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07-11 25-A11 3 OVD

## Agenda

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

July 17, 2014

9:00 a.m.

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

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#### ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - June 19, 2014 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please SILENCE electronics  
during the meeting



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

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

## CONSENT ITEMS

- |     |  |             |
|-----|--|-------------|
| 6.  | <u>Investment Report - May 2014</u>  | Information |
| 7.  | <u>Increased Authorization for Legal Service Contracts to Pay Projected Expenses in Fiscal Year 2015</u><br>Action would: (1) approve increasing the dollar amount of 13 legal services contracts to cover fiscal year 2015 expenses; and (2) ratify two legal services contract amendments with approved firms.   | Approve     |
| 8.  | <u>Calnet Telecommunications Amendment</u><br>Action would authorize the Chief Executive Officer (CEO) to: (1) authorize funding of up to \$600,000.00 for MTS telecommunications services during the transition period between the State of California's CALNET II and CALNET III telecommunications contract; and (2) authorize up to \$4,031,000.00 for MTS telecommunications services using the State of California's CALNET III telecommunications contract from July 1, 2015 through June 30, 2020. | Approve     |
| 9.  | <u>MTS LRV Accident and Vandalism Body Repair Services - Contract Award</u><br>Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1193.0-14 with Carlos Guzman, Inc. (CGI) for the provision of LRV accident and vandalism body repair services for a five-year period.   | Approve     |
| 10. | <u>Wireless Infrastructure Project - Purchase Order</u><br>Action would authorize the Chief Executive Officer (CEO) to issue a purchase order to AT&T DataComm, Inc. (AT&T), for the provision of equipment and professional installation services for MTS's Wireless Infrastructure Project.  | Approve     |
| 11. | <u>Cisco Core and Intermediate Distribution Frame Network Equipment Five Year Maintenance Renewal</u><br>Action would authorize the Chief Executive Officer (CEO) to purchase Cisco SMARTNET maintenance through AT&T Datacomm, Inc. (AT&T), and Key Government Finance, Inc. (KEY), for renewal of the maintenance services agreement for MTS's Cisco network equipment. The services will be for five years beginning on July 25, 2014 and ending on July 24, 2019.                                      | Approve     |
| 12. | <u>Leased Bus Tires and Services - Contract Amendment</u><br>Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to MTS Doc. No. B0530.0-10 with The Goodyear Tire and Rubber Company (Goodyear) to accommodate additional staffing and unforeseen additional expenditures associated with the recently implemented service level increase and the contract run-out period anticipated at the end of the current agreement.  | Approve     |
| 13. | <u>MTS Task Order Contract for Green Line Communication System Upgrades Design - Phase 2</u><br>Action would authorize the Chief Executive Officer (CEO) to execute Task Order Contract (TOC) MTS Doc. No. G1493.0-13, Work Order 13-05.1 with Kimley-Horn & Associates Inc. (Kimley-Horn) to perform Design Engineering for the Green Line Communication System Upgrades Project - Phase 2.   | Approve     |

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|-----|--|-------------|
| 14. | <u>Parking Lot Sweeping Services - Contract Award</u><br>Action would authorize the Chief Executive Officer (CEO) to: (1) execute MTS Doc. No. L1197.0-14 with San Diego Sweeping Services for the provision of parking lot sweeping services for a three (3) year base period and two (2) one-year optional terms exercisable at MTS's sole determination; and (2) exercise each option year at the CEO's discretion. | Approve     |
| 15. | <u>Semiannual Uniform Report of Disadvantaged Business Enterprise Awards or Commitments and Payments</u>   | Information |

CLOSED SESSION

- |     |   |                 |
|-----|---|-----------------|
| 24. | CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6<br>Agency: San Diego Transit Corp. & San Diego Trolley, Inc.<br>Agency-Designated Representative: Jeff Stumbo<br>Employee Organization: Amalgamated Transit Union, Local 1309 (Representing Bus Operators and Clerical Employees at SDTC)<br>Employee Organization: International Brotherhood of Electrical Workers, Local 465 (Representing SDTI Flaggers) | Possible Action |
|-----|---|-----------------|

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

- |     |   |         |
|-----|---|---------|
| 30. | <u>Enterprise Resource Planning / Transit Asset Management Software Contract Award (Larry Marinesi and Fred LaCroix)</u><br>Action would authorize the Chief Executive Officer to execute MTS Doc. No. G1680.0-14 with SAP America, Inc. for the provision of software, training services, and ten years of software support services for the Enterprise Resource Planning (ERP) / Transit Asset Management (TAM) Project.  | Approve |
| 31. | <u>An Ordinance Amending Ordinance No. 11, Providing for the Licensing and the Regulating of Transportation Services Within the City by the Adoption of a Uniform Paratransit Ordinance (Sharon Cooney and Bill Kellerman)</u><br>Action would: (1) read the title of Ordinance No. 11, an Ordinance Providing for the Licensing and the Regulation of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance; (2) waive further readings of the ordinance; (3) introduce the ordinance for further consideration at the Board meeting on September 18; and (4) direct publication of an ordinance summary. | Approve |
| 32. | <u>Board Policy 62 - First Amendment Activities on MTS Property (Karen Landers)</u><br>Action would: (1) adopt the proposed San Diego Metropolitan Transit System (MTS) Board Policy 62 governing First Amendment Activities on MTS Property; and (2) authorize the Chief Executive Officer to add, remove or modify MTS Board Policy 62 Exhibits B and C relating to the "Designated Areas" in which First Amendment Activities are permitted as necessary to maintain safe and efficient use of MTS property for transit purposes.  | Adopt   |

## REPORT ITEMS

- |     |   |             |
|-----|---|-------------|
| 45. | <u>Student Pass Pilot Program (Sharon Cooney, Marcus Smith and Janelle Carey)</u>   | Information |
| 46. | <u>Operations Budget Status Report for May 2014 (Luke Kromer)</u>   | Information |
| 47. | <u>Pacific Imperial Railroad (PIR) Desert Line Agreement - Status Update (Karen Landers)</u>  | Information |
| 60. | <u>Chairman's Report</u>  | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u>  | Information |
| 62. | <u>Chief Executive Officer's Report</u>   | Information |
| 63. | <u>Board Member Communications</u>  |             |
| 64. | <u>Additional Public Comments Not on the Agenda</u><br>If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. |             |
| 65. | <u>Next Meeting Date:</u> August 14, 2014   |             |
| 66. | <u>Adjournment</u>  |             |



MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101

June 19, 2014

MINUTES

1. Roll Call

Chair Pro Tem Ewin called the Board meeting to order at 9:05 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. McClellan moved to approve the minutes of the May 15, 2014, MTS Board of Directors meeting. Ms. Rios seconded the motion, and the vote was 9 to 0 in favor with Messrs. Cunningham, Mathis, Ramirez, Roberts and Misses Bragg and Emerald absent.

3. Public Comments

*John Wood* – Mr. Wood stated that the bus drivers should do a walk around the bus before driving and check the lights on the bus, the oil and the coolant. He said that he has noticed some buses in Lemon Grove do not have working stop lights or tail lights. Mr. Wood stated that there are still no trolley time announcement boards installed at Lemon Grove depot. He said there is no handicap access for the store at Lemon Grove depot. Mr. Wood stated that some bus and trolley seats are not being repaired properly.

*Sheila Kazemaini – UClick Properties LLC.* Ms. Kazemaini stated that she spoke at the May 15, 2014 Board meeting regarding her apartment building in Hillcrest which has bus stop 12027 outside of the building. She stated that she has requested for this bus stop to be moved to a different location for multiple reasons. The bus stop is located less than seven feet from her tenants' windows and that buses stop at this bus stop every six minutes for 19½ hours per day, which results in 195 stops per day. She stated that the last time she spoke at the Board meeting she brought up the health and safety issues regarding this bus stop because the exhaust fumes from the buses go directly into her tenants' windows. She also discussed the issue with people smoking at the bus stop which is against MTS Codified Ordinance No. 13. Ms. Kazemaini said the fumes, soot and cigarette smoke are all known causes of cancer. She recommended moving the current bus stop to the next bus stop which is a block down the street. She had previously asked for any Board members to contact her regarding this matter, but she has not had any response.

Chair Pro Tem Ewin noted that copies of Ms. Kazemaini's presentation were handed out to the Board members. Mr. Gastil asked for an update on this matter. Paul Jablonski, Chief Executive Officer, stated that the MTS Planning department has done a whole analysis on this bus stop. The bus stop has been located at this spot for a long period of time and is very well used. Mr. Jablonski said that MTS has sent out security guards numerous times to this bus stop to deal with the people illegally smoking at the stop. MTS has looked at other locations for this bus stop, however no other locations serve the public and the neighborhood as well as the current

location. Mr. Gloria stated that his office has been in contact with MTS regarding the issues of this bus stop.

*John Strain* – Mr. Strain stated that he agrees with Ms. Kazemaini's comments about moving the bus stop down the street to a different location. He said that he has been a tenant in the building for fifteen years. Mr. Strain commented that the American Cancer Society says that diesel exhaust plays an important role in our health problems. He believes a possible solution would be to move the bus stop down to the corner of 4<sup>th</sup> Street and Robinson Avenue. He provided a handout to the Board members including supporting documentation about this issue.

## CONSENT ITEMS

6. Policy 25 - Equal Employment Opportunity (EEO) Program for Employees and Contractors  
Action would update and reaffirm MTS Policy 25.
7. Motorola Regional Transit Management System Annual Maintenance and Support Services - Contract Amendment  
Action would authorize the CEO to execute MTS Amendment No. G0867.15-03 with Motorola, Inc. to extend the Regional Transit Management System (RTMS) annual maintenance and support period from July 1, 2014 through June 30, 2015; and execute MTS Amendment No. G0868.9-03 with North County Transit District (NCTD) for a Funds Transfer Agreement.
8. Weed Abatement Services - Contract Award  
Action would authorize the CEO to execute MTS Doc. No. L1186.0-14 with DeAngelo Brothers, Inc. for the provision of on and off track weed abatement services for a contract period of five (5) years.
9. Investment Report - April 2014  
Informational item only. No action taken.
10. Fiscal Year 2015 Capital Improvement Program Amendment  
Action would approve the amended FY 2015 Capital Improvement Program (CIP).
11. Fiscal Year 2015 Transportation Development Act Claim  
Action would adopt Resolution Nos. 14-8, 14-9, and 14-10 approving fiscal year 2015 Transportation Development Act (TDA) Article 4.0, 4.5 and 8.0 claims respectively.
12. 2014 Mills Building Board Room Improvement Project  
Action would authorize the renovation of the 10th Floor Board Room through Colliers International, the Mills Building on-site property management company.

### Board Member Comments:

Mr. Gloria commented on consent item number 12, the 2014 Mills Building Board Room Improvement Project. He asked whether the Board room orientation will be updated during the improvement project to address the public capacity issues. Mr. Jablonski stated that the main focus of the Board room improvement project will be video and audio; however public capacity adjustments could be addressed. Mr. Jablonski stated that the consent item can be pulled for revisions to include the public capacity issues in the redesign. Jeff Stumbo, Director of Human Resources and Labor Relations, stated that one component of the remodel is installing monitors

and audio in the Executive Committee room for extra space for the public audience. Mr. Jablonski added that they can make adjustments to the consent item if the Board would prefer the improvement project to be more extensive and include public capacity updates. Mr. Gloria asked what the time frame would be to include all of the recommendations in the project. Mr. Jablonski estimated September 2014.

Action on Consent Items 6 through 11

Ms. Cole moved to approve Consent Agenda Item Nos. 6-11. Mr. McClellan seconded the motion, and the vote was 13 to 0 in favor with Mr. Cunningham and Mr. Mathis absent.

Action on Consent Item 12

Mr. Gloria moved to return Consent Agenda Item No. 12 to MTS staff and ask for staff to return to the Board at a later date with options for increasing the capacity of the Board room. Ms. Emerald seconded the motion, and the vote was 13 to 0 in favor with Mr. Cunningham and Mr. Mathis absent.

CLOSED SESSION

24. Closed Session Items

The Board convened to Closed Session at 9:24 a.m.

- a. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION - PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.9(d)(2) (Doris Bueto - MTS Claim No. TL-11-5060-13)
- b. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54956.8;  
Property: 8650 Tech Way, San Diego, California (Assessor Parcel Nos. 369-220-85)  
Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; and Tim Allison, Manager of Real Estate Assets  
Negotiating Parties: Excel Hotel Group; Hallmark Communities, Inc.; and Dan Floit  
Under Negotiation: Price and Terms of Payment

The Board reconvened to Open Session at 9:45 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from legal counsel and gave instructions.
- b. The Board received a report from real property negotiators and gave instructions.

## NOTICED PUBLIC HEARINGS

### 25. Fiscal Year 2015 Budget: Public Hearing and Adoption

Mike Thompson, Director of Financial Planning and Analysis, provided a presentation on the fiscal year (FY) 2015 budget. He discussed the FY 2015 highlights, consolidated revenues, consolidated expenses, 5 year trends and projections for the operating budget. Mr. Thompson also provided an update on the FY 2015 contingency reserve balance.

Sharon Cooney, Chief of Staff, provided an update on the Youth Pass Pilot Program that MTS is participating in with the San Diego Unified School District and the City of San Diego. She said that as of today the school district is planning to finance \$200,000 more for the next school year. MTS has met with the school district and discussed how they want the program to look. Ms. Cooney said the school district would like to continue however they would like to try and capture which of the students who are getting the pass are not using the pass. She said they also want to cut off the program to those who are already in the program. The school district would like MTS to provide the numbers of which students are not using their passes, which students have left the school district, and which students are not attending school. She stated that the school district is currently deciding on whether they would like the program to go through the summer, instead of only through the school year. Ms. Cooney said that MTS believes we can accommodate the program by the school district's standards within the \$200,000. She also noted that the school district currently buys \$375,000 worth of transit passes for other programs within the school district, and they are trying to determine if they can add the Youth Pass Program into that existing program to help cut administrative costs. Ms. Cooney confirmed that this program will extend into the next fiscal year.

Vice Chairman Roberts asked Ms. Cooney if other school districts within the MTS region were to have an interest in the program, if they would use a similar structure as San Diego Unified School District. Ms. Cooney said they would be able to structure other programs similar to San Diego Unified School District without a fare ordinance change.

#### Public Speakers

*Maria Cortez – Mid-City CAN.* Ms. Cortez thanked MTS for the new rapid transit services. She provided a background on Mid-City CAN and stated that they would like to extend the program throughout San Diego County and eventually throughout the State. Ms. Cortez requested that the pilot program be included in the fiscal year 2015 budget. She stated that the school attendance has increased with this program and has benefited families and helped to save families money for other necessities.

*Barbara Nevarez – Mid-City CAN.* Ms. Nevarez stated that she sees the necessity for this program because it is a beneficial program for the youth. This program has helped students to maintain punctuality and look for work opportunities. The passes help to remove extra cars from the roads, which is good for the environment. She said that the passes help students participate in extra curricular activities and helps them to get home safely. Ms. Nevarez stated that she has seen people obtain the pass after seeing other students using the pass for school and extracurricular activities.

*Abdulrahim Mohamed – Mid-City CAN.* Mr. Mohamed stated that they have been working on the pass program for about three years to obtain transit passes for youth. He said the San Diego

Unified School District has now agreed to contribute \$200,000 for the program. The program received over 1,300 applications and 1/3 of the applications were pulled to be part of a controlled group for a third party independent evaluation commissioned by the school district. Mr. Mohamed said the interim evaluation report was released the previous week and showed indicators of success. He stated that safety, ridership and academic achievement were some of the key highlights in the report. They have learned a lot from the program and one of their key lessons learned was how important these passes were in giving young people the opportunity to access jobs and internships. He said they are increasing their partnerships with other youth supporting organizations and adding a transit education component to the program orientations in Fall 2014. Mr. Mohamed requested that staff add the following items to the next Board of Directors meeting in July: a promotional discount of 33% for the passes sold to the program; a feasibility study on a similar discount for all school districts to build into their program objectives, activities or measurements to increase ridership; and a roll-over of all unused and inactivated passes from the last years program to the next year.

*Emily Serafy Cox* – Ms. Serafy Cox gave up her spot to speak so Abdulrahim Mohamed could have a longer speaking slot.

*Aryeu Hernandez* – Ms. Hernandez gave up her spot to speak so Abdulrahim Mohamed could have a longer speaking slot.

*Yolanda Rodriguez* – Ms. Rodriguez gave up her spot to speak so Abdulrahim Mohamed could have a longer speaking slot.

*Deyanira Garcia* – *Mid-City CAN*. Ms. Garcia shared testimonials from Crawford High School students who participated in the Youth Pass Pilot Program.

*Jesus Doque* – *Mid-City CAN*. Mr. Doque stated that he was given a pass from the Youth Pass Pilot Program. He said that he now has a job because he is able to travel on time and does not have to rely on anyone to give him a ride.

*Margarita Roman* – Ms. Roman left the meeting and did not speak.

*Alondra Zepeda* – *San Diego High School*. Ms. Zepeda said that she was given a transit pass and is now able to travel without having to rely on anyone for a ride. She is also able to attend tutoring and extracurricular activities with her transit pass.

*Dallas Murphy* – *San Diego High School*. Ms. Murphy said the transit pass has helped her financially and with advancing in school. She is able to do more of her tutoring and community service.

*Elizabeth Segura* – *San Diego High School*. Ms. Segura said she is a student and does not have a car in her family. She stated that her and her mom both ride the bus and this pass has helped her family financially. She is thinking of doing community service during the summer and the transit pass will help her get to the places she needs to be.

#### Board Member Comments

Ms. Cooney said the MTS Board has made the policy decision that they want to support youth and have discounted the pass. The further discount would likely require a fare ordinance

change which is a SANDAG related item and would also likely trigger a Title VI analysis. MTS is going to roll-over the unused funds and is currently working with the school district to see how they would like to use those funds. She said that the school districts are already providing passes to students for various programs such as the TRACE program. Ms. Cooney stated that MTS does not discount passes on a financial basis. A recent survey showed that 70% of MTS riders live in households which make \$30,000 or less per year. Ms. Cooney said that by the next Board meeting we will have an updated report.

Mr. Gastil thanked the public speakers for their comments. He said the next generation of transit riders should be a large part of MTS discussion. Mr. Gastil stated that MTS should think of a strategy for this program going forward and for other areas of the region. He agreed that this should be included in next month's Board meeting.

Mr. Ramirez stated that there is an agency interest in creating a culture of public transit riders for youth and said he fully supports the program.

Mr. Gloria stated he likes the idea of rolling the funds over from year to year for the youth pass program due to not every pass being utilized. Mr. Gloria also commented on the overall budget. He asked why the 5 year projection is currently predicting a deficit and if that is a standard projection. Mr. Jablonski said that is a standard projection in which the numbers are used from the current year and projected out, however there will likely be other factors that occur during those years that can change the future year's budgets.

Ms. Rios said she would like to see the Youth Pass Program expanded. She would like to hear more information about the school district's discussion regarding funding. Ms. Cooney responded that the school district wants to see how the effects of this program are being felt. Personnel from the Superintendent's office are reaching out to the Principals of the schools to see what they want to do with their funding in relation to the program.

Mr. Alvarez commented on the issue of student transit passes. He said he is interested on what it would take for further fee reductions for transit passes for youth. Mr. Alvarez stated that he feels it is important to build the future ridership. He asked whether cap and trade has been calculated for the FY 2015 budget. Larry Marinesi, Chief Financial Officer, stated that cap and trade will be incorporated in the mid-year budget. Mr. Alvarez suggested that it may be an interesting experiment to do a free transit pass day for students on the first day of school. Mr. Alvarez commented on the Desert Line and asked if money can be set aside for a feasibility study regarding the Desert Line. Mr. Jablonski stated that it is likely there will be a staff report regarding an update on the Desert Line at the July Board meeting.

Mr. Ramirez commented that he has been vocal and critical of MTS on the Desert Line issue and wanted to raise a discussion on the matter. Vice Chairman Roberts stated that MTS currently has a legal binding contract with the Desert Line and will come back to the Board with a report, so the Board can have a discussion on that specific issue. Mr. Ramirez stated that he will not be supporting the budget due to his dissatisfaction on various issues. He feels there are social justice issues that need to be addressed. He believes a comprehensive study should be in order regarding those issues. He also stated that he has issues with the operations side of the organization.

Vice Chairman Roberts stated that a motion to close the public testimony is needed and once the public testimony is closed there can be a motion to approve the FY 2015 budget. Ms.

Emerald offered a motion to close the public testimony. Mr. McClellan seconded the motion, and the vote was 11 to 1 in favor, with Mr. Ramirez opposed and Messrs. Cunningham, Mathis and McNelis absent.

Mr. Alvarez commented that he wanted to clarify what he said earlier in the discussion. He said that he suggested putting aside money for a study regarding the Desert Line. He understands MTS will be giving an updated report at the July Board meeting.

Vice Chairman Roberts stated that if the budget is adopted, he suggests that during the July Board meeting there should be two focus reports on the Youth Pass Program and the Desert Line.

Mr. Gastil asked how we would fix the budget if there are budget implications that arise during the July Board meeting. Vice Chairman Roberts stated that the budget would be amended at that time.

#### Action Taken

Ms. Emerald moved to (1) hold a public hearing, receive testimony, and review and comment on the fiscal year 2015 budget information presented in this report; and (2) enact Resolution No. 14-7 adopting the operating and capital budget for MTS and approving the operating budgets for San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, Chula Vista Transit and the Coronado Ferry. Ms. Cole seconded the motion, and the vote was 11 to 1 in favor, with Mr. Ramirez opposed and Messrs. Cunningham, Mathis and McNelis absent.

#### DISCUSSION ITEMS:

30. Encanto/62nd Street Trolley Station Transit Oriented Development: Disposition and Development Agreement with AMCAL Villa Encantada Fund, L.P.

Karen Landers, General Counsel, introduced the agenda item and provided a brief description of the project. She discussed the trolley station specifications and reviewed the development proposal, development status and next steps for the project. Ms. Landers also discussed the Disposition and Development Agreement (DDA) and Ground Lease highlights for the property.

Vice Chairman Roberts added to the presentation by providing a brief overview and summary regarding this project to the newer Board members.

Ms. Cole stated that this project will be a wonderful addition to the community. Ms. Cole inquired as to what outreach efforts took place. Mario Turner of AMCAL stated that they went door to door to the neighbors living in the adjacent areas. He said they also made presentations to the Southeastern Economic Development Corporation (SEDC) Board of Directors, and stated that they are in support of the project. Ms. Cole inquired about the potential retail spot that will be located on this property. Mr. Turner stated that a coffee shop would be located at this retail spot, and also said Starbucks was on the top of their list. Ms. Cole asked what the funding would be used for from the one-time revenue money that will be paid to MTS. Ms. Landers stated that would be a decision of the MTS Board. Ms. Cole asked if there was a confirmed ground breaking date for the project. Mr. Turner stated the ground breaking will take place by November 2015.

Mr. Gloria inquired if there was an update on the issue of pedestrian safety at the property location. Ms. Landers said that AMCAL will be submitting a request with the City of San Diego to install a mid-walk crosswalk from the development site to the transit platform. She also stated that MTS will be supporting that request. Mr. Gloria stated that he is also in support of the mid-walk crosswalk.

#### Action Taken

Ms. Cole moved to approve the Disposition and Development Agreement and Ground Lease with AMCAL Villa Encantada Fund, L.P. (AMCAL). Mr. Gastil seconded the motion, and the vote was 10 to 0 in favor with Messrs. Cunningham, Mathis, McClellan, McNelis and Ms. Rios absent.

#### 33. Taxicab Contracts Renewal (TAKEN OUT OF ORDER)

Ms. Cooney discussed the amended taxicab contracts for all of the cities that MTS serves. She stated that the Board discussed the City of San Diego's contracts and the Board's negotiating principals have been incorporated into the attachment and is included in the staff recommendation. Ms. Cooney said the attached document was approved by the City Council. She also explained that the second part of the staff recommendation to the Board is to approve a 5 year extension of existing agreements for Taxicab Administration with the cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach. Ms. Cooney noted those cities have not yet approved their contracts and if there are any substantive changes to those contracts they will be brought back to the Board.

Mr. Gastil clarified that the City of Lemon Grove approved their contract on Tuesday, June 17, 2014.

Mr. Ewin stated that the City of La Mesa has the contract on their agenda for Tuesday, June 24, 2014.

#### Public Comments

*Mikail Hussein – United Taxi Workers of San Diego.* Mr. Hussein said they have come a long way and he knows the MTS Board will do the right thing. He said they are asking for the City of San Diego and MTS to take out item F in the contract. He said item F states that MTS will not expand its regulatory roles to include oversight of the taxicab permit holder and lease drivers' relationships. Mr. Hussein asked for item F to be removed and for MTS to take responsibility for the matter.

*Michel Anderson – San Diego Transportation Association.* Mr. Anderson stated that a letter was provided to all Board members from the President of the San Diego Transportation Association (SDTA) in favor of the agenda item. He acknowledged the people who attended on behalf of SDTA and who are in support of the agenda item. Mr. Anderson stated they are in support of the staff recommendations including the Ninth Amendment with the City of San Diego to extend the taxicab regulation agreement for the next five years and to do the same for the six other cities included in the recommendation. Mr. Anderson said that MTS's action, if it is successful today, will bring back the stability to the industry and remove the uncertainty from the previous year.



*Akbar Majid* – Mr. Majid gave up his spot to speak so Michel Anderson could have a longer speaking slot.

*Anthony Palmeri* – Mr. Palmeri gave up his spot to speak so Michel Anderson could have a longer speaking slot.

*Craig Rowe* – Mr. Rowe gave up his spot to speak so Michel Anderson could have a longer speaking slot.

*Tony Hueso* – Mr. Hueso gave up his spot to speak so Michel Anderson could have a longer speaking slot.

*Misgihina Gebrehiwet* – Ms. Gebrehiwet gave up her spot to speak so Michel Anderson could have a longer speaking slot.

*Fessfhaye Gebrehiwet* – Mr. Gebrehiwet gave up his spot to speak so Michel Anderson could have a longer speaking slot.

*Berhe Tadeg* – Berhe Tadeg gave up their spot to speak so Michel Anderson could have a longer speaking slot.

*George Abraham* – Mr. Abraham gave up his spot to speak so Michel Anderson could have a longer speaking slot.

*Tsegai Gebregziabha* – Tsegai Gebregziabha gave up their spot to speak so Michel Anderson could have a longer speaking slot.

*Kassahun Desta* – Kassahun Desta gave up their spot to speak so Michel Anderson could have a longer speaking slot.

*Bemnet Heilemichael* – Bemnet Heilemichael gave up their spot to speak so Michel Anderson could have a longer speaking slot.

*Margo Tanguay* – Ms. Tanguay talked about Tony Gwynn's recent passing. She also commended Judy Leitner for the great work she has done for the agency. Ms. Tanguay stated that MTS has also done a great job updating the taxi stands.

*Tamrat Lankebo* – *United Taxi Workers of San Diego*. Mr. Lankebo discussed the history of MTS's relationship with the taxicab industry. He stated that MTS needs to reform the industry and take accountability.

*Sarah Saez* – *United Taxi Workers of San Diego*. Ms. Saez discussed a fact sheet about taxi related economics which she provided to all Board members. Ms. Saez said they are concerned with section F and section 4 in the contract. They are asking to remove section F from the contract, and want to see lease caps and anti-retaliation efforts for the drivers.

*Abebe Antallo* – Mr. Antallo left the meeting and did not speak.

*Ian Sernelo* – *United Taxi Workers of San Diego*. Mr. Sernelo stated that he is an advocate of the United Taxi Workers of San Diego. He agreed that section F should be removed and said

there is a safety issue between the lease drivers and permit holders. He believes that MTS should regulate that issue.

Board Member Comments

Vice Chairman Roberts stated that there is a letter from the San Diego Transportation Association. He read the letter to the Board members and noted that the letter was included in the Board handouts.

Ms. Emerald thanked all of the public speakers for their testimony. She commented in regard to item F in the contract, stating that it does not conflict with the San Diego City Council Policy 500-02 or item 7 in the contract. Ms. Emerald noted she does not like that clause in the contract. She said it is her understanding that as part of the approved contract, MTS will immediately begin enforcing a requirement that taxicab owners provide copies of leases, contracts and receipts to drivers, and that those documents should be available to regulators upon request. Ms. Cooney stated that MTS will take that change forward and put it into Ordinance 11. She said the San Diego City Council Policy 500-02 changes that were approved by the Council in 2012 will hopefully be coming to the MTS Board by the July meeting for approval. Ms. Cooney also stated that MTS will hold owner and driver elections for the Taxicab Advisory Committee (TAC). Ms. Emerald stated that Council Policy 500-02 will include the requirement for taxicabs to have security cameras; the ability for taxicabs to accept credit cards; the implementation of a customer complaint system; and 25% of the trips must originate in under-served communities. She also noted that she would like to know whether there are currently any salvaged vehicles being operated as taxicabs.

Ms. Emerald noted that she would like to make a motion to approve the contract with the following provisions: requiring that drivers receive copies of their leases, contracts and receipts, and that those documents should be made available to regulators upon request; the intent that MTS will bring back the City Council's list of reforms under Council Policy 500-02; the owner and driver elections for the TAC; and that item F be removed from the contract.

Mr. Ewin inquired for clarification as to why the MTS Board was deciding on the matter to change items in the contract that pertain exclusively to the City of San Diego.

Ms. Emerald stated that the City of San Diego has enacted some policy changes and those changes must come to the MTS Board for ratification in concern to the suggestion of item F in the contract. This was discussed with the Council and she stated she is offering this as an amendment with regard to Council Policy 500-02.

Ms. Cooney clarified that the language in the attached contract is the exact language that was approved by the San Diego City Council.

Vice Chairman Roberts stated that he is in support of this item with the exception of removing item F, which has already been approved by the City Council.

Ms. Emerald stated that item F is not in conflict with other elements of the contract.

Mr. Gastil commented that he is in support of removing item F from the contract.

Vice Chairman Roberts asked the Board who is in favor of removing item F from the contract and then resubmitting the contract to the City Council. Ms. Emerald stated that the contract would not need to be resubmitted to the City Council. Ms. Landers stated the contract would have to go back to the City of San Diego to determine what the scope of the approval was at the City Council. She stated she is not aware that the MTS Board was given authority to amend the contract after the City Council's approval.

Ms. Emerald offered a motion to remove item F from the contract. Mr. Ramirez seconded the motion, and the vote was 6 in favor and 5 opposed with Messrs. Cunningham, Mathis, McNelis and Ms. Rios absent. Vice Chairman Roberts stated that the vote needed at least 8 members in favor to pass the motion.

Ms. Emerald offered a motion to approve the original staff recommendation with the understanding that the Board will bring back Council Policy 500-02 at next month's meeting, and that MTS will be enforcing the reforms that were enumerated by staff. Ms. Cole seconded the motion, and the vote was 6 in favor and 5 opposed with Messrs. Cunningham, Mathis, McNelis and Ms. Rios absent. Vice Chairman Roberts stated that the vote needed at least 8 members in favor to pass the motion.

Mr. Ewin offered a motion to approve all of the cities contracts in the staff recommendation except for the City of San Diego's contract. Mr. Ovrom seconded the motion. Mr. Gloria commented on the motion, stating that the City Council would like MTS to continue the Taxicab Administration even without removing item F from the contract. He stated that he would like to have the original staff recommendation approved. No vote was taken on Mr. Ewin's motion.

Vice Chairman Roberts stated that the original staff recommendation may be re-voted on due to a misunderstanding during the second motion.

#### Action Taken

Mr. Ewin moved to (1) approve the draft "Ninth Amendment to Agreement for Administration of Taxicab and Other For-Hire Vehicle Regulations Between San Diego Metropolitan Transit System and City of San Diego"; and (2) approve a five-year extension of existing agreements for Taxicab Administration with the cities of Santee, El Cajon, La Mesa, Poway, Lemon Grove, and Imperial Beach. Mr. Ovrom seconded the motion, and the vote was 10 to 1 in favor with Mr. Alvarez opposed and Messrs. Cunningham, Mathis, McNelis and Ms. Rios absent.

#### 31. Sale of Surplus Real Property: 8650 Tech Way in the City of San Diego

The report was waived.

#### Action Taken

Ms. Emerald moved to accept Dan Floit's offer to purchase 8650 Tech Way in the City of San Diego and authorize the Chief Executive Officer to enter any and all agreements to finalize the transaction for the terms outlined in the offer letter. Mr. Ovrom seconded the motion, and the vote was 11 to 0 in favor with Messrs. Cunningham, Mathis, McNelis and Ms. Rios absent.

32. Fixed-Route Bus Services - Contract Amendment

The report was waived.

Action Taken

Ms. Emerald moved to (1) authorize the Chief Executive Officer to execute Amendment 4 to MTS Doc. No. B0453.0-06 with Veolia Transportation Services, Inc. This allows the purchase of up to twenty-five model year 2007 Blue Bird 4500 diesel powered express commuter coaches and associated spare parts under the current Fixed Route Bus Services agreement; and (2) authorize an additional \$2,754,000 in contract spending authority to accommodate this procurement. This will increase the available contract spending authority from the current \$372,015,453.32, to a new total of \$374,769,453.32. Mr. Ovrom seconded the motion, and the vote was 11 to 0 in favor with Messrs. Cunningham, Mathis, McNelis and Ms. Rios absent.

REPORT ITEMS

45. Operations Budget Status Report for April 2014

The report was waived.

Action Taken

Mr. Ewin moved to receive the MTS operations budget status report for April 2014. Ms. Bragg seconded the motion, and the vote was 9 to 0 in favor with Messrs. Cunningham, Gastil, Mathis, McNelis and Misses Cole and Rios absent.

60. Chairman's Report

There was no Chairman's Report.

61. Audit Oversight Committee Chairman's Report

Mr. Ewin stated that the Audit Oversight Committee met and reviewed the preliminary audit report and is waiting to update the Board in October 2014. He said at the next meeting they will share the changes and explanations of GASB and other rules.

62. Chief Executive Officer's Report

Mr. Jablonski reported that had taken three trips since the last Board meeting. He traveled to Sacramento to work with the CTA on legislative issues; Washington DC to meet with FTA staff on Mid-Coast; and Montreal for the APTA Rail Conference. Mr. Jablonski commented that the students at UCSD recently had a ballot measure to pass a proposed \$50 per quarter transportation fee. He said out of that proposal, MTS will get \$35 of the fee in order to give every student on campus a quarterly transit pass. The ballot passed by 71% which means all students at UCSD will have access to MTS services. Mr. Jablonski also commented that the Rapid bus service started on Sunday, June 8<sup>th</sup> and the ridership has been growing since service began.

63. Board Member Communications

Mr. Ramirez commented on the Desert Line. He stated that he did not see the SDA&E income reflected in the financial records and asked for staff to answer back to him on that matter. He noted that he believes a large MTS failure has been the inability to define the public value opportunities. Mr. Ramirez commented on various matters that need to be completed to meet some of the public objectives.

Mr. Alvarez stated that he received a notice from the Air Pollution Control District about an MTS application for a gas dispensing facility at 1601 Newton Avenue. He inquired if this matter relates to an agenda item that was passed in December 2013. Mr. Marinesi responded and said this matter does not pertain to an agenda item passed in December. He said the plans are to install a gas tank in the San Diego Trolley yard for internal purposes for non-revenue vehicles and security vehicles.

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 July 17, 2014.

66. Adjournment

Vice Chairman Roberts adjourned the meeting at 12:07 p.m.



Chairperson  
San Diego Metropolitan Transit System

Filed by:

  
Clerk of the Board  
San Diego Metropolitan Transit System

Approved as to form:

  
General Counsel  
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
ROLL CALL

MEETING OF (DATE): June 19, 2014

CALL TO ORDER (TIME): 9:05 a.m.

RECESS: N/A

RECONVENE: N/A

CLOSED SESSION: 9:24 a.m.

RECONVENE: 9:45 a.m.

PUBLIC HEARING: 9:47 a.m.

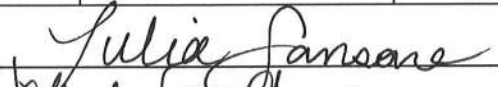
RECONVENE: 10:50 a.m.

ORDINANCES ADOPTED: N/A

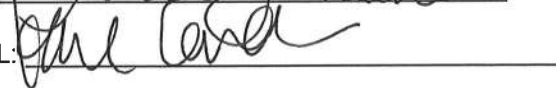
ADJOURN: 12:07 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Zapf) <input type="checkbox"/>	9:05 a.m.	12:07 p.m.
BRAGG	<input checked="" type="checkbox"/> (Bilbray) <input type="checkbox"/>	9:15 a.m.	12:07 p.m.
COLE	<input checked="" type="checkbox"/> (Zapf) <input type="checkbox"/>	9:05 a.m.	11:55 p.m.
CUNNINGHAM	<input type="checkbox"/> (Mullin) <input type="checkbox"/>		
EMERALD	<input checked="" type="checkbox"/> (Zapf) <input type="checkbox"/>	9:08 a.m.	12:07 p.m.
EWIN	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:05 a.m.	12:07 p.m.
GASTIL	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>	9:05 a.m.	11:55 p.m.
GLORIA	<input checked="" type="checkbox"/> (Zapf) <input type="checkbox"/>	9:05 a.m.	12:07 p.m.
MATHIS	<input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Ambrose) <input type="checkbox"/>	9:05 a.m.	12:06 p.m.
MINTO	<input type="checkbox"/> (McNelis) <input checked="" type="checkbox"/>	9:05 a.m.	10:20 a.m.
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>	9:05 a.m.	12:07 p.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:05 a.m.	10:56 a.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:20 a.m.	12:07 p.m.
SALAS	<input type="checkbox"/> (Ramirez) <input checked="" type="checkbox"/>	9:08 a.m.	12:07 p.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:





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

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(PLEASE PRINT)

DATE	JULY 17, 2014		
Name	JOHN L. WOOD		
Address			
Telephone			
Organization Represented			
Subject of Your Remarks			
Regarding Agenda Item No.	#3		
Your Comments Present a Position of:	<input type="checkbox"/>	<input type="checkbox"/> <b>SUPPORT</b> <input type="checkbox"/>	<input type="checkbox"/> <b>OPPOSITION</b> <input type="checkbox"/>

## 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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## 4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

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AGENDA ITEM NO.

3

## REQUEST TO SPEAK FORM

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(PLEASE PRINT)

DATE	7 17 14
Name	THOMPSON, Richard
Address	3680 Moultrie Ave (92117) Spreckels Bldg (92101) #569
Telephone	619 519 9187
Organization Represented	
Subject of Your Remarks	Trolley Cops
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input type="checkbox"/> <input type="checkbox"/> <b>SUPPORT</b> <input type="checkbox"/> <b>OPPOSITION</b>

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MTS Board {"TROLLEY COPS"} review use-of-force by armed transit enforcement personnel 7/17/14 Testimony by Richard Thompson 3680 Moultrie Avenue San Diego California 92117 (619)519-9187:

MTS should conduct its own use-of-force review concentrating on Code Compliance Inspectors and Trolley Cops.

Code Compliance Inspectors are classified as public officers with powers of arrest, are non-sworn, and unarmed.

MTS contracts for Security Officers (also known as Trolley Cops). While the Transit Enforcement Sheet provided at the 12th floor office here says that CCIs and Security "inspect millions of the more than 81 million annual riders," ~elsewhere, the San Diego Trolley Sheet says that the efforts of "transit enforcement" result in nearly 98% of "the 37 million patrons having proper fares." [Furthermore] "Security Officers are posted at various stations and perform system-wide patrols making arrests as necessary." There's a big difference between 53 light rail stations over 53 miles carrying 37 million annual passengers and the 725 buses directly operating 25 routes with an additional 67 routes operated by private contractors."

Buses carry 44 million annual passengers.

There's a woman with a clipboard who goes around collecting information on trolley passengers. She has an MTS ID card pinned to her blouse. She doesn't have a German Shepard. Nor a gun. She asks every passenger to take out their passes from their wallet for her inspection. Transit riders always treat her with courtesy and obey. I don't own a car. I ride public transit an average of four times daily. My monthly senior pass costs \$18 so each individual trip costs me a dime. My concern is with the trolley cops who lie in wait at the top of the escalator at San Diego State Station and force me to crash into others while we await inspection. Undercover trolley cops jumped up and pulled out their badges between stations demanding proof-of-payment (as happened to me July 3, 2014 in the late afternoon on the Blue Line between Fashion Valley and Linda Vista/Moraga). I know this Honourable Board is trying to save a buck (which is why you contract out public transportation services to private firms). I personally am unable to distinguish between buses operated by private contractors, as opposed to those operated under public ownership. But you made a mistake leasing to a for-profit railroad. Surveillance cameras are used in every trolley car as they are in buses. All bus drivers wear uniforms; they don't carry concealed weapons. I always thank bus drivers for a safe trip. Trolley Cops' **use-of-force** scares me. Once they start shooting the bullets will ricochet. The possibility of ricochet is one of the reasons for the common firearms safety rule: "Never shoot at a flat, hard surface."



AGENDA ITEM NO.

3

## REQUEST TO SPEAK FORM

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(PLEASE PRINT)

DATE	7-17-14		
Name	Joan Steward		
Address	3852 4TH AVE, SD CA		
Telephone	619 961 8602		
Organization Represented			
Subject of Your Remarks	Bus Stop 12027		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

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## 3. DISCUSSION OF AGENDA ITEMS

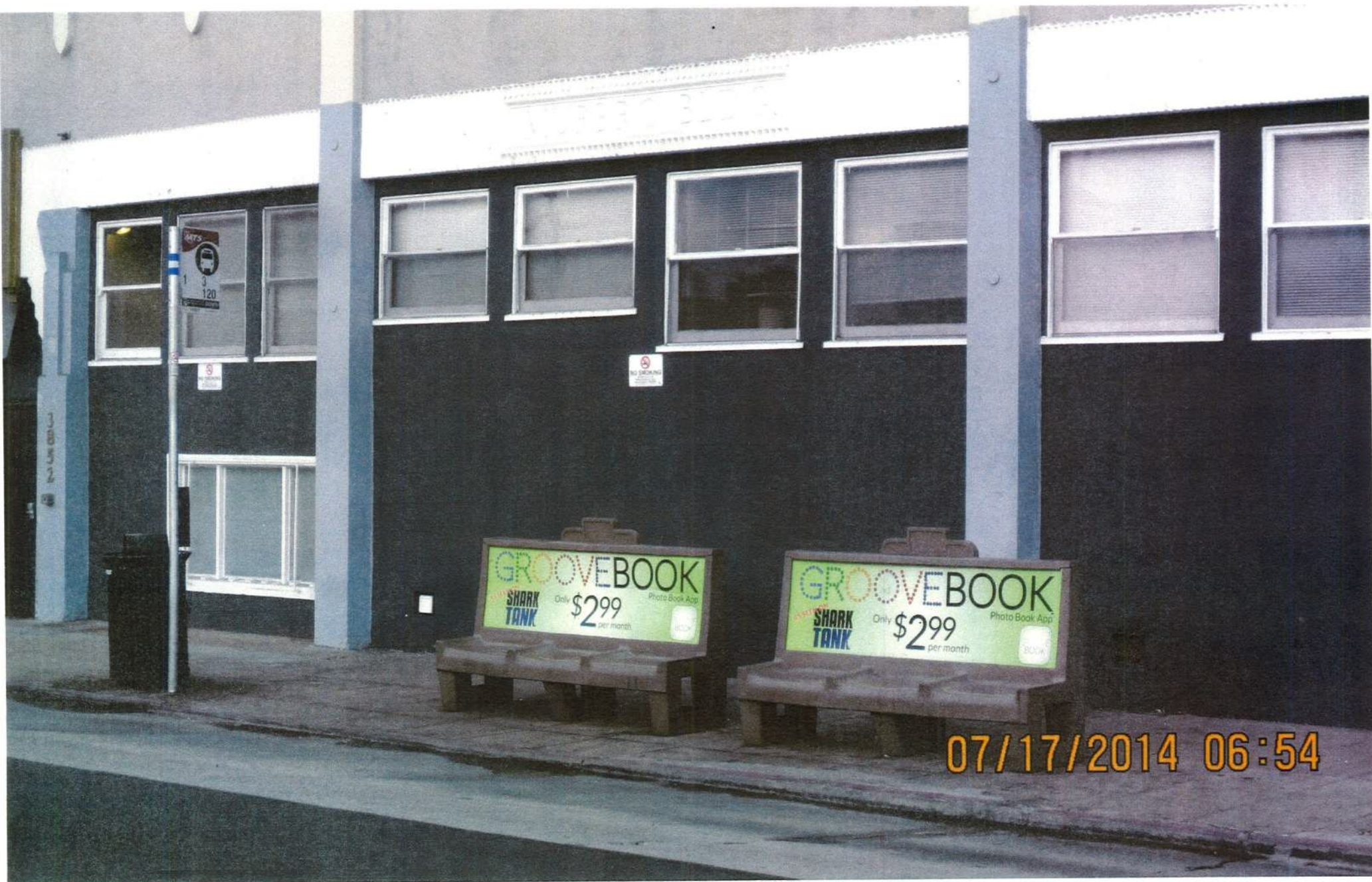
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Bus STOP 12027

4TH & UNIVERSITY

Public Speaker #3



A photograph of a concrete sidewalk composed of large rectangular slabs. The sidewalk shows significant damage, including a deep longitudinal crack on the left side and several smaller cracks and surface pitting. A rectangular metal grate is visible in the upper center. On the right, a person's leg in blue jeans and a black shoe is partially visible, standing near a dark metal structure. A date and time stamp in orange text is located in the bottom right corner.

07/16/2014 08:38









AGENDA ITEM NO.

3

## REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

4

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(PLEASE PRINT)

DATE	7-17-14		
Name	SHEILA KAZANIANE		
Address	3852 4TH AVE		
Telephone	858 456 2167		
Organization Represented			
Subject of Your Remarks	BUS STOP 12027		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> <b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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**REMOVE OR RELOCATE SDMTS BUS STOP #12027**

**MY CONTACT INFORMATION: MRS. SHEILA KAZEMAINI, UCLICK PROPERTIES, LLC  
7736 FAY AVENUE, SUITE 201, LA JOLLA, CA 92037  
OFFICE TEL: 858-456-0440  
CELL: 858-456-2167  
EMAIL: UCLICKPROPERTIES@AOL.COM**

**APARTMENT BUILDING ADDRESS: 3852 FOURTH AVE, SAN DIEGO, CA 92103**

At your board meetings the last two months, I have spoken about my request to remove or relocate a San Diego MTS bus stop #12027, which is directly in front of my apartment building at 3852 Fourth Avenue, San Diego, CA 92103, in the Hillcrest area. **I brought to your attention the health and safety issues the bus stop is creating for my tenants. Since then, absolutely nothing has been done to alleviate or resolve this situation for the families that live in this building.**

**I have asked SDMTS repeatedly - over the phone, in writing via email, and by coming here to address you at your board meetings, to ask you to come up with a solution that is beneficial to both the bus riders and the families that live in this building.**

**I'm here again today to ask for your help in taking action to resolve this serious matter.**

**Surely, with all of the all of the smart and experienced people that SDMTS employs, all of the years of experience that SDMTS has been in transit operation, and all of the experienced engineers that SDMTS employs, then SDMTS can come up with a better location for a such a busy and high-use bus stop than 7 feet from people's homes - 7 feet from their bedrooms, kitchens, and living rooms.**

**In response to my repeated requests, Paul Jablonski has stated that the bus stop has been there a long time. But just because something has been done for a long time, does not make it right. Drunk driving was not enforced in the past, but it doesn't mean it was right. Our society has realized the error and corrected it, and we now enforce drunk driving. The same needs to be done with this bus stop. The stop should have never been put there in the first place.**

**Paul Jablonski states that this is a high ridership bus stop. This is EXACTLY our point. This bus stop has a bus stopping there every six minutes, 195 times a day, 19 ½ hours a day, approximately 1200 times per week, only 7 feet from my tenant's homes. The reason it is a high ridership bus stop is because the buses stop there so many times a day, so many hours a day. If the bus stop was moved 50 feet down to the north corner of Fourth Avenue and Robinson Avenue, it would still be a high ridership bus stop. It would just be in front of a commercial building (with no apartments), with a much wider sidewalk, and it would eliminate the impact on any apartments. It would also save SDMTS money because you could eliminate two stops (stop 12027 and stop 12025) and create one more central stop. The costs of building the new stop would be recouped from the savings that are gained by eliminating one of the stops, therefore making the bus routes more efficient.**

**Is the ridership of SDMTS patrons more important than people's health? Is the ridership worth exposing my tenants to poison that will harm their health - poison from the exhaust particulates and carbon monoxide fumes? Is it more important than allowing the tenants to have some peace and quiet within their homes? It seems as though SDMTS only cares about money, no matter whom they have to hurt in the process. Apparently, SDMTS can put a price tag on someone's health and safety, and that price tag is the cost of removing or relocating this bus stop.**

**By not addressing the issues, and moving or re-locating this bus stop, San Diego MTS is being negligent. The only solution is to move or re-locate the bus stop. Don't put the costs ahead of health.**



AGENDA ITEM NO.

3

## REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

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(PLEASE PRINT)

DATE	7-17-14		
Name	CHRISTINA MEINEKE		
Address	3852 4TH AVE		
Telephone	619 550 8049		
Organization Represented			
Subject of Your Remarks	BUS STOP 12027		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

## 2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

## Agenda Item No. 6

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

JULY 17, 2014

#### SUBJECT:

INVESTMENT REPORT – MAY 2014

#### 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 May 31, 2014. The combined total of all investments has increased from \$187.2 million to \$192.1 million in the current month. This \$4.9 million increase is attributable to \$5.1 million in STA revenue, \$2.8 million in FTA revenue, expenditures of \$3.1 million for acquisition of capital assets, as well as normal timing differences in other payments and receipts.

The first column provides details about investments restricted for capital improvement projects and debt service, which are related to the 1995 lease and leaseback transactions. The funds restricted for debt service are structured investments with fixed returns that will not vary with market fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities.

The second column, unrestricted investments, reports the working capital for MTS operations allowing payments for employee payroll and vendors' goods and services.

  
Paul C. Jablonski  
Chief Executive Officer

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

Attachment: A. Investment Report for May 2014



**San Diego Metropolitan Transit System  
Investment Report  
May 31, 2014**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<b>Average rate of return</b>
Cash and Cash Equivalents				
JP Morgan Chase - concentration account	-	27,695,117	27,695,117	0.00%
Total Cash and Cash Equivalents	-	27,695,117	27,695,117	
Cash - Restricted for Capital Support				
US Bank - retention trust account	8,669,382	-	8,669,382	N/A *
San Diego County Investment Pool Proposition 1B TSGP grant funds	3,971,885	468,371	4,440,256	
Total Cash - Restricted for Capital Support	12,641,267	468,371	13,109,638	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	18,474,806	14,741,464	33,216,270	0.228%
Total Investments - Working Capital	18,474,806	14,741,464	33,216,270	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	39,413,888	-	39,413,888	
Rabobank - Payment Undertaking Agreement	78,692,891	-	78,692,891	7.69%
Total Investments Restricted for Debt Service	118,106,779	-	118,106,779	
Total cash and investments	<u>\$ 149,222,852</u>	<u>\$ 42,904,952</u>	<u>\$ 192,127,804</u>	

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



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

## Agenda Item No. 7

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

July 17, 2014

#### SUBJECT:

INCREASED AUTHORIZATION FOR LEGAL SERVICE CONTRACTS TO PAY  
PROJECTED EXPENSES IN FISCAL YEAR 2015

#### RECOMMENDATION:

That the Board of Directors:

- 1) Approve increasing the dollar amount of 13 legal services contracts to cover fiscal year 2015 expenses; and
- 2) Ratify two legal services contract amendments with approved firms.

#### Budget Impact

Sufficient funding has been programmed to pay these expenses in the current operating and capital budgets. The departments from which these expenses are drawn include: Risk & Claims, Real Estate, General Counsel, and Human Resources with the exception of Duane Morris legal firm, which is drawn from the San Diego Transit Corporation (SDTC) Employee Retirement Plan.

#### DISCUSSION:

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

On December 8, 2011, the Board established a panel of qualified law firms to assist the Metropolitan Transit System (MTS), San Diego Trolley, Inc. (SDTI) and SDTC with various legal matters on an as-needed basis. Thereafter, MTS began contracting with eighteen of the approved firms for designated amounts. The firms provide different specialties of law, such as tort liability, workers' compensation, employment practices, real estate, environmental, etc. Thirteen of these firms will require contract increases to



pay current and anticipated legal expenses in fiscal year 2015. Rather than coming to the Board individually with each firm when the contract allowance runs low, staff now requests Board approval on an annual basis at the start of each fiscal year.

The contract increases are based upon each firm's current caseload, the likelihood that a particular case may go to trial, and anticipated future litigation assigned to these firms in the current fiscal year. The following table includes the contracts needing Board approval to increase the dollar amount for legal services contracts for fiscal year 2015:

#	Firm Name	Contract/ Amendment No.	Current Contract Amount	Proposed Increase Amount	Total Contract Amount	Attachment
1	Best Best & Krieger	G1422.2-12	\$310,000	\$90,000	\$400,000	A
2	David C. Skyer, APC	G1423.3-12	\$440,000	\$170,000	\$610,000	B
3	Liebman, Quigley, Sheppard and Soulema APLC	G1425.3-12	\$195,000	\$70,000	\$265,000	C
4	Mark H. Barber (Law Offices of)	G1426.3-12	\$285,000	\$90,000	\$375,000	D
5	Michael E. Ripley	G1428.3-12	\$320,000	\$110,000	\$430,000	E
6	Paul, Plevin, Sullivan & Connaughton, LLP	G1430.4-12	\$430,000*	\$150,000	\$580,000	F
7	Ryan Carvalho & White, LLP	G1432.4-12	\$360,000	\$100,000	\$460,000	G
8	Trovillion, Inveiss & Demakis, APC	G1433.4-12	\$225,000	\$80,000	\$305,000	H
9	Wheatley Bingham & Baker, LLP	G1434.3-12	\$790,000	\$420,000	\$1,210,000	I
10	Laughlin, Falbo, Levy & Moresi, LLP	G1455.3-12	\$130,000*	\$90,000	\$220,000	J
11	Liedle, Lounsbery, Larson & Lidl, LLP	G1490.2-13	\$150,000	\$110,000	\$260,000	K
12	Manning & Kass, Ellrod, Ramirez, Trester, LLP	G1491.2-13	\$85,000	\$30,000	\$115,000	L
13	Duane Morris	G1716.1-14	\$50,000	\$25,000	\$75,000	M
<b>Totals</b>			<b>\$3,770,000</b>	<b>\$1,535,000</b>	<b>\$5,305,000</b>	

\* Reflects the total contract value, including FY15 increases described in the chart below.

Today's action would also ratify increases to two legal services contracts authorized by the CEO in fiscal year 2014. The following table includes the two legal services contracts needing Board ratification for current and future legal expenses through fiscal year 2015.

#	Firm Name	Contract/ Amendment No.	Original Contract Amount	Amended Amount	Current Contract Amount	Attachment
1	Paul, Plevin, Sullivan & Connaughton, LLP	G1430.3-12	\$370,000	\$60,000	\$430,000	F-1
2	Laughlin, Falbo, Levy & Moresi, LLP	G1455.2-13	\$110,000	\$20,000	\$130,000	J-1

CONCLUSION:

Staff is requesting that the Board of Directors: (1) approve increasing the dollar amount of 13 legal services contracts; and (2) ratify two legal services contracts with approved firms for current and future legal expenses through fiscal year 2015.

  
Paul C. Jablonski  
Chief Executive Officer

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

Attachment A:	Draft MTS Doc. No. G1422.2-12
Attachment B:	Draft MTS Doc. No. G1423.3-12
Attachment C:	Draft MTS Doc. No. G1425.3-12
Attachment D:	Draft MTS Doc. No. G1426.3-12
Attachment E:	Draft MTS Doc. No. G1428.3-12
Attachment F:	Draft MTS Doc. No. G1430.4-12
Attachment F-1:	MTS Doc. No. G1430.3-12
Attachment G:	Draft MTS Doc. No. G1432.4-12
Attachment H:	Draft MTS Doc. No. G1433.4-12
Attachment I:	Draft MTS Doc. No. G1434.3-12
Attachment J:	Draft MTS Doc. No. G1455.3-12
Attachment J-1:	MTS Doc. No. G1455.2-12
Attachment K:	Draft MTS Doc. No. G1490.2-13
Attachment L:	Draft MTS Doc. No. G1491.2-13
Attachment M:	Draft MTS Doc. No. G1716.1-14

DRAFT

July xx, 2014

MTS Doc. No. G1422.2-12  
LEG 491 (PC 50633)

Best Best & Krieger, LLP  
Mr. Bruce W. Beach  
Equity Partner  
655 West Broadway, 15<sup>th</sup> Floor  
San Diego, CA 92101

Dear Mr. Beach:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1422.0-12; LEGAL SERVICES – ALL AREAS  
OF MTS OPERATION

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

#### SCOPE

Continue to provide general legal advice and services for all areas of MTS operation in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1422.0-12.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$90,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$400,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Bruce W. Beach  
Best Best & Krieger, LLP

JULY2014.G1422.2-12.BBK.doc

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

Cc: K. Landers, S. Lockwood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1423.3-12  
LEG 491 (PC 50633)

David C. Skyer, APC  
Mr. David C. Skyer  
Attorney  
401 West A Street, Suite 1740  
San Diego, CA 92101-7994

Dear Mr. Skyer:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1423.0-12; LEGAL SERVICES – GENERAL  
AND TORT LIABILITY

This shall serve as Amendment No. 3 to our agreement for the legal services as further described below.

#### STATEMENT OF WORK

Continue to represent and defend MTS, SDTC, and SDTI in tort liability matters in accordance with the terms and conditions as stated on MTS Doc No. G1423.0-12.

#### SCHEDULE

There is no change to the term of this agreement.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$170,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$610,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
David C. Skyer, Attorney  
David C. Skyer, APC

JULY2014.G1423.3-12.DAVIDSKYER.LEGAL.doc

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

Cc: S. Lockwood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1425.3-12  
LEG 491 (PC 50633)

Liebman, Quigley, Sheppard & Soulema, APLC  
Mr. James J. Rij  
Managing Partner  
501 West Broadway, Suite 1870  
San Diego, CA 92101-3542

Dear Mr. Rij:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1425.0-12; LEGAL SERVICES – GENERAL  
TORT LIABILITY, AND CIVIL RIGHTS

This shall serve as Amendment No. 3 to our agreement for the legal services as further described below.

#### STATEMENT OF WORK

Continue to represent and defend MTS, SDTC, and SDTI in tort liability matters in accordance with the terms and conditions as stated on MTS Doc No. G1425.0-12.

#### SCHEDULE

There is no change to the term of this agreement.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$70,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$265,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
James R. Rij, Managing Partner  
Liebman, Quigley, Sheppard & Soulema, APLC

JULY2014.G1425.3-12.LQSS.LEGAL.doc

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

Cc: S. Lockwood, C. Aquino, Procurement File



DRAFT

July xx, 2014

MTS Doc. No. G1426.3-12  
LEG 491 (PC 50633)

Law Offices of Mark H. Barber  
Mr. Mark H. Barber  
Managing Attorney/Owner  
2727 Camino del Rio South, Suite 220  
San Diego, CA 92108

Dear Mr. Barber:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1426.0-12; LEGAL SERVICES – WORKER'S  
COMPENSATION

This shall serve as Amendment No. 3 to our agreement for the legal services as further described below.

#### SCOPE

Continue to provide legal services – worker's compensation in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1426.0-12.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$90,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$375,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Mark H. Barber  
Law Offices of Mark H. Barber

JULY2014.G1426.3-12.MARK H. BARBER.doc

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

Cc: K. Landers, S. Lockwood, A. Liebengood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1428.3-12  
LEG 491 (PC 50633)

Michael E. Ripley  
Mr. Michael Ripley  
Attorney/Proprietor  
12520 High Bluff Dr., Suite 110  
San Diego, CA 92130

Dear Mr. Ripley:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1428.0-12; LEGAL SERVICES – GENERAL  
AND TORT LIABILITY

This shall serve as Amendment No. 3 to our agreement for the legal services as further described below.

#### STATEMENT OF WORK

Continue to represent and defend MTS, SDTC, and SDTI in tort liability matters in accordance with the terms and conditions as stated on MTS Doc No. G1428.0-12.

#### SCHEDULE

There is no change to the term of this agreement.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$110,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$430,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

Michael E. Ripley, Attorney/Proprietor  
Michael E. Ripley

JULY2014.G1428.3-12.M.RIPLEY.LEGAL.doc

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

Cc: S. Lockwood, K. Landers, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1430.4-12  
LEG 491 (PC 50633)

Paul, Plevin, Sullivan, and Connaughton, LLP  
Mr. J. Rod Betts  
Partner  
101 W. Broadway, 9<sup>th</sup> Floor  
San Diego, CA 921081

Dear Mr. Betts:

Subject: AMENDMENT NO. 4 TO MTS DOC. NO. G1430.0-12; LEGAL SERVICES – LABOR AND  
EMPLOYMENT, ADA, CIVIL RIGHTS AND PUBLIC ENTITY

This shall serve as Amendment No. 4 to our agreement for the legal services as further described below.

#### SCOPE

Continue to provide legal services – labor and employment, ADA, civil rights and public entity law in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1430.0-12.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$150,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$580,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
J. Rod Betts  
Paul, Plevin, Sullivan and Connaughton, LLP

JULY2014.G1430.4-12.PAULPLEVIN.doc

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

Cc: K. Landers, J. Stumbo, S. Lockwood, B. Shannon, A. Crowhurst, C. Aquino, Procurement File



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

ORIGINAL

May 5, 2014

MTS Doc. No. G1430.3-12  
LEG 491 (PC 50633)

Paul, Plevin, Sullivan, and Connaughton, LLP  
Mr. J. Rod Betts  
Partner  
101 W. Broadway, 9th Floor  
San Diego, CA 921081

Dear Mr. Betts:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1430.0-12; LEGAL SERVICES – LABOR AND EMPLOYMENT, ADA, CIVIL RIGHTS AND PUBLIC ENTITY

This shall serve as Amendment No. 3 to our agreement for the legal services as further described below.

#### SCOPE

Continue to provide legal services – labor and employment, ADA, civil rights and public entity law in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1430.0-12.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$60,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$430,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "Original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul G. Jablonski'.

Paul G. Jablonski  
Chief Executive Officer

LMARQUIS-CL  
CL-G1430.3-12.PPSCLLP.CAQUINO.050514

Agreed:

A handwritten signature in black ink, appearing to read 'J. Rod Betts'.

J. Rod Betts  
Paul, Plevin, Sullivan and Connaughton, LLP

Date: 5/13/14

Cc: K. Landers, J. Stumbo, S. Lockwood, B. Shannon, A. Crowhurst, C. Aquino, Procurement File

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 Village Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



DRAFT

July xx, 2013

MTS Doc. No. G1432.2-12  
LEG 491 (PC 50633)

Ryan Mercaldo LLP  
Mr. Norman Ryan  
Attorney  
3636 Nobel Dr., Suite 200  
San Diego, CA 92122-1063

Dear Mr. Ryan:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1432.0-12; LEGAL SERVICES – GENERAL  
LIABILITY, LABOR EMPLOYMENT, CONSTRUCTION AND INSURANCE LAW

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

#### STATEMENT OF WORK

Continue to provide legal services – general liability, labor and employment law, construction and insurance law in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1432.0-12.

#### SCHEDULE

There is no change to the term of this agreement.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$180,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$360,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Norman Ryan, Attorney  
Ryan Mercaldo LLP

JULY2013.G1432.2-12.RYANMERCALDO.LEGAL.doc

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

Cc: K. Landers, S. Lockwood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1433.4-12  
LEG 490 (PC 50633)

Trovillion, Inveiss and Demakis, APC  
Ms. Nicole Demakis  
Partner  
1010 Second Ave., Suite 1600  
San Diego, CA 92101

Dear Ms. Demakis:

Subject: AMENDMENT NO. 4 TO MTS DOC. NO. G1433.0-12; LEGAL SERVICES – WORKER’S  
COMPENSATION

This shall serve as Amendment No. 4 to our agreement for the legal services as further described below.

SCOPE

Continue to provide legal services – worker’s compensation in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1433.0-12.

SCHEDULE

There shall be no change to the schedule of this contract.

PAYMENT

This contract amendment shall authorize additional costs not to exceed \$80,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$305,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked “original” to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

Nicole Demakis  
Trovillion, Inveiss and Demakis, APC

JULY2014.G1433.4-12.TROVILLIONINVEISSDEMAKIS.doc

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

Cc: K. Landers, S. Lockwood, A. Liebengood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1434.3-12  
LEG 491 (PC 50633)

Wheatley Bingham & Baker, LLP  
Mr. Roger P. Bingham  
Partner  
1201 Camino Del Mar, Suite 201  
Del Mar, CA 92014

Dear Mr. Bingham:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1434.0-12; LEGAL SERVICES – GENERAL & TORT LIABILITY

This shall serve as Amendment No. 3 to our agreement for the legal services as further described below.

#### SCOPE

Continue to provide legal services – general & tort liability in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1434.0-12.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$420,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$1,210,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Roger P. Bingham  
Wheatley Bingham & Baker, LLP

JULY2014.G1434.3-12.WBB.doc

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

Cc: K. Landers, S. Lockwood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1455.3-12  
LEG 491 (PC 50633)

Laughlin, Falbo, Levy & Moresi LLP  
Ms. Marijo Kuperman, Esq.  
Managing Partner  
600 B Street, Suite 2300  
San Diego, CA 92101

Dear Ms. Kuperman:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. G1455.0-12; LEGAL SERVICES – WORKER'S  
COMPENSATION

This shall serve as Amendment No. 3 to our agreement for the legal services as further described below.

SCOPE

Continue to provide legal services – worker's compensation in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1455.0-12.

SCHEDULE

There shall be no change to the schedule of this contract.

PAYMENT

This contract amendment shall authorize additional costs not to exceed \$90,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$220,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Marijo Kuperman  
Laughlin, Falbo, Levy & Moresi LLP

JULY2014.G1455.3-12.LFLM.doc

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

Cc: K. Landers, S. Lockwood, C. Aquino, Procurement File





Metropolitan Transit System

Att. J-1, AI 7, 7/17/14

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

ORIGINAL

May 7, 2014

MTS Doc. No. G1455.2-12  
LEG 491 (PC 50633)

Laughlin, Falbo, Levy & Moresi LLP  
Ms. Marijo Kuperman, Esq.  
Managing Partner  
600 B Street, Suite 2300  
San Diego, CA 92101

Dear Ms. Kuperman:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1455.0-12; LEGAL SERVICES – WORKER'S  
COMPENSATION

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

#### SCOPE

Continue to provide legal services – worker's compensation in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1455.0-12.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$20,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$130,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "Original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Paul C. Jablonski  
Chief Executive Officer

LMARQUIS-CL  
CL-G1455.2-12.LAUFALLEVMOR.CAQUINO.050714

Agreed,

Marijo Kuperman  
Laughlin, Falbo, Levy & Moresi LLP

Date:

5/19/2014

Cc: K. Landers, S. Lockwood, C. Aquino, Procurement File

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

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



DRAFT

July xx, 2014

MTS Doc. No. G1490.2-13  
LEG 491 (PC 50633)

Liedle, Lounsbery, Larson & Lidl, LLP  
Mr. Matthew J. Liedle  
Managing Partner  
12520 High Bluff Dr., Suite 200  
San Diego, CA 92130

Dear Mr. Liedle:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1490.0-13; LEGAL SERVICES – GENERAL LIABILITY, LABOR AND EMPLOYMENT LAW, CONSTRUCTION CONTRACTS AND CLAIMS, AMERICANS WITH DISABILITIES ACT (ADA), AND CIVIL RIGHTS

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

#### SCOPE

Continue to provide legal services – general liability, labor and employment law, construction contracts and claims, Americans with Disabilities Act (ADA), and civil rights in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1490.0-13.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$110,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$260,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

Matthew J. Liedle, Managing Partner  
Liedle, Lounsbery, Larson & Lidl, LLP

JULY2014.G1490.2-13.LLLL.doc

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

Cc: K. Landers, S. Lockwood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1491.2-13  
LEG 491 (PC 50633)

Manning & Kass, Ellrod, Ramirez, Trester, LLP  
Ms. Marguerite Lieu Jonak  
Partner  
550 West C Street, Suite 900  
San Diego, CA 92101

Dear Ms. Jonak:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. G1491.0-13; LEGAL SERVICES – GENERAL LIABILITY, WORKER'S COMPENSATION, LABOR AND EMPLOYMENT LAW, CONSTRUCTION CONTRACTS AND CLAIMS, AMERICANS WITH DISABILITIES ACT (ADA), CIVIL RIGHTS, CRIMINAL LAW, AND REAL ESTATE

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

#### SCOPE

Continue to provide legal services – general liability, worker's compensation, labor and employment law, construction contracts and claims, Americans with Disabilities Act (ADA), civil rights, criminal law, and real estate in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1491.0-13.

#### SCHEDULE

There shall be no change to the schedule of this contract.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$30,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$115,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked "original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Marguerite Lieu Jonak  
Manning & Kass, Ellrod, Ramirez, Trester, LLP

JULY2014.G1491.2-13.MANNING&KASS.doc

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

Cc: K. Landers, S. Lockwood, C. Aquino, Procurement File

DRAFT

July xx, 2014

MTS Doc. No. G1716.1-14  
LEG 491 (PC 50633)

Duane Morris, LLP  
Ms. Lisa Merrill  
Attorney  
750 B Street, Suite 2900  
San Diego, CA 92101

Dear Ms. Merrill:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. G1716.0-14; LEGAL SERVICES – “OTHER”  
(FINANCE LAW RELATED TO THE SDTC PENSION PLAN)

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

#### STATEMENT OF WORK

Continue to provide legal services – “other” (finance law related to the SDTC Pension Plan) in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1716.0-14.

#### SCHEDULE

There is no change to the term of this agreement.

#### PAYMENT

This contract amendment shall authorize additional costs not to exceed \$25,000 for legal services. The total value of this contract including this amendment shall be in the amount of \$75,000. This amount shall not be exceeded without written approval from MTS.

Please sign and return the copy marked “original” to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Lisa Merrill, Attorney  
Duane Morris, LLP

JULY2014.G1716.1-14.DUANEMORRIS.LEGAL.doc

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

Cc: L. Marinesi, J. Sansone, K. Landers, S. Lockwood, C. Aquino, Procurement File



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

## Agenda Item No. 8

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

July 17, 2014

SUBJECT: CALNET TELECOMMUNICATIONS AMENDMENT

#### RECOMMENDATION:

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

1. Authorize funding of up to \$600,000.00 for MTS telecommunications services during the transition period between the State of California's CALNET II and CALNET III telecommunications contract; and
2. Authorize up to \$4,031,000.00 for MTS telecommunications services using the State of California's CALNET III telecommunications contract from July 1, 2015 through June 30, 2020.

#### Budget Impact

The total amount of the purchase order is \$4,631,000 and is funded for fiscal years 2015 through 2020 under the MTS annual operating budget 902-55510.

#### DISCUSSION:

CALNET is a competitively procured telecommunications services agreement awarded by the State of California and is available for all State and local government agencies to use when they are in need of such telecommunication services including, but not limited to, long distance services, toll free services, network audio and web conferencing services, central office exchange services, data transmission services, business access lines, and multi-protocol label switching. By participating in CALNET, agencies receive substantial discounts on telecommunication services, and MTS has participated in this master services agreement since 2009. In January 2014, CALNET II expired and the



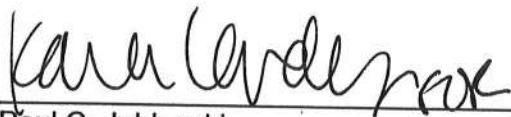
transitional period to CALNET III began. This 18-month transitional period will allow the State of California to finalize the services that will be available on CALNET III.

Budget was previously approved by the MTS Board of Directors (\$556,725) and additional spending was included under the CEO's authority (\$96,000) and has provided funding through May 2014. Staff requests the Board of Directors to authorize funding of up to \$600,000.00 for MTS telecommunications services during the transition period between the State of California's CALNET II and CALNET III telecommunications contract. This will provide coverage for fiscal year 2015.

The Federal Transit Administration (FTA), through its Circular 4220.1F, Page V-2, Section 4 encourages its grantees to enter into state and intergovernmental agreements for the purchase of goods and services.

CALNET III will be fully operational by June 2015 and the transition to CALNET III is underway. Staff projections for fiscal year 2016 through 2020 include 10% increases in service utilization due to facility and service level expansion.

Fiscal Year	CALNET II Transition	CALNET III
2015	\$ 600,000	\$ -
2016	-	660,000
2017	-	726,000
2018	-	799,000
2019	-	879,000
2020	-	967,000
	<u>\$ 600,000</u>	<u>\$ 4,031,000</u>



Paul C. Jablonski  
Chief Executive Officer

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



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## Agenda Item No. 9

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

July 17, 2014

#### SUBJECT:

MTS LRV ACCIDENT AND VANDALISM BODY REPAIR SERVICES - CONTRACT  
AWARD

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1193.0-14 (in substantially the same format as Attachment A) with Carlos Guzman, Inc. (CGI) for the provision of LRV accident and vandalism body repair services for a five-year period.

#### Budget Impact

The value of this agreement will not exceed \$7,790,322.00. Funding will be from the SDTI operating budget accounts 355-53510 and 355-53610 for each respective fiscal year. The forecast of annual expenses are as follows:

Fiscal Year 2015	= \$1,738,800.00
Fiscal Year 2016	= \$1,561,140.00
Fiscal Year 2017	= \$1,500,282.00
Fiscal Year 2018	= \$1,458,600.00
Fiscal Year 2019	= \$1,531,500.00
<b>Grand Total</b>	<b>= \$7,790,322.00</b>

#### DISCUSSION:

MTS Policy No. 52 governing the procurement of goods and services requires a formal competitive process for procurements exceeding \$100,000.

A Request for Proposals (RFP) was issued on May 8, 2014. Four (4) responsive and responsible proposals were received from Complete Coach Works, Carlos Guzman,

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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.

Inc., Lakeside Paint and Body, and Roman's Truck Body & Paint by the due date of June 6, 2014.

An evaluation committee consisting of MTS staff evaluated the proposals on the following published criteria:

Qualifications of the Firm or Individual	= 30 Possible Points
Staffing, Organization and Management Plan	= 20 Possible Points
Work Plan	= 25 Possible Points
Cost and Price	= 25 Possible Points
<b>TOTAL</b>	<b>= 100 Points</b>

The results were as follows:

Complete Coach Works	=	72.17 points
Carlos Guzman Inc	=	87.69 points
Lakeside Paint and Body	=	53.96 points
Roman's Truck Body & Paint	=	71.00 points

After considering the technical requirements of the RFP and reviewing the price proposals, the evaluation team determined that CGI's offer presented the best value to MTS. Staff then requested a best and final offer to which Guzman responded with a \$79,443.00 downward adjustment in its final price offer. This reduced the proposed total price from the original \$7,869,765.00 to a revised \$7,790,322.00, bringing it to 6.75% below the independent cost estimate.

This contract shall be on a fixed hourly rate based on documented historical experience and is comparable to current and past agreements. Actual expenses may fluctuate depending upon the volume of repairs from vandalism and accidents. In previous years MTS has experienced periods of higher than anticipated need for repairs due to increased rates of vandalism and more extensive damages to the trolleys from accidents. This accelerated the available spend capacity in the previous contract making it necessary for staff to seek approval for additional expense authority. Staff will closely monitor vandalism and accident rates during this contract's performance period. As needed, staff may request the Board for additional expense authority to ensure the agency is able to adequately respond to potential increases in repair needs.

  
Paul C. Jablonski  
Chief Executive Officer

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

Attachment: A. Draft Standard Services Agreement; Contract L1193.0-14  
B. Cost Summary  
C. Cost and Pricing Forms



## ATTACHMENT A

**DRAFT**

**STANDARD SERVICES AGREEMENT  
FOR  
LRV ACCIDENT & VANDALISM BODY REPAIR SERVICES**

<b>L1193.0-14</b> <b>CONTRACT NUMBER</b>
<b>OPS 970.2</b> <b>FILE/PO NUMBER(S)</b>

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2014, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Carlos Guzman Inc. Address: 1619 Creston Street  
 Form of Business: Corporation Signal Hill, CA, 90755  
 (Corporation, Partnership, Sole Proprietor, etc.) Telephone: 562 427-8497

Authorized person to sign contracts: John D. Guzman Vice President  
 Name Title

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

Provide Labor and all equipment necessary for accident and vandalism body repair services for the Siemens model SD-100 and S70 Light Rail Vehicles, as specified in the Technical Specifications (attached as Exhibit A), the Bid Summary (attached as Exhibit B), and the Standard Conditions Services (attached as Exhibit C), and the Federal Requirements (attached as Exhibit D).

The total amount of this contract shall not exceed \$7,790,322.00.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$ 7,790,322.00	355-53510 / 53610	FY 2015 - 2019

By: \_\_\_\_\_  
Chief Financial Officer

(\_\_\_\_\_ total pages, each bearing contract number)

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**LRV ACCIDENT & VANDALISM BODY REPAIR SERVICES**  
**MTS DOC. NO. L1193.0-14**

**COST SUMMARY**

FIRM	COST
<i>Carlos Guzman Inc.</i>	<b>\$ 7,790,322.00</b>
Complete Coach Works	\$ 8,981,302.50
Romans Truck Body & Paint	\$ 5,569,800.00
Lakeside Paint & Body	\$ 8,836,650.00

REVISED COST AND PRICING FORMS
--------------------------------

Proposer shall submit pricing to provide the services for all the work described in the Scope of Service, and in accordance with the instructions outlined in the Cost and Price Proposal in Section In preparing a cost proposal, Proposers are requested to provide a total all-inclusive cost for each year of service and provide.

RFP TITLE AND MTS DOC. NO.: LRV Accident & Vandalism – MTS Doc. No. L1193.0-14  
 PROPOSAL DUE DATE/TIME: June 18, 2014, 4:00 p.m., Prevailing Local time

YEAR ONE (1) – August 1, 2014 – July 31, 2015

#	DESCRIPTION	EST. QUANTITY	UNIT ISSUE	UNIT PRICE	TOTAL
<b>LRV ACCIDENT AND VANDALISM REPAIR COSTS</b>					
1	<u>Allowable Hourly Labor Rates</u> LRV Body Repair Preparation (including, but not limited to, stripping, sanding and priming) LRV Body Painting and Finishing Application of Decals	25,200	Hour	\$ 6 <sup>9</sup>	\$1,738,800.00
TOTAL FOR YEAR ONE (1):				\$	

YEAR TWO (2) – August 1, 2015 – July 31, 2016

#	DESCRIPTION	EST. QUANTITY	UNIT ISSUE	UNIT PRICE	TOTAL
<b>LRV ACCIDENT AND VANDALISM REPAIR COSTS</b>					
1	<u>Allowable Hourly Labor Rates</u> LRV Body Repair Preparation (including, but not limited to, stripping, sanding and priming) LRV Body Painting and Finishing Application of Decals	26,460	Hour	\$ 59	\$1,561,140.00
TOTAL FOR YEAR ONE (2):				\$	

PROPOSER ACCEPTS RESPONSIBILITY FOR ACCURACY AND PRESENTATION OF THE ABOVE NUMBERS.

\*Estimated quantities are for proposal purposes only. The quantities do not reflect guaranteed usage by MTS.

RETURN THIS FORM WITH PROPOSAL RETAIN OTHER PAGES FOR YOUR RECORDS
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## METROPOLITAN TRANSIT SYSTEM (MTS)

**LIGHT RAIL VEHICLE PAINT AND BODY REHAB – MTS DOC. NO. L1193.0-14**  
**COST PROPOSAL - CONTINUED**

YEAR THREE (3) – August 1, 2016 – July 31, 2017

#	DESCRIPTION	EST. QUANTITY	UNIT ISSUE	UNIT PRICE	TOTAL
<b>LRV ACCIDENT AND VANDALISM REPAIR COSTS</b>					
1	<u>Allowable Hourly Labor Rates</u> LRV Body Repair Preparation (including, but not limited to, stripping, sanding and priming) LRV Body Painting and Finishing Application of Decals	27,783	Hour	\$ 54	\$1,500,282.00
TOTAL FOR YEAR ONE (3)				\$	

YEAR FOUR (4) – August 1, 2017 – July 31, 2018

#	DESCRIPTION	EST. QUANTITY	UNIT ISSUE	UNIT PRICE	TOTAL
<b>LRV ACCIDENT AND VANDALISM REPAIR COSTS</b>					
1	<u>Allowable Hourly Labor Rates</u> LRV Body Repair Preparation (including, but not limited to, stripping, sanding and priming) LRV Body Painting and Finishing Application of Decals	29,172	Hour	\$ 50	\$1,458,600.00
TOTAL FOR YEAR ONE (4)				\$	

YEAR Five (5) – August 1, 2018 – July 31, 2019

#	DESCRIPTION	EST. QUANTITY	UNIT ISSUE	UNIT PRICE	TOTAL
<b>LRV ACCIDENT AND VANDALISM REPAIR COSTS</b>					
1	<u>Allowable Hourly Labor Rates</u> LRV Body Repair Preparation (including, but not limited to, stripping, sanding and priming) LRV Body Painting and Finishing Application of Decals	30,630	Hour	\$ 50	\$1,531,500.00
TOTAL FOR YEAR ONE (5)				\$	

**PROPOSER ACCEPTS RESPONSIBILITY FOR ACCURACY AND PRESENTATION OF THE ABOVE NUMBERS.**

\*Estimated quantities are for proposal purposes only. The quantities do not reflect guaranteed usage by MTS.

METROPOLITAN TRANSIT SYSTEM (MTS)

**LIGHT RAIL VEHICLE PAINT AND BODY REHAB - MTS DOC. NO. L1193.0-14  
COST PROPOSAL - CONTINUED**

CONTRACT YEAR ONE (1) TOTAL:	\$ 1,738,800.00
CONTRACT YEAR TWO (2) TOTAL	\$ 1,561,140.00
CONTRACT YEAR THREE (3) TOTAL	\$ 1,500,282.00
CONTRACT YEAR FOUR (4) TOTAL	\$ 1,458,600.00
CONTRACT YEAR FIVE (5) TOTAL	\$ 1,531,500.00
<b>GRAND TOTAL FOR 5 YEAR CONTRACT:</b>	<b>\$ 7,790,322.00</b>

\*THE QUANTITIES DESCRIBED AND DISPLAYED ON THESE PRICING FORMS ARE FOR PROPOSING PURPOSES ONLY. THEY REPRESENT WHAT MTS/SDTI ANTICIPATES AS A REQUIREMENT, BUT MTS/SDTI DOES NOT GUARANTEE THIS QUANTITY. THE ACTUAL QUANTITY ORDERED MAY BE MORE OR LESS THAN WHAT IS ANTICIPATED ON THE PRICING FORM, AND IT IS DICTATED BY MTS/SDTI'S ACTUAL REQUIREMENTS AND THE AVAILABLE FUNDING AT THE TIME EACH ORDER IS INITIATED.

Read attached General Provisions carefully. They are a part of your proposal. Unit prices will prevail regardless of extensions submitted by the Proposer. The following Addenda have been noted and attached hereto:

**F.O.B. POINT:** San Diego Trolley, Inc.  
Attn: Lee Summerlott  
1255 Imperial Avenue Suite 1000  
San Diego, CA 92101

FIRM / COMPANY NAME: CARLOS GUZMAN INC.  
LEGAL STRUCTURE (Corp./Partner/Proprietor): CORPORATION  
ADDRESS: 1619 CRESTON ST.  
CITY, STATE & ZIP: SIGNAL HILL, CA  
PHONE NUMBER: (562) 427-8497  
FAX NUMBER: (562) 989-1507  
E-MAIL ADDRESS: ALISTLV@yaho.com  
AUTHORIZED SIGNATURE: [Signature]  
PRINT NAME OF PERSON AUTHORIZED TO SIGN: JOHND. GUZMAN  
TYPE OR PRINT NAME: JOHND. GUZMAN  
TITLE: VICE PRESIDENT  
DATE: 6/18/2014

PROPOSER ACCEPTS RESPONSIBILITY FOR ACCURACY AND PRESENTATION OF THE ABOVE NUMBERS.  
**NOTE: ALL PROPOSERS MUST COMPLETE PROPOSAL FORMS AS PROVIDED, FAILURE TO DO SO WILL DEEM THE PROPOSAL NON-RESPONSIVE.**

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## Agenda Item No. 10

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

July 17, 2014

#### SUBJECT:

#### WIRELESS INFRASTRUCTURE PROJECT - PURCHASE ORDER

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to issue a purchase order to AT&T DataComm, Inc. (AT&T), for the provision of equipment and professional installation services for MTS's Wireless Infrastructure Project.

#### Budget Impact

The total cost of this Agreement will not exceed \$1,205,542.93 and is broken down as follows:

Description	Funding Source	Total
Equipment	(Capital)	\$ 574,314.44
Licenses	(Capital)	50,044.50
Equipment Maintenance	(Operations)	13,164.80
Sales Tax	(Capital)	49,948.72
Freight / Delivery Charge	(Capital)	12,750.47
Subtotal		\$ 700,222.93
Professional Services	(Capital)	505,320.00
Grand Total		\$ 1,205,542.93

This project has two components. The operating component is funded by the IT Department's General Outside Services (Operating: 661-53910) budget for FY 15. The capital component is funded by MTS Capital Improvement Program 11341 and 11324.



## DISCUSSION:

This recommended award is under the County of Merced's Fast Open Contract Utilization Services (FOCUS) Contract Number 2009177. FOCUS contracts are awarded through competitive procurements by the County of Merced and are California's only nationwide, local government-to-government purchasing program to allow cities, counties, schools, special districts and other public entities to acquire technology products and services at competitive rates.

Over the past several years, MTS has installed a number of systems that rely on a variety of wireless components and capabilities to upload and download configuration data, passenger data, fare data, and video data. In all cases, the wireless component for each of these systems was implemented as a stand-alone "island" of wireless coverage for that specific system only. The proliferation of these wireless coverage "islands" has resulted in coverage conflicts, difficulty in managing wireless infrastructure, and inability to leverage established wireless coverage for other purposes.

The Wireless Infrastructure Project will unify these wireless coverage "islands" into a coherent and integrated wireless infrastructure which will enable MTS to properly manage the wireless infrastructure and systems and to leverage wireless components and coverage for all systems in use at MTS.

Therefore, staff recommends that the Board of Directors authorize the Chief Executive Officer (CEO) to issue a purchase order to AT&T DataComm, Inc., for the provision of equipment and professional installation services for MTS's Wireless Infrastructure Project.



Paul C. Jablonski  
Chief Executive Officer

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

Attachment: A. AT&T Statement of Work  
B. AT&T Bill of Material

# Statement of Work



## Customer Information

Customer Information			
Customer Name	San Diego Metro Transit Board		
Customer Address	1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490		
Contact Position	Contact Name	Contact Number	Pager Number
Assistant Technology Officer	Sandra M. Bobek	(619) 238-0100 x6404	
Customer Sales Order # :			

## AT&T Datacomm Information

Position	Name	Contact Number	Pager/ PCS Number
Systems Engineer			
Outside Sales	Gene Bild	619-985-4966	619-200-6412
Inside Sales	MCELHANEY, DOUGLAS	(714)247-0834	
Design Engineer	Erik Henensky	619-206-3839	
Program Governance	Janet Vaughn	760-707-4735	

## Background

San Diego Metro Transit Board is replacing the legacy wireless system to support wireless consolidation and improved safety on Trolley and Bus lines.

## Program Governance

The Program Governance Consultant will provide overall governance for the delivery of the project, including but not limited to:

- Coordination between various AT&T organizations
- Work with the internal AT&T team to coordinate ISR to order equipment, track and expedite orders as they relate to this project.
- Billing Reconciliation in conjunction with AT&T Project Management teams

The Program Governance Consultant will serve as the focal point for all communications as they relate to the services provided in planning and coordination with vendors involved in the program. The Program Governance Consultant will manage the existing Project Management team as applicable shall provide operational oversight of the organization, direction and control of all efforts needed to successfully complete the contracted project requirements.



# Statement of Work



## **Project Management**

In support of the Services for this Project, AT&T shall assign a designated AT&T Project Manager to interface directly with the customer's Project Manager. The AT&T Project Manager's responsibilities included\e but not limited to:

- Serve as the primary interface to the customer organization.
- Coordinate the site installation priorities and the installation schedules with the customer Project Manager.
- Installation dates may vary if network connectivity is being installed and coordinated as part of this Project.
- Customer and AT&T will mutually agree to the Project timeline & Milestones.
- Function as the escalation focal point for issues that may arise under this SOW.
- Provide, at the customer's written or oral request, status updates as to the progress of the Services provided under this SOW—these updates will be provided via email or telephone conversations.
- Conduct a formal Project kick-off meeting and review the SOW and associated Services.
- Implementation Coordinator will work with the customer to create a communication plan that identifies both AT&T and customer resources required for the Project.
- Develop and maintain any contact list, communication plan as well as track and monitor prioritized action items and issues list.
- Process and track Equipment procurement orders as required.
- Coordinate schedules and work with AT&T and customer personnel to determine readiness of each facility for receipt of Services and/or Equipment.

## **Scope of Work**

*Provide labor and material to complete the following tasks:*

### **Access Point Installation – General:**

- Provide labor and material to install customer furnished wireless access points and associated antennas to locations and quantities prescribed within each wireless site survey. A breakdown of site names and the respective quantity of new AP's being installed is shown in table below listed as "Site Information".
  - Wireless Access Points being installed are the CISCO 3602E/I's.
    - AT&T will pre-configure each AP device prior to installation.
    - AT&T will furnish the associated antennas needed for each AP.
    - AT&T will furnish the associated lightning protection needed for each AP.

# Statement of Work



## **Access Point Installation – Pathway:**

- Utilize existing above ground and below ground pathway structure including pull boxes, vaults, etc. to install (1 ea.) network cable from nearest IDF/MDF to each of the new AP locations.
- Utilize existing light poles and building structure to mount the AP enclosures per the wireless site survey.
  - Install all necessary flex, couplers, connectors, supports, etc. to make the new wireless access point installation NEC compliant.
- WCC to provide (1 ea.) ground wire from each antenna (lightning protection) to suitable building ground point.

## **Access Point Installation:**

- Install (1 ea.) Terrawave 12x10x6 polycarbonate Nema 4X enclosure at each AP location to provide a suitable AP mounting location.
  - Install (4 ea.) Terrawave RPTNC M to RPTNC F 18" LMR 100 pigtails from the CISCO 3602e to bulkhead on Nema 4X enclosure. Each customer provided CISCO antenna will mount to trolley structure, and connect to the CISCO 3602e WAP via the RPTNC cables through bulkheads on the Nema 4 enclosure.
- Install (1 ea.) network cable from nearest IDF/MDF to each of the newly installed Terrawave AP enclosures.
  - Network cable is either a Category 5e CMR jacketed cable for indoor use, or a Comscope 5NF4 OSP rated cable for outdoor use.
  - Install (1 ea.) PowerDsine PoE Extender for AP locations that are beyond the EIA/TIA specifications of 90 meter allowed cable length.
  - Terminate, label, and test each cable installed. Customer is to receive soft copy documentation of all Fluke DTX test results.

## **Site Variance Information:**

### ***SDSU Transit Center***

- Install additional surface pathway (EMT) as necessary to install the required network cable from nearest IDF/MDF to each of the listed AP's.
- Scissor lift rental if required.

# Statement of Work



---

## ***Santee Town Center***

- Install the necessary underground pathway from existing underground vault to required AP location.
- Restore grounds - post construction to like new conditions.

## ***Imperial Ave Bus Yard***

- Install (4) new AP's per wireless site survey and above listed installation practices.
- Replace (8) existing AP's with the new CISCO 3602e devices (Complete)
- Scissor lift rental if required.

## ***South Bay Maintenance Facility***

- Install (7) new AP's per wireless site survey and above listed installation practices.
- Replace (2) existing AP's with the new CISCO 3602e devices.
- General Contractor is to install necessary EMT pathway from IDF/MDF to each AP location during re-construction or construction of new building.
- Scissor lift rental if required.

## ***East County Maintenance Facility***

- Install (6) new AP's per wireless site survey and above listed installation practices.
- Install additional surface pathway (EMT) as necessary to install the required network cable from nearest IDF/MDF to each of the listed AP's.
- Scissor lift rental if required.

## ***Copley Park Place***

- Install (5) new AP's per wireless site survey and above listed installation practices.
- Replace (1) existing AP's with the new CISCO 3602e devices.
- Install additional surface pathway (EMT) as necessary to install the required network cable from nearest IDF/MDF to each of the listed AP's.
- Scissor lift rental if required.

## ***Trolley Maintenance***

- Install (1) new AP's per wireless site survey and above listed installation practices.
- Replace (11) existing AP's with the new CISCO 3602e devices.
- Install additional surface pathway (EMT) as necessary to install the required network cable from nearest IDF/MDF to each of the listed AP's.
- Scissor lift rental if required.

# Statement of Work



## Listing of All MTS Sites

### List of Trolley Sites Surveyed

1. American Plaza – 1050 India St.
2. Civic Center – 200 C St.
3. Fifth Avenue – 500 C St.
4. City College – 1155 C St.
5. Park & Market – 600 Park Blvd.
6. Barrio Logan – 1910 Harbor Dr.
7. Harborside – 1325 S 32nd St.
8. Pacific Fleet – 1800 S 32nd St.
9. 8th Street – 555 W. 8th St.
10. 24th Street – 506 W 22nd St.
11. Bayfront / E Street – 750 E St.
12. H Street – 745 H St.
13. Palomar Street – 1265 Industrial Ave.
14. Palm Avenue – 2340 Palm Ave.
15. Iris Avenue 3120 Iris Ave.
16. Beyer Blvd. – 4035 Beyer Blvd.
17. San Ysidro Transit Center – 700 E. San Ysidro Blvd.
18. Santa Fe Depot – 1050 Kettner Blvd.
19. 32nd & Commercial – 3200 ½ Commercial St
20. 47th Street -350 47th St.
21. Euclid Avenue – 450 Euclid Ave.
22. Encanto / 62nd Street – 6249 Akins Dr.
23. Massachusetts Avenue – 1787 San Altos Pl.
24. Lemon Grove Deport – 3443 Main St.
25. Spring Street – 4250 Spring S.
26. La Mesa Blvd. - 8248 La Mesa Blvd.
27. Grossmont Transit Center – 8601 Fletcher Pkwy.
28. Amaya Drive – 9100 Amaya Dr.
29. El Cajon Transit Center – 325 S. Marshall Ave.
30. Gaslamp Quarter – 105 Sixth Ave.
31. Convention Center – 301 First Ave.
32. Seaport Village – 530 W. Market St.
33. County Center / Little Italy – 1550 California St.
34. Middletown – 1396 Palm St.
35. Washington Street – 2136 W. Washington St.

# Statement of Work



36. Old Town Transit Center – 4009 Taylor St.
37. Morena / Linda Vista – 5210 Linda Vista Rd.
38. Fashion Valley – 1205 Fashion Valley Rd.
39. Hazard Center – 7611 Hazard Center Dr.
40. Mission Valley Center – 1604 Camino de la Renia
41. Rio Vista – 2020 Qualcomm Way
42. Fenton Parkway – 2000 Fenton Parkway
43. Qualcomm Stadium – 9449 Friars Rd.
44. Mission San Diego – 5837 Rancho Mission Rd.
45. Grantville – 4510 Alvarado Canyon Rd.
46. SDSU Transit Center – 5260 Campanile Dr.
47. Alvarado Medical Center – 6658 Alvarado Rd.
48. 70th Street – 7255 Alvarado Rd.
49. Arnele Avenue – 762/1/2 N. Marshall Ave.
50. Gillespie Field – 1990 ½ N. Cuyamaca St.
51. Santee Town Center – 152 Civic Center Dr.
52. 25th & Commercial - 10 1/2 25th St.

## **Bus Yard's Surveyed:**

53. Imperial Ave. Bus Yard – IAD 100 16th St.
54. ~~South Bay Maint. Facility – SBMF – 3650 Main Street, Chula Vista~~
55. East County Maint. Facility – ECMF – 544 Vernon Way, El Cajon
56. ~~Copley Park Place – CPD – 7490 Copley Park Place, San Diego~~

## **Trolley Maintenance Yard Surveyed:**

57. 1535 Newton Ave. (Bldg A – main gate located behind 12 & Imperial)

## **Phase 1 Surveyed (2 sites)**

58. Mills - 1255 Imperial Avenue #1000, San Diego
59. KMD - 4630 Ruffner Road, San Diego



# Statement of Work



## Access Point Design, Configurations and Project Management

Procure equipment along with design, configuration and, project management to outlined in Bill of Materials. (MTS Wireless 57 Site Post Survey Master BOM Cisco 3-10-2014 JV)

1. Planning and review detail logistic of the upgrade.
2. Once the ordered equipment has been received, it will be unboxed, powered up, and staged with a base configuration and allowed to "burn in" to guard against equipment that is DOA.
3. The Base configuration will consist of association to the existing WLC cluster at IAD and the configuration of IP address, group membership, and Vlan membership.
4. Once the configuration has been completed and confirmed, the AP's will be put back in the boxes and the boxes labeled with the location information to facilitate easy identification for installation.
5. Provide project management services to ensure success of the project per the completion Criteria section below.
6. Provide an asset inventory check and logging of serial numbers.
7. Deliver final configurations and updated documents.

## **Network Provisioning Specifications**

The Cisco switches at each site will need to be provisioned for the wireless VLANs and ports assigned for installation of the AP's at each site. AT&T has not provided switches for this phase of the project. AT&T will work with SDMTS staff to ensure proper configuration of edge switch port for AP only.

## **Project Details**

Customer information that is required by AT&T before starting project implementation:

- Bill of Materials with part #s and list prices (**attached**).
- How many sites? **55**
- Where are the sites located? **San Diego County**
- How many closets per site? **1-2**
- Which equipment at which site (if multiple sites)? **See Detailed Bill of Materials**

# Statement of Work



- What applications is the customer using? **Variety of different application that were tested and validated in Pilot phase 2.**
- What existing equipment will the new equipment be integrating with? **Cisco Switches**
- Is the customer having network problems we should know about? **No**
  - If YES, explain:
- What time of day will the job take place?

**Normal Business Hours (8 AM-5 PM, Mon-Fri)**

## Notes/Exceptions:

- **Cut-over to take place during Evening or Night Hours (5 PM-8 AM, Mon-Fri).**
- Is weekend or holiday work required? **YES**
- How many phases (if more than one) and the target dates? **One**
- What are the customer's expectations surrounding this project? **Successful integration with the existing network.**
- What is the customer's testing criteria for project completion (if not provided, a standard ping test will be performed)? **Successful data communication over the LAN and WLAN.**
- What else do we need to know to be successful?
- What protocols will we be working with? **IP, IPSEC**

Network Protocols	Bridge Routing Protocols	Local Area Network Protocols	Wide Area Network Protocols
TCP/IP	OSPF	10/100/1000 Base-T Fiber 1 Gigabit Ethernet	N/A

## Assumptions

- Customer will provide adequate parking for AT&T & Subcontractors West Coast Cable, Inc's equipment and employees at no such cost to West Coast Cable, Inc. or its subcontractors.
- Customer is responsible for all costs associated with permits, easements, and / or right-of-ways.
- Bid pricing is valid for 60 days after listed bid date.
- No PSA or PLA language requirements have been disclosed to WCC at bid time.
- AT&T Datacomm typically requires a minimum two (2) week installation lead time after receipt of AT&T Datacomm's **Project Installation Guide (PIG)** network configuration information. Less than two (2) weeks lead time is considered an emergency implementation and will be assessed a premium charge.

# Statement of Work



- All installations will be performed during Normal Business Hours Monday through Friday, 8:00AM to 5:00PM. Any other part of this project that is performed during non-business hours or weekends at the customer's request will be billed at AT&T Datacomm's standard overtime, weekend, or holiday rates. (see master BOM)
- All work will be performed over a consecutive time frame, unless otherwise specified.
- If necessary, AT&T Datacomm will add to the order via AT&T Datacomm's standard change order process any network or wiring components required to complete the installation.
- If any equipment supplied by AT&T Datacomm is found to be defective during the installation, AT&T Datacomm will replace the equipment at no extra charge and complete the installation as specified.
- Any delays experienced while an AT&T Datacomm engineer is on-site due to customer infrastructure or wide area network provider problems will be billable at AT&T Datacomm's applicable hourly rate schedule.
- AT&T Datacomm reserves the right to charge customers for the full amount of the installation in the event that the customer cancels or reschedules any installation without 3 days prior written notice. Cancellation or rescheduling with less than 3 days notice will result in a cancellation charge.

## **AT&T Responsibilities**

AT&T Datacomm will provide a trained engineer to install the network hardware at the customer location. Installation includes the following:

- Perform a technical assessment (verbal or physical) of the premises prior to installation.
- Unpack and inventory all appropriate hardware and documentation.
- Mount hardware in appropriate rack or on appropriate surface.
- Power on hardware.
- Configure necessary parameters for all wireless networks being used, as discovered during pilot process phase 2.
- Provide verbal overview to customer's designated systems administrator of basic network hardware unit setup.
- Only new cable plant being installed under this project will be covered by AT&T. If any additional cable plant needs to be repaired or troubleshot will be done as a change order.
- AT&T Datacomm is not responsible for any loss of customer's data or network system security.

**Any additional work to be performed outside of this Statement of Work will require Additional charges.**

# Statement of Work



## Customer Responsibilities

The customer will be responsible for providing all site preparation including:

- Any cabling not noted in the site Survey documentation will not be covered by this project except for the cabling purchased from AT&T any other cabling requirements are the responsibility of customer.
- Installation of all site wiring (power and signal, path and lengths). Not noted in Survey documentation will not be covered by this project.
- Installation of necessary power distribution boxes, conduits, groundings, lightning protection, connectors, and associated hardware. Not noted in Survey documentation will not be covered by this project.
- Environmental modifications as required for the hardware.
- Installation and verification of operation for all equipment not supplied by AT&T Datacomm, but required for installation. (Servers etc.)
- Preparing site according to the site preparation guide provided by AT&T Datacomm.
- All cable plant, Network Operating System (e.g. Novell, NT, UNIX), network drivers, application software, and testing for systems not supplied by AT&T Datacomm.
- Any delays due to the above items are billable at AT&T Datacomm's hourly rate for engineer time plus travel and expenses.
- If the information provided by customer is incorrect or incomplete, AT&T Datacomm shall have the right to charge customer for any increase in costs incurred or time expended by AT&T Datacomm due to such error or omission.

## Completion Criteria

AT&T Datacomm will have satisfied its obligations to the customer under this Statement of Work when the tasks listed under AT&T Datacomm Responsibilities are completed and successful site streaming video and data communication over the local area network and WLAN. Upon completion, the Field Engineer will present the customer an Implementation Acceptance Certificate for signature.

## Financial Responsibility

AT&T Datacomm will provide the services outlined in this scope of work document for a **fixed price of \$1,208,189.92**. This cost is inclusive of all necessary travel and related expenses necessary to complete this project.

Payment subject to the initial and continuing credit approval, terms of payment are net 30 days of AT&T Datacomm's invoice date. Invoices for Service may be issued in advance of the actual performance of the Service. All payments are to be made in U.S. dollars. In the event payments are overdue and such delinquencies are not remedied within ten (10) days after receipt of written

# Statement of Work



notice from AT&T Datacomm, AT&T Datacomm may terminate this agreement. AT&T Datacomm reserves the right to charge the Customer interest on overdue accounts. The interest rate will be based on the lessor of 1.5% per month or the maximum rate allowed by applicable laws applied to the unpaid purchase price.

## Project Billing

AT&T will do project billing based on milestones completion dates on this project. At each milestone a specific amount will be billed. Both parties must agree on the amount Milestone acceptance criteria prior to the start of the project. AT&T can bill for hardware and maintenance prior to installation completion. The invoice will not be detailed and will be presented in one line total. Limited verbiage such as Milestone payment # XX will be used. If required, AT&T will provide Excel spreadsheet as backup documentation at close of project.

## Customer Signature

The customer, by signing below, indicates that the Statement of Work has been read and the terms outlined within have been accepted. This Statement of Work is part of AT&T Datacomm's Product and Services Agreement. Pricing for the installation of the products for this Statement of Work is provided in AT&T Datacomm's attached quote. The customer also is aware that any delays incurred because of any of the reasons listed in the Customer Responsibilities section is considered billable time. Any questions concerning AT&T Datacomm's responsibilities and the work to be done should be directed to the AT&T Datacomm representative.

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Customer's Name

---

Company

---

Date

---

AT&T Datacomm Representative

---

Location

---

Date



Date 3/12/2014

## MTS Wireless 57 Site Post Survey Master BOM Cisco

MTS Contact: Sandra Bobek - Assistant Technology Officer - 619-238-0100 x6404  
 sandra.bobek@sdmts.com

Vendor Name:	ATT DataComm
Vendor Phone #:	619-200-6412
Vendor Address:	7337 Trade Street, Suite 3199 San Diego CA 92121

**SUMMARY OF COSTS:**

All equipment and configuration is included for equipment Listed. All structured cabling, pathways and enclosures will be budgatory till customer signed SCOW

AP & ANT Material (includes maintenance)	\$	429,486.24
Licenses - AP Adder License for the 5508	\$	50,044.50
Misc Material from Cabling Required	\$	157,993.00
<b>Sub-Total</b>	<b>\$</b>	<b>637,523.74</b>
Taxes (8.0%)	\$	49,948.72
Shipping	\$	12,750.47
<b>Equipment Total</b>	<b>\$</b>	<b>700,222.93</b>

		# of Hours		Hourly Rate	
ATT Professional Service	Senior Consultant	545	\$	200.00	\$ 108,900.00
Block of hours to be billed at	Project Manager	363	\$	150.00	\$ 54,450.00
Actuals FOCUS Contract	Technician Station Cabling Regular Hours	2,020		\$110.00	\$ 222,200.00
Cabling & AP Installation Professional Services to be billed at Actuals FOCUS Contract Pricing	Technician Station Cabling Overtime Hours	0		\$175.00	\$ -
	Inside Wireman Conduits & Raceways Regular Hours	526		\$175.00	\$ 92,050.00
	Inside Wireman Conduits & Raceways Overtime Hours	0		\$250.00	\$ -
	Engineer / Inspector Labor only Regular Hours	252		\$110.00	\$ 27,720.00
	Engineer / Inspector Labor only Overtime Hours	0		\$175.00	\$ -
<b>Labor Sub-Total</b>					<b>\$ 505,320.00</b>
<b>TOTAL PROJECT COSTS</b>					<b>\$ 1,205,542.93</b>
Pricing per ATT FOCUS 2 Contract. All PO's must note FOCUS 2 Contract with Net 30 days Terms.					



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

## Agenda Item No. 11

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

July 17, 2014

#### SUBJECT:

CISCO CORE AND INTERMEDIATE DISTRIBUTION FRAME NETWORK EQUIPMENT  
FIVE YEAR MAINTENANCE RENEWAL

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to purchase Cisco SMARTNET maintenance through AT&T Datacomm, Inc. (AT&T), and Key Government Finance, Inc. (Key), for renewal of the maintenance services agreement for MTS's Cisco network equipment. The services will be for five years beginning on July 25, 2014 and ending on July 24, 2019.

#### Budget Impact

The total cost of the renewal would not exceed \$802,281.52 for the five year period. Annual expenses will be funded in five equal, annual payments from the Information Technology operating budget (661-53910) for fiscal years 2015 through 2019.

#### DISCUSSION:

MTS utilizes a network infrastructure comprised with Cisco equipment to provide interconnectivity between computers, sites, servers, and information technology systems and services in support of a variety of its day-to-day business operations. This network infrastructure provides core interconnectivity to information technology systems and services that include e-mail, financial management systems, asset management systems, maintenance management systems, a data warehouse and other databases, bus and train operations systems, internet connectivity, dispatch and radio communications systems, human resources and payroll management systems, print services, telephone and fax systems, and many other information technology systems and services.

MTS normally purchases a maintenance agreement on both the Cisco hardware and software called Cisco SMARTNET (Attachment A). This provides technical support, troubleshooting on both hardware and software issues and replacement of defective



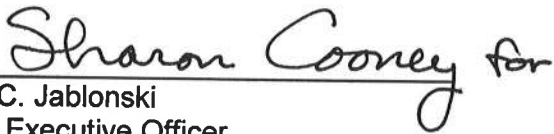


hardware. In addition, SMARTNET also provides software updates on all Cisco systems as they become available.

Cisco sells SMARTNET through third party vendors and the standard pricing is fixed by Cisco. Per Federal Transit Administration (FTA) Circular 4220.1F, Page V-2 Section 4, the FTA encourages recipients and subrecipients to enter into state and intergovernmental agreements for procurements of property or services. As a public agency and a grantee, MTS has the ability to purchase Cisco network infrastructure hardware, professional services, and Cisco SMARTNET maintenance using competitively bid state procurement contracts. MTS intends to utilize the County of Merced Contract No. 2009177 with AT&T. The quote for stated pricing is based on Fast Open Contracts Utilization Services (FOCUS), which is California's only nationwide, local government-to-government purchasing program created to allow cities, counties, schools, special districts and other public entities to acquire technology products and services at competitive rates.

The one year renewal for Cisco SMARTNET is \$213,139.17 and typically the cost of these maintenance agreements grow by 3% to 8% annually. The cost of the five year renewal is \$820,281.52 (\$160,456.30 annually), therefore by purchasing a five year agreement MTS can save approximately \$263,414.35 and be insulated from any inflation of these costs.

In addition, Cisco and AT&T partner with Key to provide public agencies the ability to make annual payments with no additional financing costs. By choosing to utilize this option, the annual payment on the five year Cisco SMARTNET renewal is \$160,456.30, which will be included in the annual Information Technology operating budget (line item 661-53910) for fiscal years 2015 through 2019 (Attachment B).



Paul C. Jablonski  
Chief Executive Officer

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

Attachment: A. SMARTNET Service Description  
B. Key Government Finance Payment Plan



## Service Description: SMARTnet and SMARTnet Onsite Services

This document describes Cisco's SMARTnet and SMARTnet Onsite Services.

**Related Documents:** This document should be read in conjunction with the following documents also posted at [www.cisco.com/go/servicedescriptions/](http://www.cisco.com/go/servicedescriptions/): (1) Glossary of Terms; (2) List of Services Not Covered; and (3) Severity and Escalation Guidelines. All capitalized terms in this description have the meaning ascribed to them in the Glossary of Terms.

**Direct Sale from Cisco.** If you have purchased these Services directly from Cisco, this document is incorporated into your Master Services Agreement (MSA) with Cisco. In the event of a conflict between this Service Description and your MSA, this Service Description shall govern.

**Sale via Cisco-Authorized Reseller.** If you have purchased these Services through a Cisco-Authorized Reseller, this document is for description purposes only; is not a contract between you and Cisco. The contract, if any, governing the provision of this Service will be the one between you and your Cisco Authorized Reseller. Your Cisco Authorized Reseller should provide this document to you, or you can obtain a copy of this and other Cisco service descriptions at [www.cisco.com/go/servicedescriptions/](http://www.cisco.com/go/servicedescriptions/).

### SMARTnet

#### Cisco Responsibilities:

- Cisco Technical Assistance Center (TAC) access 24 hours per day, 7 days per week to assist with Product use, configuration and trouble shooting issues and access to Cisco.com. Cisco will respond within one (1) hour for all calls received during Standard Business Hours and for Severity 1 and 2 calls received outside Standard Business Hours. For Severity 3 and 4 calls received outside Standard Business Hours, Cisco will respond no later than the next Business Day.
- Manage problems according to the [Cisco Severity and Escalation Guideline](#).
- Access to Cisco.com. This system provides Customer with helpful technical and general information on Cisco Products as well as access to Cisco's on-line Software Center library. Please note that access restrictions identified by Cisco from time to time may apply.
- Work-around solutions or patches to reported Software problems using reasonable commercial efforts. Cisco will either make available a Software patch from the Cisco.com Software Center

([www.cisco.com/software](http://www.cisco.com/software)) or ship a Maintenance Release to Customer for the Product experiencing the problem.

- Updates where available and where Customer requests these for supported Software.
- If a Feature Set Upgrade is licensed, Customer will be entitled to Updates (subject to anything to the contrary contained in this document or the Agreement) at the upgraded level for the licensed Hardware.
- Software releases and any supporting Documentation will be made available from the Cisco.com Software Center ([www.cisco.com/software](http://www.cisco.com/software)) or on physical media such as CDROM. Applicable supporting Documentation, if available, is limited to one copy per Software release. Customer can, however, purchase additional copies from Cisco.

### Hardware Replacement and Onsite Service

#### Cisco Responsibilities:

Cisco shall provide Customer with the Hardware Replacement Services and/or Onsite Services that Customer has selected and detailed in Parts I and II below and where available.

Hardware Replacement and OnSite Services are subject to geographic and weight restrictions depending upon Customer's location. Customer may check availability by accessing Cisco's Service Availability Matrix at: <http://tools.cisco.com/apidc/sam/search.do>. Please note that destination country importation, compliance with US export controls and customs processes may condition actual delivery times. Shipments will be DDU (Incoterms 2000), except for shipment to and from the European Union will be shipped DDP (Incoterms 2000), using Cisco's preferred carrier, freight prepaid by Cisco, excluding import duties, taxes and fees, where applicable. Requests for alternate carriers will be at Customer's expense. Chassis and line card Hardware Replacement Service must be at the same level of coverage. Cisco will provide Customer with Hardware Replacement(s) that are either new or equivalent to new unless otherwise state below.

### Part I – SMARTnet Advance Replacement Services

- SMARTnet 24x7x2: Advance Replacement on a Two-Hour Response basis twenty-four (24) hours per day, seven (7) days per week, including Cisco-observed holidays.
- SMARTnet 24x7x4: Advance Replacement parts on a Four-Hour Response basis twenty-four (24) hours per

day, seven (7) days per week, including Cisco-observed holidays.

- SMARTnet 8x5x4: Advance Replacement on a Four-Hour Response basis between 9:00 a.m. and 5:00 p.m. Depot Time the same Business Day, provided that Cisco's determination of Hardware failure has been made before 1:00 p.m. Depot Time. If Customer make a request after 1:00 p.m. Depot Time, Cisco will deliver the Advance Replacement the morning of the next Business Day.
- SMARTnet 8x5xNext Business Day: Where Next Business Day delivery is available, an Advance Replacement will ship to arrive the next Business Day provided that Cisco's determination of Hardware failure has been made before 3:00 p.m. Depot Time. If Customer make a request after 3:00 p.m. Depot Time, Cisco will ship the Advance Replacement the next Business Day.

Where Next Business Day delivery is not available, same day shipping will be provided. Under same day shipping, Advance Replacement will ship from the serving depot location that same Business Day, provided that Cisco's determination of Hardware failure has been made before 3:00 p.m. Depot Time. Determinations that occur after 3:00 p.m. Depot Time will be shipped the following Business Day.

## Part II - SMARTnet Return For Repair

- Cisco will provide Return for Repair services whereby Customer returns failed Hardware to Cisco for repair. Cisco will provide the following service as selected and purchased by the Customer:
- **Repair.** Failed Hardware is repaired or replaced/exchanged. All applicable engineering changes orders (ECO) are incorporated and the unit is fully tested to Cisco published specifications. Cosmetic repairs are performed in accordance with Cisco's or the Customer's defined cosmetic repair standard as mutually agreed upon, replacing any cracked, scratched or damaged covers as required. Additional charges may apply if Cisco determines the failed Hardware is beyond economic repair or no problem is found.
- Cisco will use commercially reasonable efforts to repair failed Hardware and ship repaired Hardware to Customer within thirty (30) days from receipt of failed Hardware by Cisco.
- On receipt of failed Hardware returned under an RMA number, a receipt notification e-mail or fax will be sent to Customer confirming receipt of failed Hardware and quantities received.

## Part III - SMARTnet Onsite Support Services

- SMARTnet On-Site 24x7x2: Two Hour Response for Remedial Hardware Maintenance twenty four (24) hours per day, seven (7) days per week including Cisco observed holidays.
- SMARTnet On-Site 24x7x4: Four Hour Response for Remedial Hardware Maintenance twenty four (24) hours per day, seven (7) days per week including Cisco observed holidays.
- SMARTnet On-Site 8x5x4: Four Hour Response for Remedial Hardware Maintenance service between 9:00 a.m. and 5:00 p.m. Depot Time the same Business Day, together with parts, labor and materials, provided Cisco's determination that on-site service is required has been made before 1:00 p.m. Depot Time.
- SMARTnet On-Site 8x5xNext Business Day: Next-business-day Remedial Hardware Maintenance, together with parts, labor and materials, by 5:00 p.m. Depot Time provided Cisco's determination that on-site Service is required has been made before 3:00 p.m. Depot Time the prior day (otherwise, second Business Day will be provided for calls placed after 3:00 p.m. Depot Time). Where Next Business Day delivery of the parts is not available, same day shipping will be provided. Cisco will provide onsite support upon arrival of the parts

## Customer Responsibilities:

The provision of the Service options assumes that Customer will:

- Provide a priority level as described in the [Cisco Severity and Escalation Guideline](#) for all the calls Customer places.
- Provide, at Customer's expense, reasonable access to the Product through the Internet or via modem to establish a data communication link between Customer and the Cisco TAC engineer and systems passwords so that problems may be diagnosed and, where possible, corrected remotely.
- Provide thirty (30) days Notice to Cisco of any requested addition(s) to Customer's Equipment List.
- Notify Cisco, using [Cisco.com](#), of Product on the Equipment List which Customer has moved to a new location within thirty (30) days of such relocation. Please be aware that the Services will be provided to Customer beginning thirty (30) days after receipt of Customer's notification. Cisco will also need Customer to notify Cisco of any modification to the Product and configuration including upgrades or changes to FRUs not in the original configuration within five (5) days of such modification. Note: Not applicable for Products supported under Return for Repair Service

- Provide current shipment contact information as follows: contact name, title, address, telephone number, e-mail address, and fax number.
- Provide valid and applicable serial numbers for all Product problems and issues reported to Cisco or where Customer is seeking information from Cisco in connection with Product use. Cisco may also require Customer to provide additional information in the form of location of the Product, city location details and zip code information.
- When requested, provide Cisco with a list of all personnel that Customer has authorized to contact Cisco or access Cisco.com for Services and to download Software from Cisco.com or ordered via Cisco's PUT. Customer is responsible for reviewing the list on an annual basis and adding or removing personnel as necessary. Note: Not applicable for Products supported under Return for Repair Service.
- Use the latest release of Software, where Cisco advises Customer that this will correct a reported Software problem.

Where Customer has purchased the Services detailed under Hardware Replacement and Onsite Service Part I and Part II:

- Return to Cisco any defective or returned Product in accordance with Cisco's RMA procedure located at [www.cisco.com](http://www.cisco.com).
- For Advance Replacement Services, Cisco will need Customer to provide a new Purchase Order number to Cisco's asset recovery team to facilitate the billing of Product not returned. Customer agrees to assist Cisco in troubleshooting failed Hardware down to the FRU level prior to initiating the RMA procedure.
- Customer will provide a new Purchase Order prior to Cisco performance of any repairs for which Cisco is not obligated to support as defined under Services Not Covered.
- Customer is responsible for the following when returning Product to Cisco: (a) proper packaging, including description of failure and written

specifications of any other changes or alterations; (b) returns must be received within thirty (30) days; otherwise, the replacement Product will be charged at the current Price List. Packages for replacement shall be shipped DDU (Incoterms 2000) or FCA (Incoterms 2000) as applicable.

- Customer should review receipt notification to confirm the failed Hardware and quantity of product received by Cisco.
- In the case of Return for Repair Service, failed Hardware must be received by Cisco within sixty (60) days of RMA issuance and Customer is responsible for delivering at its expense, the failed Hardware to Cisco's facility safely packaged and undamaged.

Where Customer has purchased the Services detailed under Hardware Replacement and Onsite Service Part III:

- Provide an appropriate work environment and reasonable access, working space including heat, light, ventilation, electric current and outlets, and local telephone extension (or toll free domestic and international access to Cisco) for the use of Cisco's service personnel in the Product's physical location.
- Back-up Software images and configurations on a regularly scheduled basis and provide those images and configurations to Cisco's onsite personnel in connection with Remedial Hardware Maintenance.
- Ensure all Products are installed below ten (10) feet. For Products installed above four (4) feet, provide ladders that reach the height of the Product.
- Provide Cisco with the name of a point of contact prior to delivery of equipment by Cisco's personnel.
- Provide TFTP (Telnet File Transfer Protocol) capabilities or internet access for the purpose of downloading Software images by Cisco's onsite personnel.
- Provide safety and security protection of Cisco's personnel or its subcontractors for your unmanned sites.

June 17, 2014

Att. B, AI 11, 7/17/14

San Diego Metropolitan Transit System

**THIRD PARTY RESELLER:** AT&T Datacomm, Inc.

**PAYMENT OPTION:** The payment plan will be completed by Key Government Finance, Cisco Systems Capital's financing partner for government and education customers. Payments due under the payment plan will be made directly to Key Government Finance at P.O. Box 1187, Englewood, CO 80150-1187.

**FINANCE COMPANY:** Key Government Finance, Inc.

**CUSTOMER:** San Diego Metropolitan Transit System

**PROJECT:** Maintenance Renewal

	3 Years	5 Years
SmartNet Maintenance Cost	\$505,006.99	\$802,281.52
<b>TOTAL AMOUNT UNDER PAYMENT PLAN</b>	<b>\$505,006.99</b>	<b>\$802,281.52</b>

**PAYMENT PLAN**

**STRUCTURE:** This is a SLED Services Payment Plan

Amount under Payment Plan	Customer Interest Rate	Payments	Pmts / Year	Term	Adv. / Arr.	Financing Incentive Discount
\$505,006.99	0.00%	\$168,335.66	1-3	3 Years	Advance	\$23,666.24
\$802,281.52	0.00%	\$160,456.30	1-5	5 Years	Advance	\$69,535.65

(\*) The payment factor expresses the payment as a percentage of the Amount under Payment Plan. To calculate the periodic payment for any Amount under Payment Plan, multiply the payment factor by the Amount under Payment Plan.

**LEASE RATE EXPIRATION DATE: 7-19-2014**

**SPECIAL FINANCING INCENTIVE:** This proposal is based on the assumption that Cisco Systems, Inc. or the reseller, if any, will provide a special financing incentive, as shown above, to Cisco Systems Capital prior to payment plan funding. This special financing incentive must be approved by a Cisco Systems, Inc. Area Controller prior to payment plan funding.

**APPROVAL:** The payment plan contemplated by this proposal is subject to the execution and delivery of all appropriate documents (in form satisfactory to Seller), including without limitation, to the extent applicable, the Payment Plan Agreement, any Schedule or other documents or agreements reasonably required by Seller. This proposal, until credit approved, serves as a quotation, not a commitment by Key Government Finance to provide credit. Final acceptance of this proposal is subject to credit, collateral and essential use review and approval by Seller.

**CONTACT:**

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## Agenda Item No. 12

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

July 17, 2014

#### SUBJECT:

LEASED BUS TIRES AND SERVICES – CONTRACT AMENDMENT

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to MTS Doc. No. B0530.0-10 (in substantially the same format as Attachment A) with The Goodyear Tire and Rubber Company (Goodyear) to accommodate additional staffing and unforeseen additional expenditures associated with the recently implemented service level increase and the contract run-out period anticipated at the end of the current agreement.

#### Budget Impact

Approval of this contract amendment would increase the full contract value with Goodyear by \$501,301.65, from \$4,157,411.93 to \$4,658,713.58. Each fiscal year, from 2015 through 2017, will be funded by the revenue vehicle tire budget 315-54410.

#### DISCUSSION:

In June 2014, MTS implemented its new Bus Rapid Transit service. To fully support this added service, the Kearney Mesa Division (KMD) transit facility increased operations from 5.5 days to 7 days per week. Staff determined it appropriate for Goodyear to add one tire maintenance technician for the remainder of the contract period to accommodate the additional operational hours and increased tire service volume. This expense is calculated as follows:

Description of Service	Monthly Fee	Months	Total
Tire Maintenance Technician for 11 months and 4 days	\$ 5,370.00	11.1333	\$ 59,786.00

A run-out period shall be in effect beginning July 1, 2015 in the event a contractor other than Goodyear is awarded the next leased bus tires and services contract. MTS will pay

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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.



mileage fees to Goodyear at rates equal to their final contract year. Tire servicing will be part of the new contractor's responsibilities. Based on the quantity of tires that would remain on the fleet and on-hand inventory, the run-out period may take as long as 24 months to complete.

	Goodyear Tire Run-Out			
	305 70R x 22.5	315/80R22.5	275 70R x 22.5	TOTAL
Estimated Remaining Tire Inventory	1,787	188	395	2,370
Avg Tread Depth 32nds of an Inch	13	13	13	
Estimate Miles of Travel per 32nd of Tread	2,000	2,000	2,000	
Remaining Useable Tread on Run-Out Inventory	23,231	2,444	5,135	30,810
Estimated Remaining Miles of Tread	46,462,000	4,888,000	10,270,000	61,620,000
Lease Expense Per Mile	\$ 0.008891	\$ 0.008644	\$ 0.006347	
Total Estimated Expense	\$ 413,093.64	\$ 42,251.87	\$ 65,183.69	\$ 520,529.20

*Sharon Cooney* for

Paul C. Jablonski  
Chief Executive Officer

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

Attachment: A. Draft MTS Amendment No. B0530.3-10



July 17, 2014

MTS Doc. No. B0530.3-10

The Goodyear Tire and Rubber Co.  
Walter Welker,  
Customer Service Manager, Mileage Sales, Lease, and Service  
200 Innovation Way  
Akron, OH, 44316

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. B0530.0-10 LEASED BUS TIRES & SERVICES

Mr. Welker:

MTS amends the Agreement B0530.0-10 to incorporate the following changes:

#### SCOPE OF WORK

MTS has increased its hours of operation at the Kearney Mesa Division (KMD) from approximately five and one-half (5.5) days per week to seven (7) days per week as well as increased the bus fleet by initiating the MTS RAPID services. Please refer to Exhibit A of this amendment regarding the revised hours of operation required in the scope of work.

#### RUN-OUT PERIOD

In the event of a run-out period due to a change in contractor, the run-out period will begin July 1, 2015 and continue until the Goodyear inventory of tires are run-out, with an approximate completion date of no later than June 30, 2017. The final contract year rate per mile will apply to the run-out period as follows:

TIRE SIZE	RATE PER MILE
275 70R x 22.5	\$.006347
305 70R x 22.5	\$.008891
315 80R x 22.5	\$.008644

#### PAYMENT

As communicated by Goodyear representative Edward Bowman on May 28, 2014, the monthly increase for one additional tire maintenance technician will be \$5,370.00. As of July 18, 2014, the calculation for the increase will be 11.1333 months of additional service multiplied by the monthly rate for a total increase of \$59,786.00. Including this increase in expense, MTS estimates there will be positive balance of approximately \$19,227.55 within the current allowable spend authority which will be applied towards run-out period expenditures if applicable. Regarding the run-out period, if applicable, staff has conservatively estimated an expense not to exceed \$520,529.20 based on mileage estimates for each tire type.

In the event of a run-out, the result of this Amendment will potentially increase the contract by \$501,301.65 from a not to exceed value of \$4,157,411.93 to \$4,658,713.58.

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

Sincerely,

Agreed:

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

\_\_\_\_\_  
Walter Welker,  
Customer Service Manager, Mileage Sales,  
Lease, and Service

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

Attachments: Exhibit A, Revised Scope of Work

DRAFT



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## Agenda Item No. 13

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

July 17, 2014

#### SUBJECT:

MTS TASK ORDER CONTRACT FOR GREEN LINE COMMUNICATION SYSTEM  
UPGRADES DESIGN – PHASE 2

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Task Order Contract (TOC) MTS Doc. No. G1493.0-13, Work Order 13-05.1 with Kimley-Horn & Associates Inc. (Kimley-Horn) to perform Design Engineering for the Green Line Communication System Upgrades Project – Phase 2.

#### Budget Impact

The cost of this agreement will not exceed \$233,824.49 and is funded under MTS's Capital Improvement Program 11368-0600.

#### DISCUSSION:

MTS, in partnership with the San Diego Association of Governments (SANDAG), intends to upgrade communications equipment at the 19 Green Line trolley stations from Old Town Transit Center to Santee Town Center to enable compatibility with current MTS communication systems. Improvements will include upgrading public address system equipment, Train to Wayside Controller devices, Variable Message Sign units, network communication equipment and Programmable Logic Controllers.

Kimley-Horn is on MTS's general engineering services panel, with capacity assigned after a competitive procurement process by SANDAG. On March 21, 2014, MTS issued a Work Order 13-05, General Engineering Services for Green Line Communication System Upgrades – Phase 1: Data Collection and Implementation Scope Assessment with Kimley-Horn. Once the survey and data collection were completed, Kimley-Horn designers submitted a complete assessment report of the Green Line Communication System to MTS for review with a recommended scope of work (Attachment A).



MTS staff has reviewed, made comments and approved Kimley-Horn's scope of work and work order estimate (Attachment B) to proceed with the Green Line Communication System Upgrade – Phase 2 Design.

for

Paul C. Jablonski  
Chief Executive Officer

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

Attachments: A. Kimley-Horn Work Order 13-05.1 Phase 2 Scope  
B. Kimley-Horn Work Order 13-05.1 Phase 2 Cost Estimate

**WORK ORDER TITLE: Green Line Communication System Upgrades – Phase 2: Design Services**

**I. PROJECT DESCRIPTION**

Metropolitan Transit Systems (MTS), in partnership with the San Diego Association of Governments (SANDAG), intends to upgrade the communications equipment at the 19 Green Line trolley stations from Old Town Transit Center to Santee Town Center to bring the stations up to the current standards and make the system compatible with the current MTS communication system. Improvements will include upgrading Public Address system equipment, Train to Wayside Controller (TWC) devices, Variable Message Sign (VMS) units, Network communication equipment, and PLCs (optional). Additionally, MTS wants to add an additional VMS structure adjacent to the MTS building at 1255 Imperial Avenue.

The specific goals of the overall project include the following:

- Upgrading the PA equipment at nineteen (19) Green Line stations from the Old Town Transit Center to Santee Town Center. Potential upgrades include new voice over internet protocol (VOIP) analog converters, two-channel audio amplifiers, loudspeaker horns, and new cabling.
- Reconfiguring the communications rooms at Old Town, Fashion Valley and Qualcomm stations to provide additional space for the installation of the new station communication equipment.
- Replace existing UPS at Qualcomm with new UPS.
- Upgrading the VMS equipment at the nineteen (19) Green Line stations from Old Town Transit Center to Santee Town Center. Upgrades include replacing the existing flip dot locally controlled message signs with new IP networkable VMS equipment.
- Upgrading the TWC equipment at the eight (8) Green Line stations between Old Town Transit Center and Qualcomm Stadium and the eleven (11) Green Line stations between Mission San Diego and Santee (optional). Potential upgrades include replacing the unidirectional TWC equipment with new bi-directional TWC devices.
- Upgrading the communication cabinets at six (6) Green Line stations: Grossmont Transit Center, Amaya Drive, El Cajon Transit Center, Gillespie Field, Arnele Avenue and Mission San Diego. Potential upgrades include replacement of the existing 2-bay communication cabinet with a new 3-bay communication cabinets.
- Add VMS unit adjacent to the MTS building at 1255 Imperial Avenue.

**II. EXPECTED RESULTS**

MTS intends to upgrade the communications equipment along Green Line trolley stations from Old Town Transit Center to Santee to bring at those stations up to the current standard through a competitive bid process. As such, the following will be prepared:

- Construction plan set for the communications equipment upgrades.
- Specifications for the communications equipment upgrades.
- Opinion of Probable Construction Cost

**III. SCOPE OF WORK**

The scope of work shall consist of the following tasks and deliverables:

**Task 1 – Project Management and Coordination**

This task includes effort for administration of the Consultant's work in this work order, including invoicing, coordination with MTS and SANDAG staff, monthly progress reports and other project management activities for the anticipated 4 month duration of the design. Coordination efforts included in this task include the following:

- Biweekly conference calls (up to 8, with up to 3 Consultant staff present)
- Monthly progress meetings (up to 4, with up to 3 Consultant staff present)
- General coordination (up to 3 hours per week)

## Task 2 – Design

This task includes preparation of construction documents for the proposed communications equipment upgrades for Green Line trolley stations from Old Town Transit Center to Santee Town Center.

1. Design of the PA system upgrades will be limited to the following improvements:
  - a. Remove the existing PA hardware mounted on the backboard each station's communications cabinet.
  - b. Remove and replace existing PA horns with pole mounted 70V, 30 Watt reentrant horn type horns. It is assumed that the new PA horns will be installed on the same poles as the existing PA horns. At Old Town Transit Center, new PA horns will be added to the EB platform on the existing VMS structures. At SDSU, the existing PA speakers will remain.
  - c. Install (2) Internet Protocol/Ethernet to Audio Converters inside station communication cabinet (one per channel; one channel per platform).
  - d. Install (1) dual channel audio amplifier.
  - e. Install new speaker cabling from the communications cabinet to each PA horn utilizing existing conduit and pull boxes infrastructure. Where possible, each speaker shall be individually home-run to the communications cabinet and terminate on a terminal block on the cabinet's existing backboard. When not possible, speaker cabling will be spliced at the pole of the PA horn.
2. Design of the VMS signs upgrades will be limited to the following improvements:
  - a. Remove existing VMS signs from each station's platform.
  - b. Install new double-sided Internet Protocol/Ethernet VMS signs on existing poles. It is understood that double-sided signs will not be able to be installed at Fashion Valley, SDSU and 12<sup>th</sup> & Imperial stations. At Fashion Valley, new single-sided signs (mounted back-to-back) will be installed into the existing canopy. At SDSU, new single-sided signs will be installed on the walls at the end of each platform. At 12<sup>th</sup> and Imperial, (1) one sign will be installed northwest of the building facing 13<sup>th</sup> street.
  - c. Existing communications cabling will be utilized when possible. Install new communications cabling from existing communications cabinet to new VMS utilizing existing conduit and pull boxes infrastructure.
  - d. Since VMS signs do not currently exist at the Santee Town Center, a new structural pole design will be provided for the new signs. It is assumed that the style and layout of the VMS structure will consist of a cantilevered sign structure made of square hollow structural steel sections to be consistent with the VMS structures utilized at the majority of the other stations along the Green Line. New conduit infrastructure will be installed from existing pull boxes near the new sign locations. It is assumed that four new sign structures will be installed, two on each platform.
  - e. Based on the site visits and information gathered as part of Phase I, it is assumed that up to two existing VMS structures will require structural analysis for the proposed VMS loading. The structural analysis will be developed based on the 2013 California Building Code (CBC) requirements.
    - i. It is assumed that the structure designed for Santee Town Center would be utilized at stations where it is determined that the existing VMS structures are not adequate.
  - f. Develop revised connection details for proposed VMS to existing structure. Design of up to 8 connection details are assumed to be required as part of this task.

- g. At the following stations the existing VMS are mounted to shelter or other structures. It is assumed that at these locations the design will consist of developing revised connection details only and an analysis of the existing structures will not be required.
  - i. 70<sup>th</sup> Street
  - ii. Grantville
  - iii. Qualcomm Stadium
  - iv. Fashion Valley
  - v. SDSU

If additional connection details or additional loading analysis is determined to be required based on the review of the as-builts and/or the site visits described in Task 2, an amendment to this Work Order will be required.

- 3. Design of the TWC loop equipment upgrades will be limited to the following improvements:
  - a. Remove existing uni-directional TWC hardware and cablings.
  - b. Install new bi-directional TWC interrogator with serial communication card and serial output/input card
  - c. Install new TWC Loop Antenna
  - d. Install new TWC Loop Converter
  - e. It is assumed that the existing embedded TWC loops are functional. The client will test the loops and if determined to not be in operation, new TWC loops will be saw-cut in place.
  - f. Install new TWC twisted-pair cabling from communications cabinet to existing TWC loops utilizing existing conduit and pull boxes infrastructure.
- 4. Design of the 3-bay communications cabinet upgrades will be limited to the following improvements:
  - a. The existing 2-bay communications cabinet will be removed and replaced with a new 3-Bay communications in the same location.
  - b. The existing equipment inside the cabinet will be relocated to the new cabinet. The only new equipment to be installed within the 3-Bay cabinet will be for the PA system, VMS signs and TWC equipment aforementioned. Design for additional equipment (i.e. new network switch or programmable logic controller, etc.) have not been included in the estimated fee contained within this agreement and, if required, will be billed as additional services.
  - c. The Consultant will include cut-over/migration requirements for the 3-bay communications cabinet upgrade in the project Special Provisions.
  - d. The Consultant will show a typical proposed equipment rack layout for the 3-bay communications cabinet. Station specific rack layouts are not included.
- 5. Design of the PA system, VMS signs and TWC equipment upgrades will be limited to the following 19 stations:
  - a. Old Town
  - b. Morena/Linda Vista
  - c. Fashion Valley
  - d. Hazard Center
  - e. Mission Valley Center
  - f. Rio Vista
  - g. Fenton Parkway
  - h. Qualcomm
  - i. Mission San Diego
  - j. Grantville
  - k. SDSU
  - l. Alvarado Medical Center
  - m. 70th Street



- n. Grossmont
  - o. Amaya Drive
  - p. El Cajon
  - q. Arnele Avenue
  - r. Gillespie Field
  - s. Santee
6. Design of the 3-bay communications cabinet upgrades will be limited to the following 6 stations:
- a. Grossmont
  - b. Amaya Drive
  - c. El Cajon
  - d. Gillespie Field
  - e. Mission Valley Center
  - f. Arnele Avenue
7. Design of the communications room/cabinet upgrades at Old Town will be limited to the following improvements:
- a. The existing 2-bay communications cabinet will be removed and replaced with a 3-bay communications cabinet. The cabinet will be located in the same location as the existing cabinet, lined up with center of the existing cabinet. Since the existing cabinet is currently at finished grade, a new housekeeping pad will be poured for the new 3-bay cabinet.
  - b. The existing equipment inside the cabinet would be relocated to the new cabinet.
  - c. New conduit would be installed via jack and bore from the existing communications pull box east of the cabinet.
  - d. The existing communications equipment inside the utility shed will be relocated to the new cabinet. The cabling would be disconnected and reinstalled from the utility shed into the new cabinet. After performing an initial field investigation, it appears that the existing fiber optic cabling is of sufficient length to reach the new communications cabinet.
  - e. The Consultant will show existing equipment rack layouts and proposed equipment rack layouts.
8. Design of the communications room upgrades at Fashion Valley will be limited to the following improvements:
- a. Relocate the electrical panel, lighting time clock and punch down blocks to the south wall. Remove the existing metal cabinets and replace them with swing out racks. The swing out racks will be 49" high x 24" wide x 26" (24u).
  - b. Relocate the existing communications equipment to the swing out racks.
  - c. All unused equipment and cables in the communications room will be removed.
  - d. Relocate the existing TWC terminations to the north wall on a plywood backboard.
  - e. The Consultant will show existing equipment rack layouts and proposed equipment rack layouts.
  - f. Providing modifications or additions to the mechanical HVAC or ventilation system have not been included this work order.
9. Design of the communications room upgrades at Qualcomm will be limited to the following improvements:
- a. Remove the unused UPS equipment from the existing electrical room and convert this room into a communications room.
  - b. New equipment cabinets will be installed in the room and the existing equipment in the elevator room will be relocated to this communications room.
  - c. New UPS will be installed in the communications cabinets for the relocated and new communications equipment.

- d. New conduit will be sleeved from the hallway into the communications room.
- e. All unused equipment and cables in the hallway will be removed.
- f. The new PA system will be installed in this communications room.
- g. The TWC equipment will be located in the hallway in front of the communications room.
- h. The Consultant will show existing equipment rack layouts and proposed equipment rack layouts.
- i. Providing modifications or additions to the mechanical HVAC or ventilation system have not been included this work order.

The Consultant will provide three submittals, at the 65% design level, at the 95% design level, and final design level, for MTS review and comments.

The 65% submittal will consist of the following:

- Cover, Site Map, Index, General Communications Notes, Legend, and Abbreviations (3 sheets)
- Communications Site Plan at 1:10 scale (2 Sheets per station, 38 sheets)
- Communications room upgrades (2 sheets per station, 6 sheets)
- Typical 3-bay communications cabinet and pad detail (1 sheet)
- Typical 3-bay equipment rack layout detail (1 sheets)
- Typical PA system block diagram (1 sheet)
- Typical bi-directional TWC equipment configuration (1 sheet)
- Typical network equipment port designations (1 sheet)
- Preliminary VMS Connection Details (3 sheets)
- Preliminary VMS Structure Details (2 sheets)
- Opinion of Probable Construction Cost

The Consultant will address one round of consolidated comments from the 65% submittal and incorporate into the design for a 95% submittal. The 95% design submittal will include written responses to the 65% design comments. It is assumed that the 95% submittal will consist of the following in addition to the items in the 65% submittal:

- Communications wiring plan (1 sheet per station, 19 sheets)
- Electrical Panel Schedule (4 stations per sheet, 5 sheets)
- Draft Special Provisions
- Opinion of Probable Construction Cost

The Consultant will address one round of consolidated comments from the 95% submittal and incorporate into the design for a final PS&E submittal. The final design submittal will include written responses to the 95% design comments.

Draft Special Provisions will be prepared for the 95% design submittal and Final Special Provisions will be included with the Final PS&E package. It is assumed that MTS will prepare and provide the front end specifications. For this task, it is assumed that existing specifications will be provided to the Consultant from other projects (Green Line, Orange Line, and/or Blue Line). The following Special Provisions will be prepared, modified or updated as part of this task:

1. Special Provisions for PA system.
2. Special Provisions for TWC system.
3. Special Provisions for VMS system.

*Assumptions:*

- All removals of existing equipment (i.e. PA, VMS, TWC) and cabling will be shown on the same site plan as the new equipment. Separate demolition site plans are not included.

- All new cabling will be installed in existing conduit and pull boxes. No new conduit or pull boxes are included.
- Electrical power and lighting design, except where required for new communications equipment identified above.
- All new communications equipment will be connected to the existing network switch.
- All existing communications cabinets are connected to the WAN network and no WAN modifications will be required to connect the new communications equipment to MTS Operation Control Center.
- Integration of the new communications equipment into the existing Advanced Inventory Management System (AIMS) will be completed by others.
- All upgrades will be within the site platform, no upgrades within transit centers or parking lots are included

#### Task 3- Support during Bidding

As part of this task, the Consultant will provide design support services during bidding as directed by the MTS Project Manager on an as-needed, time and material basis and within the budget provided in Attachment B. This budget for this task will be monitored by the consultant and MTS and adjustments will be made, if required, in an amendment.

Support may include assisting MTS with responses to questions from the contractor during bidding and/or other assistance as directed by the MTS PM.

Additionally, this task includes effort for progress report, invoicing, and administration of work during the bid phase of the project, assumed to be 2 months.

#### **IV. DELIVERABLES**

- 65% Construction Documents
- 95% Construction Documents
- Final (signed and sealed) Construction Documents

#### **V. SCHEDULE OF SERVICES/MILESTONES/DELIVERABLES**

- 65% Submittal: 6 weeks from NTP
- 95% Submittal: 3 weeks from receipt of 65% Submittal comments
- Final Submittal: 2 Weeks from receipt of 95% Submittal comments

# **Work Order Estimate Summary**

Att. B, AI 13, 7/17/14

MTS Doc. No. **G1493.0-13**  
 Work Order No. **13-05.1**  
 Attachment: **B**

Work Order Title: **Green Line Communication System Upgrades – Phase 2: Design Services**

Project No: **G1493.0-13**

**Table 1 - Cost Codes Summary (Costs & Hours)**

Item	Cost Codes	Cost Codes Description	Total Costs
1		Green Line Communications Upgrades - Phase 2	\$233,824.49
2			

Totals = **\$233,824.49**

**Table 2 - TASKS/WBS Summary (Costs & Hours)**

Item	TASKS/WBS	TASKS/WBS Description	Labor Hrs	Total Costs
1	Task 1	Project Management and Coordination	140	\$22,359.96
2	Task 2	Design Plans	1,469	\$195,611.75
3	Task 3	Support during Bidding	100	\$15,852.78

Totals = **1,709.0**      **\$233,824.49**

**Table 3 - Consultant/Subconsultant Summary (Costs & Hours)**

(If Applicable, Select One)				Consultant	Labor Hrs	Total Costs
DBE	DVBE	SBE	Other			
				Kimley-Horn and Associates	1,709	\$233,824.49

Totals = **1,709.0**      **\$233,824.49**

# Work Order Estimate Summary

Att. B, AI 13, 7/17/14

Total Hours =	1,709
Total Costs =	\$233,824.49

Consultant/Subconsultant: Kimley-Horn

MTS Doc. No.: G1493.0-13

Work Order No.: 13-05.1

Work Order Title: Green Line Communication System Upgrades - Phase 2: Design Services

Attachment: B

Item	TASKS/WBS	TASKS/WBS Description	ODCs (See Attachment)	Dennis Landall Contract Manager	Robin Osborn Work Order Manager	Anthony Podgornac Senior Engineer I	Technical Expert - QA/QC	Senior Engineer I (Structural)	Engineer III (Electrical)	Engineer I (Electrical)	Designer	Accounting/ Admin	Total Hours	Totals
				\$301.95	\$167.70	\$179.06	\$210.00	\$165.00	\$140.00	\$95.00	\$125.00	\$115.00		
1	Task 1	Project Management and Coordination												
		Project Admin (Invoicing, Management, Schedule, etc.)		4	8	4			8			12	36	\$5,765.64
		General Design Coordination with MTS			12	12	2	10	12				48	\$7,911.12
		Bi-Weekly Conference Calls (up to 8)			8			8	16				32	\$4,801.60
		Monthly Progress Meetings (up to 4)			8			8	8				24	\$3,781.60
		Subtotals (Hours) =	N/A	4	36	16	2	26	44			12	140	\$22,359.96
		Subtotals (Costs) =		\$1,207.80	\$6,037.20	\$2,864.96	\$420.00	\$4,290.00	\$6,160.00			\$1,380.00	140	\$22,359.96
2	Task 2	Design Plans												
		65% Submittal												
		Cover, Sheet Index, Site Map (2 sheets)			1				2	12			15	\$1,587.70
		General Communications Notes, Legend, Abbreviations (1 sheet)			1				2	8			11	\$1,207.70
		Communications Site Plan at 1:10 scale (1 sheet per station, 20 sheets)			4		22		80	240	80		428	\$49,290.80
		Communications room upgrades (2 sheets per station, 6 sheets)					2		12	54			68	\$7,230.00
		Typical 3-bay communications cabinet and pad detail (1 sheet)							1	2			3	\$330.00
		Custom 3-bay equipment rack layout detail (6 sheets)					2		12	30			44	\$4,850.00
		Typical PA system block diagram (1 sheet)							1	2			3	\$330.00
		Typical PLC Wiring diagram (1 sheet)							1	2			3	\$330.00
		Typical TWC loop sawcut installation detail (1 sheet)							1	2			3	\$330.00
		Typical bi-directional TWC equipment configuration (1 sheet)							1	2			3	\$330.00
		Typical VMS network equipment port designations (1 sheet)							1	2			3	\$330.00
		Preliminary VMS Connection Details (3 sheets)			6			24	5	2	40		75	\$10,696.20
		Preliminary Santee VMS Pole Detail (2 sheets)			4			18	5		24		51	\$7,340.80
		Existing VMS Structure Analysis (up to 2 structures)						18			40		58	\$7,970.00
		65% Opinion of Probable Construction Cost			2		1	2	6	12	6		29	\$3,605.40
		QA/QC 65% Submittal		3	6	4	6	2	5	12	2		40	\$6,308.28
		65% Submittal - Comment Resolution			2			4	10				16	\$2,395.40
		95% Submittal												
		Address Comments from 65% Submittal			3			4	8	24	4		43	\$5,063.10
		Communications wiring plan (1 sheet per station, 20 sheets)							20	100			120	\$12,300.00
		Electrical Panel Schedule (4 stations per sheet, 5 sheets)							5	40			45	\$4,500.00
		Final VMS Connection Details (3 sheets)						18			36		54	\$7,470.00
		Final Santee VMS Pole Detail (2 sheets)						12			24		36	\$4,980.00
		95% Specifications			6	4	20	24	36	20			112	\$17,102.44
		95% Opinion of Probable Construction Cost					1	2	3	6	6		18	\$2,280.00
		QA/QC 95% Submittal		3	6	4	10	2	6	16	4		51	\$7,918.29
		95% Submittal - Comment Resolution			2			4	10				16	\$2,395.40
		Final Submittal												
		Address Comments from 95% Submittal								24			24	\$2,280.00
		Final Specifications			2	4	6	4	18	2			36	\$5,681.64
		QA/QC Final Submittal		3	4	4	12	2	6	16	2		49	\$7,752.59
		Final Opinion of Probable Construction Cost				1	1	1	3	6	2		14	\$1,762.70
		Other Direct Costs		\$9,573.00										
		Subtotals (Hours) =	N/A	9	50	20	83	141	262	634	270		1,469	\$195,811.75
		Subtotals (Costs) =	\$9,573.00	\$2,717.55	\$8,385.00	\$3,581.20	\$17,430.00	\$23,265.00	\$36,680.00	\$60,230.00	\$33,750.00		1,469	\$195,811.75
3	Task 3	Support during Bidding												
		Coordination with MTS during bidding		460.00										
		Project Admin (Invoicing, Management, Schedule, etc.)			24	4	6		24	12			72	\$11,381.04
		Attend Pre-Con meeting			8				8			6	12	\$2,010.14
		Subtotals (Hours) =	N/A	2	8		8		8				16	\$2,461.60
		Subtotals (Costs) =	\$460.00	\$603.90	\$5,366.40	\$1,432.48	\$1,680.00		\$4,480.00	\$1,140.00		\$680.00	100	\$15,852.78
													100	\$15,852.78
		Totals (Summary) =											1,709	\$233,824.49
		Total (Hours) =	N/A	15	118	44	83	167	338	646	270	18	1709	\$233,824.49
		Total (Costs) =	\$10,033.00	\$4,529.25	\$19,788.60	\$7,878.64	\$19,530.00	\$27,555.00	\$47,320.00	\$61,370.00	\$33,750.00	\$2,070.00		
		Percentage of Total (Hours) =	N/A	1%	7%	3%	5%	10%	20%	38%	16%	1%	100%	
		Percentage of Total (Costs) =		4%	2%	8%	3%	8%	12%	20%	26%	14%	1%	100%

# Work Order Estimate Summary

Att. B, AI 13, 7/17/14

Consultant/ Subconsultant: **Kimley-Horn**

Work Order Title: **Green Line Communication System Upgrades – Phase 2: Design Services**

Contract No: **G1493.0-13**  
Task Order No. **13-05.1**  
Attachment: **B**

TASKS/WBS (1-5)													
ODC Item	Description	Unit	Unit Cost	Task 1		Task 2		Task 3		Task 4		Task 5	
				Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total
1	Hotel	Night	\$125.00			2	\$250.00						
2	Airfare	Each	\$400.00			3	\$1,200.00	1	\$400.00				
3	Meals	day	\$60.00			3	\$180.00	1	\$60.00				
4	Mileage	Mi	\$0.57			200	\$113.00						
5	Trolley Day Pass	Each	\$5.00			8	\$40.00						
6	Printing	LS	\$250.00			1	\$250.00						
7	Courier	Each	\$20.00			2	\$40.00						
8	Miscellaneous	LS	\$7,500.00			1	\$7,500.00						
9													
10													
				Subtotal =		Subtotal = \$9,573.00		Subtotal = \$460.00		Subtotal =		Subtotal =	

TASKS/WBS (6-10)													
ODC Item	Description											Totals	
		Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total
1	Hotel											2	\$250.00
2	Airfare											4	\$1,600.00
3	Meals											4	\$240.00
4	Mileage											200	\$113.00
5	Trolley Day Pass											8	\$40.00
6	Printing											1	\$250.00
7	Courier											2	\$40.00
8	Miscellaneous											1	\$7,500.00
9													
10													
		Subtotal =		Subtotal =		Subtotal =		Subtotal =		Subtotal =		Totals =	
												\$10,033.00	



1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7490  
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## Agenda Item No. 14

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

July 17, 2014

#### SUBJECT:

PARKING LOT SWEEPING SERVICES - CONTRACT AWARD

#### RECOMMENDATION:

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

1. Execute MTS Doc. No. L1197.0-14 (in substantially the same format as Attachment A) with San Diego Sweeping Services for the provision of parking lot sweeping services for a three (3) year base period and two (2) one-year optional terms exercisable at MTS's sole determination; and
2. Exercise each option year at the CEO's discretion.

#### Budget Impact

The value of this agreement will not exceed \$162,120.00. Funding will be from the respective fiscal years' Facilities Maintenance operating budget account 381-53710, as follows:

Base Year 1 (FY 2015)	= \$ 32,424.00
Base Year 2 (FY 2016)	= \$ 32,424.00
Base Year 3 (FY 2017)	= \$ 32,424.00
Option Year 1 (FY 2018)	= \$ 32,424.00
Option Year 2 (FY 2019)	= \$ 32,424.00
<b>Grand Total</b>	<b>= \$ 162,120.00</b>

#### DISCUSSION:

Sweeping services are needed by MTS's Facilities Maintenance to keep the Trolley station parking lots clean of debris and safe for the public. The proposed sweeping services will prevent the buildup of dirt and debris in the trolley station parking lots.

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



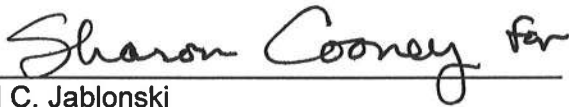
Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation 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.



MTS Policy No. 52, governing the procurement of goods and services, requires a formal competitive process for procurements exceeding \$100,000.

An Invitation for Bid (IFB) was issued on May 8, 2014. Six (6) responsive and responsible bids were received on the due date of June 10, 2014. The bidders were, San Diego Sweeping Services, Aztec Landscaping, Cannon Pacific Services, Clark Services, Clean Street and NMS Management.

After conducting a price analysis, staff determined that the pricing presented by San Diego Sweeping Services was fair and reasonable and was the lowest responsive and responsible bid relative to their competitors.

A handwritten signature in cursive script that reads "Sharon Cooney" followed by a small "for" and a flourish.

Paul C. Jablonski  
Chief Executive Officer

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

Attachment A. Draft MTS Doc. No. L1197.0-14

**ATTACHMENT A  
(DRAFT)**

**STANDARD SERVICES AGREEMENT  
FOR  
PARKING LOT SWEEPING SERVICES**

**L1197.0-14**  
**CONTRACT NUMBER**

FILE/PO NUMBER(S)

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, 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: San Diego Sweeping Services

Address: 1597 Woodlark Court

Form of Business: Sole Proprietor  
(Corporation, partnership, sole proprietor, etc.)

Chula Vista, CA 91911

Telephone: 619-941-1747

Authorized person to sign contracts: Steven J. Reid Owner  
Name Title

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

Parking Lot Sweeping services, as specified in the Scope of Work (attached as Exhibit A), San Diego Sweeping Services Bid dated May 10, 2014 (attached as Exhibit B), and in accordance with the Standard Conditions Services Agreement, including the Standard Conditions Services (attached as Exhibit C), and the Federal Requirements (attached as Exhibits D). This contract will be effective for a three (3) year base period, from August 1, 2014 thru July 31, 2017; with the option of two (2) one-year extensions from August 1, 2017 thru July 31, 2018 and August 1, 2018 thru July 31, 2019, to be exercised at the sole discretion of MTS.

Total contract will be in the amount of **\$162,120.00**.

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
<b><u>\$ 162,120.00</u></b>	<b><u>381-53710</u></b>	<b><u>FY 15-19</u></b>

By: \_\_\_\_\_  
Chief Financial Officer Date

(\_\_\_ total pages, each bearing contract number)

SA-SERVICES REVISED (REV 6-13)  
DATE



1255 Imperial Avenue, Suite 1000  
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## Agenda Item No. 15

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

July 17, 2014

#### SUBJECT:

SEMIANNUAL UNIFORM REPORT OF DISADVANTAGED BUSINESS ENTERPRISE  
AWARDS OR COMMITMENTS AND PAYMENTS

#### INFORMATIONAL ONLY

##### Budget Impact

None.

#### DISCUSSION:

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

The goals of the DBE program are:

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



6. to assist the development of firms that can compete successfully in the marketplace outside of the DBE program; and
7. to provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

**For the current triennial reporting period (October 1, 2012, to September 30, 2015), MTS has a race-neutral program with an aspirational goal of 4.1% DBE participation.**

A race-neutral DBE program means that no special quotas or advantages are provided to DBE contractors. Instead, MTS conducts outreach to DBE and other contractors in an effort to inform them of upcoming MTS procurements. Successful bidders are chosen using race-neutral means generally through a low-bid or best-value procurement process.

For purposes of reporting DBE participation rates to the FTA, MTS may only count participation by certified DBE contractors. Contractors with only a women, disabled veteran, or minority-owned certification do not qualify for DBE reporting. Certified DBE contractors must (1) have a woman or minority as a majority owner, and (2) meet specified income limits for both the business and the majority owner.

#### Summary of Semiannual DBE Report Findings (Federal Funds Only)

The current FTA semiannual reporting period runs from October 1, 2013, to March 31, 2014. For projects using federal funds, there were a total of 65 contracts that were entered into during the reporting period (Attachment A) and 45 contracts that were completed during the reporting period (Attachment B).

	Contract Awards/Commitments			Goal
<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>vs 4.1%</u>
<b>Oct 1, 2013 to Mar 31, 2014</b>	\$24,982,372.54	\$1,041,961.65	4.17%	+0.07%

	Contracts Completed (Actual Payments)			Goal
<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>vs 4.1%</u>
<b>Oct 1, 2013 to Mar 31, 2014</b>	\$6,823,674.29	\$292,533.65	4.29%	+0.19%

The MTS History of DBE Semi Annual Reports (Attachment C) shows MTS DBE participation from Federal Fiscal Year 2004 to present. For the current FTA Triennial reporting period, MTS's cumulative DBE attainment is 4.56% for Contract Awards/Commitments and 4.05% for Contracts Completed, both of which are on-track with MTS's 4.1% goal.

In addition, two contracts totaling \$679,320.38 were awarded to a certified woman-owned business (WBE) and a small business enterprise (SBE), constituting an additional 2.72% of the federal funds awarded.

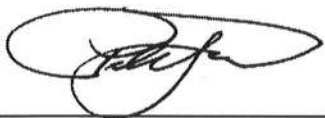
## Local Funds

MTS generally reserves federal funds for capital projects and state-of-good-repair vehicle or system maintenance projects. MTS uses local and state funds for MTS administrative costs and other operating expenses (e.g., marketing expenses, land management, office supplies). SANDAG is responsible for most of the MTS-related construction projects. Some small construction projects are completed by MTS using Job Order Contracts originally awarded as part of SANDAG's construction contracting program. Only contracts awarded and paid by MTS using federal funds (or a portion of federal funds) are reported to the FTA under the DBE reporting obligation. In addition, the FTA only calculates the realization of DBE firms. The FTA does not record the realization of minority or women-owned firms that do not meet the DBE personal and business income limits. Such firms are identified as "WBE" and "MBE" firms in the attached MTS reports. No locally fund DBE or non-DBE WBE or MBE firms were identified during this reporting period.

MTS's participation rates for the reporting period, using local funds, were as follows:

	Contract Awards/Commitments		
<u>REPORTING PERIOD</u>	<u>Total \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>
Local Funds: Oct 1, 2013 to Mar 31, 2014	5,414,192.09	\$3,626.00	0.07%

	Contract Completed		
<u>REPORTING PERIOD</u>	<u>Total Local \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>
Local Funds: Oct 1, 2013 to Mar 31, 2014	\$6,825,680.41	\$755.55	0.01%



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Karen Landers, 619.557.4512, [karen.landlers@sdmts.com](mailto:karen.landlers@sdmts.com)

Attachments: A. Semiannual DBE Report Spreadsheet 10/1/13-3/31/14 – Contracts Awarded  
B. Semiannual DBE Report Spreadsheet 10/1/13-3/31/14 – Contracts Completed  
C. History of Semiannual DBE Reports (FY 2004 to Present)

Contracts Awarded  
October 1, 2013 to March 31, 2013  
All Contracts, POs, WOs except \$0, Revenue, Transit Vehicle Manufacturers, Real Property

Att. A, AI 15, 7/17/14

Federal Funds											
Contracts	Doc #	Organization	Subject	Amount	Funding Source	Local	DBE	SBE/ MBE/ WBE/ DVBE	DBE reported	Day	FTA
1	B0563.5-11	TRAPEZE SOFTWARE GROUP	ANNUAL MAINTENANCE RENEWAL	\$59,200.00	661-53910	N	N	N	\$0.00	10/22/2013	Y
2	L0856.1-09	CANON BUSINESS SOLUTIONS	ADD FUNDS	\$27,000.00	902-59620	Y	N	N	\$0.00	10/29/2013	Y
3	B0604.0-14	S & A SYSTEMS	FLEET WATCH SOFTWARE UPGRADE	\$133,675.12	11200-0800	N	N	N	\$0.00	11/11/2013	Y
4	L1092.2-13	PROGRESS RAIL SERVICES	ADDITIONAL 67' OF 115# RAIL	\$1,603.80	128170200	N	N	N	\$0.00	12/4/2013	Y
5	L1115.0-13	NORDCO RAIL SERVICES	ULTRASONIC RAIL TESTING SERVICES	\$230,713.07	371-53710	N	N	N	\$0.00	12/5/2013	Y
6	B0522.1-09	TRILLIUM USA COMPANY	INCREASE CONTRACT AMOUNT	\$6,996,689.00	54120	N	N	N	\$0.00	12/10/2013	Y
7	B0594.1-13	CALIFORNIA TRILLIUM COMPANY	AMEND SCOPE FOR CNG FUELING EQUIPMENT	(\$18,313.00)	11482-1000	N	N	N	\$0.00	12/10/2013	Y
8	G1361.1-11	KEENAN & ASSOCIATES	EXERCISE YEAR 1	\$92,610.00	903-52310	N	N	N	\$0.00	12/19/2013	Y
9	G1362.1-11	KEENAN & ASSOCIATES	EXERCISE YEAR 1	\$0.00	711-53110	N	N	N	\$0.00	12/19/2013	Y
10	G1544.0-13	ACS TRANSPORTATION SOLUTIONS	RTMS SYSTEM UPGRADE	\$11,314,038.25	11290	N	Y	N	\$296,725.00	12/30/2013	Y
11	B0610.0-14	A TO Z ENTERPRISES DBA ROADONE	TOWING SERVICES	\$66,075.00	31253610	Y	N	N	\$0.00	1/3/2014	Y
12	G1550.0-13	DRUG TESTING NETWORK, INC	DRUG AND ALCOHOL TESTING	\$194,934.70	71153420/10	Y	N	N	\$0.00	1/3/2014	Y
13	G1497.1-13	SECTRAN SECURITY	ADDITION OF TRANSIT STORE	\$8,992.31	513-53510	N	N	N	\$0.00	1/10/2014	Y
14	PWL147.0-13	J.L PATTERSON MIS SCIENCES, CORP.	BRIDGE INSPECTION	\$665,462.00	371-53710	N	Y	Y - HISP & WBE	\$665,462.00	1/22/2014	Y
15	G1326.3-10		OPTION YEAR 3	\$72,936.00	661-53910	N	Y	Y - WBE	\$72,936.00	1/30/2014	Y
16	G1654.0-14	DAILY DISPOSAL SERVICES	TRASH DISPOSAL	\$270,630.64	380-53720	Y	N	N	\$0.00	2/3/2014	Y
17	G1682.0-14	NTH GENERATION COMPUTING	COMMVAULT BACKUP SYSTEM	\$291,884.90	11322	Y	N	Y - WBE	\$0.00	2/3/2014	Y

Contracts Awarded  
October 1, 2013 to March 31, 2013  
All Contracts, POs, WOs except \$0, Revenue, Transit Vehicle Manufacturers, Real Property

Att. A, AI 15, 7/17/14

18	B0521.6-09	APOLLO VIDEO TECHNOLOGY	4 ADDITIONAL WIRELESS ACCESS POINTS	\$387,435.48	11184-1500	N	N	Y - SBE	\$0.00	2/4/2014	Y
19	L0900.1-09	HI-TEC ENTERPRISES	40 ADDITIONAL GEARBOX KITS	\$394,235.00	11251-0200	N	N	N	\$0.00	2/13/2014	Y
20	B0594.2-13	CALIFORNIA TRILLIUM COMPANY	EAST COUNTY FUELING STATION	\$32,047.05	11482-1000	N	N	N	\$0.00	2/19/2014	Y
21	L0955.3-10	UTC FIRE & SECURITY COMPANY	ADD FUNDS FOR BASE CONTRACT	\$83,505.41	11271-0800	N	N	N	\$0.00	2/21/2014	Y
22	L0958.1-10	CINTAS FIRE PROTECTION	NAME CHANGE	\$0.00	902-53910	Y	N	N	\$0.00	2/24/2014	Y
23	L1120.1-13	SIMMONS MACHINE TOOL CORP	TAX ADJUSTMENT	\$3,586.25	11309-0200	N	N	N	\$0.00	2/25/2014	Y
24	G1658.0-14	ISS FACILITIES	BRT STATION MAINTENANCE	\$2,945,101.00	53920-840	Y	N	N	\$0.00	2/28/2014	Y
25	B0607.0-14	SAN DIEGO GAS & ELECTRIC	UNDERGROUND ELECTRIC TO CNG EL CAJON	\$21,926.00	11482-1000	Y	N	N	\$0.00	3/11/2014	Y
26	L0856.2-09	CANON BUSINESS SOLUTIONS	EXTEND LEASE BY 3 MONTHS	\$13,186.00	902-59620	Y	N	N	\$0.00	3/19/2014	Y
Purchase Orders	PO NUMBER	Organization	Subject	AMOUNT	Funding Source		DBE	SBE/ MBE/ WBE/ DVBE		DATE	FTA
	27	3523	GENERAL INFORMATION SYSTEMS	READER SOFTWARE AND CABLES	\$5,474.00	420-54990	N			10/11/2013	Y
	28	3524	LABANN CORPORATION	LOCK CYLINDARS	\$1,468.80	12817-200	N			10/14/2013	Y
	29	3528	REDFIELD'S LOCK & KEY	INSTALLATION SERVICES	\$2,550.00	12817-200	N			10/16/2013	Y
	30	3529	SIEMENS INDUSTRY INC	SUBSTATIONS FOUNDATION DESIGN	\$3,450.00	12817-0200	N			10/16/2013	Y
	31	3539	SUNSTATE EQUIPMENT	TEMP LIGHTING FOR VERNON PARKING LO	\$5,842.28	11482-1000	N			10/25/2013	Y
	32	3549	WOLFCOM ENTERPRISES	HD1080 POLICE BOY CAMERAS W/ WARTY	\$48,750.00	11200-0200	N			11/13/2013	Y
	33	3554	AT&T	PURCHASE AND CONFIG CISCO EQUIPMENT	\$169,678.01	11341-0200	N			11/18/2013	Y
	34	PW001094	ELECTRO SPECIALTY SYSTEMS	CCTV EQUIPMENT AND LABOR	\$1,755.66	902-53910	N			12/11/2013	Y
	35	3576	ULINE	STORAGE RACK	\$687.33	11322-1500	N			12/12/2013	Y
36	PW001095	ABC CONSTRUCTION	CCTV CONDUIT	\$4,940.00	12824-1000		N			12/19/2013	Y



Contracts Awarded  
October 1, 2013 to March 31, 2013  
All Contracts, POs, WOs except \$0, Revenue, Transit Vehicle Manufacturers, Real Property

Att. A, AI 15, 7/17/14

37	3614	IACCESS, INC.	HID CARDS	\$2,781.00	711-53750		N		1/28/2014	Y
38	3625	STAPLES CONTRACT & COMMERCIAL	OFFICE CHAIRS FOR FIN. CONFERENCE R	\$1,163.72	601-53910		N		2/7/2014	Y
39	3628	STAPLES CONTRACT & COMMERCIAL	WALL UNIT 72 INCH MAYLI VLC	\$981.25	711-54910		N		2/14/2014	Y
40	3629	URBAN CORPS OF SD	PALOMAR ST AND BAY BLVD CLEAN UP	\$2,104.50	791-53114		N		2/14/2014	Y
41	3633	CDW GOVERNMENT, INC.	ADOBE CREATIVE SUITE LICENCE	\$1,459.00	661-54920		N		2/20/2014	Y
42	3634	CRUZ STRELLA'S CADD & DRAFTING	DRAFTING FOR 26 STATIONS CCTV	\$6,838.65	11324-0600		Y		2/20/2014	Y
43	3639	STUDIO ELEVEN	ADA SIGNAGE, ARTWORK & SET-UP	\$5,853.03	12813-0200		N		2/24/2014	Y
44	PW001100	S&A SYSTEMS	FUEL MONITOR AND INSTALLATION	\$13,027.06	902-53910		N		3/4/2014	Y
45	3652	CDWG	SERVER RACK	\$17,149.42	12812-0200		N		3/6/2014	Y
46	3659	CELICO PARTNERSHIP	SAMSUNG GALAXY 3 TABLETS	\$33,600.00	11354-0200		N		3/7/2014	Y
47	PW001105	VERDUGO TESTING CO	TANK PAD AND BOLLARD INSTALLATION	\$14,712.25	902-53910		N		3/21/2014	Y
Work Orders	Doc #	Organization	Subject	AMOUNT	Funding Source		DBE		DATE	FTA
48	PWL135.0-12.16	ABC CONSTRUCTION, INC.	KMD YARD FENCING	\$40,664.78					10/3/2013	Y
49	PWL135.0-12.17	ABC CONSTRUCTION, INC.	IAD YARD FENCING	\$32,691.57					10/3/2013	Y
50	PWL134.0-12.24	HERZOG CONSTRUCTION, INC.	BROADWAY PAVING REPLACEMENT	\$12,894.54					10/15/2013	Y
51	G1246.0-09.10.2	DAVID EVANS & ASSOCIATES INC	ADDITIONAL DESIGN SERVICES	\$16,985.29					11/6/2013	Y
52	PWL134.0-12.20.1	HERZOG CONSTRUCTION, INC.	ORANGE LINE TRACK WELDING	\$42,036.52					11/7/2013	Y
53	PWL135.0-12.09.1	ABC CONSTRUCTION	UPGRADE 2 SERVERS	\$2,639.20					11/8/2013	Y
54	PWL135.0-12.15.1	ABC CONSTRUCTION, INC.	20 ADDITIONAL FEET ENGINEERING SERVICES BLDG A	\$4,662.52					11/8/2013	Y
55	G1246.0-09.12.2	DAVID EVANS & ASSOCIATES INC	HVAC	\$8,031.30					12/5/2013	Y

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56	G1496.0-13.01.02	RAILPROS, INC.	ROE AND REAL ESTATE GENERAL	\$100,000.00				12/31/2013	Y
57	G1245.0-09.02.03	KIMLEY-HORN & ASSOCIATES	ENGINEERING SVCS	\$10,000.00				1/3/2014	Y
58	G1328.0-10.04	PARSONS BRINKERHOFF	TITLE VI ANALYSIS 2014 RAPID/LOCAL	\$11,952.32				1/6/2014	Y
59	PWL135.0-12.10.1	ABC CONSTRUCTION	ROOFTOP ASBESTOS REMOVAL	\$2,147.81				1/22/2014	Y
60	G1386.0-11.05	PGH WONG ENGINEERING	BUILDING C BACKUP GENERATOR MGMT	\$29,000.00				1/28/2014	Y
61	G1495.0-13.01.01	PGH WONG	ON-CALL ENGINEERING EXTENSION	\$0.00				2/3/2014	Y
62	PWL132.0-11.08.1	SOUTHLAND ELECTRIC	FASHION VALLEY ELEVATOR HYDRAULIC	(\$5,619.97)				2/19/2014	Y
63	PWL135.0-12.06.1	ABC CONSTRUCTION, INC.	BLDG A HVAC UPGRADE CREDIT	(\$6,992.70)				2/19/2014	Y
64	PWL135.0-12.07.2	ABC CONSTRUCTION, INC.	12TH IMPERIAL BUS DRIVEWAY	\$36,694.45				3/3/2014	Y
65	PWL134.0-12.25	HERZOG CONSTRUCTION, INC.	YARD A SINK HOLE TRACK REPAIR	\$11,164.97				3/5/2014	Y
FEDERAL FUNDS TOTAL				\$24,982,372.54					
DBE FEDERAL FUNDS				\$1,041,961.65					
% DBE FUNDS				4.17%					
SBE/ MBE/ WBE/ DVBE				\$679,320.38					
% SBE/ MBE/ WBE/ DVBE				2.72%					

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Contracts	Doc #	Organization	Subject	Amount	Funding Source	Local	DBE	SBE/ MBE/ WBE/ DVBE	DBEreported	Day	FTA
3	L1162.0-14	ASK-INT TAG, LLC	TRANSIT SMART CARDS	\$248,400.00	921-53950	N	N	N	\$0.00	11/7/2013	N
4	G1415.2-12	NMS MANAGEMENT	2ND FLOOR JANITORIAL SERVICES FOR SANDAG	\$2,870.45	791-53910	Y	Y	N	\$2,870.45	11/22/2013	N
5	G1534.0-13	AAA PRINTING COMPANY	PRINTING TIMETABLES	\$764,416.21	902-53730	Y	N	N	\$0.00	11/22/2013	N
6	G1670.0-14	MSDS ONLINE	MATERIAL SAFETY DATA SHEET	\$19,758.00	10902-53910	N	N	N	\$0.00	11/27/2013	N
7	G1644.0-14	SMITH, WATTS & MARTINEZ	STATE LOBBYING SERVICES	\$99,000.00	902-53116	N	N	N	\$0.00	12/2/2013	N
8	L0901.2-10	BRICEHOUSE STATION, LLC	FOUNTAIN REPAIRS	\$80,000.00	50901-42990	Y	N	N	\$0.00	12/5/2013	N
9	G1594.0-13	TRIBOLOGIK CORPORATION	BUS OIL ANALYSIS SERVICES	\$96,857.50	312-54510/322-54510	N	N	N	\$0.00	12/16/2013	N
10	G1514.0-13	US HEALTHWORKS	MEDICAL PROVIDER SERVICES	\$197,580.24	71153410-20	Y	N	N	\$0.00	12/17/2013	N
11	PWL150.0-14	GLOBAL POWER GROUP, INC.	BUILDING C BACKUP GENERATOR	\$349,612.48	11342-1000	Y	N	N	\$0.00	12/18/2013	N
12	G1676.0-14	JACOBS CENTER	HOLIDAY ENTERTAINMENT	\$5,000.00	552-59990	Y	N	N	\$0.00	12/19/2013	N
13	B0600.0-13	KINGSBURY UNIFORMS, INC.	BUS OPERATOR UNIFORMS	\$638,962.83	213-52610	N	N	N	\$0.00	12/30/2013	N
14	G1650.0-14	CHEIRON	ACTUARIAL SERVICES FOR SDTC PENSION	\$246,100.00	PENSION	N	N	N	\$0.00	1/7/2014	N
15	PWB133.1-11	SOUTH COAST HEATING AND AIR	INCREASE AMOUNT DUE TO EMERGENCY SERVICE	\$6,700.00	331-53710	Y	N	N	\$0.00	1/9/2014	N
16	G1513.0-13	PUN & MCGEADY, LLP	INDEPENDENT AUDITING SERVICES	\$1,081,473.00	90253112	Y	N	N	\$0.00	1/10/2014	N
17	G1573.1-13	BRICEHOUSE STATION	COMPASS CARD AGMT EXTENSION	\$33,000.00		Y	N	N	\$0.00	1/22/2014	N
18	B0609.0-14	HECTOR LOPEZ	TECATE BUS STOP	\$1,650.00	840-53114	N	N	N	\$0.00	1/27/2014	N
19	G1597.1-13	BUSINESS MATTERS	COMPASS CARD AGMT EXTENSION	\$12,500.00		Y	N	N	\$0.00	1/27/2014	N

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20	G1679.0-14	SIGNA DIGITAL SOLUTIONS	COPIER MAINTENANCE AND REPAIR SERVICES	\$18,342.94	902-53720	Y	N	N	\$0.00	1/27/2014	N
21	G1561.1-13	BIG BEN MARKET	COMPASS CARD AGMT EXTENSION	\$12,500.00		Y	N	N	\$0.00	1/29/2014	N
22	G1690.0-14	FINEST CITY OIL, INC.	COMPASS CARD OUTLET	\$2,500.00		Y	N	N	\$0.00	2/13/2014	N
23	G1691.0-14	SUPER MERCADO MURPHY'S	COMPASS CARD OUTLET	\$2,500.00		Y	N	N	\$0.00	2/13/2014	N
24	G1692.0-14	SLEEWA, INC.	COMPASS CARD OUTLET	\$2,500.00		Y	N	N	\$0.00	2/13/2014	N
25	L1153.0-13	GILLIG, LLC	OPERATOR SEAT REPLACEMENT	\$296,049.60	11332-0200	N	N	N	\$0.00	2/19/2014	N
26	PWL150.1-14	GLOBAL POWER GROUP, INC.	BUILDING C BACK UP GENERATOR	(\$17,020.00)	11342-1000	Y	N	N	\$0.00	3/18/2014	N
27	G1233.1-09	COLLIERS INTERNATIONAL	9TH FLOOR RENOVATIONS	\$135,000.00		Y	N	N	\$0.00	11/5/2013	N
Purchase Orders	PO NUMBER	Organization	Subject	AMOUNT	Funding Source		DBE			DATE	FTA
	3508	CDW GOVERNMENT CORP.	VEEAM LICENSE AND SUPPORT	\$3,148.00	661-54930		N			10/1/2013	N
	3515	CDW GOVERNMENT INC	QUANTUM LT05 DATA CART	\$1,884.60	661-54920		N			10/2/2013	N
	3516	BMC SOFTWARE INC	TRACK IT	\$2,069.00	661-54930		N			10/2/2013	N
	3517	DELL COMPUTER CORP	DELL LATITUDE	\$3,062.39	661-54930		N			10/3/2013	N
	3518	CDW GOVERNMENT INC	SYMANTEC PROTECTION SUITE	\$5,400.00	661-54930		N			10/7/2013	N
	3519	SUNGARD BI-TECH INC	IFAS ANNUAL SUPPORT	\$22,219.75	661-53910		N			10/7/2013	N
	3520	ABTECH SYSTEMS INC	HP SUPPORT RENEWAL IFAS-ELLIPSE	\$32,383.00	661-53910		N			10/8/2013	N
	3522	BMC SOFTWARE INC	HELPDESK SOFTWARE	\$3,735.00	661-53910		N			10/11/2013	N
	3525	KLVN UNIVISION RADIO	RADIO SPOT FOR 9 MONTHS	\$25,000.00	551-53114		N			10/16/2013	N
	3526	XEWT TV	RADIO SPOT FOR 9 MONTHS	\$25,500.00	551-53114		N			10/16/2013	N
	3527	101 THINGS TO DO	3 YEARS COLOR ADS SPACE	\$35,580.00	50551-53114		N			10/16/2013	N
	3530	ARAMARK REFRESHMENT SERVICES	COFFEE BREWERS	\$8,800.00	902-54910		N			10/22/2013	N
	3540	SDA SECURITY SYSTEMS INC.	ALARM MONITORING 1 YR	\$1,199.00	791-53510		N			10/29/2013	N

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41	3542	CDW GOVERNMENT, INC.	HP ETHERNET ADAPTER	\$948.24	661-54930	N		11/4/2013	N
42	3543	KELLY PAPER	HAMMERMILL PAPER	\$7,782.75	902-54910	N		11/4/2013	N
43	3545	CITY ELECTRIC WORKS	ELECTRICAL WORK LABOR/MATERIALS	\$6,660.00	11294	N		11/4/2013	N
44	3546	PIXEL PRODUCTIONS	VIDEO, DON'T BE THAT KID	\$1,200.00	531-53114	N		11/8/2013	N
45	3548	DELL COMPUTER CORP	DELL LATITUDE	\$1,536.92	661-54930	N		11/12/2013	N
46	3550	DEL COMPUTER CORP	DEL LATITUDE	\$2,088.77	661-54930	N		11/14/2013	N
47	3551	SAN DIEGO CONVENTION AND VISIT	TWO FULL PAGE COLOR ADS	\$8,500.00	551-53114	N		11/14/2013	N
48	3551	SD CONVENTION AND VISIT	TWO FULL PAGE COLOR ADS	\$8,500.00	551-53114	N		11/14/2013	N
49	3552	RUSH PRESS	QUARTERLY RIDER NEWSLETTER	\$17,684.00	553-53750	N		11/14/2013	N
50	3553	CDWG	VMWARE	\$60,784.00	11307-1500	N		11/15/2013	N
51	3555	MYTHICS INC	ORACLE DATABASE ENTERPRISE	\$94,044.60	11311-1500	N		11/20/2013	N
52	3557	ESRI	ARGIS NETWORK ANALYST	\$2,700.00		N		11/20/2013	N
53	PW001093	CITY ELECTRIC WORK	PARKING LOT LIGHTING FOR RB	\$6,550.00	50840-53920	N		11/20/2013	N
54	3565	CDWG	HP DL380 GEN 8 SERVERS	\$33,612.84	11315-1500	N		11/26/2013	N
55	3566	CDWG	CISCO NEXUS	\$24,179.60	11315-1500	N		11/26/2013	N
56	3567	ESRI	ARCGIS MAINTENANCE	\$10,694.96	661-53910	N		11/27/2013	N
57	3574	COASTLINE WOODWORK	CABINET DOORS AND SMALL COUNTER TOP	\$1,570.00	11200-0800	N		12/5/2013	N
58	3575	DELL COMPUTER CORP	OPTIPLEX 9020	\$31,573.11	661-54930	N		12/10/2013	N
59	3577	SIGNA DIGITAL SOLUTIONS	COPIER MAINTENANCE AND REPAIR	\$10,000.00	902-53720	N		12/12/2013	N
60	3579	SOLARWINDS INC	SOLARWINDS IP ADDRESS	\$799.00	661-53910	N		12/17/2013	N
61	3583	SEVERIN MOBILE TOWING	TOWING SERVICES 8TH ST LOT	\$2,500.00	12824-0800	N		12/19/2013	N
62	3584	CDW GOVERNMENT, INC.	LCD TV, HARD DRIVES, GRAPHICS CARD	\$1,684.80	661-54930	N		12/23/2013	N
63	3585	CDW GOVERNMENT, INC.	CISCO EQUIPMENT	\$12,461.04	11315	N		12/23/2013	N

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64	3586	DELL COMPUTER CORP	LAPTOP	\$2,207.02	661-54930	N		12/23/2013	N
65	3591	CBS RADIO BROADCAST COMPANY OF AMERICA	6 MONTH RADIO BUY	\$25,000.00	551-53114	N		1/7/2014	N
66	3592	KFMB	6 MONTH RADIO BUY	\$25,000.00	551-53114	N		1/7/2014	N
67	3593	DELL COMPUTER CORP	DELL LATITUDE E7440	\$11,048.37	661-54930	N		1/7/2014	N
68	3594	ELECTRO SPECIALTY SYSTEMS	CCTV EQUIPMENT	\$3,582.60	11324-0200	N		1/15/2014	N
69	3595	AT&T V & V MANUFACTURING, INC.	CISCO CONFERENCE ROOM PHONES	\$18,019.81	11350-1500	N		1/15/2014	N
70	3596	IQ PIPELINE LLC	5-40 YR PINS TEMPORARY EMPLOYEE	\$17,177.72	711-53750	N		1/21/2014	N
71	3605	SAN DIEGO CONVENTION AND VISIT	TEMPORARY EMPLOYEE	\$12,960.00	420-53630	N		1/22/2014	N
72	3608	SAN DIEGO CONVENTION CENTER	FULL PAGE PRINT AD (CANCELLED)	\$5,674.50	551-53114	N		1/24/2014	N
73	3610	SAN DIEGO CONVENTION CENTER	FULL PAGE PRINT AD	\$5,674.50	551-53114	N		1/27/2014	N
74	3612	DIMENSIONAL SILKSCREEN, INC	FULL PAGE PRINT AD	\$5,674.50	551-53114	N		1/27/2014	N
75	3613	KIOSK SIGNS	KIOSK SIGNS	\$5,025.24	553-53750	N		1/27/2014	N
76	3621	ACCESS DISPLAY GROUP	WIDE FACE PASTER DISPLAY SWING FRAM	\$1,003.49	11200-0200	N		2/3/2014	N
77	3623	ABC CONSTRUCTION	LIGHTING POLE LENS REPLACEMENT	\$410.00	12824-1000	N		2/5/2014	N
78	3624	DELL COMPUTER CORP	DELL LATITUDE	\$1,922.46	661-54930	N		2/5/2014	N
79	3626	CALIFORNIA COMMERCIAL SECURITY	UPGRADE CARD ACCESS SOFTWARE	\$4,661.08	661-53910	N		2/11/2014	N
80	3627	PRESSNET EXPRESS	MTS CONNECTION NEWSLETTER	\$2,980.80	551-53750	N		2/12/2014	N
81	3630	PIXEL IMAGING MEDIA	SDSU STUDENT UNION WRAP	\$10,484.00	551-53750	N		2/18/2014	N
82	3631	AT&T	CP 8945 PHONES	\$1,488.56	11350-1500	N		2/19/2014	N
83	3632	SOLARWINDS, INC.	SERVER AND APP MONITOR	\$1,899.00	661-53910	N		2/20/2014	N
84	3635	TECHNOLOGY	TEMPORARY STAFFING	\$6,600.00	661-50701	N		2/24/2014	N

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85	3636	WMBE PAYROLLING CDW GOVERNMENT INC	TEMPORARY STAFFING SERVICES	\$59,280.00	661-50701	N		2/24/2014	N
86	3637		PLANTRONICS HEADSET	\$1,058.40	661-54930	N		2/24/2014	N
87	3638	RIDOUT PLASTICS	FACT SHEET HOLDER	\$397.42	902-54910	N		2/24/2014	N
88	3640	MBN SERVICES, INC.	EXECUTIVE RECRUITMENT FEE	\$17,500.00	420-53410	N		2/24/2014	N
89	3641	CDW GOVERNMENT INC	MULTIPLE ITEMS	\$10,466.00	661-54930	N		2/26/2014	N
90	3642	PROFESSIONAL STAFFING	TEMP ADMIN ASSISTANT	\$14,620.00	201-50701	N		2/26/2014	N
91	3643	HELIX MECHANICAL	THERMOSTATES FOR BLDG C LRV	\$1,745.13	11301-0200	N		2/27/2014	N
92	3644	QUILL CORP	STACKING VINYL CHAIRS	\$1,432.06	111-54930	N		3/4/2014	N
93	3645	NATIONAL BUSINESS FURNITURE	SDTC CONFERENCE ROOM TABLES	\$2,821.88	111-54930	N		3/4/2014	N
94	3646	CDWG	SYMANTEC PROTECTION SUITE LICENSE	\$5,400.00	661-54930	N		3/4/2014	N
95	3647	CDWG	MISC. COMPUTER PARTS	\$1,535.76	661-54930	N		3/4/2014	N
96	3648	PRO COMPLIANCE INC	BUSINESS CREDIT CHECK SERVICES	\$2,000.00	530-53910	N		3/4/2014	N
97	3649	BODY BEAUTIFUL CAR WASH	CAR WASH	\$1,065.50	902-53620	N		3/5/2014	N
98	3650	BLACK SWAN SEARCH	RECRUITMENT FEE DATABASE ADMIN	\$25,750.00	661-53410	N		3/5/2014	N
99	3651	DELL COMPUTER CORP	DELL LATITUDE	\$1,302.48	661-54930	N		3/6/2014	N
100	3653	DELL	OPTIPLEX 9020 AND MONITOR	\$60,883.88	661-54930	N		3/6/2014	N
101	3654	JOBSPECS, INC.	TEMPORARY STAFFING, RISK AND CLAIMS	\$755.55	633-50701	Y		3/6/2014	N
102	3655	CDWG	MONITORS, GRAPHIC CARDS, HEADSETS	\$6,560.00	11333-0200	N		3/7/2014	N
103	3656	MADDEN CONSTRUCTION	CEMENT DEBO TRANSIT STORE	\$966.26	11200-0800	N		3/7/2014	N
104	3657	ROBERT HULSEY	INVENTORY LABELS	\$340.32	661-54920	N		3/7/2014	N
105	3658	SO CAL GRAPHICS	CLEAR POLYESTER LABELS	\$1,458.00	761-53750	N		3/7/2014	N
106	PW001101	UTILITY TREE SERVICE	TREE REMOVAL, 1ST & BROADWAY	\$5,265.12	11200-0800	N		3/7/2014	N



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107	3660	ORACLE CORPORATION	ANNUAL SUPPORT RENEWAL	\$4,801.80	661-53910		N		3/12/2014	N
108	3661	PRESSNET EXPRESS	SPECIAL EVENT TICKETS	\$2,991.60	551-53750		N		3/12/2014	N
109	3663	HEADSETS DIRECT	H1414N DUO SETS AND CABLES	\$2,798.13	51554990		N		3/12/2014	N
110	PW001102	ADVANCED AIR & VACUUM	COMPRESSORS FOR IAD	\$25,409.35	11360-1000		N		3/12/2014	N
111	PW001103	VERDUNGO TESTING	RELOCATION OF ABOVE GROUND GAS TANK	\$27,712.26	902-53910		N		3/12/2014	N
112	PW001104	AO REED	INSTALLATION OF AC COIL GUARD	\$1,755.00	11301-0200		N		3/19/2014	N
113	3666	CDWG	MAXELL LTO ULTIUM	\$1,555.20	661-54930		N		3/20/2014	N
114	3668	DELL	LATITUDE E7440	\$4,649.27	661-54930		N		3/20/2014	N
115	3669	URBAN CORPS OF SD	TREE PLANTING FIRST AND BROADWAY	\$497.64	11200-0800		N		3/20/2014	N
116	PW001106	MADDEN CONSTRUCTION	CONCRETE REPAIRS TRANSIT STORE	\$3,448.31	11200-0800		N		3/26/2014	N
117	3670	CDWG	CISCO CATALYST	\$17,667.72	661-54930		N		3/28/2014	N
Work Orders	Doc #	Organization	Subject	AMOUNT	Funding Source		DBE		DATE	FTA
118	G1496.0-13.03	RAILPROS	ROE AND REAL ESTATE GENERAL	\$50,000.00					10/29/2013	N
119	PWL134.0-12.23	HERZOG CONSTRUCTION, INC.	YARD INTERCOM REPLACEMENT AND UPGRA	\$6,194.28					10/15/2013	
LOCAL FUNDS TOTAL				\$5,414,192.09						
DBE LOCAL FUNDS				\$3,626.00						
DBE LOCAL %				0.07%						

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Federal Funds											
Contracts	Doc #	Organization	Subject	Amount	Funding Source	Local	DBE	SBE/ MBE/ WBE/ DVBE	DBE reported	Completion	FTA
1	PWG103.0-09	ASBURY ENVIRONMENTAL SERVICES	CLARIFIER WASTE TRANSPORTATION & RECYCLI	\$148,396.62		N	N		\$0.00	10/30/2013	Y
2	PWL104.0-09	ADVANCED RAIL MANAGEMENT	RAIL GRINDING SERVICES	\$1,625,197.00		N	N		\$0.00	11/30/2013	Y
3	G1064.4-07	WILLIAM F NORRIS ASSOCIATES	CONSULTING - SECURITY GRANTS	\$97,857.50	11271-0800	Y	N	N	\$0.00	12/15/2013	Y
4	G1144.1-08	AAA PRINTING COMPANY	PRINTING TIMETABLES	\$951,335.83	902-53730	Y	N		\$0.00	12/31/2013	Y
5	PWL145.0-13	JL PATTERSON & ASSOCIATES	2013 BRIDGE INSPECTION SERVICES	\$97,970.00	371-53710	N	Y	7770	\$97,970.00	12/31/2013	Y
6	PWL107.0-09	DE ANGELO BROTHERS	WEED ABATEMENT SERVICES	\$195,731.00		Y	N		\$0.00	12/31/2013	Y
7	G1326.2-10	MIS SCIENCES, CORP.	Yr 1-3: HOSTED TEXT MESSAGING	\$187,725.00	661-53910000	N	Y	Y-WBE	\$187,725.00	1/31/2014	Y
8	G1257.2-09	PRIZM JANITORIAL SERVICES	BRT MAINTENANCE	\$113,411.39		Y	N		\$0.00	2/28/2014	Y
9	B0572.3-12	ISS FACILITY SERVICES, INC.	SUPERLOOP MAINTENANCE	\$113,165.60	53920-840	Y	N		\$0.00	2/28/2014	Y
10	G1481.2-12	ACS TRANSPORT SOLUTIONS	RTMS SYSTEMS, HARDWARE SOFTWARE INSTALL	\$763,048.26	11290-0200	N	N	N	\$0.00	3/14/2014	Y
11	L0883.1-09	SIEMENS TRANSPORTATION	ADDITIONAL SD-100 GTO FIRING BOARDS	\$500,000.00	11216-0200	N	N		\$0.00	3/30/2014	Y
12	B0517.1-09	ARC OF SAN DIEGO	EXERCISE BOTH OPTION YEARS	\$407,417.44	31253612, 32253615	Y	N	N	\$0.00	3/31/2014	Y
13	B0517.0-09	ARC OF SAN DIEGO	5 YR CONTRACT TO CLEAN INTER BUS KMDIAD	\$1,105,169.00		Y	N	N	\$0.00	3/31/2014	Y
Purchase Orders	PO NUMBER	Organization	Subject	AMOUNT	Funding Source		DBE			DATE	FTA
14	3523	GENERAL INFORMATION SYSTEMS	READER SOFTWARE AND CABLES	\$5,474.00	420-54990		N			10/11/2013	Y
15	3524	LABANN CORPORATION	LOCK CYLINDARS	\$1,468.80	12817-200		N			10/14/2013	Y
16	3528	REDFIELD'S LOCK & KEY	INSTALLATION SERVICES SUBSTATIONS	\$2,550.00	12817-200		N			10/16/2013	Y
17	3529	SIEMENS INDUSTRY INC	FOUNDATION DESIGN	\$3,450.00	12817-0200		N			10/16/2013	Y
18	3539	SUNSTATE EQUIPMENT	TEMP LIGHTING FOR VERNON PARKING LO	\$5,842.28	11482-1000		N			10/25/2013	Y
19	3549	WOLFCOM ENTERPRISES	HD1080 POLICE BOY CAMERAS W/ WARTY	\$48,750.00	11200-0200		N			11/13/2013	Y
20	3554	AT&T	PURCHASE AND CONFIG CISCO EQUIPMENT	\$169,678.01	11341-0200		N			11/18/2013	Y
21	PW001094	ELECTRO SPECIALTY SYSTEMS	CCTV EQUIPMENT AND LABOR	\$1,755.66	902-53910		N			12/11/2013	Y
22	3576	ULINE	STORAGE RACK	\$687.33	11322-1500		N			12/12/2013	Y

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23	PW001095	ABC CONSTRUCTION	CCTV CONDUIT	\$4,940.00	12824-1000		N			12/19/2013	Y
24	3614	IACCESS, INC.	HID CARDS	\$2,781.00	711-53750		N			1/28/2014	Y
25	3625	STAPLES CONTRACT & COMMERCIAL	OFFICE CHAIRS FOR FIN. CONFERENCE R	\$1,163.72	601-53910		N			2/7/2014	Y
26	3628	STAPLES CONTRACT & COMMERCIAL	WALL UNIT 72 INCH MAYLI VLC	\$981.25	711-54910		N			2/14/2014	Y
27	3629	URBAN CORPS OF SD	PALOMAR ST AND BAY BLVD CLEAN UP	\$2,104.50	791-53114		N			2/14/2014	Y
28	3633	CDW GOVERNMENT, INC.	ADOBE CREATIVE SUITE LICENCE	\$1,459.00	661-54920		N			2/20/2014	Y
29	3634	CRUZ STRELLA'S CADD & DRAFTING	DRAFTING FOR 26 STATIONS CCTV	\$6,838.65	11324-0600		Y			2/20/2014	Y
30	3639	STUDIO ELEVEN	ADA SIGNAGE, ARTWORK & SET-UP	\$5,853.03	12813-0200		N			2/24/2014	Y
31	PW001100	S&A SYSTEMS	FUEL MONITOR AND INSTALLATION	\$13,027.06	902-53910		N			3/4/2014	Y
32	3652	CDWG	SERVER RACK	\$17,149.42	12812-0200		N			3/6/2014	Y
33	3659	CELICO PARTNERSHIP	SAMSUNG GALAXY 3 TABLETS	\$33,600.00	11354-0200		N			3/7/2014	Y
34	PW001105	VERDUGO TESTING CO	TANK PAD AND BOLLARD INSTALLATION	\$14,712.25	902-53910		N			3/21/2014	Y
Work Orders	Doc #	Organization	Subject	Amount	Funding Source	Local	DBE	SBE/MB E/WBE/D VBE	DBEreported	Complete	FTA
35	PWL135.0-12.16	ABC CONSTRUCTION, INC.	KMD YARD FENCING	\$40,664.78					\$0.00	10/3/2013	Y
36	PWL135.0-12.17	ABC CONSTRUCTION, INC.	IAD YARD FENCING	\$32,691.57					\$0.00	10/3/2013	Y
37	PWL134.0-12.24	HERZOG CONSTRUCTION, INC.	BROADWAY PAVING REPLACEMENT	\$12,894.54					\$0.00	10/15/2013	Y
38	PWL134.0-12.20.1	HERZOG CONSTRUCTION, INC.	ORANGE LINE TRACK WELDING	\$42,036.52					\$0.00	10/31/2013	Y
39	PWL135.0-12.09.1	ABC CONSTRUCTION	UPGRADE 2 SERVERS	\$2,639.20					\$0.00	11/8/2013	Y
40	PWL135.0-12.15.1	ABC CONSTRUCTION, INC.	20 ADDITIONAL FEET	\$4,662.52					\$0.00	11/8/2013	Y
41	PWL135.0-12.10.1	ABC CONSTRUCTION	ROOFTOP ASBESTOS REMOVAL	\$2,147.81					\$0.00	1/31/2014	Y
42	PWL132.0-11.08.1	SOUTHLAND ELECTRIC	ELEVATOR HYDRAULIC	(\$5,619.97)					\$0.00	2/19/2014	Y
43	PWL135.0-12.06.1	ABC CONSTRUCTION, INC.	BLDG A HVAC UPGRADE CREDIT	(\$6,992.70)					\$0.00	2/19/2014	Y
44	PWL135.0-12.07.2	ABC CONSTRUCTION, INC.	12TH IMPERIAL BUS DRIVEWAY	\$36,694.45					\$0.00	3/3/2014	Y
45	PWL134.0-12.25	HERZOG CONSTRUCTION, INC.	YARD A SINK HOLE TRACK REPAIR	\$11,164.97					\$0.00	3/5/2014	Y
FEDERAL FUNDS TOTAL				\$6,823,674.29							
DBE FEDERAL FUNDS				\$292,533.65							
% DBE FUNDS				4.29%							

Local Funds											
Contracts	Doc #	Organization	Subject	Amount	Funding Source	Local	DBE	MBE/WBE	DBEreported	Completion	FTA
1	G1418.0-12 to .2-12	ASPARIAN, LLC	DATABASE SUPPORT	\$66,383.75	661-53910	Y	N	N	\$0.00	12/14/2013	N
2	G1676.0-14	JACOBS CENTER	HOLIDAY ENTERTAINMENT	\$5,000.00	552-59990	Y	N		\$0.00	12/26/2013	N
3	G1665.0-14	CDW GOVERNMENT	RECORDS MANAGEMENT	\$189,379.32	11322	N	N		\$0.00	12/31/2013	N
4	G1552.0-13	HOLIDAY BOWL	SYSTEM HARDWARE	\$1,175.00	551-53114	Y	N		\$0.00	12/31/2013	N
5	G1204.2-09	SMITH WATTS & COMPANY	ADVERTISING	\$310,300.00	50902 53116	N	N	N	\$0.00	12/31/2013	N
6	B0509.0-09 to .4-09	KINGSBURY UNIFORMS, INC.	STATE LOBBYING	\$474,542.17	213-52610	N	N	N	\$0.00	12/31/2013	N
7	G1204.0-09	CALIFORNIA STRATEGIES LLC	BUS OPERATOR UNIFORMS	\$348,000.00		N	N	N	\$0.00	12/31/2013	N
8	G1193.0-08 to .3-08	COZEN & O'CONNOR	CALIFORNIA LOBBYING SERVICES W/ NCTD	\$23,302.27	50761-53114T	Y	N	N	\$0.00	1/17/2014	N
9	L1162.0-14	ASK-INT TAG, LLC	LEGAL SERVICES - TAXICAB	\$248,400.00	921-53950	N	N		\$0.00	1/31/2014	N
10	G1518.0-13	SIGMANET, INC.	TRANSIT SMART CARDS	\$84,472.60	11315/11319	N	N	N	\$0.00	2/28/2014	N
11	G1502.1-13	TAXI RESEARCH PARTNERSHIP	REPLACE SONICWALL 4060 WITH CISCO ASA	\$93,175.33		N	N		\$0.00	3/10/2014	N
12	L0883.0-09	SIEMENS TRANSPORTATION	FARE STUDY	\$1,230,300.00	11216-0200		N		\$0.00	3/30/2014	N
13	G1013.1-06	PUN & MCGEADY	GTO FIRING BOARDS FOR SD-100 LRV	\$2,390,872.00		Y	N	N	\$0.00	3/31/2014	N
Purchase Orders	PO NUMBER	Organization	Subject	AMOUNT	Funding Source		DBE			DATE	FTA
14	3508	CDW GOVERNMENT CORP.	VEEAM LICENSE AND SUPPORT	\$3,148.00	661-54930		N			10/1/2013	N
15	3515	CDW GOVERNMENT INC	QUANTUM LT05 DATA CART	\$1,884.60	661-54920		N			10/2/2013	N
16	3516	BMC SOFTWARE INC	TRACK IT	\$2,069.00	661-54930		N			10/2/2013	N
17	3517	DELL COMPUTER CORP	DELL LATITUDE SYMANTEC PROTECTION	\$3,062.39	661-54930		N			10/3/2013	N
18	3518	CDW GOVERNMENT INC	SUITE	\$5,400.00	661-54930		N			10/7/2013	N
19	3519	SUNGARD BI-TECH INC	IFAS ANNUAL SUPPORT	\$22,219.75	661-53910		N			10/7/2013	N
20	3520	ABTECH SYSTEMS INC	HP SUPPORT RENEWAL	\$32,383.00	661-53910		N			10/8/2013	N
21	3522	BMC SOFTWARE INC	IFAS-ELLIPSE	\$3,735.00	661-53910		N			10/11/2013	N
22	3525	KLVN UNIVISION RADIO	HELPDESK SOFTWARE	\$25,000.00	551-53114		N			10/16/2013	N
23	3526	XEWT TV	RADIO SPOT FOR 9 MONTHS	\$25,500.00	551-53114		N			10/16/2013	N
24	3527	101 THINGS TO DO	RADIO SPOT FOR 9 MONTHS	\$35,580.00	50551-53114		N			10/16/2013	N
25	3530	ARAMARK REFRESHMENT SERVICES	3 YEARS COLOR ADS SPACE	\$8,800.00	902-54910		N			10/22/2013	N
26	3540	SDA SECURITY SYSTEMS INC.	COFFEE BREWERS	\$1,199.00	791-53510		N			10/29/2013	N
27	3542	CDW GOVERNMENT, INC.	ALARM MONITORING 1 YR	\$948.24	661-54930		N			11/4/2013	N
			HP ETHERNET ADAPTER								

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28	3543	KELLY PAPER	HAMMERMILL PAPER	\$7,782.75	902-54910	N		11/4/2013	N
29	3545	CITY ELECTRIC WORKS	ELECTRICAL WORK LABOR/MATERIALS	\$6,660.00	11294	N		11/4/2013	N
30	3546	PIXEL PRODUCTIONS	VIDEO, DON'T BE THAT KID	\$1,200.00	531-53114	N		11/8/2013	N
31	3548	DELL COMPUTER CORP	DELL LATITUDE	\$1,536.92	661-54930	N		11/12/2013	N
32	3550	DEL COMPUTER CORP	DEL LATITUDE	\$2,088.77	661-54930	N		11/14/2013	N
33	3551	SAN DIEGO CONVENTION AND VISIT	TWO FULL PAGE COLOR ADS	\$8,500.00	551-53114	N		11/14/2013	N
34	3551	SD CONVENTION AND VISIT	TWO FULL PAGE COLOR ADS	\$8,500.00	551-53114	N		11/14/2013	N
35	3552	RUSH PRESS	QUARTERLY RIDER NEWSLETTER	\$17,684.00	553-53750	N		11/14/2013	N
36	3553	CDWG	VMWARE	\$60,784.00	11307-1500	N		11/15/2013	N
37	3555	MYTHICS INC	ORACLE DATABASE ENTERPRISE	\$94,044.60	11311-1500	N		11/20/2013	N
38	3557	ESRI	ARGIS NETWORK ANALYST	\$2,700.00		N		11/20/2013	N
39	PW001093	CITY ELECTRIC WORK	PARKING LOT LIGHTING FOR RB	\$6,550.00	50840-53920	N		11/20/2013	N
40	3565	CDWG	HP DL380 GEN 8 SERVERS	\$33,612.84	11315-1500	N		11/26/2013	N
41	3566	CDWG	CISCO NEXUS	\$24,179.60	11315-1500	N		11/26/2013	N
42	3567	ESRI	ARCGIS MAINTENANCE	\$10,694.96	661-53910	N		11/27/2013	N
43	3574	COASTLINE WOODWORK	CABINET DOORS AND SMALL COUNTER TOP	\$1,570.00	11200-0800	N		12/5/2013	N
44	3575	DELL COMPUTER CORP	OPTIPLEX 9020	\$31,573.11	661-54930	N		12/10/2013	N
45	3577	SIGNA DIGITAL SOLUTIONS	COPIER MAINTENANCE AND REPAIR	\$10,000.00	902-53720	N		12/12/2013	N
46	3579	SOLARWINDS INC	SOLARWINDS IP ADDRESS	\$799.00	661-53910	N		12/17/2013	N
47	3583	SEVERIN MOBILE TOWING	TOWING SERVICES 8TH ST LOT	\$2,500.00	12824-0800	N		12/19/2013	N
48	3584	CDW GOVERNMENT, INC.	LCD TV, HARD DRIVES, GRAPHICS CARD	\$1,684.80	661-54930	N		12/23/2013	N
49	3585	CDW GOVERNMENT, INC.	CISCO EQUIPMENT	\$12,461.04	11315	N		12/23/2013	N
50	3586	DELL COMPUTER CORP	LAPTOP	\$2,207.02	661-54930	N		12/23/2013	N
51	3591	CBS RADIO	6 MONTH RADIO BUY	\$25,000.00	551-53114	N		1/7/2014	N
52	3592	BROADCAST COMPANY OF AMERICA	6 MONTH RADIO BUY	\$25,000.00	551-53114	N		1/7/2014	N
53	3593	KFMB	6 MONTH RADIO BUY	\$25,000.00	551-53114	N		1/7/2014	N
54	3594	DELL COMPUTER CORP	DELL LATITUDE E7440	\$11,048.37	661-54930	N		1/7/2014	N
55	3595	ELECTRO SPECIALTY SYSTEMS	CCTV EQUIPMENT	\$3,582.60	11324-0200	N		1/15/2014	N
56	3596	AT&T	CISCO CONFERENCE ROOM PHONES	\$18,019.81	11350-1500	N		1/15/2014	N
57	3605	V & V MANUFACTURING, INC.	5-40 YR PINS	\$17,177.72	711-53750	N		1/21/2014	N

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58	3608	IQ PIPELINE LLC	TEMPORARY EMPLOYEE	\$12,960.00	420-53630		N		1/22/2014	N
59	3610	SAN DIEGO CONVENTION AND VISIT	FULL PAGE PRINT AD (CANCELLED)	\$5,674.50	551-53114		N		1/24/2014	N
60	3612	SAN DIEGO CONVENTION CENTER	FULL PAGE PRINT AD	\$5,674.50	551-53114		N		1/27/2014	N
61	3613	DIMENSIONAL SILKSCREEN, INC	KIOSK SIGNS	\$5,025.24	553-53750		N		1/27/2014	N
62	3621	ACCESS DISPLAY GROUP	WIDE FACE PASTER DISPLAY SWING FRAM	\$1,003.49	11200-0200		N		2/3/2014	N
63	3623	ABC CONSTRUCTION	LIGHTING POLE LENS REPLACEMENT	\$410.00	12824-1000		N		2/5/2014	N
64	3624	DELL COMPUTER CORP	DELL LATITUDE	\$1,922.46	661-54930		N		2/5/2014	N
65	3626	CALIFORNIA COMMERCIAL SECURITY	UPGRADE CARD ACCESS SOFTWARE	\$4,661.08	661-53910		N		2/11/2014	N
66	3627	PRESSNET EXPRESS	MTS CONNECTION NEWLETTER	\$2,980.80	551-53750		N		2/12/2014	N
67	3630	PIXEL IMAGING MEDIA	SDSU STUDENT UNION WRAP	\$10,484.00	551-53750		N		2/18/2014	N
68	3631	AT&T	CP 8945 PHONES	\$1,488.56	11350-1500		N		2/19/2014	N
69	3632	SOLARWINDS, INC.	SERVER AND APP MONITOR	\$1,899.00	661-53910		N		2/20/2014	N
70	3635	TECHNOLOGY	TEMPORARY STAFFING	\$6,600.00	661-50701		N		2/24/2014	N
71	3636	WMBE PAYROLLING	TEMPORARY STAFFING SERVICES	\$59,280.00	661-50701		N		2/24/2014	N
72	3637	CDW GOVERNMENT INC	PLANTRONICS HEADSET	\$1,058.40	661-54930		N		2/24/2014	N
73	3638	RIDOUT PLASTICS	FACT SHEET HOLDER	\$397.42	902-54910		N		2/24/2014	N
74	3640	MBN SERVICES, INC.	EXECUTIVE RECRUITMENT FEE	\$17,500.00	420-53410		N		2/24/2014	N
75	3641	CDW GOVERNMENT INC	MULTIPLE ITEMS	\$10,466.00	661-54930		N		2/26/2014	N
76	3642	PROFESSIONAL STAFFING	TEMP ADMIN ASSISTANT	\$14,620.00	201-50701		N		2/26/2014	N
77	3643	HELIX MECHANICAL	THERMOSTATES FOR BLDG C LRV	\$1,745.13	11301-0200		N		2/27/2014	N
78	3644	QUILL CORP	STACKING VINYL CHAIRS	\$1,432.06	111-54930		N		3/4/2014	N
79	3645	NATIONAL BUSINESS FURNITURE	SDTC CONFERENCE ROOM TABLES	\$2,821.88	111-54930		N		3/4/2014	N
80	3646	CDWG	SYMANTEC PROTECTION SUITE LICENSE	\$5,400.00	661-54930		N		3/4/2014	N
81	3647	CDWG	MISC. COMPUTER PARTS	\$1,535.76	661-54930		N		3/4/2014	N
82	3648	PRO COMPLIANCE INC	BUSINESS CREDIT CHECK SERVICES	\$2,000.00	530-53910		N		3/4/2014	N
83	3649	BODY BEAUTIFUL CAR WASH	CAR WASH	\$1,065.50	902-53620		N		3/5/2014	N
84	3650	BLACK SWAN SEARCH	RECRUITMENT FEE DATABASE ADMIN	\$25,750.00	661-53410		N		3/5/2014	N
85	3651	DELL COMPUTER CORP	DELL LATITUDE	\$1,302.48	661-54930		N		3/6/2014	N



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86	3653	DELL	OPTIPLEX 9020 AND MONITOR	\$60,883.88	661-54930		N			3/6/2014	N
87	3654	JOBSPECS, INC.	TEMPORARY STAFFING, RISK AND CLAIMS	\$755.55	633-50701		Y			3/6/2014	N
88	3655	CDWG	MONITORS, GRAPHIC CARDS, HEADSETS	\$6,560.00	11333-0200		N			3/7/2014	N
89	3656	MADDEN CONSTRUCTION	CEMENT DEBO TRANSIT STORE	\$966.26	11200-0800		N			3/7/2014	N
90	3657	ROBERT HULSEY	INVENTORY LABELS	\$340.32	661-54920		N			3/7/2014	N
91	3658	SO CAL GRAPHICS	CLEAR POLYESTER LABELS	\$1,458.00	761-53750		N			3/7/2014	N
92	PW001101	UTILITY TREE SERVICE	TREE REMOVAL, 1ST & BROADWAY	\$5,265.12	11200-0800		N			3/7/2014	N
93	3660	ORACLE CORPORATION	ANNUAL SUPPORT RENEWAL	\$4,801.80	661-53910		N			3/12/2014	N
94	3661	PRESSNET EXPRESS	SPECIAL EVENT TICKETS	\$2,991.60	551-53750		N			3/12/2014	N
95	3663	HEADSETS DIRECT	H1414N DUO SETS AND CABLES	\$2,798.13	51554990		N			3/12/2014	N
96	PW001102	ADVANCED AIR & VACUUM	COMPRESSORS FOR IAD	\$25,409.35	11360-1000		N			3/12/2014	N
97	PW001103	VERDUNGO TESTING	RELOCATION OF ABOVE GROUND GAS TANK	\$27,712.26	902-53910		N			3/12/2014	N
98	PW001104	AO REED	INSTALLATION OF AC COIL GUARD	\$1,755.00	11301-0200		N			3/19/2014	N
99	3666	CDWG	MAXELL LTO ULTIUM	\$1,555.20	661-54930		N			3/20/2014	N
100	3668	DELL	LATITUDE E7440	\$4,649.27	661-54930		N			3/20/2014	N
101	3669	URBAN CORPS OF SD	TREE PLANTING FIRST AND BROADWAY	\$497.64	11200-0800		N			3/20/2014	N
102	PW001106	MADDEN CONSTRUCTION	CONCRETE REPAIRS	\$3,448.31	11200-0800		N			3/26/2014	N
103	3670	CDWG	TRANSIT STORE	\$17,667.72	661-54930		N			3/28/2014	N
Work Orders	Doc #	Organization	Subject	Amount	Funding Source	Local	DBE	MBE/WBE	DBEreported	Complete	FTA
104	PWL134.0-12.23	HERZOG CONSTRUCTION, INC.	YARD INTERCOM REPLACEMENT AND UPGRA	\$6,194.28					\$0.00	10/15/2013	
105	PWL135.0-12.09	ABC CONSTRUCTION, INC.	REPLACE CAMERA SYSTEM IAD AND KMD	\$188,444.31					\$0.00	1/31/2014	
106	PWL135.0-12.10	ABC CONSTRUCTION, INC.	REPLACE 2 ROOFTOP HVAC UNITS IAD	\$143,994.82					\$0.00	1/31/2014	
LOCAL FUNDS TOTAL				\$6,825,680.41							
DBE LOCAL FUNDS				\$755.55							
DBE LOCAL %				0.01%							



MTS History of DBE Semi Annual Reports								
GOAL	REPORTING PERIOD	Contract Awards/Commitments			Contracts Completed (Actual Payments)			
		Total Federal \$\$	DBE \$\$	DBE %	Total Federal \$\$	DBE \$\$	DBE %	
FY 04	Oct 1 03 to Mar 31 04	\$ 68,933,772.00	\$ 3,789,506.00	5.50%	\$ 253,216.00	\$ 67,220.00	26.55%	
	Apr 1 04 to Sept 30 04	\$ 1,019,427.00	\$ 22,298.00	2.19%	\$ -	\$ -	n/a	
FY 05	13.80% Oct 1 04 to Mar 31 05	\$ 15,427,536.00	\$ 258,655.00	1.68%	\$ 88,441,868.00	\$ 10,158,403.00	11.49%	
	Apr 1 05 to Sept 30 05	\$ 7,309,808.00	\$ 626,128.00	8.57%	\$ 53,609,229.00	\$ 821,053.00	1.53%	
FY06	2.30% Oct 1 05 to Mar 31 06	\$ 16,025,156.00	\$ 1,231,189.00	7.68%	\$ 7,041,539.00	\$ 898,523.00	12.76%	
	Apr 1 06 to Sept 30 06	no report	no report	n/a	no report	no report	n/a	
FY07	1.60% Oct 1 06 to Mar 31 07	\$ 249,875,613.13	\$ 40,700.00	0.02%	\$ 35,600.00	\$ 35,600.00	100.00%	
	Apr 1 07 to Sept 30 07	\$ 14,531,851.03	\$ 144,000.00	0.99%	\$ 1,182,111.63	\$ -	0.00%	
FY08	3.60% Oct 1 07 to Mar 31 08	\$ 41,995,633.95	\$ -	0.00%	\$ 5,057,656.55	\$ -	0.00%	
	Apr 1 08 to Sept 30 08	\$ 29,945,298.82	\$ 30,000.00	0.10%	\$ 6,158,102.32	\$ -	0.00%	
FY09	1.60% Oct 1 08 to Mar 31 09	\$ 55,246,022.46	\$ -	0.00%	\$ 60,644,404.46	\$ -	0.00%	
	Apr 1 09 to Sept 30 09	\$ 23,987,652.82	\$ 135,836.00	0.57%	\$ 7,013,082.98	\$ 135,836.00	1.94%	
FY 10	1.72% Oct 1 09 to Mar 31 10	\$ 3,008,808.00	\$ -	0.00%	\$ 4,011,752.00	\$ -	0.00%	
	Apr 1 10 to Sept 30 10	\$ 170,230,393.00	\$ 12,000.00	0.01%	\$ 19,397,031.00	\$ 12,000.00	0.06%	
FY 11	12.6% Oct 1 10 to Mar 31 11	\$ 11,545,746.55	\$ -	0.00%	\$ 16,092,041.86	\$ -	0.00%	
	Apr 1 11 to Sept 30 11	\$ 22,286,323.98	\$ 3,550,437.92	15.93%	\$ 7,766,822.30	\$ 3,690,492.22	47.52%	
FY 12	Oct 1 11 to Mar 31 12*	\$ 154,463,950.06	\$ 1,460,173.40	0.95%	\$ 11,459,415.06	\$ 4,800.00	0.04%	
	Oct 11 to Mar 12 w/o Veolia contract	\$ 17,415,594.11	\$ 1,460,173.40	8.38%	n/a	n/a	n/a	
	Apr 1 12 to Sept 30 12	\$ 10,678,545.64	\$ 30,254.07	0.28%	\$ 12,002,553.56	\$ 25,334.07	0.21%	
FY 13	4.1% Oct 1 12 to Mar 31 13	\$ 18,372,446.95	\$ 759,369.25	4.13%	\$ 2,407,395.30	\$ 84,745.24	3.52%	
	Apr 1 13 to Sept 30 13	\$ 15,870,139.09	\$ 898,221.82	5.66%	\$ 7,977,919.62	\$ 319,170.50	4.00%	
FY 14	4.1% Oct 1 13 to Mar 31 14	\$ 24,982,372.54	\$ 1,041,961.65	4.17%	\$ 6,823,674.29	\$ 292,533.65	4.29%	
	Apr 1 14 to Sept 30 14							

Cumulative Averages (Previous Triennial Period)								
October 1, 2010 to September 30, 2012								
FedFY	12.6%	excluding Veolia contract	\$ 61,926,210.28	\$ 5,040,865.39	8.14%	\$ 47,320,832.78	\$ 3,720,626.29	7.86%
11&12		including Veolia contract*	\$ 198,974,566.23	\$ 5,040,865.39	2.53%	\$ 47,320,832.78	\$ 3,720,626.29	7.86%

\* DBE % reported to FTA is the number including the Veolia Contract

Cumulative Averages (Current Triennial Period)								
October 1, 2012 to September 30, 2015								
Fed	4.1%	thru September 30, 2013 (2 semi-annual reports)	\$ 59,224,958.58	\$ 2,699,552.72	4.56%	\$ 17,208,989.21	\$ 696,449.39	4.05%
FY13-15								



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## Agenda Item No. 30

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

July 17, 2014

**SUBJECT:** ENTERPRISE RESOURCE PLANNING / TRANSIT ASSET MANAGEMENT  
SOFTWARE CONTRACT AWARD (LARRY MARINESI AND FRED LACROIX)

**RECOMMENDATION:**

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1680.0-14, with SAP America, Inc. (in substantially the same format as Attachment A) for the provision of software, training services, and ten years of software support services for the Enterprise Resource Planning (ERP) / Transit Asset Management (TAM) Project.

**Budget Impact**

The total cost of this agreement is not-to-exceed \$2,305,000.00 and is itemized as follows:

	<u><b>Cost</b></u>
SAP Software Licenses	600,000.00
Training Services	<u>385,000.00</u>
Total License / Training Cost:	985,000.00
 Software Support Services (Estimated 10 Year Cost)	 <u>1,320,000.00</u>
 <b>Grand Total Cost:</b>	 <u><b>2,305,000.00</b></u>

The software license and training services costs are funded under MTS Capital Improvement Program (CIP) project numbers 11307 and 11345. Support services are



funded as part of the annual operating budget under the Information Technology account code 661-53910.

## DISCUSSION:

MTS has been using two separate systems, Integrated Financial and Administrative Solution (IFAS) and Ellipse, for accounting, budget management, inventory control, and maintenance of revenue vehicles and wayside infrastructure. These systems were originally installed in 1997 and 2003 respectively and were legacy systems prior to the consolidation of MTS in 2003.

These outdated systems are inefficient and require a significant amount of internal resource time and paper driven processes to produce necessary reporting and data. Furthermore, the FTA is formulating new State of Good Repair (SGR) requirements under the federal Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) legislation that the current systems cannot support. The FTA granted MTS \$3.0 million (matched with \$750,000 local funds) as part of a pilot project to procure this TAM application.

MTS has taken the approach of splitting out this technology project by first selecting a vendor, and second selecting an implementation partner. This agenda item relates to phase one of this project and when a vendor has been selected, staff will begin the procurement process to select an implementation partner.

There are several goals with the procurement of this application including:

- The provision of a highly functional application with streamlined workflow to allow for the removal of intensive paper-based business processes;
- The technology distribution to maintenance employees in the field for live preventative maintenance inspections, improving efficiency;
- The improvement of reporting and quicker reference to important indicators (including SGR condition rating) for quicker management response; and
- The use of technology to drive more efficient business processes through automated workflow.

Staff created a project structure of a Project Manager overseeing the day-to-day aspects of this procurement and implementation, a Selection Committee made up of representatives from Bus Operations, Wayside Maintenance, Bus Maintenance, LRV Maintenance, Information Technology, Finance, Procurement and Materials/Stores, and an Advisory Committee made up of the Chief Executive Officer, Chief Operational Officers, Chief Technology Officer and Chief Financial Officer.

The Selection Committee participated in the development of the organizational requirements and the Request for Proposals. The evaluation process included vendor requirement responses, vendor demonstrations of the applicability of their respective solution, on-site customer software demonstrations and reference checking. Throughout the procurement process, the Project Manager briefed the Advisory Committee as to the progress and received direction.

### **Functional Areas Within Project Scope**

This project is to replace the legacy systems and includes the following functional areas:

**Financial Management:**

- General Ledger / Financial Accounting
- Budgeting and Budget Control
- Grants Management

**Procurement and Materials Management:**

- Contracts
- Purchasing / Receiving
- Inventory and Warehouse Control
- On-line Order / Fulfillment

**Asset Management Areas:**

- Equipment and Vehicle Maintenance Management
- Work Order Management
- Warranty Tracking
- Condition Monitoring (as required by the FTA SGR initiative)
- Linear Asset Management (Rail Track, Electric Power Grid & Related)

**Customer Service Areas:**

- Incidents, Accidents and Claims Management
- Customer Service / Lost and Found

During phase one of the RFP evaluation, the vendors' solutions were scored on:

- Background/Experience – 25% of the total points
- References – 10% of the total points
- Requirements – 40% of the total points
- Cost – 25% of the total points

A total of four (4) vendor solutions were selected to be finalists and invited to the second phase.

During phase two of the RFP evaluation, the vendors' solutions were scored on:

- Detailed Training Plan – 5% of the total points
- Scripted Demonstration – 40% of the total points
- Refined Cost Proposal – 40% of the total points
- Site Visits and References – 15% of the total points

The selection of SAP is the recommendation of the Selection Committee, has been approved by the Advisory Committee, and best meets MTS's requirements at a competitive price. The vendor offers a unique solution in that it is fully integrated, enabling MTS staff in every department to view the same data. The integrated solution reduces the risk of error due to non-synchronized information.

Therefore, staff recommends that the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1680.0-14 with SAP America, Inc. for the provision of software, core team training, and ten years of support fees for the ERP/TAM Project.



---

Paul C. Jablonski  
Chief Executive Officer

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

Attachments: A. Draft Standard Services Agreement; Contract No. G1680.0-14

**ATTACHMENT A  
(DRAFT)**

**G1680.0-14**  
CONTRACT NUMBER

FILE/PO NUMBER(S)

**STANDARD SERVICES AGREEMENT  
FOR  
ENTERPRISE RESOURCE PLANNING AND TRANSIT ASSET MANAGEMENT SOFTWARE**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2014, 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: SAP Public Services, Inc. Address: 1300 Pennsylvania Ave., NW

Form of Business: Corporation Washington, DC 20004  
(Corporation, partnership, sole proprietor, etc.)

Telephone: (202) 312-3500

Authorized person to sign contracts: Terence Dougherty Director of Contracts  
Name Title

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

Enterprise Resource Planning (ERP) and Transit Asset Management (TAM) software, core team training, and 10 years of software support, as specified in the Scope of Work (attached as Exhibit A), SAP Enterprise Resource Planning System proposal dated March 14, 2014 (attached as Exhibit B), and in accordance with the Standard Conditions Services Agreement, including the Standard Conditions Services (attached as Exhibit C), and the Federal Requirements (attached as Exhibits D). Contract in effect from date of delivery.

Total contract will be in the amount of **\$2,305,000.00**.

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 ITEMS
\$ 2,305,000.000	661-53910, 11307, 11345
	FISCAL YEAR
	FY 15-24

By: \_\_\_\_\_  
Chief Financial Officer Date

(\_\_\_ total pages, each bearing contract number)

SA-SERVICES REVISED (REV 6-13)  
DATE

**ENTERPRISE RESOURCE PLANNING (ERP)  
TRANSIT ASSET MANAGEMENT (TAM)  
SOFTWARE CONTRACT AWARD  
(Larry Marinesi / Fred LaCroix)**

MTS Board of Directors  
July 17, 2014



1



**ERP / TAM Software Contract Award  
Background**

- MTS has been using two separate systems Integrated Financial and Administrative Solution (IFAS) (1997) and Ellipse (2003) for accounting, budget, inventory, and tracking maintenance of revenue vehicles & wayside infrastructure.
- Both legacy systems are no longer supported by their vendors and are inefficient; causing labor-intensive, paper-driven processes to produce necessary reporting and data.



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## ERP / TAM Software Contract Award FTA TAM Requirements

- FTA Passage of MAP-21:
  - Significant focus on nationwide “State of Good Repair”
    - Development of asset management plan, performance measures and condition rating at agency level
      - Very detailed look at assets covering all transit modes (Rail, Bus)
    - Emphasis of Transit Asset Management Systems at local level
  - FTA will be establishing a National Transit Asset Management System for reporting from all agencies
  - MTS was awarded \$3M with a \$750K match for a pilot project
    - Pilot awarded under SAFETEA-LU authorization
    - FTA Project Management Oversight on project deliverables



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## ERP / TAM Software Contract Award Project Approach

- MTS recognizes that it has needs for a comprehensive, integrated system to facilitate its operations and compliance obligations
- The project was broken into phases to reduce costs and risk:
  - Phase 1: Acquire a software solution
  - Phase 2: Engage an experienced implementation firm
  - Phase 3: Complete the implementation
- The current recommendation is for Phase 1.
  - Phase 2 recommendation will be made later in the year.



4



## ERP / TAM Software Contract Award Project Budget

FTA Award for Pilot Project	\$ 3,000,000
- Matching Funds	750,000
CIP Funds *	<u>2,750,000</u>
<b>Total Project Budget</b>	<b>\$ 6,500,000</b>

\* MTS has set aside funds over two years while planning for this project.



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## ERP / TAM Software Contract Award Project Goals

- The provision of a highly functional application with streamlined workflow to allow for the removal of intensive paper-based business processes;
- The technology distribution to maintenance employees in the field for live preventative maintenance inspections, improving efficiency;
- The improvement of reporting and quicker reference to important indicators (including State of Good Repair condition rating) for quicker management response; and
- The use of technology to drive more efficient business processes through automated workflow.



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## ERP / TAM Software Contract Award Project Structure



\*Steering Committee includes: CEO, CFO, COO-Bus, COO-Rail and CTO



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## ERP / TAM Software Contract Award Project Scope

- Financial Management & Budget
- Procurement and Materials Management
- Customer Service
- Transit Asset Management
  - Vehicle and Equipment Maintenance Tracking
  - Condition Monitoring (FTA State of Good Repair)
  - Work Order Management
  - Warranty Management
  - Linear Asset Management (Rail Track, Electric Power Grid, etc.)



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## ERP / TAM Software Contract Award Competitive RFP Process

- Initial Proposals: Seven (7) vendors submitted proposals for software solutions
- Initial Requirement Review: Selection Committee selected four (4) vendors for further consideration and software demonstrations
- Software Demonstrations: All vendors provided multi-day demonstrations for all proposed modules



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## ERP / TAM Software Contract Award Competitive RFP Process

- Site Visits: After Selection Committee selected two finalists, Selection Committee selected two (2) vendors for site visits
- Negotiations: Key members on Selection Committee began final negotiations with finalists
- Final Scoring: Selection Committee, with Steering Committee review, provided recommendation on organizational software solution



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## ERP / TAM Software Contract Award Staff Recommended Solution

- SAP America, Inc. is the recommended solution
  - Highly integrated
  - Best vendor recommendations
  - Key player in industry
  - Lowest cost to MTS
  - Allows MTS ability to meet FTA TAM condition assessments
  - Meets MTS Functional Requirements
  - Includes wireless technology, business data analysis, and reporting



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## ERP / TAM Software Contract Award Contract Summary

The total cost of this agreement is not-to-exceed \$2,305,000.00 and is itemized as follows:

	<u>Cost</u>
SAP Software Licenses	600,000.00
Training Services	<u>385,000.00</u>
Total License / Training Cost:	985,000.00
Software Support Services (Estimated 10 Year Cost)	<u>1,320,000.00</u>
Grand Total Cost:	<u>2,305,000.00</u>



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## **ERP / TAM Software Contract Award Staff Recommendation**

- That the Board of Directors:
  - Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1680.0-14 with SAP America, Inc. for the provision of software, training services and ten years of software support costs for the Enterprise Resource Planning (ERP) and Transit Asset Management Project (TAM)



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## **ENTERPRISE RESOURCE PLANNING (ERP) TRANSIT ASSET MANAGEMENT (TAM) SOFTWARE CONTRACT AWARD (Larry Marinesi / Fred LaCroix)**

MTS Board of Directors  
July 17, 2014



14





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San Diego, CA 92101-7490  
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## Agenda Item No. 31

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

July 17, 2014

#### SUBJECT:

AN ORDINANCE AMENDING ORDINANCE NO. 11, PROVIDING FOR THE LICENSING AND THE REGULATING OF TRANSPORTATION SERVICES WITHIN THE CITY BY THE ADOPTION OF A UNIFORM PARATRANSIT ORDINANCE (SHARON COONEY AND BILL KELLERMAN)

#### RECOMMENDATION:

That the MTS Board of Directors:

1. read the title of Ordinance No. 11, an Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance (Attachment A);
2. waive further readings of the ordinance;
3. introduce the ordinance for further consideration at the Board meeting on September 18; and
4. direct publication of an ordinance summary.

#### Budget Impact

None with this action.

#### DISCUSSION:

##### Council Policy 500-02 Revisions

Under MTS's agreement with the City of San Diego for for-hire vehicle administration the City Council sets fundamental policy which is then enforced and regulated by MTS

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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.





Taxicab Administration. City Council Policy 500-02 (Attachment B) sets policies for taxicabs with City of San Diego permits. In order to enforce those policies MTS must incorporate them in Ordinance 11, an Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance. Once adopted by the Board changes to Ordinance 11 govern the licensing and regulation of taxicab permits in all of the cities which have taxicab administration agreements with MTS.

The San Diego City Council made substantial changes to Council Policy 500-02 in 2012. At the time the City was exploring ending its agreement with MTS. Therefore the amendments to Ordinance 11 were not pursued. With finalization of a new five year agreement between MTS and the City of San Diego, and at the request of the City, MTS staff is recommending changes to the Ordinance in keeping with the 2012 Council Policy changes. (Attachment A)

The changes recommended today would do the following:

- establish City of San Diego Council Policy 500-02 as the basis for Board decisions on the total number of permits issued and transferred (Section 1.5 (a) and other locations)
- establish screening criteria to be met for all permits issued or transferred after approval of the Ordinance changes, including
  - applicant experience and abilities (Sections 1.3 (a) (12) and 1.5 (a) (1))
  - vehicle type requirements -- the first vehicle plus 50% of the fleet thereafter must be either zero emission or low emission, or Americans with Disabilities Act compliant. (Sections 1.3 (a) (7), 1.5 (a) (2), and 1.8 (d))
  - vehicles must be equipped with GPS (Sections 1.3 (a) (7), 1.5 (a) (2))
  - provision of a customer service plan that shows 25% of trips will originate in underserved communities (the definition of underserved communities remains to be defined by the City), a requirement for drivers to accept credit cards, detailed record keeping of all calls for service, trips provided, and a customer service complaint resolution plan (Section 1.3 (a) (13) and 1.5 (a) (3))
  - provision of a plan for administrative functions, vehicle maintenance, and off-street storage for vehicles when not in use (Sections 1.3 (a) (14 and 15) and 1.5 (a) (4 and 5))
- require that all existing corporate or limited liability partnership permit holders show proof that they comply with the screening criteria in Council Policy 500-02 by January 1, 2020 (Section 1.4 (e) and Section 1.5 (b))
- establish a maximum percentage of permits (40% of existing permits) that can be held by a single ownership interest (Section 1.5 (a))



One Council Policy 500-02 screening criterion that is not being recommended by staff is the requirement to equip all vehicles with security cameras. It is not recommended at this time due to the determination that this requirement is in violation of state law. In the event that state law changes, it is anticipated that MTS will revise Ordinance 11 to include this requirement.

Council Policy 500-02 requires that taxicabs be "equipped with security cameras." However, Vehicle Code Section 26708(b)(13) only allows a "video event recorder" to monitor driver performance "to implement driver safety." The recorder must be configured so that it "saves video only when triggered by an unusual motion or crash or when operated by the driver to monitor driver performance." Video event recorders "shall store no more than 30 seconds before and after a triggered event." These restrictions do not provide the functionality necessary to protect drivers from assaults because it will only provide a recording if the driver is able to reach the video system and turn it on. Imposing this requirement now would require permit holders to purchase and install technology that does not meet their needs. Legislation to authorize security cameras in taxicabs (SB 1534) was introduced in 2012 but did not make it to a vote. We are not aware of any currently pending legislation to address this issue.

#### City of San Diego and MTS Ninth Amendment to the Agreement Revisions

When MTS and the City of San Diego finalized their agreement for the continuation of MTS's regulation of for-hire vehicles, a provision was added to require that the permit holders maintain financial records for all aspects of the relationship between the permit holder and lessees, and written receipts of all payments from lessees. This provision is recommended for incorporation in Ordinance 11. (Section 1.10 (a) (1))

#### Additional Ordinance 11 Changes

Pursuant to Board direction, staff will continue to assist the City of San Diego in establishing regulations. As the City adopts new regulations staff will introduce these to the Board for consideration.



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Paul C. Jablonski  
Chief Executive Officer

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

Attachments: A. Redline Draft Amended Ordinance No. 11, An Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance

B. City of San Diego Council Policy 500-02

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11  
*(as amended through November 15, 2012)*

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

## MTS CODIFIED ORDINANCE NO. 11

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SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

*(as amended through October 18, 2012)*

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

SECTION 1.0 - GENERAL REGULATIONS

Section 1.1 - Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**(Section 1.1 amended 8/7/03)**

**(Section 1.1 amended 11/14/02)**

**(Section 1.1 amended 6/24/99)**

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

**(Section 1.1 amended 1/12/95)**

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

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

#### Section 1.2 - Operating Permits

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

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

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

**(Section 1.2 amended 8/7/03)**

**(Section 1.2 amended 11/14/02)**

**(Section 1.2 amended 6/24/99)**

#### Section 1.3 - Application for Permit

(a) All persons applying to the Chief Executive Officer for new permit(s) or permit re-issuance for the operation of one or more for-hire vehicles shall file with the Chief Executive Officer a proposal to meet San Diego City Council Policy 500-02 requirements, and a sworn application therefore on forms provided by the Chief Executive Officer, stating as follows:

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

(2) The number of permitted vehicles actually owned and operated by such owner on the date of application, if any;

(3) The name and address of all legal and registered owner(s) of the vehicle(s);

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

(5) Data sufficient to establish the applicant's financial responsibility;

(6) The number of vehicle(s) for which a permit(s) is desired;

(7) The intended make, type, year of manufacture and passenger seating capacity of each vehicle for which application for permit is made; Proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions, or be ADA-compliant (first permit - thereafter 50% of fleet), and be equipped with GPS.

(8) The rates of fare which the applicant proposes to charge for vehicle-for-hire services;

(9) A description of the proposed color scheme, insignia, trade style, or any other distinguishing characteristics of the proposed vehicle design;

(10) Where the application is for a limited permit or LSV, a detailed description of the geographic area in which said permit shall be in existence; and

(11) Such other information as the Chief Executive Officer may in his or her discretion require.

(12) Provide evidence of at least five (5) years' experience driving a taxicab or managing a demand responsive transportation service.

(13) Provide a customer service plan that demonstrates 25% of trips will originate in underserved communities; and a customer complaint plan.

(14) Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use.

(15) Provide a radio service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology.

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

(Section 1.3 amended

(Section 1.3 amended 11/15/12)

(Section 1.3 amended 8/7/03)

(Section 1.3 amended 11/14/02)

#### Section 1.4 - Issuance of Permit

(a) Based on San Diego City Council Policy 500-02 requirements, ~~t~~The Board shall, in its discretion, determine the process and total number of for-hire vehicle permits to be granted issued and transferred.

(b) The Chief Executive Officer shall, in accordance with Board policy, determine the number of permits to be granted any applicant(s) and approve permits for any applicant(s) subject to such conditions as the Board may deem advisable or necessary in the public interest. Before a permit may be approved, the applicant shall pay an initial regulatory fee in an amount to be determined by the Chief Executive Officer.

(c) The Chief Executive Officer shall deny the approval of a permit upon making a finding:

(1) That the applicant is under twenty-one (21) years of age; or

(2) That within the five (5) years immediately preceding the processing of the application, the applicant has been convicted of, or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the permit in accordance with Section 1.13 of this Ordinance. For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere or a forfeiture of bail shall be deemed a conviction; or

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

(d) All permits shall be renewable annually upon evidence San Diego City Council Policy 500-02 requirements are being met, and payment of a regulatory fee in an amount and on a date to be determined by the Chief Executive Officer.

(e) No permit shall be approved or renewed for any person who has not fully complied with all of the requirements of this Ordinance, San Diego City Council Policy 500-02, and all other applicable laws and/or regulations necessary to be complied with before commencement of the operation of the proposed service. Permits held by corporations and LLCs shall meet the requirements of this Ordinance, and be in compliance with San Diego City Council Policy 500-02 by January 1, 2020. However, upon issuance of any new permits to a corporation or LLC, the corporation or LLC shall need to be in compliance with requirements of this Ordinance and San Diego City Council Policy 500-02.

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

(Section 1.4 amended

11/15/12)

(Section 1.4 amended 11/14/02)

#### Section 1.5 - Transfer and Administration of Permits

(a) Each permit issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the permit holder to another person or entity only with the approval of the



Chief Executive Officer, and upon meeting the requirements of this Ordinance and San Diego City Council Policy 500-02 including, but not limited to:

- (1) Provide evidence of at least five (5) years' experience driving a taxicab or managing a demand responsive transportation service.
- (2) Vehicle(s) must meet California Air Resources Board criteria for zero emissions/low emissions or be ADA-compliant (first permit, thereafter 50% of fleet); and be equipped with GPS.
- (3) Provide a customer service plan that demonstrates 25% of trips will originate in underserved communities, a requirement for drivers to accept credit cards, detailed record keeping of all calls for service, trips provided, and a customer service complaint resolution plan.
- (4) Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use.
- (5) Provide a radio service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology.

City of San Diego taxicab permits represented by medallion numbers 0001 through 1199 may be transferred only after the passage of one (1) year from the date a permit was issued to the current permit holder. All other City of San Diego taxicab permits and LSV permits shall be transferable only after the passage of five (5) years from the date a permit was issued to the current permit holder. All taxicab permits may be transferred upon the verifiable death or permanent disability of the current permit holder. The transferability of permits may be limited by policy of the Board established by resolution. No permits will be issued or transferred if that issuance or transfer will result in any permit holder or holders of one permit cumulatively have an interest in more than 40% of the existing permits.

(b) In the event that the permit holder is a corporation, partnership or legal entity other than a natural person, prior approval of the Chief Executive Officer shall be required for any transfer or acquisition of majority ownership or control of that corporation, partnership or legal entity to a person or group of persons acting in concert, none of whom already owns or controls a majority interest. Any such acquisition or transfer occurring without prior approval of the Chief Executive Officer shall constitute a failure to comply with a provision of this section. Permits held by corporations and LLCs shall be in compliance with San Diego City Council Policy 500-02 by January 1, 2020. Whenever a corporation or LLC is issued any new permits, then it shall be in compliance with requirements of this Ordinance and San Diego City Council Policy 500-02.

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

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

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

(2) Any person objecting to a particular fee or charge may file, within ten (10) days of the mailing of such changes, an appeal for review with the Chief Executive Officer who shall thereafter process it in accordance with Section 1.17; provided, however, that the sole issue to be determined on

review is whether the fee or charge exceeds the reasonable costs for personnel salaries and administrative overhead associated with the particular administrative service or function.

**(Section 1.5 amended**

**(Section 1.5 amended 8/7/03)**

**(Section 1.5 amended 11/14/02)**

#### Section 1.6 - Limited Permits

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

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

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

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

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

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

**(Section 1.6 amended 11/14/02)**

#### Section 1.7 - Blank

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

**(Section 1.7 was deleted 9/24/98)**

#### Section 1.8 - Equipment and Operating Regulations

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

(b) The privilege of engaging in the business of operating a for-hire vehicle in a City granted in the permit is personal to the permit holder, who must be the owner of the for-hire vehicle. The rights, requirements, and responsibilities which attach to the permit remain with the holder at all times the for-hire vehicle is operated under the authority of the permit. These rights, requirements and responsibilities, which include, but are not limited to, the requirements of this Ordinance, will remain unaffected by any agreement or contractual arrangement between the permit holder and those persons who operate for-hire vehicles, irrespective of the form or characterization of the agreement under which the driver operates the for-hire vehicle.

(c) The permit holder shall maintain a business address, a mailing address where he or she can accept mail directed to his or her company, and a business telephone in working order which must be answered during normal business hours, Monday through Friday, and during all hours of operation.

The permit holder shall, in the case of any change in his or her business address, mailing address, or business telephone, notify the Chief Executive Officer in writing of such change within forty-eight (48) hours of the effective date of this change.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

- (1) The number of the license of the driver;
- (2) The name and business address of the driver;
- (3) The name of the owner of the vehicle; and
- (4) A small photograph of the driver.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(Section 1.8 amended 8/7/03)**

**(Section 1.8 amended 11/14/02)**

**(Section 1.8 amended 9/24/98)**

**(Section 1.8 amended 2/13/97)**

**(Section 1.8 amended 6/24/93)**

Section 1.9 - Public Liability

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

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

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

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

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

**(Section 1.9 amended 11/14/02)**

Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements

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

(1) Financial records, including but not limited to the current executed taxicab driver lease agreement; that includes all aspects of the business relationship between the permit holder and the lessee, and written receipts of all payments from lessee in accordance with good accounting practices;

(2) Ownership records; and

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

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

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

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

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

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

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

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

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

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

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

(4) Any other similar records.

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

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

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

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

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

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

represent the company, must appear in person in the offices of MTS to file the statement and provide evidence San Diego City Council Policy 500-02 requirements are being met.

(Section 1.10 amended

(Section 1.10 amended 8/7/03)

(Section 1.10 amended 11/14/02)

(Section 1.10 amended 6/24/93)

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

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

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

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

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

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

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

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

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

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

(c) The Chief Executive Officer shall, as a matter of owner right, allow the replacement of a vehicle which is destroyed, rendered inoperative, sold or transferred, provided that the permit holder has complied with, and the for-hire vehicle is in conformance with, all applicable provisions of this Ordinance. An owner must remove the markings from the vehicle that indicate it is a taxicab or LSV before the owner disposes of it.

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

**(Section 1.11 amended 8/7/03)**

**(Section 1.11 amended 11/14/02)**

**(Section 1.11 amended 2/13/97)**

#### Section 1.12 - Driver's Identification Cards

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

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

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

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

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

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

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

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

(2) Any person who has been convicted of a felony involving a crime of force or violence against any person, or the theft of property, unless five (5) years have elapsed since his or her discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time his or her record is good.

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

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

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

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

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

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

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

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

**(Section 1.12 amended 11/15/12)**

**(Section 1.12 amended 8/7/03)**

**(Section 1.12 amended 11/14/02)**

**(Section 1.12 amended 9/24/98)**

**(Section 1.12 amended 10/30/97)**

**(Section 1.12 amended 11/9/95)**

#### Section 1.13 - Suspension and Revocation of Permit

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(9) The permit holder has been convicted of assault, battery, resisting arrest, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally

related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the applicant or permit holder to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

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

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

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

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

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

**(Section 1.13 amended 8/7/03)**

**(Section 1.13 amended 11/14/02)**

**(Section 1.13 amended 6/24/99)**

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

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

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

- (2) The driver fails to comply with the applicable provisions of this Ordinance; or
- (3) Circumstances furnish grounds for the denial, suspension, revocation or refusal to renew the driver's identification card by the Sheriff under the terms of the applicable Ordinance of the County of San Diego; or
- (4) His/her California Driver's License is revoked or suspended; or
- (5) The driver is convicted of reckless driving or driving while under the influence of intoxicating liquors and/or narcotics; or
- (6) The driver has been convicted of assault, battery, resisting arrest, any crime involving force and violence, or reasonably and rationally is related to the ability or integrity of the driver to operate a for-hire vehicle or transport passengers; or
- (7) The driver has ever been convicted of a crime that requires registration under the California Penal Code as a sex offender.

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

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

**(Section 1.14 amended 8/7/03)**

**(Section 1.14 amended 11/14/02)**

**(Section 1.14 amended 6/24/99)**

**Section 1.15 - Surrender of Medallion**

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

**(Section 1.15 amended 11/14/02)**

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

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

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

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

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

**(Section 1.16 amended 8/7/03)**

**(Section 1.16 amended 11/14/02)**

#### Section 1.17 - Procedure Upon Administrative Appeal

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

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

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

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

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

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

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

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

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

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

**(Section 1.17 amended 11/15/12)**

Section 1.18 - Exceptions to Provisions

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

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

**(Section 1.18 amended 11/15/12)**

**(Section renumbered to 1.18 9/24/98)**

**(Section 1.17 amended 1/12/95)**

**(Section 1.17 amended 6/24/93)**

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

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

**(Section renumbered to 1.19 9/24/98)**

Section 1.20 - Americans with Disabilities Act

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

**(Section renumbered to 1.20 9/24/98)**

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

## SECTION 2.0 - TAXICABS AND/OR LSVs

### Section 2.1 - Types of Service

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

### Section 2.2 - Rates of Fare

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

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

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

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

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

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

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

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

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

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

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

(3) Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate. Waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged the taxicab.

(4) It shall be the duty of every permit holder operating a taxicab to keep the taximeter in proper condition so that the taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The taximeter shall be at all times subject to the charge for the distance traveled and waiting time.

(5) The taximeter shall be at all times subject to inspection by an MTS inspector or any peace officer. The MTS inspector or peace officer is hereby authorized at his or her instance or upon complaint of any person to investigate or cause to be investigated the taximeter, and upon discovery of any inaccuracy in the taximeter, or if the taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of the City until the taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and taximeter must be inspected and approved by the Chief Executive Officer.

(6) Any device repairperson who places into service, repairs, or recalibrates a taximeter shall record the tire size and pressure of the drive wheels of that vehicle, as tested, on the repair person's sticker.

(7) It shall be the duty of the permit holder to ensure the proper device repair person's sticker is affixed to the taximeter and to ensure the tires are the proper size.

(f) It shall be unlawful for any driver of a taxicab, while carrying exclusive or group ride passengers, to display the flag or device attached to the taximeter in such a position as to denote that the vehicle is for hire, or is not employed, or to have the flag or other attached device in such a position as to prevent the taximeter from operating. It shall be unlawful for any driver to throw the flag into a position which causes the taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into nonrecording position at the termination of each and every service.

(g) The taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well-lighted and easily readable by the passenger riding in such taxicab.

(h) It shall be unlawful for any permit holder and/or driver of a taxicab or LSV to demand of a passenger a charge for hire which is greater than the current maximum rate approved by the Board pursuant to Section 2.2 (a) or (b) of this Ordinance.

(i) Except as provided in this section, it shall be unlawful for any permit holder and/or driver to demand of a passenger a charge for hire which is greater than the permit holder's meter rate filed with the Chief Executive Officer pursuant to Sections 2.1 (a), 2.2 (b), or 2.2 (c) of this Ordinance.



(j) Nothing in this Ordinance shall preclude a permit holder or driver from agreeing with prospective passenger(s) to a rate of fare which is less than the permit holder's filed and posted rates of fare if the agreement is entered into in advance of the passenger(s), hiring the taxicab for the trip, except for trips commencing at the Lindbergh Field International Airport.

*(Section 2.2(c)(2) amended 11/15/12)*

*(Section 2.2(b) amended 4/19/12)*

*(Section 2.2 amended 8/7/03)*

*(Section 2.2 amended 5/8/03)*

*(Section 2.2 amended 11/14/02)*

*(Section 2.2 amended 6/24/99)*

*(Section 2.2 amended 9/24/98; Section 2.2c operative May 1, 1999)*

*(Section 2.2 amended 10/30/97)*

*(Section 2.2 amended 4/10/97)*

Section 2.3 - Equipment and Specifications

(a) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed by an authorized representative of the State of California, and thereafter so maintained in a manner satisfactory to the Chief Executive Officer.

(b) Each taxicab shall be equipped with a device which shall plainly indicate to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(c) Exterior Markings

(1) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both front doors utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

(2) The medallion number shall be painted or permanently affixed, on both front doors, one (1) inch below the permit holder's trade name, six (6) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(3) The permit holder's trade name and medallion number shall be painted or permanently affixed on the rear of the taxicab, four (4) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the rear of the vehicle does not have four inches of vertical space for the trade name and medallion number, the rear lettering may be less than four inches, provided that it is easily readable from a distance of 50 feet.

(4) No other information shall be permitted to be posted on front doors.

(5) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her taxicab which must be posted only at the specific location and in the size noted and are subject to the Chief Executive Officer's approval.

a) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

b) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot utilize the words "cab" or "taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

c) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than three (3) inches in height and posted only on the top front portion of both front side quarter panels.

d) "Driver Carries Only \$ \_\_\_\_\_ Change." If the permit holder chooses to post "Driver Carries only \$ \_\_\_\_\_ Change," postings must be located only on rear quarter panels near the rear door but clear of the rates of fare.

e) "Leased to Driver." If permit holder chooses to post "Leased to Driver," it must be posted only on both side rear quarter panels near the rear door but clear of the rate of fares in lettering no larger than 1 inch.

(6) Body Numbers. If the permit holder chooses to post an internally assigned body number, different from the medallion number, the body number shall be posted in one (1) inch numerals on the front and rear bumpers.

(7) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(d) All taxicabs shall be equipped and operated so that they may be dispatched by two-way radio communication in response to a telephone or other request for service by a prospective passenger. This requirement may not be met by use of a mobile radio telephone service.

(1) Radio must be turned on, and audible to driver, at all times the taxicab is in service.

(e) The radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

(1) The current valid FCC license shall be on file with MTS.

(2) Taxicab permit holder shall provide current proof the radio has passed inspection by an MTS-approved inspector.

(3) Taxicab radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(f) Radio scanners are not allowed in taxicabs.

(g) Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions

**(Section 2.3 amended 11/15/12)**

**(Section 2.3 amended 6/27/02)**

**(Section 2.3 amended 9/24/98; Section 2.3c operative May 1, 1999)**

**(Section 2.3 amended 6/27/91; effective 7/27/91)**

**(Section 2.3 amended 4/10/97)**

#### Section 2.4 - Operating Regulations

(a) Operating regulations shall be promulgated and adopted from time to time by resolution of the Board. These resolutions will have the force of law and will be published and processed as though set forth in this Ordinance.

(1) Smoking is not permitted at any time inside a MTS-permitted vehicle.

(b) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

(c) It shall be unlawful for the driver or operator of any taxicab or LSV to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis of race, creed, color, age, sex, national origin, disability, or for any other reason, unless it shall be readily apparent that the prospective or actual fare is a hazard to the driver or operator. Rude or abusive language directed to a passenger(s) or any physical action that a reasonable person would construe as threatening or intimidating shall be specifically defined as a violation of this section.

(1) A driver, however, is not obligated to transport any person who is verbally or otherwise abusive to the driver. Such incidents shall also be noted on the trip log and notification shall be immediately sent to the radio service organization, which shall record the incident and keep the record for the minimum of 6 months.

(2) A failure of the driver of any taxicab or LSV to assist a passenger with the loading or unloading of a reasonable size, number, and kind of passenger luggage or other items, when requested to do so, shall be specifically defined as a violation of this section. A driver is not required to lift any single piece of passenger luggage or other item that exceeds 25 pounds in weight. The requirement for loading or unloading assistance shall be limited to retrieval from or deposit onto the nearest curbside adjacent to the legally parked taxicab or LSV. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE."

(3) A driver with a lawful disability that prevents him/her from handling items as defined in subsection (2) above is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (2). A driver so situated may affix a small sign either in the passenger section of the vehicle to be clearly visible to a rear seat passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(d) It shall be unlawful for taxicab operators to refuse or discourage a prospective or actual fare based upon trip length within the cities.

(1) A vehicle designated as an LSV may refuse a prospective or actual fare if the trip distance is outside allowed areas of operations.

(2) All LSV operators will carry a current list of MTS-approved radio services and refer the prospective or actual fare to that list of radio service organizations. All referrals shall be noted on the driver daily trip sheet.

(3) A failure to promptly dispatch (within the standards required by Sections 2.6(a)(1), (2), and (3) of this Ordinance), or any action by a driver of any taxicab or LSV to refuse or discourage a prospective or actual passenger who must transport foodstuffs or who must meet a medical appointment, irrespective of trip length, shall be specifically defined as a violation of this section so long as that prospective passenger has notified the dispatch service of this circumstance at the time a request for taxi service was made.

(e) No driver of any taxicab or LSV shall stop, park, or otherwise leave standing a taxicab or LSV on the same side of the street in any block in which taxicabs or LSVs are already stopped, parked, or otherwise standing except the taxicab or LSV may actively unload in a passenger loading zone or be parked in a marked taxi/LSV stand.

(f) No driver shall stop, park or otherwise leave standing a taxicab or LSV within one-hundred (100) feet of any other taxicab or LSV except in a marked taxi/LSV stand or while actively loading or unloading passengers.

(g) No driver shall stop, park, or otherwise leave standing a taxicab or LSV within fifteen (15) feet of any fire plug except as modified in Section 2.5 of this Ordinance.

(h) An out-of-service sign must be displayed when the taxicab or LSV is not available for hire and is being operated or is lawfully parked for purposes of maintenance, inspection, or personal use. The sign must be placed in a location in the vehicle that is clearly visible from the exterior of the vehicle. The sign must be of durable material and written in block letters in black ink and easily readable from a distance of not less than 10 feet.

(i) A taxicab driver may seek passengers by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic.

(j) It shall be unlawful, however, for the driver to seek passengers by stopping at or driving slowly in the vicinity of an entertainment center or transportation center or any other location of public gathering, in such a manner as to interfere with public access to or departure from that center or location, or so as to interfere with or impede traffic.

(k) It shall also be unlawful for a taxicab or LSV driver, having parked and left his or her taxicab or LSV, to solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.

(l) No person shall solicit passengers for a taxicab or LSV other than the driver thereof; however, the Chief Executive Officer may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his or her discretion, public service and traffic conditions require.

(m) It shall be unlawful for the driver or operator of any taxicab or LSV to remain standing in any established taxicab or LSV stand or passenger loading zone, unless the driver or operator remains

within twelve (12) feet of his or her taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

(n) Only paying passengers and persons specifically authorized by the Chief Executive Officer may occupy a taxicab or LSV that is already occupied by a paying passenger. No driver, once a paying passenger has occupied his taxicab or LSV, shall permit any other nonpaying passenger to occupy or ride in the taxicab or LSV.

(o) It shall be unlawful to respond to a call for service dispatched to another operator except when an LSV refers service to another operator because the trip distance is outside of the approved area of jurisdiction.

(p) The taxicab or LSV driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name, taxicab or LSV number, date, time, beginning odometer reading, starting and ending locations, type of service provided, and fare paid for each trip provided.

(1) The daily trip log shall consist, at a minimum, of a five- by seven-inch paper form retained on a stiff-board writing surface with ruled lines and columns sufficient to contain the required information. All entries will be in black or dark blue ink, block letters, and be clearly legible. Colored paper that is lightly shaded is allowed provided there is sufficient contrast for entries to be easily read. Onboard electronically generated reports that meet the legibility requirements are acceptable.

(2) The driver shall deliver trip logs to the permit holder upon request or at a weekly interval, whichever is less.

(q) All operating regulations set forth in Section 1.8 apply.

(r) The permit holder for any taxicab or LSV with a permit issued after July 1, 1991, shall comply with the following:

(1) The color scheme of the vehicle will conform to that of the radio dispatch service organization.

(2) Establish a business office in a location available to the public, and have staff on duty during regular business hours.

(3) File with MTS, and charge a rate of fare common to the radio service organization providing service required by this Ordinance.

(4) Maintain a current executed taxicab driver lease agreement for each current driver that includes all aspects of the business relationship between the permit holder and the lessee, and written receipts of all payments from lessee.

(Section 2.4 amended

(Section 2.4 amended 11/15/12)

(Section 2.4 amended 8/7/03)

(Section 2.4 amended 11/14/02)

(Section 2.4 amended 6/24/99)

(Section 2.4 amended 2/13/97)

(Section 2.4 amended 6/27/91; effective 7/27/91)

## Section 2.5 - Stands

(a) The Chief Executive Officer may establish, locate and designate shared use taxicab/LSV stands for one or more taxicabs/LSVs, which stands when so established shall be appropriately designated "Taxis/LSVs Only." The operating regulations of this Ordinance shall apply to such stands and to taxicab/LSV stands established by the San Diego Unified Port District in areas under its jurisdiction within the City.

(b) Each taxicab or LSV stand established hereunder may be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer.

(c) Any individual, partnership, association, or other organization may petition MTS requesting that a new taxicab/LSV stand be established, or that the location of an existing taxicab/LSV stand be changed to another location. A nonrefundable filing fee to be determined by the Chief Executive Officer must be paid at the time the petition is submitted.

(d) It shall be unlawful for a vehicle other than a taxicab or LSV with a proper MTS taxicab or LSV permit to occupy a taxi/LSV stand.

(e) LSVs may only occupy taxicab stands that are specially signed, designated their approved use.

**(Section 2.5 amended 11/15/12)**

**(Section 2.5 amended 8/7/03)**

#### Section 2.6 - Radio Services

(a) In order to provide taxicab or LSV radio dispatch service required by Section 2.3(d, e), the dispatch service organization adding or changing subscribers after July 1, 1991 shall establish and conform to written policies and procedures concerning the following:

- (1) Standard time elapse for answering the telephone service-request line(s).
- (2) Standard time elapse for the taxicab's or LSV's arrival at requested pick-up location.
- (3) Passenger's request for a specific driver ("personals").
- (4) Additional two-way communication devices (mobile or cellular phones) in taxicabs or LSVs.
- (5) 10-code.
- (6) Lost and found for passengers' items.
- (7) Assignment of vehicle body numbers.
- (8) Immediately notify the permit holder of all lost items and inquiries.

Current written policies and procedures shall be available to subscribers from the radio dispatch organization, and on file with MTS.

(b) Taxicab and/or LSV service organizations shall, 24 hours a day, have dispatch staff on duty at the business location, which must be a preapproved physical address, answer telephone-

request line(s), properly dispatch those requests to all members, provide radio response to all licensed radio frequencies/channels, and respond to direct requests from drivers, permit holders, and MTS as well as law enforcement and local regulatory agencies.

(c) Taxicab and or LSV radio dispatch services shall keep written records of all requests for taxi and/or LSV service, calls dispatched, and the time(s) each taxicab and/or LSV goes in and out of service. These records shall be kept on file for a minimum of six months, and made available to MTS, upon request.

(d) Taxicab and/or LSV radio dispatch services shall maintain a listing in the major business telephone directory.

(e) No person, partnership, corporation, association, other organization providing radio or other dispatch service shall dispatch a request for service to a driver, owner, or vehicle unless the driver, owner, and vehicle are properly licensed to provide the service requested.

(f) The Chief Executive Officer may, at any time, revoke or suspend the taxicab or LSV privileges of or fine any person, partnership, corporation, association, other organization providing radio or other dispatch service that violates a provision of this ordinance.

**(Section 2.6 amended 11/15/12)**

**(Section 2.6 amended 8/7/03)**

**(Section 2.6 amended 9/24/98)**

**(Section 2.6 added 6/27/91; effective 7/27/91)**

#### Section 2.7 - Driver Safety Requirements

(a) No taxicab vehicle or LSV shall be operated unless such vehicle is equipped with an emergency signaling device approved by the Chief Executive Officer.

(b) No taxicab vehicle may be operated with window tinting, shades, or markings that could interfere with a clear view of the cab interior from the outside.

(c) Taxicab/LSV radio services required by Section 2.3 shall at all times have a dispatch staff person on duty who has successfully completed a driver safety training course approved by the Chief Executive Officer.

(d) Cellular phone use by drivers is prohibited at all times when a passenger is in the vehicle and the vehicle begins moving. Otherwise, California Vehicle Code rules apply.

**(Section 2.7 amended 11/15/12)**

**(Section 2.7 amended 8/7/03)**

**(Section 2.7 added 9/24/98)**

## SECTION 3.0 - CHARTER VEHICLES

### Section 3.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for charter services.

(b) If a permit holder desires to change the rates of fare being charged for charter services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for charter services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rates of fare shall be established by a prearranged written contract on a per-mile or per-hour basis.

**(Section 3.1 amended 4/10/97)**

### Section 3.2 - Operating Regulations

(a) It shall be unlawful for any charter vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) The charter for-hire vehicle driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name and the medallion number on the vehicle. In addition, the trip log shall identify the scheduling parties by name, date, and time of the prearranged hire.

(d) All other operating regulations defined in Section 1.8 apply.  
**(Section 3.2 amended 11/14/02)**



## SECTION 4.0 - SIGHTSEEING VEHICLES

### Section 4.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder of sightseeing vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for sightseeing services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said changes.

(c) No permit holder shall charge any rate of fare for sightseeing services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rate of fare shall be established on a per capita or per event basis.  
**(Section 4.1 amended 4/10/97)**

### Section 4.2 - Operating Regulations

(a) It shall be unlawful for any sightseeing vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) All other operating regulations defined in Section 1.8 apply, except Section 1.8 (v).

## SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES

### Section 5.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for nonemergency medical vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for nonemergency medical vehicle services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for nonemergency medical vehicle services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rate of fare for exclusive ride service shall be established on a per capita plus per mile basis.

(e) The rates of fare for shared ride service shall be established on a per capita plus per mile basis, or on a per capita plus per zone basis.

**(Section 5.1 amended 4/10/97)**

### Section 5.2 - Operating and Equipment Regulations

(a) It shall be unlawful for any nonemergency medical vehicle to remain standing on any public street in the City, except when enabling passengers to load or unload.

(b) All other operating regulations defined in Section 1.8 apply.

(c) Special equipment on a nonemergency medical vehicle shall, at all times the vehicle is in operation, be in proper working order. Such vehicles equipped with wheelchair ramps or lifts shall have proper device(s) to secure each wheelchair on board.

(d) The permit holder is responsible for ensuring that the driver of a nonemergency medical vehicle is properly trained:

(1) in the use of any of the vehicle's special equipment;

(2) concerning supervision of or assistance to the disabled passengers whom the driver is to transport.

**(Section 5.2 amended 6/22/95)**

**(Section 5.2 amended 6/24/93)**

### Section 5.3 - Driver Identification Cards

In addition to the requirements set forth in Section 1.12, nonemergency medical vehicle drivers shall acquire and maintain valid proof of proper first-aid and CPR training.

**(Section 5.3 added 6/24/93)**

## SECTION 6.0 - JITNEY VEHICLES

### Section 6.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for jitney services.

(b) If a permit holder desires to change the rates of fare being charged for jitney services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for jitney services unless said rates are on file with the General Manager as aforesaid, and duly displayed.

(d) The rates of fare shall be established on a per capita basis.  
**(Section 6.1 amended 4/10/97)**

### Section 6.2 - Jitney Routes

(a) A permit holder who wishes to provide a fixed route service shall apply to the Chief Executive Officer for authorization to serve a defined route with a specific vehicle. No for-hire vehicle may be operated as a jitney until it has met all other requirements of this Ordinance and has been approved for service on a specific fixed route. A jitney may be authorized to serve more than one route; however, a jitney may provide fixed route service on only those routes which the Chief Executive Officer has approved in writing for that vehicle.

(b) The application for a fixed route shall be in writing and shall contain the following information:

- (1) A description of the vehicle(s) which will be utilizing the route;
- (2) A detailed written description of the route, to include starting location, ending location, and the street name and direction of travel for all streets to be used in the route;
- (3) A map in sufficient detail to clearly indicate the proposed route;
- (4) The fare to be charged; and
- (5) Such other information as the Chief Executive Officer may, in his or her discretion, require.

(c) Upon approval of a fixed route by the Chief Executive Officer, the permit holder shall display a representation of the route, the fare, and the permit holder's trade name on each side of the vehicle in letters large enough to be easily read by potential customers in accordance with the standards established by the Chief Executive Officer under Section 6.5 of this Ordinance. Only one (1) route may be displayed on a vehicle at any time.

(d) If a permit holder wishes to alter his or her approved fixed route(s), he or she must apply in writing to the Chief Executive Officer, submitting the information required in Section 6.2 (b).

(e) The Chief Executive Officer may, in his or her discretion, place conditions on the approval of fixed routes.

(f) The Chief Executive Officer may change a route that has been approved previously when the Chief Executive Officer finds it necessary to do so. A change of route may be necessary when a street has been closed temporarily or permanently because of construction, or the direction of a street has been changed, or a street has been vacated, or for similar reasons as determined by the Chief Executive Officer. The Chief Executive Officer shall notify in writing any permit holder whose route has been changed. The Chief Executive Officer's change of a route is subject to appeal under Section 1.16 of this Ordinance.

(g) Except as provided for within this subsection, an approved fixed route may not be transferred to another vehicle or permit holder. A permit holder may receive approval for a vehicle that is replacing a jitney already in service to use the approved fixed routes of the replaced vehicle.  
**(Section 6.2 amended 11/14/02)**

### Section 6.3 – Operating Regulations

(a) It is unlawful for any jitney to remain standing on any public street in the City, except when enabling passengers to load or unload, or except when standing in a jitney holding zone for the time period established by MTS.

(b) It is unlawful for any person including, but not limited to, a jitney owner, driver, or agent thereof, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway, airport, or light rail transit station.

(c) A peace officer or MTS inspector may authorize a dispatcher to solicit passengers and assist with loading passengers at such times and places as, in his/her discretion, public service and traffic conditions require.

(d) Except when a driver or operator is actually engaged in assisting passengers to load or unload, a jitney driver or operator must remain within twelve (12) feet of his/her jitney while the jitney is in service.

(e) It is unlawful for a jitney vehicle to operate a fixed route service on other than that route designated by the Chief Executive Officer.

(f) It shall be unlawful for a jitney driver to load or unload passengers in any place other than an authorized jitney stop, bus stop, or passenger loading zone.

(g) All other operating regulations defined in Section 1.8 apply.  
**(Section 6.3 amended 11/14/02)**

#### Section 6.4 - Jitney Holding Zones

(a) The Chief Executive Officer may, by resolution, locate and designate holding zones for one (1) or more jitneys, which holding zones when so established, shall be designated by appropriate signs. The operating regulations of Section 6.3 shall apply to any holding zones so established, and to holding zones established by the San Diego Unified Port District in areas under its jurisdiction. The Chief Executive Officer may, by his or her discretion, establish the maximum number of jitneys permitted to remain standing at one time in a holding zone.

(b) Each holding zone established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer. The Chief Executive Officer shall adopt written standards to determine whether to allow holding zones to be in operation fewer than twenty-four (24) hours every day. If a holding zone is to be in operation fewer than twenty-four (24) hours every day, the Chief Executive Officer shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

(c) The Chief Executive Officer may, on his or her own motion, establish holding zones.

(d) Any individual, partnership, corporation, association or other organization may petition MTS requesting that a new holding zone be established. The petition must be filed in writing with the Chief Executive Officer or his/her designee. The petition must state the reason for the request and the proposed location(s). The Board may approve, deny, or modify the request.

(e) Whether initiated by the Chief Executive Officer under Subsection (c) of this section or by persons described in Subsection (d) of this section, before any holding zone is established, the proposed location of any holding zone must be reviewed by the Traffic Engineer of the City. The Traffic Engineer shall report his/her recommendations to approve, deny, or modify the proposed location in writing to the Chief Executive Officer. The Traffic Engineer's report shall include a statement of reasons supporting the recommendation to the Chief Executive Officer.

(f) The Chief Executive Officer shall, by resolution, establish a maximum time limit for individual jitneys to remain standing in any holding zone. The time limit shall apply uniformly to all holding zones.

(g) It shall be unlawful for a vehicle other than a jitney with a proper MTS jitney permit to occupy a jitney holding zone.

**(Section 6.4 amended 11/15/12)**

#### Section 6.5 - Equipment and Specifications

(a) Each jitney shall bear on the outside, signs clearly designating the route which it serves. The specifications of the sign are subject to the approval of the Chief Executive Officer. The Chief Executive Officer shall adopt written standards for approval or denial of the size of the signs, the location of the signs on the vehicle, the size of the lettering or graphics on the signs, and other specifications that the Chief Executive Officer finds necessary.

(b) All jitney vehicles must bear a trade name and shall be assigned a body number by the permit holder. The trade name and body number so assigned shall be placed on the vehicle in accordance with written standards adopted by the Chief Executive Officer.

Any violation of this Ordinance shall constitute an infraction unless otherwise specified.  
SECTION 7.0 – LOW-SPEED VEHICLES

#### Section 7.1 – Low-Speed Vehicle (LSV) Definition

Low-Speed Vehicles (LSV) shall mean every vehicle that is designated per the requirements of Ordinance No. 11, Section 1.1(c). LSVs may operate by zones and/or a prearranged basis as set forth in Section 1.1 (d) (1)-(5).

**(Section 7.0 and 7.1 added 8/7/03)**

#### Section 7.2 – Establishment of Zones

The Chief Executive Officer shall establish and authorize the use of zones of operation.  
**(Section 7.2 added 8/7/03)**

#### Section 7.3 – Zone Rates of Fare

(a) All vehicles permitted as LSV may use two methods of seeking compensation, either by zone rates or on a prearranged basis. Either method may be used when working inside of an approved zone. However, when operating on a prearranged charter basis, within an approved zone, no operator may exceed the maximum number of vehicles that are medallioned.

(b) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for LSV services.

(c) When a permit holder desires to change the rates of fare being charged for LSV services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(d) No permit holder shall charge any rate of fare for LSV services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(e) The rates of fare shall be established by a zone and/or prearranged written contract on a per-mile or per-hour basis.

(f) The maximum rates of fare shall be established pursuant to Section 2.2.  
**(Section 7.3 added 8/7/03)**

#### Section 7.4 – Spare Vehicle Policy

(a) The following sets out procedures for LSV permit holders to place a spare vehicle into service as either a temporary replacement for a permitted vehicle that is out of service for recharging or mechanical problems.

(1) Spare LSVs must be marked with the approved company markings.

(2) In place of the medallion number, the spare LSV must be marked "Spare LSV." Where more than one spare LSV is being requested, under the provisions of paragraph 9, the LSVs will be marked "Spare LSV 1," "Spare LSV 2," and so on. The "Spare LSV" marking should be sized to fit in approximately the same space as the medallion number would otherwise be placed with legibility and visibility being the primary criteria.

(3) Spare LSVs must be inspected upon initial issuance and annually thereafter.

(4) All spare LSVs must meet all MTS insurance requirements.

(5) To use a spare LSV that meets the requirements of 1 through 4 above, the permit holder must communicate in writing (facsimile is acceptable), a request to place a spare LSV into service.

The request must state:

(a) the medallion number of the LSV being taken out of service, the reason for being out of service, and the location of the out-of-service LSV; and

(b) the estimated time the spare LSV will be in use.

(6) When the out-of-service LSV is ready to re-enter service, the permit holder must immediately notify MTS in writing (facsimile is acceptable).

(7) The out-of-service LSV may not be required to be reinspected to be placed back into service.

(8) The spare LSV must be removed from service at the time the LSV it has been replacing is placed back into service.

(9) Under normal circumstances, a permit holder may utilize spare LSVs. Permit holders may utilize spare LSVs in a ratio of 3:1 permits held.

(10) Spare LSVs that are placed in service may only operate inside of the MTS-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular medallioned vehicles.

(11) A permit holder found to have operated a spare LSV in deliberate violation of these procedures will be subject to immediate suspension/revocation of the permit and the loss of the spare LSV utilization privilege.

**(Section 7.4 amended 10/16/03)**

**(Section 7.4 added 8/7/03)**

#### Section 7.5 – LSV Driver Identification Cards

(a) Refer to Section 1.12 of this Ordinance to reference driver and permit holder ID requirements.

**(Section 7.5 added 8/7/03)**

#### Section 7.6 - Equipment and Specifications

(a) Each LSV shall be equipped with a device which shall plainly indicate to a person outside the LSV whether the LSV is in operation or is not.

(b) Exterior Markings

(1) The permit holder's trade name shall be painted or permanently affixed in letters and numerals 2-1/2 inches high all on one line on the upper third part of both the front and rear of the vehicle utilizing "Univers" or other Chief Executive Officer preapproved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing 2-1/2 inch lettering, the trade name lettering must be as large as possible, up to 2-1/2 inches in height, to enable the trade name to fit on one line.

(2) The medallion number shall be painted or permanently affixed, on both the front and rear of the vehicle, one (1) inch below the permit holder's trade name, two (2) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(3) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her LSV which must be posted only at the specific location and in the size noted and are subject to the Chief Executive Officer's approval.

a) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

b) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot utilize the words "cab" or "taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

c) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than two (2) inches in height and posted only on the top front portion of both front side quarter panels.

d) "Driver Carries Only \$ \_\_\_\_\_ Change." If the permit holder chooses to post "Driver Carries only \$ \_\_\_\_\_ Change," postings must be located only on panels near the rear door but clear of the rates of fare.

e) "Leased to Driver." If permit holder chooses to post "Leased to Driver," it must be posted only on both rear quarter panels near the rear door area but clear of the rate of fares in lettering no larger than 1 inch.

(4) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(c) All LSVs shall be equipped and operated so that they may be dispatched by two-way radio communication in response to a telephone or other request for service by a prospective passenger. This requirement may not be met by use of a mobile radio telephone service.

(1) Radio must be turned on, and audible to driver, at all times the LSV is in service.

(d) The radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.



- (1) The current valid FCC license shall be on file with MTS.
- (2) LSV permit holder shall provide current proof the radio has passed inspection by an MTS-approved inspector.
- (3) LSV radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.
- (e) Radio scanners are not allowed in LSVs.  
**(Section 7.6 added 8/7/03)**

#### SECTION 8 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be effective 30 days after adoption, and before the expiration of 15 days after its passage, this Ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

Amended: 11/15/12  
Amended: 4/19/12  
Amended: 10/16/03  
Amended: 8/7/03  
Amended: 5/8/03  
Amended: 11/14/02  
Amended: 6/27/02  
Amended: 5/23/02  
Amended: 6/24/99  
Amended: 9/24/98  
Amended: 10/30/97  
Amended: 4/10/97  
Amended: 2/13/97  
Amended: 11/9/95  
Amended: 6/22/95  
Amended: 1/12/95  
Amended: 6/24/93  
Amended: 6/27/91  
Amended: 5/23/91  
Amended: 10/11/90  
Repealed & Readopted: 8/9/90  
Amended: 4/12/90  
Amended: 4/27/89  
Adopted: 8/11/88

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**CURRENT**

SUBJECT: TAXICAB PERMITS  
POLICY NO.: 500-02  
EFFECTIVE DATE: June 26, 2012

BACKGROUND:

Regulation of taxicab service is in the interest of providing residents and visitors to the City of San Diego with a good quality local transportation service. Towards this end, the City finds it desirable to regulate the issuance of taxicab permits.

PURPOSE:

To establish a policy for the issuance of additional taxicab permits, for the purpose of expanding the taxi industry to meet growing demand for taxi service throughout the City, and providing opportunity for both existing and new taxi operators and for experienced drivers.

POLICY:

The City will periodically issue additional taxicab permits based on a formula. The formula will take into account both the demand for taxicab services and the supply of taxicabs.

New permits will be issued on a full cost recovery basis. All applicants will first have to submit an application and satisfy Screening Criteria based on quality and customer service standards. Two methods of issuance will be used:

1. 60% of new permits will be issued in blocks of five or more permits by lottery to entities that demonstrate an ability to manage a fleet of taxicabs.
2. 40% of new permits will be issued one at a time by lottery to experienced drivers.

The process through which permits are issued will limit the concentration of permits. No permits will be issued or transferred to any person, company, business, corporation, or other entity if such issuance or transfer would result in any permit holder having an interest in more than 40% of the existing permits. New permits shall not be transferred for a period of five years after issuance. No single permit will be issued or transferred to any person, company, business, corporation, or other entity if such issuance or transfer would result in single permit holders in aggregate having interest in more than 40% of the existing permits.

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**CURRENT**

Permit holders of newly awarded permits must demonstrate that they are in compliance with Screening Criteria as a condition of annual permit renewal or the permit may be suspended or revoked.

When any taxicab permit is transferred, the transferee must satisfy Screening Criteria at time of transfer and thereafter as a condition of annual permit renewal or the permit may be suspended or revoked.

All permits held by corporations or limited liability companies shall comply with Screening Criteria within five years of the adoption of this Policy.

IMPLEMENTATION:

Increases in the number of taxicab permits will be based on a formula to be computed every three years. Permits that are authorized but not awarded, as well as permits that are vacant due to revocation or relinquishment, shall not be considered to be active permits for the purposes of determining need for new permits.

Screening Criteria will be evaluated on a pass-fail basis. Each element must be a “pass” in order for the applicant to have been considered to have satisfied the screening. Applicants are responsible for providing complete and accurate information needed for the screening evaluations.

1. Screening Criteria

A. Applicants must:

- a. Meet regulatory requirements for a taxicab permit holder and operator specified in ordinance and regulation
- b. Provide evidence of at least five years’ experience driving a taxicab or managing a demand responsive transportation service, or similar service-oriented business
- c. Provide evidence of ability to meet insurance requirements
- d. Provide evidence of ability to finance the meeting of screening criteria and regulatory requirements

**CITY OF SAN DIEGO, CALIFORNIA  
COUNCIL POLICY**

**CURRENT**

- B. Vehicles must:
  - a. Meet regulatory and ordinance requirements
  - b. Meet California Air Resources Board criteria for Zero Emission Vehicle or Low Emission Vehicle
  - c. Be ADA-compliant (applies to first permit, thereafter at least 50% of vehicles must comply)
  - d. Be equipped with GPS
  - e. Be equipped with security cameras
- C. Adequate facilities must be demonstrated for:
  - a. Administrative functions
  - b. Vehicle maintenance
  - c. Off-street vehicle storage when not in service
- D. Dispatch must be:
  - a. Staffed 24 hours
  - b. Computerized
  - c. Utilize GPS
- E. Customer service plan must include:
  - a. Acceptance of credit cards
  - b. Customer complaint system
  - c. Record keeping of every call, dispatch, trip, and complaint
  - d. 25% of trips must originate in underserved communities
- F. Additional screening criteria may be added as needed by regulatory action to fulfill the purpose of improving industry standards and customer service and keeping current with technology.

CITY OF SAN DIEGO, CALIFORNIA  
COUNCIL POLICY

CURRENT

2. Lottery of Permit Blocks

*Eligibility:* Applicants must satisfy Screening Criteria as well as demonstrating ability to finance and manage a fleet of taxicabs.

*Blocks of Permits:* 60% of the permits available shall be divided as evenly as possible into blocks five or more permits, maximizing the number of blocks available. For example, if 24 permits are available, then they shall be divided into four blocks of six permits; 25 permits shall be divided into five blocks of five permits; and 26 permits shall be divided into one block of six and four blocks of five permits.

*Distribution:* Applicants shall be screened for eligibility. Eligible applicants are placed in a lottery. The first 25 names drawn shall be placed on a list based on order of selection, with blocks awarded starting with the first drawn until all of the available blocks have been awarded. Larger blocks shall be awarded first. Names that are drawn but not awarded blocks shall constitute a waiting list. Applicants who subsequently fail to meet regulatory requirements shall be removed from the list and blocks reassigned in order to include the next listed applicant on the waiting list.

3. Lottery to Individual Drivers

*Eligibility:* Applicants must satisfy Screening Criteria, and: 1) not have any ownership interest in any taxicab permits, 2) have a current Taxicab Drivers Identification Card issued by the San Diego County Sheriff, 3) demonstrate a minimum of five years' experience leasing and driving a taxicab for at least 1000 hours per year, and 4) if awarded a permit, must drive the taxicab for at least 1000 hours per year for the first five years that the permit is held.

*Individual Permits:* 40% of the permits available shall be distributed one at a time.

*Distribution:* Applicants shall be screened for eligibility. Eligible applicants are placed in a lottery. The number of names drawn shall equal twice the number of permits available in the lottery. The names drawn shall be placed on a list based on order of selection. One permit shall be awarded starting with the first name on the list until all of the available permits have been awarded. Names that are drawn but not awarded a permit shall constitute a waiting list. Applicants who subsequently fail to meet regulatory requirements shall be removed from the list and the permit reassigned to the next listed applicant on the waiting list.

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

**CURRENT**

FORMULA

The formula will be computed as follows:

$$S=D/M$$

Where:

- S= the calculated ideal supply of taxicabs
- D=measured aggregate demand for taxicab trips
- M=the number of taxicab trips needed to sustain one new taxicab vehicle entering the market

The formula shall be applied every three years. Economic studies shall be conducted to determine the values of D and M.

Additional permits shall be issued when S exceeds the number of active permits by 40 or more. The number of permits distributed shall be S minus the number of active permits. The number of active permits is the number of authorized permits minus unassigned and vacant permits.

HISTORY:

“Taxicabs - Certificates of Convenience and Necessity”

Adopted by Resolution R-72292 - 08/21/1962

Amended by Resolution R-216590 - 08/11/1976

Amended by Resolution R-217293 - 12/15/1976

Amended by Resolution R-222474 - 12/19/1978

Repealed by Resolution R-258090 - 03/14/1983

“Taxicabs - Permits”

Added by Resolution R-260636 - 05/07/1984

Amended by Resolution R-261739 - 10/15/1984

Amended by Resolution R-271307 - 06/28/1988

Amended by Resolution R-295355 - 08/06/2001

Amended by Resolution R-302130 - 12/06/2006

Amended by Resolution R-307494 - 06/26/2012

## **An Ordinance Amending Ordinance Number 11: Taxicab Regulation**

*MTS Board of Directors  
July 17, 2014*



## **Genesis of Proposed Changes**

- Changes to City of San Diego Council Policy 500-02
  - Subject: Taxicab Permits
  - Effective Date: June 26, 2012
  - The requirements of this policy were not implemented due to the uncertainty of the status of the contract between MTS and the City of San Diego.



## Proposed Revisions to Ordinance 11

- Permit transferees and new permit holders must comply with Screening Criteria once Ordinance revisions are adopted
- Existing permits held by corporations and LLC's must comply with Screening Criteria by Jan. 1, 2020



## Screening Criteria

- Vehicles must meet California Air Resources Board Low Emissions or Zero Emission standards or be Americans with Disabilities Act compliant
  - applies to 1<sup>st</sup> permit, thereafter 50% of vehicles must comply
- Vehicles must be equipped with GPS
- Limits maximum permits held by single entity at 40%





## Screening Criteria

### Taxicab Facilities must:

- Provide for administrative functions, vehicle maintenance and off-street vehicle storage when out of service



5



## Screening Criteria

### Radio Dispatch Service must:

- Be staffed 24 hours
- Be computerized
- Utilize GPS



6



## Screening Criteria

Customer Service Plan must:

- Include acceptance of credit cards
- Include customer complaint system
- Maintain records of every call, dispatch, trip and complaint
- Show compliance with a requirement that 25% of trips be for underserved communities
  - Definition of underserved needs clarification by the City; also, no clear statistics on trip refusals



## Ninth Amendment to the Contract

- MTS and City of San Diego agreement included intent to add a provision regarding lease documentation
- Staff recommendation would require permit holders to maintain financial records associated with leases
  - Includes receipts for payments



## Proposed Ordinance 11 Revisions

- Proposed changes to Ordinance 11 would apply to all MTS permits
- Future regulatory changes are planned for consideration by the City Council
- Additional Ordinance 11 changes likely to be brought to MTS Board later this year
- Not recommending requirement for security cameras at this time pending changes in state law



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## Recommendation:

- Read the title of Ordinance 11, an Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City by the Adoption of a Uniform Paratransit Ordinance
- Waive further readings
- Introduce the Ordinance for consideration on September 18
- Direct publication of an ordinance summary



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

07-11 25-R18-369NV

**NOTICE OF AMENDMENT TO ORDINANCE NO. 11,  
AN ORDINANCE PROVIDING FOR THE LICENSING AND THE REGULATING OF  
TRANSPORTATION SERVICES WITHIN THE CITY BY THE ADOPTION OF A UNIFORM  
PARATRANSIT ORDINANCE**

Notice is hereby given that the San Diego Metropolitan Transit System (MTS), at its regularly scheduled board meeting on July 17, 2014, at 9:00 a.m. at 1255 Imperial Avenue, Suite 1000, San Diego, CA, will consider amending several sections of Ordinance No. 11 related to for-hire vehicles to reflect policy changes outlined in San Diego City Council Policy 500-02. The proposed amendments address the following:

Expand language to include additional requirements for transfer of taxicab permits, requirements for permits held by corporations, requirements to provide copies of lease agreements and receipts for payments, requirements for low emissions vehicles and ADA vehicles, and general compliance with designated screening criteria contained in Council Policy 500-02.

If adopted, the amendment will take effect 30 days from the date of adoption. A certified copy of the proposed amendment is posted in the MTS lobby at the above address.

**DO NOT REMOVE**





AGENDA ITEM NO.

31

## 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	17 JULY		
Name	MICHEL ANDERSON		
Address	2531 STATE ST. STE G SO 92101		
Telephone	(619) 232-0045		
Organization Represented	SAN DIEGO TRANSPORTATION ASSN.		
Subject of Your Remarks	TAXI INDUSTRY IMPACT		
Regarding Agenda Item No.	31		
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.



REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

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(PLEASE PRINT)

DATE	July 12, 2014		
Name	MARGO TANGUAY		
Address	229 16th St. #116		
Telephone	[619] 231-1144		
Organization Represented	Lead Driver Rep MTSTAC		
Subject of Your Remarks	general comments		
Regarding Agenda Item No.	31		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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## Agenda Item No. 32

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

July 17, 2014

#### SUBJECT:

BOARD POLICY 62 - FIRST AMENDMENT ACTIVITIES ON MTS PROPERTY (KAREN LANDERS)

#### RECOMMENDATION:

That the Board of Directors:

- 1) Adopt the proposed San Diego Metropolitan Transit System (MTS) Board Policy 62 governing First Amendment Activities on MTS Property (Attachment A); and
- 2) Authorize the Chief Executive Officer to add, remove or modify MTS Board Policy 62 Exhibits B and C relating to the "Designated Areas" in which First Amendment Activities are permitted as necessary to maintain safe and efficient use of MTS property for transit purposes.

#### Budget Impact:

None.

#### DISCUSSION:

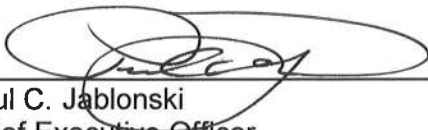
It is the policy of MTS that its transit vehicles and facilities be used only for travel-related purposes so that passengers can utilize the transit system in a safe and efficient manner without inconvenience or delay. However, according to the First Amendment of the United States Constitution and the Liberty of Speech Clause of the California Constitution, certain areas within MTS property must be made available for First Amendment Activity.

Currently, requests for First Amendment Activity Permits are handled by the Office of General Counsel on a case-by-case basis. Proposed Board Policy No. 62 formally documents and adopts the process currently followed. The proposed policy establishes a First Amendment Activity Permit process with reasonable time, place and manner restrictions to ensure the interaction between transit operations and First Amendment Activities occurs in a safe and effective manner.



The policy identifies "Designated Areas" within MTS property in which First Amendment Activities may be authorized. These "Designated Areas" have been chosen based on several factors. First, MTS facilities consist of "paid fare zones" where access is available only to ticketed passengers, such as inside buses, inside trolley cars and within the established boarding, exiting and waiting areas for trolley cars. Since these "paid fare zones" are not open to the public, but only open to ticketed passengers, MTS has found that these areas are not appropriate for First Amendment Activities. Second, many portions of MTS facilities are used for the ingress and egress of passengers from and to buses and trolley cars. To ensure that these highly trafficked pathways continue to allow for the smooth flow of passengers, MTS has found that these areas are not appropriate for First Amendment Activities. Third, MTS has evaluated areas for any potential safety or security concerns, such as areas where access is restricted only to authorized personnel or areas impacted by vehicular traffic. MTS has also found these areas not appropriate for First Amendment Activities. For all other areas, MTS has identified where individuals or groups would have enough space to conduct First Amendment Activities while also providing enough access to members of the public using MTS facilities for transit purposes. Considering all these factors together, MTS has found several "Designated Areas" appropriate for First Amendment Activity, further described in MTS Board Policy 62, Exhibit C.

Any individual or group interested in conducting First Amendment Activities in these "Designated Areas" will be required to first request and be issued a First Amendment Activity Permit. This First Amendment Activity Permit will require participants to abide by all restrictions expressed within MTS Board Policy 62. Any violation of the restrictions expressed within MTS Board Policy 62 may include, but is not limited to, revocation of the MTS Permit and removal from MTS property. MTS intends for this First Amendment Activity Permit process and the restrictions imposed to effectively balance the First Amendment rights of individuals and groups while also ensuring the safety of the public, passengers and MTS employees on MTS property.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619-557-4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. Proposed MTS Board Policy 62





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

## Policies and Procedures

No. 62

**SUBJECT:**

**Board Approval:**

FIRST AMENDMENT ACTIVITIES ON MTS PROPERTY

**PURPOSE:**

To establish a policy and guideline concerning the regulation of First Amendment Activities on MTS property.

**BACKGROUND:**

It is the policy of MTS to provide safe, secure and efficient transit services to its passengers. In furtherance of this policy, MTS intends that its transit vehicles and facilities be used only for travel-related purposes so that passengers can utilize the transit system in a safe and efficient manner without inconvenience or delay. Activities for non-travel purpose, as defined below, bring the risk of interference with the entering, exiting, boarding, transferring and de-boarding of MTS passengers from transit vehicles and facilities as well as the increase in administrative costs necessary for security enforcement, maintenance and litter removal at transit facilities.

To prevent interference with and obstruction of MTS's responsibilities to provide transportation and protect its facilities, while at the same time accommodating First Amendment Activities that are protected by state and federal law, MTS has made certain areas of its property available for First Amendment Activities and has instituted the following policy.

**POLICY:**

The following guidelines will be reviewed by staff to reflect current policies of MTS Board of Directors and to reflect changes in the trends of social and economic acceptance and appropriateness of various forms of First Amendment Activities.

### 62.1 DEFINITIONS

- a. "First Amendment Activit(y)(ies)" includes, but is not limited to, distribution of literature, pamphlets, handbills, signature gathering, picketing, demonstrating and displaying



activities protected by the First Amendment. Commercial activities are not considered First Amendment Activities under this Policy.

- b. "Commercial activities" include: (1) advertising that promotes the sale, lease or other financial benefit of a product, service, event or other property interest which does no more than propose a commercial transaction; (2) exhibiting, selling, or offering for sale, hire, lease, or let out in MTS Facilities any good, merchandise or service which does no more than propose a commercial transaction, and (3) conducting business activities in MTS Facilities for the personal financial gain of the individual or his or her employer where the "business activity" is not a protected First Amendment Activity.
- c. "MTS Facility" includes but is not limited to, MTS owned or controlled buses and trolley cars as well as Transit Centers and Trolley stations, train operators' cabs, bus operators' seats, closed off areas, mechanical or equipment rooms, employee-only areas, storage areas, interior rooms, tracks, roadbeds, tunnels, shops, barns, train or bus yards, garages, depots and areas marked as restricted or dangerous.

#### 62.2. USE OF MTS FACILITIES

- a. No person may perform any act which interferes with or may tend to interfere with the safe and efficient operation and provision of transit service.
- b. No person shall engage in Commercial Activities while present at MTS Facilities pursuant to a First Amendment Activity Permit.
- c. Persons shall be permitted to participate in First Amendment Activities in "Designated Areas" of MTS Facility as described in Exhibit C upon issuance of a Permit by MTS as described in Exhibit A.
- d. Authorized First Amendment Activities conducted in the "Designated Areas" of MTS Facilities as described in Exhibit C shall only occur during the operating hours of transit routes and operations.

#### 62.3 AREAS WHERE FIRST AMENDMENT ACTIVITIES ARE PROHIBITED

- a. All areas of MTS Facilities as described in Exhibit B where First Amendment Activities are prohibited shall constitute a non-public forum.
- b. The "paid fare zones" of MTS Facilities where access is available only to ticketed passengers, including the inside of a bus, inside of a trolley car and in the area for boarding, exiting or waiting for a trolley car shall be reserved for ticketed passengers and authorized MTS personnel only. These areas shall constitute a non-public forum and no First Amendment Activity is permitted.

- c. Any MTS Facility where First Amendment Activities may impede the free-flowing ingress and egress of passengers shall constitute a non-public forum and no First Amendment Activity is permitted.
- d. Any MTS Facility where public and passenger access is restricted shall constitute a non-public forum and no First Amendment Activity is permitted.
- e. This provision shall not apply to MTS authorized advertisements or Commercial Activity pursuant to a vendor agreement with MTS.

62.4 "DESIGNATED AREAS" WHERE FIRST AMENDMENT ACTIVITIES ARE PERMITTED

- a. The "Designated Areas" of MTS Facilities as described in Exhibit C shall allow for First Amendment Activities subject to a MTS issued Permit and MTS Board Policy No. 62.

This original Policy was adopted on 7/10/14.

Attachments: Exhibit A – Permit Application for First Amendment Activities

Exhibit B – MTS Facilities where First Amendment Activities are Prohibited

Exhibit C – "Designated Areas" of MTS Facilities where First Amendment Activities are Permitted

Exhibit A – MTS Board Policy No. 62

PERMIT APPLICATION FOR FIRST AMENDMENT ACTIVITIES

Permit Application Process: A Permit Application for First Amendment Activities (which is included at the end of Exhibit A) shall be submitted and received by MTS at least seven (7) calendar days, but no more than thirty (30) calendar days, prior to the date of the proposed activity. The Permit Application shall include:

- (1) Contact information of the individual or the representative organization;
- (2) The preferred MTS Facility to conduct the proposed activity;
- (3) The proposed activity;
- (4) The preferred days and time of the proposed activity;
- (5) The approximate number of persons who will participate in the activity; and
- (6) The proposed equipment to be used (i.e. tables/chairs).

No later than two (2) business days (Monday through Friday, 8:00am to 5:00pm, excluding MTS holidays) before a proposed activity for which a fully completed Permit Application has been filed, MTS shall issue or deny the Permit Application based on MTS Board Policy No. 62. Notice of denial of a Permit Application shall set forth the grounds for denial.

Availability of Permits: Issuance of a Permit shall occur on a first come, first serve basis without regard to renewal status. When MTS receives more applications for Permits than MTS is able to grant, MTS may impose such reasonable and equitable restrictions as to allowable times and days as may be required to provide fair opportunities for all applicants to conduct First Amendment Activities. Only one First Amendment Activity is allowed in the same physical space at the same time.

Permit Conditions: Permits to engage in First Amendment Activity shall be valid for a specific MTS Facility location, date and time period, not to exceed one (1) month. In issuing a Permit, MTS may impose reasonable time, place and manner conditions necessary in addition to those provided in MTS Board Policy No. 62 in order to prevent interference with MTS's transportation services. MTS will consider safety and security issues pertaining to the activity, including the availability of appropriate safety and security personnel, in determining the reasonable time, place and manner conditions that will be imposed on the Permit. Such conditions may include, but are not limited to:

- (1) Specification of the days, time and duration of First Amendment Activity;
- (2) Specification of the location of First Amendment Activity;
- (3) Limitations on the number of persons who may participate in the First Amendment Activity;
- (4) Limitations on a minor participating in First Amendment Activities without at least one adult supervising. A minor is defined as an individual less than 18 years of age other than a legally emancipated minor; and
- (5) Restrictions on the size or number of equipment, including, without limitation, tents, tables or chairs.

Use of Permit: Any person or group issued a Permit will be required to have it on their person or with their group when engaged in their First Amendment Activity. At the request of MTS personnel, any person or groups engaged in First Amendment Activities must produce a valid Permit for the date, time period and MTS Facility location of the First Amendment Activity.

Prohibited Activities: No person or group, while engaging in any First Amendment Activity for which a Permit has been issued, shall:

- (1) Interfere with the smooth flow of passengers through entrances or exits of MTS Facilities;
- (2) Interfere with the access onto or off of an escalator, stairway or elevator;
- (3) Interfere with access to or from ticket or automatic fare collection machines;
- (4) Interfere with any MTS authorized Commercial Activity or concession;
- (5) Interfere with MTS employees' performance of their responsibilities and duties;
- (6) Interfere with access to any fire safety system component, public telephone, information board, news vending machine, kiosk or building entrance;
- (7) Post or affix to MTS Facilities any signs, leaflets, posters, flyers, pamphlets, brochures, banners, structures, material or paraphernalia of any kind;
- (8) Use a sound amplification device including, but not limited to, any radio receiver, phonograph, television receiver, certain musical instruments, tape recorder, cassette player, compact disc player, speaker device or system, sound amplifier or any sound-producing device of similar nature that creates excessive noise causing a public safety concern or which emits noise interfering with transit operations. Sound amplification device does not include assistive hearing devices for persons who are hearing impaired;
- (9) Disturb the peace or disturb others by engaging in boisterous or unruly behavior;
- (10) Willfully block the free movement of another person;
- (11) Conduct aggressive panhandling which is the accosting of other persons in any MTS Facility for the solicitation of money, funds or alms. Accosting includes, but is not limited to, actions intended to cause fear of bodily harm or intimidation, intentional touching or blocking, and violent or threatening gestures or language. Aggressive panhandling is expressly prohibited in all MTS Facilities; or
- (12) Violate any MTS issued Permit, MTS Ordinance, MTS Board Policy or other applicable local, state and federal laws. Any violation of a MTS issued Permit, MTS Ordinance, MTS Board Policy or law may result in one or more of the following: revocation of the MTS Permit; removal from MTS property; citation; or arrest.

Permit Denial: MTS may deny a Permit Application on one or more of the following grounds:

- (1) The application is not timely, fully completed and executed;
- (2) The application or the person on whose behalf the application is made has on prior occasions damaged MTS's;
- (3) A fully executed prior Permit Application for the same time and place has been received, and a Permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular MTS Facility location;
- (4) The use or activity intended by the applicant would present a danger to the safety of the applicant, passengers using MTS services, MTS employees or the general public;
- (5) The use or activity intended by the applicant would interfere with the access of MTS passengers to a MTS Facility including interrupting the flow of passengers, diverting foot traffic, delaying passengers or otherwise disrupt or create an obstruction of the orderly functioning of MTS's transportation services;
- (6) The applicant or the person on whose behalf the application is made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity

previously permitted or has violated the terms of prior Permits issued to or on behalf of the applicant; or

(7) The use or activity intended by the applicant is not a protected First Amendment Activity.

Appeal Following a Permit Denial: An applicant may submit a written appeal within 10 days of a denial to the Chief Executive Officer setting forth the reasons why the Permit Application should be granted.

No Endorsement: Issuance of a Permit by MTS does not constitute an endorsement by MTS of the message conveyed or of the sponsor of the message.

Clean Up Required: Any person or group whom is allowed to engage in First Amendment Activities authorized under the terms of MTS Board Policy No. 62 shall be responsible for removal of all written materials and other property and clean-up of the areas where the activity was conducted. No such materials or property shall be left behind or stored at MTS facilities.

Responsibility for Damage or Injury: Any person or group who is allowed to engage in First Amendment Activity authorized under the terms of MTS Board Policy No. 62 shall be responsible for any damage or injury arising out of that activity.

Activity at own risk: Any person or group who is allowed to engage in First Amendment Activity authorized under the terms of MTS Board Policy No. 62 shall do so at his or her own risk. MTS does not guarantee additional security, safety or privileges by issuing a Permit.

Temporary closure: Notwithstanding MTS Board Policy No. 62, MTS shall have the authority to temporarily close access to areas otherwise open to First Amendment Activity as deemed necessary, such as during construction, special events, sporting events, or in response to a threat to safety and security.

Public Outreach: Notwithstanding MTS Board Policy No. 62, all necessary MTS public outreach activities including, but not limited to, publication of information regarding stop closures, detours or customer surveys, has priority over all Permit Applications for First Amendment Activities.

No Assignment: The Permit issued under MTS Board Policy No. 62 shall not be assigned or transferred and any attempt to do so shall be void.

Severability: If any provision of MTS Board Policy No. 62 is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS)

PERMIT APPLICATION TO ENGAGE IN FIRST AMENDMENT ACTIVITY

Permit Application shall be submitted and received by MTS at least seven (7) calendar days, but not more than thirty (30) calendar days, prior to the date of the proposed activity. Submit Permit Application to:

San Diego Metropolitan Transit System (MTS)  
Attn: Legal Department  
1255 Imperial Avenue, #1000  
San Diego, CA 92101  
Telephone: (619) 557-4512  
karen.landiers@sdmts.com

Office Hours: 8:00am – 5pm, Monday through Friday (excluding holidays)

First Amendment Activity is allowed only in "Designated Areas", with an MTS issued Permit and subject to reasonable time, place and manner restrictions described further in MTS Board Policy No. 62.

1. Name (Individual or Representative Organization): \_\_\_\_\_
2. Address: \_\_\_\_\_  
(Street)  
\_\_\_\_\_  
(City) (State) (Zip Code)
3. Telephone / Email \_\_\_\_\_
4. Preferred MTS Facility location: \_\_\_\_\_ 2nd choice: \_\_\_\_\_
5. Preferred date(s) & time(s) of proposed activity: \_\_\_\_\_ 2nd choice: \_\_\_\_\_
6. Proposed activity: \_\_\_\_\_
7. Approximate number of persons who will participate in the activity: \_\_\_\_\_
8. Proposed equipment to be used (i.e. tables/chairs): \_\_\_\_\_
9. The undersigned acknowledges receipt of the terms of MTS Board Policy No. 62 pertaining to use of MTS Facilities for First Amendment Activities and has read and agrees to its terms.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Exhibit B of MTS Board Policy No. 62

MTS FACILITIES WHERE FIRST AMENDMENT ACTIVITIES ARE PROHIBITED

The following MTS Facilities shall constitute non-public forums where First Amendment Activities are prohibited:

- 1) "Paid Fair Zone Areas" of MTS Facilities reserved for ticketed passengers only;
  - a. Inside all MTS Buses and Trolley Cars
  - b. Downtown Line Stations
    - i. Santa Fe Depot
    - ii. America Plaza
    - iii. Civic Center
    - iv. Fifth Avenue
    - v. City College
    - vi. Park & Market
    - vii. Gaslamp Quarter
    - viii. Convention Center
    - ix. Seaport Village
  - c. Green Line Stations
    - i. County Center / Little Italy
    - ii. Middletown
    - iii. Washington Street
    - iv. Morena/Linda Vista
    - v. Hazard Center
    - vi. Mission Valley Center
    - vii. Rio Vista
    - viii. Fenton Parkway
    - ix. Qualcomm Stadium
    - x. Mission San Diego
    - xi. SDSU
    - xii. Arnele Avenue
    - xiii. Gillespie Field
    - xiv. Santee
  - d. Green / Orange Line Station
    - i. Amaya Drive
  - e. Orange Line Stations
    - i. 25th & Commercial
    - ii. 32nd & Commercial
    - iii. Encanto/62nd Street
    - iv. Lemon Grove Depot
    - v. La Mesa Blvd.
  - f. Blue Line Stations
    - i. Barrio Logan
    - ii. Harborside
    - iii. Pacific Fleet
    - iv. 8th Street



- v. 24th Street
  - vi. E Street
  - vii. H Street
  - viii. Palomar Street
  - ix. Iris Avenue
  - x. San Ysidro
- 2) Areas that First Amendment Activities may impede the free flowing ingress and egress of passengers; and
  - 3) Areas where public and passenger access is prohibited.

## Exhibit C of MTS Board Policy No. 62

**"DESIGNATED AREAS" OF MTS FACILITIES WHERE FIRST AMENDMENT ACTIVITIES ARE PERMITTED**

Within the following locations below, there are specific "Designated Areas" where First Amendment Activities may take place. First Amendment Activities may only be conducted within the "Designated Area" and cannot be conducted outside of the "Designated Area". The below "Designated Areas" do not include any "Paid Fare Zone" reserved for ticketed passengers as described in Exhibit B; any area where First Amendment Activities may impede the free flowing ingress and egress of passengers; and any area where public access is restricted. MTS will make available aerial and close up site photos identifying the specific "Designated Areas" located within the following stations:

- 1) Green/Orange Line Stations
  - a. El Cajon
  - b. Grossmont
- 2) Green Line Stations
  - a. 70th Street
  - b. Alvarado Medical Center
  - c. Grantville
  - d. Fashion Valley
  - e. Old Town
- 3) Orange Line Stations
  - a. Spring Street
  - b. Massachusetts Avenue
  - c. Euclid Avenue
  - d. 47th Street
- 4) Green/Orange/Blue Line Stations
  - a. 12th & Imperial
- 5) Blue Line Stations
  - a. Palm Avenue *(station will no longer be available as a Designated Area when remodeling of station begins; estimated construction start date is August, 2014)*
  - b. Beyer Boulevard *(station will no longer be available as a Designated Area when remodeling of station begins; estimated construction start date is November, 2014)*
- 6) I-15 Corridor
  - a. Del Lago
  - b. Rancho Bernardo
  - c. Sabre Springs / Rancho Penasquitos

## **Adoption of Board Policy No. 62: First Amendment Activities on MTS Property**

### **Board of Directors Meeting**

July 17<sup>th</sup>, 2014

Agenda Item No. 32



①

### **Purpose of MTS Board Policy on First Amendment Activities**

- State and Federal Law require that certain areas of public property be opened for First Amendment Activities
  - Forum Analysis
- MTS is of the position that:
  - Some areas of MTS Bus and Trolley Stations are Designated Public Forums
    - Allow First Amendment Activity in Designated Areas pursuant to a MTS Issued Permit
  - Most areas of MTS Bus and Trolley Stations are Non-Public Forums
    - No First Amendment Activity allowed
      - Example: Paid Fare Zones (inside buses, inside trolley cars, within established boarding, exiting and waiting areas at trolley stations)



②

## Development of MTS Board Policy for First Amendment Activities

- **Current Process**
  - Requests to conduct First Amendment Activities are handled by the Office of General Counsel on a case-by-case basis
- **Formalize the Process through Adoption of Board Policy**
  - Provides individuals and groups interested in conducting First Amendment Activities with:
    - a document that expresses the guidelines and restrictions imposed on First Amendment Activities
    - certain substantive and procedural safeguards when MTS approves, approves with conditions or denies a request for a First Amendment Activity Permit



③

## Elements of MTS Board Policy for First Amendment Activities

- **Outlines MTS Governmental Interests**
  - Policy of MTS to provide safe and efficient transit services to its passengers
  - Non transit purposes bring a risk of interference with transit operations
  - First Amendment Permit strikes a balance between use of MTS property for transit purposes and non-transit purposes
    - Provides interested individuals a right to conduct First Amendment Activities within Designated Areas while ensuring transit passengers are provided safe egress and ingress to MTS facilities
- **Lists the Areas where First Amendment Activities are Prohibited**
- **Lists the Areas where First Amendment Activities are Permitted**
- **Explains the Permit Application Process, the Availability of Permits, and the Conditions and Restrictions Imposed on First Amendment Activities**



④

## Recommendation

- That the Board of Directors:
  - Adopt the proposed San Diego Metropolitan Transit System (MTS) Board Policy No. 62 governing First Amendment Activities on MTS Property; and
  - Authorize the Chief Executive Officer to add, remove or modify MTS Board Policy 62 Exhibits B and C relating to the “Designated Areas” in which First Amendment Activities are permitted as necessary to maintain safe and efficient use of MTS property for transit purposes.



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

## Agenda Item No. 45

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

July 17, 2014

#### SUBJECT:

STUDENT PASS PILOT PROGRAM (SHARON COONEY, MARCUS SMITH AND  
JANELLE CAREY)

#### INFORMATIONAL ONLY

##### Budget Impact

None.

#### DISCUSSION:

MTS was approached in November 2012 to participate in a program for giving free or discounted bus passes to students. Representatives from the City of San Diego and the San Diego Unified School District asked MTS to consider a pilot to determine if providing free passes to students would diminish absenteeism. Both the School District and the City included funding in the Fiscal Year 2014 budget to subsidize a pilot at four high schools: San Diego, Crawford, Hoover and Lincoln. MTS staff worked with the School District to implement the pilot in the fall. With the close of the Fiscal Year, the Board of Directors requested that MTS provide a year-end report on the program and to provide information regarding the program for Fiscal Year 2015. The School District has approved funding for the program and has worked with MTS staff to define the program parameters to ensure a continuation of the program for students currently benefiting. MTS will partner with the School District throughout the year to continue to study the program's impact on student behavior.



Paul C. Jablonski  
Chief Executive Officer

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

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

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



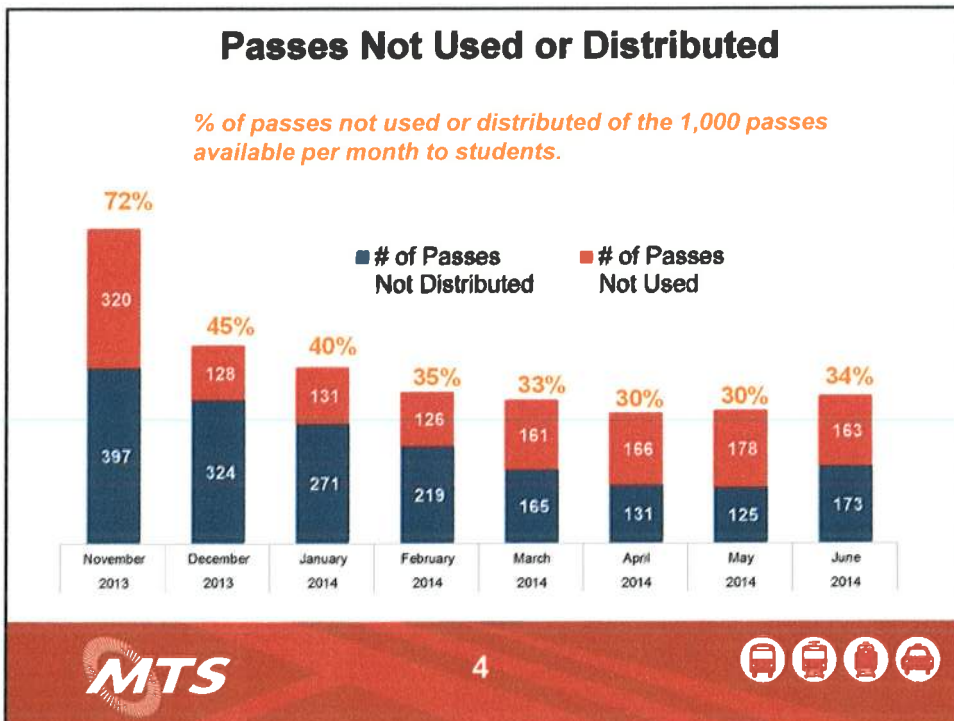
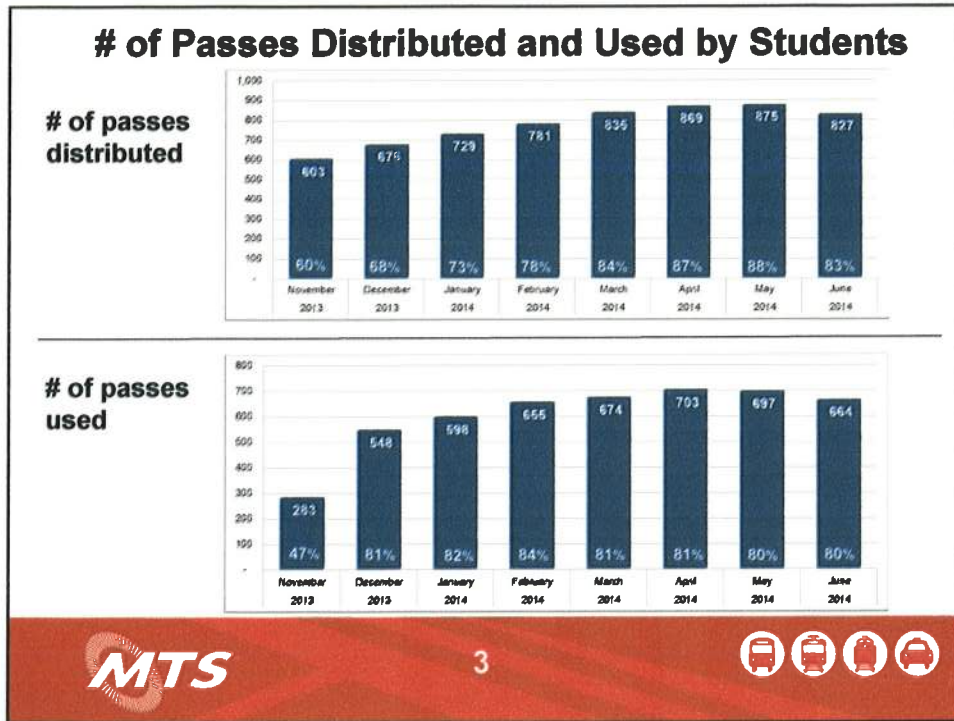
## Student Pass Pilot Program



### Pilot Background

- Representatives from the City of San Diego and the San Diego Unified School District asked the MTS' Budget Development Committee to consider a pilot to determine if providing free transit passes to students would diminish absenteeism.
- The pilot began in fall 2013. The City of San Diego and San Diego Unified School District paid for 1,000 students, from four high schools, 250 students from each school - Crawford, Hoover, Lincoln, and San Diego – to receive and Youth Regional Monthly transit pass.
- All schools have access to transit services.







### Pass Use Statistics by School

		2013 November	2013 December	2014 January	2014 February	2014 March	2014 April	2014 May	2014 June	Pilot Totals
Crawford	# of Passes Distributed	124	124	125	134	134	144	134	134	1,063
	# of Passes Used	0	81	98	101	94	101	87	88	648
	% of Passes Un-Used	100%	35%	23%	25%	30%	30%	35%	34%	38%
Hoover	# of Passes Distributed	98	96	151	151	183	216	218	216	1,327
	# of Passes Used	61	67	121	134	140	172	175	188	1,068
	% of Passes Un-Used	36%	9%	20%	11%	23%	20%	20%	22%	20%
Lincoln	# of Passes Distributed	170	190	191	191	213	216	224	178	1,673
	# of Passes Used	81	181	156	158	188	175	174	143	1,216
	% of Passes Un-Used	52%	15%	18%	17%	21%	19%	22%	20%	23%
San Diego	# of Passes Distributed	213	268	262	305	305	293	299	299	2,242
	# of Passes Used	141	219	225	282	272	255	261	265	1,900
	% of Passes Un-Used	34%	18%	14%	14%	11%	13%	13%	11%	16%
All Schools	# of Passes Distributed	603	676	729	781	835	868	875	827	6,195
	# of Passes Used	283	548	598	655	674	703	697	664	4,822
	% of Passes Un-Used	53%	19%	18%	16%	19%	19%	20%	20%	22%



5



### March 2014 - Average Compass Card Taps Per Day Per Student

# of Days Free Passes Used by Students - March 2014

	All days of the Month	20 School Days Only
% of Compass Cards Used 0-5 Days	19%	24%
% of Cards Used 6-10 Days	15%	15%
% of Cards Used 11-15 Days	15%	16%
% of Cards Used 16-20 Days	30%	44%
% of Cards Used 21-25 Days	17%	n/a
% of Cards Used 26-31 Days	4%	n/a



6



## Days/Times Passes Are Used

No significant changes since the Pilot's start in November 2013.

Taps on Weekdays for Trips To/From School 5 a.m. - 8 a.m. & 2 p.m. - 6 p.m.	
% of Total Taps	69%
Taps on Weekdays During Regular School Hours 8 a.m. - 2 p.m.	
% of Total Taps	10%
Evening Taps on Weekdays 6 p.m. - 10 p.m.	
% of Total Taps	8%
Late Night & Evening Taps, All Days 10 p.m. - 5 a.m.	
% of Total Taps	1%
Weekend Taps - Saturday and Sunday	
% of Total Taps	12%



7



## FY14-15:

- The School District has approved funding to continue the pilot into next school year.
- Principals and School District staff are currently working to reduce the number of students who will receive the benefit next year. Many of the same students in the pilot this year will continue to receive the benefit into the next school year.
- MTS staff and the School District have worked to define the pilot parameters to ensure a continuation of the pilot.



8



## Next Steps:

- MTS will study attendance of card holders, and evaluate if the pilot met its stated goal to improve attendance for those unable to get to school due to lack of transportation. MTS staff will present those finding to the Board.



9





**San Diego Unified**  
SCHOOL DISTRICT

**Cindy Marten**  
Superintendent of Public Education  
P. 619.725-5506  
F. 619.291-7182

July 16, 2014

Harry Mathis  
Chairman  
Metropolitan Transit System  
1255 Imperial Ave, Floor 10  
San Diego, CA 92101

Dear Chairman Mathis,

On behalf of the San Diego Unified School District, I am pleased to let you know that funds have been allocated to continue the Youth Opportunity Transit Pass Program (YOTPP) for another year. This funding will only cover students currently enrolled in the program.

I am writing to request a promotional discount for one year of 33% off the Youth Passes sold to the YOTPP, bringing the cost per pass to \$24.00. This will allow us to include incoming 9<sup>th</sup> graders and students currently on the waiting list for the upcoming school year.

A system is now in place between MTS and district staff to request and produce student passes so that students can continue to use passes through this summer and ready for the beginning of school. Along with MTS staff and our external program evaluators, we will continue to evaluate student ridership, school attendance and student participation in community activities including after school tutoring provided at City libraries. We anticipate that a full program evaluation, to be completed at the end of the 2014-2015 school year, will provide guidance for on-going funding.

Thank you so much for your partnership on this program. We look forward to increasing our work together in the future.

Sincerely,

Cindy Marten  
Superintendent



AGENDA ITEM NO.

45

## 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	7-17-14				
Name	Maria Confez				
Address	4236 marlborough ave				
Telephone	619-283-7815				
Organization Represented	Mid City Cap				
Subject of Your Remarks					
Regarding Agenda Item No.	45				
Your Comments Present a Position of:	<input type="checkbox"/>	<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.



REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED



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(PLEASE PRINT)

DATE	7/17/14		
Name	Barbara Nevarez		
Address	4081 39 St S-Diego		
Telephone	(619) 573 0510		
Organization Represented	Mid city CAN		
Subject of Your Remarks			
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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AGENDA ITEM NO.

45

## REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

3

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	7/18/14		
Name	Richard Barrera		
Address	1732 Granada Ave <sup>33</sup> , 92102		
Telephone	619-937-8619		
Organization Represented	SJ Unified		
Subject of Your Remarks	Support for Bus Passes		
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

## REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

4

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	7-17-11
Name	(William Rodriguez) William Rodriguez
Address	412 330th St Apt. 1
Telephone	
Organization Represented	Mid-City Cell
Subject of Your Remarks	
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

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**REQUEST TO SPEAK FORM**

ORDER REQUEST RECEIVED

5

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(PLEASE PRINT)

DATE			
Name	Stephanie Vera		
Address	42 4123 30 <sup>th</sup> St APT. 1		
Telephone			
Organization Represented	MID-CITY CAN		
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

**2. TESTIMONY AT NOTICED PUBLIC HEARINGS**

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(PLEASE PRINT)

DATE			
Name	Diamond Andrews		
Address	5426 Bayview		
Telephone	(419) 634-5341		
Organization Represented			
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input type="checkbox"/> <b>SUPPORT</b> <input type="checkbox"/>	<input type="checkbox"/> <b>OPPOSITION</b> <input type="checkbox"/>

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(PLEASE PRINT)

DATE			
Name	Jasmine Andrews		
Address	3426 Bayview Heights PL		
Telephone	(419) 779-5340		
Organization Represented			
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> <b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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(PLEASE PRINT)

DATE	7 / 17 / 14		
Name	Cristian Vaquero		
Address	3163 Webster Ave, San Diego, CA 92113		
Telephone	(619) 366-3870		
Organization Represented			
Subject of Your Remarks	Youth Bus Pass		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	7/17/14		
Name	Guadalupe Flores		
Address	2851 Boston Ave. Apt. 2		
Telephone	(619) 501-6434		
Organization Represented			
Subject of Your Remarks	Youth Bus Pass		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	July 17, 2014		
Name	MARCO TANGUAY		
Address	229 16th Street #116		
Telephone	[619] 231-1144		
Organization Represented	Self - Lease Taxi Driver, MTS Board ATTENDER		
Subject of Your Remarks	General comments		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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(PLEASE PRINT)

DATE	7/17/14		
Name	Alondra Zepeda		
Address	3854 Alpha st.		
Telephone	(619) 727-0956		
Organization Represented	Midcity CAN		
Subject of Your Remarks	Youth Bus Pass		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	7/17/14		
Name	Emanuel Felix		
Address	3036 Martin Avenue		
Telephone	(619) 231-7929		
Organization Represented	Mid City CAN		
Subject of Your Remarks	Youth Bus Pass		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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(PLEASE PRINT)

DATE	7/17/14		
Name	Elizabeth Segura		
Address	3794 National Ave. San Diego, CA 92113		
Telephone	(619) 327-6780		
Organization Represented	Mid City		
Subject of Your Remarks	Youth Bus Pass		
Regarding Agenda Item No.	#45		
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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(PLEASE PRINT)

DATE	July 17 <sup>th</sup> / 2013		
Name	Abdulrahim Mohamed		
Address	4061 39 <sup>th</sup> St		
Telephone	619-325-9468		
Organization Represented	Mid City CAN		
Subject of Your Remarks	YOP		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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Giving time to speaker # 14

AGENDA ITEM NO.

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(PLEASE PRINT)

DATE	7/17/14		
Name	Emily Serafy Cox		
Address	3188 Grape St SD, CA 92102		
Telephone	619-752-0576		
Organization Represented			
Subject of Your Remarks	Cede Time to Abdulrahim Mohamed		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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Giving time to speaker # 14

AGENDA ITEM NO.

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(PLEASE PRINT)

DATE	7/17/14		
Name	Adam Ward		
Address	5050 Chaparral Way		
Telephone			
Organization Represented	Mid-City CAN		
Subject of Your Remarks	Code time to Abdulrahim Mohamed		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	7/17/14		
Name	Miriam Palemonte Zaragoza		
Address	453 34th Apt. 7		
Telephone	(619) 757-6723		
Organization Represented	Mid City Can		
Subject of Your Remarks	Youth Bus Pass		
Regarding Agenda Item No.	45		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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

## Agenda Item No. 46

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

July 17, 2014

#### SUBJECT:

OPERATIONS BUDGET STATUS REPORT FOR MAY 2014 (LUKE KROMER)

#### INFORMATIONAL ONLY

##### Budget Impact

None at this time.

#### DISCUSSION:

This report summarizes MTS's operating results for May 2014 compared to the amended fiscal year 2014 budget. Attachment A-1 combines the operations, administration and other activities results for May 2014. Attachment A-2 details the May 2014 combined operations results and Attachments A-3 to A-8 present budget comparisons for each MTS operation. Attachment A-9 details budget comparisons for MTS Administration, and A-10 provides May 2014 results for MTS's Other Activities (Taxicab/San Diego and Arizona Eastern Railway Company).

#### MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1, for the year-to-date period ending May 2014, MTS net-operating income favorable variance totaled \$264,000 (0.2%). Operations produced a \$232,000 (-0.2%) unfavorable variance and the Administrative/Other Activities areas were favorable by \$496,000.

#### MTS COMBINED RESULTS

Revenues. Year-to-date combined revenues through May 2014 were \$96,151,000 compared to the year-to-date budget of \$96,298,000, representing a \$147,000 (-0.2%) unfavorable variance.

Expenses. Year-to-date combined expenses through May 2014 were \$218,776,000 compared to the budget of \$219,188,000, resulting in a \$412,000 (0.2%) favorable variance.



Personnel Costs. Year-to-date personnel-related costs totaled \$106,454,000 compared to a budgetary figure of \$106,330,000, producing an unfavorable variance of \$124,000 (-0.1%).

Outside Services and Purchased Transportation. Total outside services for the first eleven months of the fiscal year totaled \$71,855,000 compared to a budget of \$72,821,000, resulting in a favorable variance of \$965,000 (1.3%). This is primarily due to a favorable experience with other outside services within Administration and a favorable variance for other outside services within Operations.

Materials and Supplies. Total year-to-date materials and supplies expenses were \$8,419,000 compared to a budgetary figure of \$8,741,000, resulting in a favorable expense variance of \$322,000 (3.7%). This favorable variance is primarily due to the costs of revenue parts within Transit Services Operations.

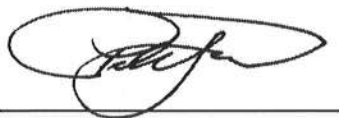
Energy. Total year-to-date energy costs were \$24,369,000 compared to the budget of \$23,573,000, resulting in an unfavorable variance of \$796,000 (-3.4%). The unfavorable variance is due to increased natural gas and electricity rates.

Risk Management. Total year-to-date expenses for risk management were \$4,434,000 compared to the budget of \$4,464,000, resulting in a favorable variance totaling \$30,000 (0.7%).

General and Administrative. The year-to-date general and administrative costs, including vehicle and facilities leases, were \$14,000 (0.0%) favorable to budget, totaling \$3,226,000 through May 2014, compared to a budget of \$3,240,000.

#### YEAR-TO-DATE SUMMARY

The May 2014 year-to-date net-operating income totaled a favorable variance of \$264,000 (0.2%). These factors include favorable variances in other operating revenue, outside services, materials costs, and risk management; partially offset by unfavorable variances in passenger revenue, personnel costs and energy.



Paul C. Jablonski  
Chief Executive Officer

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

Attachment: A. Comparison to Budget



**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**MTS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 88,054	\$ 88,844	\$ (790)	-0.9%
Other Revenue	8,097	7,454	643	8.6%
<b>Total Operating Revenue</b>	<b>\$ 96,151</b>	<b>\$ 96,298</b>	<b>\$ (147)</b>	<b>-0.2%</b>
Personnel costs	\$ 106,454	\$ 106,330	\$ (124)	-0.1%
Outside services	71,855	72,821	965	1.3%
Transit operations funding	-	-	-	-
Materials and supplies	8,419	8,741	322	3.7%
Energy	24,369	23,573	(796)	-3.4%
Risk management	4,434	4,464	30	0.7%
General & administrative	2,247	2,245	(2)	-0.1%
Vehicle/facility leases	980	995	16	1.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	18	18	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 218,776</b>	<b>\$ 219,188</b>	<b>\$ 412</b>	<b>0.2%</b>
<b>Operating income (loss)</b>	<b>\$ (122,625)</b>	<b>\$ (122,890)</b>	<b>\$ 264</b>	<b>0.2%</b>
<b>Total public support and nonoperating revenues</b>	<b>2,223</b>	<b>2,165</b>	<b>58</b>	<b>2.7%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (120,402)</b>	<b>\$ (120,725)</b>	<b>\$ 323</b>	<b>-0.3%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED OPERATIONS**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 88,054	\$ 88,844	\$ (790)	-0.9%
Other Revenue	1,222	652	570	87.5%
<b>Total Operating Revenue</b>	<b>\$ 89,276</b>	<b>\$ 89,496</b>	<b>\$ (220)</b>	<b>-0.2%</b>
Personnel costs	\$ 89,833	\$ 89,893	\$ 59	0.1%
Outside services	60,456	60,787	331	0.5%
Transit operations funding	-	-	-	-
Materials and supplies	8,407	8,719	312	3.6%
Energy	23,673	22,884	(790)	-3.5%
Risk management	4,092	4,132	40	1.0%
General & administrative	262	283	21	7.5%
Vehicle/facility leases	723	738	14	1.9%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	25,913	25,913	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 213,359</b>	<b>\$ 213,348</b>	<b>\$ (12)</b>	<b>0.0%</b>
<b>Operating income (loss)</b>	<b>\$ (124,083)</b>	<b>\$ (123,852)</b>	<b>\$ (232)</b>	<b>-0.2%</b>
<b>Total public support and nonoperating revenues</b>	<b>2,832</b>	<b>2,781</b>	<b>51</b>	<b>1.8%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (121,251)</b>	<b>\$ (121,070)</b>	<b>\$ (180)</b>	<b>0.1%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**TRANSIT SERVICES (SAN DIEGO TRANSIT CORPORATION)**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 25,241	\$ 25,414	\$ (173)	-0.7%
Other Revenue	5	5	1	12.4%
<b>Total Operating Revenue</b>	<b>\$ 25,247</b>	<b>\$ 25,419</b>	<b>\$ (172)</b>	<b>-0.7%</b>
Personnel costs	\$ 59,620	\$ 59,671	\$ 51	0.1%
Outside services	1,561	1,525	(37)	-2.4%
Transit operations funding	-	-	-	-
Materials and supplies	4,215	4,382	167	3.8%
Energy	5,528	5,300	(228)	-4.3%
Risk management	2,607	2,391	(216)	-9.0%
General & administrative	123	148	25	17.1%
Vehicle/facility leases	268	279	11	4.0%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	9,702	9,702	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 83,625</b>	<b>\$ 83,399</b>	<b>\$ (227)</b>	<b>-0.3%</b>
<b>Operating income (loss)</b>	<b>\$ (58,379)</b>	<b>\$ (57,980)</b>	<b>\$ (399)</b>	<b>-0.7%</b>
<b>Total public support and nonoperating revenues</b>	<b>(1,177)</b>	<b>(1,143)</b>	<b>(34)</b>	<b>3.0%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (59,556)</b>	<b>\$ (59,123)</b>	<b>\$ (433)</b>	<b>0.7%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**RAIL OPERATIONS (SAN DIEGO TROLLEY, INCORPORATED)**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 36,606	\$ 37,248	\$ (642)	-1.7%
Other Revenue	1,217	647	570	88.1%
<b>Total Operating Revenue</b>	<b>\$ 37,823</b>	<b>\$ 37,895</b>	<b>\$ (72)</b>	<b>-0.2%</b>
Personnel costs	\$ 29,109	\$ 29,186	\$ 77	0.3%
Outside services	3,473	3,572	99	2.8%
Transit operations funding	-	-	-	-
Materials and supplies	4,180	4,322	142	3.3%
Energy	9,962	9,630	(332)	-3.4%
Risk management	1,471	1,727	255	14.8%
General & administrative	129	125	(4)	-2.8%
Vehicle/facility leases	324	327	2	0.7%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	14,518	14,518	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 63,166</b>	<b>\$ 63,407</b>	<b>\$ 241</b>	<b>0.4%</b>
<b>Operating income (loss)</b>	<b>\$ (25,344)</b>	<b>\$ (25,512)</b>	<b>\$ 169</b>	<b>0.7%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (25,344)</b>	<b>\$ (25,512)</b>	<b>\$ 169</b>	<b>-0.7%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**MULTIMODAL OPERATIONS (FIXED ROUTE)**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 21,804	\$ 21,779	\$ 25	0.1%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 21,804</b>	<b>\$ 21,779</b>	<b>\$ 25</b>	<b>0.1%</b>
Personnel costs	\$ 496	\$ 461	\$ (35)	-7.7%
Outside services	38,635	39,002	368	0.9%
Transit operations funding	-	-	-	-
Materials and supplies	10	7	(4)	-55.3%
Energy	5,720	5,566	(154)	-2.8%
Risk management	-	-	-	-
General & administrative	1	1	1	63.3%
Vehicle/facility leases	14	15	1	6.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	1,176	1,176	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 46,051</b>	<b>\$ 46,228</b>	<b>\$ 177</b>	<b>0.4%</b>
<b>Operating income (loss)</b>	<b>\$ (24,247)</b>	<b>\$ (24,449)</b>	<b>\$ 201</b>	<b>0.8%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (24,247)</b>	<b>\$ (24,449)</b>	<b>\$ 201</b>	<b>-0.8%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**MULTIMODAL OPERATIONS (PARATRANSIT)**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 1,920	\$ 1,935	\$ (16)	-0.8%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 1,920</b>	<b>\$ 1,935</b>	<b>\$ (16)</b>	<b>-0.8%</b>
Personnel costs	\$ 131	\$ 130	\$ (1)	-0.8%
Outside services	11,246	11,218	(28)	-0.3%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	2,227	2,155	(72)	-3.3%
Risk management	14	14	-	0.0%
General & administrative	2	4	2	40.2%
Vehicle/facility leases	117	117	(0)	0.0%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	365	365	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 14,103</b>	<b>\$ 14,004</b>	<b>\$ (100)</b>	<b>-0.7%</b>
<b>Operating income (loss)</b>	<b>\$ (12,184)</b>	<b>\$ (12,068)</b>	<b>\$ (115)</b>	<b>-1.0%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (12,184)</b>	<b>\$ (12,068)</b>	<b>\$ (115)</b>	<b>1.0%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED CHULA VISTA TRANSIT OPERATIONS**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 2,483	\$ 2,467	\$ 16	0.6%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 2,483</b>	<b>\$ 2,467</b>	<b>\$ 16</b>	<b>0.6%</b>
Personnel costs	\$ 288	\$ 256	\$ (32)	-12.4%
Outside services	5,218	5,147	(71)	-1.4%
Transit operations funding	-	-	-	-
Materials and supplies	1	8	7	88.8%
Energy	236	232	(4)	-1.7%
Risk management	-	-	-	-
General & administrative	7	4	(3)	-85.1%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	152	152	(0)	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 5,902</b>	<b>\$ 5,798</b>	<b>\$ (103)</b>	<b>-1.8%</b>
<b>Operating income (loss)</b>	<b>\$ (3,418)</b>	<b>\$ (3,331)</b>	<b>\$ (88)</b>	<b>-2.6%</b>
<b>Total public support and nonoperating revenues</b>	<b>3,827</b>	<b>3,741</b>	<b>86</b>	<b>2.3%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 409</b>	<b>\$ 410</b>	<b>\$ (2)</b>	<b>-0.4%</b>



**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CORONADO FERRY**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
Personnel costs	\$ -	\$ -	\$ -	-
Outside services	167	167	-	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	-	-	-	-
Risk management	-	-	-	-
General & administrative	-	-	-	-
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	-	-	-	-
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 167</b>	<b>\$ 167</b>	<b>\$ -</b>	<b>0.0%</b>
<b>Operating income (loss)</b>	<b>\$ (167)</b>	<b>\$ (167)</b>	<b>\$ -</b>	<b>0.0%</b>
<b>Total public support and nonoperating revenues</b>	<b>183</b>	<b>183</b>	<b>(0)</b>	<b>0.0%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 15</b>	<b>\$ 15</b>	<b>\$ (0)</b>	<b>0.0%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**ADMINISTRATION**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	5,768	5,835	(67)	-1.1%
<b>Total Operating Revenue</b>	<b>\$ 5,768</b>	<b>\$ 5,835</b>	<b>\$ (67)</b>	<b>-1.1%</b>
Personnel costs	\$ 15,956	\$ 15,782	\$ (174)	-1.1%
Outside services	11,238	11,843	605	5.1%
Transit operations funding	-	-	-	-
Materials and supplies	10	16	6	36.6%
Energy	688	681	(7)	-1.0%
Risk management	328	311	(17)	-5.5%
General & administrative	1,892	1,865	(28)	-1.5%
Vehicle/facility leases	256	258	1	0.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(25,998)	(25,998)	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 4,372</b>	<b>\$ 4,758</b>	<b>\$ 386</b>	<b>8.1%</b>
<b>Operating income (loss)</b>	<b>\$ 1,396</b>	<b>\$ 1,077</b>	<b>\$ 320</b>	<b>-29.7%</b>
<b>Total public support and nonoperating revenues</b>	<b>(609)</b>	<b>(617)</b>	<b>7</b>	<b>-1.2%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 787</b>	<b>\$ 460</b>	<b>\$ 327</b>	<b>71.0%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OTHER ACTIVITIES**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2014**  
**MAY 31, 2014**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	1,107	968	140	14.4%
<b>Total Operating Revenue</b>	<b>\$ 1,107</b>	<b>\$ 968</b>	<b>\$ 140</b>	<b>14.4%</b>
Personnel costs	\$ 665	\$ 655	\$ (10)	-1.5%
Outside services	161	190	29	15.5%
Transit operations funding	-	-	-	-
Materials and supplies	2	6	4	67.6%
Energy	9	9	1	6.1%
Risk management	13	21	8	36.7%
General & administrative	93	98	5	5.0%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	103	103	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 1,046</b>	<b>\$ 1,083</b>	<b>\$ 37</b>	<b>3.4%</b>
<b>Operating income (loss)</b>	<b>\$ 62</b>	<b>\$ (115)</b>	<b>\$ 176</b>	<b>153.9%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 62</b>	<b>\$ (115)</b>	<b>\$ 176</b>	<b>-153.9%</b>

# Metropolitan Transit System FY 2014 - May 2014 Financial Review

MTS Board of Directors Meeting  
July 17, 2014



1



## COMBINED MTS TRANSIT OPERATORS COMPARISON TO BUDGET - MAY 31, 2014 - FY 2014 (in \$000's)

	ACTUAL	BUDGET	VARIANCE	VAR %
Fare Revenue	\$ 88,054	\$ 88,844	\$ (790)	-0.9%
Other Revenue	1,222	652	570	87.5%
<b>Total Operating Revenue</b>	<b>\$ 89,276</b>	<b>\$ 89,496</b>	<b>\$ (220)</b>	<b>-0.2%</b>

- Other Operating Revenue: \$500K favorable variance due accounting treatment of insurance proceeds from prior period



2



**COMBINED MTS TRANSIT OPERATORS  
COMPARISON TO BUDGET - MAY 31, 2014 - FY 2014  
(in \$000's)**

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>VAR %</u>
Personnel Costs	\$ 89,833	\$ 89,893	\$ 59	0.1%
Purchased Transportation	54,033	53,971	(62)	-0.1%
Other Outside Services	6,423	6,816	393	5.8%
Energy	23,673	22,884	(790)	-3.5%
Other Expenses	39,397	39,784	387	1.0%
<b>Total Expenses</b>	<b>\$ 213,359</b>	<b>\$ 213,348</b>	<b>\$ (12)</b>	<b>0.0%</b>
<b>Operating Income/(Loss)</b>	<b>\$ (124,083)</b>	<b>\$ (123,852)</b>	<b>\$ (232)</b>	<b>-0.2%</b>

**Other Outside Services:**

- Engines and Transmission Rebuilds: \$121K favorable variance
- Outside Services: \$306k favorable variance



3



**METROPOLITAN TRANSIT SYSTEM  
COMPARISON TO BUDGET - MAY 31, 2014 - FY 2014  
TOTAL OPERATING REVENUE LESS EXPENSES (\$000's)**

<b>Combined Net Operating Variance</b>	
MTS Operating Revenue	\$ (220)
MTS Operating Expenses	<u>(12)</u>
Combined MTS Operators	\$ (232)
MTS Administration / Other Activities	<u>496</u>
<b>Total Combined Net Operating Variance</b>	<b>\$ 264</b>
Variance Percentage	0.2%



4



**METROPOLITAN TRANSIT SYSTEM**  
**COMPARISON TO BUDGET - MAY 31, 2014 - FY 2014**  
**ON-GOING CONCERNS**

	<b>FY14</b>			
	<b>Budget</b>	<b>YTD Actual</b>	<b>Projection</b>	<b>Status</b>
<b>Sales Tax Subsidy Revenue</b>	\$390 M	\$387 M	\$387 M	Y
<b>State of California Budget</b>	\$21.1 M	\$14.2 M	\$19.8 M	Y
<b>Passenger Levels</b>	95.4 M	87.5 M	95.3 M	Y
<b>Energy Prices</b>				
CNG	\$ 0.84	\$ 0.86	\$ 0.89	
Diesel	\$ 3.28	\$ 3.31	\$ 3.29	Y
Gas	\$ 3.25	\$ 3.31	\$ 3.34	
Electricity	\$0.171	\$0.176	\$ 0.180	

G Positive
 Y Holding
 R Negative





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## Agenda Item No. 47

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

July 17, 2014

#### SUBJECT:

PACIFIC IMPERIAL RAILROAD (PIR) DESERT LINE AGREEMENT – STATUS  
UPDATE (KAREN LANDERS)

#### RECOMMENDATION:

Staff will provide a status update for the Board.

##### Budget Impact

None. To date, MTS has received \$1,500,000 in revenue related to this lease agreement. In addition, inspections have been undertaken of the Desert Line infrastructure by engineering firm JL Patterson, Inc. at no cost to MTS.

#### DISCUSSION:

Staff will give a status update on the PIR Desert Line agreement.

##### Current Status

As of July 11, 2014, the status of the contract is as follows:

1. Initial lease payments due July 1, 2013 and January 1, 2014 were received on time, resulting in \$1,000,000 in revenue to MTS. These funds have been programmed for two capital projects on the Orange Line, which is right-of-way owned by San Diego & Arizona Eastern Railway Company (SD&AE) – the MTS subsidiary that owns the Desert Line. Because SD&AE has not previously generated sufficient income to pay for capital projects owned by that entity, all funding for projects on SD&AE property has come through MTS or SANDAG. Since this lease revenue is unrestricted, it has been designated for the following



projects approved in the FY 15 Capital Improvement Program (updated FY 15 CIP approved by Board on June 19, 2014):

- Grade Crossing Replacements at North Avenue, Merlin and Central Street
- Main Line Drainage Improvements (Orange Line at Hill Street)

2. Business Plan submitted on time. (Required within 30 days of execution of contract). This document will require updating as the project proceeds and is further developed.

3. Desert Line Reconstruction Plan (DLRP) initial draft submitted on time; additional field work required to bring plan up to date substantially completed; supplemental plan submitted to MTS on June 24, 2014. (Draft required within 90 days of execution of contract. Next milestone (Initial Repairs) does not commence until approval of the DLRP by MTS.) MTS technical staff is reviewing the supplemental DLRP submitted by PIR in June 2014.

4. Lease payment due July 1, 2014 not received on time; Payment received on July 11, 2014 (within 10-day Cure Period). When the lease payment due on July 1, 2014 was not received, a notice to cure was sent to PIR on July 2, 2014, requiring payment no later than Monday, July 14, 2014. Pursuant to the contract, if payment was made on or before July 14, 2014, then the default is cured and the contract remains in full force and effect. Therefore, the payment on July 11, 2014 cured PIR's default.

5. Inquiry from Congress. On June 27, 2014, MTS received a letter from Congressman Duncan Hunter and Congressman Jeff Denham concerning the PIR Agreement. A detailed response was submitted on July 9, 2014.

#### **Future Steps and Milestones:**

The next steps and milestones are as follows:

A. July-August 2014: MTS staff to finalize review and issue approval of DLRP. This will cause the 12 month deadline for Initial Repairs to commence. MTS may approve the supplemental DLRP with additional conditions/instructions for submittals and information required before certain steps in the DLRP may proceed. For example, submittal of fully-engineered construction drawings prior to work on individual bridges.

B. January 1, 2015: \$500,000 Lease Payment Due.

C. July 1, 2015: \$500,000 Lease Payment Due.

D. July-August 2015: Assuming approval of DLRP in July or August 2014, the Initial Repairs milestone will be due in July or August 2015. Initial Repairs are defined as those repairs and/or maintenance required to rehabilitate the Desert Line to qualify for Class I track (Federal Railroad Administration track

safety standards), at a minimum. This is generally understood to require freight operations at 10 mph or less.

E. August-September 2015: Test Train Operations are due within 30 days of completion of Initial Repairs. Test Train Operations are defined as a test of a single locomotive plus three loaded rail cars over the entire Desert Line.

F. December 20, 2015: Limited Operations are due within 36 months of execution of the contract. Limited Operations require the Desert Line to be repaired to meet Class II track standards and to operate at least three trains per week.

G. January 1, 2016: \$250,000 Lease Payment or 10% of Gross Freight Revenue (whichever is greater) Due. Upon commencement of Limited Operations, the lease payments shift to quarterly payments of \$250,000 or a percentage of revenue, increasing from 10% in Year 1 to 15% in Year 6 and beyond.

H. April 1, 2016: \$250,000 Lease Payment or 10% of Gross Freight Revenue (whichever is greater) Due.

I. July 1, 2016: \$250,000 Lease Payment or 10% of Gross Freight Revenue (whichever is greater) Due.

J. October 1, 2016: \$250,000 Lease Payment or 10% of Gross Freight Revenue (whichever is greater) Due.

K. January 1, 2017: \$262,500 Lease Payment or 11% of Gross Freight Revenue (whichever is greater) Due. Pursuant to the lease, starting in 2017, the minimum lease payment shall be increased by 5% every five years.

L. April 1, 2017: \$262,500 Lease Payment or 11% of Gross Freight Revenue (whichever is greater) Due.

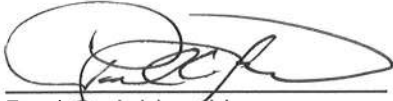
M. July 1, 2017: \$262,500 Lease Payment or 11% of Gross Freight Revenue (whichever is greater) Due.

N. October 1, 2017: \$262,500 Lease Payment or 11% of Gross Freight Revenue (whichever is greater) Due.

O. December 20, 2017: Full Scale Repairs are due within 60 months of execution of the contract. Full Scale Repairs are defined as the repairs required to meet Class II track standards, or to a higher standard if a portion of the Desert Line met a higher track standard at the time the contract was executed. Repairs must be maintained to support full-time operations.

P. January 1, 2018: \$262,500 Lease Payment or 12% of Gross Freight Revenue (whichever is greater) Due.

Q. January 20, 2018: Full Scale Operations are due within 30 days of completion of Full Scale Repairs. Full Scale Operations are defined as full time uninterrupted and efficient flow of freight shipments in an economically viable transportation mode.



Paul G. Jablonski  
Chief Executive Officer

Key Staff Contact: Karen Landers, 619.557.4512, [Karen.Landers@sdmts.com](mailto:Karen.Landers@sdmts.com)



**Duncan Hunter**  
**U.S. House of Representatives**  
50th District, California

July 16, 2014

Mr. Paul C. Jablonski  
Chief Executive Officer  
Metropolitan Transit System  
1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7490

Dear Mr. Jablonski:

Thank you for your July 9 response regarding the Desert Line. I am aware that a late payment was made under the lease terms by Pacific Imperial Railroad (PIR). However, I am still concerned with several issues surrounding the lease and inconsistencies pertaining to the Metropolitan Transit System (MTS) rights and obligations for the Desert Line dating back to the 1984 lease.

Legal documentation indicates that the cornerstone asset of PIR, the Tembabichi property in Mexico, might not be owned or controlled by PIR or any of its principals—and never has been. Further, the Mexican property is undeveloped and, at a value of \$1.4 million, the property is worth significantly less than the \$563 million value that was presented to potential investors by PIR and its principals (in fact, it is my understanding that this issue is being examined by federal authorities). Is MTS aware of these details specific to PIR and its assets? And, does this cause any immediate concerns for MTS?

While MTS is on record expressing confidence with PIR and its ability to finance the Desert Line project, I am even more concerned that PIR was not thoroughly scrutinized or even evaluated to a higher degree, as should have been the case under the circumstances. The assignment of the Carrizo Gorge Railroad (CZRY) lease to PIR also appears to assist PIR principals with CZRY associations.

Further, MTS testified in the June 8, 2012, Karen Landers Declaration in the Ken Kahan v Carrizo Gorge Railway, Inc. injunction hearing:

*"In contrast to CZRY's lack of financing, the entity proposed to succeed CZRY in the CZRY Operating Agreement, PIR, appears to have the ability to finance a project of this nature. MTS has met with PIR and its bankers and confirmed that the project is moving forward and that PIR appears able to obtain the financing needed. This financing will be secured by assets controlled by PIR and not associated with CZRY."*

Based on this and similar statements, I ask again: To what extent did MTS assess PIR's solvency and its principals? To what extent does MTS verify PIR's ability to meet requirements to support the continuation of the Desert Line lease? Also, the receipt of annual lease payments from PIR alone is not enough to justify continuation of the existing agreement between MTS and PIR. Does MTS hold the position that there are no other suitable entities to lease the Desert Line for the purpose of transforming the Line from a taxpayer liability to a proven public asset?

Another matter of concern with the response letter was the characterization of the PIR lease assignment, which saved MTS from onerous terms from the 1984 lease. Again, in the June 8, 2012, declaration of Karen Landers in the Ken Kahan v Carrizo Gorge injunction hearing, MTS stated:

*"MTS has informed PIR and CZRY that unless a new agreement to invest in all necessary repairs and restart freight operations on the Desert Line is in place by March 8, 2014, then MTS will not agree to extend the CZRY Operating Agreement beyond its expiration date."*

*"In addition, based on the continued disfunction between CZRY and its shareholders, if this current shareholder dispute substantially delays or terminates the current proposed development, the MTS is prepared to review its options to immediately terminate the CZRY Operating Agreement for default (failure to diligently pursue and obtain funding to reopen the Desert Line). If CZRY or its successor-in-interest is unable to fulfill its obligations under the CZRY Operating Agreement, then it is not in MTS or the public's interest to allow them to continue in an exclusive operating rights position. Instead, MTS will take steps to publicly bid operation of the line, with a requirement that any proposer provide evidence of the ability to finance and a plan to develop the Desert Line with the next two to five years."*

These statements appear to convey that MTS does possess the ability to control the lease terms. Do you disagree? Further, in recognition of the benefits a functional rail line will provide, including direct benefits to MTS, what specifically is preventing MTS from taking an aggressive role in even considering a new public bidding process for the Desert Line?

I look forward to your response. I respectfully ask that you directly answer the underlined questions I have submitted.

Sincerely,



Duncan Hunter  
Member of Congress





AGENDA ITEM NO.

47

## 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	17 July 2014		
Name	R. Mitchel Beauchamp		
Address	P O Box 985 National City		
Telephone	619 454 5672		
Organization Represented			
Subject of Your Remarks	status of PIR contract		
Regarding Agenda Item No.	47		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input checked="" 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.

**REQUEST TO SPEAK FORM**

ORDER REQUEST RECEIVED

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(PLEASE PRINT)

DATE	07 / 17 / 2014		
Name	HECTOR M. GONZALEZ		
Address	P.O. BOX 430-142 SAN YSIDRO, CA 92173		
Telephone	011-52-1 (664) 442-5275		
Organization Represented	CITY OF TECATE		
Subject of Your Remarks	DESERT LINE RECONSTRUCTION PLAN		
Regarding Agenda Item No.	<del>17</del>		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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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

July 17, 2014

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 June 13, 2014 through July 8, 2014.



### EXPENSE CONTRACTS

Doc #	Organization	Subject	Amount	Day
G1387.4-11	NMS MANAGEMENT	1 ADDITIONAL DAY OF CLEANING KMD	\$3,245.98	6/13/2014
PWL113.1-09	KONE	EXTEND 6 MONTHS	\$5,500.00	6/13/2014
PWL116.3-09	KONE	EXTEND 6 MONTHS	\$20,000.00	6/13/2014
G1322.1-10	PRUDENTIAL	ADD JACKETS FOR SDTC EMPLOYEES	\$16,406.00	6/27/2014
L0856.3-09	CANON	EXTEND CONTRACT	\$28,770.00	6/27/2014
L0947.1-10	DAY WIRELESS SYSTEM	INCREASE AMOUNT	\$5,000.00	6/27/2014
G1695.0-14	CUBIC	SOFTWARE MAINTENANCE AGREEMENT	\$66,964.00	7/1/2014

### REVENUE CONTRACTS

Doc #	Organization	Subject	Amount	Day
S200-14-590	HELIX WATER DISTRICT	DURABLE ROE - INSPECT/MAIN HWD FACILITIE	\$0.00	6/13/2014
M6709.1-14	MAMOUD AKHAVEN & EUROPEAN SPRT	NAME REVISION	\$0.00	6/17/2014
PWL150.3-14	GLOBAL POWER GROUP	TIME EXTENSION	\$0.00	6/17/2014
S200-14-599	BRICEHOUSE, INC.	ROE	\$0.00	6/18/2014
G1697.0-14	SDG&E	VINTAGE TROLLEY	(\$50,000.00)	6/19/2014
G1726.0-14	CALIFORNIA DOT	DETOUR ROUTE 712	(\$20,000.00)	6/20/2014
G1551.2-13	SCHAFER CONSULTING	TIME EXTENSION	\$0.00	6/24/2014
L6701.0-14	SDGE	JROE - GAS MAIN RELOCATION	(\$1,500.00)	6/26/2014
B0530.2-10	GOODYEAR	OPTION YEAR 2	\$0.00	6/27/2014
G0078.6-91	CITY OF POWAY	REGULATE FOR HIRE VEHICLES	\$0.00	6/30/2014
G0225.9-95	CITY OF SAN DIEGO	REGULARE FOR HIRE VEHICLES	\$0.00	6/30/2014
G0501.4-99	CITY OF LA MESA	REGULATE FOR HIRE VEHICLES	\$0.00	6/30/2014
T0047.6-90	CITY OF SANTEE	REGULATE FOR HIRE VEHICLES	\$0.00	6/30/2014
T0048.6-90	CITY OF IMPERIAL BEACH	REGUALTE FOR HIRE VEHICLES	\$0.00	6/30/2014
T0049.7-90	CITY OF LEMON GROVE	REGULATE FOR HIRE VEHICLES	\$0.00	6/30/2014
T0053.6-90	CITY OF EL CAJON	REGULATE FOR HIRE VEHICLES	\$0.00	6/30/2014
G1640.1-14	CSUSM	COMPASS CARD - MOU FAIR MEDIA	\$0.00	7/1/2014
L5770.0-14	VALLEY VIEW CASINO & HOTEL	ROE TO TRANSPORT FROM OLD TOWN TO VVCH	\$0.00	7/8/2014

PURCHASE ORDERS			
DATE	Organization	Subject	AMOUNT
6/13/2014	SALVADOR BARAJAS	ON-CALL TRANSLATION SERVICES MKTG	\$2,992.00
6/13/2014	CLAIRMONT EQUIPMENT COMPANY	SISSOR LIFT AND TRAILER	\$30,580.20
6/19/2014	RUSH PRESS	REGIONAL TRANSIT MAPS	\$18,863.28
6/20/2014	FABRICATION ARTS	BUS SIGNS	\$11,126.16
6/24/2014	PATCO INDUSTRIES	SWITCH MACHINES US&S M23A	\$12,700.00
6/25/2014	THE DATA GROUP	2014 CHARGERS BROCHURE	\$3,560.42
6/25/2014	AMERICAN PUBLIC TRANSPORTATION	MEMBERSHIP DUES FY 15	\$57,442.00
6/26/2014	GENERAL INFORMATION SYSTEMS	HAND HELD UNITS	\$11,480.00
6/26/2014	SAN DIEGO READER	FULL PAGE ADS THREE YEARS 7/14-6/17	\$57,024.00
6/26/2014	CELICO PARTNERSHIP	SAMSUNG GALAXY 2 TABLETS	\$3,450.00
6/27/2014	ALLIANT	CRIME INSURANCE	\$12,176.00
6/27/2014	ESS	ON-CALL SERVICES	\$48,950.00
6/30/2014	CUBIC	PROGRAMMING SMARTCARD READER	\$2,325.00
6/30/2014	CUBIC	SOFTWARE SCRIPT	\$1,881.00
6/30/2014	KOCH ARMSTRONG GENERAL CONSTRU	CONCRETE REPAIRS EL CAJON TROLLEY	\$24,060.00
7/1/2014	AT&T	CISCO EMAIL GATEWAY	\$16,006.80
7/1/2014	TURNBOUGH	E-LEARNING PILOT SYSTEM	\$24,800.00
7/2/2014	CDWG	SERVER RACKS	\$11,408.20

No Work Orders for the period of June 13, 2014 through July 8, 2014.