amtrak), California Department of Transportation and the California High Speed Rail Authority.
- 3.6 Advocate before local, regional, state, and federal officials and agencies for improvements to services and facilities for the corridor.

4.0 POWERS OF THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO CORRIDOR RAIL AGENCY

As may be necessary for the accomplishment of the purposes of this Agreement, the Agency shall have the power in its own name to undertake the following:

- 4.1 To exercise in the manner provided by this Agreement the powers common to each of the voting members and necessary to the accomplishment of the purposes of this Agreement.
- 4.2 To make and enter into contracts.
- 4.3 ~~4.3~~ 4.3—To negotiate and approve an Interagency Transfer Agreement whereby the State of California will transfer all responsibility for administering the LOSSAN Corridor Rail Service, including associated feeder bus service, to the Agency. Should the Agency determine that the State has failed to appropriate funds sufficient to maintain a minimum level of LOSSAN Corridor Rail Service as defined in the Interagency Transfer Agreement, then the Agency shall terminate the interagency transfer agreement within 90 days unless the Agency, by a super majority vote, elects to continue the Interagency Transfer Agreement. At such time that the Interagency Transfer Agreement is terminated, the administration of the LOSSAN Corridor Rail Service shall revert to the State, all in accordance with the terms of the Interagency Transfer Agreement. Furthermore, should the Agency choose to not approve an Interagency Transfer Agreement, the Agency will then take action to revert back to the 2011 amendment to the JPA.
- ~~4.34.4~~ 4.34.4 To employ agents and employees.

4.44.5 To contract for the services deemed necessary to meet the purposes of the Agency.

4.54.6 To acquire, by lease, purchase, or lease-purchase, and to hold and dispose of real and personal property necessary to carry out the purposes of this Agreement.

4.64.7 To construct, manage, and maintain facilities and services.

4.74.8 To sue and be sued in its own name.

4.84.9 To incur debts, liabilities, or obligations. However, the debts, liabilities, and obligations of the Agency shall not constitute any debt, liability, or obligation of any of the Member Agencies that are parties to this Agreement.

4.94.10 To apply for and accept grants for financial aid pursuant to any applicable state or federal statutes.

4.104.11 To exercise any of the powers set forth in Section 6508 of the Government Code. In exercising these powers, the Agency is subject to the restrictions upon the manner of exercising the powers of the Los Angeles County Metropolitan Transportation Authority or its successor agency.

4.114.12 To develop procedures for selecting a Managing Agency and to select such a Managing Agency.

4.124.13 To exercise such other powers and to engage in such other activities as are authorized by law and approved by the Governing Board.

4.134.14 All powers of the Agency shall be exercised by the Governing Board.

5.0 GOVERNING BOARD OF THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO CORRIDOR RAIL AGENCY

The composition of the membership of the Governing Board shall be as follows:

5.1 Voting Members of the Governing Board (Member Agencies)

The Governing Board shall be selected and composed as follows and each member agency's appointee(s) shall have one vote unless otherwise noted:

5.1.1. Two members appointed by the Los Angeles County Metropolitan Transportation Authority; one from its own membership or former membership, and one from its own membership, former membership or selected by the Authority from a LOSSAN Corridor city.

5.1.2. Two members appointed by the Orange County Transportation Authority selected from its own membership or former membership.

- 5.1.3. A member appointed by the Riverside County Transportation Commission selected from its own membership or former membership.
 - 5.1.4. A member appointed by the San Diego Metropolitan Transit System selected from its own membership or former membership.
 - 5.1.5. A member appointed by the North County Transit District selected from its own membership ~~or former membership~~.
 - 5.1.6. A member appointed by the San Diego Association of Governments selected from its own membership or former membership.
 - 5.1.7. While three members of the Governing Board shall represent San Diego County (San Diego Metropolitan Transit System, North County Transit District, and San Diego Association of Governments), these three members shall have a total of two votes. This voting procedure shall be specified by separate agreement among the three San Diego County member agencies.
 - 5.1.8. A member appointed by the Ventura County Transportation Commission selected from its own membership or former membership.
 - 5.1.9. A member appointed by the Santa Barbara County Association of Governments selected from its own membership or former membership.
 - 5.1.10. A member appointed by the San Luis Obispo Council of Governments selected from its own membership or former membership.
 - 5.1.11. Each voting member agency may appoint alternates to serve in the absence of the regular appointee.
- 5.2 Ex-Officio Members of the Governing Board (Associate Agencies)
- 5.2.1. The Southern California Association of Governments shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the Governing Board.
 - 5.2.2. The National Railroad Passenger Corporation (Amtrak) shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the board, preferably from its Board of Directors.
 - 5.2.3. California High-Speed Rail Authority shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the board, ~~preferably from its Board of Directors~~.
 - 5.2.4. The California Department of Transportation (Caltrans) shall be a non-voting, ex-officio member of the Governing Board and shall designate a representative to the board.

- 5.2.5. Each ex-officio member may appoint alternates to serve in the absence of the regular appointee.

6.0 RELATIONSHIP OF THE LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO CORRIDOR RAIL AGENCY TO EXISTING AND FUTURE COMMUTER RAIL AGENCIES

- 6.1 The Agency will endeavor to ensure that there is coordination between itself and any commuter rail agency which uses the same facilities to provide commuter rail services as are used by the intercity passenger rail corridor service.
- 6.2 The parties to this agreement acknowledge and confirm that nothing contained in this Joint Powers Agreement shall abrogate or diminish any then current ownership rights, access and use agreements, funding sources and allocation, operating rights and agreements of any party. The Agency acknowledges and shall respect at all times the precedence established based on the aforementioned and shall not seek or support regulatory or legislative changes or remedies that would materially reduce any then current agreement or right, unless otherwise agreed to by the affected Member Agencies.
- 6.3 The parties further agree that the scope of this Joint Powers Agreement is limited to intercity rail service as defined in Department of Transportation regulations. Accordingly, the Agency shall recognize at all times the governing authority of parties that operate services other than intercity rail service and shall not seek or support any regulatory or legislative changes or remedies that would abrogate, diminish, and or materially change the roles and responsibilities of such parties with respect to such services, unless otherwise agreed to by the affected Member Agencies.
- 6.4 No party shall be obligated to incur new costs or liabilities relating to commuter and intercity operations other than from its own operations. Enhanced coordination of service shall consider impacts to existing passenger rail service.

7.0 AGENCY MANAGEMENT DURING THE TRANSITION PERIOD

The Intercity Passenger Rail Act of 2012 (SB 1225) authorized the Agency to reconstitute itself with an amended joint powers agreement. Only the Agency operating under the amended joint powers agreement, and not the Agency existing on January 1, 2013, may exercise jurisdiction over intercity rail services on the LOSSAN corridor under an Interagency Transfer Agreement.

This Agreement reconstitutes the Agency as anticipated by SB 1225 and establishes significant duties for a Managing Agency who will be selected by, and enter into a contract with, the Agency. One significant duty of the Managing Agency is to assist the Agency in preparing and negotiating an Interagency Transfer Agreement which will allow the transfer of intercity rail services on the LOSSAN corridor from the State of California to the Agency beginning as soon as June 30, 2014.

During the Transition Period between the effective date of this Agreement as amended per SB 1225 and the effective date of a contract between the Agency and the Managing Agency, the San Diego Association of Governments will serve as the Transitional Managing Agency. During the Transition Period, the San Diego Association of Governments will provide professional staff assistance to the Agency at a level no greater than it provided during the first half of the fiscal year 2012-2013. Whenever this Agreement establishes duties or appointments for the Managing Agency or its officers, those duties or appointments will be the responsibility of the Transitional Managing Agency and its officers during the Transition Period, but only to the extent such duties correspond with the past practice of the Transitional Managing Agency and the Agency or as otherwise required by law.

8.0 MANAGING AGENCY

Subject to the policy direction and control of the Governing Board, and subject further to the terms, conditions and requirements of its contract with the Agency, the Managing Agency shall begin service upon the effective date of its contract and continue through the Initial Term and in that capacity shall provide all necessary administrative support to the Agency.

The Managing Director, to be appointed by the Governing Board, shall be an employee of the Managing Agency and an officer of the Agency and shall lead the administrative support duties for the LOSSAN Corridor Rail Service. Employees of the Managing Agency who have as their responsibility the support of the LOSSAN Corridor Rail Service shall report to the Managing Director. The Managing Director shall solicit the input and participation of the other agencies and endeavor to achieve consensus while providing administrative support to the Agency.

The Managing Agency staff dedicated to serve the LOSSAN Corridor Rail Service and under the supervision of the Managing Director, as well as the shared Managing Agency administrative support staff, will perform the following duties regarding the administrative support of the Agency:

- 8.1 Negotiate and recommend the award of all necessary agreements for the Agency, including but not limited to an Interagency Transfer Agreement, agreements for the provision of passenger rail services, and use of tracks and other facilities, subject to approval by the Governing Board;
- 8.2 Manage all agreements entered into by the Agency;
- 8.3 Implement projects contained in the approved capital budget unless the administration of particular capital projects is more appropriately managed in another manner, such as by an individual agency or a local government, as determined by the Governing Board;

- 8.4 Provide for the maintenance and management of such property as may be owned or controlled by the Agency unless the administration of that property is more appropriately managed in another manner, such as by an individual agency or a local government, as determined by the Governing Board;
- 8.5 Provide a risk management program to cover the Governing Board and each of the agencies in the performance of their duties pursuant to this Agreement, and seek appropriate insurance coverage to implement such risk management program;
- 8.6 Seek, obtain and administer grants, subject to the provisions of Section 9.0 below;
- 8.7 Develop and implement marketing programs;
- 8.8 Prepare and submit financial reports;
- 8.9 Prepare for approval by the Governing Board the Business Plan;
- 8.10 Report regularly to the Governing Board regarding LOSSAN Corridor issues;
- 8.11 Recommend changes in LOSSAN Corridor Rail Service fares and the collection of fares to the Agency;
- 8.12 Recommend changes in scheduling and levels of service to the Agency;
- 8.13 Prepare and implement changes in scheduling and fares, subject to required public involvement;
- 8.14 Prepare capital and operating budgets for presentation to the Agency;
- 8.15 Facilitate interaction with other entities involved in operation, construction and renovation of the LOSSAN Corridor Rail Service; and
- 8.16 Negotiate with any other public or private transportation providers as necessary to ensure coordinated service with the LOSSAN Corridor Rail Service.

9.0 SOLICITATION OF GRANTS

The Managing Agency shall pursue any and all sources of funding for the Agency; provided, however, that neither the Managing Agency, on behalf of the Agency, nor the Governing Board shall apply for Transportation Development Act Funds as defined in Chapter 4, Part 11, Division 10 of the California Public Utilities Code or for any conflicting funding that any Member Agency is also an applicant or approving Member Agency for without the express consent of that Member Agency.

10.0 BUDGET AND FUNDING

- 10.1 The Managing Agency shall prepare and submit to the Governing Board for approval within thirty days of the effective date of its contract with the Agency the Interim Workplan, which shall include recommendations for start-up funding needs and sources of funding therefor.
- 10.2 The Managing Agency shall prepare and submit to the Governing Board for approval a preliminary operating and capital budget for the succeeding fiscal year by April 1 of each year which is consistent with the prior Business Plan submitted. Upon receipt of an annual allocation from the State, the Agency shall by resolution adopt a final budget at the next regularly scheduled meeting of the Governing Board. The fiscal year shall be July 1 of each year to and including the following June 30. The budget shall include separate components for Managing Agency administration costs, operations, and capital costs anticipated to be incurred by the Agency during the fiscal year. The annual budget resolution shall set forth the authority of the Managing Agency to make capital and operating expenditures during the fiscal year, subject to such policy guidelines as the Governing Board may establish.
- 10.3 It is the intent of the Agency to fully fund the annual budget from State and other non-Agency funding sources, such as fares and other operating revenues. The Agency shall not operate at a deficit.
- 10.4 No funding, debt, or financial obligation is created against any agency solely as a consequence of executing this Agreement and no funding, debt, or financial obligation approved by the Governing Board and/or incurred by the Agency shall be binding against a Member Agency unless and until ratified by that Member Agency's governing body.

11.0 LIABILITY OF AGENCY, OFFICERS AND EMPLOYEES

The debts, liabilities, and obligations of the Agency shall not be the debts, liabilities and obligations of any of the Member Agencies, the Managing Agency or any of their respective members, officers, directors, employees or agents. Any obligations incurred by any bonds issued by the Agency as set forth in Section 4.9 above shall not constitute general obligations of the Agency but shall be payable solely from the moneys pledged to the repayment of such obligations or the repayment of principal or interest on such bonds under the terms of the resolution, indenture, trust agreement, contract or other instrument pursuant to which the obligation is incurred or the bonds are issued. The Agency and the Managing Agency, their directors, officers, employees, staff and agents shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. No agency or Agency member, officer, director or employee shall be responsible for any action taken or omitted by any other agency or Governing Board member, officer, director or employee. The Agency shall indemnify, defend and hold harmless the Governing Board, the individual Member Agencies, their members, officers, directors, employees and agents

from and against any and all liability, loss, damage, expenses, costs (including, without limitation, costs and fees of litigation or arbitration) of every nature, arising out of any act or omission related to this Agreement, except such loss or damage which was caused by the willful misconduct of the Governing Board or any individual member agency. The Agency's duty to indemnify each Member Agency shall survive that member agency's withdrawal from the Agency.

12.0 SERVICES BY MANAGING AGENCY

Subject to the provisions of Section 8 above, the Agency shall enter into a formal contract with the Managing Agency for the services it will perform pursuant to this Agreement, and the compensation for such services.

13.0 EFFECTIVE DATE OF AGREEMENT

This Agreement shall take effect upon its execution by the Chairs of the Los Angeles County Metropolitan Transportation Authority, the Orange County Transportation Authority, the Riverside County Transportation Commission, the San Diego Metropolitan Transit System, the North County Transit District, the San Diego Association of Governments, the Ventura County Transportation Commission, the Santa Barbara County Association of Governments and the President of the San Luis Obispo Council of Governments, pursuant to resolutions of each body authorizing such execution and shall remain in full force and effect until dissolved pursuant to the provisions herein.

14.0 OFFICERS AND APPOINTEES OF THE GOVERNING BOARD AND THE AGENCY

14.1 The officers of the Governing Board, selected from among its voting membership, shall be a Chair and Vice-Chair. The term of office shall be one year.

14.2 The officers of the Agency shall be:

14.2.1. The Treasurer of the Managing Agency, designated by a majority of a quorum of the Governing Board, may serve as the Treasurer of the Agency. The Treasurer shall be the depository of funds and have custody of all funds of the Agency from whatever source.

14.2.2. The Auditor of the Managing Agency, designated by a majority of a quorum of the Governing Board, may serve as the Auditor-Controller of the Agency. The Auditor-Controller shall draw warrants or check-warrants against the funds of the Agency in the Treasury when the demands are approved by the Governing Board of Directors or such other persons as may be specifically designated for the purpose in the Bylaws.

- 14.2.3. The Managing Director shall be an employee of the Managing Agency and serve at the pleasure of the Governing Board. The Governing Board shall appoint such a Managing Director by a majority vote of a quorum of the Governing Board. The Agency shall obtain an official bond in an amount determined by the Governing Board guaranteeing faithful performance of the Managing Director's duties. Pursuant to the LOSSAN Agency Bylaws, and pursuant to the terms, conditions and requirements of the contract with the Managing Agency, the Managing Director will have the authority to hire and fire employees consistent with the Managing Agency personnel policies, recommend personnel classifications, oversee the assignments and other personnel actions for the Managing Agency employees designated to support the LOSSAN Corridor Rail Service. The Managing Director will also recommend to the Governing Board the Managing Agency contractors to the LOSSAN Corridor Rail Service and will direct their activities.
- 14.2.4. The Auditor-Controller and the Treasurer shall comply with all duties imposed under Article 1, Chapter 5, Division 7, Title I, of the California Government Code commencing with Section 6500.
- 14.2.5. Upon providing reasonable notice, any agency shall have the right to review any records maintained by the Managing Agency or the Managing Agency's Auditor-Controller and/or Treasurer relating to the performance of their duties pursuant to this Agreement.

15.0 FUNDING FOR THE AGENCY

In addition to any funds derived from grants provided for in Section 4.10 of this Agreement, the voting member agencies shall consider, through their agency's budgetary process, contribution of funds necessary to carry out the purposes and powers of the Agency, consistent with the Agency's adopted budget and any cost sharing formula adopted by the voting member agencies.

16.0 QUORUM

At least five of the voting member agencies of the Governing Board, including at least one voting member from each of the LOSSAN Regions shall constitute a quorum for the transaction of business and all official acts of the Agency.

17.0 VOTING

- 17.1 A supermajority vote requires eight (8) affirmative votes of the voting membership of the Governing Board, which includes at least one member voting in the affirmative from ~~each~~ of the voting membership from each of the LOSSAN Regions.

- 17.2 Topics that require a supermajority vote (eight (8) affirmative votes of the voting membership of the Governing Board which includes at least one member voting in the affirmative from each of the LOSSAN Regions),, include:
- 17.2.1. Recommending changes to the LOSSAN Agency legislation;
 - 17.2.2. Recommending amendments to the Joint Powers Agreement regarding membership of the LOSSAN Agency Governing Board;
 - 17.2.3. Recommending amendments to the Joint Powers Agreement regarding voting structure of the LOSSAN Agency Governing Board;
 - 17.2.4. Approval and changes to the LOSSAN Agency Bylaws;
 - 17.2.5. Approval of the Interagency Transfer Agreement;
 - 17.2.6. Continuance of the Interagency Transfer Agreement should the Agency determine that the State has failed to appropriate funds sufficient to maintain a minimum level of LOSSAN Corridor Rail Service as defined in the Interagency Transfer Agreement;
 - ~~17.2.5-17.2.7.~~ Reduction of LOSSAN Corridor Rail service; and
 - ~~17.2.6-17.2.8.~~ Establishment of or changes to cost sharing formulas.
- 17.3 All other topics require a majority vote of a quorum of the Governing Board at any regular, adjourned or special meeting where a quorum has been constituted for the transaction of business.

18.0 RALPH M. BROWN ACT

All meetings of the Agency and its Committees shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code).

19.0 FILING WITH SECRETARY OF STATE

As required by Section 6503.5 of the California Government Code, an appropriate notice of this Agreement shall be filed with the Secretary of State within thirty days of its effective date.

20.0 BYLAWS

The Governing Board may adopt and amend from time to time Bylaws as may be required for the conduct of its meetings and the orderly operation of the Agency.

21.0 COMMITTEES

The Governing Board shall create the following committees:

- 21.1 The Governing Board shall form a Technical Advisory Committee (TAC) to review on behalf of the Governing Board technical issues associated with the improvements in passenger rail service and related facilities in the LOSSAN Corridor, including stations and rights-of-way, the coordination of public mass transit services and facilities, the coordination of passenger and freight services in the Corridor and other technical matters. The membership of the Committee is authorized in the Bylaws.
- 21.2 The Governing Board shall form an Executive Committee. There shall be a maximum of four (4) voting members including the Chair, Vice-Chair and Past Chair if available or one person appointed by the Governing Board with the Managing Director serving as a non-voting member. Among these members, there shall be at least one member from the LOSSAN North Region. The Executive Committee will meet as needed.
- 21.3 The Governing Board shall form other committees as are necessary.

22.0 COOPERATION WITH OTHER AGENCIES

- 22.1 In order to conserve fiscal resources, the Governing Board shall take actions to ensure that the technical expertise, results of previous analysis related to passenger rail service in the LOSSAN Corridor, information bases, and other data available from member and other relevant agencies shall, to the extent feasible, be fully utilized.
- 22.2 In order to ensure that improvements to intercity rail passenger services and facilities are consistent with the California State Rail Plan, the Agency shall submit an annual plan or program for expenditures in the Corridor prior to the beginning of each fiscal year to the California Department of Transportation. In order to coordinate improvements with the LOSSAN Corridor's Regional Transportation Planning Agencies (RTPAs), this annual plan or program for expenditures shall be submitted to the Southern California Association of Governments, San Diego Association of Governments, Santa Barbara County Association of Governments and San Luis Obispo Council of Governments. Each RTPA shall determine whether or not the annual plan or program is consistent with the Regional Transportation Plan for its area of jurisdiction. The Agency shall submit an annual plan or program for expenditures in the Corridor to Amtrak, for its review when developing its Strategic Guidance and Three-Year Financial Plan.

23.0 WITHDRAWAL BY MEMBER OR ASSOCIATE AGENCY

- 23.1 Notwithstanding any other provision of this Agreement, any Member Agency or Associate Agency may withdraw from the Agency by giving ninety (90) days advance written notice to the Governing Board. Any withdrawal from the Authority will also constitute withdrawal from the Governing Board.

23.2 The rights and obligations of any agency so withdrawing from the Agency and the Governing Board shall be determined by negotiation between the Governing Board and the withdrawing member agency. In the event that the Governing Board and the withdrawing Member Agency or Associate Agency cannot agree upon the rights and obligations of the withdrawing Member Agency, such rights and obligations shall be determined by arbitration pursuant to Section 28.0, below.

24.0 DURATION OF AGREEMENT AND TERMINATION

This Agreement shall continue in full force and effect until such time as the Member or Associate Agencies and the Governing Board determine that it is in the public interest to dissolve the Agency. Notwithstanding the foregoing, any of the Member or Associate Agencies may exercise its prerogative to terminate its membership in the Agency as set forth in Section 23.0, above. Upon termination of this Agreement by mutual consent of all the Member and Associate Agencies, all assets, liabilities and equity of the Governing Board shall be distributed in accordance with the provisions of the Interagency Transfer Agreement and any other agreements authorized by the Governing Board governing such distribution, and any remaining money or assets in possession of the Agency after the payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement shall be returned to the Member or Associate Agencies in proportion to their contributions, if any, determined as of the time of termination.

25.0 NOTICE

Addresses of the parties to the Agreement for the purpose of formal communications among the signatories:

Los Angeles County Metropolitan Transportation Authority
1 Gateway Plaza
Los Angeles, CA 90012-2952
(213) 922-3041

Orange County Transportation Authority
550 S. Main St.
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282

Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
P.O. Box 12008
Riverside CA 92502-2208
(951) 787-7141

North County Transit District
810 Mission Avenue

Oceanside, CA 92054
(760) 967-2828

San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
(619) 231-1466

California Department of Transportation
P.O. Box 942874
Sacramento, CA 94274-0001
(916) 323-0742

Southern California Association of Governments
818 W 7th Street, 12 Floor
Los Angeles, CA 90017-3435
(213) 236-1800

San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101
(619) 699-1900

Ventura County Transportation Commission
950 County Square Avenue, Suite 207
Ventura CA 93003
(805) 642-1591

Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara CA 93110
(805) 961-8900

San Luis Obispo Council of Governments
1114 Marsh Street
San Luis Obispo, CA 93401
(805) 781-4219

National Railroad Passenger Corporation (Amtrak)
510 Water Street, 5th Floor
Oakland CA 94607
(510) 238-4300

California High-Speed Rail Authority
770 L Street, Suite 800
Sacramento CA 95814
(916) 324-1541

26.0 AUDIT

The Agency shall provide for the accountability of all funds and shall provide for an annual audit pursuant to Section 6506 of the Government Code.

27.0 AMENDMENTS TO THE AGREEMENT

This Agreement may be amended at any time by approval of the boards of all voting Member Agencies.

28.0 ARBITRATION

28.1 In the event of a dispute between the Agency, the Managing Agency, Member Agency or any other agency, which cannot be satisfactorily resolved by those parties, said dispute shall be submitted to arbitration by a panel of three arbitrators who shall conduct the arbitration pursuant to the rules of the American Arbitration Association. The panel of arbitrators shall consist of one arbitrator appointed by each of the disputants, the third arbitrator to be appointed by mutual consent of the other two arbitrators. The arbitration panel shall resolve the dispute in accordance with the terms of this Agreement, and such resolution shall be final and binding upon the parties. Each party shall bear its own costs of arbitration, including reasonable attorney's fees. The cost of the third arbitrator shall be divided equally between the disputants.

28.2 Unless otherwise agreed by the disputants, only disputes regarding a disputant's rights and obligations arising under the terms of: (i) this Agreement, or (ii) any other agreement between the disputants in which this arbitration provision is incorporated by reference shall be subject to arbitration pursuant to Section 30.1, above.

29.0 CONFLICT OF INTEREST CODE

The Agency by resolution shall adopt a conflict of interest code as required by law.

30.0 SUCCESSOR STATUTES

All statutes cited herein shall be deemed to include amendments and/or successor statutes to the cited statutes as they presently exist.

31.0 AGREEMENT, COMPLETE

This Agreement constitutes the full and complete Agreement of the parties. This Agreement shall supersede the Joint Powers Agreement to establish the Los Angeles - San Diego Rail Corridor Agency dated February 6, 1989 and subsequent amendments adopted prior to the dates indicated below.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by authorized officials on the dates indicated below.

32.0 COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall constitute an original and all of which together shall constitute one and the same agreement.

[AGENCY NAME HERE]

Chair

Date

I HEREBY CERTIFY that the attached is a true and correct copy of the original document approved by the Board of Directors:

Clerk of the Board

Date

AGREEMENT BETWEEN THE
SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG),
SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS), AND
NORTH COUNTY TRANSIT DISTRICT (NCTD)
CONCERNING
VOTING REPRESENTATION ON THE
LOS ANGELES-SAN DIEGO-SAN LUIS OBISPO (LOSSAN)
CORRIDOR RAIL AGENCY BOARD OF DIRECTORS

Senate Bill 1225 (SB 1225-Padilla), the Intercity Passenger Rail Act of 2012, allows the LOSSAN Rail Corridor Agency to amend the agency's joint powers agreement (JPA) to expand the authority of the agency to permit the administration of state-funded intercity passenger rail services on the LOSSAN corridor, Amtrak's Pacific Surfliner service, and elect to become party to an Interagency Transfer Agreement (ITA) with the state.

The JPA identifies the LOSSAN Board of Directors as the rail owners and operators and regional planning agencies in the coastal rail corridor through San Diego, Orange, Los Angeles, Ventura, Santa Barbara, and San Luis Obispo counties.

Since 2001, SANDAG, MTS, and NCTD have been voting members on the LOSSAN Board and shared two votes. The purpose of this agreement is to detail this voting arrangement:

- While three members of the LOSSAN Board shall represent San Diego County (SANDAG, MTS, and NCTD), these three members shall have a total of two votes on the LOSSAN Board of Directors.
- Each of the three members shall have two-thirds of one vote, unless, at the time of the vote, only one or two of the San Diego County members is present, in which case each member will have one vote.
- For purposes of example:
 - In instances of a matter requiring a supermajority vote (8 votes), in the event all three members are present, any one member can cast the vote in favor of the matter and such vote shall count for purposes of the meeting JPA requirement set out in JPA Section 17.1 (requiring that a supermajority vote include "at least one member voting in the affirmative from the voting membership from each of the LOSSAN Regions"). When calculating the value of the votes of the region, each member shall still have only two-thirds vote each. If the vote tally of all JPA members is 7 1/3 vote in favor of the matter and 2 2/3 vote in opposition of the matter, the matter fails for lack of obtaining the requisite supermajority vote of 8 votes.

- o In instances of a matter only requiring a majority vote, in the event all members are present, each member shall have a two-thirds vote. If the vote tally of all JPA members vote requiring only a majority vote, and where all JPA members are present and vote, is $5 \frac{1}{3}$ vote in favor of the matter and $4 \frac{2}{3}$ in opposition to the matter, the matter passes.
- There shall be no proxy votes.
- Changes to this voting arrangement shall be made by unanimous agreement of the three agencies.

LOSSAN Amended Joint Powers Agreement

MTS Board of Directors
April 18, 2013



①

LOSSAN Discussion Topics

- Final Amended LOSSAN Joint Powers Agreement (affirm that MTS Resolution 13-2 applies)
- Voting Arrangement of Three San Diego County Member Agencies



②

Amended Joint Powers Agreement

- January 17, 2013: MTS Board adopted Resolution 13-2 approving amended LOSSAN Joint Powers Agreement
- Contingent on three amendments:
 - Interagency Transfer Agreement (ITA) must be approved by a supermajority vote
 - LOSSAN ITA be required to include a provision that should the State cut funding for a mutually agreed-upon minimum level of service, service will revert back to State authority within 30 days
 - If an ITA cannot be agreed upon, the JPA would revert back to 2011 version



3

Amended Joint Powers Agreement

- February 20: LOSSAN Board approved the 3 amendments with minor revisions for distribution to member agencies
 - Minor modifications were made and LOSSAN Board voted for re-distribution on April 17
- Unanimous approval required
 - NCTD approved April 4
 - Caltrans approved April 17
 - SANDAG to vote April 26
 - All others to vote May/June
- MTS Board approval today affirms that Resolution 13-2 applies to the final version of the JPA



4

San Diego Agency Voting Arrangement

- **CURRENT:** MTS, NCTD, and SANDAG share two votes
 - If all agencies are present, MTS and NCTD vote. If there is a split vote, SANDAG places deciding vote.
- **PROPOSED:** MTS, NCTD, and SANDAG each receive 2/3 of one vote
 - If all agencies are present, all three agencies receive 2/3 vote
 - If one (or more) agency is not present, each agency present receives one vote
 - Supermajority vote requires only one affirmative vote from San Diego region (even if it counts for only 2/3 of one vote)



5

Recommendations

- Affirm that MTS Resolution No. 13-2 applies to and approves the final amended LOSSAN Joint Powers Agreement approved by the LOSSAN Board on February 20, 2013 (with April 17 changes); and
- Approve and authorize the Chief Executive Officer (CEO) to execute an agreement concerning voting representation of the three San Diego County member agencies (MTS, NCTD, and SANDAG) on the LOSSAN Board



6

Managing Agency Status

- MTS Board of Directors approved submission of application to become Managing Agency
 - RFP Due: June 12, 2013
 - LOSSAN Board of Directors Approval: August 23, 2013
 - Administrative Services Agreement: November 20, 2013
 - Transition of Administrative Responsibilities: December 18, 2013





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

Agenda Item No. 31

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

TAXICAB CONTRACT EXTENSIONS FOR SANTEE, EL CAJON, LA MESA, POWAY,
LEMON GROVE, AND IMPERIAL BEACH (BILL KELLERMAN)

RECOMMENDATION:

That the Board of Directors approve a one-year extension of existing agreements for the Taxicab Administration with the cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach.

Budget Impact

None with this action. Costs to be recovered through established fees.

DISCUSSION:

MTS first contracted to administer and regulate taxicabs and for-hire vehicles with the cities of El Cajon, Imperial Beach, Lemon Grove, and Santee in 1990, the City of Poway in 1991, and the City of La Mesa in 1999. The contracts were based on the contract with the City of San Diego and in accordance with MTS Ordinance No. 11 (see sample contract – Attachment A). Approximately 70 percent of the revenue that is used to offset the cost of taxicab administration for MTS is generated from fees associated with City of San Diego taxicab permits. The remaining funds are recovered from fees associated with taxis in the other contract cities, nonemergency medical vehicles, charter vehicles, and jitneys. MTS is required to recover the full cost associated with taxicab and for-hire vehicle regulations.

At its March meeting, the Board of Directors approved an extension of the agreement with the City of San Diego, which will extend its term for up to one year. This extension was based on a request by the City of San Diego and is meant to provide time for taxicab regulatory responsibilities to transition to City of San Diego staff. Today's action would allow the Chief Executive Officer to negotiate a one-year extension of the existing



agreements with the other cities in the MTS jurisdiction for continuation of MTS regulatory responsibilities. The Taxicab Administration agreements with the Cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach will expire on July 1, 2013. The only change being proposed is to add a year to the terms of the agreements thereby extending them to June 30, 2014.

Over the course of the year, MTS staff will work with the Cities to determine a longer-term, sustainable strategy for continuing regulation without the City of San Diego's participation. In the event that the City of San Diego transition finalizes prior to July 1, 2014, MTS will continue to provide Taxicab Administration for these other cities until July 1, 2014, using existing budgetary resources.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. City of Lemon Grove Taxicab Administration Agreement



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

MTS Doc. No. T0049.5-91
TAXI 590.7 (LEMON GROVE)
(PC 50761)

**FIFTH AMENDMENT TO AGREEMENT FOR
ADMINISTRATION OF TAXICAB AND OTHER FOR-HIRE VEHICLE REGULATIONS
BETWEEN
SAN DIEGO METROPOLITAN TRANSIT SYSTEM
AND
CITY OF LEMON GROVE**

THIS AGREEMENT is entered into by and between the City of Lemon Grove, a municipal corporation, 3232 Main Street, Lemon Grove, CA (herein called "CITY"), and the San Diego Metropolitan Transit System, a public agency, 1255 Imperial Avenue, Suite 1000, San Diego, CA (herein called "MTS"), in view of the following recitals, which are a substantive part of this Agreement:

RECITALS

- A. MTS is authorized under Section 120266, Chapter 2, Division 11 of the California Public Utilities Code (PUC), to enter into contracts to regulate transportation services within a city in its area of jurisdiction;
- B. CITY is within MTS's jurisdiction created January 1, 1976, under Section 120050, et seq., Chapter 2, Division 11 of the PUC;
- C. CITY regulated taxicab and other for-hire vehicles in accordance with the Lemon Grove Municipal Code, Chapter 5.64;
- D. CITY desires that MTS regulate taxicabs and other for-hire vehicles and services such as charter vehicles, sight-seeing vehicles, nonemergency medical vehicles, and jitney vehicles pursuant to PUC Section 120266 and in accordance with MTS Ordinance No. 11, "An Ordinance Providing for the Licensing and Regulating of Transportation Services Within the City";
- E. CITY and MTS entered into an agreement for the period of July 1, 1990, through June 30, 1991; a first amendment to that agreement, correcting Section 1 to reflect the intention that the period was from July 1, 1990, through June 30, 1995; a second amendment to that agreement for a period of July 1, 1995, through June 30, 1998; a third amendment to that agreement for a period of July 1, 1998, through June 30, 2003; a fourth amendment to that agreement for a period of July 1, 2003, through June 30, 2008;
- F. CITY and MTS now desire to enter into an agreement to extend the period from July 1, 2008, through June 30, 2013; and

NOW THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement, CITY and MTS agree as follows:

- 1. MTS will administer and enforce its taxicab and other for-hire vehicles Ordinance policies, and regulations as in effect on July 1, 2008, and as thereafter from time to time amended by



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

Agenda Item No. 31

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

TAXICAB CONTRACT EXTENSIONS FOR SANTEE, EL CAJON, LA MESA, POWAY, LEMON GROVE, AND IMPERIAL BEACH (BILL KELLERMAN)

RECOMMENDATION:

That the Board of Directors approve a one-year extension of existing agreements for the Taxicab Administration with the cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach.

Budget Impact

None with this action. Costs to be recovered through established fees.

DISCUSSION:

MTS first contracted to administer and regulate taxicabs and for-hire vehicles with the cities of El Cajon, Imperial Beach, Lemon Grove, and Santee in 1990, the City of Poway in 1991, and the City of La Mesa in 1999. The contracts were based on the contract with the City of San Diego and in accordance with MTS Ordinance No. 11 (see sample contract – Attachment A). Approximately 70 percent of the revenue that is used to offset the cost of taxicab administration for MTS is generated from fees associated with City of San Diego taxicab permits. The remaining funds are recovered from fees associated with taxis in the other contract cities, nonemergency medical vehicles, charter vehicles, and jitneys. MTS is required to recover the full cost associated with taxicab and for-hire vehicle regulations.

At its March meeting, the Board of Directors approved an extension of the agreement with the City of San Diego, which will extend its term for up to one year. This extension was based on a request by the City of San Diego and is meant to provide time for taxicab regulatory responsibilities to transition to City of San Diego staff. Today's action would allow the Chief Executive Officer to negotiate a one-year extension of the existing



agreements with the other cities in the MTS jurisdiction for continuation of MTS regulatory responsibilities. The Taxicab Administration agreements with the Cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach will expire on July 1, 2013. The only change being proposed is to add a year to the terms of the agreements thereby extending them to June 30, 2014.

Over the course of the year, MTS staff will work with the Cities to determine a longer-term, sustainable strategy for continuing regulation without the City of San Diego's participation. In the event that the City of San Diego transition finalizes prior to July 1, 2014, MTS will continue to provide Taxicab Administration for these other cities until July 1, 2014, using existing budgetary resources.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. City of Lemon Grove Taxicab Administration Agreement



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

MTS Doc. No. T0049.5-91
TAXI 590.7 (LEMON GROVE)
(PC 50761)

**FIFTH AMENDMENT TO AGREEMENT FOR
ADMINISTRATION OF TAXICAB AND OTHER FOR-HIRE VEHICLE REGULATIONS
BETWEEN
SAN DIEGO METROPOLITAN TRANSIT SYSTEM
AND
CITY OF LEMON GROVE**

THIS AGREEMENT is entered into by and between the City of Lemon Grove, a municipal corporation, 3232 Main Street, Lemon Grove, CA (herein called "CITY"), and the San Diego Metropolitan Transit System, a public agency, 1255 Imperial Avenue, Suite 1000, San Diego, CA (herein called "MTS"), in view of the following recitals, which are a substantive part of this Agreement:

RECITALS

- A. MTS is authorized under Section 120266, Chapter 2, Division 11 of the California Public Utilities Code (PUC), to enter into contracts to regulate transportation services within a city in its area of jurisdiction;
- B. CITY is within MTS's jurisdiction created January 1, 1976, under Section 120050, et seq., Chapter 2, Division 11 of the PUC;
- C. CITY regulated taxicab and other for-hire vehicles in accordance with the Lemon Grove Municipal Code, Chapter 5.64;
- D. CITY desires that MTS regulate taxicabs and other for-hire vehicles and services such as charter vehicles, sight-seeing vehicles, nonemergency medical vehicles, and jitney vehicles pursuant to PUC Section 120266 and in accordance with MTS Ordinance No. 11, "An Ordinance Providing for the Licensing and Regulating of Transportation Services Within the City";
- E. CITY and MTS entered into an agreement for the period of July 1, 1990, through June 30, 1991; a first amendment to that agreement, correcting Section 1 to reflect the intention that the period was from July 1, 1990, through June 30, 1995; a second amendment to that agreement for a period of July 1, 1995, through June 30, 1998; a third amendment to that agreement for a period of July 1, 1998, through June 30, 2003; a fourth amendment to that agreement for a period of July 1, 2003, through June 30, 2008;
- F. CITY and MTS now desire to enter into an agreement to extend the period from July 1, 2008, through June 30, 2013; and

NOW THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement, CITY and MTS agree as follows:

- 1. MTS will administer and enforce its taxicab and other for-hire vehicles Ordinance policies, and regulations as in effect on July 1, 2008, and as thereafter from time to time amended by

MTS, and thereby regulate such taxicab and other for-hire vehicles and transportation services rendered wholly within the CITY's corporate limits during the period of July 1, 2008, through June 30, 2013, pursuant to PUC Section 120266.

2. MTS will collect and administer all such regulatory fees, fines, and forfeitures as now or hereafter provided by the MTS Taxicab and Other For-Hire Vehicles Ordinance No. 11 policies, and regulations.

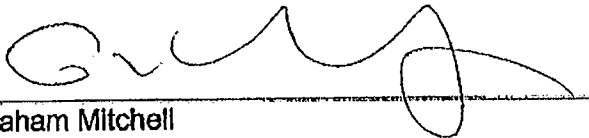
3. The CITY Manager and MTS Chief Executive Officer may supplement this agreement by executing a Memorandum of Understanding relative to administrative and operating procedures of taxicab and other for-hire vehicles regulation, and to provide for reimbursable staff and legal support services.

IN WITNESS THEREOF, this fifth amendment to the agreement is executed by the CITY acting by and through its City Manager pursuant to Council Resolution No. _____, and by MTS acting through its Chief Executive Officer.

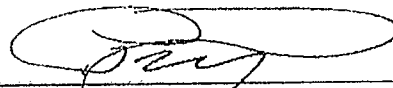
Dated this 3rd day of March, 2008.

THE CITY OF LEMON GROVE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM



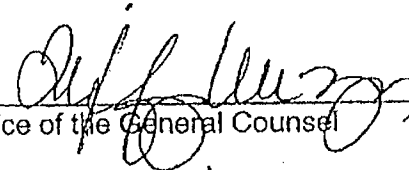
Graham Mitchell
City Manager



Paul C. Jablonski
Chief Executive Officer

WE HEREBY APPROVE the form of the foregoing Agreement.

City Attorney


Office of the General Counsel

Date: _____

Date: 2/15/08

DSundh/Taxicab
AMENDMENT-5.CITY OF LEMON GROVE
1.30.08



AGENDA ITEM NO.

3)

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

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

1. INSTRUCTIONS

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

(PLEASE PRINT)

DATE	APR 18, 2013
Name	MARGO TANGWAY
Address	229 16th Street #116
Telephone	(619) 231-1144 [USA CAB] #621
Organization Represented	- TAXI CAB LEASE DRIVER REP MTS - SELF-BUSINESS WARRIOR
Subject of Your Remarks	APPROVE ONE YEAR EXTENSION OF EXISTING AGREEMENTS FOR FAC - per Jantee, Eric, Joni, LAMAR DOWAY, LENOIR, GREVE & JIM BARKER
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input checked="" type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

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

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

Metropolitan Transit System

Board of Directors
April 18, 2013

Taxicab Contract Extensions for Cities of:

- Santee
- El Cajon
- La Mesa
- Poway
- Lemon Grove
- Imperial Beach



1

Taxicab Contract Extensions for Suburban Cities

- Currently, there are approximately 57 suburban taxi permits, with no cap on the total number allowed.
- MTS regulates these on behalf of the Cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove and Imperial Beach based on agreements set to expire June 30.
- MTS-permitted suburban taxicabs can operate in any of the six suburban cities regulated by MTS, but not in San Diego.
- MTS-permitted San Diego taxicabs (currently 993) can operate in any of the seven cities regulated by MTS.
- The Sheriff's Department issues a County operator's license for taxicabs to operate in unincorporated areas - these areas are not regulated by MTS.



2

Taxicab Contract Extensions for Suburban Cities

- March: Board approved up to one year extension of existing contract with the City of San Diego
- MTS Taxi Administration Staff is currently working with a City transition team on the transition of regulation of San Diego permitted taxicabs
- Staff recommendation: CEO would negotiate with suburban cities on a one-year extension
 - No change in current terms
 - Full cost recovery for MTS
 - Under the proposed contract extension, MTS would retain taxi regulation for suburban cities through June 30, 2014, regardless of the termination date of contract with City of San Diego



3

Recommendation:

That the MTS Board approve a one-year extension of existing agreements for Taxicab Administration with the Cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach.



4



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San Diego, CA 92101-7490
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Agenda Item No. 32

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

EXERCISE OPTION FOR PURCHASE OF ADDITIONAL LOW-FLOOR LIGHT RAIL
VEHICLES FROM SIEMENS INDUSTRY, INC. (KAREN LANDERS)

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0914.10-10 (in substantially the same format as Attachment A) to exercise the option to purchase up to 45 additional low-floor light rail vehicles (LRVs).

Budget Impact

There is no immediate budget impact from this action. The contract amendment provides MTS with a no-cost right to terminate the option to purchase additional LRVs. MTS is not financially obligated until it issues a Release for Production notice instructing Siemens to begin production on a vehicle. If all 45 LRVs are ordered, the budget impact will be approximately \$170,829,000.00. A Release for Production notice will only be issued upon identification of funding and subsequent Board authorization.

DISCUSSION:

On April 25, 2008, the Utah Valley Authority (UTA) entered into a contract with Siemens for the purchase of LRVs. The UTA contract included up to 110 option LRVs that were included in the contract on behalf of MTS in a separate contract. MTS has exercised and scheduled for delivery 65 of the 110 LRVs identified. The additional 45 LRVs were included in the UTA contract to serve the Mid-Coast Project and accommodate potential additional capacity needs within the MTS system.

Federal Transit Administration grant rules limit contracts for goods to five-year terms. Under these rules, all options must be exercised before expiration of the five-year period even if delivery of the vehicles will not take place within the five-year period.



In order to preserve the pricing and configuration of the LRVs under this contract for use in the Mid-Coast Project, if approved and funded, MTS staff proposes exercising the option for the remaining 45 LRVs with Siemens before the five-year period of the UTA contract expires.¹ The contract amendment allows MTS to terminate the option order at any time before issuing a Release for Production notice to Siemens. The amendment is also contingent upon funding availability and FTA approval before a Release for Production.

This option exercise would allow MTS to take advantage of the favorable pricing it received from Siemens on this contract (\$3,515,000) and to acquire LRVs that have already been tested, maintained, and integrated into the MTS system. This will provide for an efficient integration of vehicles and system maintenance if the Mid-Coast Project is approved.

Because the date for Mid-Coast Project approval is not definite, the contract amendment includes price escalation clauses if the Release for Production notice is not issued until later budget years. The reasonableness of these escalation factors will be reevaluated before any Release for Production notice is issued to confirm that it remains fair and reasonable.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No. L0914.10-10

¹ The MTS contract with Siemens was executed on August 20, 2009. While MTS believes the five-year period runs from that date, it is recommended that this option be exercised within five years of the UTA contract date to avoid any contentions that the five-year period runs from the UTA contract date.

 **DRAFT**

April 18, 2013

MTS Doc. No. L0914.10-10
OPS 970.6, CIP 1210080

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

Dear Mr. Cahill:

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

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

RECITALS

- A. In a contract dated April 25, 2008, Utah Transit Authority agreed to purchase light rail vehicles (LRVs) from Siemens Transportation Systems, Inc. (UTA Contract). Siemens Industry, Inc. (Siemens) subsequently was substituted for Siemens Transportation Systems, Inc.
- B. The UTA Contract included 110 LRV options that were incorporated into the scope of work on behalf of the San Diego Metropolitan Transit System (MTS).
- C. On August 20, 2009, UTA assigned 65 of the LRV options to MTS.
- D. Through a series of contracts and amendments, MTS has exercised all 65 LRV options, with an estimated delivery date of the 65th LRV in February 2014.
- E. MTS now desires to be assigned the remaining 45 LRV options and to exercise the options for such LRVs, subject to the terms and conditions contained herein.

AGREEMENT

- 1. Exercise of Options. MTS hereby exercises the option for up to 45 LRVs with all features described in MTS Contract No. L0914.0-10 through L0914.9-10 ("45 Option LRVs").
- 2. Option LRV Price. The pricing for the up to 45 Option LRVs shall be \$3,515,000.00 plus California sales tax. The new total amount encumbered by this contract, after the addition of 45 Option LRVs, is as follows:

	Thru Amendment 9 (65 LRVs)	Thru Amendment 10 (110 LRVs)
Total Product	\$246,351,611.34	\$404,526,611.34
Total Tax ¹	\$19,285,263.19	\$31,939,263.19
Grand Total	\$265,636,874.53	\$436,465,874.53
Increase		\$170,829,000.00

3. Payment Schedule. The Payment Schedule for the 45 Option LRVs is as follows:

- a. Initial milestone payments (#1 Mobilization-2%, #2 Major Components-20%, and #3 Engineering Drawings-5%) shall be due within 30 days of a Release for Production Notice from MTS. The "Release for Production Notice" shall constitute approval from MTS to release a certain number of LRVs for production.
- b. All other milestones shall remain the same (detailed in L0914.0-10, Exhibit D).

4. Right to Terminate. MTS shall have a no-cost right to terminate this contract for the additional 45 Option LRVs, or a part thereof, at any time before a Release for Production Notice is issued for an Option LRV. Siemens expressly recognizes that MTS's issuance of a Release for Production Notice for each Option LRV is contingent upon a Full-Funding Grant Agreement being executed for the Mid-Coast LRV Project, as well as approval by the Federal Transit Administration that this option exercise complies with federal procurement regulations.

5. Release for Production Deadline.

- a. MTS recognizes that the pricing provided by Siemens for the 45 Option LRVs is based upon its production line and supply chain being mobilized, ready and available for production. Siemens agrees that its production line and supply chain will not be impacted if a Release for Production Notice is issued by MTS before September 30, 2013.
- b. If a Release for Production Notice is issued after September 30, 2013, then the pricing for the option LRVs shall be increased to account for required re-mobilization costs and industry price increases. The per unit price listed in

¹ Sales tax rate is 7.75% for LRVs accepted thru 12/31/12 and 8.0% sales tax for LRVs accepted after 1/1/13. The sales tax rate applicable on the date of Conditional Acceptance (Milestone # 6) is the sales tax rate applicable for all milestones related to that LRV. Because of changes in the sales tax rate during the course of this contract, MTS and Siemens have mutually adjusted the sales tax totals to comply with applicable law.

Section 2 shall be adjusted *to accommodate for any industry price changes* by multiplying the base price (\$3,515,000) by the following fraction: *Latest Published Preliminary Index Number Prior to Release for Production/Index Number on Effective Date of this Amendment No. 10*. The index shall be found at www.bls.gov and shall be the Producer Price Index for Railroad Cars and Car Parts, Series No. 1442. In the event the timing of the Release for Production Notice or the quantity of LRVs released requires Siemens to incur extraordinary re-mobilization costs, MTS and Siemens shall mutually agree upon an additional price adjustment or one-time payment to reimburse Siemens for such costs.

6. Manufacturing/Delivery Cycle. Siemens agrees that the maximum manufacturing and delivery cycle shall be twenty-four (24) months from the Release for Production Date for each Option LRV. A detailed schedule of estimated milestone dates will be prepared upon Release for Production.

If you agree with the above, please sign in the space provided below and return the document marked "Original" to the Contracts Specialist at MTS. The LRV delivery schedule and its corresponding LD schedule will be mutually amended. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

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

Date: _____

Chris Halleus, Vice President, FBA
Siemens Industry, Inc.
Infrastructure & Cities Sector
Rail Systems Division

Date: _____



AGENDA ITEM NO.

32

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

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

1. INSTRUCTIONS

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

(PLEASE PRINT)

DATE	April 18, 2013		
Name	MARCO TANGUAY		
Address	229 16th St # 116		
Telephone	619 231-1144		
Organization Represented	TAXI LEASE DRIVER BUSINESS ASSOCIATION		
Subject of Your Remarks	EXERCISE OPTION		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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Item No. 32

Exercise of Additional Options to Purchase Light Rail Vehicles from Siemens Industry, Inc.



1



Contract with Siemens

- Original joint procurement with Utah Transit Authority included 110 LRVs for use by MTS.
- Purchased 65 LRVs.
- Additional 45 LRVs available.



2



Option Exercise Strategy

- Exercise by April 25, 2013 to preserve options under FTA rules.
- No-cost right to terminate any time before MTS issues “Release for Production Notice”



3



Siemens Pricing

- History of MTS LRV pricing (excl. tax):
 - LRVs 1-57: \$3,625,976 per LRV
 - LRVs 58-64: \$3,568,000 per LRV
 - LRV 65: \$3,515,000 per LRV
- Proposed Option Price:
 - \$3,515,000 per LRV
- Current pricing for other agencies:
 - between \$3.6 and \$4.7 million per LRV



4



Pricing Conditions

- Pricing escalates each year according to a Producer's Price Index tied to rail car industry manufacturing cost factors.
- Depending on date of Release, may need to negotiate extra cost for Siemens re-mobilization.



5



Option Exercise Process

- Before issuing a Release for Production, MTS will confirm:
 - FTA Concurrence with Procurement strategy (delayed release for production)
 - Funding source
 - LRV order size
- Release for Production authority will be a separate Board Action



6



Recommendation/Action:

- That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0914.10-10 (in substantially the same format as Attachment A) to exercise the option to purchase up to 45 additional low-floor light rail vehicles (LRVs).





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

Agenda Item No. 45

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 18, 2013

SUBJECT:

COMPASS CARD (SHARON COONEY)

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None at this time.

DISCUSSION:

The San Diego Association of Governments (SANDAG), North County Transit District (NCTD), and MTS began transitioning from paper fare products to the Compass Card smart card in early 2009. All monthly products have been successfully transitioned to Compass Card. Day Pass users were transitioned to Compass Card in 2012. Staff will report on the smart card system operations as well as efforts to transition Compass Card functions from SANDAG to MTS.

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

Paul C. Jablonski
Chief Executive Officer

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



AGENDA ITEM NO.

45

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

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(PLEASE PRINT)

DATE	4.18.13		
Name	Margo Tanguay		
Address	229 16th St # 46		
Telephone	231-1144		
Organization Represented	BUSINESS WOMAN		
Subject of Your Remarks	COMPASS CARD		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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AGENDA ITEM NO.

45

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ORDER REQUEST RECEIVED

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(PLEASE PRINT)

DATE	4-18-13		
Name	Lorraine M. Leighton		
Address	2514 Somers Hill Rd Ste 507B2 S. Lynn, Ct. 92071		
Telephone	8		
Organization Represented	DISABLED PASSENGER & SDM CAMPUS.		
Subject of Your Remarks	The fact that the machine's don't tap in station & that they say that the mts still admit that need to		
Regarding Agenda Item No.	i'm carrying my sdm card		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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AGENDA ITEM NO.

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(PLEASE PRINT)

DATE	4/18/13		
Name	Diane Pitzel		
Address			
Telephone			
Organization Represented			
Subject of Your Remarks	Compass		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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Compass Card Update

April 18, 2013

San Diego Metropolitan Transit System



1

Regional Fare Products

On Compass Cards

- Monthly Pass
 - traditional first day to last day of month
- 30-day Pass
 - Good for 30 consecutive days from purchase
- 1, 2, 3 and 4-day passes
- Future Products: Stored Value, college pass

Other Fare Media

- Paper day passes
- One-way tickets
- Tokens



2

Regional Fares

Cash Fares

Bus	- Adult+Youth	\$2.25
	- SDM	\$1.10
Express	- Adult+Youth / Premium	\$2.50 / \$5.00
	- SDM / Premium	\$1.25 / \$2.50
Trolley	- Adult+Youth	\$2.50
	- SDM	\$1.25

Monthly/30 Day Passes

	- Adult / Premium	\$72 / \$100
	- Youth / Premium	\$36 / \$50
	- SDM / Premium	\$18 / \$25

Day Passes (no free transfers)

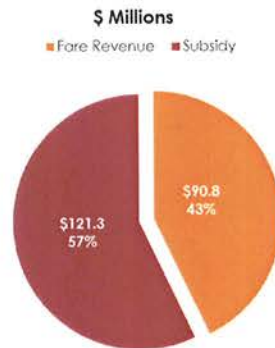
	- Regular / Premium	\$5 / \$12
--	---------------------	------------



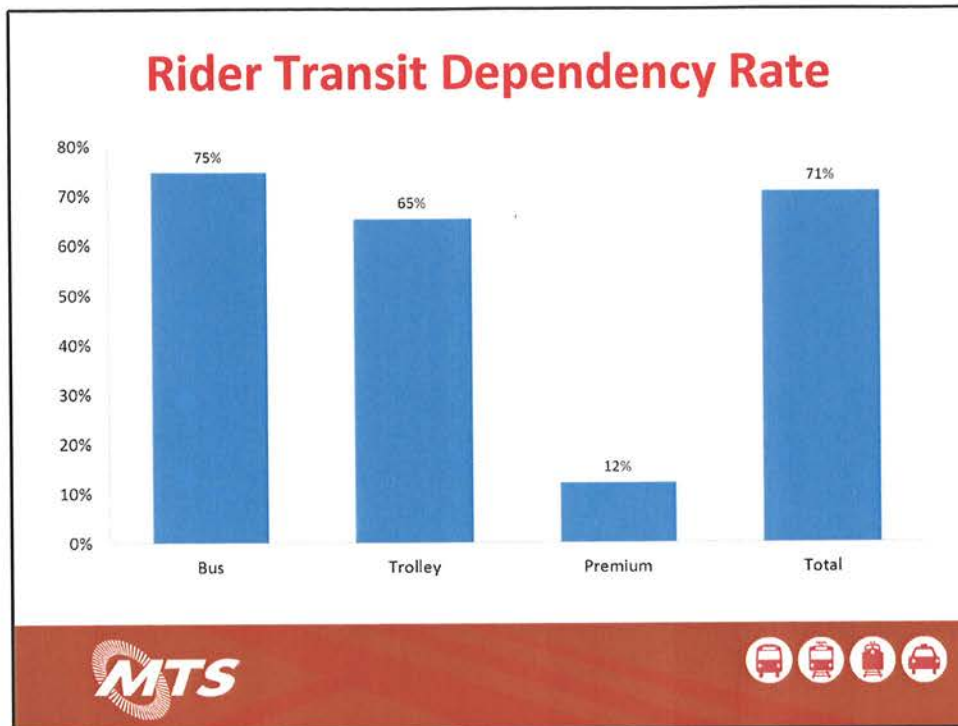
3

Ridership & Fare Revenue Significance

- 88.5 million MTS riders in FY2012 generated \$90.8 million in Operating Revenue
- Farebox Recovery Ratio is 42.8%



4



5

Boardings by Fare Component: FY2012

Fare Type		# Millions	%
Cash	Full	7.2	8%
	SDM	1.4	2%
Pass	SDM	26.2	29%
	Day	23.7	27%
	Monthly	16.9	19%
	Youth	7.9	9%
	College	1.2	1%
	Premium	0.4	1%
	Coaster	0.0	0%
Free		3.6	4%
Total		88.5	100%

MTS

6

Fare Revenue by Fare Component: FY2012

Source	Type	\$ Mil	%
Cash	Full + SDM	\$15.9	17.5%
Passes	Day	\$31.9	35.2%
	Adult+Premium+Coaster	\$22.1	24.3%
	SDM	\$7.7	8.5%
	Youth	\$5.7	6.3%
	College	\$2.0	2.2%
TransNet	Proposition A	\$5.5	6.1%
Total		\$90.8	100.0%



7

Boardings & Fare Revenue Shares

Source	Type	% Riders	% Fare Rev
Cash	Full + SDM	10%	18%
Passes	Day	27%	35%
	Adult + Prem + Cstr	20%	24%
	SDM + TransNet %	29%	14%
	Youth+ TransNet %	9%	7%
	College	1%	2%
Free		4%	0%
Total		100%	100%



8

Compass Card System

- Paperless Smart Card Technology
- Cubic technology
- Designed to replace all paper fare products
- Features to make it convenient for the customer
 - Auto reload
 - Card registration
 - Albertsons, other outlets
- May 2009: Launched with Premium Express Pilot



9

Conversion of Day Pass to Compass

- Began the conversion in San Ysidro in 2011
 - 35% of all day passes purchased at trolley stations purchased at San Ysidro (17,000+ per week)
 - Addressed the illegal resale market
- Software changes were required for systemwide roll out
 - New TVM software/screen flows/validator
 - New fare box software
- Outreach efforts
 - Phased implementation
 - Free cards handed out/dispensed for several months
 - \$2 charge began for day passes w/o Compass Card
 - Compass Cards available in Ticket Vending Machines and at Albertsons
- Customer acceptance
 - Compass day pass at rail TVMs: 82-84% of sales are reloads
 - Compass day pass on bus: 81.5% of day passes used



10

Up Next: Transition of Compass to MTS

- MTS/NCTD/SANDAG initiated move of the system to the operators this year
- Phase 1: call center, card fulfillment, revenue allocation, marketing
- Phase 2: back office, system back up, Cubic coordination
- Anticipated completion of Phase 1 in July 2013, Phase 2 in July 2014



11



Compass Card Update

April 18, 2013

San Diego Metropolitan Transit System



12



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

Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

April 18, 2013

In accordance with Board Policy No. 52, Procurement of Goods and Services, attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period March 16, 2013, through April 12, 2013.



EXPENSE CONTRACTS

Doc #	Organization	Subject	Amount	Day
B0530.1-10	GOODYEAR TIRE & RUBBER CO.	EXERCISE OPTION YR 1 - ADD NEW TIRE SIZE	\$77,585.57	3/22/2013
G1518.0-13	SIGMANET, INC.	REPLACE SONICWALL 4060 WITH CISCO ASA	\$84,472.60	3/22/2013
G1481.2-12	ACS TRANSPORT SOLUTIONS, INC.	RTMS SYSTEMS, HARDWARE SOFTWARE INSTALL	\$5,039.76	4/2/2013
L1032.3-12	SIEMENS INDUSTRY, INC.	ADDITION OF 2 REAR ACCESS DOORS - TRACTI	\$32,257.50	4/9/2013
L1032.4-12	SIEMENS INDUSTRY, INC.	ADDITIONAL COST FOR CRANE SERVICES	\$43,930.00	4/9/2013
G1325.2-10	RAEL & LETSON	EXERCISE FINAL OPTION - OPBE VALUATION	\$26,000.00	4/11/2013
G1433.2-12	TROVILLION, INVEISS AND DEMAKI	AMENDMENT 2 FOR LEGAL SERVICES WORKERS C	\$30,000.00	4/12/2013

REVENUE OR NO - VALUE CONTRACTS

Doc #	Organization	Subject	Amount	Day
G1064.4-07	WILLIAM F NORRIS ASSOCIATES	9 MONTH EXTENSION	\$0.00	3/22/2013
L6693.0-13	PARSONS BRINCKERHOFF	JROE PERMIT - NCTD SANDAG A&E	\$0.00	3/22/2013
L6694.0-13	RAIL PROS	JROE PERMIT - NCTD SANDAG A&E	\$0.00	3/22/2013
G1527.0-13	PHIL'S BBQ	MARKETING WITH PHIL'S BBQ BIG BROTHERS	\$0.00	4/2/2013
L1145.0-13	A-MART	LEASE AMENDMENT FOR A-MART	(\$3,591.56)	4/2/2013
S200-13-566	NX UTILITIES LLC	ROE PERMIT - COX COMM 28TH AND HARBOR	(\$750.00)	4/2/2013
G0247.3-94	UNITED STATES OF AMERICA - NAV	8TH STREET TROLLEY STATION PARKING LOT	\$0.00	4/3/2013
L5747.0-13	GINGERICH CONSTRUCTION, INC.	JROE PERMIT - OLD TOWN SIGNAGE IMPROVE	\$0.00	4/3/2013
S200-13-561	DAVEY TREE SURGERY CO	TREE MAINT & POLE INSPECTION	(\$1,500.00)	4/3/2013
G1524.0-13	SPRINT PCS ASSETS, LLC	CUP TERMS AND CONDITIONS AGREEMENT	\$0.00	4/4/2013
G1525.0-13	SAN DIEGO PADRES	PARTNERSHIP COVER WRAP OF LRV		4/5/2013
L5749.0-13	AES PROPERTY SERVICES	DURABLE ROE PERMIT - SDGE GRAFFITI MAINT	(\$1,000.00)	4/5/2013
L6681.0-13	DAVID EVANS & ASSOCIATES	JROE PERMIT - NCTD SANDAG A&E	\$0.00	4/5/2013
G1435.1-12	MACRO CORPORATION	EXTEND PERFORMANCE PERIOD - RTMS CONSULT	\$0.00	4/8/2013
L1032.2-12	SIEMENS INDUSTRY, INC.	CHANGE DELIVERY DATE - TRACTION POWER	\$0.00	4/9/2013
L4618.0-13	USS CAL BUILDERS INC	JROE PERMIT - VISIONARY PROJECT PLANS	(\$500.00)	4/9/2013

REVENUE OR NO - VALUE CONTRACTS

Doc #	Organization	Subject	Amount	Day
L6671.1-12	FLATIRON WEST INC.	ROE AMENDMENT 1 SANDAG SORRENTO TO MIRAM	\$0.00	4/9/2013
M6702.0-13	HP COMMUNICATIONS	ROE COX COMM OVERHEAD FIBER 70TH ST	(\$1,850.00)	4/9/2013
S200-13-568	PAR ELECTRICAL CONTRACTORS INC	ROE REMOVE SDGE FACILITIES POLES & CONDU	(\$2,400.00)	4/9/2013
B0201.2-99	COAST UNITED ADVERTISING	OPTION YEARS 4 AND 5 BENCH ADVERTISING	(\$270,480.00)	4/11/2013
G1526.0-13	SAN DIEGO SYMPHONY	2013 PARTNERSHIP WITH SD SYMPHONY	\$0.00	4/11/2013
M6701.0-13	COX COMMUNICATION	LICENSE AGREEMENT FOR AERIAL CROSSING	(\$1,500.00)	4/11/2013
S200-13-569	CITY OF LA MESA	ROE FOR LA MESA FLAG DAY PARADE	\$0.00	4/11/2013
L1148.0-13	GRAN FONDO	ROE GRAND FONDO BIKE RIDE	(\$750.00)	4/12/2013
M6700.0-13	RAGNER EVENTS, LLC	ROE TO USE MORENA / LINDA VIST PARKING L	(\$836.90)	4/12/2013
S200-13-562	NAVY REGION SOUTHWEST MORALE	ROE PERMIT - BAY BRIDGE RUN/WALK	\$0.00	4/12/2013

PURCHASE ORDERS (IFAS)

DATE	Organization	Subject	AMOUNT
3/21/2013	L&L PRINTERS	SD TROLLEY POCKET GUIDES	\$3,542.48
3/21/2013	NTH GENERATION COMPUTING INC	BLADE SUPPORT	\$10,045.00
3/22/2013	CDW GOVERNMENT INCORPORATED	AXIS M1054 SURVEILLANCE KIT	\$1,693.77
3/22/2013	CDW GOVERNMENT INCORPORATED	MOBILE SCANNER, HP LJ PRO	\$876.43
3/22/2013	CARDIAC SCIENCE CORPORATION	DEFIBRILLATION PADS, LITHIUM BATTER	\$1,582.28
3/22/2013	CDW GOVERNMENT INCORPORATED	17IN RACK, APC NET SHELTER	\$2,987.24
3/25/2013	SOUTHLAND ELECTRIC INC	MONITORING FIRE PANEL INSTALL, SDSU	\$74,013.90
4/3/2013	L&L PRINTERS	2013 REGIONAL TRANSIT MAP	\$3,122.28
4/8/2013	S&A SYSTEMS INC	DEVICE MANAGER	\$1,606.60
4/9/2013	MOTOROLA LOUTIONS INC	PORTABLE DIGITAL RADIOS	\$9,620.45

WORK ORDERS

Doc #	Organization	Subject	Amount	Day
G1496.0-13.01.2	RAILPROS, INC.	BUS WASH REPLACE ENGINEERING	\$31,400.00	3/22/2013
PWL132.0-11.18.2	SOUTHLAND ELECTRIC, INC.	WRIGHT STREET YARD ENHANCE CCTV	\$1,727.36	3/22/2013
G1493.0-13.01	KIMLEY-HORN ASSOCIATES, INC.	ON-CALL ENGINEERING GENERATOR	\$29,000.00	4/2/2013
G1493.0-13.03	KIMLEY-HORN ASSOCIATES, INC.	ON-CALL ENGINEERING REAL ESTATE SUP	\$20,000.00	4/2/2013
G1492.0-13.01	PARSONS BRINCKERHOFF, INC.	ON-CALL ENGINEERING SVCS TRANSIT SH	\$8,300.00	4/3/2013
PWL 134.0-12	HERZOG CONSTRUCTION, INC.	MTS RAIL YARD FENCING REPAIRS	\$12,406.63	4/3/2013
PWL134.0-12.06.1	HERZOG CONSTRUCTION, INC.	8TH ST BRIDGE 6 MONTH MONITORING	\$16,555.35	4/10/2013
PWL134.0-12.12	HERZOG CONSTRUCTION, INC.	MTS RAIL YARD REPAIRS	\$12,406.63	4/10/2013
PWL134.0-12.14	HERZOG CONSTRUCTION, INC.	REPLACEMENT OF 2 JOINT BARS	\$18,406.81	4/10/2013
G1245.0-09.09	KIMLEY-HORN & ASSOC.	ENGINEERING SVCS 12TH/IMP BUS BAY	\$66,100.00	4/11/2013



RT 411
AFSCN 7:00 PM

AGENDA ITEM NO.

64

REQUEST TO SPEAK FORM

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(PLEASE PRINT)

DATE	April 18, 2013		
Name	Dale Chock		
Address	1675 Garnet Av, 92109		
Telephone	858-207-8781		
Organization Represented	none		
Subject of Your Remarks	Assuring trip connections that involve habitually late arriving routes		
Regarding Agenda Item No.	64		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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