

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

April 9, 2015

MINUTES

A. ROLL CALL

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

B. APPROVAL OF MINUTES

Mr. Cunningham moved for approval of the minutes of the March 5, 2015, MTS Executive Committee meeting. Mr. Gloria seconded the motion, and the vote was 4 to 0 in favor with Mr. Roberts absent.

G. PUBLIC COMMENTS (TAKEN OUT OF ORDER)

Clive Richard – Mr. Richard stated that he really enjoys the new trolley low-floor service that goes down to the border. He also commented that the low-floor buses and trolley are more convenient and easier to ride.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA (TAKEN OUT OF ORDER)

There was no SANDAG Transportation Committee agenda discussion.

D. REVIEW OF DRAFT April 16, 2015 BOARD AGENDA (TAKEN OUT OF ORDER)

Recommended Consent Items

6. Revisions to Board Policy No. 34 (For-Hire Vehicle Services)
Action would approve and adopt the proposed revisions to Policy No. 34 (For-Hire Vehicle Services).
7. Taxicab Maximum Allowable City and Airport Rates of Fare – Implementation of Uniform Rates for 2015
Action would approve Resolution No. 15-6 applying a uniform rate to the 2015 maximum allowable City of San Diego and Airport rates of fare for the year 2015.
8. Bus Tire Lease and Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to: (1) execute MTS Doc. No. B0619.0-15 with Michelin North America, Inc. (Michelin) for bus tire lease and services for a five (5) year based period and five (5) one-year options; and (2) exercise each option term at the CEO's discretion.

9. California Department of Transportation Program of Projects for Federal Transit Administration Section 5311 Funding, Federal Fiscal Year 2015
Action would approve Resolution No. 15-7 authorizing the use of and application for \$360,654 of Federal Transit Administration (FTA) Section 5311 funds for operating assistance.
10. California Governor's Office of Emergency Services and California Transit Security Grant Program Funding, Fiscal Year 2014-2015
Action would approve Resolution No. 15-8 authorizing the use of and application for \$2,779,445 of California Transit Security Grant Program (CTSGP) for capital projects that provide increased protection against security and safety threats, and/or increases the capacity of transit operators to prepare for and provide disaster-response transportation systems.
11. Investment Report – February 2015

COMMENTS – RECOMMENDED CONSENT ITEMS

Mr. Jablonski commented that there will be one more consent agenda item for next week regarding the Albertson's contract for selling fare media. He stated that other agencies around the State have been paying Albertson's stores to sell fare media. He noted that MTS's contract is expired with Albertson's and they are negotiating a fixed price for selling compass cards at their stores.

Mr. Gloria asked why Albertson's is now asking for payment to provide this service. Rob Schupp, Director of Marketing and Communications, replied that the stores use a lot of staff time for this service. Mr. Gloria commented that there will only be one Albertson's in his district after some of the current locations close. Mr. Schupp stated that some stores will be divested into Vons grocery stores which will result in MTS having both Albertson's and select Vons stores selling and distributing fare media.

C. COMMITTEE DISCUSSION ITEMS

1. California Public Employees' Pension Reform Act of 2013 (PEPRA) (Paul Jablonski)

Paul Jablonski, Chief Executive Officer, provided an introduction and overview of PEPRA and federal Section 13(c) requirements. He stated that MTS was able to get out of this requirement previously because there was legislation passed by the State that exempted transit workers from PEPRA while there was an ongoing federal lawsuit. He said that in December 2014, the Court held in favor of the State. Mr. Jablonski stated that the Department of Labor (DOL) has filed a notice of intent to appeal and have stopped processing transit agency grants. Currently, the State and Sacramento Regional Transit District are going through a process to try to compel the DOL to comply with the federal court ruling. He stated that MTS is expecting about \$85,000,000 in total federal funding including \$67,000,000 in section 5307 and 5337 formula funding, and \$18,000,000 in the Ladders of Opportunity grant. If the federal funding is not forthcoming, then \$52,000,000 will be needed to fund operations. He stated that in order to declare a fiscal emergency, MTS will first need to spend all of its cash reserves and ultimately cut service. If a fiscal emergency is reached, there are options to try to balance MTS's budget. The first option is to cut service, and the second option is

to deplete the FY16 Capital Improvement Program. Mr. Jablonski noted that all of these options are just temporary for the fiscal year. If this continues, then other options will need to be determined for going forward. He stated that he has had ongoing discussions with the ATU in Washington trying to work towards resolving these issues.

Mr. Roberts asked if there was a permanent solution to this issue. Mr. Jablonski stated he has proposed a permanent solution where we could put a clause into the labor contract stating that they cannot object to our grants. He said that there is the potential issue that the International may tell the Local that they cannot agree to that agreement.

Mr. Cunningham asked if all of our grants were released the previous time this occurred. Mr. Jablonski stated that not all of our grants were released. He said that only the preventative maintenance grants were released. Mr. Jablonski stated that even if MTS certifies a contract with the ATU, it does not necessarily mean that the DOL will release our grants.

Action Taken

No action taken.

2. California Bus Axle Weight (Sharon Cooney)

Sharon Cooney, Chief of Staff, provided a report on California bus axle weights. She handed out copies of the bill that was passed in 2012 which provided for an exemption for procurements that were done prior to January 2013. She also provided a copy of the placeholder bill, AB 1250, that is currently in the legislature. Ms. Cooney stated that California's weight limit is 20,500 pounds. Due to government regulations, transit buses have increased in weight to comply with Americans with Disabilities Act (ADA) requirements. She said that MTS and other transit agencies are attempting to get a full exemption from the State limit on weight. This is being opposed by the League of Cities and the California State Association of Counties (CSAC).

Mr. Roberts asked what an empty bus weighs. Mr. Jablonski stated an empty bus weighs approximately 22,000 pounds in the rear axle. He clarified that the weight limit is per axle and that the rear axle is the heaviest. Mr. Jablonski said that a study was conducted a few years ago regarding bus axle weights and the result of this study showed that there was no empirical evidence that buses directly affect the streets. He noted that we do not want to drive up weight on buses because heavier buses mean worse fuel economy. MTS conducted an analysis of its buses and saw that the buses were overweight of 24,000 pounds only a few short times during the day when the buses had full loads of passengers. Mr. Roberts recommended proposing a practical cap to the weight limit in addition to requesting an exemption. Mr. Jablonski said that they have been working towards trying to gain this exemption and possibly getting a practical cap approved. He also noted that MTS will not be affected by this new limit until 2019 when we will need to procure new buses.

Action Taken

No action taken.

PUBLIC COMMENTS

Clive Richard – Mr. Richard commented that he hopes this issue will be resolved, because this problem will affect everyone.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS (TAKEN OUT OF ORDER)

Mr. Jablonski commented that there is a safety initiative at the federal level that has been in place for a couple years. He stated that Bill Spraul, Chief Operating Officer of Transit Services, has been working on the safety initiative on the bus side and has seen great results. He said the American Public Transportation Association (APTA) has awarded MTS Bus with the Gold Award for safety and we will receive that award at the APTA Bus and Paratransit Conference in May.

The Executive Committee convened for Closed Session at 9:59 a.m.

3. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) San Diego Transportation Association, et al. vs. San Diego Metropolitan Transit System, et al. (SDSC Case No. 37-2015-00008725-CU-TT-CTL)

The Executive Committee reconvened from Closed Session at 10:40 a.m.

Oral Report on Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

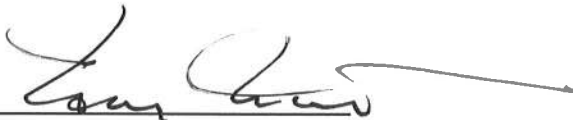
- C3. General Counsel gave a report to the Executive Committee and received direction.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for May 7, 2015, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 10:40 a.m.



Chairman

Attachments: Roll Call Sheet
Assembly Bill No. 1706 (February 15, 2012)
Assembly Bill No. 1250 (February 27, 2015)

**EXECUTIVE COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) April 9, 2015

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

RECESS _____

RECONVENE _____

CLOSED SESSION 9:59 a.m.

RECONVENE 10:40 a.m.

ADJOURN 10:40 a.m.

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BRAGG <input type="checkbox"/> (Rios) <input checked="" type="checkbox"/>	9:03 a.m.	10:40 a.m.
CUNNINGHAM <input checked="" type="checkbox"/> (McClellan) <input type="checkbox"/>	9:03 a.m.	10:40 a.m.
GLORIA <input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:03 a.m.	10:40 a.m.
MATHIS <input checked="" type="checkbox"/>	9:03 a.m.	10:40 a.m.
ROBERTS <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:11 a.m.	10:40 a.m.
Transportation Committee Rep Slot (Mathis)		

SIGNED BY THE CLERK OF THE BOARD: *Julia Sansone*

CONFIRMED BY THE GENERAL COUNSEL: *[Signature]*

BILL NUMBER: AB 1706 CHAPTERED
BILL TEXT

CHAPTER 771
FILED WITH SECRETARY OF STATE SEPTEMBER 29,
2012

APPROVED BY GOVERNOR SEPTEMBER 29, 2012
PASSED THE SENATE AUGUST 23, 2012
PASSED THE ASSEMBLY AUGUST 28, 2012
AMENDED IN SENATE AUGUST 21, 2012
AMENDED IN SENATE AUGUST 6, 2012
AMENDED IN SENATE JUNE 26, 2012
AMENDED IN ASSEMBLY MAY 25, 2012
AMENDED IN ASSEMBLY APRIL 30, 2012
AMENDED IN ASSEMBLY APRIL 17, 2012

INTRODUCED BY Assembly Member Eng

FEBRUARY 15, 2012

An act to add Section 11343.3 to the Government Code, and to amend, repeal, and add Section 35554 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1706, Eng. Vehicles: transit bus weight.

(1) Under existing law, the gross weight imposed upon the highway by the wheels on any one axle of a vehicle is prohibited from exceeding 18,000 pounds, except the gross weight on any one axle of a bus is prohibited from exceeding 20,500 pounds. A violation of these requirements is a crime.

This bill would provide that these prohibitions do not apply to a transit bus, except as specified. The bill would, until January 1, 2015, prohibit a publicly owned or operated transit system or an operator of a transit system under contract with a publicly owned or operated transit system from procuring through a solicitation process pursuant to which a solicitation is issued on or after January 1, 2013, a transit bus whose weight on any axle exceeds 20,500 pounds,

with specified exceptions. The bill would impose a state-mandated local program by imposing new requirements upon transit buses.

Existing law requires state agencies to comply with specified procedures when promulgating and adopting administrative regulations.

The bill would require state regulatory agencies that are required to promulgate administrative regulations to take into account vehicle weight impacts and the ability of vehicle manufacturers and vehicle operators to comply with laws limiting the weight of vehicles.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Fully funded, efficient, and effective public transit systems operating in a balanced transportation network do all of the following:

(1) Support California's growing economy by moving people to their jobs and to educational sites, by providing well-paying and stable jobs, and by enhancing the value of surrounding real estate.

(2) Bolster the state's energy security by decreasing dependence on imported oil.

(3) Contribute to California's greenhouse gas reduction and air quality improvement goals.

(4) Save travelers time by mitigating traffic congestion as the state's population grows.

(5) Afford the safest means of motorized travel.

(6) Promote equitable access to affordable, reliable, and safe transportation for all Californians.

(b) The state should therefore support the continued building, maintenance, and operation of effective local and regional public transportation networks for, including, but not limited to, the following additional reasons:

analysis of, and recommendations concerning, all of the following:

(A) The means to be considered to encourage the development and manufacture of lightweight buses.

(B) An analysis of, and recommendations concerning, whether Congress should require that each rulemaking by an agency of the federal government that affects the design or manufacture of motor vehicles consider the weight that would be added to the vehicle by implementation of the proposed rule.

(C) The effect that the added weight would have on pavement wear.

(D) The resulting cost to the federal government and state and local governments.

(3) In 2005, federal law was amended to temporarily provide an exemption from the federal vehicle weight limitations for transit vehicles on the Dwight D. Eisenhower National System of Interstate and Defense Highways (the Interstate System), and to prohibit specified states, including California, or any political subdivision of those states, from enforcing a transit vehicle weight limit of less than 24,000 pounds on the Interstate System. That exemption and prohibition are in place until June 30, 2012.

(d) The Vehicle Code currently places a restriction on the gross weight imposed upon the highway by the wheels of any one axle of a bus, which cannot exceed 20,500 pounds. However, that restriction was

created in 1976 and is only 500 pounds heavier than the restriction generally placed on any other type of vehicle operating on the highways. In the case of vehicle axle weights, the term "highway" is interpreted to include city streets and county roads.

(e) The federal study specified in paragraph (1) of subdivision (c) referenced several reasons why public transit buses have become heavier over the years, particularly in the more than three decades since California first imposed a specific axle weight limitation on buses, as follows:

(1) Requirements placed on bus manufacturers, as well as on providers of local public transit service, to comply with new federal and state laws and regulations.

(2) Heavier fuel tanks to safely contain alternative fuels such as natural gas that are necessary to meet air quality standards and engine emissions standards imposed on buses.

(3) Wheelchair lifts and other safety equipment necessary to transport disabled passengers pursuant to the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as amended.

(f) Some local law enforcement agencies have begun to cite some operators of public transportation services for operating transit

vehicles in excess of the California axle weight limitations for buses, thus threatening disruption of efficient and effective public transit service that otherwise complies with all applicable federal and state laws and regulations, including those laws and regulations that have compelled operation of heavier transit buses.

(g) Therefore, it is vital the state act immediately to clarify that the public transit vehicles currently operating in California are permitted to continue in transit service without disruption due to the state's outdated transit bus weight limitation.

(h) It is the intent of the Legislature that bus manufacturers move toward producing lighter buses that would comply with state and federal law in order to prevent the damage that overweight buses cause to California's system of local streets and roads, which themselves are deteriorating due to maintenance and rehabilitating funding shortfalls.

SEC. 2. Section 11343.3 is added to the Government Code, to read:

11343.3. Notwithstanding any other law, a state agency that is required to promulgate administrative regulations, including, but not limited to, the State Air Resources Board, the California Environmental Protection Agency, the State Energy Resources Conservation and Development Commission, and the Department of Motor

Vehicles, shall take into account vehicle weight impacts and the ability of vehicle manufacturers or vehicle operators to comply with laws limiting the weight of vehicles.

SEC. 3. Section 35554 of the Vehicle Code is amended to read:

35554. (a) (1) Notwithstanding Section 35550, the gross weight on any one axle of a bus shall not exceed 20,500 pounds.

(2) A transit bus procured through a solicitation process pursuant to which a solicitation was issued before January 1, 2013, or though a solicitation process pursuant to subdivision (d) is not subject to this subdivision.

(b) A transit bus is not subject to Section 35550.

(c) A transit bus shall not operate on the Dwight D. Eisenhower System of Interstate and Defense Highways in excess of the weight limitation for transit buses specified in federal law.

(d) (1) A publicly owned or operated transit system or an operator of a transit system under contract with a publicly owned or operated transit system shall not procure, through a solicitation process pursuant to which a solicitation is issued on or after January 1, 2013, a transit bus whose weight on any single axle exceeds 20,500 pounds except as follows:

(A) It may procure and operate a new bus exceeding 20,500 pounds



California
LEGISLATIVE INFORMATION

AB-1250 Vehicles: buses: gross axle weight. (2015-2016)

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL

No. 1250

Introduced by Assembly Member Bloom

February 27, 2015

An act to amend Section 35554 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1250, as amended, Bloom. Vehicles: buses: gross axle weight.

Existing law, operative January 1, 2016, ~~and subject to exception for certain transit buses,~~ provides that the gross weight on any one axle of a bus shall not exceed 20,500 pounds. *Existing law exempts from this limitation a transit bus procured through a solicitation process pursuant to which a solicitation was issued before January 1, 2013. A violation of this provision is a crime.*

~~This bill would make technical, nonsubstantive changes to those provisions.~~

This bill would exempt from the weight limitation transit buses procured through a solicitation process pursuant to which a solicitation was issued before January 1, 2016.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 35554 of the Vehicle Code, as amended by Section 2 of Chapter 263 of the Statutes of 2014, is amended to read:

35554. (a) (1) Notwithstanding Section 35550, the maximum gross weight on any one axle of a bus shall not exceed 20,500 pounds.

(2) This subdivision does not apply to a transit bus procured through a solicitation process pursuant to which a solicitation was issued before January 1, ~~2013.~~ 2016.

(b) A transit bus is not subject to Section 35550.