

Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 10, 2015

Executive Conference Room
9:00 a.m.

ACTION RECOMMENDED

- | | | |
|----|---|--------------------|
| A. | ROLL CALL | |
| B. | APPROVAL OF MINUTES - July 9, 2015 | Approve |
| C. | COMMITTEE DISCUSSION ITEMS | |
| 1. | <u>California Air Resource Board (CARB) Mandate (Bill Spraul)</u>
Action would receive a report and provide comments. | Possible
Action |
| 2. | <u>MTS Work Order Approval for Orange Line Court House Station - Design Engineering Services (Brent Boyd)</u>
Action would forward a recommendation to the Board of Directors to: (1) authorize the Chief Executive Officer (CEO) to execute Work Order 13.09 to MTS Doc. No. G1496.0-13 with RailPros, Inc. to perform Design Engineering Services for Orange Line Court House Station Project ("Project") for thirty percent (30%) design; and (2) find the Project exempt under the California Environmental Quality Act ("CEQA"); and (3) amend the Fiscal Year (FY) 16 Capital Improvement Plan (CIP) by creating a new project for the Courthouse Station (Project 11573), including the transfer of \$127,300 from Miscellaneous Capital (CIP Budget No. 11200-0600). | Possible
Action |
| 3. | <u>Low Carbon Fuel Standard Energy Credits (Mike Thompson)</u>
Action would receive a report on Low Carbon Fuel Standard (LCFS) energy credits and provide direction to staff regarding the sale of these credits. | Possible
Action |
| D. | REVIEW OF DRAFT September 17, 2015 BOARD AGENDA | |
| E. | <u>REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA</u>
Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting. | Possible
Action |



- F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- G. PUBLIC COMMENTS
- H. NEXT MEETING DATE: October 15, 2015
- I. ADJOURNMENT

DRAFT

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

July 9, 2015

MINUTES

A. ROLL CALL

Chairman Mathis called the Executive Committee meeting to order at 9:09 a.m. A roll call sheet listing Executive Committee member attendance is attached.

Karen Landers, General Counsel, stated that staff is requesting to add an additional Closed Session Item to the agenda. She noted that pursuant to Government Code Section 54954.2(b)(2), there is a need to take immediate action related to potential litigation and the need for action came to the attention of MTS after the agenda for this meeting was posted. The Closed Session Item refers to the US Department of Labor Grant Certifications under Section 13c. Ms. Landers said that a role needs to be taken to allow this item to be included in the agenda.

Action Taken

Mr. Roberts moved to allow this item to be included in the agenda. Ms. Bragg seconded the motion, and the vote was 4 to 0 in favor with Ms. Emerald absent.

B. APPROVAL OF MINUTES

Mr. Cunningham moved for approval of the minutes of the May 7, 2015, MTS Executive Committee meeting. Ms. Bragg seconded the motion, and the vote was 4 to 0 in favor with Ms. Emerald absent.

C. COMMITTEE DISCUSSION ITEMS

1. Pacific Imperial Railroad (PIR) Desert Line Agreement (Karen Landers)

Ms. Landers provided a presentation regarding the PIR Desert Line Agreement. She provided a brief background and history of the Desert Line; reviewed the current milestones and other aspects of the PIR Agreement; and also reviewed the milestones achieved by PIR to date. Ms. Landers noted that there have been delays with this project caused by Mexico negotiations with Baja California Railroad (BJRR). There have been ongoing negotiations with BJRR since January 2013. Ms. Landers reviewed the recent turning points with BJRR, including the Memorandum of Understanding (MOU) between PIR and BJRR, which was signed on June 22, 2015, stating their commitment to work together to reach a definitive agreement on outstanding issues within six months.

Ms. Landers reviewed the proposals to modify the milestones in the agreement. She noted that the modified milestones will still meet the original 5 year Full Scale Repairs and Operations milestones. The proposed milestones have been divided into two phases. Phase 1, Coyote Wells to Plaster City, will include repairs to Class III standards

instead of Class II standards; providing a six month extension to complete work by March 1, 2016; providing a twelve month extension for Limited Operations by December 31, 2016; and confirming that the Full Scale Repairs will be completed by the original completion date of December 21, 2017. Phase II, Division to Coyote Wells, will include repairs to Class I standard instead of Class II standards; providing a 19.5 month extension, and confirming that the Full Scale Repairs will be completed by the original milestone date of December 21, 2017.

Ms. Landers stated that the revenue owed to MTS will not change. She said that the goal is to use trucking operations as an interim measure until full repairs are complete. Ms. Landers reviewed the recommendation and asked if there were any questions.

Ms. Emerald asked if the amended proposed schedules were realistic. Ms. Landers replied that PIR worked very closely with JL Patterson, PIR's hired engineering and construction firm, and believes that the new proposed milestones are achievable. Ms. Emerald inquired about the bridge construction schedule and asked if that was an achievable goal. Ms. Landers replied that JL Patterson did extensive research on each of the bridges and the details of each repair and they believe this is an achievable goal. Ms. Emerald asked if MTS has liability insurance. Ms. Landers replied that MTS is covered with under a PIR policy. She also noted that MTS has hired an outside consultant, Rail Pros, to review all of the work done by PIR on this project.

Mr. Cunningham inquired if after the 19.5 months, if all of the bridges will be completed. He also asked if MTS will be tracking this work to ensure that the work is being done in a timely manner. Ms. Landers replied that an option that can be added to the staff recommendation is to have the CEO manage the mini-milestones to ensure that each bridge is completed in the estimated stated amount of time. Mr. Cunningham commented on the recent MOU signing between PIR and BJRR and said it was a great step forward.

Mr. Roberts commented that he believes the proposed modifications to the milestones are very modest and moved to forward this recommendation to the Board of Directors.

Action Taken

Mr. Roberts moved to forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute an Amendment to the Desert Line Lease and Operating Agreement (MTS Doc. No. S200-13-560.1) substantially in conformance with Attachment A. Ms. Emerald seconded the motion, and the vote was 5 to 0 in favor.

2. Comic-Con 2015 (Wayne Terry and Rob Schupp)

Rob Schupp, Director of Marketing and Communications, and Wayne Terry, Chief Operating Officer – Rail Division, provided a presentation on the upcoming Comic-Con 2015. Mr. Terry reviewed the service plan for the trolley lines and noted that there would be higher frequencies of trolleys to help with the large crowds. He commented that in 2014 there were 240,000 riders during this event. Mr. Terry also said that MTS's additional service expenses will approach approximately \$300,000.

Ms. Bragg inquired about the types of extensions that will be done on the Blue Line. Mr. Terry replied that the Blue Line service times will be extended longer hours with short frequencies.

Mr. Schupp continued the presentation and presented pictures of trolley wraps that were applied to 34 of the trolleys for Comic-Con. He commented that there are 2 station activations located at the Gaslamp Station and the Convention Center. He presented additional pictures relating to Comic-Con located around the Downtown San Diego area. Mr. Schupp said that MTS is providing special Comic-Con commemorative transit day passes as well as mobile ticketing on the m-Ticket phone application. Mr. Schupp reviewed the estimated revenue that MTS will receive from advertising. He said that the advertising revenue is estimated at approximately \$438,000, and noted that amount does not include fare revenue.

Ms. Bragg commented that she would like to see an overall increase in advertising revenue from the trolley and bus wraps. She also recommended raising the price for the wraps going forward.

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

Recommended Consent Items

6. Increased Authorization for Legal Service Contracts to Pay Projected Expenses in Fiscal Year 2016
Action would approve increasing the dollar amount of nine (9) legal services contracts to cover anticipated fiscal year 16 (FY16) expenses.
7. Investment Report – May 2015
8. San Diego Metropolitan Transit System (MTS) Task Order Contract Approval for Old Town Transit Center (OTTC) West Improvements
Action would authorize the Chief Executive Officer (CEO) to execute Work Order 13.18 for MTS Doc. No. G1493.0-13 with Kimley-Horn & Associates Inc. to perform Design-Engineering Services for Old Town Transit Center West (OTTC West) Improvements.
9. San Ysidro Radio Tower Installation – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc No. PWB174.0-15 with Day Wireless Systems, Inc., for the installation of the San Ysidro Radio Tower, as an expansion site of the Regional Transit Management System (RTMS) radio system.
10. Disadvantaged Business Enterprise (DBE) Overall Goal
Action would adopt a 3.75% goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2016 to FFY 2018 triennial period.
11. Revisions to Board Policy No. 26, Disadvantaged Business Enterprise Program
Action would approve revisions to Board Policy No. 26, Disadvantaged Business Enterprise Program.

12. Variable Message Signs for Green Line Communications System Upgrade Project – Sole Source Purchase Order
Action would authorize the Chief Executive Officer (CEO) to issue a purchase order to Daktronics, on a sole-source basis, for the procurement of eighty three (83) Variable Message Signs (VMS) for the Green Line Communications System Upgrade Project.
13. Radio Communications Support Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Document No. L1246.0-15 with Day Wireless Systems for the provisions of radio communication support services for five years beginning on August 1, 2015 and ending July 31, 2020.
14. September 2015 Service Changes
15. MTS Taxicab Administration Administrative Penalty Guidelines
Action would approve the proposed revisions to the MTS Taxicab Administrative Penalty Guidelines.
16. SD-100 Light Rail Vehicle Gate Turn Off Firing Boards – Sole Source Purchase Order
Action would authorize the Chief Executive Officer (CEO) to issue a purchase order to Siemens Transportation Systems Corporation (Siemens), on a sole source basis, for the purchase of thirty (30) Gate Turn-Off (GTO) Firing Board for MTS's fleet of SD-100 Light Rail Vehicles (LRVs).

BOARD MEMBER COMMENTS

Mr. Cunningham commented on Agenda Item Number 6, Increased Authorization for Legal Services Contracts, and asked why the referenced contracts needed increased amounts. Ms. Landers replied that staff has made price estimations based on previous usage needs and these contract increases will help ensure that enough money is available to last through the next fiscal year. Mr. Jablonski noted that over the last few years the amount spent on attorney's fees have gone down. Mr. Cunningham inquired if MTS has thought about hiring additional in-house attorneys instead of contracting out the work. Mr. Jablonski replied that staff and the Executive Committee had previously looked at that option and determined that having a broad spectrum of capabilities with outside counsel was more beneficial than having an in-house attorney with limited proficiencies.

Ms. Cooney commented on Agenda Item Number 14, September 2015 Service Changes. She stated that this item is for informational purposes only, because the service changes are minor or were previously authorized by the Board.

Ms. Emerald inquired about Agenda Item Number 30, MTS Blue Line Naming Rights. She asked if MTS was working directly with the University of California San Diego (UC San Diego) and how much revenue is estimated from this deal. Mr. Jablonski stated that the naming rights agreement is with UC San Diego. He noted that the primary partner in this agreement is the UC Health System. The agreement is a 30 year deal for the naming rights on the Blue Line. The agreement includes naming rights at three trolley stations including Old Town and two Mid-Coast stations. The payment schedule will begin with \$675,000 per year, and then it will increase to \$945,000 per year once Mid-Coast has opened, and then each subsequent year the payment will increase at rate of

Consumer Price Index (CPI). Mr. Jablonski also noted that this agreement includes six trolley wraps and signage at the trolley stations.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA (TAKEN BEFORE CLOSED SESSION)

There was no SANDAG Transportation Committee agenda discussion.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS (TAKEN BEFORE CLOSED SESSION)

Mr. Cunningham commented that the International Special Olympics athletes will be arriving in San Diego. He commented that there will be a torch lighting event on Wednesday at Lake Poway and on Thursday at Petco Park. He also noted that the main events will take place at the Los Angeles Coliseum.

G. PUBLIC COMMENTS (TAKEN BEFORE CLOSED SESSION)

There were no Public Comments.

The Executive Committee convened for Closed Session at 10:13 a.m.

C3. CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to California Government Code Section 54956.8

Property: APN 451-590-79-00 (Northeast side of Pacific Highway frontage road, north of Washington Street)

Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; and Tim Allison, Manager of Real Estate Assets

Negotiating Parties: Kennebec Properties II LLC

Under Negotiation: Price and Terms of Payment

C4. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION Pursuant to California Government Code Section 54956.9 (U.S. Department of Labor)

The Executive Committee reconvened from Closed Session at 10:57 a.m.

Oral Report on Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

C3. The Executive Committee received a report from real property negotiators and gave instructions.

C4. The Executive Committee received a report from legal counsel and gave instructions.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for August 20, 2015, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 10:57 a.m.

Chairman

Attachment: A. Roll Call Sheet

**EXECUTIVE COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) July 9, 2015

CALL TO ORDER (TIME) 9:09 a.m.

RECESS _____

RECONVENE _____

CLOSED SESSION 10:13 am.

RECONVENE 10:57 a.m.

ADJOURN 10:57 a.m..

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BRAGG	<input checked="" type="checkbox"/> (Rios) <input type="checkbox"/>	9:09 a.m.	10:57 a.m.
CUNNINGHAM	<input checked="" type="checkbox"/> (McClellan) <input type="checkbox"/>	9:09 a.m.	10:57 a.m.
GLORIA	<input type="checkbox"/> (Emerald) <input checked="" type="checkbox"/>	9:12 a.m.	10:57 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:09 a.m.	10:57 a.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:09 a.m.	10:57 a.m.
Transportation Committee Rep Slot (Mathis)			

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:





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

Agenda Item No. C1

MEETING OF SAN DIEGO THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 10, 2015

SUBJECT:

CALIFORNIA AIR RESOURCE BOARD (CARB) MANDATE (BILL SPRAUL)

RECOMMENDATION:

That the Executive Committee receive a report and provide comments.

Budget Impact

None with this action.

DISCUSSION:

In 2000, CARB issued regulations that resulted in MTS choosing the clean energy fuel path. This steered MTS to become a Compressed Natural Gas (CNG)-fueled bus system, resulting in significantly lower greenhouse gas (GHG) emissions. In 2012, CARB proposed further regulations that would specifically require Transit Systems to purchase zero emissions buses (ZEB's) as a part of new bus procurements. This proposed regulation would require that 15% of new transit bus procurements be ZEB's. In 2013, this proposed regulation was deferred while CARB staff was directed to work with the California transit industry in reviewing any ZEB regulations.

CARB is in the process of considering revised ZEB requirements, and is still considering mandating a 15% ZEB purchase requirement for new regulations.

Staff will provide an update on transit industry discussions with CARB and accept comments regarding next steps for regulatory advocacy.

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

Paul C. Jablonski
Chief Executive Officer

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





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Agenda Item No. C2

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 10, 2015

SUBJECT:

MTS WORK ORDER APPROVAL FOR ORANGE LINE COURT HOUSE STATION –
DESIGN ENGINEERING SERVICES (BRENT BOYD)

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to:

- 1) authorize the Chief Executive Officer (CEO) to execute Work Order 13.09 to MTS Doc. No. G1496.0-13 with RailPros, Inc. to perform Design Engineering Services for Orange Line Court House Station Project ("Project") for thirty percent (30%) design (Attachment A); and
- 2) find the Project exempt under the California Environmental Quality Act ("CEQA") (Attachment B).
- 3) amend the Fiscal Year (FY) 16 Capital Improvement Plan (CIP) by creating a new project for the Courthouse Station (Project 11573), using the funding sources outlined below, including the transfer of \$127,300 from Miscellaneous Capital (CIP Budget No. 11200-0600).

Budget Impact

<u>Funding Source</u>	<u>Design Deliverable</u>	<u>Funding Amount</u>
Transfer from Miscellaneous Capital (11200-0600)	30% Design	\$127,300
Transit and Intercity Rail Capital Program (TIRCP)	Final Design	\$713,000
<i>Total Funding</i>		<i>\$840,300</i>



As the above table represents, the Courthouse Station design will be funded in FY16 by a combination of Miscellaneous Capital (CIP 11200-0600) and TIRCP funds. The construction phase of the Courthouse Station project (estimated \$7,760,000) will be funded in future fiscal years with TIRCP, Low Carbon Transit Operations Program (LCTOP), and Transportation Development Act (TDA) funds.

DISCUSSION:

Project Background/Description

On March 12, 2015, the Board of Directors approved Resolution No. 15-5 authorizing the CEO to submit an application for a proposed downtown Courthouse Station Project, including the purchase of nine additional low floor trolley vehicles to provide expanded capacity on the MTS trolley system. At that time, the project was in the conceptual development phase only.

As a result of the future Mid-Coast Trolley operations plan and the necessity to relieve trolley congestion at Santa Fe Depot station, the proposed downtown Courthouse Station project would relocate the existing westerly terminus of the Orange Line from Santa Fe Depot to a new station within the C Street corridor between State Street and Union Street. This location was chosen because it is 2 blocks east of the America Plaza Station and 3 blocks west of the Civic Center Station, and is located in an area where no existing building access would be disturbed. The station will provide Orange Line service to various court buildings (330 W. Broadway Hall of Justice, 220 W. Broadway courthouse, 221 W. Broadway federal courthouse, 333 W. Broadway federal courthouse and the future state courthouse at 110 Union Street).

The new station will be built within the existing C Street south sidewalk area. C Street between State and Union Streets is currently one-way with eastbound traffic only. There are two vehicular traffic lanes, one on each side of the existing trolley tracks that are located in the center of the street right of way. As part of the Downtown Courthouse Station project, a new trolley track would be built within the existing south side vehicular lane, closing this lane to traffic. The north side vehicular lane would remain open. The three State Street northbound vehicular lanes and parking/red zone areas would be reduced at the C Street corners from 51 feet to 35 feet wide. Similarly, the Union Street northbound and southbound lanes and parking/red zone areas would be reduced at the C Street corners from 49 feet to 22 feet wide to provide sufficient room at the station for three car trolley trains without impeding cross-street traffic flows. The number of northbound and southbound traffic lanes would remain the same. Curbside street parking is already restricted in this area because of the adjacent courthouse rules and regulations.

TIRCP Grant Award and Other Funding

In June 2015, MTS received notice of a discretionary TIRCP grant award of \$31,936,000 for the proposed Courthouse Station and nine additional light rail vehicles. Total project costs are estimated at \$50,162,930. The \$18,226,930 difference will be funded with LCTOP formula funds, TDA and MTS Miscellaneous Capital funds. The estimated cost of the nine additional S70 vehicles, \$41,562,930, takes advantage of the options remaining on MTS's current contract with Siemens, after the Mid-Coast vehicles are ordered. This contract includes very favorable pricing and eliminates the need for a

lengthy and costly procurement process. Authorization for a notice for release for production to Siemens regarding the vehicles will be brought to Board for approval on a later date.

The final design and construction phases of the project will be completed in coordination with SANDAG. Depending on staff resources, SANDAG may take the lead on procuring the final design and construction services. MTS staff will manage the project and the grant funds. The new station would be constructed in FY17 – FY 18 as part of those years' CIPs.

RailPros Task Order

The next phase of the project is to complete the preliminary design process. Currently, the project has only completed the Project Study Report/Conceptual Design phase. In today's proposed action, the Board of Directors will authorize the CEO to execute a work order with on-call railroad design and engineering consultant, RailPros, to complete the preliminary design process up to 30% plans. RailPros previously prepared the Project Study Report for this project.

The Scope of Work for Work Order 13.09 consists of the following tasks:

- Task 1 – Project Management
- Task 2 – Topographic Survey & Base Mapping
- Task 3 – Station Alternatives
- Task 4 – Drainage Analysis
- Task 5 – Track Design
- Task 6 – Conceptual Railroad Signal and OCS Design
- Task 7 – Station Platform & Curb Design
- Task 8 – City Street Realignment
- Task 9 Traffic/Trolley Analysis
- Task 10 – Cost Estimate and Spec Index

The total value of Work Order 13.09 is \$127,300 (Attachment A).

California Environmental Quality Act (CEQA) Finding

The Board is also asked to make a finding that project is exempt under CEQA on the following bases:

- *Statutory Exemption.* The project is statutorily exempt from environmental review under CEQA pursuant to Public Resources Code section 21080, subdivisions (b)(10) and (b)(12), and Title 14 of the California Code of Regulations section 15275. The Project involves the institution or increase of passenger/commuter services on MTS' Orange Line using existing highway rights-of-way already in use (C Street), as well as a thru track and a platform for a new terminal stop. The Project will extend existing rail facilities, not exceeding four miles in length (650 feet of new track) required for the transfer of passengers from or to mass transit services (the Orange Line).

- *Categorical Exemption (Class 3)*. The Project is further exempt under Title 14 of the California Code of Regulations section 15303 as it consists of the construction and location of limited numbers of new small facilities and structures. The platform will be roughly 250 feet long and will include shelters, benches, trash cans, ticket and vending machines and validators. New track and catenary wire would be constructed for the 650-foot distance stated above.

Creation of Project in FY 2016 CIP

The Courthouse Station project was not included in the FY 16 CIP. Therefore, today's action would forward a recommendation to the Board of Directors to amend the FY 16 CIP and create a new project for the Courthouse Station (Project 11573) using the funding sources outlined above. This will provide funding to complete the final design of the project. Future project stages (construction and LRV purchase) will be incorporated into the FY 17 and FY 18 CIPs, during the normal review and approval process.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. RailPros, Inc. Work Order 13-09
B. Court House Station Location Plan
C. Notice of Exemption

September 17, 2015

MTS DOC No. G1496.0-13
Work Order 13.09

Mr. Les Hopper
Contract Project Manager
RailPros, Inc.
401 B Street, Suite 302
San Diego, CA 92101

Dear Mr. Hopper:

Subject: MTS DOC. NO. G1496.0-13, WORK ORDER 13.09; ORANGE LINE COURTHOUSE
STATION – PRELIMINARY ENGINEERING AND DESIGN

This letter shall serve as Work Order 13.09, under the General Engineering Consultant Agreement, MTS Doc. No. G1496.0-13, as further described below.

SCOPE OF SERVICES

Provide preliminary engineering and design services for the Orange Line Courthouse Station project in accordance with the attached Scope of Services (Attachment 1 and 2).

SCHEDULE

The Scope of Services, as described above, shall remain through May 30, 2019, if all the options to the Master Contract are exercised.

PAYMENT

Payment shall be based on actual costs. This Work Order shall not to exceed \$127,300 without prior written authorization.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Jeff Funk
RailPros, Inc.

Date: _____

Attachments: Attachment 1, Scope of Services
Attachment 2, Fee Proposal

Task Order Attachment A

WORK ORDER TITLE: Preliminary Engineering Services for Orange Line Courthouse Station

I. PROJECT DESCRIPTION

As a result of the future Mid-Coast Trolley operations plan and the necessity to relieve Trolley congestion at Santa Fe Depot, MTS proposes to relocate the existing westerly terminus of the San Diego Trolley's Orange Line from Santa Fe Depot to a new station within the C Street corridor between State Street and Union Street. This location was chosen as it is central to the downtown courthouse system, is located at the near midpoint between two existing stations – America Plaza and Civic Center, and is located in an area where no existing building access would be disturbed.

A Project Study Report (PSR) was prepared for this new station and is planned to be built within the existing sidewalk on the south side of C Street. The new track would be built within the existing south side, eastbound vehicular lane. The north side, eastbound vehicular lane would remain open. Vehicular and pedestrian circulation would be modified to accommodate the new station.

This Work Order will provide engineering services to prepare a 30% level design for the new Orange Line Courthouse Station in accordance with the scope of services.

II. EXPECTED RESULTS

- Determination of preferred alternative for station and track layout
- Determination of feasibility of proposed trolley movements
- 30% design plans for preferred alternative
- 30% cost estimate for preferred alternative

III. SCOPE OF WORK

The Scope of Work shall consist of the following tasks and deliverables.

1. PROJECT MANAGEMENT AND COORDINATION

This task includes project management services including the requirements for invoicing, quality assurance, scheduling, monthly project progress reports, and administration of the Consultant's team.

Project coordination with MTS is also included as well as coordination with SANDAG, the City of San Diego, and other project stakeholders. Specifically for the City of San Diego, it is assumed that one (1) meeting will be scheduled to review 30% plans and the Traffic/Trolley analysis. All other meetings will be covered under the specific Task for which the meeting is being held.

2. TOPOGRAPHIC SURVEY, BASE MAPPING & RIGHT OF WAY

During the Preliminary Study Report (PSR) phase, an aerial topography of the proposed work area was given to RailPros in AutoCAD format through another consultant. The aerial dates

back about 10 years and the survey control may be lost. Therefore, a new ground survey will be performed and said aerial topography will be tied into the new ground survey control.

Tasks to be performed include:

- Tie to primary survey control using NAD83 (1991.35) horizontal and HGVD29 vertical. Survey and set supplemental control. Once set, run level circuit through supplemental control to establish 3rd order or better vertical control.
- Survey full street cross sections (right-of-way to right-of-way; and 20' beyond right-of-way only along back of proposed station) at 25' intervals on C Street from Columbia Street to First Street and Union and State Streets 100 feet north and south of C Street. Cross sections will include top of curb, flowline, gutter lip, back of walk, and street shots including crown and miscellaneous grade breaks. Railroad shots will include top of rail (center of rail) shots, switch points, begin and end curves, and frogs. Survey to also include miscellaneous topo features such as trees, grade breaks, angle points in hardscape, newly constructed (or under construction) items such as the new pedestrian bridge column on the south side of C Street; utility features such as power poles, signal poles, vaults, pull boxes, valve covers, manholes, utility markouts (if exist), etc.; and any other feature that defines the existing/current condition.
- Prepare Digital Terrain Model (DTM) of existing ground in AutoCAD Civil3D Version 2013. Prepare topographic map of project area limits with 1-foot contours.
- Perform right-of-way reconnaissance for both southerly and northerly boundary of C Street between State and Union streets. Search for corner monuments and tie to survey if found. Establish C Street right-of-way between State and Union streets.

3. UTILITY BASE MAPPING

RailPros will prepare an existing utilities base map of all known utilities within the project area limits, which includes C Street from Columbia to First Street; State and Union Streets, 100 feet north and south of C Street.

Tasks to be performed include:

- Contact utility companies known to be in the downtown area by letter and/or email and request as-builts of their facilities.
- Perform research at the City of San Diego, SANDAG, and MTS and procure any as-built drawings relevant to the project area limits.
- Coordinate with the contractor for the current State Courthouse construction on any new or discovered utilities as a part of that construction. Obtain any notes, drawings, or sketches of said discovered facilities.
- Consolidate all utility research and plot utilities into the base map prepared under Task 2. Utilities will be tied to topographic and utility features discovered in Task 2.
- Perform field trip to verify utility and topographic information.

4. DETERMINATION OF PREFERRED ALTERNATIVE

During the Preliminary Study Report (PSR) phase, MTS considered two (2) alternatives for the station track alignment on the south side of C Street:

- 1) a “pocket” track that spurs off the main line from the east and dead ends at the proposed station, and
- 2) a “through” track that builds off the pocket track by extending it west beyond the dead end and reconnecting back into the main line on the west side, creating a station ingress/egress on both sides.

For this Work Order, the “through” track option will be used as the basis. Minor variations of this option were identified in the PSR phase including exact location of crossovers/turnouts and how the station is designed around the future courthouse pedestrian bridge pier, which is currently under construction.

RailPros will prepare two (2) options for station layout including conceptual signal, OCS, and traffic circulation and present to MTS to facilitate MTS’s decision in selecting the “preferred” alternative. Tasks to be performed to accomplish this include:

- Organize and refine alternatives developed during the PSR phase for MTS consideration.
- Schedule one (1) workshop meeting with MTS and Trolley and present alternatives in an easy to follow format showing cost comparisons, pros and cons for each alternative.
- Based on workshop, prepare a final set of selection alternatives for MTS review. It is assumed that a selection will be made at this point and this selection will become the “preferred alternative” for design.

NOTE: A 3rd alternative to move the station to the north side of C Street may be considered at the direction of MTS under a separate work order or work order amendment.

5. DRAINAGE ANALYSIS

Once the preferred alternative is selected, standard hydrology calculations will be performed to ensure proper drainage conveyance through and around proposed station platform and proposed station bulb-outs. No major hydrologic or hydraulic calculations are assumed for this phase.

Tasks to be performed include:

- Calculate the storm water runoff for the 100-year storm using the proposed station platform as the Point of Concentration. Calculations will follow the 2003 San Diego County Hydrology Manual and the 2005 San Diego County Drainage Design Manual.
- Perform field investigation on existing flow patterns and existing drainage crossings through intersections. Downtown intersections convey runoff either through above ground cross gutters or underground “bubbler” systems (pipes that carries flow under an

intersection but “bubble” back up to the surface on the downstream end). Existing underground storm drains will be considered as well.

- Calculate flow depths in proposed station curb and bulb-outs and determine design necessary to properly convey flow in accordance with City and County standards.
- Prepare letter report of above described calculations with conclusions and recommendations.

6. TRAFFIC/TROLLEY ANALYSIS

A feasibility analysis of trolley movements will be performed in conjunction with the traffic signals. The movements include station moves, crossovers, and traffic signals. The controlling stations are America Plaza, the new Courthouse Station, and Civic Center.

Seven traffic signals are located between America Plaza and Civic Center. The traffic signals at the stations have trolley signals and detection. Traffic Signals are:

- India Street
- Columbia Street
- State Street
- Union Street
- Front Street
- First Street
- Second Avenue

All locations will be investigated and observed in the field to establish existing operations. Trolley and traffic operation scenarios and the appropriate control elements will be developed on new construction, various locations and movements. The scenarios will be logically tested to ensure operability and summarized in a technical memo.

7. TRACK DESIGN

Track design will utilize the 2014 LRT Design Criteria Manual and standard design practices used by the San Diego Trolley. Basic track layout will include a single, No. 6 left-hand crossover to move a westbound Orange Line Trolley from the north track to the south track, a No. 6 turnout to move the Trolley from the south track to the proposed station track leading to the station platform.

Using the “through” track option, one (1) more No. 6 turnout will be used to join the track back into the main line on the west side of the proposed station.

Tasks to be performed include:

- Determine exact locations for crossover and turnouts based on existing topography and pedestrian/vehicular circulation. Switch locations will be designed to avoid conflict with pedestrian crossings.

- Perform a dynamic envelope analysis for trolley consists S8-SD100-S8 and S8-S8-S8 to ensure proper clearances are met based on the LRT Design Criteria. Track alignment design will be adjusted accordingly to fit prescribed clearances. Any fatal error situations will be immediately reported to MTS.
- Identify possible elevation (vertical) challenges with new track alignment especially along station platform and design new track grade and surrounding pavement grades to properly convey drainage and meet minimum/maximum grading constraints for the Trolley and the City of San Diego.
- Design horizontal alignment per LRT Design Criteria considering City of San Diego constraints and the new bridge column (currently under construction) for the new courthouse pedestrian bridge.
- Track Design will include standard concrete ties on 115-lb continuously welded rail. Turnouts/crossovers to use standard wood ties. Street crossings at Union and State will incorporate concrete crossing panels to match other recently installed panels at downtown crossings.

8. CONCEPTUAL RAILROAD SIGNAL AND OCS DESIGN

RailPros will perform a conceptual design for both railroad signaling and Overhead Contact System (OCS) design. Conceptual design will be based on meetings and discussions that took place during the PSR phase. RailPros will present Signal and OCS plans to MTS and make adjustments based on the meeting.

9. STATION PLATFORM & CURB DESIGN

The Station Platform and Curb design will be based on the preferred alternative. Station dimensions will mimic as best as possible the existing 5th Avenue Station in conforming to the constraints of the proposed courthouse location. Vertical grades will be checked only for horizontal layout. No profiling or vertical design is assumed for this phase. As-built plans have already been procured for the 5th Avenue Station. These will act as the basis for the station furniture layout.

Tasks to be performed include:

- Design station platform horizontal grades per LRT Design Criteria and ADA constraints. No vertical profile showing grades will be produced for this 30% design.
- Layout station furniture.
- Design curb and gutter bulb-outs similar to other C Street Trolley Station design layouts. Curb grades will be checked to be less than 0.5% for proper drainage conveyance.
- Coordinate with the City of San Diego on 30% layout of curbs.

10. CITY STREETS REALIGNMENT

New channelization will be required for State and Union streets as a result of the curb bulb-outs. With the elimination of one eastbound lane on C Street, new circulation will be designed for the affected area.

Tasks to be performed include:

- Prepare re-striping plan for State and Union streets per City of San Diego standards. Identify number and locations of lost on-street parking stalls.
- Design and prepare exhibit of new vehicular circulation versus existing.
- Coordinate with the City of San Diego.

11. COST ESTIMATE AND SPECIFICATION INDEX

RailPros will prepare opinions of probable costs (cost estimates) for each alternative as described under Task 3. A final estimate will be prepared for the preferred alternative. Cost estimates will include costs for all disciplines of the project as a whole.

Cost estimates will include the construction item, the estimated quantity, the unit cost (based on similar and recent project bids), and the total cost. A cost contingency will be included along with estimates for standard soft costs.

RailPros will also produce a one sheet index of specifications to be used for final design.

12. 30% DESIGN PACKAGE SUBMITTALS AND REVIEWS

No more than two (2) submittals for the 30% design package (plans, spec index, and estimate) are assumed for this Work Order – Draft and Final packages. Each submittal will undergo an internal Quality Control check. Each submittal will include four (4) hard copies in both full-size and half-size formats and an electronic pdf version sent via the RailPros Sharefile site.

Plans will be produced at a scale of 1"=20' in the AutoCAD Civil3D platform, Version 2013 or newer. Plans will include horizontal layout and two (2) typical cross sections. No vertical design is proposed for this Work Order.

Two (2) meetings will be scheduled to discuss the reviews for the Draft and Final submittal packages.

IV. DELIVERABLES

Deliverables are anticipated to include the following:

- Updated Topographic and Utility Base Map
- Exhibits on Station Alternatives with Cost Estimates
- 30% Design Plans for Preferred Alternative (Station, track, curb, striping) – Draft & Final
- 30% Cost Estimate and Specification Index for Preferred Alternative – Draft & Final
- Conceptual Design for Railroad Signaling and OCS
- Traffic / Trolley Analysis Technical Memo
- Meeting Notes and Monthly Progress Reports

V. SCHEDULE OF SERVICES/MILESTONES/DELIVERABLES**A. Tasks Schedule**

Task	Begin/End Dates
1. Project Management/Coordination	NTP / Project Completion
2. Topo Survey / Utility Base Mapping	NTP / NTP + 4 weeks
3. Utility Base Mapping	NTP / NTP + 4 weeks
4. Determination of Preferred Alternative	End Task 3 / NTP + 12 weeks
5. Drainage Analysis	End Task 4 / NTP + 14 weeks
6. Traffic / Trolley Analysis	End Task 4 / NTP + 16 weeks
7. Track Design	End Task 4 / NTP + 16 weeks
8. Conceptual Signal and OCS Design	End Task 4 / NTP + 18 weeks
9. Station Platform and Curb Design	End Task 4 / NTP + 18 weeks
10. City Streets Realignment	End Task 4 / NTP + 18 weeks
11. Cost Estimate & Spec Index	End Task 4 / NTP + 18 weeks
12. 30% Design Package and Reviews	End Task 4 / NTP + 20 weeks

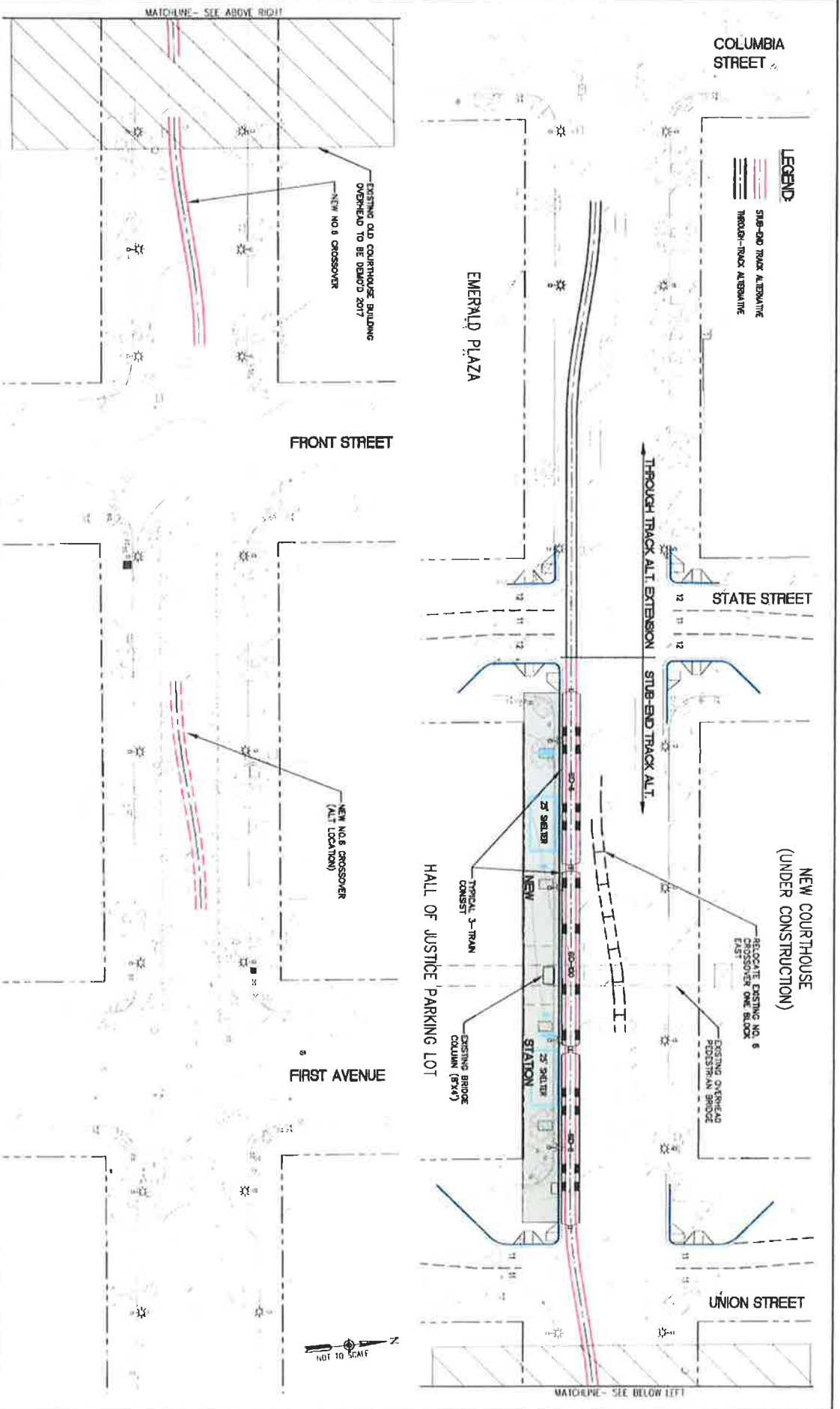
VI. MATERIALS TO BE PROVIDED BY SANDAG AND/OR THE LOCAL AGENCY

- As-built drawing information related to new station/station platform.
- As-built drawings of existing railroad signaling system.

VII. SPECIAL CONDITIONS

The following is excluded from this scope:.

- Vertical Design
- Traction Power design
- Utility Relocation design and coordination
- Geotechnical Investigation
- Environmental



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MTS
Metropolitan Transit System

TROLLEY CAPACITY IMPROVEMENTS EXHIBIT
NEW ORANGE LINE TERMINAL 'COURTHOUSE' STATION ALTERNATIVES

SAN DIEGO METROPOLITAN TRANSIT SYSTEM			
TROLLEY CAPACITY IMPROVEMENTS			
DATE	NOV 10 2015	BY	MTS
PROJECT	NEW ORANGE LINE TERMINAL 'COURTHOUSE' STATION ALTERNATIVES	SCALE	AS SHOWN

NOTICE OF EXEMPTION

TO:	FROM: San Diego Metropolitan Transit System (Lead Agency)
<input type="checkbox"/> Office of Planning and Research P. O. Box 3044, Room 113 Sacramento, CA 95812-3044	
<input checked="" type="checkbox"/> Clerk of the Board of Supervisors or County Clerk County of: San Diego	Address: 1255 Imperial Avenue, Suite 1000 San Diego, CA 92101

1. Project Title:	Trolley Capacity Improvements Project
2. Project Applicant:	San Diego Metropolitan Transit System (lead agency)
3. Project Location – Identify street address and cross streets or attach a map showing project site (preferably a USGS 15' or 7 1/2' topographical map identified by quadrangle name):	C Street between State Street and Union Street (see attached map)
4. (a) Project Location – City: San Diego	(b) Project Location – County: San Diego
5. Description of nature, purpose, and beneficiaries of Project:	<p>On September 17, 2015, the San Diego Metropolitan Transit System ("MTS") approved the Trolley Capacity Improvements Project ("Project"), which will be funded through a grant from the Greenhouse Gas Reduction Fund under the Transit and Intercity Rail Capital Program. The Project consists of a new Downtown San Diego courthouse trolley station on C Street between State Street and Union Street and the purchase of nine Siemens SD-8 light rail vehicles.</p> <p>The Project will use the south lane of traffic on C Street and includes construction of a spur track and a platform for a new terminal stop serving MTS' Orange Line trolley. The current stop ends at Santa Fe Depot but must be relocated due to future operation of the San Diego Association of Governments' ("SANDAG") Mid-Coast Corridor Transit Project, which was analyzed in the Final Supplemental Environmental Impact Statement/Subsequent Environmental Impact Report certified by SANDAG in November 2014. The Project will provide terminal track space for Orange Line trains in the Downtown area necessary to accommodate through service operation of Blue Line trains into the Mid-Coast Corridor. The Project's additional trains will allow MTS to run three more trains per day (with three cars each) in order to accommodate an increase in frequency on the line.</p> <p>The Project will provide direct access between public transit and the San Diego Hall of Justice and future Central Courthouse, enhancing the existing jury duty transit pass program. The Project will not impact access to private businesses on C Street.</p>

6.	Name of Public Agency approving project:	San Diego Metropolitan Transit System
7.	Name of Person or Agency undertaking the project, including any person undertaking an activity that receives financial assistance from the Public Agency as part of the activity or the person receiving a lease, permit, license, certificate, or other entitlement of use from the Public Agency as part of the activity:	San Diego Metropolitan Transit System
8.	Exempt status: (check one)	
(a)	<input type="checkbox"/> Ministerial project.	
(b)	<input type="checkbox"/> Not a project.	
(c)	<input type="checkbox"/> Emergency Project.	
(d)	<input checked="" type="checkbox"/> Categorical Exemption. State type and section number:	Class 3, 14 Cal. Code Regs. § 15303
(e)	<input type="checkbox"/> Declared Emergency.	
(f)	<input checked="" type="checkbox"/> Statutory Exemption. State Code section number:	Public Resources Code § 21080(b)(10), (b)(12); 14 Cal. Code of Regs. § 15275
(g)	<input type="checkbox"/> Other. Explanation:	
9.	Reason why project was exempt:	<p>The Project is a mass transit project that is statutorily exempt from environmental review under CEQA pursuant to Public Resources Code section 21080, subdivisions (b)(10) and (b)(12), and Title 14 of the California Code of Regulations section 15275. The Project involves the institution or increase of passenger/commuter services on MTS' Orange Line using existing highway rights-of-way already in use (public street), as well as a thru track and a platform for a new terminal stop. The Project would also extend existing rail facilities, not exceeding four miles in length (650ft of thru track) required for the transfer of passengers from or to public mass transit services using the MTS Orange Line.</p> <p>The Project is further exempt under Title 14 of the California Code of Regulations section 15303 as it consists of the construction and location of limited numbers of new, small facilities and structures. The platform will be roughly 250 feet long and will include shelters, benches, trash cans, ticket and vending machines and validators. New track and catenary wire would be constructed for the 650-foot distance stated above.</p>
10.	Lead Agency Contact Person:	Michael Diana
	Telephone:	(619) 595-1021
11.	If filed by applicant: Attach Preliminary Exemption Assessment (Form "A") before filing. N/A	
12.	Has a Notice of Exemption been filed by the public agency approving the project? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>	

13. Was a public hearing held by the lead agency to consider the exemption? ☐ Yes ☒ No ☐
If yes, the date of the public hearing was: September 17, 2015

Signature: _____ Date: _____ Title: _____

☐ ☐ Signed by Lead Agency ☐ ☐ Signed by Applicant

Date Received for Filing: _____

(Clerk Stamp Here)

Authority cited: Sections 21083 and 21100, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.



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Agenda Item No. C3

MEETING OF SAN DIEGO THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 10, 2015

SUBJECT:

LOW CARBON FUEL STANDARD ENERGY CREDITS (MIKE THOMPSON)

RECOMMENDATION:

That the Executive Committee receive a report on Low Carbon Fuel Standard (LCFS) energy credits and provide direction to staff regarding the sale of these credits.

Budget Impact

The sale of MTS's current bank of 10,787 LCFS energy credits could generate between \$540,000 and \$750,000.

DISCUSSION:

In February 2009, the San Diego Metropolitan Transit Systems (MTS) Board of Directors approved the Natural Gas Hedge Program and adopted MTS Board Policy No. 59, "Natural Gas and Energy Commodity Hedge Policy", to administer that program. This program enabled MTS to purchase natural gas via a competitive-bidding process and allowed MTS the opportunity to enter into financial hedges to fix the natural gas rates. In addition to the goal of creating budget certainty for this volatile commodity, MTS staff estimates that this program also saves MTS over \$400,000 annually by allowing MTS to purchase the natural gas commodity directly from the market through a gas service provider (GSP) rather than through San Diego Gas and Electric (SDG&E). Gas is still delivered from the national natural gas pipeline by SDG&E, so there was no operational impact as a result of this change. The cost of the commodity is billed through the GSP, and the gas used by MTS is backfilled into the national natural gas pipeline by the GSP.

MTS conducted a competitive-bid process in 2009 and 2010 to select its GSP, and BP was the low bidder in each case. The 2010 agreement was for one year with 2 one-year options—the last of which was set to expire on June 30, 2013. That agreement was extended to June 30, 2018 by the Board in February 2013. This new extension also included the purchase and utilization of biogas, gas that is produced naturally from



landfills and from the processing of animal waste, sewage, crop waste, and cellulosic crops. The utilization of such a renewable fuel allows MTS to generate federal and state energy credits.

On the state side, the California Air Resources Board (CARB) created the Low Carbon Fuel Standard (LCFS) aimed at reducing greenhouse gas emissions. Each type of fuel has been assessed a carbon intensity (CI) score. Fuel providers are required to ensure their overall CI score meets the annual CI target. The LCFS program has incentives in the form of credits that will be generated, tracked, and can be traded or sold to other obligated entities. MTS opted into the program in September 2012, and between October 1, 2012 and June 30, 2013, generated 10,787 credits. Credits generated after June 30, 2013 are sold to BP as part of the current contract for gas procurement.

These existing credits can be sold on the open market. The price for these credits for the past 18 months has been around \$20 per credit. Recently, the market prices have surged and current market prices have ranged between \$50 and \$70 per credit.

This report will update the Executive Committee about the program and discuss the sale of MTS's current bank of LCFS credits.



Paul C. Jablonski
Chief Executive Officer

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



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DRAFT

Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

9:00 a.m.

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

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least two working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - July 16, 2015 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.
4. Appointment of MTS Chief of Police (Harry Mathis) Appoint
Action would authorize the Chief Executive Officer (CEO) to appoint Manuel Guaderrama, Director of Transit System Security, to MTS Chief of Police.

Please SILENCE electronics
during the meeting

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



CONSENT ITEMS

- | | | |
|-----|--|-------------|
| 6. | <u>San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its Meeting on July 14, 2015</u> | Information |
| 7. | <u>Green Line Communication System Upgrade - Installation of Cisco Network Equipment, Dense Wavelength Division Multiplexing Technology</u>
Action would authorize the Chief Executive Officer (CEO) to issue a purchase order to AT&T Datacomm, Inc. (AT&T), for the design, implementation, and installation of Cisco Network Equipment (Cisco), Dense Wavelength Division Multiplexing (DWDM) Technology Optical solution for MTS Green Line trolley stations. | Approve |
| 8. | <u>Bus Bench Advertising and Maintenance Services - Contract Amendment</u>
Action would: (1) authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 to MTS Doc. No. B0201.4-99 with Coast United Advertising to extend the current agreement by nine (9) months; and (2) ratify Amendment No. 3 which was entered under the CEO's authority in January 2015 for an eight month extension to the contract. | Approve |
| 9. | <u>Employee Background and Reference Investigation Services - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1800.0-15 with Kristy Investigative Services, Inc., for the provision of employee background and reference investigative services. | Approve |
| 10. | <u>Driver Control Units Version 2 for the Class E Minibus Fleet - Sole Source Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0626.0-15 with Cubic Transportation Systems, Inc., on a sole-source basis for the provision of thirty-six (36) Driver Control Units Version 2 (DCU2). | Approve |
| 11. | <u>General Engineering and Real Estate Services for MTS Right of Entry Permits and Right-of-Way Issues</u>
Action would: (1) authorize the Chief Executive Officer (CEO) to execute Work Order No. 13.01.04 to MTS Doc. No. G1496.0-13 with RailPros, Inc. to add an additional work order capacity of \$100,000; and (2) ratify Work Order No. 13.01.03, which was entered under the CEO's authority in September 2014. | Approve |
| 12. | <u>Revisions to San Diego Metropolitan Transit System (MTS) Policy No. 48, "Transit Service Discrimination Complaints Procedure"</u>
Action would approve and adopt the proposed revisions to MTS Policy No. 48, "Transit Service Discrimination Complaints Procedure". | Approve |
| 13. | <u>Purchase of Two Additional S70 Ultrashort Dellner Couplers - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS. Doc. No. L1268.0-15 with Dellner, Inc., for the purchase of two (2) additional S70 Ultrashort (US) Dellner Couplers. | Approve |

- | | | |
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| 14. | <u>Card Access Reader Maintenance and Repair On-Call Services - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to: (1) execute MTS Doc. No. PWG168.0-15 with Electro Specialty Systems (ESS) for the provision of on-call installation, maintenance, and repair services for MTS card access readers for a three (3) year base period plus three one-year optional terms to be exercised at MTS's sole determination (for a total of six years); and (2) exercise each option year at the CEO's discretion. | Approve |
| 15. | <u>Investment Report - June 2015</u> | Information |
| 16. | <u>Investment Report - July 2015</u> | Information |
| 17. | <u>Mobile On Board Video Surveillance System for the Minibus and Paratransit Fleets - Contract Amendment</u>
Action would: (1) authorize the Chief Executive Officer (CEO) to execute Amendment No. 8 to MTS Doc. No. B0521.0-09 with Apollo Video Technology for the provision of an on board video surveillance system (OBVSS) for the minibus and paratransit fleets with the option to purchase additional warranty, maintenance, and support services at MTS's sole determination; and ratify Amendment No. 7 which was entered under the CEO's authority in July 2014 for freight and sales tax adjustment. | Approve |
| 18. | <u>Green Line Communications System Upgrade Project Construction Management Services - Transfer of Funds from San Diego Metropolitan Transit System to the San Diego Association of Governments</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G0930.17-04.41 for the transfer of funds from MTS to the San Diego Association of Governments (SANDAG) to allow SANDAG to issue a task order on behalf of MTS for the provision of Construction Management Services for the MTS Green Line Communications System Upgrade Project. | Approve |
| 19. | <u>Closed-Circuit Television On-Call Services - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to: (1) execute MTS Doc. No. PWG166.0-15 with Electro Specialty Systems (ESS) for the provision of on-call closed circuit television systems (CCTV) services for a three (3) year base period, plus three (3), one-year optional terms to be exercised at MTS's sole determination (for a total of six years); and (2) exercise each option year at the CEO's discretion. | Approve |
| 20. | <u>On-Call Communications and Low Voltage Systems Wiring Services - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to: (1) execute MTS Doc. No. PWG170.0-15 with Communication Wiring Specialists (CWS) for the provision of on-call communication and low voltage systems wiring services for three year base period with three, one-year optional terms exercisable exclusively at MTS's determination (for a total of six years); and (2) exercise each option year at the CEO's discretion. | Approve |
| 21. | <u>Title VI Monitoring Report for Service Policies</u>
Action would review and approve the 2015 Title VI Monitoring Report for Service Policies. | Approve |

- | | | |
|-----|--|---------|
| 22. | <u>Job Order Contracting Services - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1282.0-16 with the Gordian Group for the provision of Job Order Contracting services for a five year period. | Approve |
| 23. | <u>Salary Survey Services - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1835.0-16 with The Howard E. Nyhart Company for the provision of salary survey services for calendar years 2016, 2018 and 2020. | Approve |
| 24. | <u>Fiscal Year 2016 Transportation Development Act Claim</u>
Action would adopt Resolution Numbers 15-12, 15-13 and 15-14 approving Fiscal Year 2015 (FY16) Transportation Development Act (TDA) Article 4.0, 4.5 and 8.0 claims. | Approve |
| 25. | <u>On-Call Railroad Job Order Construction Services - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL182.0-16 with Herzog Contracting Corporation, for the provision of on-call railroad job order construction services for a three-year agreement. | Approve |
| 26. | <u>Siemens SD-100 Light Rail Vehicle Traction Motor Overhaul - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1238.0-15 with Siemens Industry Inc. for the provision of SD-100 Light Rail Vehicle (LRV) traction motor overhaul services. | Approve |
| 27. | <u>An Ordinance Amending Ordinance No. 5, Providing Authority for Taxicab Regulatory Inspectors to Enforce Additional Local and State Ordinances Relating to For-Hire Transportation Regulation</u>
Action would: (1) read the title of Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II; (2) waive further readings of the Ordinance; (3) adopt the proposed Ordinance amendments; and (4) direct publication of an Ordinance summary. | Approve |
| 28. | <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</u>
Action would: (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; (2) waive further readings of the Ordinance; (3) adopt the proposed Ordinance amendments; and (4) direct publication of an Ordinance summary. | Approve |
| 29. | <u>Bus Tires for Gillig 2000 and 8200 Series Buses - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0629.0-16 with Daniels Tires Service Corporation, for the provision of three hundred and ninety (390) bus tires for the Gillig 2000 and 8200 Series Buses. | Approve |

CLOSED SESSION

- | | | |
|-----|--|--------------------|
| 30. | <p>CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant To California Government Code Section 54957.6
<u>Agency:</u> San Diego Trolley, Inc. (SDTI)
<u>Employee Organization:</u> International Brotherhood of Electrical Workers, Local 465 (Representing SDTI Train Operators, Electromechanics, Servicers and Clerical)
<u>Agency-Designated Representative:</u> Jeff Stumbo</p> | Possible
Action |
|-----|--|--------------------|

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

31. None.

DISCUSSION ITEMS

- | | | |
|-----|---|---------|
| 32. | <p><u>MTS Work Order Approval for Orange Line Court House Station - Design Engineering Services (Brent Boyd)</u>
Action would: (1) authorize the Chief Executive Officer (CEO) to execute Work Order 13.09 to MTS Doc. No. G1496.0-13 with RailPros, Inc. to perform Design Engineering Services for Orange Line Court House Station Project ("Project") for thirty percent (30%) design; and (2) find the Project exempt under the California Environmental Quality Act ("CEQA"); and (3) amend the Fiscal Year (FY) 16 Capital Improvement Plan (CIP) by creating a new project for the Courthouse Station (Project 11573), including the transfer of \$127,300 from Miscellaneous Capital (CIP Budget No. 11200-0600).</p> | Approve |
|-----|---|---------|

REPORT ITEMS

- | | | |
|-----|---|-------------|
| 45. | <p><u>Trolley Renewal Update (Wayne Terry)</u></p> | Information |
| 46. | <p><u>FY 15 Budget Update (Mike Thompson)</u></p> | Information |
| 47. | <p><u>Zero-Emissions Bus (Bill Spraul)</u></p> | Information |
| 60. | <p><u>Chairman's Report</u></p> | Information |
| 61. | <p><u>Chief Executive Officer's Report</u></p> | Information |
| 62. | <p><u>Board Member Communications</u></p> | |
| 63. | <p><u>Additional Public Comments Not on the Agenda</u>
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.</p> | |
| 64. | <p><u>Next Meeting Date:</u> October 29, 2015</p> | |
| 65. | <p><u>Adjournment</u></p> | |



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Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

SAN DIEGO AND ARIZONA EASTERN (SD&AE) RAILWAY COMPANY QUARTERLY
REPORTS AND RATIFICATION OF ACTIONS TAKEN BY THE SD&AE BOARD OF
DIRECTORS AT ITS MEETING ON JULY 14, 2015.

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

Pursuant to the Agreement for Operation of Freight Rail Services, SD&IV, Museum, and PIR have provided operations reports during the first quarter of 2015 (Attachment A).



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. SD&AE Meeting Agenda and Materials





**SAN DIEGO & ARIZONA
EASTERN RAILWAY
COMPANY**

A NEVADA NONPROFIT
CORPORATION

1255 IMPERIAL AVENUE,
SUITE 1000
SAN DIEGO, CA
92101-7490
(619) 231-1466

BOARD OF DIRECTORS
PAUL JABLONSKI, CHAIRPERSON
MATT DOMEN
BLAKE JONES

OFFICERS
PAUL JABLONSKI, PRESIDENT
MATT DOMEN, SECRETARY
ERIN DUNN, TREASURER

LEGAL COUNSEL
KAREN LANDERS

AGENDA

San Diego and Arizona Eastern (SD&AE)
Railway Company 07-10-15A09:05 RCVD
Board of Directors Meeting

July 14, 2015

9:00 a.m.

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

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

ACTION RECOMMENDED

1. Approval of the Minutes of April 14, 2015 Approve
Action would approve the SD&AE Railway Company Minutes of January 27, 2015.
2. Statement of Railway Finances (Erin Dunn) Receive
Action would receive a report for information.
3. Report on San Diego and Imperial Valley (SD&IV) Railroad Operations (Matt Domen) Receive
Action would receive a report for information.
4. Report on Pacific Southwest Railway Museum (Diana Hyatt) Receive
Action would receive a report for information.
5. Report on the Desert Line (Chas McHaffie) Receive
Action would receive a report for information.
6. Real Property Matters (Tim Allison)
 - a. Summary of SD&AE Documents Issued Since April 14, 2015 Receive
Action would receive a report for information.
7. Board Member Communications
8. Public Comments
9. Next Meeting Date: October 13, 2015
10. Adjournment

San Diego and Arizona Eastern Railway Company

July 14, 2015

Sign-in Sheet (VOLUNTARY)

Name	Company
1. Blake Jones	SDIU / SDAE / GFW
2. Diana Hyatt	PSRM
3. MICHAEL EDWARDS	PSRM
4. DON JONES	TRAINS MAGAZINE
5. LIAIT DORIAN	SDV
6. John Hoegemeier	SD Freightrail Consulting
7.	
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MINUTES

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

April 14, 2015

A meeting of the Board of Directors of the San Diego & Arizona Eastern (SD&AE) Railway Company, a Nevada corporation, was held at 1255 Imperial Avenue, Suite 1000, San Diego, California 92101, on April 14, 2015, at 9:00 a.m.

The following persons, constituting the Board of Directors, were present: Blake Jones, Matt Domen, and Paul Jablonski. Also in attendance were members from:

San Diego Metropolitan Transit System:

Tim Allison, Karen Landers, Wayne Terry,
Larry Marinesi, Traci Wutke

Pacific Southwest Railway Museum:

Diana Hyatt

Pacific Imperial Railroad, Inc.:

Don Stoecklein, Arturo Alemany, Charles
McHaffie

1. Approval of Minutes

Mr. Jones moved to approve the Minutes of the January 27, 2015, SD&AE Railway Board of Directors meeting. Mr. Domen seconded the motion, and it was unanimously approved.

2. Statement of Railway Finances

Larry Marinesi reviewed the financial statement for the first quarter of 2015 (attached to the agenda item).

Action Taken

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

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

Mr. Domen reviewed the report of activities for the first quarter of 2015 (attached to the agenda item).

Action Taken

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

4. Report on Pacific Southwest Railway Museum Operations

Diana Hyatt reviewed the first quarter of 2015 report (attached to the agenda item). Mr. Jablonski asked Ms. Hyatt if the track had been inspected following the derailment at PSRM. Ms. Hyatt responded that the track has been inspected and meets standards.

SD&AE Railway Company Board Meeting Minutes

April 14, 2015

Mr. Jablonski asked that, in regards to the request for donated cars, Ms. Hyatt write a formal letter outlining her request and address it to Mr. Wayne Terry. Mr. Jablonski asked that the letter state PSRM's intentions for shipping the donated cars.

Action Taken

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

5. Report on the Desert Line

Chas McHaffie reviewed the first quarter of 2015 report (attached to the agenda item). Mr. McHaffie introduced a new PIR board member, Mr. Arturo Alemany. Mr. McHaffie notified the Board of a small oil spill near Goat Canyon. Mr. McHaffie had just received the information and had few details. He believes it is the result of vandalism.

Mr. Jablonski asked about the disposition of these particular cars that may have been vandalized. Mr. McHaffie stated that they are to be scrapped and are in the process of obtaining a permit for removal.

Chas McHaffie updated the Board regarding a tour conducted of tunnel three in Mexico. There have been significant improvements made to tunnel three and it may be ready for operation in 30 days. Mr. Jablonski asked if PSRM would be resuming service once tunnel three is reopened. Ms. Hyatt responded that PSRM would be resuming service.

Action Taken

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

6. Real Property Matters

Since the January 27, 2015, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-15-607: Right of Entry Permit to the Fishel Company to construct underground fiber optics north of Palomar Street on the Coronado Branch in Chula Vista.
- S200-15-613: Property Access Agreement with the U.S. Fish and Wildlife Service for access to the Coronado Branch near Gunpowder Point for environmental testing.
- S200-15-614: License Agreement to the U.S. Fish and Wildlife Service for a birding and walking trail near Imperial Beach on the Coronado Branch.
- S200-15-615: Right of Entry Permit to O'Donnell Construction, Inc. to retrofit the Old Highway 80 Bridge crossing over the Desert Line near Jacumba.

SD&AE Railway Company Board Meeting Minutes

April 14, 2015

- S200-15-616: Right of Entry Permit to KTA Construction, Inc. to access and perform maintenance on sewer manholes in Hollister Street, south of Main Street in Chula Vista.
- S200-15-618: Right of Entry Permit to Anza-Borrego Desert Natural History Association for a hike along the Desert Line in eastern San Diego County into the Carrizo Gorge.
- S200-15-620: Right of Entry Permit to the City of La Mesa for their Flag Day Parade.

Mr. Jablonski asked if there had been any updates on the I-5 bridge to Chula Vista. Mr. Allison said there hadn't been any progress and that the City of Chula Vista was to provide scoping documents regarding the project. Mr. Allison has not yet heard back from the City of Chula Vista.

7. Board Member Communications

There were no Board member communications.

8. Public Comments

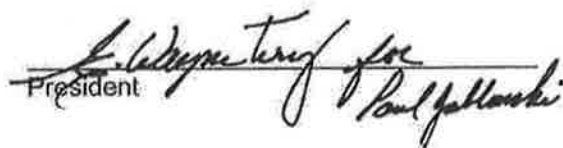
There were no public comments.

9. Next Meeting Date

The next meeting of the SD&AE Railway Company Board of Directors is on July 14, 2015.

10. Adjournment

The meeting was adjourned at 9:19 a.m.


President


Legal Counsel



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

Agenda

Item No. 2

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

July 14, 2015

SUBJECT: STATEMENT OF RAILWAY FINANCES

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors receive a financial report for the fiscal year ending June 30, 2015.

Budget Impact

None

DISCUSSION:

Attached are the estimated, unaudited financial results for fiscal year (FY) 2015, which includes the periods ended June 30, 2015 and 2014. These statements are preliminary amounts, and are subject to adjustments that are deemed necessary during the financial audit. The final results will be available at the conclusion of the audit, no later than March 2016.

The current year-to-date revenues are \$1,023,000 favorable to budget primarily due to the Desert Line Lease revenue not included in the budget, as well as an increase in Lease income. Revenues have decreased by \$92,000 compared to last fiscal year, primarily due to the decrease in Right of Entry Permit income.

Total expenses for the year are estimated to be in line with both the budget and last year's expenses.

The estimated Net Income for the fiscal year ending June 30, 2015 is \$973,531 compared to Net Income of \$1,065,342 in FY14.

The \$1,000,000 in Desert Line lease revenue funds have been programmed to fund Grade Crossing Replacements on the Orange Line, which is right-of-way owned by SD&AE.

Attachments: SD&AE Operating Statement Fiscal Year 2015

SD&AE Operating Statement FY2015-14

	FY 2015					FY 2014		
	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	YTD - Actual	YTD Budget	YTD Variance	Q1 - Q4 Actual Variance
Revenues								
Right of Entry Permits	\$ (11,600)	\$ 20,506	\$ 3,750	\$ 5,550	\$ 18,206	\$ 30,000	\$ (11,794)	\$ 115,768 \$ (97,562)
Lease Income	18,861	17,623	22,236	26,594	85,334	58,275	27,059	75,185 10,149
Desert Line Lease Revenue	250,000	250,000	250,000	250,000	1,000,000	-	1,000,000	1,000,000 0
Operator Income - SD&V 1% Freight Fee	9,000	9,000	2,225	8,500	28,725	11,725	17,000	58,902 (30,177)
Other Income	-	-	25,500	-	25,500	35,000	(9,500)	- 25,500
Total Revenue	266,281	297,129	303,711	290,644	1,157,765	135,000	1,022,765	1,249,855 (92,090)
Expenses								
Personnel Costs	32,925	28,889	23,818	16,961	102,593	92,719	(9,874)	127,116 24,523
Outside Services	8,050	25,996	3,864	28,434	66,346	70,000	3,654	41,469 (24,876)
Risk Management	3,480	3,895	3,850	3,761	14,986	16,000	1,014	15,195 209
Misc. Operating Expenses	284	-	25	-	309	500	191	734 425
Total Expense	44,739	58,782	31,557	49,156	184,234	179,219	(5,015)	184,513 279
Net Income/(Loss)	\$ 221,542	\$ 238,347	\$ 272,154	\$ 241,488	\$ 973,531	\$ (44,219)	\$ 1,017,760	\$ 1,065,342 \$ (91,811)
Reserve Balance 2014	\$ 1,576,036							
Allocated Interest Earnings - Estimated				5,000				
Operating Profit/(Loss)				973,531				
Contributed Operating Capital to MTS				(1,000,000)				
Reserve Balance 2015 - Estimated	\$ 1,554,567							

Agenda Item No. 3

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

July 14, 2015

SUBJECT:

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

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

An oral report will be given during the meeting.

Attachment: Periodic Report for the 2nd Quarter of 2015



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

July 6, 2015

Periodic Report

In accordance with Section 20 of the Agreement for Operational Freight Service and Control through Management of the San Diego and Arizona Eastern Railway Company activities of interest for the 2nd Quarter of 2015 are listed as follows:

1. Labor

At the end of June 30, 2015 the San Diego & Imperial Railroad had 9 employees:

- 1 General Manager
- 1 Trainmaster
- 1 Manager - Marketing & Sales
- 1 Office Manager
- 1 Mechanical Manager
- 1 Maintenance of Way Employee
- 3 Train Service Employees

2. Marketing

Volume in the 2nd Quarter increased 18% as compared to 2014. Bridge traffic had a 12% decrease, primarily driven by a decrease in LPG going into Mexico. Traffic terminating or originating on the SDIY was up 137% versus last year. Increase is due primarily to the addition of a new ethanol transload operation in San Ysidro.

3. Reportable Injuries/Environmental

Days through year to date, June 30, 2015, there were no FRA Reportable injuries or Environmental incidents on the SDIV Railroad.

Days FRA Reportable Injury Free: 6661

4. Summary of Freight

	2015	2014	2013
Total rail carloads that moved by SDIY Rail Service in the quarter.	1030	922	1554
Total railroad carloads Terminating/Oriinating Mexico in the quarter.	687	777	1316
Total railroad carloads Terminating/Oriinating El Cajon, San Diego, National City, San Ysidro, California in the quarter.	343	145	238
Total customers directly served by SDIY in the quarter	12	9	11
Regional Truck trips that SDIY Railroad Service replaced in the quarter	3090	2766	4662

Respectfully,

Matt Domen

General Manager

Agenda Item No. 4

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

July 14, 2015

SUBJECT:

REPORT ON PACIFIC SOUTHWEST RAILWAY MUSEUM

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.

Attachment: Quarterly Report



Pacific Southwest Railway Museum

La Mesa Depot 4695 Nebo Drive La Mesa, CA 91941 619-465-7776

July 8, 2015

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

Re: Second Quarter 2015

Dear SD&AE Board:

During the second quarter of 2015, utilizing all volunteer crews, the Pacific Southwest Railway Museum ran 45 passenger trains carrying 2,197 passengers with no FRA reportable accidents or injuries. Total income from SD&AE property for first quarter, 2015 was \$51,277. Our check for \$1,025 will follow under separate cover. By comparison, PSRM carried 2,794 passengers during the second quarter of 2014 and total income from SD&AE property was \$44,533.

Passenger ridership by comparison to the same quarter in previous years:

2,794 passengers during the second quarter of 2014
1,901 passengers during the second quarter of 2013
2,882 passengers during the second quarter of 2012
2,434 passengers during the second quarter of 2011
1,977 passengers during the second quarter of 2010

Passenger ridership remains steady; the above figure reflects five fewer trains from the same quarter in 2014. On Saturday, June 27th PSRM adjusted to its summer schedule following the Father's Day weekend and will operate one 5:00 pm train on Saturdays through October 3rd.

PSRM continues to maintain both signalized railroad crossings within our right of way limits performing the monthly and quarterly inspections. PSRM also performs twice-weekly track inspections between MP 59.9 and 66.77. Likewise, our volunteer track crew continues to perform track maintenance tasks, particularly tie replacement on the mainline. During this quarter our volunteer track crew was able to replace more than sixty ties along the right of way with more rehabilitation planned for the third quarter.

For the past eight years, PSRM has been diligently disposing of old railroad ties that were removed from the mainline by the former contract freight operator, CZRY, and brought to museum property. These ties can be found at the east end of the museum's yard between Track 1 and the SDAE mainline, west of Rose Junction aka Campo Junction. At present, close to forty percent of the ties have been disposed of but hundreds remain. The County Department of Environmental Health is exerting pressure on the museum citing them as hazardous materials and wants to see all the ties removed. Therefore, particularly in light of these ties being the actual property of the SDAE and said ties were removed from the entire Desert Line, not just specific to PSRM's 14 mile passenger agreement, we would like to request financial and/or physical assistance from SDAE for the disposal of the remaining ties.

As always, members of this board and staff are welcome to visit us at Campo where I would be pleased to provide a personal guided tour.

Sincerely,

A handwritten signature in dark ink, appearing to read "Diana Hyatt", with a long horizontal flourish extending to the right.

Diana Hyatt
President

Agenda Item No. 5

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

July 14, 2015

SUBJECT:

REPORT ON THE DESERT LINE

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.

Attachment: Quarterly Report

SD&AE 7/14/15



PERIODIC REPORT

July 14, 2015

The periodic report to the SD&AE Railway Company is produced quarterly by the Pacific Imperial Railroad, Inc. for the SD&AE Board, in fulfillment of contractual requirements and to document activity in the restoration of the line to regional service along with its ongoing improvement for future generations.

Pacific Imperial Railroad, Inc.

SD&AE 7/14/15

Second Quarter 2015

CONTENTS

- I. CHANGES IN MANAGEMENT**
- II. MOU WITH BJRR**
- III. DESERT LINE AND INTERMODAL**
- IV. REPORTABLE INJURIES / ACCIDENTS /
ENVIRONMENTAL INCIDENTS**
- V. FREIGHT ACTIVITY**
- VI. MTS OPERATING AGREEMENT REQUIREMENTS**

SD&AE 7/14/15

I. CHANGES IN MANAGEMENT

On July 2, 2015 concurrent with the July 1st 500k lease payment, PIR had a change in management. Arturo Alemany is now the sole-director, President and CEO of PIR. As founding principal of Alemany & Associates, Inc., ("A&A") he has more than 25 years of experience as an international business strategist and consultant for Fortune 500 companies throughout the United States, Europe and Latin America. He has consulted in a variety of areas including global business development and operations; real estate; horse racing, satellite video and data transmissions; sports betting and gaming; entertainment; and hospitality and leisure. After leaving college Arturo Alemany worked for the National Railroad Passenger Corporation (AMTRAK) assigned to the West Coast Sales Team in the Los Angeles to San Diego commuter line and was fully vested for ten years. During that time service increased from two trains a day to eight trains a day. At the time of his departure Mr. Alemany was responsible for representing and Promoting Amtrak in the entire San Diego & Orange County regions.

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II. MOU WITH BJRR



On June 22, 2015, PIR and BJRR executed a memorandum of Understanding in order to advance both companies' goal of unifying a bi-national rail line. The signing of this agreement took place at the Metropolitan Transit System headquarters in downtown San Diego. Several representatives from public and private entities from both the U.S. and Mexico were present at this historic signing including Karen Landers, MTS General Council and Andrew Erickson, U.S. General Consul of Tijuana. The MOU was signed by Fernando Beltran on behalf of BJRR; as well as by Donald Stoecklein and Arturo Alemany on behalf

SD&AE 7/14/15

of PIR. Although neither of the two railroads are entirely ready for operations, both PIR and BJRR are enthusiastic about continuing to negotiate towards a definitive agreement while repairs are completed on both sides of the border.

III. DESERT LINE

a. Operational Phase Reconstruction Plan

- i. **Reprioritized milestones-** On June 8, 2015, PIR submitted an Operational Phase Reconstruction Plan in order to receive approval from the MTS Board of Directors to reprioritize several of the lease milestones. The Operational Phase of reconstruction reflects PIR's new overall strategy, which was influenced by discussions with JL Patterson. Rather than starting the repairs at Division, CA near the Mexican border and working west, PIR plans to focus the repair effort on the eastern portion of the line between Coyote wells and Plaster City.

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ii. **The Intermodal Strategy** – The goal of PIR's new strategy is to become operational as quick as possible by constructing an intermodal and interchange facility at Coyote Wells. This will allow PIR to begin generating revenue on this 9.5 miles of track by creating a truck-to-rail interchange operation. This strategy is self-reliant and cost-effective because it enables PIR to build and deliver 100-car trains to Union Pacific without relying entirely on BJRR to supply the freight or on expensive, full-scale repairs on the rest of the line. As a result of these operations, PIR will be able increase investor confidence and reinvest the revenue back into the line in order to complete phase II of the repairs. The current economic climate and regional demand for freight and intermodal services have created an excellent opportunity for PIR to successfully implement this strategy into a lucrative business model.

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**Top 15 Markets for Intermodal Traffic
Handled in the United States in 2013***

Market	Containers and Trailers
1 Chicago / Elwood / Joliet, IL	5,669,000
2 Long Beach / San Pedro / San Bernardino / City of Industry, CA	4,881,000
3 Atlanta, GA	1,302,000
4 Dallas / Ft Worth / Saginaw, TX	1,268,000
5 Seattle / Bremerton / Tacoma / Everett, WA	1,035,000
6 Little Ferry / North Bergen / South Kearny / Jersey	989,000
7 Memphis, TN / West Memphis, AR	796,000
8 Kansas City, MO / Kansas City, KS	632,000
9 Harrisburg, PA	610,000
10 Stockton, CA	561,000
11 Jacksonville, FL	540,000
12 Norfolk / Portsmouth, VA	507,000
13 Detroit / Pontiac, MI / Toledo, OH	470,000
14 Houston, TX	455,000
15 Columbus / Marion / Marysville, OH	376,000

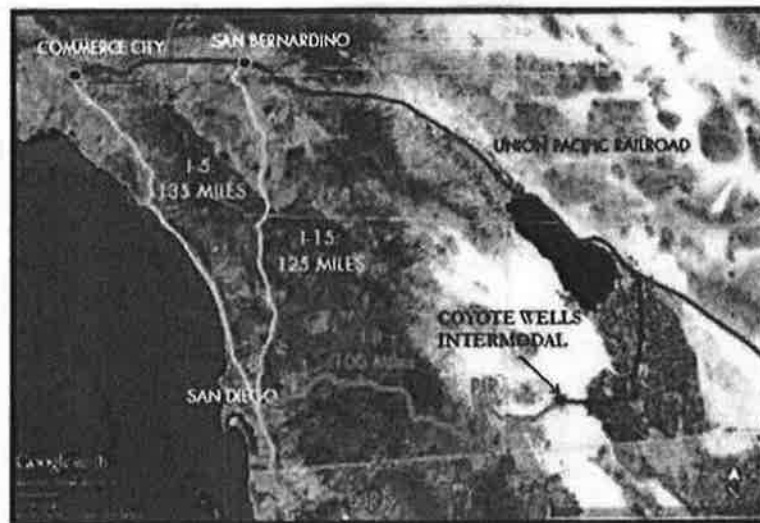
*Originated and terminated Source: AAR analysis of 2013 STB Waybill Sample

The Long Beach/ San Bernardino intermodal market is the second largest market by amount of traffic handled in the United States with no close competitor. According to the Association of American Railroads, in 2014, intermodal was the largest single source of U.S. freight rail revenue. As such, PIR has the opportunity to enter into the second largest intermodal market at a time when freight traffic and demand has increased consistently over the past 5 years to all time high.

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iii. **Trucking** – Currently, trucks leaving the Maquiladora companies in Baja Mexico generally have one of two options. First, they can short haul up I-5 to connect with one of the several Intermodal facilities in the LA area in order to connect with one of the major rail carriers such as BNSF or UP. Alternatively, the trucks can long haul directly to their destination in the east. Both options are problematic and costly. The LA, short-haul option allow the trucks to connect with rail, however, I-5 is the most congested highway by hours of delay in California and has several of the worst bottlenecks in the country. This extreme congestion causes undue delays and unnecessary fuel consumption. The long haul option is similarly costly due to the strain on the truck and drivers as well as the high fuel cost. PIR's proposed intermodal will provide a much needed alternative trucking route with distinct advantages over current methods.

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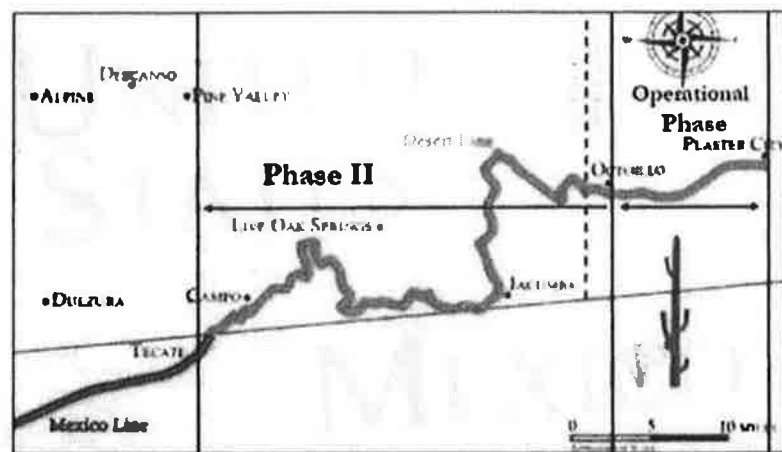


By trucking from the Maquiladoras to Coyote Wells, the trucks would be able to connect with UP and the entire Eastern United States while avoiding the congestion and extra distance of either of the other options. The PIR trucking alternative is approximately 70 miles shorter than trucking to City of Commerce in LA and has 10 to 20 times less traffic at any given point. After crossing the border, the PIR trucking route would take trucks east on the 905, then north on the 805 and 15, and finally east on the 8 to Coyote Wells. The shorter length and less congestion on this route makes it a highly desirable and

SD&AE 7/14/15

competitive alternative which would allow trucks to make two trips in one day.

- iv. **Reconstruction** – The proposed adjusted milestones have been prioritized to reflect the new reconstruction approach based on this operational strategy. Reconstruction will be completed in two stages: the Operational Phase and Phase II.



The operational phase includes 9.5 miles of track from Coyote Wells (milepost 120.09) to Plaster City (milepost 129.61) and involves repairing 11 bridges as well as the track, ties, and ballast in order to get this portion of the line to a FRA class III standard. This portion of class III track will connect the intermodal facility at Coyote wells

SD&AE 7/14/15

with Union Pacific at Seely and allow for high capacity operations. In turn, Phase II will complete repairs on the rest of the line to a class I track to allow for a test train and limited operations per the requirements of the lease.

- v. **MTS Approval-** Karen Landers, General Counsel of MTS, will take the Operational Reconstruction Plan Report to her executive committee for their support on July 9th. In turn, she will then take the executive recommendation before the Board of Directors for approval on July 16th.

b. Commencement of Reconstruction-

- i. Pending the board's approval on July 16, 2015 of the Operational Reconstruction Plan, PIR will execute contracts with American Pacific Constructors, the MTS approved general contractor, and JL Patterson, the civil engineers, in order to get the job finished. The proposed reprioritized milestones asserts that the Operation Phase repairs will be completed on or about March 1, 2016.

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IV. REPORTABLE

INJURIES/ACCIDENTS/ENVIRONMENTAL INCIDENTS

- i. There have not been any reportable injuries.
- ii. There have not been any reportable accidents; however during early March of 2015, PIR submitted a response to an inquiry in regards to a train car which had been released by vandals and had jumped the track. A copy of the correspondence and photos is attached.
- iii. **ENVIRONMENTAL INCIDENT** – CGS Incorporated was contacted by PIR on Monday, April 20, 2015 by Mr. Steve Clark, California Environmental Company (CEC), about a spill that was reported under a small trestle bridge approximately $\frac{3}{4}$ of mile west of the Plaster City gypsum plant. After receiving approval and permission to access the site by Mr. Stoecklein, CGS obtained all necessary equipment and staff and mobilized to the site on Wednesday, April 22, 2015. A visual assessment was made as to the extent of the contamination and source of the spill. It was noted that the leak was coming from a locomotive engine that was parked over a small trestle

SD&AE 7/14/15

bridge approximately 30'-40' in length. The source of the leak was identified as a leaking valve from a petroleum oil tank mounted on the undercarriage of the locomotive/engine. CGS attempted to stop the leak by tightening the valve but was unsuccessful due to the location and leverage required to get any significant torque on the valve nut. CGS personnel hung a 5-gallon bucket under the valve and duct taped the handle as best they could to capture any more leaking petroleum. Once the source of the leak was controlled, CGS staff began to remove the petroleum-impacted soil from the sidewalls and bottom of the affected area. Once the petroleum contaminated soil was removed, CGS backfilled the excavation with soil from the surrounding area. All soil was loaded into 55-gallon metal drums and transported to a landfill for proper disposal.

V. FREIGHT ACTIVITY

- a.** Currently, PIR has not commenced revenue generation pending completion of the construction required to move freight on both Baja Rail and the Desert Line as well as the intermodal facility.

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VI. MTS OPERATING AGREEMENT REQUIREMENTS

a. Pursuant to the Amended and Restated Desert Line Lease and Operating Agreement between PIR, San Diego and Arizona Eastern Railways Company and the San Diego Metropolitan Transit System, PIR was required to make a \$500,000 payment during the Second Quarter of 2015, which payment was made in early July 2015. The following milestones are based on the proposed changes to the lease which will go before the MTS Board on July, 16 2015. As of the date of this report, they have not been officially approved.

i. Initial Repairs and Test Train - According to the proposed reprioritized milestones, initial repairs for the operational phase shall be completed March 1, 2016 and test train operations shall commence on or before April 1, 2016. For phase II, initial repairs shall be complete by April 15, 2017 and test train operations shall commence on or before May 15, 2017.

ii. Limited Operations - Limited Operations shall consist of operating over the Desert Line, at a time in which repairs and/or maintenance shall be consistent to meet

SD&AE 7/14/15

applicable FRA track safety standards, and PIR shall commence part time (at least three trains a week) freight service on the Desert Line sufficient to insure an uninterrupted and efficient flow of freight shipments in an economically viable transportation mode, subject to normal closures due to renovation, repairs and maintenance. Operational phase limited operations between MP 120.09 and MP 129.61 shall commence not later than December 31, 2016. Phase II limited operations between MP 59.60 and MP 120.09 shall commence no later than August 15, 2017.

iii. Rent/Lease Payment: PIR shall pay SD&AE semi-annually, a lump sum payment of \$500,000.

1. The July 1, 2015 \$500,000 payment was made to SD&AE.

Agenda

Item No. 6a

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

July 14, 2015

SUBJECT:

SUMMARY OF SD&AE DOCUMENTS ISSUED SINCE APRIL 14, 2015

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

Since the April 14, 2015, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-15-608: Right of Entry Permit to Black and Veatch Construction, Inc. to construct the SDG&E Substation on the Coronado Branch in the City of Chula Vista.
- S200-15-617: Right of Entry Permit to the U.S. Navy for the 2015 Navy Bridge Run / Walk event.
- S200-15-619: Right of Entry Permit to Portillo Concrete, Inc. to construct the U.S. Fish and Wildlife Service Bayside Birding and Walking Trail in Imperial Beach.
- S200-15-622: Right of Entry Permit to RDS Contracting, Inc. to refurbish the exterior of a warehouse at 1300 Wilson in National City.
- S200-15-623: Right of Entry Permit to the City of National City for graffiti removal along various segments of the South Line in National City.
- S200-15-624: Right of Entry Permit to Shillings Paradise Corporation to construct underground electric facilities in south Lemon Grove along the Orange Line.

Agenda

Item No. 6b

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

July 14, 2015

SUBJECT:

**LICENSE FOR PRIVATE CROSSINGS – D AND E STREETS IN CHULA VISTA ON
THE CORONADO BRANCH**

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors approves issuing a license to city of Chula Vista Property, LLC for two proposed private at-grade crossings across SD&AE tracks located between D and E Streets west of Bay Boulevard in Chula Vista, CA.

Budget Impact

License fees would be yearly income to SD&AE

DISCUSSION:

A private developer has purchased a landlocked remnant parcel from the City of Chula Vista west of the southbound I-5 off-ramp to E Street in Chula Vista. The developer is City of Chula Vista Property, LLC. Attachment A is a letter dated June 8, 2015, received outlining their proposal for a primary and emergency private at-grade crossing.

The project is early in its development and specific details are yet to be worked out. However, the locations of the crossings as requested in the letter are fairly close to the final locations. The reason for the early request is that the developer is still coordinating the access road locations and design with the City of Chula Vista and the Port of San Diego based on the Bayfront Master Plan.

Attachments: Letter Dated June 8, 2015



Creating Value. Building Quality.

June 08, 2015

Mr. Tim Allison
Manager of Real Estate Assets
Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490

Reference: Request for Private Entity SD&AE Rail (Chula Vista, CA) Crossing License

Dear Mr. Allison:

I am writing to request that the board of the San Diego & Arizona Eastern Railroad consider granting a crossing license to City of Chula Vista Property, LLC (LDA subsidiary) for its proposed development in the city of Chula Vista. The requested crossing license is needed to provide primary and emergency access to the site located on Chula Vista's Bayfront.

The parcels (APNs 565-310-25 & 565-310-09) are landlocked and have no legal access due to the relocation of the I-5 southbound off ramp at E Street and the closure of Bay Boulevard from E to D Streets. Land Developers & Associates (LDA) doing business as City of Chula Vista Property, LLC, has recently finalized its purchase of the parcels and is proposing to construct two (2) select service hotels at the location. In order to provide adequate and required access necessary to construct and operate the development we must obtain a legal and long term right to cross the existing rail line.

The subject track segment is located on the west side of Interstate 5 stretching from E Street on the south to D Street on the north and is depicted in the attached map. Specifically, we are asking that the SD&AE Board of Directors approve two separate crossings (indicated on attached map) that would accommodate both the primary ingress and egress to the site and an emergency access point that would be controlled by a lock box and accessible to public safety equipment and personnel.

The exact locations of the access points have yet to be determined and will be based on the results of ongoing discussions with the city of Chula Vista and the Unified Port District regarding public road and circulation planning within the Chula Vista Bayfront master planning area. It is our hope that your Board can approve the issuance of the license agreements and that the details

of the locations and the specifications of each crossing can be worked out with MTS once the connecting road locations have been finalized.

Mr. Tim Allison

June 09, 2015

page 2

We ask that the SD&AE Board of Directors consider our request at the earliest possible opportunity. I understand that the Board will meet during the month of July. Please inform me as to what additional information may be required to process our request to meet the July meeting deadline. I can be reached at 619-955-5177 or via email @ steve@prmconsult.com.

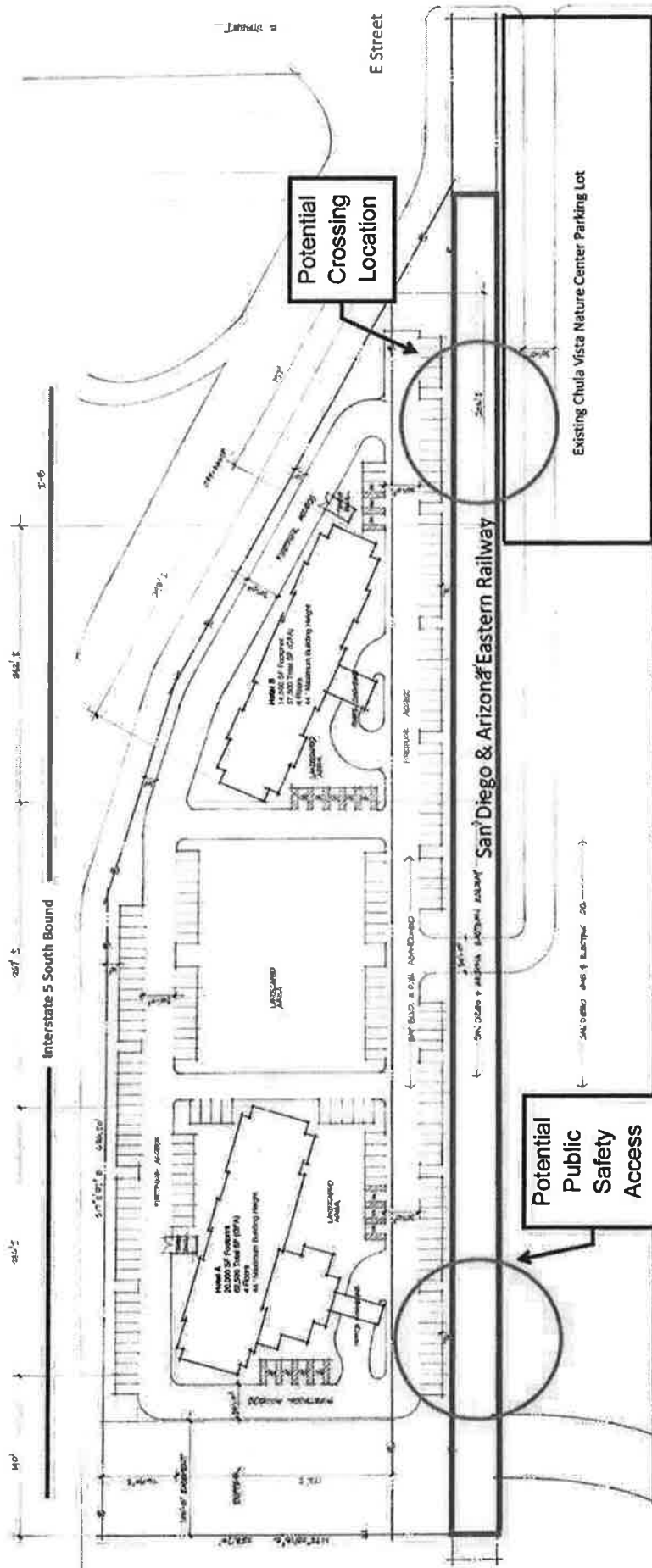
Thank you for your consideration and I look forward to working with you to process this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Castaneda", with a stylized, flowing script.

Steve Castaneda for
Land Developers & Associates dba City of Chula Vista Property, LLC

Attachment: LDA Chula Vista Site Plan (February 5, 2015)



Site Plan for Two Bayside Hotels 789 E Street, Chula Vista, CA

Land Developer Associates, Inc.
Date: February 5, 2015



This Plan Not Approved



Agenda

Item No. 6c

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

July 14, 2015

SUBJECT:

EASEMENT FOR UNDERGROUND GAS PIPELINE CROSSING

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors approves issuing an easement to San Diego Gas & Electric Co. (SDG&E) for an underground gas pipeline crossing the SD&AE right of way at 65th Street in the City of San Diego.

Budget Impact

Staff fees will be deposited to MTS and the market-rate value of the easement will be deposited to SD&AE.

DISCUSSION:

Southern California Gas through SDG&E is upgrading its gas pipeline system in San Diego. As part of the upgrade, SDG&E is proposing a new underground gas pipeline crossing the SD&AE right of way just east of 65th Street in the Encanto neighborhood of the City of San Diego. The pipeline design is not finished yet to show the final details of the crossing. However, as in other crossings, all MTS standards will be met including AREMA pipeline design criteria.

The crossing is requested to be twenty feet wide. See Attachment A for the easement plat and legal description. An appraisal is pending to determine the fair market value of the rights requested.

Attachments: Crossing Plat and Legal

EXHIBIT "A"
LEGAL DESCRIPTION

All that certain real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel 1:

A right-of-way 100.00 foot in width, as described in Deeds to the San Diego Cuyamaca Eastern Railway Company recorded August 20, 1889 in Book 150 of Deeds, Page 470 and 471 and Deed recorded March 28, 1892 in Book 196 of Deeds, Page 27, over, in and across Lots 12, 13 and 16 of the Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to the partition Map dated January 7th, 1885, thereof on file in the office of the County Clerk of said San Diego County, being a strip 50.00 feet in width on each side of and parallel with the center line of the location of said railway.

Except therefrom that portion of said land conveyed to the City of San Diego, as set forth and described in that Final Order of Condemnation recorded March 1, 1960 as Instrument No. 1960-42714 of Official Records.

EXHIBIT "B"
LEGAL DESCRIPTION

All that portion of the land described in the attached Exhibit "A" being a right-of-way 100.00 foot in width, as described in Deeds to the San Diego Cuyamaca Eastern Railway Company recorded August 20, 1889 in Book 150 of Deeds, Page 470 and 471 and Deed recorded March 28, 1892 in Book 196 of Deeds, Page 27, over, in and across Lots 12, 13 and 16 of the Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to the partition Map dated January 7th, 1885, thereof on file in the office of the County Clerk of said San Diego County, being a strip 50.00 feet in width on each side of and parallel with the center line of the location of said railway. Except therefrom that portion of said land conveyed to the City of San Diego, as set forth and described in that Final Order of Condemnation recorded March 1, 1960 as Instrument No. 1960-42714 of Official Records, described as follows:

A strip of land 20.00 feet wide, 10.00 feet on each side of the following described centerline:

Commencing at a Spike and Washer marked RCE 27648, as shown on Record of Survey 17310, recorded March 7, 2002, filed in the office of the recorder of said County, as instrument number 2002-0194654, said point being distant thereon South 82°12'41" West 1,057.39 feet from a 3/4" iron pipe with disc stamped RCE 27648, per said Record of Survey 17310, said point also being on the southerly right-of-way line of the Metropolitan Transit System, 35.00 feet wide, as shown on said Record of Survey 17310, and the northerly line of Imperial Avenue, 94.00 feet wide, thence along said southerly and northerly right-of-way line North 82°12'41" East 180.17 feet to the True Point of Beginning of said centerline;

Thence leaving said southerly and northerly right-of-way line North 26°44'30" West 37.01 feet to the northerly line of said Metropolitan Transit System right-of-way, 35.00 feet wide, also being the southerly line of Parcel 5 per Final Order of Condemnation to the City

of San Diego, document number 1960-42714, recorded March 1, 1960, Official Records, also being the Point of Termination of said centerline

The sidelines of said 20.00 foot strip of land shall be prolonged or shortened as to terminate northwesterly in the northerly right-of-way line of said Metropolitan Transit District and southerly in the southeasterly right-of-way line of said Metropolitan Transit District, 35.00 feet wide.

Said Easement as described above contains 740 sq/ft (.0170 acres.)

This legal description is delineated on the accompanying Exhibit "C", made a part hereof for reference purposes and is not intended to be used in the conveyance of land in violation of the Subdivision Map Act of the State of California.

Prepared under the direction of :



Gregory A. Helmer L.S. 5134

6/19/2015

Date:

PSOMAS



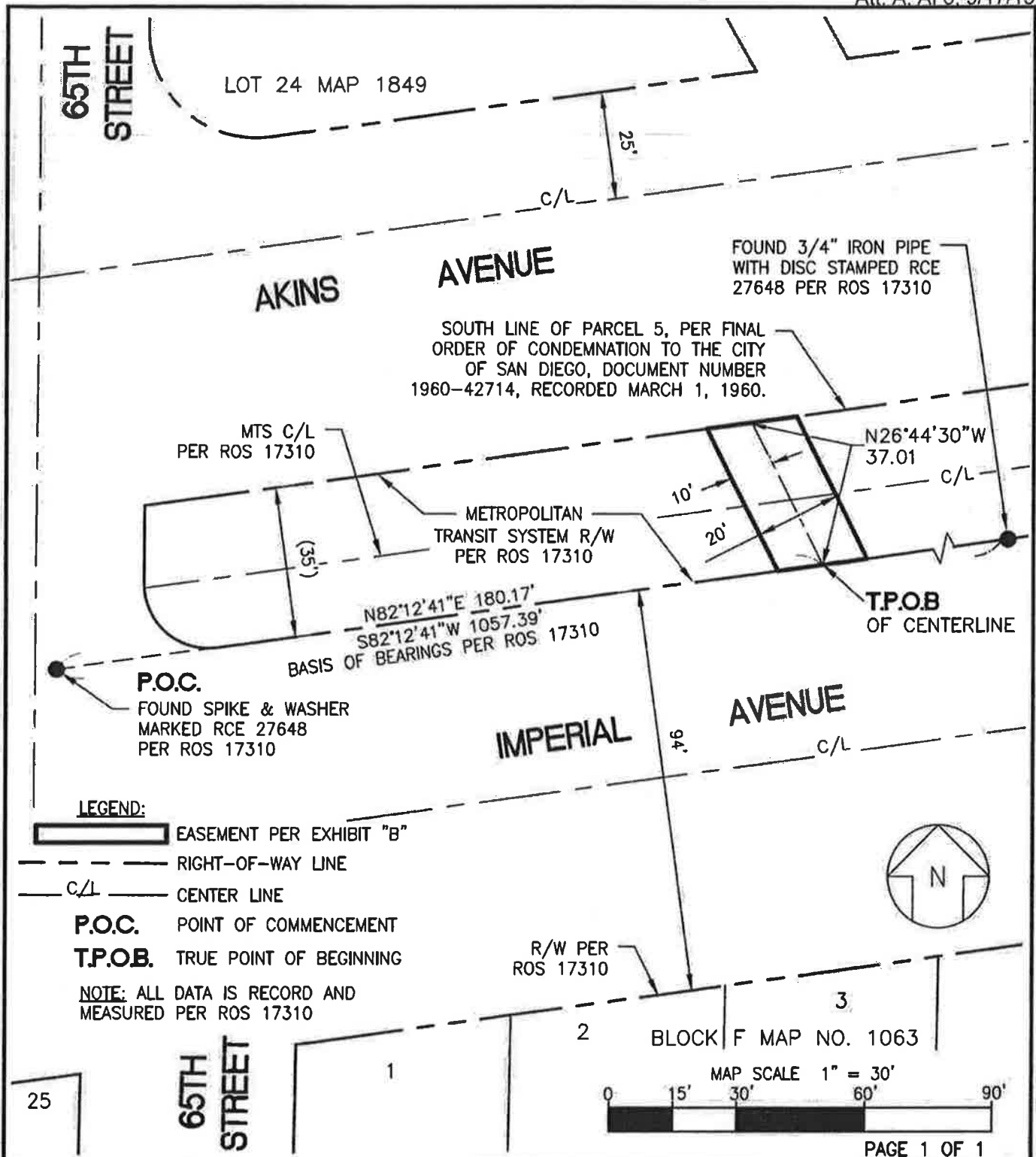



EXHIBIT "C"		SCALE: 1" = 30'
SAN DIEGO GAS & ELECTRIC		DATE: 6/19/2015
PLAT TO ACCOMPANY EXHIBIT "B"		PREPARED BY: WMJ
IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA		REVIEWED BY: GAH
APPROVED BY: 		REVISED:
Gregory A. Helmer L.S. 5134		JOB NO: 2JGM010240
PSOMAS		FILE:



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

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

GREEN LINE COMMUNICATION SYSTEM UPGRADE – INSTALLATION OF CISCO
NETWORK EQUIPMENT, DENSE WAVELENGTH DIVISION MULTIPLEXING
TECHNOLOGY

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to issue a purchase order to AT&T Datacomm, Inc. (AT&T), for the design, implementation, and installation of Cisco Network Equipment (Cisco), Dense Wavelength Division Multiplexing (DWDM) Technology Optical solution for MTS Green Line trolley stations.

Budget Impact

The value of this agreement will not exceed \$1,298,898.13. The project will be funded through MTS Capital Improvement Project (CIP) and IT operating budget accounts as follows:

Description	Budget #	Cost
Cisco DWDM Optical Network Solution Equipment	CIP # 11366	\$ 773,393.00
Cabling	CIP # 11366	\$ 5,000.00
Sales Tax	CIP # 11366	\$ 62,271.44
Shipping	CIP # 11366	\$ 22,029.94
Professional Services	CIP # 11366	\$ 113,100.00
Maintenance (5 years)	IT Operations Account # 661- 53910	\$ 323,103.75
Total Cost:		\$1,298,898.13



DISCUSSION:

MTS utilizes a network infrastructure comprised of 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 such as e-mail, financial management systems, asset management systems, surveillance system, and many other systems and services. In addition, the MTS network spans 53 trolley stations, 5 bus yards, 2 trolley maintenance yards, as well as corporate buildings and retail outlets.

MTS intends to upgrade the Green Line Communications equipment at 19 trolley stations from Old Town Transit Center to Santee Town Center, to bring these stations up to the current standards, and to make the system compatible with the current MTS communications system. The improvements will include upgrading Public Address (PA) system equipment, Train to Wayside Controller (TWC) devices, Variable Message Sign (VMS) units, Cisco DWDM Network communication equipment, and Programmable Logic Controller (PLC). This network equipment purchase will provide MTS with higher bandwidth to connect these systems to the Operations Control Center (OCC) via the fiber infrastructure for remote monitoring of MTS system health.

Cisco sells equipment through third party vendors and the standard pricing is set by Cisco. Per Federal Transit Administration (FTA) Circular 4220.1F, Page V-2 Section 4, the FTA encourages recipients and sub-recipients to enter into state and intergovernmental agreements for procurements of property or services. As a public agency and a federal 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's Contract with AT&T for this procurement. 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. By choosing this method of procurement, MTS is receiving a 60% discount over the standard list price of the equipment.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to issue a purchase order to AT&T for the design, implementation, and installation of Cisco Network Equipment, DWDM Technology Optical solution for MTS Green Line trolley stations.


Paul C. Jablonski
Chief Executive Officer

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



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Agenda Item No. 8

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

**BUS BENCH ADVERTISING AND MAINTENANCE SERVICES - CONTRACT
AMENDMENT**

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 to MTS Doc. No. B0201.4-99 (in substantially the same format as Attachment A), with Coast United Advertising to extend the current agreement by nine (9) months; and
- 2) ratify Amendment No. 3 which was entered under the CEO's authority in January 2015 (Attachment B) for an eight month extension to the contract.

Budget Impact

This is a revenue agreement. The aggregate revenue will increase by \$191,590, from the previous amended total of \$1,837,245, to \$2,028,835, inclusive of Amendment No. 3 (\$90,160) and Amendment No. 4 (\$101,430). The monthly revenue rates during the extension will be according to the existing agreement.

DISCUSSION:

In March 1999, MTS awarded a revenue contract to Coast United Advertising for bus bench advertising and maintenance services under a competitive procurement. The agreement required Coast United Advertising to own and maintain all bus benches and to provide advertising services as a source of revenue for MTS. The contract was for a ten (10) year base period (from February 2, 2000 through February 1, 2010) with five (5) optional years (from February 2, 2010 through February 1, 2015). As a follow on to this current contract, MTS considered purchasing benches as a future business strategy in an effort to create system-wide continuity and further increase advertising revenue. Due



to funding constraints in fiscal year 2015 (FY15), however, MTS was unable to carry out this plan. Amendment No. 3, issued under the CEO's approval authority, extended the contract through September 30, 2015 to allow staff to seek funding and to finalize the specifications and performance requirements for this procurement.

In FY16, MTS received a Capital Improvement Project grant and was able to launch the competitive procurement for the purchase of the bus benches. Proposals responding to the solicitation have been received and are currently under evaluation. Following the award of the bench purchase contract, MTS will be issuing a separate solicitation for the advertising and maintenance services contract component of this project. In the meantime, an extension of the current advertising and maintenance agreement with Coast United Advertising is necessary to ensure continuity of services. Amendment No. 4 will provide an additional nine (9) month extension which will allow staff to complete the competitive procurement process for the purchase of bus benches and for the advertising and maintenance services component of this project.

Based on past revenue history, and in comparison with advertising revenue rates from peer transit agencies, staff has determined that Coast United Advertising's rate is fair, reasonable and is to the best advantage of MTS.

Therefore, staff recommends that the Board of Directors authorize the CEO to execute Amendment No. 4 (in substantially the same format as Attachment A), with Coast United Advertising for the provision of advertising and maintenance services, and ratify Amendment No. 3 which was entered into under the CEO's authority in January 2015.



Paul G. Jablonski
Chief Executive Officer

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

Attachments: A. Draft Amendment No. 4 to MTS Doc. No. B0201.0-99
B. Amendment No. 3 to MTS Doc. No. B0201.0-99

September 17, 2015

MTS Doc. No. B0201.4-99

Coast United Advertising
William Giamela
8020 Deering Avenue
Canoga Park, CA 91304

Dear Mr. Giamela:

Subject: AMENDMENT NO. 4 TO MTS DOC. NO. B0201.0-99; BUS BENCH ADVERTISING

This shall serve as Amendment No. 4 to our agreement for bus bench advertising as further described below.

STATEMENT OF WORK

Continue to provide bus bench maintenance and advertising for the Metropolitan Transit System in accordance with the terms and conditions as stated in the original contract, MTS Doc. No. B0201.0-99.

SCHEDULE

The contract is extended for a nine (9) month period effective October 1, 2015 through June 30, 2016.

PAYMENT

MTS shall continue to receive a fixed rate of \$8.05 per bench with a guaranteed minimum revenue payment for 1,400 benches per month.

The anticipated revenue payments that MTS will receive from this extension will total \$101,430.00.

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

Agreed:

William Giamela
Coast United Advertising

Date: _____



Metropolitan Transit System

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

ORIGINAL

January 23, 2015

MTS Doc. No. B0201.3-99

Coast United Advertising
William Giamela
8020 Deering Avenue
Canoga Park, CA 91304

Dear Mr. Giamela:

Subject: AMENDMENT NO. 3 TO MTS DOC. NO. B0201.0-99; BUS BENCH ADVERTISING

This shall serve as Amendment No. 3 to our agreement for bus bench advertising as further described below.

STATEMENT OF WORK

Continue to provide bus bench maintenance and advertising for the Metropolitan Transit System in accordance with the terms and conditions as stated in the original contract, MTS Doc. No. B0201.0-99.

SCHEDULE

The contract is extended for an eight (8) month period effective February 2, 2015 through September 30, 2015.

PAYMENT

MTS shall continue to receive a fixed rate of \$8.05 per bench with a guaranteed minimum revenue payment for 1,400 benches per month.

The anticipated revenue payments that MTS will receive from this extension will total \$90,160.00.

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

Agreed:

William Giamela
Coast United Advertising

LMARQUIS-CL
CL-B0201.3-99.CSTUNTDADV.RATKINSON.012815

Date: 2/2/15





1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
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Agenda Item No. 9

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

EMPLOYEE BACKGROUND AND REFERENCE INVESTIGATION SERVICES -
CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1800.0-15 (in substantially the same format as Attachment A) with Kristy Investigative Services, Inc., for the provision of employee background and reference investigation services.

Budget Impact

The total cost of this contract would not exceed \$132,500.00 for the three-year base period, and two (2) one-year optional performance periods. Funding will be through the Human Resources (HR) department's operating budget 711-53410 for each respective fiscal year.

DISCUSSION:

MTS requires comprehensive pre-placement background and reference investigations for all newly hired employees and for contractors with access to sensitive information. These investigations are performed by a specialized third party provider and supervised through the MTS HR department.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements of goods and services exceeding \$100,000.

On May 19, 2015, MTS issued a Request for Proposals for background and reference investigative services. On July 15, 2015, MTS received a total of six (6) proposals from the following:



1. Accusource, Inc.
2. Castle Branch, Inc.
3. First Choice Background Screening
4. Kristy Investigative Services, Inc.
5. Lida Strategic Solutions, Inc.
6. Summit Security Services, Inc.

A selection committee consisting of representatives from the MTS HR and Finance departments met and rated the proposals. The ratings were based on the following criteria:

- | | |
|--|-------------------|
| 1. Qualifications & Experience of the Firm and Proposed Staffing | 30% |
| 2. Work Plan and Service Commitment | 30% |
| 3. Cost and Price | 40% |
| | Total 100% |

All proposals were deemed responsive and responsible. After the evaluation, only Kristy Investigative Services was considered to be within the competitive range. Based on the evaluation panel's analysis of the technical proposal, discussions, and evaluation of price (Attachment B), MTS staff determined that Kristy Investigative Services' proposal was fair and reasonable and represented the best overall value for MTS.

The following table represents the final scores and rankings for all proposers:

PROPOSER NAME	TOTAL AVG. TECH. SCORE	COST SCORE	TOTAL SCORE (Tech + Cost)	RANKING
Kristy Investigative Services, Inc.	54	24.63	78.63	1
Castle Branch, Inc.	25.67	40.00	65.67	2
Summit Security Services, Inc.	42.67	9.47	52.14	3
Accusource, Inc.	28	18.47	46.47	4
First Choice Background Screening	29.33	15.23	44.56	5
Lida Strategic Solutions, Inc.	20.33	16.11	36.44	6

Therefore, staff recommends that the Board of Directors authorize the CEO to execute MTS Doc. No. G1800.0-15 with Kristy Investigative Services, Inc. for the provision of employee background and reference investigation services.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Standard Services Agreement; Contract G1800.0-15
 B. Cost Summary
 C. Price Breakdown - Kristy Investigative Services, Inc.

**STANDARD SERVICES AGREEMENT
FOR
BACKGROUND AND REFERENCE
INVESTIGATION SERVICES**

G1800.0-15
CONTRACT NUMBER

FILE/PO NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2015, 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: Kristy Investigative Services, Inc. Address: 958 Postal Way, Suite 6-C

Form of Business: Corporation Vista, CA 92083

(Corporation, partnership, sole proprietor, etc.)

Telephone: (760) 940-5200

Authorized person to sign contracts: Rene DeLaCova Director of Operations
Name Title

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

Provide background and reference investigation services, as specified in the Scope of Work (attached as Exhibit A), Kristy Investigative Service's Proposal (attached as Exhibit B), and in accordance with the Standard Services Agreement, including the Standard Conditions Services (attached as Exhibit C).

Total contract amount shall not exceed \$ 132,500.00.

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
\$132,500.00	711-53410	2016 - 2021

By: _____ Date
Chief Financial Officer

(____ total pages, each bearing contract number)

SA-SERVICES (REV 4-15)
DATE

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

COST SUMMARY

BACKGROUND AND REFERENCE INVESTIGATION SERVICES RFP MTS DOC. NO. G1800.0-15

COMPANY NAME	TOTAL COST
Accusource, Inc.	\$ 176,738.50
Castle Branch, Inc.	\$ 81,600.00
First Choice Background Screening	\$ 214,300.00
Kristy Investigative Services, Inc.*	\$ 132,500.00
Lida Strategic Solutions, Inc.	\$ 202,587.50
Summit Security Services, Inc.	\$ 344,639.00

***Kristy Investigative Services' offer was found to be the most advantageous and of greatest value to MTS.**

MTS COST PROPOSAL FORMS

BACKGROUND AND REFERENCE INVESTIGATION SERVICES RFP
MTS Doc. No. G1800.0-15

Firm/Proposer: Kristy Investigative Services Inc

I. BUNDLED SERVICES

Please provide proposed firm fixed fee/cost on the each bundled service items listed below that may be requested as described in the scope of work (all inclusive of all the items identified below).

#	Description	Est. Annual Qty. **	Base Years 1-3 (12/1/15 - 11/30/18)		Option Years I and II (Years 4-5) (11/1/18 - 11/30/20)	
			Unit Cost	Ext. Cost	Unit Cost	Ext. Cost
BASIC BACKGROUND/REFERENCE PACKAGE (BUNDLED)						
	a. Application Review	350	\$ 75.00	\$ 78,750.00	\$ 75.00	\$ 52,500.00
	b. Name Search for Positive Identification*					
	c. Criminal History (Federal and Local)					
	d. Review of Criminal History File (if applicable)					
	e. Federal District Court Criminal Records Search					
	f. Domestic Records Search					
	g. Employment History					
	h. Social Security Number (SSN) Verification					
	i. Registered Sex Offenders Database Search					
Subtotal			\$ 78,750.00		\$ 52,500.00	
TOTAL (BASE + OPTIONS)			\$ 131,250.000			
<small>* Based on prospective employee's disclosure and the results of the name search: - Maiden Name Search may be necessary as a second search in addition to name search; - Each additional California Multiple County Court Record Check may be ordered for an "inclusive fee" (no other third party fees for California multiple county court checks).</small>						

****The estimated quantities on this cost form are for proposal evaluation purposes only. It represents what MTS anticipates as a requirement, but MTS does not guarantee this quantity. The actual quantity required may be more or less than what is anticipated on the cost form, and it is dictated by MTS' actual requirements and the available funding at the time each request is initiated.**

RETURN THIS FORM WITH YOUR PROPOSAL RETAIN OTHER PAGES FOR YOUR RECORDS
--

MTS COST PROPOSAL FORMS - continued

BACKGROUND AND REFERENCE INVESTIGATION SERVICES RFP
MTS Doc. No. G1800.0-15

Firm/Proposer: Kristy Investigative Services Inc.

II. "AS NEEDED" SERVICES

Please provide proposed firm fixed fee and/or hourly wages on the items listed below that may be required on an "as needed" basis as described in the scope of work.

#	Description		Base Years 1-3 (12/1/15 - 11/30/18)		Option Years I and II (Years 4-5) (12/1/18 - 11/30/20)	
"AS NEEDED" SERVICES (A-la-carte)		Est. Annual Qty. **	Unit Cost	Ext. Cost	Unit Cost	Ext. Cost
a.	Education Verification	50	\$ N/C	\$	\$ N/C	\$
b.	Credential and Professional License Verification	10	\$ N/C	\$	\$ N/C	\$
c.	Worker's Compensation Claim History	15	\$ N/C	\$	\$ N/C	\$
d.	Consumer Credit Report Gathering	25	\$ 10.00	\$ 750.00	\$ 10.00	\$ 500.00
e.	Consultation Guidance	10	\$ N/C/hr	\$	\$ N/C /hr	\$
f.	Civil Records Search	10	\$ N/C	\$	\$ N/C	\$
Subtotal			\$ 750.00		\$ 500.00	
TOTAL (BASE + OPTIONS)			\$ 1,250.00			

**The estimated quantities on this cost form are for proposal evaluation purposes only. It represents what MTS anticipates as a requirement, but MTS does not guarantee this quantity. The actual quantity required may be more or less than what is anticipated on the cost form, and it is dictated by MTS' actual requirements and the available funding at the time each request is initiated.

GRAND TOTAL		
#	DESCRIPTION	TOTAL
I.	BASIC BACKGROUND / REFERENCE SERVICES (BUNDLED)	\$ 131,250.00
II.	"AS NEEDED" SERVICES	\$ 1,250.00
GRAND TOTAL (I and II)		\$ 132,500.00

NOTE: ALL PROPOSERS MUST COMPLETE PROPOSAL FORM(S) AS PROVIDED, FAILURE TO DO SO MAY DEEM YOUR PROPOSAL NON-RESPONSIVE.

PROPOSER ACCEPTS RESPONSIBILITY FOR ACCURACY AND PRESENTATION OF THE ABOVE NUMBERS.
ALL PROPOSALS SHALL BE VALID FOR 180 DAYS.

RETURN THIS FORM WITH YOUR PROPOSAL
RETAIN OTHER PAGES FOR YOUR RECORDS



1255 Imperial Avenue, Suite 1000
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Agenda Item No. 10

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

DRIVER CONTROL UNITS VERSION 2 FOR THE CLASS E MINIBUS FLEET – SOLE
SOURCE CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0626.0-15 (in substantially the same format as Attachment A), with Cubic Transportation Systems, Inc., on a sole-source basis for the provision of thirty-six (36) Driver Control Units Version 2 (DCU2).

Budget Impact

The value of this agreement will not exceed \$138,146.57. This project will be funded through the Capital Improvement Program (CIP) 11569 for fiscal year 2016 (FY16).

DISCUSSION:

MTS will be replacing thirty-one (31) Class E medium duty buses as part of the FY16 Fleet Replacement Plan. To ensure fares are accurately captured and reported, each new bus will be outfitted with a Cubic DCU2, which is MTS's standard interface between a bus operator and the GFI fare boxes which are standard on MTS's minibus fleet. An additional five units will be put on stand-by as spares.

Cubic Transportation Systems is the only known source for the Cubic DCU2's.

In 2002, SANDAG held a competitive procurement for the design of equipment and software that would migrate together and provide MTS Bus with smartcard capabilities. The DCU2 was selected as the key component to record ridership data, as well as the validator of fare media on compass cards.



Cubic's unit cost offer of \$3,837.40 per DCU2 and installation kit is based on Cubic's current catalog pricing. This rate has remained unchanged since MTS last purchased DCU2's in September 2014 and is generally available to all of its customers. Thus, both the unit cost and the total price are deemed fair and reasonable.

Therefore, staff recommends that the Board of Directors authorize the CEO to execute MTS Doc. No. B0626.0-15 (in substantially the same format as Attachment A), on a sole source basis with Cubic Transportation Systems, Inc. for the provision of thirty-six (36) Driver Control Units Version 2.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No. B0626.0-15

STANDARD PROCUREMENT AGREEMENT

B0626.0-15
 CONTRACT NUMBER
 11569
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2015, 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: Cubic Transportation Systems, Inc.Address: 1308 South Washington St.

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

Tullahoma, TN 37388-1794

Telephone: 931-455-8524

Authorized person to sign contracts: Jennifer Bucher
 Name

Sales Administrator
 Title

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

Provide Driver Control Units Version 2 (DCU2) as set forth in the Cubic Transportation Systems Quote dated April 20, 2015 (attached as Exhibit A), and the MTS Standard Conditions Procurement (attached as Exhibit B).

The total contract cost shall not exceed \$138,146.57. Units shall be delivered within 22 weeks of order date.

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

\$138,146.57

11569

2016

By: _____

Chief Financial Officer
 Date

(____ total pages, each bearing contract number)

SA-PROCUREMENT (REV 6-15)



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Agenda Item No. 11

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

GENERAL ENGINEERING AND REAL ESTATE SERVICES FOR MTS RIGHT OF
ENTRY PERMITS AND RIGHT-OF-WAY ISSUES

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) authorize the Chief Executive Officer (CEO) to execute Work Order No. 13.01.04 to MTS Doc. No. G1496.0-13 (in substantially the same format as Attachment A) with RailPros, Inc. to add an additional work order capacity of \$100,000; and
- 2) ratify Work Order No. 13.01.03, which was entered under the CEO's authority in September 2014 (Attachment B).

Budget Impact

The total cost of \$100,000, from Work Order No. 13.01.04, will be funded through the Land Management department's professional services account code (791-53114).

DISCUSSION:

MTS requires professional engineering and real estate services for various land management issues, including permit reviews, surveying, real estate analysis and documentation, engineering studies, and other miscellaneous requests on an as-needed basis.

MTS executed Work Order No. 13.01 and Amendments No. 13.01.01 and 13.01.02 to MTS Doc. No. G1496.0-13 with RailPros, Inc. totaling \$200,000 to provide general engineering and real estate services. This amount was approved by the Board on December 12, 2013.



MTS Policy No. 52, "Procurement of Goods and Services", gives the CEO the authority to enter into contracts up to \$100,000 on behalf of MTS. Work Order No. 13.01.03 was authorized under the CEO's authority in September 2014 for an additional \$100,000 to the contract for a total of \$300,000. Work Order No. 13.01.04 would add an additional work order capacity of \$100,000 as outlined in the attached amendment (Attachment A) for a total Board authorization of \$400,000.

Staff estimates this additional spending authority should accommodate fiscal year 2016 general right of way/right of entry permit review service needs. Special projects are assigned to RailPros via individual work orders according to MTS Policy No. 41, "Signature Authority", authority limits.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Work Order No. 13.01.04 to MTS Doc. No. G1496.0-13
B. Work Order No. 13.01.03 to MTS Doc. No. G1496.0-13

August 24, 2015

MTS DOC No. G1496.0-13
Work Order 13.01.04

Mr. Les Hopper
Contract Project Manager
RailPros, Inc.
401 B Street, Suite 302
San Diego, CA 92101

Dear Mr. Hopper:

Subject: AMENDMENT 4 TO MTS DOC. NO. G1496.0-13, WORK ORDER 13.01; GENERAL
ENGINEERING AND REAL ESTATE SERVICES FOR MTS RIGHT-OF-ENTRY
PERMITS AND RIGHT-OF-WAY ISSUES

This letter shall serve as Amendment 4 to our agreement for professional services, Work Order 13.01, under the General Engineering Consultant Agreement, MTS Doc. No. G1496.0-13, as further described below.

SCOPE OF SERVICES

Provide general engineering and real estate services for the technical review and permit compliance coordination of right-of-entry permits and for related right-of-way issues in accordance with the attached Scope of Services (Attachment A and B).

SCHEDULE

Amendment 4 will not change the original schedule. The Scope of Services, as described above, shall remain through May 30, 2019, if all the options to the Master Contract are exercised.

PAYMENT

Payment shall be based on actual costs. The original Work Order amount was \$25,000 and the value of Amendments 1, 2, and 3 were \$75,000, \$100,000, and \$100,000 respectively, for a combined value of \$300,000. Amendment 4 shall increase the Work Order amount by \$100,000 for a new Work Order total not to exceed \$400,000 without prior authorization.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Jeff Funk
RailPros, Inc.

LMARQUIS-CL
CL-G1496.0-13.WO13.01.RAILPROS.TALLISON.082415

Date: _____

Attachments: Attachment A, Scope of Services
Attachment B, Fee Proposal



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September 15, 2014

ORIGINAL

MTS DOC No. G1496.0-13
Work Order 13.01.03

Mr. Jeff Funk
Contract Project Manager
RailPros, Inc.
401 B Street, Suite 302
San Diego, CA 92101

Dear Mr. Funk:

Subject: AMENDMENT 3 TO MTS DOC. NO. G1496.0-13, WORK ORDER 13.01; GENERAL
ENGINEERING AND REAL ESTATE SERVICES FOR MTS RIGHT-OF-ENTRY
PERMITS AND RIGHT-OF-WAY ISSUES

This letter shall serve as Amendment 3 to our agreement for professional services, Work Order 13.01, under the General Engineering Consultant Agreement, MTS Doc. No. G1496.0-13, as further described below.

SCOPE OF SERVICES

Provide general engineering and real estate services for the technical review and permit compliance coordination of right-of-entry permits and for related right-of-way issues in accordance with the attached Scope of Services (Attachment A and B).

SCHEDULE

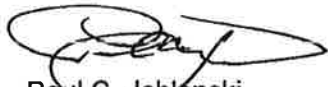
Amendment 3 will not change the original schedule. The Scope of Services, as described above, shall remain through May 30, 2019, if all the options to the Master Contract are exercised.

PAYMENT

Payment shall be based on actual costs. The original Work Order amount was \$25,000 and the value of Amendments 1 and 2 were \$75,000 and \$100,000 respectively, for a combined value of \$200,000. Amendment 3 shall increase the Work Order amount by \$100,000 for a new Work Order total not to exceed \$300,000 without prior authorization.

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

Sincerely,


Paul C. Jablonski
Chief Executive Officer

Accepted:


Jeff Funk
RailPros, Inc.

LMARQUIS-CL
CL-G1496.0-13.WO13.01.03.RAILPROS.TALLISON.091514

Date: 10/8/14





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Agenda Item No. 12

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

Draft for

Executive Committee

Review Date: 9/10/15

SUBJECT:

REVISIONS TO SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) POLICY NO.
48, "TRANSIT SERVICE DISCRIMINATION COMPLAINTS PROCEDURE"

RECOMMENDATION:

That the MTS Board of Directors approve and adopt the proposed revisions to MTS Policy No. 48, "Transit Service Discrimination Complaints Procedure" (Attachment A).

Budget Impact

None.

DISCUSSION:

MTS Policy No. 48, "Transit Service Discrimination Complaints Procedure", sets forth the procedures for filing, investigating and making determinations on transit service discrimination complaints. Per the requirements of the Federal Transit Administration (FTA), Americans with Disabilities Act (ADA) and Title VI, these procedures must be established for both ADA and Title VI discrimination complaints. Currently the policy directs complainants to contact the FTA Region IX Offices if dissatisfied with the outcome of the complaint investigation. The FTA has requested that MTS direct complainants to the FTA Office of Civil Rights in Washington, DC instead of the FTA Region IX Offices. The proposed revisions to MTS Policy No. 48 implement this request.

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

Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Proposed Revisions to MTS Policy No. 48, "Transit Service Discrimination Complaints Procedure"





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Policies and Procedures

No. 48

Board Approval: 4/28/15 9/17/15

SUBJECT:

TRANSIT SERVICE DISCRIMINATION COMPLAINTS PROCEDURES

PURPOSE:

To carry out Title II of the Americans with Disabilities Act of 1990 (ADA) and Title VI of the Civil Rights Act of 1964 (Title VI), the Federal Transit Administration (FTA) recommends that transit agencies adopt a procedure in which complaints alleging discrimination in provision of transit service are filed, investigated, and a determination made. This policy sets forth such procedures.

BACKGROUND:

It is the policy of the San Diego Metropolitan Transit System, hereinafter "MTS"; its subsidiaries, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI); and its contractors to follow the established procedure for handling all alleged transit service ADA discrimination complaints on the basis of disability and all alleged transit service Title VI discrimination complaints on the basis of race, color, or national origin, hereinafter "complaints".

The responsibility for the implementation of the discrimination complaint procedures is assigned to the Office of General Counsel. Contact information for the Office of General Counsel is as follows:

San Diego Metropolitan Transit System
Attn: Staff Attorney – Regulatory Compliance
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101
Tel.: 619-814-1559

All management personnel within MTS, SDTC, and SDTI are expected to support and implement the following procedures.

PROCEDURES:

- 48.1 All complaints must be in writing and signed by the complainant or his/her representative, hereinafter "complainant", before any action will be taken. A written complaint is necessary to provide a clear record of the issue to be



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

investigated and to help define the scope of the investigation. If complainant is unable to complete the form in writing due to a disability or limited-English proficiency, upon request, reasonable accommodations will be made.

The complaints shall provide all pertinent facts and circumstances surrounding the alleged discrimination that will allow a thorough review and/or investigation. The complainant may use MTS's ADA or Title VI Complaint Form to submit their complaint, as seen in Exhibit A, B, C and D of this Policy.

The complaint should be filed within 180 calendar days from the time of the alleged discrimination. A complaint may be administratively closed when received later than this deadline if evidence of the alleged discrimination no longer exists to properly investigate the complaint.

- 48.2 Upon receipt of a written complaint, the Office of General Counsel will document and assign the complaint to investigating staff for further investigation. Within 10 working days after receipt, the investigating staff will begin investigating the complaint. The investigating staff may use the following resources when available to complete its investigation of the complaint: reviewing video footage, incident reports and employee reports and interviewing applicable personnel.

In instances where additional information is needed, the investigating staff will contact the complainant in writing or where appropriate, in a format accessible to the complainant. Failure of the complainant to provide the requested information by a certain date may result in the administrative closure of the complaint or a delay in complaint resolution.

Based upon all the information available from both parties (i.e., the complainant and the identified agency or department) the investigating staff will prepare a written response subject to review and approval by the Office of General Counsel. The investigating staff will use its best efforts to provide a written response of its determination on the matter to the complainant within 90 working days after receipt of complaint. If noncompliance with ADA or Title VI is determined, a recommendation on remedial action will be made. If no violation of ADA or Title VI is determined, the complaint will be administratively closed by MTS.

- 48.3 The complainant may appeal the determination from investigating staff to the Chief Executive Officer within 10 working days after receipt.

Within 15 working days after receipt of an appeal, the Chief Executive Officer will evaluate all information received and respond in writing, and, where appropriate, in a format accessible to the complainant, with a final determination of the complaint.

- 48.4 The complainant who is dissatisfied with the final determination of the Chief Executive Officer may submit their complaint to the FTA at the address below no later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FTA.

Federal Transit Administration
Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE

Washington, DC 20590
~~United States Department of Transportation~~
~~Federal Transit Administration~~
~~Office of Civil Rights, Region IX~~
~~201 Mission St., Suite 1650~~
~~San Francisco, California 94105-1839~~

This policy was adopted 3/12/98.

Policy revised on 5/13/04.

Policy revised on 1/28/15.

Policy revised on 9/17/15

Attachments: Exhibit A – Title VI Complaint Form – English (Available in other languages on the MTS website and upon request)

~~Exhibit B – Title VI Complaint Form – Spanish~~

~~Exhibit C-B – ADA Complaint Form – English~~ (Available in other languages on the MTS website and upon request)

~~Exhibit D – ADA Complaint Form – Spanish~~



Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

If you believe you have been discriminated against by MTS, you may file a signed, written complaint within 180 days of the date of alleged discrimination. You may use the form below, which includes the necessary information to process your claim. When completed, please return this form to the Metropolitan Transit System, Title VI Officer, 1255 Imperial Avenue #1000, San Diego, CA 92101.

SECTION 1: BASIC INFORMATION

COMPLAINANT'S INFORMATION

Name: _____

Address: _____

City/State/Zip: _____

Telephone Number: _____

VICTIM'S INFORMATION (if other than above)

Name: _____

Address: _____

City/State/Zip: _____

Telephone Number: _____

Date of alleged discrimination: _____

Do you believe that the reason for the alleged discrimination:

☐ Race/Color

☐ National Origin

Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court?

☐ No

☐ Yes →

If yes, mark all appropriate boxes:

☐ State agency

☐ Local agency

☐ Federal court

☐ Federal agency

☐ State court

Contact information for the agency/court where the complaint was filed:

Name: _____

Address: _____

City/State/Zip: _____

Telephone Number: _____

SECTION 2: EVENT DETAILS

Describe in your own words the alleged discrimination. Please explain what happened and whom you believe was responsible. Provide all details and pertinent facts and circumstances surrounding the alleged discrimination that will help MTS investigate your complaint. You may use the back of this form if additional space is required. (You may also attach any written materials or other information that you think is relevant to your complaint.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SECTION 3: SIGNATURE

Complainant's Signature: _____ Date: _____



ADA Complaint Form

MTS is committed to ensuring that our implementation of public transportation services is fully compliant with Title II of the American Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Any person who believes there may be either a(n): 1) **ACCESSIBILITY ISSUE** (e.g., physical barriers) or 2) **DISCRIMINATION BASED ON DISABILITY** may file a signed, written ADA complaint with MTS.

Please mail or deliver this form to: Metropolitan Transit System, General Counsel, 1255 Imperial Avenue #1000, San Diego, CA 92101.

SECTION 1: BASIC INFORMATION OF COMPLAINANT

<u>PERSON SUBMITTING COMPLAINANT INFORMATION</u>	<u>COMPLAINANT'S INFORMATION (only if different than the person submitting the complaint)</u>
Name: _____	Name: _____
Address: _____	Address: _____
City/State/Zip: _____	City/State/Zip: _____
Telephone Number: _____	Telephone Number: _____
Email Address: _____	Email Address: _____

SECTION 2: INCIDENT DETAILS

<u>ACCESSIBILITY COMPLAINT</u>	<u>DISCRIMINATION BASED ON DISABILITY COMPLAINT</u>
1) Date, if any, when accessibility issue occurred? _____	1) Date of alleged discrimination based on disability? _____
2) Location of Accessibility Issue: Bus/Trolley Station? _____ Bus/Trolley Stop? _____ Bus/Trolley Route or Number? _____ Other? _____	2) Have you filed this complaint with any other federal, state or local agency; or with any federal or state court? NO? _____ YES? _____
3) Describe in detail the incident below in SECTION 3.	3) If yes, please provide the contact information for the agency/court where the complaint was filed? Agency/Court Name? _____ Address? _____ _____ Telephone Number? _____
	4) If yes, please provide the applicable complaint number, if known. _____
	5) Describe in detail the incident below in SECTION 3.

SECTION 3: EVENT DETAILS

ACCESSIBILITY ISSUE: If there is an accessible issue, please explain how, when, where, and why you believe MTS is not accessible to persons with disabilities. You may attach additional pages if additional space is required. You may also attach any written materials or other information that you think is relevant to your complaint.

DISCRIMINATION BASED ON DISABILITY: If there is alleged discrimination based on disability, please explain what happened and whom you believe was responsible. Provide all details, pertinent facts and circumstances surrounding the alleged discrimination that will help MTS investigate your complaint. Specific details includes: dates, times, route numbers, bus numbers and locations. You may attach additional pages if additional space is required. You may also attach any written materials or other information that you think is relevant to your complaint.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, typical of notebook paper. There are no margins, text, or other markings on the page.

SECTION 4: SIGNATURE

Complainant's Signature: _____ Date: _____



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Agenda Item No. 13

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

PURCHASE OF TWO ADDITIONAL S70 ULTRASHORT DELLNER COUPLERS –
CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1268.0-15 (in substantially the same format as Attachment A) with Dellner, Inc., for the purchase of two (2) additional S70 Ultrashort (US) Dellner Couplers.

Budget Impact

The value of this agreement will not exceed \$228,566.08. The project will be a one-time purchase funded by San Diego Trolley Inc. (SDTI), Light Rail Vehicle (LRV) Maintenance budget account 352-54510.

DISCUSSION:

SDTI operates a fleet of 65 S70 US LRVs which entered revenue service in 2013. These units were originally equipped with Dellner couplers.

The coupler facilitates a positive mechanical and electrical connection between LRVs in a trolley consist. Because they are located at the head end of the buffers on each LRV unit, with a protrusion of roughly 30 inches, couplers sustain the most damage in any head-on collisions on and off the road. Damaged couplers are sent to Dellner for repair. This process can take two to eight months. Therefore, spare couplers are needed to allow the damaged LRV to remain in service while the part is repaired. In addition, an accident may render a coupler irreparable, requiring full replacement. These two additional couplers will increase MTS's coupler stock levels to six spares and allow the



LRV Maintenance Department to keep the S70 fleet operational while repairs are completed. The frequency and severity of accidents and resulting LRV damage is unpredictable. In the last twelve months, six couplers have been damaged and sent out for repair.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements exceeding \$100,000.

On June 30, 2015 staff issued a Request for Proposals, and a single responsive and responsible bid was received from Dellner, Inc. on July 20, 2015. As prescribed by the Federal Transit Administration (FTA) Circular 4220.1F, a detailed price analysis was held. Dellner's price was determined to be fair and reasonable based on a comparison with MTS's Independent Cost Estimate (ICE) and previous procurement history for the purchase of the same good.

Therefore, staff recommends that the MTS Board of Directors authorize the Chief Executive Officer to execute MTS Document No. L1268.0-15 (in substantially the same format as Attachment A), with Dellner, Inc., for the purchase of two (2) additional Dellner couplers.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No. L1268.0-15

**ATTACHMENT A
(DRAFT)**

**L1268.0-15
CONTRACT NUMBER**

FILE/PO NUMBER(S)

**STANDARD PROCUREMENT AGREEMENT
FOR
TWO S-70 ULTRA-SHORT DELLNER COUPLERS**

THIS AGREEMENT is entered into this _____ day of _____ 2015, 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: Dellner, Inc.

Address: 8334-H Arrowridge Blvd.

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

Charlotte, NC 28273

Telephone: 704-527-2121

Authorized person to sign contracts: Jeron Cain President – Managing Director
Name Title

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

Two (2) each Dellner Couplers, Dellner Part Number 1036377 as specified in the Scope of Work (attached as Exhibit A), Dellner, Inc's. Bid dated July 20, 2015 (attached as Exhibit B), and in accordance with the Standard Conditions Procurement Agreement, including the Standard Conditions Procurement (attached as Exhibit C), and the Federal Requirements (attached as Exhibits D).

Total contract will be in the amount of **\$228,566.08**.

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
<u>\$ 228,566.08</u>	<u>352-54510</u>	<u>FY 16</u>

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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(619) 231-1466 • FAX (619) 234-3407

Agenda Item No. 14

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

CARD ACCESS READER MAINTENANCE AND REPAIR ON-CALL SERVICES -
CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to:

- 1) execute MTS Doc. No. PWG168.0-15 (in substantially the same format as Attachment A) with Electro Specialty Systems (ESS) for the provision of on-call installation, maintenance, and repair services for MTS card access readers for a three (3) year base period plus three one-year optional terms to be exercised at MTS's sole determination (for a total of six years); and
- 2) exercise each option year at the CEO's discretion.

Budget Impact

The value of this agreement will not exceed \$296,460. The project will be funded through each respective department's annual operating and maintenance budgets. The system-wide annual budgeted amounts will not exceed the following:

<i>Year</i>	<i>Budget Amount</i>
Year 1	\$47,220
Year 2	\$48,860
Year 3	\$48,860
Year 4	\$49,960
Year 5	\$49,960
Year 6	\$51,600
	\$296,460



DISCUSSION:

MTS has Kantech hardware that includes approximately 140 card readers with controllers at 17 locations throughout San Diego County. Currently, when installation, maintenance, or repair services are required, MTS solicits quotes and issues one-time purchase orders.

In recent years the need for these services has grown significantly. Because of the increasing frequency in service calls, staff determined that the Agency's demands can be best met through a long-term competitively procured service agreement. Staff believes that the Agency will gain time and labor efficiencies, and achieve significant cost savings by shifting from the current practice of short term purchase orders to a long term on-call service provider approach.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements of goods and services exceeding \$100,000.

On April 2, 2015, MTS issued a Request for Proposals for on-call card access reader installation, maintenance and repair services for a six year term. Two proposals were received on the due date of May 21, 2015 as follows. Both proposals were deemed responsive and responsible:

1. Electro Specialty Systems (ESS), San Diego, CA 92111
2. California Commercial Security (CCS), San Diego, CA 92123

A selection committee consisting of MTS Information Technology, LRV, and Finance rated the proposals based on the following criteria:

1.	Proposer Qualifications	25%
2.	Staffing, Organization Structure, and Management Plan	15%
3.	Work Plan	20%
4.	Cost and Price	40%
Total		100%

Based on an analysis of the technical proposals and the cost/price review of the prices offered, the evaluation team concluded that ESS offered the best value and most advantageous terms to MTS.

The following table represents the scores and rankings for both proposers:

PROPOSER NAME	TOTAL AVG. TECH. SCORE	AVG. COST SCORE	TOTAL SCORE (Tech + Cost) Total Possible Points: 100	RANKING
ESS	56.67	40.00	96.67	1
CCS	40.67	26.75	67.42	2

Therefore, staff recommends that the Board of Directors authorize the CEO to execute MTS Doc. No. PWG168.0-15 with Electro Specialty Systems for the provision of card access reader services for a three year base period, and authorize the CEO to exercise the three, one-year optional terms at their discretion.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Standard Services Agreement; Contract PWG168.0-15

**ATTACHMENT A
(DRAFT)**

PWG168.0-15
CONTRACT NUMBER

Various
FILE/PO NUMBER(S)

**STANDARD SERVICES AGREEMENT
FOR**

CARD ACCESS READER MAINTENANCE AND REPAIR SERVICES

THIS AGREEMENT is entered into this _____ day of _____ 2015, 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: Electro Specialty Systems (ESS) Address: 7940 Convoy Court
Form of Business: Corporation San Diego, CA 92111
(Corporation, partnership, sole proprietor, etc.) Telephone: (858) 571-7746

Authorized person to sign contracts: Daniel Brault Vice President
Name Title

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

Card Access Reader On-Call Services, as specified in the Scope of Work (attached as Exhibit A), ESS's cost proposal dated June 30, 2015 (attached as Exhibit B), and in accordance with the Standard Services Agreement, including Standard Conditions Services (attached as Exhibit C).

The contract term is for up to a three (3)-year base period and three (3) 1-year option terms, exercisable at MTS' sole discretion, for a total of six years. Base period shall be effective October 1, 2015 through September 30, 2018; and option years shall be effective October 1, 2018 through September 30, 2021, if exercised by MTS.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$144,940 for the base years and \$151,520 for the option years, for a total not to exceed \$296,460 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM		CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer		Firm: _____
Approved as to form:		By: _____ Signature
By: _____ Office of General Counsel		Title: _____
AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$ 144,940	Various	FY 16 – FY 19

By: _____ Date
Chief Financial Officer
(____ total pages, each bearing contract number) SA-PROCUREMENT



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Agenda Item No. 15

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

SEPTEMBER 17, 2015

Draft for

Executive Committee
Review Date: 9/10/15

SUBJECT:

INVESTMENT REPORT – JUNE 2015

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

Attachment A comprises a report of the San Diego Metropolitan Transit System (MTS) investments as of June 30, 2015. The combined total of all investments has increased month to month from \$86.1 million to \$94.3 million. This \$8.2 million increase is attributable to \$1.2 million received for Low Carbon Transit Operations Program (LCTOP) funding, \$5.0 million received for State Transit Assistance (STA) funding, \$4.2 million received from SANDAG for TransNet reimbursements, and expenditures of \$1.5 million in 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. The debt service investments totaling \$18.1 million 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. These restricted funds will be liquidated to satisfy the outstanding debt obligation in full by the end of calendar year 2015.

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

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

Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Investment Report for June 2015

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



**San Diego Metropolitan Transit System
Investment Report
June 30, 2015**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<u>Average rate of return</u>
Cash and Cash Equivalents				
JP Morgan Chase - concentration account	-	29,028,687	29,028,687	0.00%
Total Cash and Cash Equivalents	-	29,028,687	29,028,687	
Cash - Restricted for Capital Support				
US Bank - retention trust account	4,758,582	-	4,758,582	N/A *
San Diego County Investment Pool Proposition 1B TSGP grant funds	4,729,950	311,065	5,041,015	
Total Cash - Restricted for Capital Support	9,488,532	311,065	9,799,597	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	18,745,588	18,607,257	37,352,845	0.299%
Total Investments - Working Capital	18,745,588	18,607,257	37,352,845	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$18,110,000)	18,109,712	-	18,109,712	
Total Investments Restricted for Debt Service	18,109,712	-	18,109,712	
Total cash and investments	<u>\$ 46,343,832</u>	<u>\$ 47,947,009</u>	<u>\$ 94,290,841</u>	

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



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Agenda Item No. 16

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

SEPTEMBER 17, 2015

SUBJECT:

INVESTMENT REPORT – JULY 2015

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

Attachment A comprises a report of the San Diego Metropolitan Transit System (MTS) investments as of July 31, 2015. The combined total of all investments has decreased month to month from \$94.3 million to \$91.0 million. This \$3.3 million decrease is attributable to a fiscal year end invoice payment finalization increasing operating expenses by \$3.6 million, 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. The debt service investments totaling \$18.1 million 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. These restricted funds will be liquidated to satisfy the outstanding debt obligation in full by the end of calendar year 2015.

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

Attachment: A. Investment Report for July 2015

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



**San Diego Metropolitan Transit System
Investment Report
July 31, 2015**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<u>Average rate of return</u>
Cash and Cash Equivalents				
JP Morgan Chase - concentration account	-	25,548,051	25,548,051	0.00%
Total Cash and Cash Equivalents	-	25,548,051	25,548,051	
Cash - Restricted for Capital Support				
US Bank - retention trust account	4,758,582	-	4,758,582	N/A *
San Diego County Investment Pool Proposition 1B TSGP grant funds	4,791,170	407,889	5,199,059	
Total Cash - Restricted for Capital Support	9,549,753	407,889	9,957,641	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	18,745,588	18,617,903	37,363,490	0.320%
Total Investments - Working Capital	18,745,588	18,617,903	37,363,490	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$18,110,000)	18,109,893	-	18,109,893	
Total Investments Restricted for Debt Service	18,109,893	-	18,109,893	
Total cash and investments	<u>\$ 46,405,233</u>	<u>\$ 44,573,842</u>	<u>\$ 90,979,075</u>	

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



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Agenda Item No. 17

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

MOBILE ON BOARD VIDEO SURVEILLANCE SYSTEM FOR THE MINIBUS AND
PARATRANSIT FLEETS - CONTRACT AMENDMENT

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) authorize the Chief Executive Officer (CEO) to execute Amendment No. 8 to MTS Doc. No. B0521.0-09 (in substantially the same format as Attachment A), with Apollo Video Technology for the provision of an on board video surveillance system (OBVSS) for the minibus and paratransit fleets with the option to purchase additional warranty, maintenance, and support services at MTS's sole determination; and
- 2) ratify Amendment No. 7 which was entered under the CEO's authority in July 2014 (Attachment B) for freight and sales tax adjustment.

Budget Impact

The aggregate expense will increase by \$2,190,782.27, from the previous amended total of \$4,790,606.26 to a new \$6,981,388.53, inclusive of Amendment No. 7 (\$577.23) and Amendment No. 8 (\$2,190,205.04). This project will be funded by Capital Improvement Project (CIP) 11343 and transit operating account 850-53910 as follows:

<i>Fiscal Year</i>	<i>Budget Account</i>	<i>Amount</i>
2016	11343 (OBVSS Equipment, Installation, Manuals, and Training)	\$1,908,349.04
2018	850-53910 (Onsite Support)	\$48,972.00
2019	850-53910 (Warranty, Onsite Support, Software Maintenance)	\$116,442.00
2020	850-53910 (Warranty, Onsite Support, Software Maintenance)	\$116,442.00
Total		\$2,190,205.04



DISCUSSION:

On July 15, 2010, the MTS Board authorized the CEO to execute MTS Doc No. B0521.0-09 with Apollo Video Technology to procure on board video surveillance equipment, supporting back-office systems, transit site wireless network equipment, and installation for approximately 544 MTS transit buses.

The OBVSS project has provided significant support to staff in investigating customer complaints, vehicle accidents, criminal cases and claims/lawsuits. The proposed contract amendment will expand the system Apollo Video Technology successfully installed on MTS's fixed route fleet to include the paratransit and minibuses fleets. The Apollo OBVSS will be installed on all 37 minibuses and 173 paratransit vehicles.

MTS requested pricing from Apollo Video Technology for the provision of an OBVSS for the minibuses and paratransit fleets (Attachment C). After evaluation, a panel of MTS staff from the Paratransit Operations, Quality Assurance, Maintenance, Procurement, and Finance departments negotiated reduced installation costs, removal of travel fees, extension of the warranty period, and reduced maintenance costs.

Based on the MTS panel's analysis of the final technical proposal and evaluation of price, MTS staff has determined that Apollo Video Technology's proposal is fair and reasonable and is to the best advantage of MTS.

Therefore, staff recommends that the Board of Directors authorize the CEO to execute Amendment No. 8 (in substantially the same format as Attachment A), with Apollo Video Technology for the provision of an OBVSS for the minibuses and paratransit fleets with the option to purchase additional warranty, maintenance, and support services at MTS's sole determination, and ratify Amendment No. 7 which was entered into under the CEO's authority in July 2014.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft Amendment No. 8 to MTS Doc. No. B0521.0-09
B. Amendment No. 7 to MTS Doc. No. B0521.0-09
C. Price Breakdown – Apollo Video Technology

September 17, 2015

MTS Doc. No. B0521.8-09

Apollo Video Technology
Mr. Rodell Notbohm
General Manager
14148 NE 190th Street
Woodinville, WA 98072

Subject: AMENDMENT NO. 8 TO MTS DOC. NO. B0521.0-09; MOBILE ON BOARD VIDEO
SURVEILLANCE SYSTEM

Dear Mr. Notbohm:

This shall serve as Amendment No. 8 to our agreement for the mobile on board video surveillance system as further described below.

STATEMENT OF WORK

Contractor shall provide mobile on board surveillance systems on the MTS minibus and paratransit fleets as specified in the Apollo Video Technology Technical and Cost Proposal dated August 31, 2015 (Attachment A).

SCHEDULE

The contract is extended for a three (3) year period effective January 1, 2016 through December 31, 2018.

PAYMENT

As a result of this Amendment, the total contract value will increase by \$1,908,349.04 for the base installation project and \$281,856.00 for the Optional Items exercisable at MTS's sole discretion for a contract total of \$6,981,388.53.

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

Rodell Notbohm
General Manager / Apollo Video Technology

Date: _____



Metropolitan Transit System

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ORIGINAL

July 28, 2014

MTS Doc. No. B0521.7 -09

Apollo Video Technology
Mr. Rodell Notbohm
General Manager
14148 NE 190th Street
Woodinville, WA 98072

Subject: AMENDMENT NO. 7 TO MTS DOC. NO. B0521.0-09- MOBILE ON BOARD VIDEO
SURVEILLANCE SYSTEM

Mr. Notbohm:

In accordance with Article 2 "Changes," of the Standard Conditions Procurement MTS Doc No. B0521.0-09, MTS amends the Agreement to incorporate the following changes.

PAYMENT

As a result of the change in Apollo Video's change in status regarding the capability and responsibility to collect sales tax is the State of California, tax in the amount of \$18,437.07 previously categorized as use tax and payable directly by MTS will now be considered as sales tax and payable to Apollo Video who will have remittance responsibility to the California Board of Equalization. Freight charges previously not anticipated in the amount of \$577.23 will also be added to the value of the contract. As a result of this Amendment, the total contract price has increased by \$19,014.30 from \$4,500,717.16 to \$4,519,731.46.

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

Sincerely,

Paul C. Jablonski
Chief Executive Officer

LMARQUIS-CL
CL-B0521.7-09.APOLLO.SREED.072814

Agreed:

Rodell Notbohm
General Manager / Apollo Video Technology

Date:

07/29/14



COST/PRICING FORMS**MOBILE ON-BOARD VIDEO SURVEILLANCE SYSTEMS (OBVSS) FOR ADA/PARATRANSIT
BUSES AND FIXED-ROUTE MINIBUSES**

<u>PHASE 1</u>	<u>UNITS</u>	<u>PRICE</u>	<u>EXTENDED</u>
MINIBUS (7-CAMERA SYSTEM)	6	7,172	\$ 43,032
PARATRANSIT (5-CAMERA SYSTEM)	20	6,726	\$ 134,520
BACK-OFFICE HARDWARE, SOFTWARE, FACILITY NETWORK	1	44,709	\$ 44,709
ViM Licenses (Pre-Existing Equipment)	2	696	\$ 1,392
TOTAL TAXABLE @ 8%			\$ 223,653
TAX			\$ 17,892.24
EQUIPMENT SUBTOTAL			\$ 241,545.24
INSTALLATION LABOR (MINIBUS)	6	986	\$ 5,916
INSTALLATION LABOR (PARATRANSIT)	20	875	\$ 17,500
INSTALLATION LABOR (HARDWARE AND NETWORK)	1	27,404	\$ 27,404
LABOR SUBTOTAL			\$ 62,832*
TOTAL PHASE 1			\$ 304,377.24

<u>PHASE 2</u>	<u>UNITS</u>	<u>PRICE</u>	<u>EXTENDED</u>
PARATRANSIT (5-CAMERA SYSTEM)	153	6,726	\$ 1,029,078
TOTAL TAXABLE @ 8%			\$ 1,029,078
TAX			\$ 82,326.24
EQUIPMENT SUBTOTAL			\$ 1,111,404.24
INSTALLATION LABOR (PARATRANSIT)	153	875	\$ 133,875
LABOR SUBTOTAL			\$ 204,561*
TOTAL PHASE 2			\$ 1,315,965.24

<u>PHASE 3</u>	<u>UNITS</u>	<u>PRICE</u>	<u>EXTENDED</u>
MINIBUS (7-CAMERA SYSTEM)	31	7,172	\$ 222,332
TOTAL TAXABLE @ 8%			\$ 222,332
TAX			\$ 17,786.56
EQUIPMENT SUBTOTAL			\$ 240,118.56
INSTALLATION LABOR (MINIBUS)	31		\$ 30,566
LABOR SUBTOTAL			44,888*
TOTAL PHASE 3			\$ 285,006.56

**MOBILE ON-BOARD VIDEO SURVEILLANCE SYSTEMS (OBVSS) FOR ADA/PARATRANSIT
BUSES AND FIXED-ROUTE MINIBUSES - CONTINUED**

OTHER ITEMS			
MANUALS	1		Included
TRAINING			\$3,000
WARRANTY OPTION YEAR 3			Included
TOTAL OTHER ITEMS			\$3,000

OPTIONAL TERMS			
ONSITE SUPPORT YEAR 3			\$48,972
EXTENDED WARRANTY YEAR 4			\$40,950
ONSITE SUPPORT YEAR 4			\$48,972
EXTENDED WARRANTY YEAR 5			\$40,950
ONSITE SUPPORT YEAR 5			\$48,972
ViM Software Maintenance - Year 4			\$26,520
ViM Software Maintenance - Year 5			\$26,520
TOTAL OTHER ITEMS			\$281,856

TOTAL PHASE 1	\$304,377.24
TOTAL PHASE 2	\$1,315,965.24
TOTAL PHASE 3	\$285,006.56
TOTAL OTHER	\$3,000
TOTAL OPTIONAL YEARS	\$281,856
GRAND TOTAL PROPOSAL	\$2,190,205.04

PERFORMANCE PERIOD	
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Agenda Item No. 18

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

GREEN LINE COMMUNICATIONS SYSTEM UPGRADE PROJECT CONSTRUCTION
MANAGEMENT SERVICES – TRANSFER OF FUNDS FROM SAN DIEGO
METROPOLITAN TRANSIT SYSTEM TO THE SAN DIEGO ASSOCIATION OF
GOVERNMENTS

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G0930.17-04.41 (in substantially the same format as Attachment A) for the transfer of funds from MTS to the San Diego Association of Governments (SANDAG) to allow SANDAG to issue a task order on behalf of MTS for the provision of Construction Management Services for the MTS Green Line Communications System Upgrade Project.

Budget Impact

This Scope of Work will allow the transfer of a maximum of \$200,000 from the MTS Capital Improvement Project 11368 - Green Line Communication System Upgrade.

DISCUSSION:

MTS is planning on upgrades to the communications equipment at the 19 Green Line trolley stations from Old Town Transit Center to Santee Town Center. The objective is to bring these stations up to current standards and synergize their existing systems with MTS's current communications system standards. The upgrades will include improvements to Public Address (PA) system equipment, enhanced Train-to-Wayside Controller (TWC) devices, and more advanced Variable Message Signs (VMS), network communication equipment, and programmable logic controllers (PLC).

With many technical systems being implemented along the Green Line corridor, MTS requires a qualified Resident Engineer and Inspector with construction management and electrical signal expertise to perform the work. These tasks include system evaluation, system start-up/sign-off, Quality Assurance/Quality Control, daily reports, and inspection



of work to ensure conformance with MTS contract documents and plans. The services will be obtained through the existing SANDAG Construction Management task order agreement with Simon Wong Engineering.

Therefore, staff recommends that the MTS Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G0930.17-04.41 (in substantially the same format as Attachment A) for the transfer of funds from MTS to SANDAG to allow SANDAG to issue a task order on behalf of MTS for the provision of Construction Management Services for the MTS Green Line Communications System Upgrade Project.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Addendum 17 Project Scope of Work, G0930.17-04.41

Addendum 17 Project Scope of Work

MTS File No.	G0930.17-04.41	SANDAG Reference No.	5000710 SOW 41
CIP Title:	GREEN LINE COMMUNICATIONS SYSTEM – CONSTRUCTION MANAGEMENT AND TECHNICAL SERVICES		
CIP No.	11368	Project Managers:	MTS – Thang Nguyen SANDAG – Dale Neuzil
Lead Agency:	MTS	Operating Agency:	MTS
Estimated Start Date:	10/23/2015	Original SOW ____ Budget	\$200,000
Estimated Completion Date:	6/30/16	Additional SOW ____ Budget (this amendment)	N/A
Total CIP Budget	\$4,170,000 (FY 15)	Total SOW Budget (value of work to be invoiced between SANDAG/MTS):	\$200,000

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

MTS will be utilizing Local Funding under CIP No.: 11368

Describe Any Necessary Transfers of Project Funds Between the Parties:

MTS shall reimburse SANDAG via invoices for services described herein.

Project Description:

This project is to provide Construction Management and technical services for the Green Line Communications System Upgrade project during construction duration of the contract.

Scope of Work to be Performed by SANDAG:

1. Provide Construction Management and technical support to MTS Project Manager for the construction tasks associated with the Green Line Communications System Upgrade.
2. Perform signal and systems inspection, quality assurance and quality control, testing, acceptance and closeout of the project.

Scope of Work to be performed by MTS:

1. MTS agrees to reimburse SANDAG for the full and actual cost for technical services provided herein within 15 days of receipt of invoice.
2. In the event that SANDAG notifies MTS that the amount will be exceeded, MTS will meet with SANDAG to discuss the need for additional funds. In no event shall SANDAG have the responsibility to move forward until both parties are able to identify sufficient funding for items associated with this procurement.

Any Additional Project-Specific Conditions:

None

APPROVED BY:
SANDAG

METROPOLITAN TRANSIT SYSTEM

Jim Linthicum
Director of Mobility Management and
Project Implementation

Date

Paul Jablonski
Chief Executive Officer

Date



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Agenda Item No. 19

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

CLOSED-CIRCUIT TELEVISION ON-CALL SERVICES - CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to:

- 1) execute MTS Doc. No. PWG166.0-15 (in substantially the same format as Attachment A) with Electro Specialty Systems (ESS) for the provision of on-call closed circuit television systems (CCTV) services for a three (3) year base period, plus three (3), one-year optional terms to be exercised at MTS's sole determination (for a total of six years); and
- 2) exercise each option year at the CEO's discretion.

Budget Impact

The value of this agreement will not exceed \$3,733,319.04. The project will be funded by Security Prop 1B funds using Capital Improvement Project (CIP) 11511 and TransNet funds using SANDAG CIP 12830 as follows:

Year	Budget Account	Budget Amount
Year 1	12830 (\$174,023.04 for Downtown Bus Rapid Transit) 11511 (\$587,468.00 for all other CCTV services)	\$761,491.04
Year 2	11511	\$589,460.00
Year 3	11511	\$591,524.00
Year 4	11511	\$595,364.00
Year 5	11511	\$597,740.00
Year 6	11511	\$597,740.00
		\$3,733,319.04



DISCUSSION:

Over the past five years, MTS has enhanced the video surveillance system throughout MTS facilities, Bus Rapid Transit (BRT) stations, and Trolley stations by installing and upgrading the existing analog CCTV cameras to all digital Internet Protocol (IP) cameras that feature higher resolutions, better defined images, and real-time remote monitoring capabilities from the Operations Control Center. There are over 800 cameras in the MTS operating area and future expansions of BRT stations and the addition of trolley stations for the proposed Mid Coast Trolley line will add more cameras to the existing CCTV system.

The continued effectiveness of the CCTV system can only be maintained by a robust preventive maintenance program. Without regular maintenance, even the most modern and effective equipment will deteriorate. Many CCTV systems are external, resulting in the wear and tear that results from interaction with natural and man-made elements. Minor alterations such as cleaning and adjusting camera housings and lenses are required to maintain the optimum recorded picture quality. Regular servicing also prolongs component lives and lowers system downtime.

Currently, when maintenance and repair services are required, MTS uses short-term requests for quotes to select the contractor and issues a purchase order for the services.

As MTS's needs have significantly grown, staff recognizes that the Agency will gain time and labor efficiencies and achieve significant cost savings by shifting from the current short term purchase orders to a long term on-call service provider position.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements of goods and services exceeding \$100,000.

On March 30, 2015, MTS issued a Request for Proposals for CCTV on-call maintenance and repair services for a six year term. Two proposals were received from the following:

1. Electro Specialty Systems (ESS), San Diego, CA 92111
2. Kratos Public Safety & Security Solutions, Inc, San Diego, CA 92121

Both were considered responsive and responsible. A selection committee, with members from the MTS Information Technology, Trolley, Finance, Contract Services, and Code Compliance Departments rated the proposals on the following criteria:

1.	Proposer Qualifications	30%
2.	Staffing, Organization Structure, and Management Plan	10%
3.	Work Plan	25%
4.	Cost and Price	35%
Total		100%

The following table represents the scores and rankings for both proposers:

PROPOSER NAME	TOTAL AVG. TECH. SCORE	AVG. COST SCORE	TOTAL SCORE (Tech + Cost) Total Possible Points: 100	RANKING
ESS	54.20	35.00	89.20	1
Kratos	33.80	30.74	64.54	2

Based on its technical proposal and an analysis of its price proposal, ESS offered the more advantageous terms and represented the best overall value to MTS.

Therefore, staff recommends that the Board of Directors authorize the CEO to execute MTS Doc. No. PWG166.0-15 (in substantially the same format as Attachment A) with Electro Specialty Systems (ESS) for the provision of on-call CCTV systems services for a three (3) year base period, plus three (3), one-year optional terms to be exercised at MTS's sole determination (for a total of six years).



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Standard Services Agreement; Contract PWG166.0-15
B. Cost Summary
C. Price Breakdown – Electro Special Systems (ESS)

**ATTACHMENT A
(DRAFT)**

**PWG166.0-15
CONTRACT NUMBER**

**12830:11511
FILE/PO NUMBER(S)**

**STANDARD PROCUREMENT AGREEMENT
FOR**

CCTV MAINTENANCE AND REPAIR SERVICES

THIS AGREEMENT is entered into this _____ day of _____ 2015, 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: Electro Specialty Systems (ESS) Address: 7940 Convoy Court

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

Telephone: (858) 571-7746

Authorized person to sign contracts: Daniel Brault Vice President
Name Title

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

CCTV On-Call Services, as specified in the Scope of Work (attached as Exhibit A), ESS's cost proposal dated August 12, 2015 (attached as Exhibit B), and in accordance with the Standard Services Agreement, including Standard Conditions Services (attached as Exhibit C).

The contract term is for up to a three (3) year base period and three (3) 1-year option terms, exercisable at MTS' sole discretion, for a total of six years. Base period shall be effective October 1, 2015 through September 30, 2018; and option years shall be effective October 1, 2018 through September 30, 2021, if exercised by MTS.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$1,942,475.04 for the base years and \$1,790,844 for the option years, for a total not to exceed \$3,733,319.04 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM		CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer		Firm: _____
Approved as to form:		By: _____ Signature
By: _____ Office of General Counsel		Title: _____
AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$174,023.04	12830-0200	FY16
\$1,768,452.00	11511-0200	FY16 – FY19

By: _____
Chief Financial Officer
(____ total pages, each bearing contract number)

Date
SA-PROCUREMENT
DATE

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

COST SUMMARY

ON-CALL CCTV SYSTEM MAINTENANCE & REPAIR SERVICES RFP
MTS DOC. NO. PWG166.0-15

COMPANY NAME	TOTAL COST
ESS – Electro Specialty Systems*	\$ 3,733,319.04
Kratos Public Safety & Security Solutions Inc.	\$ 4,250,930.47

***ESS – Electro Specialty Systems offer was found to be the most advantageous and of greatest value to MTS.**

Base Year 1				Base Year 2				Base Year 3			
*Markup %	Hourly Rate	Extended Total		*Markup %	Hourly Rate	Extended Total		*Markup %	Hourly Rate	Extended Total	
	\$ 86.00	\$ 55,040.00			\$ 88.00	\$ 56,320.00			\$ 90.00	\$ 57,600.00	
	\$ 108.00	\$ 6,912.00			\$ 109.00	\$ 6,976.00			\$ 113.00	\$ 7,232.00	
	\$ 116.00	\$ 7,424.00			\$ 118.00	\$ 7,552.00			\$ 120.00	\$ 7,680.00	
18.00%		\$ 11,800.00		18.00%		\$ 11,800.00		18.00%		\$ 11,800.00	
		\$ 6,800.00									
		\$ 87,976.00				\$ 82,648.00				\$ 84,312.00	
		\$ 944.00				\$ 944.00				\$ 944.00	
		\$ 890.00				\$ 890.00				\$ 890.00	
		\$ 890.00				\$ 890.00				\$ 890.00	
		\$ 90,700.00				\$ 85,372.00				\$ 87,036.00	

Base Year 1			Base Year 2			Base Year 3		
*Markup %	Hourly Rate	Extended Total	*Markup %	Hourly Rate	Extended Total	*Markup %	Hourly Rate	Extended Total
					\$ 5,400.00			\$ 5,800.00
	\$ 86.00	\$ 82,560.00		\$ 88.00	\$ 84,480.00		\$ 88.00	\$ 84,480.00
18.00%		\$ 377,600.00	18.00%		\$ 377,600.00	18.00%		\$ 377,600.00
		\$ 460,160.00			\$ 467,480.00			\$ 467,880.00
		\$ 30,208.00			\$ 30,208.00			\$ 30,208.00
		\$ 3,200.00			\$ 3,200.00			\$ 3,200.00
		\$ 3,200.00			\$ 3,200.00			\$ 3,200.00
		\$ 496,768.00			\$ 504,088.00			\$ 504,488.00

IMPORTANT: Do not edit this section within the red border																													
TABLE 1 - BASE SERVICES																													
	Estimated Materials Amount	Qty Estimated Hours	*Markup %	Hourly Rate	Extended Total	Year 4 (Option Year 1)				Year 5 (Option Year 2)				Year 6 (Option Year 3)															
1	Straight Time Hourly Rate Labor	640		\$ 90.00	\$ 57,600.00						\$ 90.00	\$ 57,600.00		\$ 90.00	\$ 57,600.00		\$ 90.00	\$ 57,600.00											
2	Saturday Hourly Rate Labor	64		\$ 113.00	\$ 7,232.00						\$ 115.00	\$ 7,360.00		\$ 115.00	\$ 7,360.00		\$ 115.00	\$ 7,360.00											
3	Sunday and Holiday Hourly Rate Labor	64		\$ 120.00	\$ 7,680.00						\$ 122.00	\$ 7,808.00		\$ 122.00	\$ 7,808.00		\$ 122.00	\$ 7,808.00											
4	*Mark-up % on materials/supplies in the amount estimated at \$10,000 annually		18.00%		\$ 11,800.00						18.00%	\$ 11,800.00		18.00%	\$ 11,800.00		18.00%	\$ 11,800.00											
5.a.	Complete total inspection of the CCTV system – Annual service (lumpsum) performed during year 1 only. The rest of the years as requested by MTS (and are indicated in table 2)																												
SUB TOTAL BASE SERVICES (lines 1 to 5.a.)												\$ 84,312.00					\$ 84,568.00												
	8% CA sales tax on line 4 extended total for materials/supplies		8%		\$ 944.00							\$ 944.00					\$ 944.00												
	Performance bond annual cost				\$ 890.00							\$ 890.00					\$ 890.00												
	Payment bond annual cost				\$ 890.00							\$ 890.00					\$ 890.00												
	GRAND TOTAL BASE SERVICES				\$ 87,036.00							\$ 87,292.00					\$ 87,292.00												
IMPORTANT: Do not edit this section within the red border										Year 5 (Option Year 2)										Year 6 (Option Year 3)									
TABLE 2 - OPTION SERVICES										Year 5 (Option Year 2)										Year 6 (Option Year 3)									
5.b.	Complete total inspection of the CCTV system – Annual service (lumpsum) for years 2, 3, 4, 5 and 6. This option is exercisable at MTS's sole discretion				\$ 5,800.00							\$ 6,000.00					\$ 6,000.00												
6	CCTV Equipment New and Upgrades - (Straight Time Hourly Rate Labor)	960		\$ 92.00	\$ 88,320.00						\$ 94.00	\$ 90,240.00		\$ 94.00	\$ 90,240.00		\$ 94.00	\$ 90,240.00											
7	New and Upgrades - *Mark-up % on materials/supplies in the amount estimated at \$320,000 annually		18.00%		\$ 377,600.00						18.00%	\$ 377,600.00		18.00%	\$ 377,600.00		18.00%	\$ 377,600.00											
SUB-TOTAL OPTION SERVICES (lines 5.b to 7)												\$ 473,840.00					\$ 473,840.00												
	8% CA sales tax on line 7 extended total for materials/supplies		8%		\$ 30,208.00							\$ 30,208.00					\$ 30,208.00												
	Performance bond annual cost				\$ 3,200.00							\$ 3,200.00					\$ 3,200.00												
	Payment bond annual cost				\$ 3,200.00							\$ 3,200.00					\$ 3,200.00												
	GRAND TOTAL OPTION SERVICES				\$ 508,328.00							\$ 510,448.00					\$ 510,448.00												

TABLE 3 - BREAKDOWN OF COSTS FOR THE DOWNTOWN BRT

MTS DOC. NO. PWG166.0-15

MATERIALS (A)														LABOR HOURS (B)				MATERIALS + LABOR (A+B)	
Materials distribution per station														Proposers to fill out proposed labor hours per station					
ShoAC	Civic Center	America Plaza	Smart Corner	Manufacturer	Part #	Item Type	Qty	Unit of measure	Unit price	Markup %	Sub total	Tax 8%	Total \$ materials (A)	Total hours (Qty for all stations)	Hourly rate	Total \$ labor (B)	Grand total materials and labor cost (A + B)		
1	1	1	1	Avigilon	15.0TB-HD-NVR	15TB NVR 2U	4	EA	\$6,996.00	18%	\$33,021.12	\$2,641.69	\$35,662.81	32	\$86.00	\$2,752.00	\$38,414.81		
1	1	1	1	Avigilon	4C-HD-NVMS-ENT	Enterprise 4 Channel	4	EA	\$693.00	18%	\$3,270.96	\$251.58	\$3,532.64	0	\$86.00	\$0.00	\$3,532.64		
0	0	0	1	Avigilon	8C-HD-NVMS-ENT	Enterprise 8 Channel	1	EA	\$1,374.00	18%	\$1,621.32	\$128.71	\$1,751.03	0	\$86.00	\$0.00	\$1,751.03		
1	1	1	1	Avigilon	ACC-SDK-NVR	SDK License	4	EA	\$750.00	18%	\$3,540.00	\$283.20	\$3,823.20	0	\$86.00	\$0.00	\$3,823.20		
2	2	4	6	Avigilon	8.0MP-HD-Dome-180 Dome	BMP Camera 180	14	EA	\$697.00	18%	\$11,514.44	\$921.16	\$12,435.60	12	\$86.00	\$1,032.00	\$13,467.60		
2	2	4	6	Avigilon	DOME-OD-BASE	Dome Mount Back Box	14	EA	\$14.00	18%	\$231.28	\$18.50	\$249.78	0	\$86.00	\$0.00	\$249.78		
2	2	0	4	Avigilon	5.0-H3-B2	SMP Camera w/ 3.6mm lens	8	EA	\$573.00	18%	\$5,409.12	\$432.73	\$5,841.85	8	\$86.00	\$688.00	\$6,529.85		
2	2	0	4	--Pelco	EH4718	Housing	8	EA	\$130.40	18%	\$1,230.98	\$98.48	\$1,329.45	8	\$86.00	\$688.00	\$2,017.45		
2	2	0	4	--Pelco	EH4718SS	Sun Shroud for Pro S	8	EA	\$39.96	18%	\$377.22	\$30.18	\$407.40	0	\$86.00	\$0.00	\$407.40		
2	2	2	6	Avigilon	S8	8 Port POE Switch	11	EA	\$438.00	18%	\$5,685.24	\$454.82	\$6,140.06	8	\$86.00	\$688.00	\$6,828.06		
4	4	4	10	**EtherWAN	EL100C-20	Commercial Grade Media Converter SC	22	EA	\$105.00	18%	\$2,725.80	\$218.06	\$2,943.86	4	\$86.00	\$344.00	\$3,287.86		
0	0	0	1	**EtherWAN	EMC1600	Media Chassis	1	EA	\$600.00	18%	\$708.00	\$56.64	\$764.64	8	\$86.00	\$688.00	\$1,452.64		
2	2	0	4	--Pelco	EM2000	Pole Mount	8	EA	\$62.32	18%	\$588.30	\$47.06	\$635.36	4	\$86.00	\$344.00	\$979.36		
2	2	2	2		MTS Sign # 18	CCTV Signage	8	EA	\$79.00	18%	\$745.76	\$59.66	\$805.42	2	\$86.00	\$172.00	\$977.42		
1	1	1	3			Hardware, fiber, and wire	6	LS	\$440.00	18%	\$3,115.20	\$249.22	\$3,364.42	32	\$86.00	\$2,752.00	\$6,116.42		
GRAND TOTALS																	\$10,148.00	\$69,835.52	
Total Materials																		\$79,887.52	
Total Labor																		\$69,835.52	
Performance Bond																		\$2,250.00	
Payment Bond																		\$2,250.00	
TOTAL TABLE 3																		\$174,023.04	



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Agenda Item No. 20

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

ON-CALL COMMUNICATIONS AND LOW VOLTAGE SYSTEMS WIRING SERVICES -
CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to:

- 1) execute MTS Doc. No. PWG170.0-15 (in substantially the same format as Attachment A) with Communication Wiring Specialists (CWS) for the provision of on-call communication and low voltage systems wiring services for a three year base period with three, one-year optional terms exercisable exclusively at MTS's determination (for a total of six years); and
- 2) exercise each option year at the CEO's discretion.

Budget Impact

The value of this agreement will not exceed \$493,700. Funding for fiscal year 2016 (FY16) is included in the Information Technology (IT) department's operating and maintenance budget. Funding for future fiscal years will be included in each year's IT department's operating and maintenance budget account 661-53910 as follows:

<i>Year</i>	<i>Budget Amount</i>
Base Year 1 (FY16)	\$80,627
Base Year 2 (FY17)	\$80,627
Base Year 3 (FY18)	\$82,283
Option Year 1 (FY19)	\$82,283
Option Year 2 (FY20)	\$83,940
Option Year 3 (FY21)	\$83,940
	\$493,700



DISCUSSION:

MTS has a need for a well-experienced service provider to render both routine and urgent low voltage systems wiring services to support its business operations. The work will include communications wiring installations, routine maintenance services for MTS's telephone and fiber optic systems, cabling services relative to the support of MTS's network, wireless LAN transmission systems, and expert wiring assistance in the course of equipment transfers and relocation of IT infrastructure. Until recently, spot market procurements were held to address each need.

Because demand for expert wiring services has significantly increased at MTS, staff has recognized that a multi-year competitively procured service agreement will be better suited to meet MTS's near and mid-term needs. It is expected that MTS will gain time and labor efficiencies and achieve significant cost savings by shifting from the practice of issuing one-time purchase orders on demand to a more strategic on-call service provider agreement approach.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements of goods and services exceeding \$100,000.

On April 20, 2015, MTS issued a Request for Proposals for low voltage wiring services. Two proposals were received from the following on the due date of June 5, 2015. Both were considered responsive and responsible:

1. Communication Wiring Specialists, San Diego, CA 92123
2. Datel Systems Incorporated, San Diego, CA 92123

A selection committee consisting of MTS Information Technology, LRV, and Finance rated the proposals on the following criteria:

1.	Proposer Qualifications	25%
2.	Staffing, Organization Structure, and Management Plan	15%
3.	Work Plan	20%
4.	Cost and Price	40%
Total		100%

CWS received the highest overall scores. The selection committee then requested revised proposals and best and final offers (BAFOs) from both.

The scores and rankings for both proposers are as illustrated below:

PROPOSER NAME	TOTAL AVG. TECH. SCORE	AVG. COST SCORE	TOTAL SCORE (Tech + Cost) Total Possible Points: 100	RANKING
CWS	56.33	40.00	96.33	1
Datel	47.33	38.23	85.56	2

A price analysis of both BAFOs was held and the evaluation team concluded that CWS's proposal was the most advantageous and represented the best overall value to MTS.

Therefore, staff recommends that the Board of Directors authorize the CEO to execute MTS Doc. No. PWG170.0-15 (in substantially the same format as Attachment A) with Communication Wiring Specialists for the provision of on-call communication and low voltage systems wiring services for a three year base period with three, one-year optional terms exercisable exclusively at MTS's determination (for a total of six years).



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft Standard Services Agreement; Contract PWG170.0-15
B. Cost Summary
C. Price Breakdown – Communication Wiring Specialists (CWS)

**ATTACHMENT A
(DRAFT)**

PWG170.0-15
CONTRACT NUMBER

661-53910
FILE/PO NUMBER(S)

**STANDARD SERVICES AGREEMENT
FOR**

COMMUNICATIONS AND LOW VOLTAGE SYSTEM SERVICES

THIS AGREEMENT is entered into this _____ day of _____ 2015, 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: Communication Wiring Specialists, Inc. Address: 8909 Complex Drive, Suite F

Form of Business: Corporation San Diego, CA 92123

(Corporation, partnership, sole proprietor, etc.)

Telephone: (858) 278-4545

Authorized person to sign contracts: Eric Templin President
Name Title

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

On-Call Communication and Low Voltage Systems Wiring Services, as specified in the Scope of Work (attached as Exhibit A), Communication Wiring Specialists' cost proposal dated August 5, 2015 (attached as Exhibit B), and in accordance with the Standard Services Agreement, including Standard Conditions Services (attached as Exhibit C).

The contract term is for up to a three (3)-year base period and three (3) 1-year option terms, exercisable at MTS' sole discretion, for a total of six years. Base period shall be effective October 1, 2015 through September 30, 2018; and option years shall be effective October 1, 2018 through September 30, 2021, if exercised by MTS.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$243,537 for the base years and \$250,163 for the option years, for a total not to exceed \$493,700 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM		CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer		Firm: _____
Approved as to form:		By: _____ Signature
By: _____ Office of General Counsel		Title: _____
AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$ 243,537.00	661-53910	FY 16 – FY 19

By: _____
Chief Financial Officer Date
(____ total pages, each bearing contract number) SA-PROCUREMENT

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

COST SUMMARY

COMMUNICATION AND LOW VOLTAGE SYSTEM SERVICES MTS DOC. NO. PWL170.0-15

COMPANY NAME	TOTAL COST
CWS – Communication Wiring Specialists*	\$ 493,700.00
Datel Systems, Inc.	\$ 516,520.00

*CWS – Communication Wiring Specialists offer was found to be the most advantageous and of greatest value to MTS.

CWS - Communication and Low Voltage System Services - PWG170.0-15 (Detailed Costs)

IMPORTANT: Do not edit this section within the red border				Base Year 1			Base Year 2			Base Year 3		
	Description	Estimated Materials Amount \$25,000	Qty Estimated Hours	*Markup %	Hourly Rate	Extended Total	*Markup %	Hourly Rate	Extended Total	*Markup %	Hourly Rate	Extended Total
1	Straight Time Hourly Rate Labor		800		\$ 62.00	\$49,600		\$ 62.00	\$ 49,600.00		\$ 64.00	\$ 51,200.00
2	Saturday Hourly Rate Labor		10		\$ 83.00	\$830.00		\$ 83.00	\$ 830.00		\$ 85.00	\$ 850.00
3	Sunday and Holiday Hourly Rate Labor		10		\$ 104.00	\$1,040		\$ 104.00	\$ 1,040.00		\$ 106.00	\$ 1,060.00
4	*Mark-up % on materials/supplies in the amount estimated at \$25,000 annually	\$ 25,000		5.00%		\$26,250	5.00%		\$ 26,250.00	5.00%		\$ 26,250.00
5	SUB TOTAL					\$ 77,720.00			\$ 77,720.00			\$ 79,360.00
6	8% CA Sales Tax (on materials/supplies lines 4)					\$ 2,100.00			\$ 2,100.00			\$ 2,100.00
7	Performance bond annual cost					\$ 806.00			\$ 806.00			\$ 822.00
8	Payment bond annual cost					\$ 1.00			\$ 1.00			\$ 1.00
9	TOTAL					\$ 80,627.00			\$ 80,627.00			\$ 82,283.00

CWS - Communication and Low Voltage System Services - PWG170.0-15 (Detailed Costs)

IMPORTANT: Do not edit this section within the red border						Year 4 (Option Year 1)			Year 5 (Option Year 2)			Year 6 (Option Year 3)		
	Description	Estimated Materials Amount \$25,000	Qty Estimated Hours	*Mark-up %	Hourly Rate	Extended Total	*Mark-up %	Hourly Rate	Extended Total	*Mark-up %	Hourly Rate	Extended Total	*Mark-up %	Hourly Rate
1	Straight Time Hourly Rate Labor		800		\$ 64.00	\$ 51,200.00		\$ 66.00	\$ 52,800.00		\$ 66.00	\$ 52,800.00		\$ 66.00
2	Saturday Hourly Rate Labor		10		\$ 85.00	\$ 850.00		\$ 87.00	\$ 870.00		\$ 88.00	\$ 870.00		\$ 88.00
3	Sunday and Holiday Hourly Rate Labor		10		\$ 106.00	\$ 1,060.00		\$ 108.00	\$ 1,080.00		\$ 109.00	\$ 1,080.00		\$ 109.00
4	*Mark-up % on materials/supplies in the amount estimated at \$25,000 annually	\$ 25,000		5.00%		\$ 26,250.00	5.00%		\$ 26,250.00	5.00%		\$ 26,250.00	5.00%	
5	SUB TOTAL					\$ 79,360.00			\$ 81,000.00			\$ 81,000.00		
6	8% CA Sales Tax (on materials/supplies lines 4)					\$ 2,100.00			\$ 2,100.00			\$ 2,100.00		
7	Performance bond annual cost					\$ 822.00			\$ 839.00			\$ 839.00		
8	Payment bond annual cost					\$ 1.00			\$ 1.00			\$ 1.00		
9	TOTAL					\$ 82,283.00			\$ 83,940.00			\$ 83,940.00		



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Agenda Item No. 21

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

TITLE VI MONITORING REPORT FOR SERVICE POLICIES

RECOMMENDATION:

That the Board of Directors review and approve the 2015 Title VI Monitoring Report for Service Policies (Attachment A).

Budget Impact

None for this action.

DISCUSSION:

The Federal Transit Administration (FTA) is responsible for ensuring that recipients of federal transit funds comply with Title VI, which states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

To maintain compliance with Title VI, FTA requires transit providers such as MTS to monitor the service standards and policies established under 2012 FTA Circular 4702.1B. These standards and policies provide the framework for the monitoring and assessment of service: to compare services provided in areas with a percentage of minority population that exceeds the percentage in the overall MTS area, to services provided in areas with a percentage of minority population below the overall service area average. FTA Circular 4702.1B requires that the MTS Board of Directors review and approve the results of the monitoring program, which must take place no less frequently than every three years.

The standards that must be monitored are:

- o Vehicle Load for each mode
- o Vehicle Headway for each mode



- o On-Time Performance for each mode
- o Service Accessibility for each mode

The four service standards listed above are incorporated into MTS Board Policy 42 and presented to the Board of Directors each fall as part of the annual performance monitoring report. The metrics for each standard were approved as part of a Title VI update to Policy 42 on June 20, 2013.

The service policies that must be monitored are:

- o Vehicle Assignment for each mode
- o Distribution of Transit Amenities for each mode

The policies on Vehicle Assignment and Distribution of Transit Amenities are administrative policies that guide the procurement and assignment of revenue vehicles and passenger amenities. As this is the first staff monitoring report to the Board on these policies, both are attached to this agenda item (Attachments B and C). These policies were included in MTS's most recent Title VI Program update, which was approved for submittal to FTA by the Board in June 2015.

The 2015 Title VI Monitoring Report for Service Policies is presented here as Attachment A. The monitoring report and the results of this Board meeting will be included with MTS's next Title VI Program Update (due to the FTA in 2018) as evidence of the MTS Board's review and approval of the monitoring report.

The Title VI Monitoring Report for Service Policies assists MTS in complying with its policies with respect to vehicle assignment and distribution of amenities.



Paul C. Jablonski
Chief Executive Officer

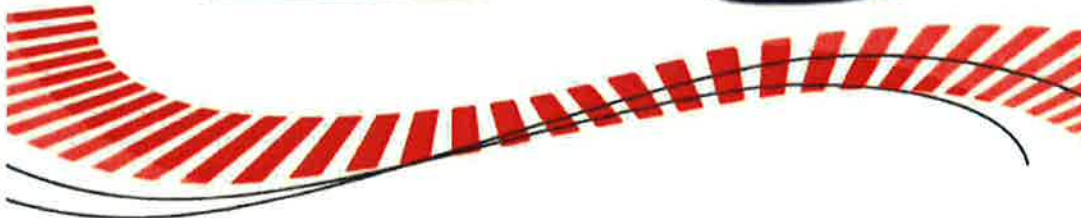
Key Staff Contact: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com

Attachments: A. 2015 Title VI Monitoring Report for Service Policies
B. MTS Vehicle Assignment Policy
C. MTS Transit Amenities Policy

**2015 TITLE VI
MONITORING
REPORT FOR
SERVICE POLICIES
ATTACHMENT WILL
BE PROVIDED AT
THE MEETING**



VEHICLE ASSIGNMENT POLICY



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Subject: VEHICLE ASSIGNMENT POLICY

Effective Date: July 1, 2015

Promulgated this 1st day of July 2015.

**SAN DIEGO METROPOLITAN
TRANSIT SYSTEM**



**Paul Jablonski
Chief Executive Officer**



**Approved as to form:
General Counsel**

1.0 Introduction

The Metropolitan Transit System (MTS) is the provider of public fixed-route bus and light rail transit services in the southern and eastern portions of San Diego County. MTS' area of jurisdiction is approximately 570 square miles of the **urbanized** areas of San Diego County, plus the rural areas of East County. Our total service area is 3,240 square miles, serving a population of nearly 3 million.

MTS can trace its roots back to 1886, when private companies began providing various rail transit services in San Diego. The current organization was created by the passage of California Senate Bill 101 and came into existence in January 1976 as the Metropolitan Transit Development Board (MTDB). In 2002, Senate Bill 1703 merged MTDB's long-range planning, financial programming, project development and construction functions into the regional metropolitan planning organization, the San Diego Association of Governments (SANDAG). In 2005, MTDB changed its name to MTS.

MTS directly or through private contractors operates 94 fixed bus routes, 4 light rail lines, and an Americans with Disabilities Act complementary paratransit service. All services are coordinated by MTS, which determines the routes, stops, frequencies and hours of operation. Light rail infrastructure includes 53 stations and 102.6 miles of rail. Various modes of bus routes are operated, including local, urban, express, Rapid, Rapid Express, and rural services.

Federal Transit Administration Circular FTA C 4702.1B requires that operators receiving federal financial assistance have policies ensuring the equitable distribution of vehicles and amenities as part of their compliance with Title VI of the Civil Rights Act of 1964. This document provides the policy guidelines for the distribution and operation of MTS vehicles throughout the MTS service area.

2.0 Buses

MTS bus services board approximately 55 million passengers per year, nearly 200,000 on an average weekday. The fleet consists of over 700 buses operating on 94 fixed-routes and paratransit service. Modes operated include motorbus, commuter bus, and paratransit. Approximately half of the service is directly operated by MTS employees, the remaining half is operated by private contractors using buses provided by MTS and operating from divisions owned by MTS.

2.1. Bus Categories

- 2.1.A. **Standard Bus:** Medium or Heavy-Duty urban transit buses manufactured by New Flyer, Gillig, etc. Passenger amenities are common throughout the fleet, with only minor year-to-year variations. There are three distinct fleets:



- 2.1.A.1 **CNG:** The largest segment of MTS' fixed-route fleet. Buses vary in length from 30'-40' with shorter buses assigned to routes with lower ridership or operating in areas where a 40' standard bus is challenging. Seating is a standard transit shell seat product with fabric inserts.

- 2.1.A.2. **Diesel:** Similar bus as the CNG model, except powered by diesel fuel. Operated only from ECBMF because that division is not yet capable of maintaining CNG buses. These will be replaced with CNG buses when retired.



- 2.1.A.3. **Gasoline Hybrid:** Branded for SuperLoop or Rapid service with passenger amenities similar to MTS standard buses. These are assigned only to TransNet-funded routes.



- 2.1.B. **Articulated Bus:** Sixty-foot articulated transit buses manufactured by New Flyer, NABI, etc. There are three distinct fleets:

- 2.1.B.1. **Urban:** MTS branded with passenger amenities similar to MTS standard buses; diesel or CNG-powered. These are assigned to higher volume routes that require additional capacity when added frequency isn't practical, feasible, or cost-effective.



- 2.1.B.2. **Rapid:** Branded for Rapid service with passenger amenities similar to MTS standard buses. These are assigned to TransNet-funded Rapid routes that operate primarily on surface streets.



- 2.1.B.3. **Rapid Freeway:** Branded for Rapid service with an upgraded seating product. These are assigned to TransNet-funded Rapid routes that operate significant freeway segments, with the upgraded seating intended to improve the ride quality at higher speeds.

- 2.1.C. **Minibus:** Single-door, high-floor, body-on-chassis cutaway buses, 25'-34' in length; generally fewer seats than standard buses; gasoline-powered. These are assigned to demand response service and fixed-routes with lower ridership. They are also used on other routes during lower-demand periods such as weekends.



2.1.D. **Over-the-Road Coach:** Single-door, 45' long, high-floor highway coach; upgraded seating product and some additional passenger amenities such as parcel racks and reading lights. These are assigned to the higher-fare Rapid Express service on the Interstate 15 corridor.



2.1.E. **ADA Paratransit Minibus:** All Americans with Disabilities Act (ADA) complementary paratransit buses are Type II cutaway minibuses operated from CPMF. There is no variation in passenger amenities from year-to-year, and vehicles are dispatched equally throughout the region based on ride demands.



2.2. **Divisions:** MTS bus service is operated from five bus divisions:

2.2.A. **Imperial Avenue Division (IAD):** Directly operated by MTS. Located at 100 Sixteenth Street, San Diego, CA 92101 (Downtown San Diego); operates standard and articulated buses. Fuels and maintains CNG-powered and gasoline-hybrid buses.

2.2.B. **Kearny Mesa Division (KMD):** Directly operated by MTS. Located at 4630 Ruffner Street, San Diego, CA 92111 (Kearny Mesa); operates standard and articulated buses. Fuels and maintains CNG- and diesel-powered buses.

2.2.C. **South Bay Maintenance Facility (SBMF):** Owned by MTS and operated by a contractor (currently Transdev). Located at 3650A Main Street, Chula Vista, CA 91911 (southern Chula Vista); operates standard buses. Fuels and maintains CNG-powered buses.

2.2.D. **East County Bus Maintenance Facility (ECBMF).** Owned by MTS and operated by a contractor (currently Transdev): 1213 North Johnson Avenue, El Cajon, CA 92020; operates standard buses, minibuses, and over-the-road coaches. Fuels and maintains diesel- and gasoline-powered buses. ECBMF will become fully CNG-capable in 2016.

2.2.E. **Copley Park Maintenance Facility (CPMF):** Owned by MTS and operated by a contractor (currently First Transit). Located at 7490 Copley Park Place, San Diego, CA 92111 (Kearny Mesa); operates minibuses. Fuels and maintains gasoline-powered buses.

- 2.3. Vehicle Amenities: Passenger amenities vary by bus type, as shown in the table below:

Vehicle Amenity	Standard Bus	Articulated Bus	Minibus	OTR Coach
Alternative Fuel-Powered	X	X		
Air conditioning	X	X	X	X
Lift for accessibility			X	X
Ramp for accessibility	X	X		
Wheelchair Tie-Down Locations	2	2	2	2
Bicycle Rack (2-positions)	X	X	X	
Bicycle Underfloor Storage				X
Seating: shell seats with fabric inserts	X	X		
Seating: standard transit padded seating			X	
Seating: upgraded high-back seats		X		X

- 2.4. Bus Assignments by Route: Bus types are assigned by route based on the following:

2.4.A. Capacity needs: Articulated buses are assigned to higher volume routes that require additional capacity when added frequency isn't practical, feasible, or cost-effective. Shorter length standard buses are assigned to routes with lower ridership or operating in areas where a 40' standard bus is challenging. Minibuses are assigned to the lowest ridership fixed-routes – routes which generally could not be economically operated with a larger bus.

2.4.B. Route type: Rapid Express routes between the Interstate 15 corridor and Downtown San Diego are always assigned over-the-road coaches; these routes have a higher fare and pass price. TransNet-funded routes (Rapid and SuperLoop) routes are always assigned Rapid articulated or SuperLoop buses. (These can be supplemented as needed with other MTS buses for capacity purposes or in an emergency situation.) Rapid routes or trips that operate significant freeway segments are assigned the Rapid "freeway" articulated buses, with upgraded seating intended to improve the ride quality at higher speeds. TransNet-funded routes or trips with lower demand are operated using the gasoline hybrid 35' buses when and where possible.

- 2.5. Route Assignments by Division: Routes are assigned to each division based on the number and types of buses available, proximity to the service, and opportunities to complement other nearby routes for efficiency, interlining, driver familiarization, supervision, and incident response. State law limits MTS's ability to assign directly-operated routes to divisions operated by MTS contractors.
- 2.6. Bus Assignments by Division: Bus types are assigned to each division based on division space capacity, and the capability of the division to fuel, operate, and maintain any specialized equipment (alternative fuels, articulated buses, etc.).
- 2.7. Future Procurements: All heavy-duty buses are alternative fuel, hybrid-electric, or zero-emission; or replaced by alternative fuel, hybrid-electric, or zero-emission buses upon retirement. Heavy-duty buses will be low-floor, except for buses used for Rapid Express, standby, or tripper services, or on special or low-ridership routes.

3.0 Rail Vehicles

3.1 Trolley Car Categories: Three different types of cars are operated:

3.1.A. High-Floor Cars: Siemens SD100 cars with high floors, steps inside the car to access 0"-8" station platform, wheelchair and bike space at the ends of each car, and a wheelchair lift next to the driver compartment in the lead car. These cars have a flip seat that allows space for three wheelchairs. These 52 cars were manufactured in 1995. Passenger amenities are identical on the fleet.



3.1.B. Low-Floor Cars: Siemens S70 and S70US cars are 70% low-floor. They include inside steps only up to seating areas at far ends of the car, wheelchair and bike space in the middle of the car, and passenger-activated ramps at two of four doors on each side of each car. Cars were manufactured between 2005 and 2014. Passenger amenities are nearly identical for all models and vintages.



3.1.C. Vintage Cars: MTS deploys two vintage Presidents Conference Car (PCC) cars on the Silver Line in Downtown San Diego. These are high-floor vehicles with a wheelchair lift and a high-density forward-facing seating arrangement.



3.2 Divisions: MTS operates one rail division, from which all light rail ("Trolley") service is operated: 1341 Commercial Street, San Diego, CA 92113 (Downtown San Diego).

3.3 Vehicle Amenities: Passenger amenities vary by car type, as shown in the table below:

Vehicle Amenity	High-Floor	Low-Floor	Vintage
Air conditioning	X	X	
Lift for accessibility	X		X
Ramps for accessibility		X	
Wheelchair Spaces	3	Not limited	1
Bicycle Spaces (limited by policy for safety)	2	2	0
Seating: shell seats with fabric inserts		X	
Seating: standard transit padded seating	X		X

3.4. Trolley Assignments by Line: Trolley cars are assigned primarily based on four factors:

3.4.A. Station infrastructure limitations: Low floor cars require a minimum 8" station platform height in order for the ramp to maintain an ADA-compliant slope. All stations on all four lines now have 8" platforms.

- 3.4.B. Fleet constraints: MTS currently owns 76 low-floor cars, but requires 96 cars for a full peak schedule. Currently, the difference is made up by inserting a high-floor car in the middle of three-car consists, and some tripper and special event service.
- 3.4.C. Vintage Car constraints: Due to their high floor and limited capacity, the vintage PCC cars are used only on the Silver Line loop in Downtown San Diego, where they supplement other existing services.
- 3.5 Future Procurements: Except for vintage cars, all Trolley cars will be a minimum of 70% low-floor; existing high-floor cars will be replaced by low-floor cars upon retirement.
- 3.6 Trolley System Map (Silver Line not shown):



4.0 MTS Fleet List (as of 7/1/2015)

Motorbus - Directly Operated						
Division	Quantity in Fleet	Fleet Series	Year	Make	Model	Vehicle Assignment Policy Category
KMD	12	900	2014	Gillig	Low-Floor	Standard Bus - CNG
IAD	26	800	2013	Gillig	Low-Floor	Standard Bus - CNG
KMD	29	1100	2013	New Flyer	XN60	Articulated Bus - Rapid Freeway
IAD	18	1200	2013	New Flyer	XN60	Articulated Bus - Rapid
IAD	31	700	2012	New Flyer	C40LFR	Standard Bus - CNG
IAD	26	600	2011	New Flyer	C40LFR	Standard Bus - CNG
IAD	12	500	2008	New Flyer	GE35LFR	Standard Bus - Gasoline Hybrid
IAD/KMD	50	300	2008	New Flyer	C40LF	Standard Bus - CNG
IAD	26	1000	2008	NABI	60BRT	Articulated Bus - Urban
KMD	7	400	2005	New Flyer	C40LF	Standard Bus - CNG
IAD/KMD	36	1800	2001	New Flyer	C40LF	Standard Bus - CNG
KMD	13	1900	2001	New Flyer	D60LF	Articulated Bus - Urban
Motorbus - Purchased Transportation						
SBMF	38	2400	2014	Gillig	Low-Floor	Standard Bus - CNG
SBMF	24	2300	2013	Gillig	Low-Floor	Standard Bus - CNG
SBMF	22	2900	2012	New Flyer	C40LFR	Standard Bus - CNG
SBMF	75	2800/7300	2009	New Flyer	C40LF	Standard Bus - CNG
SBMF	7	2770	2008	El Dorado Nat'l	EZ Rider II	Standard Bus - CNG
SBMF	5	7200	2008	New Flyer	C40LF	Standard Bus - CNG
SBMF	40	2700	2005	New Flyer	C40LF	Standard Bus - CNG
SBMF	6	7100	2005	El Dorado Nat'l	EZ Rider II	Standard Bus - CNG
SBMF	14	2600	2001	New Flyer	C40LF	Standard Bus - CNG
ECBMF	49	8100/6000	2001	New Flyer	D40LF	Standard Bus - Diesel
ECBMF	2	8039/8041	1995	Gillig	Phantom	Standard Bus - Diesel
CPBF/ECBMF	5	3500	2009	El Dorado Nat'l	AeroElite 290	Minibus
CPBF	6	3000	2014	El Dorado Nat'l	AeroElite	Minibus
CPBF	26	3400	2008	El Dorado Nat'l	AeroElite 290	Minibus
CPBF	1	3451	2008	Goshen	Sentinel	Minibus
CPBF	2	3452/3453	2008	El Dorado Nat'l	AeroElite 320	Minibus
Commuter Bus - Purchased Transportation						
ECBMF	25	8500	2007	Blue Bird	Express 4500	Over-the-Road Coach
Demand Response - Purchased Transportation						
CPBF	57	3900	2014	Starcraft	AllStar	ADA Paratransit Minibus
CPBF	40	3800	2012	Starcraft	AllStar	ADA Paratransit Minibus
CPBF	30	3700	2012	Starcraft	AllStar	ADA Paratransit Minibus
CPBF	16	3600	2011	Starcraft	AllStar	ADA Paratransit Minibus
CPBF	30	3300	2008	Starcraft	AllStar	ADA Paratransit Minibus
Light Rail - Directly Operated						
SDTI	65	4000	2011	SDU	S70US	Low-Floor Car
SDTI	11	3000	2005	SDU	S70	Low-Floor Car
SDTI	52	2000	1995	SDU	SD100	High-Floor Car
SDTI	2	529/530	1946	SLC	PCC	Vintage Car



TRANSIT AMENITIES POLICY



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

SAN DIEGO METROPOLITAN TRANSIT SYSTEM


Subject: TRANSIT AMENITIES POLICY

Effective Date: July 1, 2015

Promulgated this 1st day of July 2015.

**SAN DIEGO METROPOLITAN
TRANSIT SYSTEM**



Paul Jablonski
Chief Executive Officer

Approved as to form:
General Counsel

1.0 Introduction

The Metropolitan Transit System (MTS) is the provider of public fixed-route bus and light rail transit services in the southern and eastern portions of San Diego County. MTS' area of jurisdiction is approximately 570 square miles of the urbanized areas of San Diego County as well as the rural parts of East County, 3240 total square miles, serving nearly 3 million people in San Diego County.

MTS can trace its roots back to 1886, when private companies began providing various rail transit services in San Diego. The current organization was created by the passage of California Senate Bill 101 and came into existence in January 1976 as the Metropolitan Transit Development Board (MTDB). In 2002, Senate Bill 1703 merged MTDB's long-range planning, financial programming, project development and construction functions into the regional metropolitan planning organization, the San Diego Association of Governments (SANDAG). In 2005, MTDB changed its name to MTS.

MTS directly or through private contractors operates 94 fixed bus routes, 4 light rail lines, and an Americans with Disabilities Act complementary paratransit service. All services are coordinated by MTS, which determines the routes, stops, frequencies and hours of operation. Light rail infrastructure includes 53 stations and 102.6 miles of rail. Various modes of bus routes are operated, including local, urban, express, Rapid, Rapid Express, and rural services.

Federal Transit Administration Circular FTA C 4702.1B requires that operators receiving federal financial assistance have policies ensuring the equitable distribution of vehicles and amenities as part of their compliance with Title VI of the Civil Rights Act of 1964.

This policy is established to ensure the equitable distribution of amenities across the MTS transit network. Details on amenities provided by mode follow below. It has been provided to MTS' outside contractors that install and maintain amenities (currently, Clear Channel Outdoor and Coast United).

This policy applies to amenities funded by or constructed by or at the direction of MTS. This policy does not limit or restrict outside parties from funding and constructing infrastructure improvements at or near MTS transit stations/stops for the benefit of MTS passengers.

2.0 Bus Stops

The installation of bus stop amenities is prioritized based on the number of passenger boardings at stops and stations along those routes. This prioritization can be adjusted by site constraints which may prevent installation of an amenity. MTS also works with local communities to ensure that installed amenities are an asset rather than nuisance, and may adjust siting and installations on a case-by-case basis accordingly.

2.1. Seating

MTS provides four types of seating at bus stops:

- 2.1.A Stand-alone benches: MTS maintains a contract with a vendor (currently Coast United) to install benches at bus stop locations, based on passenger volume or upon request. Space constraints on city sidewalks often limit the ability to install a bench. Some cities in MTS' service area install their own bus stop benches; While MTS works closely with the local jurisdictions, MTS does not have the ultimate authority over the placement, design, or location of these benches.
- 2.1.B Shelter benches: MTS maintains a contract with a vendor (currently Clear Channel Outdoor) to install shelters and benches at bus stop locations. Typically a bench is installed at each shelter location, but MTS occasionally omits or removes the bench when working with local communities to resolve loitering issues, or to increase circulation and queuing space for passengers.
- 2.1.C. Rapid/TransNet station benches: MTS maintains benches at Rapid and SuperLoop bus stops/stations with TransNet reimbursement for operating expenses.
- 2.1.D. Transit Center benches: off-street transit centers maintained by MTS and shared with Trolley service have benches located at or near the bus stops for use by bus passengers.

Outside entities such as nearby institutions, cities, business improvement districts, and adjacent property owners sometimes install their own furniture at or near bus stops. MTS maintains some control of the immediate bus stop area for safety and ADA compliance, but the local jurisdiction has the ultimate authority over furniture placed within its right-of-way.

2.2. Shelters

MTS provides three kinds of shelters at its bus stops:

- 2.2.A Stand-alone shelters: MTS maintains a contract with a vendor (currently Clear Channel Outdoor) to install shelters at bus stop locations, based primarily on passenger volume.

Potential locations require sufficient space for the shelter and suitable electrical conditions (nearby power source and ability to ground the equipment). Space constraints on city sidewalks often limit the ability to install a shelter. MTS offers

two lengths of the stand-alone shelter to accommodate smaller spaces where possible, or to provide more shelter area at busier stops, space permitting.

- 2.2.B. Rapid/TransNet station shelters: MTS maintains shelters at Rapid and SuperLoop bus stops/stations with TransNet reimbursement for operating expenses.
- 2.2.C. Transit Center shelters: off-street transit centers maintained by MTS and shared with Trolley service have shelters located at or near the bus stops for use by bus passengers.

Some cities in MTS' service area install their own bus stop shelters; While MTS works closely with the local jurisdictions, MTS does not have the ultimate authority over the placement, design, or location of these shelters.

Other outside entities, such as nearby institutions, business improvement districts, and adjacent property owners, sometimes install their own furniture at or near bus stops. MTS maintains some control of the immediate bus stop area for safety and ADA compliance, but the local jurisdiction has the ultimate authority over furniture placed within its right-of-way.

2.3. Passenger Information

2.3.A Static Displays

Each bus stop blade includes the following information: MTS logo, bus icon, list of routes serving the stop, and the individual stop number, allowing passengers to access stop-specific information on the internet or via smartphone. Blades installed at transit centers, major transfer points, and significant destinations include larger route decals with each route's destination also provided.

Bus stop pole displays showing the schedule for the route(s) serving the stop are installed at transit centers, major transfer points, significant destinations, and locations with high numbers of boardings.

Information kiosks are installed at off-street transit centers, selected busy on-street transfer locations, and along Broadway in Downtown San Diego. The information provided is customized to the location, but may include routes and destinations, fare information, local area maps, route maps, and "How to Ride" information.

Most shelters provided and serviced by MTS' vendor (currently Clear Channel Outdoor) include an information panel for a schedule, route map, or other information, depending on the service and location.

2.3.B Electronic Displays

"Next-arrival" displays are provided at Rapid and SuperLoop bus stops/stations with TransNet reimbursement for operating expenses. These are installed as part of the capital project, and maintained through the operating agreement with SANDAG.

Next-arrival signs were also installed in a few other transit center locations as part of a pilot to test the technology; the functionality of these signs is maintained to the extent possible, but there are no plans to expand the program at this time.

2.4. Elevators/Escalators

2.4.A. Elevators: Provided only at locations where a fixed ramp could not meet Americans with Disabilities Act (ADA) requirements. Currently, the only bus stop location with an MTS-owned elevator not also served by Trolley is the parking structure at the Sabre Springs/Peñasquitos Transit Station. In the future, elevators will be installed at the bus-only transit plaza stations in City Heights.

2.4.B. Escalators: There are no escalators at any bus-only location.

2.5. Trash Cans

MTS provides for trash cans at the following bus stop locations:

2.5.A. Transit centers served by both buses and Trolleys

2.5.B. Rapid stations with TransNet reimbursement for operating expenses

2.5.C. MTS-contracted bus shelter locations

At all other locations, trash cans (if provided) are installed, serviced, and controlled by an outside entity, typically a city, business improvement district, or adjacent property owner.

2.6. Restrooms

Only three locations have MTS-owned restrooms available for passenger use: 12th & Imperial Transit Center, Old Town Transit Center, and El Cajon Transit Center. All three locations have an outside vendor that maintains the restroom and controls access. Other bus stops have nearby restrooms that can be used by passengers, but MTS does not reimburse the owner nor have any control over access.

MTS provides secured restrooms for employees only at various bus route terminal locations. At some bus route terminals, MTS has an agreement with a nearby business to allow drivers (not passengers) to use their restroom.

2.7. Ticket Vending Machines

There are currently no ticket vending machines provided at bus stops apart from Trolley stations.

3.0 Rail Stations

Trolley station amenities, except where noted below, are generally standardized at all Trolley stations throughout the Trolley network. This standardization ensures equal distribution to all users, regardless of the location of the station. Quantities and siting of amenities are dependent on level of boardings and site-specific conditions.

3.1. Seating

MTS provides seating at all Trolley stations. Quantity and placement of benches is dependent on location, number of boardings, and station design and layout.

3.2 Shelters

MTS provides two kinds of shelters at its Trolley stations:

3.2.A. Large canopies: Most Trolley stations have one large canopy, located on the platform with the most open area.

3.2.B. Small canopies: Most Trolley stations have one or more small canopies, located on the narrower platform.

3.3 Passenger Information

3.3.A. Static Displays: Each Trolley platform includes signage along its length indicating the station name, line of service, and terminal destination.

Information kiosks are installed on the platforms of all Trolley stations. The information provided includes Trolley schedules, fare information, local area maps, and "How to Ride" information. Bus transfer information is also included at busy transfer centers with bus service.

3.3.B Electronic Displays: "Next-arrival" displays are provided above all Trolley platforms. When operable, these indicate the line of service and the estimated time of arrival for subsequent trains.

3.4 Elevators/Escalators

3.4.A. Elevators: Provided only at locations where a fixed ramp could not meet Americans with Disabilities Act (ADA) requirements. Currently, MTS provides and maintains elevators at the following Trolley stations: Fashion Valley Transit Center, Qualcomm Stadium, Grantville Trolley Station, SDSU Transit Center, and Grossmont Transit Center.

3.4.B. Escalators: The only MTS stop/station with escalators is the SDSU Transit Station, where peak volumes would exceed the capacity of the elevators. No other escalators are planned for the system at this time.

3.5 Trash Cans

MTS installs and services trash cans at all Trolley stations.

3.6 Restrooms

Only three Trolley locations have MTS-owned restrooms available for passenger use: 12th & Imperial Transit Center, Old Town Transit Center, and El Cajon Transit Center. All three locations have an outside vendor that maintains the restroom and controls access; hours and availability vary. Other Trolley stations have nearby restrooms that can be used by passengers, but MTS does not reimburse the owner nor have any control over access.

3.7 Ticket Vending Machines

At least two ticket vending machines are provided at every Trolley station. Each machine accepts credit cards and dispenses tickets. At least one machine at each station also has the ability to dispense Compass Cards and load passes on Compass Cards.



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Agenda Item No. 22

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

JOB ORDER CONTRACTING SERVICES - CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1282.0-16 (in substantially the same format as Attachment A) with the Gordian Group for the provision of Job Order Contracting services for a five year period.

Budget Impact

The total value of this agreement will not exceed \$500,000.00 and will be funded by each project that uses the service on a fee-for-service basis.

DISCUSSION:

Job Order Contracting (JOC) is a method of procuring maintenance, repair, and minor construction services under which a catalog of specific construction tasks with pre-set unit prices is provided to potential bidders who submit competitive bids for a multiplier, or unit price Adjustment Factor, that will be applied to the pre-set unit prices. Once contractors are selected, the total price for a specific project will be the sum of all pre-set unit prices required for that specific project, multiplied by their respective adjustment factors.

The JOC Consultant prepares and provides software, technical specifications, unit price books, and Invitation for Bid forms for various types of maintenance, repair and minor construction projects. The JOC Consultant's role is to support MTS staff in the JOC method of procurement.

The job order is a firm fixed-price, indefinite quantity contract for renovation, maintenance, repair, and minor new construction projects. A price book of construction tasks and technical specifications is prepared by the JOC Consultant and provided to



bidders, who submit competitive bids for an adjustment factor, or percentage increase, to be applied to each of the various tasks.

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

In December 2014, the San Diego Association of Governments (SANDAG) and MTS launched a joint procurement for the development and implementation of a JOC Consultant for a variety of minor routine or recurring construction, renovation, alteration, or repair of existing public facilities. A single response was received from The Gordian Group, Inc., and was determined to be responsive and responsible. As prescribed by the Federal Transit Administration (FTA) Circular 4220.1F a detailed price analysis was held to make certain that the price was fair and reasonable in comparison with prevailing market prices for similar products and with the features of the product that was offered. The fees charged by The Gordian Group are set at 1.95% of the job order task amount inclusive of the total contract amount.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. L1282.0-16 (in substantially the same format as Attachment A) with the Gordian Group for the provision of Job Order Contracting services for a five year period.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No.PWL1282.0-16

DRAFT**STANDARD SERVICES AGREEMENT**

L1282.0-16

CONTRACT NUMBER

Various

FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2015, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: The Gordian Group Address: 30 Patewood drive, Suite 350
 Form of Business: Corporation Greenville South Carolina 29615
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: (800) 874-2291

Authorized person to sign contracts: Ammon T. Leshner Vice President
 Name Title

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

Job Order Contracting (JOC) Consulting Programming Software Services as described in SANDAG JOC No.5004430 (attached as Exhibit A) the Bid Summary (attached as Exhibit B), Standard Conditions Services (attached as Exhibit C) and Federal Requirements (attached as Exhibit D).

This contract shall be effective (October 1, 2015) through (September 30, 2020).

The total cost of this contract shall not exceed \$500,000.

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
\$To be encumbered on JOC	Various	FY16-FY21

By: _____ Date
 Chief Financial Officer

(___ total pages, each bearing contract number)



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Agenda Item No. 23

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

SALARY SURVEY SERVICES - CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1835.0-16 (in substantially the same format as Attachment A) with The Howard E. Nyhart Company for the provision of salary survey services for calendar years 2016, 2018 and 2020.

Budget Impact

The total estimated cost of this contract would not exceed \$115,268.40 for three years of salary surveys and will be funded through operating budget account 711-53910.

DISCUSSION:

MTS is a pay-for-performance Agency. Pay increases for non-represented employees are determined by their performance, as appraised by their immediate supervisor in annual performance evaluations. To ensure that MTS sustains its ability to recruit and maintain high-quality employees with competitive compensation packages in the San Diego employment market, MTS is requesting that a salary survey be completed by January 2016, and again in calendar years 2018 and 2020.

The previous salary survey for MTS was conducted in 2011. Since then, there have been many changes in MTS job duties, the local job market, and the transit industry. MTS is now seeking an updated comparison of its salary ranges and employee salaries to similar positions in the closest comparable job market to see if any adjustments are needed.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements of goods and services exceeding \$100,000.



On July 29, 2015, MTS issued a Request for Proposals for salary survey services. Six (6) proposals were received by the due date of August 19, 2015, as follows:

1. Gallagher Benefit Services, Inc.
2. Hay Group
3. Mercer
4. Reward Strategy Group
5. Segal Waters Consulting
6. The Howard E. Nyhart Company

A selection committee consisting of representatives from the MTS Human Resources and Finance departments met and rated the proposals on the following criteria:

- | | |
|--|------------|
| 1. Qualifications & Experience of the Firm and Proposed Staffing | 30% |
| 2. Work Plan | 30% |
| 3. Cost and Price | 40% |
| | Total 100% |

All proposals were deemed responsive and responsible. Based on the evaluation of all technical and price proposals that were received, MTS staff determined that The Howard E. Nyhart Company's proposal is fair and reasonable and represents the best overall value to the Agency.

The following table represents the final scores and rankings for all proposers:

PROPOSER NAME	TOTAL AVG. TECH. SCORE	COST SCORE	TOTAL SCORE (Tech + Cost)	RANKING
The Howard E. Nyhart Company	55.33	15.85	71.183	1
Reward Strategy	26	40	66	2
Gallagher Benefit Services, Inc.	35.33	8.48	48.81	3
Mercer	36	5.19	41.19	4
Segal Waters Consulting	34.66	8.27	42.93	5
Hay Group	30.66	10.74	41.40	6

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. G1835.0-16 with The Howard E. Nyhart Company for the provision of salary survey services in calendar years 2016, 2018 and 2020.


Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft Standard Services Agreement; Contract G1835.0-16
B. Cost Summary
C. Price Breakdown – The Howard E. Nyhart Company

**STANDARD SERVICES AGREEMENT
FOR
HR SALARY SURVEY SERVICES**

G1835.0-16
CONTRACT NUMBER

FILE/PO NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2015
by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the
following, hereinafter referred to as "Contractor":

Name: The Howard E. Nyhart Company Address: 530 B Street, Suite 900

Form of Business: Corporation San Diego, CA 92101-4404
(Corporation, partnership, sole proprietor, etc.)

Telephone: (619) 239-0831

Authorized person to sign contracts: Teena Sarkissian Co-Director
Name Title

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

Provide salary survey services, as specified in the Scope of Work (attached as Exhibit A), The Howard E. Nyhart Company's Proposal (attached as Exhibit B), and in accordance with the Standard Services Agreement, including the Standard Conditions Services (attached as Exhibit C).

Total contract amount shall not exceed \$ 115,268.40.

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
<u>\$115,268.40</u>	<u>711-53910</u>	<u>2016 - 2020</u>
By: _____ Chief Financial Officer	Date	

(___ total pages, each bearing contract number)

SA-SERVICES (REV 7-15)
DATE

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

COST SUMMARY

SALARY SURVEY SERVICES RFP
MTS DOC. NO. G1835.0-16

COMPANY NAME	TOTAL COST
Gallagher Benefit Services, Inc.	\$ 215,500.00
Hay Group	\$ 429,152.04
Mercer	\$ 352,086.48
Reward Strategy	\$ 45,682.50
Segal Waters Consulting	\$ 220,970.00
The Howard E. Nyhart Company*	\$ 115,268.40

***The Howard E. Nyhart Company offer was found to be the most advantageous and of greatest value to MTS.**

HR SALARY SURVEY SERVICES - MTS DOC. NO. G1835.0-16

Nyhart			
Labor Type	# of Hours	Hourly Rate*	Total Labor <i>Hours x Hourly Rate</i>
Project Manager - 2016	78	\$ 250.00	\$ 19,500.00
Additional Staff - 2016	10	\$ 200.00	\$ 2,000.00
Additional Staff - 2016	11	\$ 150.00	\$ 1,650.00
Additional Staff - 2016	53	\$ 130.00	\$ 6,890.00
Additional Staff - 2016	53	\$ 130.00	\$ 6,890.00
Other Expenses (travel etc.)			\$ -
Subtotal for 2016			\$ 36,930.00
Project Manager 2018	73	\$ 250.00	\$ 18,250.00
Additional Staff- 2018	10	\$ 200.00	\$ 2,000.00
Additional Staff- 2018	11	\$ 150.00	\$ 1,650.00
Additional Staff -2018	50	\$ 130.00	\$ 6,500.00
Additional Staff -2018	50	\$ 130.00	\$ 6,500.00
Subtotal 2018			\$ 34,900.00
Project Manager - 2020	73	\$ 250.00	\$ 18,250.00
Additional Staff - 2020	10	\$ 200.00	\$ 2,000.00
Additional Staff - 2020	11	\$ 150.00	\$ 1,650.00
Additional Staff - 2020	50	\$ 130.00	\$ 6,500.00
Additional Staff - 2020	50	\$ 130.00	\$ 6,500.00
Subtotal 2020			\$ 34,900.00
Sub-Total 2016/2018/2020			\$ 106,730.00
Sales Tax 8%			\$ 8,538.40
Grand Total			\$ 115,268.40



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Agenda Item No. 24

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

FISCAL YEAR 2016 TRANSPORTATION DEVELOPMENT ACT CLAIM

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors adopt Resolution Numbers 15-12 (Attachment A), 15-13 (Attachment B), and 15-14 (Attachment C) approving Fiscal Year 2016 (FY16) Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.

Budget Impact

The FY16 TDA claims would result in the approval of \$90,869,756 in TDA funds for MTS to be utilized in the FY16 operating and capital budgets.

DISCUSSION:

TDA provides one-quarter percent of the state sales tax for operating and capital support of public transportation systems and non-motorized transportation projects. The San Diego Association of Governments (SANDAG), as the designated Regional Transportation Planning Agency, is responsible for the allocation of TDA funds to the region's cities, the County, and transit operators. At its February 27, 2015 meeting, the SANDAG Board of Directors approved the San Diego County Auditor's estimate of \$123,997,234 for the FY16 TDA apportionment.

A Master Memorandum of Understanding (MOU) exists between SANDAG, MTS and the North County Transit District (NCTD) with respect to the functions and responsibilities transferred to SANDAG as a result of Senate Bill 1703 (Peace, 2003). Pursuant to the MOU, both transit agencies transfer TDA funding to SANDAG annually to pay for the administrative and planning functions that transferred to SANDAG as a result of the consolidation. The MOU is updated as



circumstances change. For FY16, \$1,774,130 in funding will remain with SANDAG for transferred administrative and planning functions.

TDA allocations are authorized under four separate articles of the law. Article 4 funds are used to provide general public transit services. Article 4.5 funds are designated for community transit services, and pursuant to SANDAG Board Policy No. 027, are allocated within the San Diego region to support paratransit services required by the Americans with Disabilities Act (ADA). Article 8 funds support specialized services such as express bus and ferry services.

A total of \$90,869,756 is estimated to be allocated to MTS for FY16. This includes \$85,575,994 in TDA Article 4.0 claims, \$52,787,027 of which will fund operating activities, and the remaining \$32,788,967 will fund the Capital Improvement Program; \$4,545,837 in Article 4.5 claims to fund MTS Paratransit services; and \$747,925 in Article 8.0 claims to fund the ferry / commuter express services.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Resolution No. 15-12
B. Resolution No. 15-13
C. Resolution No. 15-14

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 15-12

Resolution Approving Fiscal Year 2016 Transportation Development Act, Article 4.0

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

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved the MTS FY 2016 TDA claim, and

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

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

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve the FY 2016 TDA Article 4.0 MTS TDA claim of \$85,575,994; \$52,787,027 of the 4.0 TDA claim will be used for operating activities, and the remaining \$32,788,967 will be used to fund capital.

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

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 15-13

Resolution Approving Fiscal Year 2016 Transportation Development Act, Article 4.5

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

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved the MTS FY 2016 TDA claim, and

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

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

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve the FY 2016 TDA Article 4.5 MTS TDA claim of \$4,545,837. The allocation will be used to fund the MTS Access/CTS Paratransit services.

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

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 15-14

Resolution Approving Fiscal Year 2016 Transportation Development Act, Article 8.0

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

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved the MTS FY 2016 TDA claim, and

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

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

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve the FY 2016 TDA Article 8.0 MTS TDA claim of \$747,925. The allocation will be used to fund the ferry/commuter express services.

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

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System



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Agenda Item No. 25

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

ON-CALL RAILROAD JOB ORDER CONSTRUCTION SERVICES – CONTRACT
AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL182.0-16 (in substantially the same format as Attachment A) with Herzog Contracting Corporation, for the provision of on-call railroad job order construction services for a three-year agreement.

Budget Impact

The total value of this agreement will not exceed \$3,000,000.00. Funding will be included in the budget of each project for which a task order will be issued under this agreement.

DISCUSSION:

Job Order Contracting (JOC) is a procurement method under which public agencies may accomplish frequently encountered repairs, maintenance, and construction projects through a single, competitively procured long-term agreement. A catalog of specific construction tasks with pre-set unit prices is provided to potential bidders who submit competitive bids for a multiplier, or unit price Adjustment Factor, that will be applied to the pre-set unit prices. Once contractors are selected, the total price for a specific project will be the sum of all pre-set unit prices required for that specific project, multiplied by their respective adjustment factors. This is an efficient procurement tool as it eliminates the time consuming processes inherent in the typical project acquisition approach.



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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.

The JOC contract under consideration today will include railroad construction services which cover main track rehabilitation and replacement, grade crossings, special track work, direct fixation, signal systems, overhead catenary systems, traction power, and related civil construction improvement work. The services will be inclusive of all direct and ancillary professional and technical services necessary for compliance with established project management protocols from inception to project completion.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements exceeding \$100,000.

In February 2015, the San Diego Association of Governments (SANDAG) and MTS issued a joint solicitation for the provision of on-call JOC railroad construction services. Four responsive bids were received from Herzog Contracting Corporation, RailWorks Track Services, Veolia Transportation and H&H Engineering Construction. As indicated in the following table, Herzog provided the lowest adjustment factor and was determined to have offered the lowest responsive and responsible bid.

<i>Company</i>	<i>Adjustment Factor</i>	<i>Ranking</i>
Herzog Contracting Corporation	1.1512	1
Railworks Track Services	1.2377	2
Veolia Transportation	1.2460	3
H&H Engineering Construction, Inc.	1.8830	4

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Document No. PWL182.0-16 (in substantially the same format as Attachment A) with Herzog Contracting Corporation for the provision of on-call railroad job order construction services for a three-year agreement.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No.PWL182.0-16

DRAFT

STANDARD SERVICES AGREEMENT

 PWL182.0-16
 CONTRACT NUMBER

 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2015, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Herzog Contracting Corporation Address: 600 South Riverside Road
 Form of Business: Corporation Saint Joseph, MO 64507
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: (816) 901-4076

Authorized person to sign contracts: Scott Norman Vice President
 Name Title

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

Job Order Construction (JOC) services as described in SANDAG JOC No.5007501 (attached as Exhibit A) the Bid Summary (attached as Exhibit B), Standard Conditions Services (attached as Exhibit C) and Federal Requirements (attached as Exhibit D).

This contract shall be effective from October 1, 2015 through September 30, 2018.

The total cost of this contract shall not exceed \$3,000,000 without the express written consent of the MTS..

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

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

\$To be encumbered on JOC

By: _____
Chief Financial Officer Date

(___ total pages, each bearing contract number)



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Agenda Item No. 26

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

SIEMENS SD-100 LIGHT RAIL VEHICLE TRACTION MOTOR OVERHAUL -
CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1238.0-15 (in substantially the same format as Attachment A) with Siemens Industry Inc., for the provision of SD-100 Light Rail Vehicle (LRV) traction motor overhaul services.

Budget Impact

The total cost of this agreement will not exceed \$3,690,554.00. Funding will be through the MTS Capital Improvement Program (CIP) project 11328-0200.

DISCUSSION:

The Federal Transit Administration (FTA) requires all rail system operators to maintain a fleet management plan that addresses operating policies, peak vehicle requirements, and maintenance and overhaul programs. The MTS Rail Fleet Management Plan includes a scheduled maintenance program consisting of four (4) levels that range from daily preventive and corrective maintenance, to major overhauls which include the overhaul of traction motors.

As MTS's SD-100 LRVs were originally placed in revenue service between 1993 and 1995, these vehicles are currently past mid-life and require a major overhaul of their traction motors. The overall refurbishment program for all 108 (104 installed and four reserves) SD-100 traction motors will take place between Fiscal Year 2016 (FY16) and FY20.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive-bidding process for procurements exceeding \$100,000.



On April 1, 2015, staff released a Request for Proposals (RFP) to seek a provider for SD-100 traction motor overhaul services over a five-year period. On May 12, 2015, six proposals were received. Of the six proposals, three were deemed non-responsive for failing to meet the requirements of the RFP and were disqualified. The following remaining three proposers were deemed to be responsive and responsible:

1. Ram Industry
2. Siemens Industry Inc.
3. UTC-RAS Inc.

A selection committee consisting of MTS representatives from the LRV Maintenance and Finance department rated the proposals on the following criteria:

- | | |
|--|------|
| 1. Qualifications of the Firm or Individual | 20% |
| 2. Staffing, Organization, and Management Plan | 20% |
| 3. Work Plan | 20% |
| 4. Cost/Price | 40% |
| Total | 100% |

Based on the evaluation panel's analysis of the technical proposal, discussions, negotiations and evaluation of price, Siemens Industry Inc.'s proposal represented the best overall value to MTS.

The following table represents the final scores and ranking for all proposers:

<i>Proposer Name</i>	<i>Total Avg Technical Score</i>	<i>Cost Score</i>	<i>Total Score (Tech+Cost)</i>	<i>Ranking</i>
Siemens Industry Inc	60.00	34.02	94.02	1.00
Ram Industry Inc	35.00	36.34	71.43	2.00
UTC RAS Inc.	34.67	40.00	74.67	3.00

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. L1238.0-15 (in substantially the same format as Attachment A) with Siemens Industry Inc., for the provision of SD-100 LRV traction motor overhaul services.



Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. L1238.0-15
B. Cost Summary
C. Price Breakdown – Siemens Industry, Inc.

DRAFT

STANDARD SERVICES AGREEMENT

L1238.0-15
 CONTRACT NUMBER

FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2015, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Siemens Industry Inc. Address: 1000 Deerfield Parkway
 Form of Business: Corporation Buffalo Grove, IL 60089
 (Corporation, partnership, sole proprietor, etc.)
 Telephone: (847) 215-1093

Authorized person to sign contracts: David Brannon Controller
 Name Title

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

Provide overhaul and refurbishment of up to 108 SD-100 Traction Motors as described in technical specification (attached as Exhibit A) the Proposal (attached as Exhibit B), and in accordance with the Standard Conditions Services Agreement, including the Standard Conditions Services (attached as Exhibit C).

This contract shall be effective (October 1, 2015) through (September 30, 2020).

The total cost of this contract shall not exceed \$ 3,690,554.00.

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
\$ 3,690,554.00.	11328-0200	FY 2016 - 2021

By: _____ Date
 Chief Financial Officer

(___ total pages, each bearing contract number)

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

COST SUMMARY

**SD-100 LRV REFURBISHMENT OF SIEMENS TRACTION MOTOR RFP
MTS DOC. NO. L1238.0-15**

COMPANY NAME	TOTAL COST
Global Power Inc.	\$ 3,758,255.00
Ram Industry Inc.	\$ 3,445,972.00
Sherwood Electrical	\$ 2,110,010.00
Siemens Industry Inc.*	\$ 3,690,554.00
Swiger Coil Inc.	\$ 1,546,570.00
UTC- RAS Inc.	\$ 3,138,655.00

***Siemens Industry Inc. offer was found to be the most advantageous and of greatest value to MTS.**

Price Breakdown
SD-100 LRV Refurbishment of Siemens Traction Motors
MTS Doc. No. L1238.0-15

					Siemens
#	DESCRIPTION	EST. QUANTI TY	UNIT ISSUE	UNIT PRICE	TOTAL
SD100 TRACTION MOTOR REFURBISHMENT					
1	Fixed Pricing: Total cost shall include all labor material and taxes needed to successfully perform basic refurbishment cleaning, overhaul, testing and final inspection	108	Each	\$ 14,542.00	\$ 1,570,536.00
2	Freight Charges	108	Each	\$ 1,175.00	\$ 126,900.00
3	Sub-Total:			Subtotal	\$ 1,697,436.00

					Siemens
#	DESCRIPTION	EST. QUANTI TY	UNIT PRICE	TOTAL	
4	Firm fixed hourly labor for Out of scope repairs	18,803	Hours	\$ 106.00	\$ 1,993,118.00
5	Sub-Total:			Subtotal	\$ 1,993,118.00
6	Grand Total			\$	3,690,554.00



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Agenda Item No. 27

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

AN ORDINANCE AMENDING ORDINANCE NO. 5, PROVIDING AUTHORITY FOR TAXICAB REGULATORY INSPECTORS TO ENFORCE ADDITIONAL LOCAL AND STATE ORDINANCES RELATING TO FOR-HIRE TRANSPORTATION REGULATION

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) read the title of Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II (Attachment A);
- 2) waive further readings of the Ordinance;
- 3) adopt the proposed Ordinance amendments; and
- 4) direct publication of an Ordinance summary.

Budget Impact

None with this action.

DISCUSSION:

Taxicab Regulatory Inspectors are responsible for regulatory enforcement of for-hire vehicles within the MTS service areas. Per California Penal Code 836.5 and MTS Ordinance 5.3 A, B, Taxicab Regulatory Inspectors are authorized to issue citations and/or arrest violators of local and state code sections outlined in Section 5.3 A and 5.3 B (Attachment A).



MTS Taxicab Enforcement Officers have witnessed and have received increasing incidents of illegal for-hire transportation operators within our jurisdiction. Some violators operate without any permit as required by local and/or state laws. Others operate with local or state permits, but do not comply with permitting requirements. To encourage compliance with local and state ordinances and enhance enforcement abilities, Taxicab Regulatory Inspectors would have the authority to issue citations under additional state and local ordinances that directly relate to for-hire transportation operators.

If approved, Ordinance 5, Section 5.3 B would read as follows (additional language in italics):

B. Taxicab *Regulatory* Inspectors, *Regulatory Analysts*, and the Taxicab Administrator, employed by MTS, are hereby vested with the duty to enforce MTS Ordinances Nos. 5 and 11, and the following code sections: *Penal Code 654.1*, Public Utilities Code Sections 5360.5, 5371, 5379, 5381.5, 5386.5, 5411, *San Diego County Regional Airport Authority (SDCRAA) 9.13(a)*, *San Diego Municipal Code (SDMC) 31.0121, 33.1406 and 86.0105 and California Vehicle Code 4000(a)(1) per 260(a), 16502(a), 21100.4 and 23124*. In accordance with Penal Code Section 836.5, Taxicab *Regulatory* Inspectors and the Taxicab Administrator, employed by MTS are authorized to arrest a person without a warrant whenever a Taxicab Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.



Paul C. Jablonski
Chief Executive Officer

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

- Attachments: A. Redline Draft Amended Ordinance No. 5, An Ordinance Relating to the Enforcement Authorities of Code Compliance Inspectors, Assistant Code Compliance Supervisors, the Code Compliance Inspection Supervisor, and Taxicab Inspectors I & II
- B. Code Sections and Descriptions from the California Penal Code, Public Utilities Code, San Diego County Regional Airport Authority Code, San Diego Municipal Code and California Vehicle Code

SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD
(also known as San Diego Metropolitan Transit System)

CODIFIED ORDINANCE NO. 5
(as amended ~~11/15/12~~ 11/15/12 9/17/15)

An Ordinance Relating to the Enforcement
Authorities of Code Compliance Inspectors,
Assistant Code Compliance Supervisors,
the Code Compliance Inspection Supervisor,
and Taxicab Inspectors I & II

The Board of Directors of the San Diego Metropolitan Transit System (MTS) do ordain as follows:

Section 5.1 Statutory Authorities

A. The Metropolitan Transit System has been created by State law (Public Utilities Code Section 120000 through 12054) as a public agency with the authority and duty to plan and construct exclusive public mass transit guideways (Section 120260) and to acquire, construct, maintain, and operate or let a contract to operate public transit systems and related transportation facilities and services (Section 120264).

B. Additionally, the Board is vested with the duty to adopt all ordinances and make all rules and regulations proper and necessary to regulate the use, operation, and maintenance of its property and facilities, including its public transit systems and related transportation facilities and services (Section 120105). The violation of any ordinance, rule, or regulation enacted by the Board relating to evasion of fares in any transit facility owned or controlled by the Board is an infraction and upon a violation after the second conviction is a misdemeanor (Section 120450).

C. The provision of information known to be false to a Code Compliance Inspector, Assistant Code Compliance Supervisor, the Code Compliance Inspection Supervisor, or the Transit Security Administrator (hereinafter cumulatively referred to as Inspectors) is similarly an infraction or misdemeanor (Section 120450.5).

D. The violation of any ordinance, rule, or regulation prohibiting unauthorized operation or manipulation of transit facilities or prohibiting unauthorized tampering or interference with transit facilities is similarly an infraction or misdemeanor (Section 120451).

E. The violation of any ordinance, rule, or regulation prohibiting the unauthorized entering into, climbing upon, holding onto, or in any manner attaching oneself to vehicles operated upon exclusive public mass transit guideways is an infraction or misdemeanor (Section 120452).

F. In implementation of those provisions of State law, the Board has adopted Ordinance No. 13, prohibiting specified conduct onboard transit vehicles and prohibiting specified actions on or about the transit facilities. The Board has further adopted Ordinance No. 2 requiring proof of fare payment by passengers using the San Diego Trolley and Ordinance No. 3, regulating parking in the San Diego Trolley parking lots and other transit facilities.

G. The Board is authorized to contract with cities and the County to license or regulate by ordinance any transportation services within such cities or the unincorporated area (Section 120266) and has done so by adoption of Ordinance No. 11, the enforcement of which will be done by Taxicab Inspectors I & II, and other Taxicab Administration staff designated in Section 5.3.

H. Pursuant to Penal Code Section 836.5, the Board may authorize public officers and employees to arrest a person without warrant, including officers and employees of a nonprofit transit corporation wholly owned by a local agency and formed to carry out the purposes of the local agency and San Diego Trolley, Inc., is such a corporation.

(Section 5.1 amended 11/15/12)

(Section 5.1 amended 7/12/01)

(Section 5.1 amended 9/26/96)

(Section 5.1 amended 1/11/96)

(Section 5.1 amended 11/10/94)

(Section 5.1 amended 8/12/93)

Section 5.2 Purposes

In view of the multitude of regulations applicable to the facilities and vehicles of the San Diego Metropolitan Transit Development Board, it is desirable to clarify and specify the authority of the Inspectors, relative to various acts committed on or about the property.

Section 5.3 Duties and Authorizations

A. Inspectors employed by the San Diego Metropolitan Transit System (MTS) and Inspectors employed by San Diego Trolley, Inc., are hereby vested with the duty to enforce MTS Ordinances No. 2, No. 3, No. 4, No. 11, and No. 13 and the following code sections; Business and Professions Code Sections 4140 and 25662, Health and Safety Code Sections 11364 and 11357(b), and 11532, Public Utilities Code Sections 5411.5, 120450, 120450.5, 120451, and 120452, Penal Code Sections 148, 219.2, 308(b), 369(g), 417.25(a), 470(a), 481.1, 555.1, 555.2, 587(a), 594, 594.1, 594.2, 594.4, 602(f), 602(o), 602(q), 640, 640(a), 640.5, 647(a), 647(c), 647(j), and 653(k), Vehicle Code Sections 5204(a), 21456, 21461(a), 21955, 22500, 22507, 22521, and 22526, San Diego City Municipal Code Sections 56.54 (at transit facilities owned, controlled, or used by the Board, including but not limited to transit centers, rail stations, bus shelters, and bus stops on public and private property), 58.05(b)(1), and 58.05(b)(2), and San Diego County Code of Regulatory Ordinances Section 32.1303. In accordance with Penal Code Section 836.5, Inspectors employed by MTS are authorized to arrest a person without a warrant whenever an Inspector has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

B. Taxicab Regulatory Inspectors I & II, Regulatory Specialists, Regulatory Analysts, and the Taxicab Administrator, employed by MTS, are hereby vested with the duty to enforce MTS Ordinances Nos. 5 and 11, and the following code sections: Penal Code 654.1, Public Utilities Code sections 5360.5, 5371, 5374.4, 5379, 5381.5, 5386.5, 5411 and California Public Utilities Commission General Order 157-D, Sections 3.01 and 3.03, San Diego County Regional Airport Authority (SDCRAA) 9.13(a), San Diego Municipal Code (SDMC) 31.0121, 33.1406 and 86.0105 and California Vehicle Code Sections 4000(a)(1) per 260(a), 16502(a), 21100.4 and 23124. In accordance with Penal Code Section 836.5, Taxicab Regulatory Inspectors I & II, Regulatory Specialists and the Taxicab Administrator, employed by MTS are authorized to arrest a person without a warrant whenever a Taxicab Inspector has reasonable cause to believe that the person to be arrested has committed an

infraction or misdemeanor in the Inspector's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

C. Right-of-Way Agents, designated by the General Manager and employed by MTS are hereby vested with the duty to enforce MTS Ordinance No. 3 and, in accordance with Penal Code Section 836.5, are authorized to arrest a person without a warrant whenever an agent has reasonable cause to believe that the person to be arrested has committed an infraction or misdemeanor in the Agent's presence which is a violation of the statutes and ordinances which he or she has the duty to enforce.

(Section 5.3 amended 9/17/15)

(Section 5.3 amended 11/15/12)

(Section 5.3 amended 10/28/04)

(Section 5.3 amended 10/3/02)

(Section 5.3 amended 7/12/01)

(Section 5.3 amended 3/23/00)

(Section 5.3 amended 9/26/96)

(Section 5.3 amended 1/11/96)

(Section 5.3 amended 11/10/94)

(Section 5.3 amended 8/12/93)

Section 5.4 Severability

The provisions of this Ordinance are severable, and if any of the provisions, clauses, sentences, subsections, sections, words, or parts thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, sections, words or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, section, word, or part had not been included therein or such person or circumstance to which the Ordinance or part thereof is held inapplicable has been specifically exempted therefrom.

Amended: 9/17/15

Amended: 11/15/12

Amended: 6/28/07

Amended: 10/28/04

Amended: 10/3/02

Amended: 8/9/01

Amended: 3/23/00

Amended: 9/26/96

Amended: 1/11/96

Amended: 11/10/94

Amended: 8/12/93

Repealed & Readopted: 12/12/91

Amended: 2/8/90

Amended: 10/13/88

Amended: 10/4/84

Amended: 2/27/84

Adopted: 7/25/83

California Penal Code

- **Section 654.1**

It shall be unlawful for any person, acting individually or as an officer or employee of a corporation, or as a member of a co-partnership or as a commission agent or employee of another person, firm or corporation, to sell or offer for sale or, to negotiate, provide or arrange for, or to advertise or hold himself out as one who sells or offers for sale or negotiates, provides or arranges for transportation of a person or persons on an individual fare basis over the public highways of the State of California unless such transportation is to be furnished or provided solely by, and such sale is authorized by, a carrier having a valid and existing certificate of convenience and necessity, or other valid and existing permit from the Public Utilities Commission of the State of California, or from the Interstate Commerce Commission of the United States, authorizing the holder of such certificate or permit to provide such transportation.

CAPUC (Public Utilities Code)

- **Section 5371**

No charter-party carrier of passengers excepting transit districts, transit authorities or cities owning and operating local transit systems themselves or through wholly owned nonprofit corporations shall engage in transportation services made subject to this chapter without first having obtained from the commission a certificate that public convenience and necessity require the operation, except that certain specific transportation services as defined in Section 5384 may be conducted under authority of a permit issued by the commission.

- **Section 5381.5**

(a) The commission shall, by rule or other appropriate procedure, ensure that every charter-party carrier of passengers operates on a prearranged basis within the state, consistent with Section 5360.5. The commission shall require every charter-party carrier of passengers to include on a waybill or trip report at least all of the following:

(1) The name of at least one passenger in the traveling party, or identifying information of the traveling party's affiliation, along with the point of origin and destination of the passenger or traveling party.

(2) Information as to whether the transportation was arranged by telephone, written contract, or electronic communication.

(b) A waybill or trip report may be kept in electronic or hardcopy format. When requested by any commission or airport enforcement officer or any official of a city, county, or city and county authorized to inspect a waybill or trip report pursuant to subdivision (h) of Section 5371.4, the waybill or trip report may be provided in either electronic or hardcopy format.

(c) A charter-party carrier of passengers shall produce in its office a hardcopy of any waybill or trip report when requested by the commission or one of its authorized representatives pursuant to Section 5389.

(d) This section shall become operative on January 1, 2014.

(Repealed (in Sec. 1) and added by Stats. 2012, Ch. 341, Sec. 2. Effective January 1, 2013. Section operative January 1, 2014, by its own provisions.)

- **Section 5385**

A charter-party carrier of passengers, except those engaged in the provision of a hired driver service when a rented motor vehicle is being operated by the hired driver, shall not operate any motor vehicle on any public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission, showing the classification to which the carrier belongs. Such an identifying symbol shall not be displayed on any vehicle until a permit or certificate of public convenience and necessity under this chapter has been issued to the carrier. The identifying symbol displayed by charter-party carriers subject to the Interstate Commerce Commission shall serve in lieu of the display requirements of this section.

- **Section 5411**

Every charter-party carrier of passengers and every officer, director, agent, or employee of any charter-party carrier of passengers who violates or who fails to comply with, or who procures, aids, or abets any violation by any charter-party carrier of passengers of any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or of any operating permit or certificate issued to any charter-party carrier of passengers, or who procures, aids, or abets any charter-party carrier of passengers in its failure to obey, observe, or comply with any such order, decision, rule, regulation, direction, demand, requirement, or operating permit or certificate, is guilty of a misdemeanor and is punishable by a fine of not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000) or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment.

SDMC (San Diego Municipal Code)

- **Section 31.0121 Certificate Requirements**

No person shall engage in any business, trade, calling or occupation required to be taxed under the provisions of this Article until a certificate of payment is obtained. Any person who so fails to obtain a certificate required under this Article is guilty of a misdemeanor. *(Retitled to "Certificate Requirements" and amended 2-23-1987 by 0-16815 N.S.)*

- **Section 33.1406 Soliciting, Peddling Prohibited in Certain Areas**

Notwithstanding any of the provisions of this Division, it shall be unlawful for any person, either as principal or agent, to solicit, peddle, hawk or sell or vend any goods, wares or merchandise, services, magazines, periodicals, or other publications, or subscriptions for the same, regularly published newspapers excepted, or offer to, or distribute to any person, any coupon, certificate, ticket or card which is redeemable in goods, wares, merchandise or services upon any street, sidewalk, alley, plaza, or in any park or public place within the following limits of the City of San Diego, to-wit:

(a) That territory lying between San Diego Bay and a line extending along Division Street on the south to Main Street; thence along Main Street to Sigsbee Street; thence along Sigsbee Street to National Avenue; thence along National Avenue to 14th Street; thence along 14th Street to Market Street; thence along Market Street to Park Boulevard; thence along Park Boulevard to "A" Street; thence along "A" Street to Sixth Avenue; thence along Sixth Avenue to Ash Street; thence along Ash Street to Pacific Highway; thence along Pacific Highway to Barnett Avenue; thence along Barnett Avenue to Lytton Street; thence along Lytton Street to Rosecrans Street; thence along Rosecrans Street to the boundary of Liberty Station and thence eastward to San Diego Bay. The line described above is to run along that line of the various streets which is farthest from San Diego Bay.

- **Section 86.0105 Passenger Loading Zones**

Notwithstanding Section 86.01, no person shall stop, stand or park any vehicle in any "Passenger Loading Zone" for a period of time longer than is necessary for the loading or unloading of passengers and baggage; provided that such loading or unloading shall not consume more than three (3) minutes, except in front of hotels where such loading or unloading shall not consume more than ten (10) minutes. Passenger Loading Zones shall be operative twenty-four (24) hours a day (Sundays and holidays included); provided, however, that the City Manager may determine and declare limited periods during which any "Passenger Loading Zone" shall be operative, and such limited operative period shall be effective when appropriate signs giving notice thereof are erected. *(Renumbered from former Section 86.03.1 on 8-5-2013 by O-20281 N.S.; effective 9-4-2013.)*

CVC (California Vehicle Code)

- **Section 260(a)**

A "commercial vehicle" is a motor vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

- Section 4000(a)(1)

A person shall not drive, move, or leave standing upon a highway, or in an off street public parking facility, any motor vehicle, trailer, semitrailer, pole or pipe dolly, or logging dolly, unless it is registered and the appropriate fees have been paid under this code or registered under the permanent trailer identification program, except that an off-highway motor vehicle which displays an identification plate or device issued by the department pursuant to Section 38010 may be driven, moved, or left standing in an off street public parking facility without being registered or paying registration fees.

- Section 16502(a)

An owner shall not use, or with his or her consent permit the use of, a vehicle used in the transportation of persons or property in the conduct of a business, without maintaining proof of financial responsibility as required by this chapter.

- Section 21100.4

(a) (1) A magistrate presented with the affidavit of a peace officer or a designated local transportation officer establishing reasonable cause to believe that a vehicle, described by vehicle type and license number, is being operated as a taxicab or other passenger vehicle for hire in violation of licensing requirements adopted by a local authority under subdivision (b) of Section 21100 shall issue a warrant or order authorizing the peace officer or designated local transportation officer to immediately seize and cause the removal of the vehicle. As used in this section, "designated local transportation officer" means any local public officer employed by a local authority to investigate and enforce local taxicab and vehicle for hire laws and regulations.

- Section 23124(a)

This section applies to a person under the age of 18 years. (b) Notwithstanding Sections 23123 and 23123.5, a person described in subdivision (a) shall not drive a motor vehicle while using a wireless telephone or an electronic wireless communications device, even if equipped with a hands-free device. (c) A violation of this section is an infraction punishable by a base fine of twenty dollars (\$20) for a first offense and fifty dollars (\$50) for each subsequent offense. (d) A law enforcement officer shall not stop a vehicle for the sole purpose of determining whether the driver is violating subdivision (b). (e) Subdivision (d) does not prohibit a law enforcement officer from stopping a vehicle for a violation of Section 23123 or 23123.5. (f) This section does not apply to a person using a wireless telephone or a mobile service device for emergency purposes, including, but not limited to, an emergency call to a law enforcement agency, health care provider, fire department,

or other emergency services agency or entity. (g) For the purposes of this section, "electronic wireless communications device" includes, but is not limited to, a broadband personal communication device, specialized mobile radio device, handheld device or laptop computer with mobile data access, pager, and two-way messaging device.

SDRAA (San Diego Regional Airport Authority)

- **Section 9.13(a)**

Except as provided in Section 9.23 of this Code, no person shall drive or operate a commercial ground transportation vehicle at the Airport for the purpose of picking up passengers, except pursuant to a valid ground transportation permit ("Permit") issued by the Authority. For purposes of this Article, a commercial ground transportation vehicle shall include, but not be limited to, a Charter Vehicle, Courtesy Vehicle, Taxicab, Vehicle for Hire, and TNC Vehicle.



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Agenda Item No. 28

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

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

RECOMMENDATION:

That the San Diego Metropolitan Transit System (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) adopt the proposed Ordinance amendments; and
- 4) direct publication of an Ordinance summary.

Budget Impact

None with this action.

DISCUSSION:

There has been frequent discussion at recent MTS Taxicab Advisory Committee (TAC) meetings surrounding the difficulty of finding affordable insurance premiums while still complying with *MTS Taxicab and For-Hire Vehicle Insurance Requirements*. By allowing non-California admitted insurance companies to offer for-hire vehicle insurance for MTS taxicab and for-hire vehicle permit holders, more opportunities may become available for permit holders to shop for vehicle insurance.



The *MTS Taxicab and For-Hire Vehicle Insurance Requirements* include a minimum standard that acceptable insurance companies be admitted in California (Attachment A), as contained in Section 4, as follows:

Insurance Company Minimum Standards

Insurer must be admitted in California *by the California Department of Insurance*, must have a minimum A. M. Best rating of A-minus (A-) or above, and a financial size category of not less than VII (seven), or a similar Standard and Poor's rating. Companies providing Assigned Risk Insurance Policies will be evaluated on an individual basis and may be considered if they have a financial size category of not less than VI (six), or a similar Standard and Poor's rating. Contact MTS Taxicab Administration for additional information.

On July 2, 2015, the TAC voted unanimously to forward staff's recommendation to the Board of Directors to amend *MTS Taxicab and For-Hire Vehicle Insurance Requirements* and the MTS Ordinance No 11 to allow non-California admitted carriers. If approved, the amended Section 1.9 (a) (1) of the Ordinance (Attachment B), page 13, would read as follows:

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.

There is no consideration of other changes to the current For-Hire Vehicle Insurance Requirements or Ordinance No. 11 at this time.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft *MTS Taxicab and For-Hire Vehicle Insurance Requirements*

B. 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

MTS TAXICAB ADMINISTRATION
MTS Taxicab and For-Hire Vehicle Insurance Requirements

Metropolitan Transit System (MTS), a California Public Agency, has the following taxicab and for-hire vehicle insurance requirements:

1. MINIMUM REQUIRED PUBLIC LIABILITY INSURANCE LIMITS

	Vehicle Seating Capacity (Including Driver)	Combined Single Limit
1.1	9 passengers or less	\$1,000,000
1.2	10-15 passengers	2,000,000
1.3	16 passengers or more	5,000,000

2. SPECIFIC INFORMATION REQUIRED FOR ACORD CERTIFICATE OF LIABILITY INSURANCE (OTHER THAN ASSIGNED RISK)

- 2.1 Full name of insurance company (insurer), which must be pre-approved by MTS Taxicab Administration, and must meet the minimum standards in Section 4 (see Section 3 for assigned risk requirements).
- 2.2 Name and current address of insured, who must be the permit holder, including company name (DBA) (PO boxes not acceptable).
- 2.3 Insurance policy number with effective and expiration dates.
- 2.4 Type(s) and limit(s) of liability coverage.
- 2.5 Vehicle description (make/year), vehicle identification number (VIN) and medallion number of each insured vehicle.
- 2.6 Certificate issue date and NAIC#.
- 2.7 Statement that insurer shall notify MTS Taxicab Administration, in writing by registered mail to the address on the letterhead at least 30 days prior to cancellation or termination of coverage. Statements to the effect that issuing company will "Endeavor to Mail Notice" or "Intends to Notify" are not acceptable.
- 2.8 Original (wet) signature of an agent who has been authorized by the insurer.
- 2.9 Certificate of insurance shall name San Diego Metropolitan Transit System (MTS) as certificate holder. Certificate must be an original with no alterations, type-overs, or white-outs.

3. SPECIFIC INFORMATION REQUIRED FOR ASSIGNED RISK INSURANCE (PRE-APPROVAL REQUIRED)

- 3.1 Complete copy of the application for insurance. Must contain the same information as is required by Items 2.2 through 2.9.
- 3.2 Proof of payment by copy of the agent's check, or copy of insured's cashier's check or money order, for a minimum of 25 percent of the annual premium.
- 3.3 Proof of policy issuance from the assigned insurer must be received by MTS Taxicab Administration within 30 days from the date on the assigned risk application. Evidence of insurance must contain all items listed in Section 2.
- 3.4 Evidence of insurance must be an original with no alterations, type-overs, or whiteouts.

4. INSURANCE COMPANY MINIMUM STANDARDS

Insurer must ~~be admitted in California by the California Department of Insurance~~ have a minimum A. M. Best rating of A-minus (A-) or above, and a financial size category of not less than VII (seven), or a similar *Standard and Poor's* rating. Companies providing Assigned Risk Insurance Policies will be evaluated on an individual basis and may be considered if they have a financial size category of not less than VI (six), or a similar *Standard and Poor's* rating. Contact MTS Taxicab Administration for additional information.

5. POLICY PROVISIONS

Policies must comply with MTS Ordinance No. 11, Section 1.9. Unacceptable policy provisions include, but are not limited to, the following:

- 5.1 Self-insured retentions (unless the insured is a state-certified self-insurer under the California Vehicle Code)
- 5.2 Nonstandard deductible endorsements
- 5.3 Territorial restrictions
- 5.4 Named driver/operator policies
- 5.5 Aggregate limits
- 5.6 "Indemnity only" contracts

INSURER'S VERIFICATION OF COMPLIANCE

Metropolitan Transit System (MTS), a California Public Agency, requires the following verification of insurance be submitted along with the Acord Certificate of Liability Insurance.

Insurer must sign below, which warrants the insurance policy provides coverage that meets or exceeds state and local laws and ordinances governing financial responsibility for ownership, use, maintenance, and operation of covered vehicles, specifically:

- **MTS Ordinance No. 11, 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.

"Insurance Requirements" as listed on the other side of this form.

- **California's Financial Responsibility Law, California Vehicle Code Sections 16000 through 16560, inclusive (does not apply to un-motorized vehicles).**

Insurer further warrants that any modification to the policy will not reduce coverage such that it fails to meet the requirements of applicable state and local laws and ordinances.

Insured (MTS vehicle permit holder): _____

Vehicles: Refer to the current Acord Certificate of Liability Insurance for description of the covered automobiles.

Insurer: _____

Policy No.: _____ Policy Term: _____ to _____

Limits: _____

Name: _____ Telephone Number: _____

Title: _____

Address: _____

Signature

Date

Note: Signature of the agent or broker will not be accepted. Signatory must be a current officer or employee of the insurance company who is duly authorized to sign on its behalf. The signature must be an original. Signature stamps are unacceptable.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~February 12, 2015~~ September 17, 2015)

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 ~~February 12, 2015~~ September 17, 2015)

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) 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) Proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions, are ADA-compliant, are no older than 10 years of the model age and do not have a "salvage" title, and are equipped with a Global Positioning System (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 six-months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business.
 - (13) Provide a customer service 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 2/12/15)

(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, the Chief Executive Officer shall 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 and San Diego City Council Policy 500-02 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.

(b) 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.

(c) All permits issued after April 1, 2015 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.

(d) No permit issued after April 1, 2015 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.

(e) Permits held prior to April 1, 2015 by corporations and LLCs shall meet all of the screening criteria included in San Diego City Council Policy 500-02 by February 12, 2020. However, upon issuance of any new permits to said corporation or LLC, or upon the transfer of a permit to said 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 for the new permit(s).

(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 2/12/15)

(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 six-months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business.

(2) Vehicle(s) must meet California Air Resources Board criteria for zero emissions/low emissions, be ADA-compliant, be equipped with a Global Positioning System (GPS), be no older than 10 years of the model age and not have a "salvage" title.

(3) Provide a customer service plan that demonstrates, 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.

(b) Permits held prior to April 1, 2015 shall be in compliance with San Diego City Council Policy 500-02 Screening Criteria by February 12, 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 2/12/15)

(Section 1.5 amended 8/7/03)

(Section 1.5 amended 11/14/02)

Section 1.6 - Blank

The text of Section 1.6 is deleted in its entirety effective February 12, 2015.

(Section 1.6 deleted 2/12/15)

(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 reattached 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 printed receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the driver's name and ID number, the taxicab number, the company (DBA) name, and the radio service name with phone number.

(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 2/12/15)

(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 9/17/15)

(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 a corporation or LLC, an officer of the 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 2/12/15)

(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 reaffixed to a vehicle until the violation under Sections 1.8 (f) or 1.9 has been corrected.

(Section 1.16 amended 8/7/03)

(Section 1.16 amended 11/14/02)

Section 1.17 - Procedure Upon Administrative Appeal

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

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

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

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

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

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

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

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

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

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

(Section 1.17 amended 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.

(c) 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. The device must be visible to all passengers and must allow the passenger to operate the payment device independently of the driver, without having to hand the credit card to the driver. The device must be electronically linked to the taxicab fare meter.

(Section 2.3 amended 2/12/15)

(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 2/12/15)

(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: 9/17/15
Amended: 2/12/15
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



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San Diego, CA 92101-7490
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Agenda Item No. 29

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 17, 2015

**Draft for
Executive Committee
Review Date: 9/10/15**

SUBJECT:

BUS TIRES FOR GILLIG 2000 AND 8200 SERIES BUSES - CONTRACT AWARD

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0629.0-16 (in substantially the same format as Attachment A) with Daniels Tires Service Corporation, for the provision of three hundred and ninety (390) bus tires for the Gillig 2000 and 8200 Series Buses.

Budget Impact

The value of this agreement will not exceed \$217,600.50 and is funded from MTS Capital Improvement Project (CIP) number 11502-0200.

DISCUSSION:

MTS recently purchased sixty-five (65) forty (40) foot low floor CNG transit buses from Gillig, LLC. These 40-foot buses will provide services for both MTS internally operated and contracted service operations. Each bus must be equipped with one complete set of tires (6 tires per 40-foot bus). The buses require specialized tire sizes because of the bus design, and the maximum speed limitations during operations.

MTS Policy No. 52, "Procurement of Goods and Services", requires a formal competitive process for procurements exceeding \$100,000.

An Invitation for Bid (IFB) was issued on August 11, 2015. A single responsive bid was received from Daniels Tires Service Corporation on the due date of August 31, 2015. As prescribed by the FTA Circular 4220.1F a detailed price analysis was held. The bid from



Daniels was 28.53% lower in comparison with MTS's Independent Cost Estimate which was developed from previous procurement history for tires.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Document No. B0629.0-16 (in substantially the same format as Attachment A) with Daniels Tire Service for the provision of three hundred and ninety (390) bus tires for the Gillig 2000 and 8200 Series Buses.



Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. B0629.0-16
B. Price Breakdown – Daniels Tires Services Corporation

**ATTACHMENT A
(DRAFT)**

B0629.0-16
CONTRACT NUMBER

FILE/PO NUMBER(S)

**STANDARD PROCUREMENT AGREEMENT
FOR
BUS TIRE FOR GILLIG 2000 AND 82000 SERIES BUSES**

THIS AGREEMENT is entered into this _____ day of _____ 2015, 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: Daniels Tire Services Corporation Address: 11850 East Slauson Avenue

Form of Business: Corporation Santa Fe Springs, CA 90670
(Corporation, partnership, sole proprietor, etc.)

Telephone: 562 321-1279

Authorized person to sign contracts: Robert Wood Vice President
Name Title

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

Provide Goodyear B315/80R22.5 Bus Tire for Gillig 2000 and 8200 Series Buses, as specified in the technical specification (attached as Exhibit A), Daniels Tire Services Corporation's Bid dated September 1, 2015 (attached as Exhibit B), and in accordance with the Standard Conditions Procurement (attached as Exhibit C), and the Federal Requirements (attached as Exhibits D).

Total contract shall not exceed **\$217,600.50** without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM		CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer		Firm: _____
Approved as to form:		By: _____ Signature
By: _____ Office of General Counsel		Title: _____
AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
<u>\$ 217,600.50</u>	<u>CIP 11502-0200</u>	<u>FY 16</u>

By: _____ Date
Chief Financial Officer

(___ total pages, each bearing contract number)

SA-SERVICES REVISED (REV 6-13)
DATE

MTS BID FORMS

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

MTS Doc. No. B0629.0-16Opening: August 31, 2015
2:00 P.M. PSTFor: Bus Tires For Gillig 2000 and 8200 Series Buses

Bus Tires – Bid Form					
Bid Item.	Description	Unit	Quantity	Unit Price	Total
1.	Tire Size B315/80R22.5 or B305/85R22.5	each	162	\$ 515	\$ 83430
2.	California Waste Tax	each	162	\$ 175	\$ 28350
3.	Sales Tax on Tires				66944
4.	Subtotal for Base				\$ 90387.90
Options					
5.	Tire Size B315/80R22.5 or B305/85R22.5	each	228	\$ 515	\$ 117420
6.	California Waste Tax	each	228	\$ 175	\$ 39900
7.	Sales Tax on Tires				93936
8.	Subtotal for Options				127212.60

9.	Subtotal for Base	90387 ⁹⁰
10.	Subtotal for Options	127212 ⁶⁰
11.	Grand Total Basis of Award	\$ 217600 ⁵⁰

DANIELS TIRE SERVICE
NAME OF COMPANY
SIGNATURERobert Wood
PRINT NAME562-321-1279
TELEPHONE NUMBER8/31/15
DATE