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Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 6, 2018

9:00 a.m.

James R. Mills Building
 Executive Conference Room, 10th Floor
 1255 Imperial Avenue, San Diego

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		<u>ACTION RECOMMENDED</u>
A.	ROLL CALL	
B.	APPROVAL OF MINUTES - July 12, 2018	Approve
C.	COMMITTEE DISCUSSION ITEMS	
1.	<u>Quarterly Mid-Coast Corridor Transit Project Update (Sharon Humphreys of SANDAG)</u>	Informational
2.	<u>Downtown Layover (Sharon Cooney)</u>	Informational
3.	<u>Update on Innovative Clean Transit Proposal (Paul Jablonski)</u> Action would receive a report on the California Air Resources Board Innovative Clean Transit (ICT) proposal and provide direction to staff.	Possible Action
4.	<u>Revisions to Board Policy 18 (Sharon Cooney)</u> Action would discuss proposed revisions to Board Policy 18, "Joint Use and Development of Property", and provide direction to staff.	Possible Action
D.	REVIEW OF DRAFT September 20, 2018 BOARD AGENDA	



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|----|--|--------------------|
| 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 4, 2018 | |
| I. | ADJOURNMENT | |

DRAFT

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

July 12, 2018

MINUTES

A. ROLL CALL

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

B. APPROVAL OF MINUTES

Ms. Cole moved for approval of the minutes of the June 7, 2018, MTS Executive Committee meeting. Mr. McWhirter seconded the motion, and the vote was 4 to 0 in favor with Mr. Arambula and Mr. Roberts absent.

G. PUBLIC COMMENTS (TAKEN OUT OF ORDER)

Jean Costa – Ms. Costa commented on greenhouse gas (GHG) emissions from transit vehicles and provided recommendations on how to reduce GHG. She stated that she would like to see public transit vehicles transition from natural gas to electricity. Ms. Costa also recommended using smaller buses during non-peak service hours.

C. COMMITTEE DISCUSSION ITEMS

1. Grantville Trolley Station Transit Oriented Development (Tim Allison and Sharon Cooney)

Sharon Cooney, Chief of Staff, introduced this item and noted that this discussion is a follow up to previous discussions related to the Grantville Trolley Station Transit Oriented Development (TOD) proposals. Tim Allison, Manager of Real Estate Assets, continued the presentation and provided a brief background on the property details. He reviewed the direction from the Executive Committee from its previous meeting which was to complete the Keyser Marston analysis and return to the Executive Committee with results of the analysis. Mr. Allison discussed the flood zone area impacts at this property. He discussed the concept flood mitigation plan developed by the City of San Diego near the property. Mr. Allison reviewed the revised proposal from Affirmed Housing and Greystar to build a joint venture affordable housing and student housing complex.

Paul Marra, with Keyser Marston Associates, provided a presentation on the analysis results regarding this property. He reviewed the details of the site area and zoning capacity for the property. Mr. Marra presented five prototype options for developing housing at this property. Mr. McWhirter asked if there was a building height restriction in this area. Mr. Marra replied there is no height restriction for this property. Mr. Marra discussed the supportable land values for the proposed prototype options. He stated that their recommendation would be to select the second prototype, a Type V Wrap style

development. He noted that having student housing also adds a potential premium in land value. Mr. Marra reviewed the results of the feasibility of mixed-income multi-family units. Karen Landers, General Counsel, noted that the purpose of this presentation is to inform the committee of the feasibility of moving forward with negotiations with Affirmed and Greystar on their proposal. She stated that if the Executive Committee does wish to move forward, then staff will bring additional details regarding negotiations on price and terms of payment in closed session at a future meeting with the Board. Mr. Marra also reviewed details of a standalone tax credit apartment scenario if a portion of the net site area was dedicated to 100% affordable multi-family development.

Ms. Cooney stated that the Affirmed/Greystar densities are consistent with the maximum densities the site will reasonably support. She also reviewed staff's recommendation to: continue discussions with Affirmed/Greystar; request exclusive negotiating agreement with Affirmed/Greystar at the next Board meeting; and return to the Board in September or October to request negotiating authority related to price and terms of payment during closed session.

PUBLIC COMMENT

Maya Rosas – Ms. Rosas commented on behalf of Circulate San Diego. She stated that this joint development proposal is positive and in line with the recommendations provided by Circulate San Diego earlier in the year. Ms. Rosas requested for changes to be made to Policy 18 related to the development of available properties. She stated that they are looking for changes to be made regarding the lowering of parking requirements at these types of developments. Ms. Rosas asked about parking requirements in the proposed prototypes presented by Keyser Marston.

Mr. Marra stated that they used 1.25 parking spaces for a one bedroom and 1.75 spaces for a two bedroom unit. He said that they used a 1.55 weighted unit parking requirement for the first two prototype recommendations. For the remaining three prototype recommendations they reduced the parking requirements to 1.4, 1.3 and 1.25 spaces per unit.

COMMITTEE COMMENTS

Chair Gomez stated that she would like to see MTS maximize its availability of land. She stated that she wants to look at maximizing land value differently and focus more on increasing ridership than on land value return for this development. Chair Gomez stated that she is interested in reducing parking requirements as an incentive for the developers. She also recommended possibly offering transit passes to the residents as an alternative to parking.

Action Taken

Mr. McWhirter moved to forward a recommendation to the Board to approve the request to negotiate exclusively with the current developers, Affirmed Housing and Greystar. Ms. Cole seconded the motion, and the vote was 4 to 0 in favor with Mr. Arambula and Mr. Roberts absent.

COMMENTS – CONTINUED

Jim Silverwood, President and CEO of Affirmed Housing, stated that they are excited about this project. He commented that a partnership with Greystar will help promote ridership and provide a benefit to the community with student housing and affordable housing. Mark Faulkner, with Greystar, commented that they have many projects in San Diego and are heavily invested in the area. He stated that they are looking forward to working with Affirmed Housing and MTS on this development project.

2. Planning Consultant for Potential Ballot Measure – Contract Award (Denis Desmond)

Ms. Cooney introduced this item and stated that staff is asking for a recommendation to go to the Board to authorize TMD to work as our planning consultant for the potential ballot measure. Denis Desmond, Director of Planning, continued the presentation and reviewed the details of the sole source award to TMD. He discussed the recent and relevant experiences with TMD. Mr. Desmond reviewed the scope of work tasks TMD will perform for MTS including data collection and market review; developing a program of projects; conducting ridership estimates; conducting a capital and infrastructure assessment; and conducting operating cost estimates.

PUBLIC COMMENTS

Maya Rosas – Ms. Rosas with Circulate San Diego commented that they are excited to see this process moving forward. She stated they have been doing their own analysis related to the ballot measure. She said they have been gathering polling information from other regions and have been putting together projects that could be included in the expenditure plan. Ms. Rosas asked that MTS consider including the following projects in the plan: safe routes to schools, bike/walk infrastructure near schools, pothole repair, local streets and roads improvements, transit to the airport, and converting specific regular bus routes to Rapid routes.

COMMITTEE COMMENTS

Ms. Rios inquired about the cost center for the budget of the TMD contract. Mr. Desmond replied that there is a specific cost center that was created for the ballot measure and is included in the approved budget.

Ms. Cooney noted that staff has been proactive and consistently working and meeting internally to discuss planning for the potential ballot measure.

Chair Gomez stated that she is excited for the potential of bringing in new revenues to MTS. She commented that she believes it should primarily be the City's responsibility to provide the infrastructure updates to streets and roads and MTS should focus on the operation of public transit.

Action Taken

Ms. Cole moved to forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2161.0-18 with Transportation Management & Design, Inc. (TMD), for the provision of preliminary planning services for

a potential ballot measure from July 2018 to June 30, 2019. Mr. McWhirter seconded the motion, and the vote was 4 to 0 in favor with Mr. Arambula and Mr. Roberts absent.

3. Old Town Transit Center Project Update (Denis Desmond)

Mr. Desmond provided a presentation on the Old Town Transit Center (OTTC) Project. He provided some background and details of the OTTC property. He reviewed the objectives of this project including updating worn out amenities and signage; increasing capacity; reducing buses circling through the transit center; better channelizing pedestrians for safety; and shifting more transfer activity to the south end closer to the tunnel. He presented pictures and diagrams of the construction work at OTTC. Mr. Desmond reviewed the project budget, challenges and timeline.

Ms. Rios inquired about the removal of RV parking. Ms. Cooney replied that it has been planned to no longer have RV parking at this property.

Chair Gomez commented that she would like to see enhanced signage for better wayfinding at OTTC.

Action Taken

No action taken. Informational item only.

4. Update on Innovative Clean Transit (ICT) Proposal (Sharon Cooney)

Ms. Cooney provided a brief update on the ICT proposal. She stated that we have been in continued negotiations with the California Air Resources Board (CARB). She commented that there has been some progress in possibly adding benchmarks to the proposal. She noted that this proposal will likely go to the CARB Board in September as an informational item and the anticipated final ruling will likely come in December 2018 or January 2019.

Action Taken

No action taken. Informational item only.

D. REVIEW OF DRAFT July 26, 2018 BOARD AGENDA

Recommended Consent Items

6. Increased Authorization for Legal Service Contracts to Pay Projected Expenses in Fiscal Year (FY) 2019

Action would authorize the Chief Executive Officer (CEO) to execute amendments with eight law firms, increasing the spending authority to cover anticipated FY19 expenses.

7. Planning Consultant for Potential Ballot Measure - Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2161.0-18 with Transportation Management & Design, Inc. (TMD), for the provision of preliminary planning services for a potential ballot measure from July 2018 to June 30, 2019.

8. Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments
9. Revisions to Board Policy No. 26, "Disadvantaged Business Enterprise Program"
Action would approve revisions to Board Policy No. 26, "Disadvantaged Business Enterprise Program".
10. Disadvantaged Business Enterprise (DBE) Overall Goal
Action would adopt a 3% Overall DBE Goal for DBE-participation in federally funded contracts over the Federal Fiscal Year (FFY) 2019 to FFY 2021 triennial period.
11. Fairfield Grossmont Trolley, LLC Lease: Consent to Assignment and Assumption of Ground Lease
Action would authorize the Chief Executive Officer to execute the Assignment and Assumption of Ground Lease consenting to this transfer of the Fairfield Grossmont Trolley, LLC lease to Trolley 8727 Apartments California, LLC and any additional documents necessary to close the transaction.
12. Centralized Train Control (CTC) Technology Refresh Project
Action would authorize the Chief Executive Officer (CEO) to execute Task Order 83 of Addendum 17 to the Memorandum of Understanding (MOU) between San Diego Associations of Governments (SANDAG) and MTS for the Centralized Train Control (CTC) Technology Refresh Project.
13. Investment Report - May 2018
14. Elevator and Escalator Maintenance and Repair Services - Contract Amendment
Action would: (1) Ratify Amendments 1, 2 and 3 to MTS Doc. No. PWG153.0-14; and (2) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG153.5-14 with ThyssenKrupp Elevator (TKE) for additional funds for continued maintenance of elevators and escalators.

COMMENTS – DRAFT BOARD AGENDA

Ms. Cooney stated that item 7, “Planning Consultant for Potential Ballot Measure - Contract Award”, will be moved to a discussion item at the Board meeting. Ms. Landers provided comments on the DBE consent items. Chair Gomez requested for consent item 10, “Disadvantaged Business Enterprise (DBE) Overall Goal”, to be moved to a discussion item at the Board meeting.

Mr. McWhirter commented that he would like congratulate staff on the successful Federal Transit Administration Triennial Audit.

Ms. Rios inquired about consent item 6, “Increased Authorization for Legal Service Contracts to Pay Projected Expenses in Fiscal Year (FY) 2019”. Ms. Landers replied that we have various areas where we need outside counsel and we like to have four to seven options based on potential case load. Ms. Landers explained that the process has been to review the outside counsel contracts each year and ask for increases once per year for necessary contracts based on potential or current litigation. She noted that MTS is currently conducting a procurement for new legal service contract awards.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

Ms. Cooney stated that there is no SANDAG Transportation Committee meeting tomorrow, but there is a regular Board meeting. She stated that they will be discussing the Triennial TransNet Audit.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

There was no Committee Member Communications and Other Business discussion.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for September 6, 2018, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Chair Gomez adjourned the meeting at 10:46 a.m.

Chairperson

Attachment: Roll Call Sheet

EXECUTIVE COMMITTEE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

ROLL CALL

MEETING OF (DATE) July 12, 2018

CALL TO ORDER (TIME) 9:10 a.m.

RECESS _____

RECONVENE _____

CLOSED SESSION _____

RECONVENE _____

ADJOURN 10:46 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ARAMBULA	<input type="checkbox"/>		
Transportation Committee Rep.			
COLE	<input checked="" type="checkbox"/> (Gomez) <input type="checkbox"/>	9:10 a.m.	10:46 a.m.
GOMEZ (Chair)	<input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
MCWHIRTER	<input checked="" type="checkbox"/> (Arambula) <input type="checkbox"/>	9:00 a.m.	10:46 a.m.
RIOS	<input checked="" type="checkbox"/> (Salas) <input type="checkbox"/>	9:00 a.m.	10:46 a.m.
ROBERTS	<input type="checkbox"/> (Cox) <input type="checkbox"/>		

SIGNED BY THE CLERK OF THE BOARD: Julia Turner

CONFIRMED BY THE GENERAL COUNSEL: Paul Conde



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Agenda Item No. C1

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 6, 2018

SUBJECT:

QUARTERLY MID-COAST CORRIDOR TRANSIT PROJECT UPDATE (SHARON HUMPHREYS OF SANDAG)

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

The Mid-Coast Corridor Transit Project is being developed by the San Diego Association of Governments (SANDAG) with MTS's assistance. The Mid-Coast Project will extend Trolley service from Old Town Transit Center to the University City community, serving major activity centers such as the Veterans Administration Medical Center, the University of California San Diego, and Westfield UTC. The project is funded by SANDAG and the Federal Transit Administration New Starts Program. SANDAG staff will provide an update on the project.

/s/ Sharon Cooney for

Paul C. Jablonski
Chief Executive Officer

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

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). MTS is the taxicab administrator for seven cities.

MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.





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Agenda Item No. C2

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 6, 2018

SUBJECT:

DOWNTOWN LAYOVER (SHARON COONEY)

INFORMATIONAL ONLY

Budget Impact

None at this time.

DISCUSSION:

The San Diego Association of Governments (SANDAG) is planning the development of an off street bus layover facility in Downtown San Diego. This facility will replace most of the existing curbside layover locations MTS currently uses throughout the western side of the downtown area. Staff will provide the Executive Committee with an update on this project.

/s/ Sharon Cooney for _____
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. C3

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 6, 2018

SUBJECT:

UPDATE ON INNOVATIVE CLEAN TRANSIT PROPOSAL (PAUL JABLONSKI)

RECOMMENDATION:

That the Executive Committee receive a report on the California Air Resources Board Innovative Clean Transit (ICT) proposal and provide direction to staff.

Budget Impact

None at this time.

DISCUSSION:

The California Air Resources Board (CARB) included in its Fleet Rule for Transit Agencies a requirement that transit operators with fleets larger than 200 buses fulfill specific Zero Emission Bus (ZEB) purchase requirements. ZEBs are urban buses that produce zero-exhaust emissions of any pollutant. The types of vehicles that qualify under this definition include hydrogen fuel-cell buses, electric trolley buses with overhead twin-wire power supply, and battery-electric buses. However, CARB delayed implementation of this requirement because it was determined to be infeasible.

More recent developments in battery electric technology have led to renewed interest in converting transit fleets to zero emission technology, and CARB and the transit operators have been collaborating on a plan for moving toward one hundred percent electrification. CARB's most recent iteration of this plan is outlined in the proposed regulation order, "Innovative Clean Transit" (Attachment A). To access additional documents and materials



related to the proposed regulation, please visit the following CARB website link: <https://www.arb.ca.gov/regact/2018/ict2018/ict2018.htm>. MTS staff will provide an update on the proposal and our efforts to influence the final program.

/s/ Sharon Cooney for _____
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Proposed Regulation Order – Innovative Clean Transit

Article 4.3. Innovative Clean Transit.

§ 2023. Innovative Clean Transit Regulations.

(a) Applicability.

(1) Except as provided in sections 2023(a)(2), these Innovative Clean Transit regulations, title 20, article 4.3, California Code of Regulations, apply to a transit agency that owns, operates, leases, rents, or contracts with another entity to operate buses in California.

(2) These regulations do not apply to any of the following:

(A) Vehicles that operate on rails or trolleybuses;

(B) Caltrans, Caltrain, Amtrak, or any local school district.

(b) **Definitions.** For the purposes of the regulations in this Article 4.3, the following definitions apply:

(1) “Active Bus” means a bus in a particular fleet at year-end that is available to operate in revenue service, including a spare bus and a bus temporarily out of service for routine maintenance and minor repairs. A bus in storage, an emergency contingency vehicle, a bus pulled from the active bus fleet but awaiting sale, or a bus out of service for an extended period of time for major repairs is not considered an active bus.

(2) “Air Basin” has the same meaning as defined in section 39012 of Health and Safety Code.

(3) “Articulated Bus” is a 54-foot to 60-foot bus with two connected passenger compartments.

(4) “Battery Electric Bus” means a bus that is all-electric and relies only on batteries as the power source. It has no internal combustion engine in the powertrain for the vehicle. A battery electric bus can store electricity on board the vehicle in a battery and the battery can be recharged repetitively by an external source.

(5) “Bus” means a rubber-tire vehicle designed to transport passengers by road with gross vehicle weight rating (GVWR) greater than 14,000 pounds, but does not include a trolleybus as specified in section 2023(a)(2)(B).

- (6) “Bus Purchase” or “Purchase” means one of the following:
- (A) A written “Notice to Proceed” executed by a transit agency to a bus manufacturer to begin production of a bus under a previously-entered purchase contract or to execute a contract option;
 - (B) If no Notice to Proceed is issued, a written purchase agreement between a transit agency and a bus manufacturer for a bus that specifies the date when the bus manufacturer is to proceed with the work to manufacture the bus; or
 - (C) A signed written lease agreement between a transit agency and a bus manufacturer or sales representatives for a new bus to be placed in revenue service for a contract term of five years or more.
- (7) “Bus Testing Report” means the complete test report for a bus model required by title 49 of Code of Federal Regulations (CFR) section 665.13. These bus tests are also commonly called “Altoona Testing”.
- (8) “Bus Type” means a form of bus used by transit agencies for revenue operations, including a bus, articulated bus, over-the-road bus, double-decker bus, and cutaway buses.
- (9) “CalEnviroScreen” means a mapping tool that is developed by Office of Environmental Health Hazard Assessment (OEHHA) at the request of California Environmental Protection Agency (CalEPA) to identify California’s most pollution-burdened and vulnerable communities based on geographic, socioeconomic, public health and environmental hazard criteria. The CalEnviroScreen is available for public use at <https://oehha.ca.gov/calenviroscreen> .
- (10) “CARB” is the same as California Air Resources Board.
- (11) “Commercially Available” in reference to an engine means an engine on a bus that is certified by CARB’s On-Road New Vehicle & Engine Certification Program for a specified application and is available for purchase or lease. The term “Commercially Available,” as used in this regulation, applies only to

- low-NOx engines certified to meet the lowest level of emissions on conventional internal combustion engine buses.
- (12) “Compressed Natural Gas” or “CNG” has the same meaning as specified in the Low Carbon Fuel Standard Regulation, title 17, California Code of Regulations, section 95481(21).
- (13) “Conventional Internal Combustion Engine Bus” means a bus with an internal combustion engine (ICE) propulsion system or a combination of an internal combustion engine with an electric propulsion system commonly referred to as a hybrid powertrain.
- (14) “Conversion to a Zero-Emission Bus” means converting a conventional internal combustion engine bus, to a zero-emission bus as defined in section 2023(b)(52).
- (15) “Criteria Pollutants” or “Criteria Air Pollutants” are air pollutants for which air quality criteria have been issued by the Administrator of the United States Environmental Protection Agency under title 42 of United States Code, section 7408.
- (16) “Curb Weight” has the same meaning as defined in title 49 of Code of Federal Regulations, section 571.3.
- (17) “Cutaway Bus” means a vehicle in which a bus body designed to transport passengers is mounted on the chassis of a van or light- or medium-duty truck chassis, and that has a GVWR greater than 14,000 pounds but not more than 26,000 pounds. The original van or light- or medium- duty truck chassis may be reinforced or extended. A cutaway bus may accommodate some standing passengers.
- (18) “Date In-Service” means the date a purchased bus is brought into revenue service.
- (19) “Diesel” has the same meaning as defined in title 13, California Code of Regulations, sections 2281 and 2282.
- (20) “Double-Decker” means a high-capacity bus that has two levels of seating, one over the other, connected by one or more stairways. Total bus height is

- usually 13 to 14.5 feet, and typical passenger seating capacity ranges from 40 to 80 people.
- (21) “Emergency” has the same meaning as defined in title 49 of United States Code, section 5324(a)(2).
- (22) “Emergency Contingency Vehicle” is a revenue vehicle placed in an inactive fleet for local emergencies after this revenue vehicle has reached the end of its normal minimum useful life.
- (23) “Engine Family Name” or “EFN” is an identifier, which is unique to an engine of a specific model year, build, and manufacturer, and can be found on the emission control label located on the engine.
- (24) “Executive Officer” means the Executive Officer of the California Air Resources Board (CARB) or his/her designee.
- (25) “Fleet Size” means the total number of active buses in a fleet as described in section 2023(b)(1) as of December 31, 2017, that are subject to requirements of this regulation as described in section 2023(a) and have GVWR greater than 14,000 pounds.
- (26) “FTA” is the Federal Transit Administration.
- (27) “Fuel Cell Electric Bus” or “FCEB” means an electric bus that includes both a hydrogen fuel cell stack and a battery. The fuel cell stack generates electricity on board to charge the battery that powers the on board motor. It has no internal combustion engine in the powertrain. A fuel cell electric bus does not need to be equipped with a large battery for the energy storage purpose and relies on its hydrogen tank and fuel cell stack on board for energy supply.
- (28) “Gross Vehicle Weight Rating” or “GVWR” has the same meaning as defined in California Vehicle Code, section 350, subdivision (a).
- (29) “Large Transit Agency” means a transit agency with a fleet size of one-hundred (100) or more buses.
- (30) “Low-NOx Engine” has the same meaning as defined in title 13 of California Code of Regulations, section 2208(c)(18).

- (31) “Manufacture Year” means the year of original manufacture of the vehicle. It is not necessarily the same as the model year.
- (32) “Metropolitan Planning Organization” or “MPO” has the same meaning as defined in 49 U.S.C. section 5303(b)(2).
- (33) “Minimum Useful Life” means the minimum years of service or accumulations of miles at which a transit agency is allowed to retire its federally funded bus without penalty.
- (34) “New Bus” means a bus, the equitable or legal title to which has never been transferred to a first entity who in good faith purchases the bus for purposes other than resale.
- (35) “New Entrant” means a transit agency that is newly established or is created through a merger of two or more transit agencies on or after December 31, 2017.
- (36) “Notice to Proceed” means a written direction to a bus manufacturer to commence production of a bus as provided in a contract.
- (37) “NOx” means oxides of nitrogen.
- (38) “NOx Exempt Areas” means the following counties and air basins: Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Eastern Kern (portion of Kern County within the Eastern Kern Air Pollution Control District), Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Monterey, Nevada, Northern Sonoma (as defined in title 17, California Code of Regulations, section 60100(e)), Plumas, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Sierra, Siskiyou, Northern Sutter (portion of Sutter County that is north of the line that extends from the south east corner of Colusa County to the southwest corner of Yuba County), the portion of El Dorado that is within the Lake Tahoe Air Basin (as defined in title 17, California Code of Regulations, section 60113), the portion of Placer that is East of Highway 89 or within the Lake Tahoe Air Basin, Trinity, Tehama, Tuolumne, and Yuba.

- (39) “Orange County Bus Cycle” means a chassis dynamometer test developed by West Virginia University based on real bus operating data from the Orange County Transportation Authority. The test is based on Society of Automotive Engineers (SAE) International Recommended Practice for Measuring Fuel Economy and Emissions of Hybrid-Electric and Conventional Heavy-Duty Vehicles J2711_200209 (September 20, 2002), available at: https://www.sae.org/standards/content/j2711_200209/, which is incorporated by reference.
- (40) “Over-The-Road Bus” means a bus characterized by an elevated passenger deck located over a baggage compartment, generally used for long-distance bus services and connecting outlying areas with central cities with limited stops. Over-The-Road buses are also commonly called Coaches or Motor Coaches.
- (41) “Regional Transportation Planning Organization” has the same meaning as defined in 49 U.S.C. section 5303(b)(5). It is an organization that identifies local transportation needs, conducts planning, assists local governments, and supports the statewide transportation planning process in non-metropolitan regions of the State with a population size less than 50,000, as determined by the U.S. Census.
- (42) “Renewable Diesel” or “Biomass-Based Diesel” has the same meaning as defined in title 17, California Code of Regulations, section 95481(18).
- (43) “Renewable Natural Gas” or “Biomethane” or “RNG” has the same meaning as defined in title 17, California Code of Regulations, section 95481(19).
- (44) “Repower,” for the purpose of this regulation, only means to replace the engine in a vehicle with a newer engine. The term “repower,” as used in this regulation, refers to replacing an older engine with a newer model engine that meets the lowest level of NOx emissions standards.
- (45) “Revenue Vehicle” means a bus that is available to operate in revenue service carrying passengers.

- (46) “Revenue Service” means the time when a bus is available to the general public and there is an expectation of carrying passengers.
- (47) “School Bus” has the same meaning as defined in California Vehicle Code, section 545.
- (48) “Spare Vehicle” means a revenue vehicle that is maintained by the transit agency to preserve scheduled service operations during following occurrences:
- (A) Meet routine and heavy maintenance requirements; or
 - (B) Meet unexpected vehicle breakdowns or accidents.
- (49) “Small Transit Agency” means a transit agency with a fleet size of fewer than one-hundred (100) buses.
- (50) “Transit Agency” has the same meaning as defined in title 13, California Code of Regulations, section 2020(b). A transit agency does not mean a correctional facility, airport, college or university, national park, tour bus service providers, or an entity that provide shuttle services solely for patrons of its organization.
- (51) “Trolleybus” means a rubber-tired, electrically powered passenger vehicle operated on city streets drawing power from overhead wires using trolley poles.
- (52) “Zero-Emission Bus” or “ZEB” means a bus with zero tailpipe emissions.
- (A) A battery electric bus shall qualify as a zero-emission bus, and
 - (B) A fuel cell electric bus shall qualify as a zero-emission bus.
- (53) “Zero-Emission Passenger Miles” means the number of miles traveled by passengers determined by multiplying the number of passengers who board a vehicle by the length of their trips. The term “Zero-Emission Passenger Miles,” as it used in this regulation, refers to passenger miles driven on a zero-emission vehicles other than buses with a GVWR of over 14,000 pounds.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.1. Zero-Emission Bus Requirements.

(a) Zero-Emission Bus Purchase Requirements.

(1) In any given calendar year, transit agencies must purchase or operate a minimum number of zero-emission buses as determined by the following schedules:

(A) For a large transit agency:

- a. Starting January 1, 2023, twenty-five percent of the total number of new bus purchases in each calendar year must be zero-emission buses;
- b. Starting January 1, 2026, fifty percent of the total number of new bus purchases in each calendar year must be zero-emission buses; and
- c. Starting January 1, 2029, all new bus purchases must be zero-emission buses.

(B) For a small transit agency:

- a. Starting January 1, 2026, twenty-five percent of the total number of new bus purchases in each calendar year must be zero-emission buses; and
- b. Starting January 1, 2029, all new bus purchases must be zero-emission buses.

- (2) If the calculated required minimum number of zero-emission buses as set forth in section 2023.1(a) in a given calendar year does not result in a whole number, the number must be rounded to the nearest integer.
- (3) The zero-emission bus purchase requirements set forth in section 2023.1(a) apply only to the total number of new bus purchases in a calendar year. The following purchases are not considered to be new bus purchases for the purposes of calculating the minimum number of zero-emission buses required in a given calendar year:
- (A) Purchase of used buses;
 - (B) Zero-emission buses that are converted from conventional internal combustion engine buses; and
 - (C) Purchase of a cutaway bus, over-the-road bus, or articulated bus, until the latter of either January 1, 2026 or until the criteria specified in section 2023.1(c) have been met.
- (4) The required minimum number of zero-emission buses in section 2023.1(a) can be achieved with any combination of new zero-emission bus purchases and number of zero-emission buses already present in the fleet, less any available zero-emission bus bonus or zero-emission mobility credits, as provided in sections 2023.3 and 2023.5. The number of zero-emission buses in the fleet include all of the following zero-emission buses regardless of how and when they are acquired:
- (A) Any zero-emission bus from a previous purchase that has been delivered;
 - (B) Any leased zero-emission bus that has been delivered; and
 - (C) Any zero-emission bus converted from a conventional internal combustion engine bus and is an active bus.
 - (D) A zero-emission bus identified in section 2023.1(a)(4)(A) through (C) may only be used once in accounting for the required minimum number of zero-emission buses in section 2023.1(1).

- (5) A purchased new bus must be delivered within two years from the initial date of a Notice to Proceed, unless a transit agency has been granted an extension by the Executive Officer as set forth in section 2023.4(c)(1) and (2).
- (6) If a transit agency cancels a Notice to Proceed at any time before the bus delivery date, the purchase will be considered invalid and will not count towards required total new bus purchases.
- (7) Starting January 1, 2023, a transit agency must retain a newly purchased zero-emission bus for at least five years starting from the date of being placed in the active bus fleet.
- (8) Annual compliance with the zero-emission bus purchase requirements is determined as of December 31 of each calendar year.
- (b) **Waiver of Initial Zero-Emission Bus Purchase Requirements.** The zero-emission bus purchase requirements in section 2023.1(a) for calendar year 2023 and 2024 are waived if the following circumstances exist:
 - (1) The zero-emission bus purchase requirements for calendar year ending December 31, 2023, are waived if California transit agencies collectively have at least one-thousand (1,000) zero-emission buses purchased or in active bus fleets by December 31, 2020, as determined by the Executive Officer based on the reporting data for calendar year 2020 required by section 2023.8.
 - (2) If the 2023 zero-emission bus purchase requirement is waived as a result of the implementation of section 2023.1(b)(1), then the zero-emission bus purchase requirements for calendar year ending December 31, 2024, are waived if California transit agencies collectively have at least one-thousand and one hundred fifty (1,150) zero-emission buses purchased or in active bus fleets by December 31, 2021, as determined by the Executive Officer based on the reporting data for calendar year 2021 required by section 2023.8.
 - (3) Zero-Emission Bus Bonus Credits as specified in section 2023.3 cannot be used to meet the bus-fleet requirements of the waivers.
- (c) **Cutaway, Over-The-Road, Double Decker, and Articulated Buses.** Purchases of cutaway, over-the-road, double decker, or articulated buses are

subject to the zero-emission bus purchase requirements as specified in section 2023.1(a) on or after January 1, 2026, if the cutaway, over-the-road, double decker, or articulated bus type has a model that has passed the bus testing procedure and obtained a Bus Testing Report as described in section 2023(b)(7) for a given weight class.

(d) **Zero-Emission Bus Rollout Plan.** A transit agency must submit a Zero-Emission Bus Rollout Plan (Rollout Plan) to the Executive Officer that meets the following requirements.

(1) Rollout Plans must include all of the following components:

- (A) A goal of full transition to zero-emission buses by 2040 with careful planning that avoids early retirement of conventional internal combustion engine buses;
- (B) Identification of the types of zero-emission bus technologies a transit agency is planning to deploy, such as battery electric or fuel cell electric bus;
- (C) A schedule for construction of facilities and infrastructure modifications or upgrades, including charging, fueling, and maintenance facilities, to deploy and maintain zero-emission buses. This schedule must specify the general location of each facility, type of infrastructure, service capacity of an infrastructure, and a timeline for construction;
- (D) A schedule for zero-emission and conventional internal combustion engine buses purchases and lease options. This schedule for bus replacements must identify the bus types, fuel types, and number of buses;
- (E) A schedule for conversion of conventional internal combustion engine buses to zero-emission buses, if any. This schedule for bus conversion must identify number of buses, bus types, the propulsion systems being removed and converted to;
- (F) A plan on how a transit agency plans to deploy zero-emission buses in disadvantaged communities as listed in the latest version of

CalEnviroScreen (<https://oehha.ca.gov/calenviroscreen>) at the time of the Rollout Plan is submitted;

- (G) A training plan and schedule for zero-emission bus operators and maintenance and repair staff; and
- (H) Identification of potential funding sources.
- (2) Each transit agency's governing board must approve the Rollout Plan through the adoption of a resolution, and submit the Rollout Plan and a copy of the resolution to the Executive Officer according to the following schedule:
 - (A) A large transit agency must submit its board approved Rollout Plan along with its approval to the Executive Officer by July 1, 2020;
 - (B) A small transit agency must submit its board approved Rollout Plan along with its approval to the Executive Officer by July 1, 2023.
- (3) Transit agencies that are collectively complying with the requirements of Joint Zero-Emission Bus Groups as set forth in section 2023.2 may submit one joint Rollout Plan in lieu of individual transit agency Rollout Plan along with board approval from each participating transit agencies. The joint Rollout Plan must be submitted to the Executive Officer based on the submittal date of the largest transit agency in the Joint Group, as set forth in section 2023.1(d)(2).
- (e) **New Entrant.** A new entrant must meet the following requirements:
 - (1) It must submit a compliance report by the first March 31 after its existence and every year thereafter as specified in section 2023.8; and
 - (2) It must submit a Rollout Plan within 18 months of its existence.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and

43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.2. Compliance Option for Joint Zero-Emission Bus Groups.

- (a) Two or more transit agencies may choose to form a Joint Zero-Emission Bus Group (Joint Group) to comply with the requirements of section 2023.1 collectively. A Joint Group must meet at least one of the following eligibility criteria:
- (1) All participating transit agencies are located within the same service area of a Metropolitan Planning Organization or Regional Transportation Planning Organization;
 - (2) All participating transit agencies are located within the same Air Basin;
 - (3) All participating transit agencies are located within the same Air Quality Management District, Air Pollution Control District, or Air Resources District;
or
 - (4) All participating transit agencies share infrastructure.
- (b) **Procedure to form a Joint Group.**
- (1) A group of transit agencies forming a Joint Group must provide the Executive Officer a notice at least one year before the Joint Group takes effect. The notice must include all of the following information:
 - (A) A list of all participating transit agencies;
 - (B) A statement of intent to form the Joint Group from a responsible official for each participating transit agency;
 - (C) The proposed start year and if known the end date of the Joint Group;
 - (D) A description on which criteria specified in section 2023.2(a) are met to form a Joint Group.
 - (2) The Executive Officer may approve the joint agreement provided one of the criteria set forth in section 2023.2(a) has been met and assign a Joint Group Number to the group to be used by each participating transit agency for the purpose of annual reporting as specified in section 2023.8.

(c) **Joint Group Compliance Requirements.**

- (1) Members of a Joint Group collectively may submit one joint Rollout Plan in lieu of individual transit agency Rollout Plans, along with board approval from each transit agency's governing board as set forth in section 2023.1(d)(3).
- (2) Members of a Joint Group must collectively purchase and operate at least the same total number of zero-emission buses annually as each transit agency would be required to purchase and operate individually as set forth in section 2023.1(a).
- (3) A Joint Group that is requesting a deferral from zero-emission bus purchase requirements as described in section 2023.4 must explain why the compliance requirements cannot be met by any member of the Joint Group.
- (4) If a Joint Group fails to comply with the zero-emission bus requirements set forth in section 2023.1 in a given year, each transit agency will be evaluated for compliance individually.
- (5) If the largest transit agency in a Joint Group, based on fleet size, is a large transit agency, then in any given calendar year, this transit agency must have the required minimum number of zero-emission buses as a percentage of its total new bus purchases in that calendar year as set forth in section 2023.1(a).

(d) **Changes to a Joint Group.** In case of a change in membership, all participating transit agencies, including the new or departing transit agency, must collectively submit a request to change membership to the Executive Officer explaining the change and its expected effective date. The Member Change Request must be signed by the responsible official of each participating transit agency, including the new or departing transit agency, and must be submitted to the Executive Officer along with the board approvals for each participating transit agency, for such a change.

(e) All transit agencies participating in a Joint Group must individually meet the reporting and record-keeping requirements of sections 2023.8 and 2023.9.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.3. Zero-Emission Bus Bonus Credits.

- (a) A transit agency may earn Zero-Emission Bus Bonus Credits (Bonus Credits) for each early adoption of a zero-emission bus as determined based on the following criteria:
- (1) Each fuel cell electric bus that was purchased on or before December 31, 2017 and remained in the fleet as of January 1, 2018 receives two Bonus Credits;
 - (2) Each fuel cell electric bus placed in service between January 1, 2018 and December 31, 2022 receives one Bonus Credit;
 - (3) Each battery electric bus that was purchased on or before December 31, 2017 and remained in service as of January 1, 2018 receives one Bonus Credit;
- (b) Transit agencies that have Bonus Credits can use them in any subsequent years until December 31, 2028 to meet the required minimum number of zero-emission buses as set forth in section 2023.1(a)(4).
- (1) Each bonus credit may only be used once to meet the zero-emission bus purchase requirements set forth in section 2023(a)(4);
 - (2) All Bonus Credits will expire on January 1, 2029 when the one hundred percent zero-emission bus purchase requirement begins.

- (c) A Bonus Credit cannot be transferred to another transit agency, but may be used by transit agencies participating in a Joint Group to comply with zero-emission bus purchase requirements collectively as set forth in section 2023.2(c)(2).

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.4. Provisions for Extension or Exemption of a Zero-Emission Bus Purchase.

- (a) Transit agencies may request an extension or exemption from the zero-emission bus requirements set forth in section 2023.1 as provided in this section.
- (b) A Request for Extension or Request for Exemption for a particular calendar year's compliance obligation must be submitted to the Executive Officer by November 30th of that year.
- (c) A Request for Extension must demonstrate as provided below that at least one of the following circumstances exists beyond the transit agency's control:
- (1) Delay in the bus delivery is caused by the bus manufacturer. A transit agency may request an extension of the requirements of section 2023.1(a)(4) if the purchased bus cannot be delivered in time due to manufacturing delays. This exemption is available for all bus purchases, including conventional internal combustion engine buses, zero-emission buses, and buses fully converted to zero-emission.

- (A) A request for extension for delay in bus delivery caused by the bus manufacturer must include the following information:
1. An explanation of the delay and proof the manufacturer delayed delivery of the bus beyond the original delivery date;
 2. A copy of the Notice to Proceed that shows when a transit agency notified the bus manufacturer to start with production of a bus; and
 3. A copy of the contractual agreement for purchase and delivery of a bus.
- (B) The Executive Officer may grant up to a one-year extension from the original expected delivery date.
- (2) Delay in bus delivery is caused by setback of construction schedule. A transit agency may request an extension of the requirements of section 2023.1(a)(4), if it cannot finalize the zero-emission bus infrastructure in time to operate the purchased buses after delivery due to circumstances beyond the transit agency's control. Zero-emission bus infrastructure includes charging stations, hydrogen stations, and maintenance facilities. Such circumstances may include space limitations for zero-emission bus infrastructure that would require the transit agency to purchase new rights-of-way or construct new facilities, change of a general contractor, delays obtaining power from a utility, delays obtaining construction permits, archeological discovery of historical or tribal cultural resources under the California Environmental Quality Act, or natural disaster.
- (A) A transit agency must submit a Request for Extension to the Executive Officer by submitting documentation, including an official letter from its Board of Directors, the licensed contractor performing the work, related utility, building department, or other organizations explaining the reasons for delay and estimating the completion date of the project.
- (B) The Executive Officer may grant up to a one-year extension from the original expected bus delivery date, after validating the claim.

- (C) If the required infrastructure still cannot be completed within the approved extension period, the transit agency may request an exemption from the zero-emission bus purchase requirements set forth in section 2023.1(a). The approved exemption would be valid until the transit agency's next purchase cycle. A transit agency may purchase conventional internal combustion engine buses instead of zero-emission buses once the exemption is granted.
- (3) When available zero-emission buses at the end of battery or fuel cell stack warranty period cannot meet a transit agency's daily mileage needs.
- (A) A transit agency may submit a Request for Extension if zero-emission buses at the end of the battery or fuel cell stack warranty provided by the ZEB manufacturer or battery manufacturer cannot be placed in revenue service to meet the daily mileage needs of any bus in the fleet. For this purpose, a transit agency must show that the miles travelled between charges of a depot charging battery electric bus cannot meet the transit agency's daily operational needs for any bus in the existing fleet.
- (B) The Request for Extension must include the following information:
1. An explanation of why the extension is needed along with how zero-emission buses that have already been purchased or placed in service were suitable, and why daily mileage of any available depot charging battery electric bus is insufficient to meet the service needs of any conventional internal combustion engine bus in the fleet;
 2. A monthly mileage report for each bus type in the fleet to show the daily usage for all of the buses of that type;
 3. A copy of the zero-emission bus request for proposal and resulting bids including battery capacity that is available for each of the buses; and
 4. If available, measured energy use data from available zero-emission buses operated on daily assignments in transit

agency's service which includes, but is not limited to, battery degradation, air conditioning, passenger loading, grades, and driving behavior.

- (C) The Executive Officer will review the submitted information as set forth in section 2023.4(c)(3)(B) and compare the transit agency's required mileage with ranges of battery electric buses currently available using the Orange County Bus Cycle as described in section 2023(b)(39) to determine the energy use per mile. If the transit agency's required range is higher than eighty (80) percent of the range on battery electric buses (using the largest available battery pack at the end of battery or fuel cell stack warranty period) on this cycle, the transit agency will be granted an extension until the next bus purchase.
- (4) When a required zero-emission bus type for the applicable weight class based on gross vehicle weight rating (GVWR) is unavailable for purchase.
- (A) A transit agency may request an exemption from an immediate zero-emission bus purchase requirement as set forth in section 2023.1(a) if zero-emission buses are unavailable as described below, provided that all available zero-emission buses have been purchased in that compliance year.
- (B) A zero-emission bus type is considered unavailable if any of the following circumstances exists:
1. The zero-emission bus has not passed the complete Bus Testing and not obtained a Bus Testing Report as described in section 2023(b)(7);
 2. The zero-emission bus cannot be configured to meet applicable requirements of the Americans with Disabilities Act (ADA); or
 3. The physical characteristics of the zero-emission bus would result in a transit agency violating any federal, state, or local laws, regulations, or ordinances.
- (C) The request for exemption must include the following information:

1. A summary of all bus body-types, vehicle weight classes being purchased with their GVWR, chassis (if applicable), and the reasons why existing zero-emission buses are unavailable for purchase;
 2. The transit agency must update its fleet information to show how many zero-emission buses are already in service and how many are on order to show that the purchase requirement cannot be met with purchase of other types of zero-emission buses in that year;
 3. If the zero-emission bus type and vehicle weight class to be purchased cannot be adequately equipped to meet applicable Americans with Disabilities Act requirements, then the transit agency must submit documentation to show what Americans with Disabilities Act requirement cannot be met and why the manufacturer cannot meet it by submitting information from the manufacturer; and
 4. If the zero-emission bus would result in a transit agency violating any federal, state, or local law, regulation, or ordinance, then the transit agency must submit an official letter from its Board of Directors that details how the physical characteristics of the zero-emission bus would violate such federal, state, or local law, regulation or ordinance. This letter must include all relevant citations to state and federal regulatory code sections.
- (D) The Executive Officer may grant an exemption from the requirement to purchase unavailable zero-emission bus types described in section 2023.4(d)(1)(A). A transit agency may purchase conventional internal combustion engine buses instead of such unavailable zero-emission buses in a designated cycle of purchase once the exemption is granted. The exempted buses shall be excluded from the total number of new bus purchases in that year.

- (5) When a required zero-emission bus type cannot be purchased by a transit agency due to financial hardship. A transit agency may request an exemption from the zero-emission bus purchase requirements set forth in section 2023.1(a) due to financial hardship.
- (A) Financial hardship would be restricted to a fiscal emergency declared under a resolution by a transit agency's Board of Directors following a public hearing.
- (B) The request for exemption must include a resolution by a transit agency's Board declaring a fiscal emergency.
- (C) The Executive Officer may grant an exemption from purchase of zero-emission buses. A transit agency may purchase conventional internal combustion engine buses instead of zero-emission buses in a designated purchase cycle once the exemption is granted. The exempted buses shall be excluded from the total number of new bus purchases in that year.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

Adopt new sections 2023.5, 2023.6, 2023.7, 2023.8, 2023.9, 2023.10, and 2023.11, title 13, California Code of Regulations to read as follows:

(Note: The entire text of sections 2023.5, 2023.6, 2023.7, 2023.8, 2023.9, 2023.10, and 2023.11 set forth below is new language in “normal type” proposed to be added to the California Code of Regulations.)

§ 2023.5. Zero-Emission Mobility Option.

- (a) A transit agency may opt to use a Zero-Emission Mobility Program in lieu of making a zero-emission bus purchase to meet the required minimum number of zero-emission buses as set forth in section 2023.1(a)(4) if such program meets the following requirements:
- (1) The program provides zero-emission mobility services by using bicycles, zero-emission vehicles with a GVWR of 14,000 pounds or less, or a combination of both;
 - (2) The program must be either directly operated by the transit agency or operated by a contractor to the transit agency;
 - (3) The transit agency must be able to track and record zero-emission passenger miles for each zero-emission vehicle.
 - (4) A transit agency must achieve the following zero-emission passenger miles per year to be eligible to receive each mobility credit:
 - (A) A large transit agency must achieve at least 320,000 zero-emission passenger miles per year;
 - (B) A small transit agency must achieve at least 180,000 zero-emission passenger miles per year.
- (b) Procedure to opt-in and opt-out of a Zero-Emission Mobility Option.
- (1) To opt into a zero-emission mobility option, a transit agency must submit a Request to Opt-In to the Executive Officer with the following information to prove it is meeting the requirements set forth in section 2023.5(a):

- (A) A description of the types of vehicles, including their GVWR and types of propulsion systems;
 - (B) Documentation to show who will operate these services; and
 - (C) A description of the method of collecting accurate zero-emission passenger miles per vehicle.
- (2) A transit agency may choose to opt out from the Zero-Emission Mobility Option at any time with the submittal of a Request to Opt-Out to the Executive Officer with expected date of program termination.
- (c) Calculation and issuance of mobility credits.
- (1) Upon approval by the Executive Officer, a transit agency that opts into a Zero-Emission Bus Mobility Option may receive one credit that is equivalent to operation of one zero-emission bus in the fleet based on the following calculations:
- (A) When a bicycle is used in a Zero-Emission Mobility Option, a multiplier of 3 shall apply when quantifying zero-emission passenger miles from a bicycle.
 - (B) The zero-emission mobility credit is calculated by using the total zero-emission passenger miles in each calendar year divided by 320,000 passenger miles per year for a large transit agency or divided by 180,000 passenger miles per year for a small transit agency;
 - (C) For each calendar year, if a transit agency maintains at least the same zero-emission passenger miles as required in section 2023.5(a)(4) then the mobility credits will continue to count as zero-emission buses in the fleet.
 - (D) If the calculated number of mobility credits as set forth in section 2023.5(c)(1)(A) does not result to a whole number, the number must be rounded to the nearest integer to determine the number of credits.
- (d) Use of mobility credits.

- (1) Each calculated credit as set forth in section 2023.5(c)(1)(A) will be treated the same as operating one zero-emission bus in the fleet in a given calendar year.
- (2) Each mobility credit earned annually by a transit agency will be used when calculating the required minimum number of zero-emission buses in the following year of achieving passenger miles as set forth in section 2023.1(a)(4).
- (e) Reporting. Any transit agency that is approved to use Zero-Emission Mobility Option must report annually to show the total zero-emission passenger miles achieved in the previous calendar year. A transit agency using the Zero-Emission Mobility Option must meet the reporting and record keeping requirements set forth in sections 2023.8(f) and 2023.9(c) for zero-emission passenger miles.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.6. Low-NOx Engine Purchase Requirements.

- (a) Starting January 1, 2020, when new conventional internal combustion engine bus purchases are made, transit agencies must purchase buses with Low-NOx engines if the Low-NOx engines meet both following criteria:

- (1) The engine must have been commercially available for at least two years; and

- (2) The engine must be certified to the lowest level of NOx emissions at the time of purchase that is suitable for the bus and fuel type for the engine being purchased.
- (b) The Low-NOx engine purchase requirements apply to purchase of all new conventional internal combustion engine buses, but does not apply to the buses that are dispatched from areas defined as NOx Exempt Areas as described in section 2023(b)(37).
- (c) Any early Low-NOx engine purchases prior to January 1, 2020, including any voluntary engine repower, may be counted once towards meeting the requirements set forth in section 2023.6 (a) through (b).
- (d) A transit agency that is subject to Low-NOx engine purchase requirements must report annually as set forth in section 2023.8(g) and keep records of all conventional internal combustion engine bus purchases as required in section 2023.9(d).

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.7. Requirements to Use Renewable Fuels.

- (a) Starting January 1, 2020, a large transit agency must purchase only renewable diesel or renewable natural gas when renewing fuel purchase or delivery

contracts for diesel or natural gas. A small transit agency is exempt from this requirement.

- (b) A large transit agency that is subject to the requirements set forth in section 2023.7(a) must meet the reporting and record keeping requirements set forth in sections 2023.8(h) and 2023.9(e) for all new and renewed fuel purchase or delivery contracts.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.8. Reporting Requirements for Transit Agencies.

- (a) Commencing March 31, 2021, and continuing every year thereafter through March 31, 2050, each transit agency must annually submit by March 31 to the Executive Officer a compliance report meeting the requirements of this section for the prior calendar year.
- (b) The initial report must be submitted by March 31, 2021, and must include the number and information of active buses in the transit agency's fleet as of December 31, 2017.
- (c) Each transit agency must report the following information annually:
- (1) Transit agency information. Name of the transit agency, its mailing address, 5-digit National Transit Database (NTD) identification number, name of related Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agencies, air district, air basin, the Joint Group Number (if

- applicable as set forth in section 2023.2(b)(2), and name of a contact person, that person's e-mail address, title, and phone number;
- (2) Information on each bus purchased, owned, operated, leased, or rented by a transit agency, including the following:
- (A) Information on vehicle. Vehicle identification number (VIN), license plate, transit agency fleet's own vehicle ID, ownership type (owned, leased, rented), make, model, type, length, chassis (if applicable), fuel type, GVWR, curb weight, manufacture year, propulsion technology type, vehicle status (active, emergency contingency, or retired), date in-service, and retire date;
 - (B) Information on engine and propulsion system. Engine manufacturer, engine model, engine model year, engine family name, engine cylinder displacement size (liters), battery capacity or energy level (kWh), bus charging strategy type (on-route, in depot, combination), fuel cell system manufacturer, fuel cell system model, and fuel cell system rated power;
 - (C) Information on bus purchases. Quantity of zero-emission and conventional internal combustion engine buses purchased in the calendar year and their status as new or used, effective date of a Notice to Proceed, and actual or expected bus delivery date; and
 - (D) Information on converted buses. Quantity of buses fully converted to zero-emission from conventional internal combustion engine buses in each calendar year.
- (d) Each transit agency subject to requirements of section 2023.2 must report the same information as required under sections 2023.8(a) through 2023.8(c) using the assigned Joint Group Number.
- (e) CARB will calculate the number of bonus credits set forth in section 2023.3(a) based on required information in section 2023.8(c).
- (f) Each transit agency operating a Zero-Emission Mobility Option as set forth in section 2023.5 must report the following information:

- (1) Total accumulated annual zero-emission passenger miles provided by vehicles with a GVWR of 14,000 pounds or less;
 - (2) Total accumulated annual zero-emission passenger miles provided by bicycles; and
 - (3) CARB will calculate the number of mobility credits annually according the requirement of section 2023.5(c)(1)(A) and reported total zero-emission passenger miles.
- (g) Each transit agency subject to requirements for purchase of Low-NOx engines as set forth in section 2023.6(b)(1) must submit an annual report identifying the general location a conventional internal combustion engine bus is dispatched from, the NOx Certification Standard, and the NOx Executive Order number.
- (h) Each transit agency subject to requirements to use renewable fuels as set forth in section 2023.7 must submit annual report identifying fuel types used, quantity of renewable and non-renewable fuel purchased, and fuel contract number and its effective date and expected or actual end date.
- (i) A report that does not contain all required information in sections 2023.8(c) through (h) will not be considered complete. A report will be considered to be complete as of the date that all required information is submitted.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.9. Record Keeping Requirements.

- (a) Each transit agency subject to the reporting requirements of section 2023.8 must maintain copies of the information reported under section 2023.8, as well as the records described in subsections (b) through (e) in this section, and retain such records as required below in subsection (g).
- (b) Each transit agency must maintain records of all purchased, leased, rented or operated conventional internal combustion engine buses, zero-emission and full converted buses to zero-emission buses for the purpose of demonstrating compliance with the requirements of sections 2023.1 through 2023.4 and section 2023.6. Transit agencies must keep record of the following:
 - (1) Every Notice to Proceed sent to bus manufacturers or sales representatives for the purpose of purchasing buses;
 - (2) Bus purchase contracts that Notice to Proceeds are based upon;
 - (3) Any lease agreements with bus manufacturers or sales representatives;
 - (4) Documentation to show ownership transfer for purchase of used buses;
 - (5) Documentation to show when a conventional internal combustion engine bus is fully converted to a zero-emission bus;
 - (6) Copy of vehicle's registration;
 - (7) Proof of bus delivery date.
- (c) A transit agency opted-in to a Zero-Emission Mobility Option must keep records of zero-emission passenger miles generated by eligible vehicles and bicycles.
- (d) Each transit agency subject to requirements of section 2023.6 must maintain bus purchase contracts of conventional internal combustion engine buses, including the ones with Low-NOx engines, to demonstrate compliance.
- (e) Each large transit agency must maintain records of every fuel contracts that are executed on and after January 1, 2020, demonstrate compliance with requirements specified in section 2023.7.
- (f) Audit of Records. A transit agency must make records available to CARB within 10 calendar days of its request for audit to verify the accuracy of the reported information.

- (g) Record Retention. A transit agency shall maintain the records for each bus, zero-emission passenger miles, and fuel contracts that are subject to reporting requirements of section 2023.8 and record keeping requirements of section 2023.9(b) through (e) for three (3) years after the bus is retired, ownership is transferred, or fuel contract is expired.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.10. Authority to Suspend, Revoke, or Modify.

- (a) If the Executive Officer finds that any zero-emission bus bonus or mobility credit was obtained based on false information, the Executive Officer may revoke the credit. Each revoked credit is equivalent to one required zero-emission bus the agency has failed to purchase. A transit agency with a deficit in numbers of required zero-emission buses is considered to be in violation of zero-emission bus requirements as set forth in section 2023.1.

NOTE: Authority cited: Sections 38501, 38510, 38560, 39002, 39003, 39012, 39017, 39018, 39027, 39500, 39600, 39601, 39606, 39650, 39655, 39658, 39659, 39667, 40000, 43000.5, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43701(b), 43801 and 43806, Health and Safety Code. Reference: Sections 38501, 38510, 38560, 39002, 39003, 39017, 39027, 39500, 39600, 39601, 39650, 39655, 39658, 39659,

39667, 40000, 43000.5, 43013, 43018, 43101, 43104, 43105, 43701(b), 43801 and 43806, Health and Safety Code; Sections 233, 350, 545, and 28114, Vehicle Code; sections 5303 and 5324, title 49, United States Code; Code of Federal Regulations, title 49, section 665.13.

§ 2023.11. Severability.

(a) If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of the Innovative Clean Transit Regulations in this article 4.3 is for any reason held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of these Innovative Clean Transit Regulations.

NOTE: Authority cited: Sections 38596, 39600, and 39601, Health and Safety Code.

Reference: Sections 38596, 39600, and 39601.



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Agenda Item No. C4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

September 6, 2018

SUBJECT:

REVISIONS TO BOARD POLICY 18 (SHARON COONEY)

RECOMMENDATION:

That the Executive Committee discuss proposed revisions to Board Policy 18, "Joint Use and Development of Property", and provide direction to staff.

Budget Impact

None at this time.

DISCUSSION:

In collaboration with the Board Chair, staff has been working on an update to Board Policy 18, "Joint Use and Development of Property", a policy that was last updated in 2007. This policy guides staff's efforts to develop and utilize property owned and acquired by the Board. Staff has researched policies at other transit agencies and has concluded that much of the current MTS Policy 18 language (Attachment A) would more reasonably be included in a procedural manual that could be used to implement the Board's policy directives. Staff is recommending that a procedural manual be prepared following the adoption of a new Board Policy 18. With this recommendation, Policy 18 can be streamlined substantially.

Attachment B is a draft document for purposes of fostering discussion by the Executive Committee. Some specific elements to consider:

- Should replacement parking requirements be limited to current year utilization, or projected future needs for parking?



- Should staff request from the developer other physical improvements (such as public restrooms) or amenities (such as free transit passes for occupants/employees of the development) when those requests result in a reduction in the return on the public's investment in the property?
- In the interest of increasing transit ridership, should there be an affordable housing requirement for residential development? If so, should MTS specify the appropriate income levels for that affordable housing? Should the requirement be placed on every MTS property, or should it be an overall goal for MTS's real estate portfolio?
- Should staff continue the practice of evaluating and presenting viable unsolicited development proposals to the Board? Or should proposals to develop MTS properties be the result of a formal competitive bidding process only?

/s/ Sharon Cooney for

Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Current Board Policy 18
B. Proposed Revised Board Policy 18



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Policies and Procedures

No. 18

SUBJECT:

Board Approval: 1/18/07

JOINT USE AND DEVELOPMENT OF PROPERTY

PURPOSE:

It is the intention of the MTS to extract the maximum benefits from and utilization of property owned and acquired by the Board consistent with transportation goals and community development objectives.

BACKGROUND:

Technical studies for the South Line and East Urban Corridor indicated that long-term demand was favorable for future joint development activity. The Board supported this conclusion by adopting design criteria that allows for joint development. Joint development of MTS property achieves four major goals:

1. Integration of transportation facilities into existing and proposed developments to meet community needs;
2. Promotion and enhancement of the use of public transportation;
3. Maximization of the recovery of public capital costs and increase of the return on public investment; and
4. Enhancement and protection of the transportation corridor and its environs.

POLICY:

Joint use and development on MTS rights-of-way will be carried out within the following criteria:

1. Projects shall be considered that do not negatively impact present or future public transportation facilities.
2. Projects shall be consistent with regional and local community policies and plans.



3. Projects must demonstrate a fiscal benefit to MTS.
4. Selection between projects will be based on those that can demonstrate:
 - a. The greatest economic development potential to MTS and the community.
 - b. Increased accessibility to public transportation.
 - c. Responsiveness to community needs for housing, employment, services, or recreational facilities.
5. Projects are encouraged that provide rest rooms that are available to transit patrons and the general public.

The intent of these criteria is to foster competition and maximize the return to MTS to the fullest extent possible.

GUIDELINES AND PROCEDURES:

A. Project Proposal Evaluation

Development of property initiated by MTS shall use the standard Request for Proposals (RFP) procedure as set forth in the MTS Policy No. 52 as a general guideline for determining the appropriate process for soliciting the development proposal. Specific procedures for solicitation of each development proposal shall be decided by the Chief Executive Officer based on the nature of the development proposal to be solicited. The Chief Executive Officer may also utilize the services of industry professionals to assist in the solicitation process utilizing the procedures set forth in MTS Policy No. 52 to procure those services.

MTS may also receive unsolicited offers for development from private parties or other agencies. Any entity wishing to propose a joint use or joint development project shall present the proposal to the Chief Executive Officer. The Chief Executive Officer and staff, in consultation with local jurisdictions, will analyze the proposal using the guidelines set forth below. Proposal evaluation procedures and guidelines are as follows:

1. Initial Evaluation of Unsolicited Joint Development Proposals
 - a. Proposals for joint development shall be submitted to the Chief Executive Officer along with sufficient information to allow MTS staff to adequately evaluate the proposal for further consideration. The proposal should demonstrate compatibility with the goals and development criteria set by the Board.

- b. In addition, the proposal shall include information on the entity proposing the development that demonstrates its mission and vision, financial strength, development capability, successful partnerships and projects, and specific experience with transit oriented development.
- c. The Chief Executive Officer will review the proposed project with local agencies having jurisdiction in the project area to determine jurisdictional and community acceptance and support.
- d. The Chief Executive Officer shall have a minimum of 60 days in which to perform the initial evaluation and make a recommendation to the MTS Board of Directors to either enter into negotiations for an Exclusive Negotiation Agreement (ENA) with the developer, to reject the proposal, or to propose that additional proposals be solicited for the property development. Additional time may be required to make the determination depending on the complexity of the development proposal. The proposing entity will be notified in writing if additional time is required. If the Chief Executive Officer recommends the MTS Board of Directors enter into negotiations for an ENA without soliciting additional proposals, justification shall be presented to the MTS Board demonstrating the reasons why competition is not in the best interest of MTS.

2. Initial Evaluation of MTS-Solicited Development Proposals

The initial evaluation of MTS-solicited development proposals shall be pursuant to Policy No. 52 or by the procedure utilized by the Chief Executive Officer deemed appropriate based on the nature of the development proposal to be solicited. The evaluation criteria for proposals solicited by MTS shall include those used to evaluate unsolicited proposals. The criteria will be incorporated in the RFP process or other selection method utilized by the Chief Executive Officer.

3. Exclusive Negotiation Agreement

Upon authorization of the MTS Board, the Chief Executive Officer shall execute an ENA with the developer for a period of 180 days or such other term that is mutually acceptable to the parties.

- a. Requirements of proposer/developer under the ENA:
 - (1) Developer shall provide the Chief Executive Officer with a non-refundable "good-faith deposit," the amount of which shall be determined by staff based on past experience with similar projects, the total estimated value of the project, the estimated costs of necessary consultants, and the estimated length of negotiations. The amount shall be sufficient to cover reasonable expenses incurred by the Chief Executive Officer in carrying out the analysis of the

proposal including staff costs, consultant experts, legal fees, and other direct and indirect expenses incurred by MTS. Alternatively, staff may recommend a monthly rental fee, in lieu of a nonrefundable, good-faith deposit to compensate MTS for the use of its property during the negotiation period.

- (2) Developer shall have 120 days or such other mutually agreed-upon duration to provide the Chief Executive Officer with the following information:
- (a) A preliminary site plan showing building layout and dimensions, parking, landscaping, and access.
 - (b) Environmental analysis documents acceptable to MTS and to any other governmental entity that would require the environmental evaluation to approve the project pursuant to the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA).
 - (c) Cost estimates and project data for the proposal in sufficient detail to permit adequate financial analysis by the Chief Executive Officer. MTS will seek a return on its investment consistent with the market value of the property as determined by a professional appraiser approved by MTS. The Chief Executive Officer shall also have the latitude to recommend a higher or lower rate of return depending on the input from industry experts and contingent on Board approval.
 - (d) Evidence of a firm financial plan, including:
 - 1. Evidence of construction financing capability.
 - 2. Evidence of long-term financing capability.
 - 3. Evidence of other financial sources necessary to carry out the project.
 - 4. Financial evidence of similar projects completed within the last five years.
 - (e) Developer shall provide a written offer to MTS for purchase of land, purchase of lease rights, or other development rights as appropriate to the proposal.
 - (f) Developer shall provide a written commitment to meet MTS's goals for Disadvantaged and Women's Business Enterprise (DBE and WBE) participation

in construction and operation of the project for a federally funded project consistent with current requirements of MTS and federal regulations.

b. Responsibilities of the MTS under the ENA

- (1) MTS shall entertain no other development proposals for the land in question during the period of the ENA. The ENA shall serve as proof of control of land for acquiring letters of financial commitment by the developer.
- (2) The Chief Executive Officer shall place the good-faith deposit in an interest-bearing account and shall have the right to draw down from the account payment for reasonable expenses incurred by MTS for such items as land and development rights appraisals, materials, data and other information costs, and other administrative costs expended in the evaluation of the proposal, including staff costs, consultant experts services, and legal fees.
- (3) MTS shall ensure that an appraisal for the fair market value of the fee interest or lease rights or other development rights appropriate to the project is performed by a professional appraiser approved by MTS at the sole cost to the developer.
- (4) After submittal of all pertinent information by the developer, as listed above, to the satisfaction of the Chief Executive Officer, the Chief Executive Officer shall have 60 days or such other agreed-upon term in which to make a recommendation to the MTS Board to terminate the ENA, to request more information, or to enter into negotiations for a Development Agreement with the developer.
- (5) If, at the conclusion of the ENA period, the proposal is terminated, the Chief Executive Officer shall return any remaining balance of the good-faith deposit, including any interest accrued thereon to the developer.
- (6) If, at the conclusion of the ENA, a Development Agreement is entered into, the remaining balance of the good-faith deposit, including interest accrued thereon, shall be credited to any additional deposits required as a condition of the Development Agreement, the cost of land, lease, or other development rights conveyed to the developer by the MTS.

c. Extension of ENA

Either the developer or the Chief Executive Officer may request from the MTS Board an extension of the exclusive negotiation

period. The MTS Board will determine whether sufficient progress has been made toward fulfillment of the above requirements in its consideration of extension.

4. Conclusion of Joint Development Evaluation Process

The preceding evaluation process culminates in execution of a Development Agreement to expedite project implementation or in termination and elimination of the proposal.

B. Environmental Documents

MTS will be the lead agency in environmental matters as required by local, state, and federal law. The local jurisdiction may be the lead agency upon approval from the MTS Board.

C. Development Agreements

Development agreements shall describe the rights and responsibilities of both parties and shall contain, but not be limited to, the following elements:

1. Identification of the parties to the agreement, including prohibition against change, transfer, or assignment of ownership, management, and/or control of developer.
2. Description of the site including a map. If the subject of the lease is an air space development, placement of supports shall be included on the map.
3. Requirement that the developer must secure all necessary permits and approvals from appropriate local agencies.
4. The terms and conditions of the lease including, but not limited to:
 - a. Lease price and payment schedule.
 - b. Conveyance and delivery for possession.
 - c. Payment of taxes and insurance requirement.
 - d. Condition of site at time of beginning and end of lease.
 - e. Financial statement of developer.
 - f. Hold harmless and indemnity clauses.
 - g. Limitations of use and terms of lease.
 - h. Schedule of the MTS approval of all plans and drawings.
5. If the development incorporates a sale of property, the conditions and terms of such sale including, but not limited to:

- a. Sale or purchase price and payment schedule.
 - b. Escrow instructions.
 - c. Conditions, covenants, restrictions, and other limitations of use as terms of sale.
 - d. Conveyance and delivery of possession.
 - e. Form of deed as approved by MTS counsel.
 - f. Condition of title and insurance of title.
 - g. Time and place for delivery of deed.
 - h. Taxes, assessments, and insurance requirements.
 - i. Condition of site at time of sales.
 - j. Financial statement of developer.
 - k. Prohibition of transfer without prior Board approval.
6. The scope of the development of the site including:
- a. Schedule for submission of concept, schematic, construction, grading and landscaping plans and drawings.
 - b. Schedule for local agency and the MTS review, and approval of plans and drawings. The staff review will include but not be limited to:
 - (1) Design of site and improvements.
 - (2) Relationship to the urban design of the community both form and scale.
 - (3) Architectural design and visual continuity.
 - (4) Effects on railway and transit operations.
 - (5) Type and quality of building materials.
 - (6) Energy considerations.
 - (7) Structure location, height, and lot coverage.
 - (8) Parking requirements and design.
 - (9) Streetscape and landscaping.

- (10) Vehicular entrance and exit.
 - c. Schedule of performance.
 - d. Insurance requirements.
 - e. Adherence to antidiscrimination, environmental and all other applicable local, state, and federal laws.
- 7. Failure of either party to perform, including defaults, remedies, and termination by either party.
 - 8. Ownership of improvements constructed on leased land upon the expiration or termination of lease term.
 - 9. Requirements to restore leased property to original condition upon expiration or termination of lease term.
 - 10. Possible performance bond requirements.
 - 11. Any other general or special provisions deemed necessary by the Board.

D. Inventory of Property

MTS shall identify right-of-way property and facilities and keep such inventory current. All property so inventoried shall be analyzed for its availability for joint use or development by either sale or lease. This inventory shall be reviewed by the MTS Board annually. Included in this inventory will be a listing of all agreements and their current status.

Upon direction from the Board, the inventory shall be assessed and prioritized for potential development opportunities. The ranking should consider potential for investment return, strong developer interest, local agency interest, land use compatibility, and complexity of required land use modifications.

E. Use of Revenue

Revenue obtained from joint use and development of property, including concessions and advertising, will be returned to the MTS General Fund for inclusion in the budget for maintenance, operations, and capital improvement of MTS-owned facilities from which the revenue is generated. Revenue generated from development of property purchased with federal funds will be used by MTS based on approved processes from the federal funding source.

JGarde
POLICY.18.JOINT USE & DEV OF PROPERTY
1/18/07

Original Policy approved on 3/8/82.

Policy revised on 12/20/84.

Policy revised on 2/8/96.

Policy revised on 6/26/97.

Policy revised/renumbered on 2/12/04.

Policy revised on 1/18/07.



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Policies and Procedures

No. 18

SUBJECT:

Board Approval: XX/XX/XX

JOINT DEVELOPMENT PROGRAM

PURPOSE:

MTS manages a portfolio of real property assets whose primary purpose is to fulfill the functional needs of transit operations. These real property assets can also be developed to enhance the financial stability of MTS operations, promote increased transit utilization, and achieve other community development objectives. MTS seeks to work in close partnership with its service area cities and the County of San Diego to identify and implement joint development opportunities. Promoting quality transit oriented development on or near the transit system can generate new opportunities to create direct and indirect revenue for MTS while contributing to environmentally sustainable livable communities that are focused on transit accessibility.

POLICIES:

- A. Joint use and development of MTS property shall always prioritize transit operational needs above all other considerations.
 1. MTS shall preserve the ability to safely operate and maintain transportation facilities on its properties.
 2. For any development project pursued at an MTS park-and-ride, an analysis shall be undertaken to determine the appropriate level at which existing parking should be replaced, with full consideration of the relative growth in future ridership that can result from dense joint development versus provision of future parking spaces.
 3. Development projects pursued under the Joint Development Program shall strive to include physical improvements and/or transit programs (such as free or subsidized transit passes) that encourage utilization of multi-modal transit services and increase long-term ridership.



- B. Joint development projects are expected to generate value to MTS, either through direct/indirect revenue generation or through the construction of new transit facilities on behalf of MTS.
 - 1. MTS shall not gift its assets.
 - 2. Projects should minimize financial risk to MTS.
 - 3. Due diligence in entering into a joint development with a third party should be performed to ensure the viability of the project now and in the future.

- C. MTS will seek projects that engage stakeholders and create vibrant, transit-oriented communities that offer a range of housing types, job opportunities, and services centered around public transit facilities.
 - 1. Residential development projects pursued under the Joint Development Program shall strive to provide the highest possible density.
 - 2. Development projects pursued under the Joint Development Program shall comply with all the review and approval policies and procedures of the local jurisdictions in which the respective projects are sited.
 - 3. Development projects pursued under the Joint Development Program shall strive to incorporate the urban design standards of the localities with jurisdiction over them, and the “best practices” identified by industry leaders in transit-oriented development.
 - 4. MTS shall encourage direct connections to transit stops and stations from surrounding development.
 - 5. The Joint Development Program is intended to be consistent with State of California Greenhouse Gas reduction goals.
 - 6. In recognition that residents in affordable housing units have a higher likelihood for transit utilization, residential joint development proposals shall include a minimum set aside of 20% of units for very low (<50% Average Median Income (AMI)) and low (51-80% AMI) income households.

- D. In order to promote the best possible projects for joint development, preference will be to engage in an open and competitive solicitation for choosing development partners. However, staff may consider bringing unsolicited proposals or proposals that seek to aggregate private or municipal parcels with MTS property to the Board of Directors for consideration.

IMPLEMENTATION PROCESS:

- A. The Chief Executive Officer shall develop written procedures necessary to fully implement this Policy within 3 months of its adoption. The written procedures shall be approved by the MTS Board of Directors.

- B. This Policy shall be updated at least every 5 years, or at the direction of the Chair of the Board.
- C. MTS shall identify right-of-way property and facilities and keep such inventory current. All property so inventoried shall be analyzed for its availability for joint use or development by either sale or lease. This inventory shall be reviewed by the MTS Board annually. Included in this inventory will be a listing of all agreements and their current status.

Original Policy approved on 3/8/82.
Policy revised on 12/20/84.
Policy revised on 2/8/96.
Policy revised on 6/26/97.
Policy revised/renumbered on 2/12/04.
Policy revised on 1/18/07.
Policy revised on XX/XX/XX.



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DRAFT

Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

9:00 a.m.

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

To request an agenda in an alternative format or to request accommodations to facilitate meeting participation, please call the Clerk of the Board at least two working days prior to the meeting. 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 26, 2018 Approve
- 3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please SILENCE electronics
during the meeting

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

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). 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. Adoption of Amended 2018 Conflict of Interest Code
Action would: (1) adopt Resolution No. 18-11 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974; (2) adopt the amended 2018 MTS Conflict of Interest Code; and (3) forward the amended 2018 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).
Adopt/
Approve
7. Amendment of Fiscal Year (FY) 2017-2018 State Transit Assistance (STA) Claim and Approval of FY 2018-2019 STA Claim and Submission of Proposed Project List for California State of Good Repair (SGR) Program
Action would adopt Resolution No. 18-10 amending the FY 2017-2018 STA claim, approving the FY 2018-2019 STA claim and approving the submission of a proposed project list to Caltrans for the FY 2018-2019 SGR program.
Adopt/
Approve
8. Title VI Monitoring Report for Service Policies
Action would review and approve the 2018 Title VI Monitoring Report for Service Policies.
Approve
9. Contract with the City of Chula Vista for Taxicab Administration
Action would: (1) authorize the Chief Executive Officer (CEO) to enter into an agreement for Taxicab Administration with the City of Chula Vista; (2) adopt the proposed amendments to MTS 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; and (3) direct publication of a summary of the amendments to MTS Ordinance No. 11; and (4) upon adoption of the proposed amendments, authorize the CEO the discretion to enforce MTS Ordinance No. 11 in its amended form.
Approve
10. Investment Report - June 2018
Informational
11. Investment Report - July 2018
Informational
12. San Diego Metropolitan Transit System (MTS) Task Order Contract Approval for Design Services for James R. Mills Building HVAC/Central Plant Engineering Study
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA1949-AE-19 for MTS Doc. No. G1949.1-17 with Jacobs Engineering, Inc. in the amount of \$119,609.31 for design services for a James R. Mills Building Heating, Ventilation and Air Conditioning (HVAC)/Central Plant Engineering Study.
Approve
13. Special Trackwork Materials - Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1463.0-19, with Progress Rail Services Corporation, for special trackwork materials.
Approve
14. Trash Disposal, Green Waste and Recycling Services - Contract Award
Action would authorize the Chief Executive Officer (CEO) to: (1) Execute MTS Doc. No. G2151.0-18, with EDCO Disposal for the provision of trash and green waste disposal, and recycling services for a five (5) year base period with five (5) year option terms (for a total of ten years); and (2) Exercise the option years at the CEO's discretion.
Approve

- | | | |
|-----|--|--------------------|
| 15. | <u>Industrial General Permit & Storm Water Management Services - Sole Source Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute a contract for a two-year (2) and nine (9) month period in response to MTS Doc. No. PWG263.0-19, to Whitson Contracting & Management, Inc., for Industrial General Permit (IGP) and Storm Water Management Services in an amount not to exceed \$273,412.20. | Approve |
| 16. | <u>San Diego Trolley On-Call Tree Trimming and Removal Services - Amendment No.</u>
Action would: (1) Ratify contract amendments one (1) and two (2) as MTS Doc. No. PWL199.1-16 and PWL199.2-16 for a total of \$42,180.00, which were previously issued under the Chief Executive Officer's (CEO) authority, for services for On-Call Tree Trimming Services; (2) Ratify MTS Doc. No. PWL199.3-16 (Amendment three (3)) for \$40,000.00, which was previously issued under the CEO authority, for services for On-Call Tree Trimming Services at Chollas Creek; and (3) Authorize the CEO to execute MTS Document No. PWL199.4-16 with Singh Group, Inc., for \$103,856.00. | Ratify/
Approve |
| 17. | <u>San Diego Metropolitan Transit System (MTS) Job Order Contract (JOC) Work Order for 8th Street Bridge Repair</u>
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC7501-25 with Herzog Contracting Corporation to perform work under MTS Doc. No. PWL182.0-16 for the repair of the bridge at 8th Street on the Blue Line. | Approve |
| 18. | <u>MTS Job Order Contract (JOC) Work Order for Turnout S37 Replacement</u>
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC7501-27 with Herzog Contracting Corporation to perform work under MTS Doc. No. PWL182.0-16 for the replacement of Turnout S37 on the Blue Line. | Approve |
| 19. | <u>AC Switchgear Replacement for Orange Line Substations - Engineering Design Services - Work Order</u>
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA1951-AE-20 to MTS Doc. No. G1951.0-17 with Mott MacDonald, LLC for the AC Switchgear Replacement on Orange Line TPSS - Engineering Design Services. | Approve |
| 20. | <u>Light Rail Vehicle Pantograph Parts - Purchase Order</u>
Action would authorize the Chief Executive Officer (CEO) to execute an outline agreement in a form of a Purchase Order with Siemens Mobility Inc. for the purchase of Light Rail Vehicle (LRV) Pantograph parts. | Approve |
| 21. | <u>Douglas Fir Railroad Ties - Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1467.0-19, with B&B Diversified Materials (B&B), a DBE, for Douglas Fir Railroad Ties. | Approve |

CLOSED SESSION

- | | | |
|-----|--|--------------------|
| 24. | a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6
<u>Agency:</u> San Diego Trolley, Inc. (SDTI)
<u>Agency-Designated Representative:</u> Jeff Stumbo
<u>Employee Organization:</u> International Brotherhood of Electrical Workers, Local 465 (Representing SDTI Flagpersons) | Possible
Action |
|-----|--|--------------------|

b. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8 Possible Action
Property: 5915 and 5927 Mission Gorge Road
Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; Sharon Cooney, Chief of Staff; and Tim Allison, Manager of Real Estate Assets
Negotiating Parties: Affirmed Housing and Greystar
Under Negotiation: Price and Terms of Payment

c. CLOSED SESSION - PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE Pursuant to California Government Code Section 54957.6 Possible Action

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. Political Consulting Services - Contract Award (Sharon Cooney) Approve
Action would authorize the Chief Executive Officer (CEO) to award MTS Doc. No. G2159.0-18 to Smith, Watts & Hartmann (SWH) for political consulting services effective October 1, 2018.

31. Transit Asset Management (TAM) Policy (Mike Thompson) Approve

REPORT ITEMS

45. Comic-Con 2018 Recap (Rob Schupp and Tom Doogan) Informational

46. Fare Study Update (Israel Maldonado) Informational

59. Ad Hoc Ballot Measure Committee Report (Board Member David Alvarez) Informational

60. Chair Report Informational

61. Chief Executive Officer's Report Informational

62. Board Member Communications

63. Additional Public Comments Not on the Agenda
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments.

64. Next Meeting Date: October 11, 2018

65. Adjournment



1255 Imperial Avenue, Suite 1000
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Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

ADOPTION OF AMENDED 2018 CONFLICT OF INTEREST CODE

RECOMMENDATION:

That the Board of Directors:

- 1) adopt Resolution No. 18-11 (Attachment A) amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974;
- 2) adopt the amended 2018 MTS Conflict of Interest Code (in substantially the same format as Attachment B); and
- 3) forward the amended 2018 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body).

Budget Impact

None.

DISCUSSION:

The Political Reform Act (the “Act”) requires all public agencies to adopt and maintain a Conflict of Interest Code containing the rules for disclosure of personal assets. Except for positions listed in Gov. Code § 87200, the Conflict of Interest Code must specifically designate all agency positions that make or participate in the making of decisions and assign specific types of personal assets to be disclosed that may be affected by the exercise of powers and duties of that position.

The Act further requires that an agency amend its Conflict of Interest Code when change is necessitated by changed circumstances which include the need to designate positions.



It is proposed that MTS's Conflict of Interest Code be amended to include new positions that must be designated, revise disclosure categories, revise titles to existing positions, and delete positions that have abolished. Every other year, MTS is required by the PRA to revise and update its Conflict of Interest Code. Attachment B is the proposed amended 2018 Conflict of Interest Code incorporating the model provisions as drafted by the California Fair Political Practices Commission (FPPC).

The proposed 2018 Conflict of Interest Code contains the model terms and conditions as well as:

- 1) a list of designated officials who manage public investments (Attachment B, Part A)
- 2) a list of designated positions for employees (Attachment B, Part A); and
- 3) Disclosure Categories (Attachment B, Part B).

General Counsel is requesting that the Board of Directors: (1) adopt Resolution No. 18-11 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974; (2) adopt the 2018 MTS Conflict of Interest Code in substantially the same format as attached; and (3) forward the 2018 MTS Conflict of Interest Code to the County of San Diego – the designated code-reviewing body.

/s/ Sharon Cooney for _____
Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Resolution No. 18-11
B. Proposed Amended Appendix for 2018 Conflict of Interest Code
C. Existing 2016 Conflict of Interest Code

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 18-11

A Resolution of the Board of Directors of the San Diego Metropolitan Transit System Adopting
An Amended Conflict of Interest Code Pursuant to the Political Reform Act of 1974

WHEREAS, the State of California enacted the Political Reform Act of 1974, Government Code Section 81000 et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the San Diego Metropolitan Transit System ("MTS") and requires all public agencies to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in MTS being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on September 15, 2016, in compliance with the Act; and

WHEREAS, subsequent changed circumstances within the District have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update MTS's Code; and

WHEREAS, notice of the time and place of a public meeting on, and of consideration by the Board of Directors of, the proposed amended Conflict of Interest Code was provided each designated employee and publicly posted for review at the offices of MTS; and

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Board of Directors on September 20, 2018, at which all present were given an opportunity to be heard on the proposed amended Conflict of Interest Code.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Board of Directors does hereby adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the General Counsel and available to the public for inspection and copying during regular business hours.

SECTION 2. The said amended Conflict of Interest Code shall be submitted to the Board of Supervisors of the County of San Diego for approval.

SECTION 3. The said amended Conflict of Interest Code shall become effective immediately after the Board of Supervisors approves the proposed amended Code as submitted.

PASSED, APPROVED AND ADOPTED, by the Board of Directors this 20th day of September, 2018 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

Attachment: Amended Conflict of Interest Code

LEGISLATIVE VERSION
(SHOWS CHANGES MADE)

CONFLICT OF INTEREST CODE

OF THE

**SAN DIEGO METROPOLITAN
TRANSIT SYSTEM**

CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended ~~September 15, 2016~~ September 20, 2018)

The Political Reform Act, (Government Code Sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) that contains the terms of a standard model conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories shall constitute the conflict of interest code of the **San Diego Metropolitan Transit System (MTS)**.

All officials and designated positions shall file their statements of economic interests with MTS's **General Counsel** as MTS's Filing Officer. The **General Counsel** shall make and retain a copy of all statements filed by Members and Alternates of the Board of Directors, Chief Executive Officer and the Chief Financial Officer, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **General Counsel** shall retain the originals of the statements filed by all other designated positions. The **General Counsel** will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code Section 81008).

APPENDIX

CONFLICT OF INTEREST CODE OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended ~~September 15, 2016~~ September 20, 2018)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to MTS's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

DESIGNATED POSITIONS**GOVERNED BY THE CONFLICT OF INTEREST CODE**

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Assistant (Copy Center)	4
Manager of Advertising Specialist & Contracts	5
Applications Development & Support Manager	5
Assistant Manager of Maintenance	5
Assistant Manager of Stores	5
Business Systems Analyst (ALL)	5
Buyer	4
Capital Grants Supervisor	2, 4
Chief Human Resources Officer	5 (from reorg)
Chief Information Officer	5
Chief of Staff	1
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Communications Design Manager	5
Controller	1, 2
Datacenter Operations Manager	5
Deputy Director of Transit Enforcement	5
Director of Financial Planning & Analysis	1, 2
Director of Fleet and Facility Maintenance	5
Director of Human Resources and Labor Relations	5
Director of Marketing & Communications	5

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of <u>Procurement Supply Chain & Stores Operations</u>	4
Director of Transit System Security	5
Director of Transportation	1
Enterprise Business Solutions Manager	5
Environmental Health & Safety Specialist	5
Facilities Manager	5
Fare Systems Administrator	5
Financial Analyst	4
General Counsel	1, 2
Graphic Designer III	5
Human Resources Supervisor (ALL) (Position reorganized creating other HR titles)	5
Internal Auditor	4
Liability Claims Supervisor	1, 2, 7
<u>Manager of Benefits & Compensation</u>	<u>5</u> (from reorg)
Manager of Capital Projects	1, 2
Manager of Fleet & Facility Maintenance	5
Manager of Human Resources	5
Manager of Maintenance	5
Manager of Marketing	5
Manager of Paratransit & Mini Bus	5
Manager <u>Director</u> of Planning	1, 2
Manager of Procurement	4

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Manager of Real Estate Assets	1, 2
Manager of Risk and Claims	1, 2, 7
Manager of Scheduling	5
Manager of South Bay & East County Contract Operations <u>& Passenger Facilities</u>	8 <u>2, 4</u>
<u>Manager of Service Quality – Rail Division</u>	<u>5</u>
Manager of Support Services	2, 3, 5
Materials Manager <u>of Inventory Operations</u>	4
Network Operations Manager	5
Operating Budget Supervisor	1, 2
Principal Contract Administrator	4
Procurement Specialist (ALL)	4
Project Engineer (Rail)	1, 2
Project Manager – Capital Projects	2, 3, 5
Quality Assurance Supervisor	5
Regulatory Enforcement Supervisor	6
Report Development Analyst	5
Revenue Maintenance Supervisor	5
Revenue Manager (ALL)	5
Revenue Supervisor	5
Right-of-Way Engineer	1, 2
SAP System Administrator	5
<u>Senior Human Resources Analyst</u>	<u>5</u> (from reorg)

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Senior Transit Planner/Rail Operations Analyst	5
Senior Transportation Planner	1, 2
Staff Attorney – Regulatory Compliance	2, 5, 6, 7
Superintendent of LRV Maintenance	5
Superintendent of Transportation	5
Superintendent of Wayside Maintenance	5
Systems Engineer (Rail)	1, 2
Talent Acquisition Manager	5 <i>(from reorg)</i>
Taxicab Administration Manager	5
Transit Asset Administrator	4
Transportation Operations Specialist (ALL)	2, 5
Worker’s Compensation Analyst	7
ZEB Performance Analyst	5

Consultant and New Positions²

² Individuals serving as a Consultant defined in Regulation 18700.3, or in a new position created since this Code was last amended that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The Chief Executive Officer’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ “Investment” means financial interest in any business entity (including a consulting business, or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of MTS.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of MTS.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position’s department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated position’s department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency’s jurisdiction if the source does not have some connection with or bearing upon the functions of the position. (Reg. 18730.1)

Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if such entities or sources have filed claims against MTS in the past 2 years, or have a claim pending before MTS.

Category 8: Disclose investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the geographical area of, and within two miles of, the designated position's assigned project area.

LAW OFFICES OF
BEST BEST & KRIEGER LLP

CONFLICT OF INTEREST CODE

OF THE

**SAN DIEGO METROPOLITAN
TRANSIT SYSTEM**

LAW OFFICES OF
BEST BEST & KRIEGER LLP

CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM
(Amended September 15, 2016)

The Political Reform Act, (Government Code Sections 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) that contains the terms of a standard model conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing Section 18730 may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories shall constitute the conflict of interest code of the **San Diego Metropolitan Transit System (MTS)**.

All officials and designated positions shall file their statements of economic interests with MTS's **General Counsel** as MTS's Filing Officer. The **General Counsel** shall make and retain a copy of all statements filed by Members and Alternates of the Board of Directors, Chief Executive Officer and the Chief Financial Officer, and forward the originals of such statements to the Clerk of the Board of Supervisors of the County of San Diego. The **General Counsel** shall retain the originals of the statements filed by all other designated positions. The **General Counsel** will make all retained statements available for public inspection and reproduction during regular business hours (Gov. Code Section 81008).

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended September 15, 2016)

PART "A"

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

MTS Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3, are NOT subject to MTS's Code, but must file disclosure statements under Government Code section 87200 et seq. [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments¹:

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

¹ Individuals holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by § 87200.

LAW OFFICES OF
BEST BEST & KRIEGER LLP

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Assistant (Copy Center)	4
Advertising Specialist	5
Applications Development & Support Manager	5
Assistant Manager of Maintenance	5
Assistant Manager of Stores	5
Business Systems Analyst (ALL)	5
Buyer	4
Capital Grants Supervisor	2, 4
Chief Information Officer	5
Chief of Staff	1
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Communications Design Manager	5
Controller	1, 2
Datacenter Operations Manager	5
Deputy Director of Transit Enforcement	5
Director of Financial Planning & Analysis	1, 2
Director of Fleet and Facility Maintenance	5
Director of Human Resources and Labor Relations	5
Director of Marketing & Communications	5

LAW OFFICES OF
BEST BEST & KRIEGER LLP

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Procurement & Stores	4
Director of Transit System Security	5
Director of Transportation	1
Enterprise Business Solutions Manager	5
Environmental Health & Safety Specialist	5
Facilities Manager	5
Fare Systems Administrator	5
Financial Analyst	4
General Counsel	1, 2
Graphic Designer III	5
Human Resources Supervisor (ALL)	5
Internal Auditor	4
Liability Claims Supervisor	1, 2, 7
Manager of Capital Projects	1, 2
Manager of Fleet & Facility Maintenance	5
Manager of Human Resources	5
Manager of Maintenance	5
Manager of Marketing	5
Manager of Paratransit & Mini Bus	5
Manager of Planning	1, 2
Manager of Procurement	4

LAW OFFICES OF
BEST BEST & KRIEGER LLP

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Manager of Real Estate Assets	1, 2
Manager of Risk and Claims	1, 2, 7
Manager of Scheduling	5
Manager of South Bay & East County Operations	8
Manager of Support Services	2, 3, 5
Materials Manager	4
Network Operations Manager	5
Operating Budget Supervisor	1, 2
Principal Contract Administrator	4
Procurement Specialist (ALL)	4
Project Engineer (Rail)	1, 2
Project Manager – Capital Projects	2, 3, 5
Quality Assurance Supervisor	5
Regulatory Enforcement Supervisor	6
Report Development Analyst	5
Revenue Maintenance Supervisor	5
Revenue Manager (ALL)	5
Revenue Supervisor	5
Right-of-Way Engineer	1, 2
SAP System Administrator	5
Senior Transit Planner/Rail Operations Analyst	5

LAW OFFICES OF
BEST BEST & KRIEGER LLP

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Senior Transportation Planner	1, 2
Staff Attorney – Regulatory Compliance	2, 5, 6, 7
Superintendent of LRV Maintenance	5
Superintendent of Transportation	5
Superintendent of Wayside Maintenance	5
Systems Engineer (Rail)	1, 2
Taxicab Administration Manager	5
Transit Asset Administrator	4
Transportation Operations Specialist (ALL)	2, 5
Worker's Compensation Analyst	7
Consultant and New Positions ²	

² Individuals serving as a Consultant defined in Regulation 18700.3, or in a new position created since this Code was last amended that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The Chief Executive Officer may determine that, due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code Sec. 82019; FPPC Regulations 18219 and 18734.). The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)

PART “B”

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of economic interests that the designated position must disclose for each disclosure category to which he or she is assigned.³ “Investment” means financial interest in any business entity (including a consulting business, or other independent contracting business) and are reportable if they are either located in, doing business in, planning to do business in, or have done business during the previous two years in the jurisdiction of MTS.

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in or own real property within the jurisdiction of MTS.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of MTS.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by MTS.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position’s department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the designated position’s department, unit or division.

³ This Conflict of Interest Code does not require the reporting of gifts from outside this agency’s jurisdiction if the source does not have some connection with or bearing upon the functions of the position. (Reg. 18730.1)

LAW OFFICES OF
BEST BEST & KRIEGER LLP

Category 7: All investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, if such entities or sources have filed claims against MTS in the past 2 years, or have a claim pending before MTS.

Category 8: Disclose investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the geographical area of, and within two miles of, the designated position's assigned project area.



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Agenda Item No. 7

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

AMENDMENT OF FISCAL YEAR (FY) 2017-2018 STATE TRANSIT ASSISTANCE (STA) CLAIM AND APPROVAL OF FY 2018-2019 STA CLAIM AND SUBMISSION OF PROPOSED PROJECT LIST FOR CALIFORNIA STATE OF GOOD REPAIR (SGR) PROGRAM

RECOMMENDATION:

That the Board of Directors adopts Resolution No.18-10 (Attachment A) amending the FY 2017-2018 STA claim, approving the FY 2018-2019 STA claim and approving the submission of a proposed project list to Caltrans for the FY 2018-2019 SGR program.

Budget Impact

The amendment of the FY 2017-2018 STA claim would result in an additional \$1,355,679 in 2017-2018 STA funds for MTS to be utilized in the FY 2018 operating budget. The FY 2018-2019 STA claim would result in the approval of \$28,192,744 in 2018-2019 STA funds for MTS to be utilized in the FY 2019 operating and capital budgets and \$4,461,651 of 2018-2019 SGR funds to be used to fund the MTS Substation Replacement Project.

DISCUSSION:

STA funding comes from the Public Transportation Act (PTA), which derives its revenue from the state sales tax on diesel fuel. STA revenues are pooled at the state level for the purposes of sections 99313 and 99314 of the California Public Utilities Code (PUC). The revenues for sections 99313 and 99314 are then allocated to transportation entities on a quarterly basis. PUC section 99313 allocations are based on the latest available annual population estimates from the Department of Finance. PUC section 99314 allocations are based primarily on qualifying revenues from the Annual Report of



Financial Transactions of Transit Operators and Non-Transit Claimants under the Transportation Development Act.

Senate Bill 1 (SB1) increased the overall funding allocation for these formula funds and added additional funding for SGR. This funding is also allocated by the formulas described above and is expected to generate an additional \$17.5 million per year of funding collectively for MTS.

The California State Controller's Office (SCO) projects total sales tax revenues for the coming fiscal year and the resulting STA revenue pool, and then estimates the allocation to each transportation entity. The SCO is projecting that MTS will receive FY 2018-2019 STA funding of \$28,192,744 inclusive of SB1 funds (Attachment B).

The SCO also projects MTS will receive FY 2018-2019 SGR funding of \$4,461,651 (Attachment C). Each agency receiving this funding must submit a list of projects proposed to be funded under this program, and the California Department of Transportation will approve the list of projects. MTS proposes to use this funding for the MTS Substation Replacement Project.

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

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

STA revenues have been volatile in the past, and for that reason, the MTS Board has taken a conservative approach to using and programming these funds. Typically, the majority of these revenues are directed into the MTS CIP. However, the MTS Board authorized the usage of \$5.6 million of annual STA proceeds for the operating budget funding weekend service (\$3.6 million) as well as Transit Optimization Plan service enhancements (\$2.0 million).

Since these STA revenue allocations are based on sales tax revenue projections, in certain instances, it may be necessary to revise the original STA claim. MTS will claim up to the amount authorized by the attached Board resolution (Attachment A), and any revisions over the amount of this claim will come back to the MTS Board for approval. Additionally, the un-programmed amount will be discussed with the Budget Development Committee and the MTS Board of Directors.

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. MTS Resolution No. 18-10
B. Letter from State Controller's Office for STA Allocation
C. Letter from State Controller's Office for SGR Allocation

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 18-10

Resolution Approving the MTS Area Fiscal Year 2018-19 STA Claim and Approve the Submission of a Proposed Project List for 2018-19 California State of Good Repair Program

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

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

WHEREAS, the State Controller's Office has informed MTS that its eligible for an additional STA allocation of \$1,355,679 for Fiscal Year (FY) 2017-18, its eligible STA allocation for FY 2018-19 is \$28,192,744 and its eligible State of Good Repair (SGR) allocation for FY 2018-19 is \$4,461,651; and

WHEREAS, in order to qualify for the SGR funding allocation, MTS is required to submit a proposed project list of California Department of Transportation (Caltrans) on an annual basis and for FY 2018-19, MTS propose to fund the MTS Substation Replacement project; and

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

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

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

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

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

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

WHEREAS, MTS has ensured operators are in compliance with the efficiency standards of PUC section 99314.6 prior to the allocation of funding for operating purposes;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board does hereby direct and empower MTS staff to prepare and transmit allocation instructions to the County Auditor to disburse to MTS the Fiscal Year 2018-19 STA and SGR amounts totaling \$32,654,395.

PASSED AND ADOPTED by the Board this 20th day of September 2018, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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

Office of the General Counsel
San Diego Metropolitan Transit System



BETTY T. YEE
California State Controller

August 1, 2018

County Auditors Responsible for State Transit Assistance funds
Transportation Planning Agencies
County Transportation Commissions
San Diego Metropolitan Transit System

SUBJECT: 2018-19 State Transit Assistance Allocation Revised Estimate

Enclosed is a revised summary schedule of State Transit Assistance (STA) funds estimated to be allocated for fiscal year (FY) 2018-19 to each Transportation Planning Agency (TPA), county transportation commission, and the San Diego Metropolitan Transit System for the purposes of Public Utilities Code (PUC) sections 99313 and 99314. Also enclosed is a schedule detailing the amount of the PUC section 99314 allocation for each TPA by operator.

PUC section 99313 allocations are based on the latest available annual population estimates from the Department of Finance. PUC section 99314 allocations are based on the revenue amount for each STA-eligible operator, determined from annual reports submitted to the Controller pursuant to Section 99243. Pursuant to PUC section 99314.3, each TPA is required to allocate funds to the STA-eligible operators in the area of its jurisdiction.

The estimated amount of STA funds budgeted, according to the FY 2018-19 enacted California Budget, is \$663,485,000. We anticipate that the first quarter's allocation will be paid in November 2018. Please refer to the schedule for the amounts that relate to your agency.

Please contact Mike Silvera by telephone at (916) 323-0704 or email at msilvera@sco.ca.gov with any questions, or for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Calderon-Yee", is written over a horizontal line.

EVELYN CALDERON-YEE, Bureau Chief
Bureau of Payments

Enclosures

Local Government Programs and Services Division
MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
3301 C Street, Suite 700, Sacramento, CA 95816

STATE CONTROLLER'S OFFICE
2018-19 STATE TRANSIT ASSISTANCE FUND ALLOCATION ESTIMATE
SUMMARY
AUGUST 1, 2018

<u>Regional Entity</u>	PUC 99313 Fiscal Year 2018-19 Estimate	PUC 99314 Fiscal Year 2018-19 Estimate	Total Fiscal Year 2018-19 Estimate
	A	B	C= (A + B)
Metropolitan Transportation Commission	\$ 64,770,585	\$ 179,153,920	\$ 243,924,505
Sacramento Area Council of Governments	16,022,561	5,973,438	21,995,999
San Diego Association of Governments	8,034,805	2,102,105	10,136,910
San Diego Metropolitan Transit System	19,776,914	8,415,830	28,192,744
Tahoe Regional Planning Agency	866,887	37,852	904,739
Alpine County Transportation Commission	9,618	397	10,015
Amador County Transportation Commission	317,445	59,697	377,142
Butte County Association of Governments	1,896,813	104,716	2,001,529
Calaveras County Local Transportation Commission	376,303	5,924	382,227
Colusa County Local Transportation Commission	184,147	8,321	192,468
Del Norte County Local Transportation Commission	226,838	13,082	239,920
El Dorado County Local Transportation Commission	1,396,646	100,157	1,496,803
Fresno County Council of Governments	8,393,450	1,612,290	10,005,740
Glenn County Local Transportation Commission	239,963	6,289	246,252
Humboldt County Association of Governments	1,133,333	243,904	1,377,237
Imperial County Transportation Commission	1,588,510	171,999	1,760,509
Inyo County Local Transportation Commission	154,806	0	154,806
Kern Council of Governments	7,548,229	476,235	8,024,464
Kings County Association of Governments	1,263,831	57,744	1,321,575
Lake County/City Council of Governments	542,334	33,638	575,972
Lassen County Local Transportation Commission	257,588	10,243	267,831
Los Angeles County Metropolitan Transportation Authority	85,696,465	109,415,372	195,111,837
Madera County Local Transportation Commission	1,324,097	10,619	1,334,716
Mariposa County Local Transportation Commission	151,073	4,879	155,952
Mendocino Council of Governments	744,147	68,464	812,611
Merced County Association of Governments	2,333,107	139,343	2,472,450
Modoc County Local Transportation Commission	80,099	7,530	87,629
Mono County Local Transportation Commission	115,182	167,349	282,531
Transportation Agency for Monterey County	3,693,953	1,216,432	4,910,385
Nevada County Local Transportation Commission	826,279	38,225	864,504
Orange County Transportation Authority	26,842,125	8,421,178	35,263,303
Placer County Transportation Planning Agency	2,552,487	481,518	3,034,005
Plumas County Local Transportation Commission	164,773	11,691	176,464
Riverside County Transportation Commission	20,132,658	3,273,867	23,406,525
Council of San Benito County Governments	475,726	9,853	485,579
San Bernardino County Transportation Authority	18,124,213	3,375,448	21,499,661
San Joaquin Council of Governments	6,322,772	1,521,884	7,844,656
San Luis Obispo Area Council of Governments	2,334,140	143,689	2,477,829
Santa Barbara County Association of Governments	3,778,752	969,675	4,748,427
Santa Cruz County Transportation Commission	2,307,166	1,930,263	4,237,429
Shasta Regional Transportation Agency	1,485,570	85,631	1,571,201
Sierra County Local Transportation Commission	26,726	1,943	28,669
Siskiyou County Local Transportation Commission	371,761	10,964	382,725
Stanislaus Council of Governments	4,630,131	246,050	4,876,181
Tehama County Transportation Commission	533,650	11,819	545,469
Trinity County Transportation Commission	113,623	5,203	118,826
Tulare County Association of Governments	3,965,224	421,308	4,386,532
Tuolumne County Transportation Council	456,160	16,138	472,298
Ventura County Transportation Commission	7,158,835	1,148,384	8,307,219
State Totals	\$ 331,742,500	\$ 331,742,500	\$ 663,485,000

STATE CONTROLLER'S OFFICE
2018-19 STATE TRANSIT ASSISTANCE ALLOCATION ESTIMATE PUC 99314 ALLOCATION
DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	PUC 99314 Fiscal Year 2018-19 Estimate
Altamont Corridor Express*		
Alameda County Congestion Management Agency	\$ NA	\$ 256,540
Santa Clara Valley Transportation Authority	NA	198,174
San Joaquin Regional Rail Commission	NA	902,642
Regional Entity Totals	0	1,357,356
	0	(1,357,356)
Metropolitan Transportation Commission		
Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, and the City of San Francisco**	1,922,701,386	118,969,654
Central Contra Costa Transit Authority	11,776,890	728,710
City of Dixon	107,734	6,666
Eastern Contra Costa Transit Authority	5,512,937	341,120
City of Fairfield	3,574,163	221,156
Golden Gate Bridge Highway and Transportation District	127,650,347	7,898,532
Livermore-Amador Valley Transit Authority	5,211,206	322,450
Marin County Transit District	21,602,639	1,336,691
Napa County Transportation and Planning Agency	1,674,384	103,605
Peninsula Corridor Joint Powers Board	127,623,810	7,896,890
City of Petaluma	632,515	39,138
City of Rio Vista	35,498	2,196
San Francisco Bay Area Water Emergency Transportation Authority	30,770,489	1,903,964
San Mateo County Transit District	125,228,491	7,748,676
Santa Clara Valley Transportation Authority	456,606,000	28,253,091
City of Santa Rosa	2,596,440	160,658
Solano County Transit	5,606,531	346,911
County of Sonoma	3,488,169	215,835
Sonoma-Marin Area Rail Transit District	26,186,190	1,620,305
City of Union City	1,686,347	104,345
City of Vacaville	406,623	25,160
Western Contra Costa Transit Authority	7,328,372	453,453
Regional Entity Subtotals	2,888,007,161	178,699,206
Alameda County Congestion Management Agency - Corresponding to ACE*	NA	256,540
Santa Clara Valley Transportation Authority - Corresponding to ACE*	NA	198,174
Regional Entity Totals	2,888,007,161	179,153,920
Sacramento Area Council of Governments		
City of Davis (Unitrans)	3,353,129	207,479
City of Elk Grove	1,680,981	104,013
City of Folsom	618,040	38,242
County of Sacramento	1,148,895	71,089
Sacramento Regional Transit System	83,685,695	5,178,161
Yolo County Transportation District	4,638,784	287,031
Yuba Sutter Transit Authority	1,412,866	87,423
Regional Entity Totals	96,538,390	5,973,438
San Diego Association of Governments		
North County Transit District	33,972,698	2,102,105
San Diego Metropolitan Transit System		
San Diego Metropolitan Transit System	35,421,645	2,191,760
San Diego Transit Corporation	55,911,739	3,459,612
San Diego Trolley, Inc.	44,677,168	2,764,458
Regional Entity Totals	136,010,552	8,415,830

* The amounts allocated to the member agencies of Altamont Corridor Express are included with their corresponding transportation planning agency.

** The amounts for Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, and the City of San Francisco are combined.

STATE CONTROLLER'S OFFICE
2018-19 STATE TRANSIT ASSISTANCE ALLOCATION ESTIMATE PUC 99314 ALLOCATION
DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	PUC 99314 Fiscal Year 2018-19 Estimate
Southern California Regional Rail Authority***		
Los Angeles County Metropolitan Transportation Authority	NA	7,173,772
Orange County Transportation Authority	NA	3,176,997
Riverside County Transportation Commission	NA	1,527,511
San Bernardino County Transportation Authority	NA	1,577,152
Ventura County Transportation Commission	NA	727,589
Regional Entity Totals	0	14,183,021
	0	(14,183,021)
Tahoe Regional Planning Agency		
Tahoe Transportation District	611,743	37,852
Alpine County Transportation Commission		
County of Alpine	6,405	397
Amador County Transportation Commission		
Amador Regional Transit System	964,773	59,697
Butte County Association of Governments		
Butte Regional Transit	1,672,658	103,498
City of Gridley - Specialized Service	19,669	1,218
Regional Entity Totals	1,692,327	104,716
Calaveras County Local Transportation Commission		
County of Calaveras	95,736	5,924
Colusa County Local Transportation Commission		
County of Colusa	134,485	8,321
Del Norte County Local Transportation Commission		
Redwood Coast Transit Authority	211,415	13,082
El Dorado County Local Transportation Commission		
El Dorado County Transit Authority	1,618,665	100,157
Fresno County Council of Governments		
City of Clovis	1,602,042	99,128
City of Fresno	22,984,844	1,422,217
Fresno County Rural Transit Agency	1,469,792	90,945
Regional Entity Totals	26,056,678	1,612,290
Glenn County Local Transportation Commission		
County of Glenn Transit Service	101,636	6,289
Humboldt County Association of Governments		
City of Arcata	245,498	15,191
City of Blue Lake	0	0
City of Eureka	668,155	41,343
City of Fortuna - Specialized Service	26,278	1,626
Humboldt Transit Authority	3,001,863	185,744
Regional Entity Totals	3,941,794	243,904

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE TRANSIT ASSISTANCE ALLOCATION ESTIMATE PUC 99314 ALLOCATION
DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	PUC 99314 Fiscal Year 2018-19 Estimate
Imperial County Transportation Commission		
Imperial County Transportation Commission	2,742,059	169,668
Quechan Indian Tribe	37,678	2,331
Regional Entity Totals	<u>2,779,737</u>	<u>171,999</u>
Inyo County Local Transportation Commission	None	None
Kern Council of Governments		
City of Arvin	54,160	3,351
City of California City	22,791	1,411
City of Delano	171,562	10,616
Golden Empire Transit District	5,216,607	322,784
County of Kern	1,265,929	78,331
City of McFarland	16,480	1,021
City of Ridgecrest	372,125	23,026
City of Shafter	57,040	3,529
City of Taft	354,385	21,928
City of Tehachapi	23,960	1,484
City of Wasco	141,482	8,754
Regional Entity Totals	<u>7,696,521</u>	<u>476,235</u>
Kings County Association of Governments		
City of Corcoran	90,008	5,569
Kings County Area Public Transit Agency	843,214	52,175
Regional Entity Totals	<u>933,222</u>	<u>57,744</u>
Lake County/City Council of Governments		
Lake Transit Authority	543,639	33,638
Lassen County Local Transportation Commission		
County of Lassen	165,544	10,243
Los Angeles County Metropolitan Transportation Authority		
Antelope Valley Transit Authority	17,661,942	1,092,856
City of Arcadia	1,503,070	93,004
City of Claremont	536,755	33,212
City of Commerce	2,257,290	139,673
City of Culver City	12,371,573	765,507
Foothill Transit Zone	58,142,008	3,597,613
City of Gardena	13,126,661	812,229
City of La Mirada	731,706	45,275
Long Beach Public Transportation Company	53,395,698	3,303,928
City of Los Angeles	86,605,504	5,358,828
County of Los Angeles	25,318,527	1,566,617
Los Angeles County Metropolitan Transportation Authority	1,284,967,738	79,509,053
City of Montebello	17,241,955	1,066,868
City of Norwalk	7,822,560	484,031
City of Redondo Beach	2,677,120	165,650
City of Santa Clarita	19,254,675	1,191,408
City of Santa Monica	45,735,978	2,829,973
Southern California Regional Rail Authority***	229,215,711	NA
City of Torrance	3,003,977	185,875
Regional Entity Subtotals	<u>1,881,570,448</u>	<u>102,241,600</u>
Los Angeles County Metropolitan Transportation Authority - Corresponding to SCRRA***	NA	7,173,772
Regional Entity Totals	<u>1,881,570,448</u>	<u>109,415,372</u>

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE TRANSIT ASSISTANCE ALLOCATION ESTIMATE PUC 99314 ALLOCATION
DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	PUC 99314 Fiscal Year 2018-19 Estimate
Madera County Local Transportation Commission		
City of Chowchilla	29,015	1,795
City of Madera	107,090	6,626
County of Madera	35,527	2,198
Regional Entity Totals	<u>171,632</u>	<u>10,619</u>
Mariposa County Local Transportation Commission		
County of Mariposa	78,847	4,879
Mendocino Council of Governments		
Mendocino Transit Authority	1,106,473	68,464
Merced County Association of Governments		
Transit Joint Powers Authority of Merced County	1,601,512	99,096
Yosemite Area Regional Transportation System (YARTS)	650,442	40,247
Regional Entity Totals	<u>2,251,954</u>	<u>139,343</u>
Modoc County Local Transportation Commission		
Modoc Transportation Agency - Specialized Service	121,702	7,530
Mono County Local Transportation Commission		
Eastern Sierra Transit Authority	2,704,577	167,349
Transportation Agency for Monterey County		
Monterey-Salinas Transit	19,659,094	1,216,432
Nevada County Local Transportation Commission		
County of Nevada	442,738	27,395
City of Truckee	175,020	10,830
Regional Entity Totals	<u>617,758</u>	<u>38,225</u>
Orange County Transportation Authority		
City of Laguna Beach	1,506,307	93,205
Orange County Transportation Authority	83,246,339	5,150,976
Regional Entity Subtotals	<u>84,752,646</u>	<u>5,244,181</u>
Orange County Transportation Authority - Corresponding to SCRRRA***	NA	3,176,997
Regional Entity Totals	<u>84,752,646</u>	<u>8,421,178</u>
Placer County Transportation Planning Agency		
City of Auburn	67,408	4,171
County of Placer	6,410,020	396,628
City of Roseville	1,304,523	80,719
Regional Entity Totals	<u>7,781,951</u>	<u>481,518</u>
Plumas County Local Transportation Commission		
County of Plumas	106,864	6,612
County Service Area 12 - Specialized Service	82,081	5,079
Regional Entity Totals	<u>188,945</u>	<u>11,691</u>

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE TRANSIT ASSISTANCE ALLOCATION ESTIMATE PUC 99314 ALLOCATION
DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	PUC 99314 Fiscal Year 2018-19 Estimate
Riverside County Transportation Commission		
City of Banning	156,338	9,674
City of Beaumont	224,665	13,901
City of Corona	450,444	27,872
Palo Verde Valley Transit Agency	132,998	8,229
City of Riverside - Specialized Service	359,643	22,253
Riverside Transit Agency	15,107,301	934,784
Sunline Transit Agency	11,791,965	729,643
Regional Entity Subtotals	28,223,354	1,746,356
Riverside County Transportation Commission - Corresponding to SCRRRA***	NA	1,527,511
Regional Entity Totals	28,223,354	3,273,867
Council of San Benito County Governments		
San Benito County Local Transportation Authority	159,244	9,853
San Bernardino County Transportation Authority		
Morongo Basin Transit Authority	952,534	58,939
Mountain Area Regional Transit Authority	550,923	34,089
City of Needles	63,807	3,948
Omnitrans	21,459,134	1,327,812
Victor Valley Transit Authority	6,036,365	373,508
Regional Entity Subtotals	29,062,763	1,798,296
San Bernardino County Transportation Authority - Corresponding to SCRRRA***	NA	1,577,152
Regional Entity Totals	29,062,763	3,375,448
San Joaquin Council of Governments		
Altamont Corridor Express *	21,936,599	NA
City of Escalon	52,421	3,244
City of Lodi	388,883	24,063
City of Manteca	117,760	7,287
City of Ripon	33,226	2,056
San Joaquin Joint Powers Authority	4,429	275
San Joaquin Regional Transit District	9,249,774	572,342
City of Tracy	161,209	9,975
Regional Entity Subtotals	31,944,301	619,242
San Joaquin Regional Rail Commission - Corresponding to ACE*	NA	902,642
Regional Entity Totals	31,944,301	1,521,884
San Luis Obispo Area Council of Governments		
City of Arroyo Grande - Specialized Service	0	0
City of Atascadero	42,800	2,648
City of Morro Bay	48,809	3,020
City of Pismo Beach - Specialized Service	0	0
City of San Luis Obispo Transit	721,384	44,637
San Luis Obispo Regional Transit Authority	1,358,259	84,044
South County Area Transit	150,950	9,340
Regional Entity Totals	2,322,202	143,689
Santa Barbara County Association of Governments		
City of Guadalupe	76,566	4,738
City of Lompoc	1,982,484	122,669
County of Santa Barbara	3,108	193
Santa Barbara Metropolitan Transit District	12,667,672	783,829
City of Santa Maria	843,464	52,190
City of Solvang	97,875	6,056
Regional Entity Totals	15,671,169	969,675

* The amounts allocated to the member agencies of Altamont Corridor Express are included with their corresponding transportation planning agency.

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE TRANSIT ASSISTANCE ALLOCATION ESTIMATE PUC 99314 ALLOCATION
DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	PUC 99314 Fiscal Year 2018-19 Estimate
Santa Cruz County Transportation Commission Santa Cruz Metropolitan Transit District	31,195,520	1,930,263
Shasta Regional Transportation Agency Redding Area Bus Authority	1,383,901	85,631
Sierra County Local Transportation Commission County of Sierra - Specialized Service	31,409	1,943
Siskiyou County Local Transportation Commission County of Siskiyou	177,193	10,964
Stanislaus Council of Governments City of Ceres	60,925	3,770
City of Modesto	3,305,086	204,507
County of Stanislaus	559,730	34,634
City of Turlock	50,729	3,139
Regional Entity Totals	3,976,470	246,050
Tehama County Transportation Commission County of Tehama	191,016	11,819
Trinity County Transportation Commission County of Trinity	84,086	5,203
Tulare County Association of Governments City of Dinuba	238,592	14,763
City of Exeter	7,279	451
City of Porterville	813,111	50,312
City of Tulare	605,494	37,466
County of Tulare	1,130,012	69,921
City of Visalia	3,997,529	247,352
City of Woodlake	16,841	1,043
Regional Entity Totals	6,808,858	421,308
Tuolumne County Transportation Council County of Tuolumne	260,809	16,138
Ventura County Transportation Commission City of Camarillo	906,471	56,089
Gold Coast Transit District	4,286,969	265,262
City of Moorpark	370,141	22,903
City of Simi Valley	541,598	33,512
City of Thousand Oaks	695,406	43,029
Regional Entity Subtotals	6,800,585	420,795
Ventura County Transportation Commission - Corresponding to SCRRRA***	NA	727,589
Regional Entity Totals	6,800,585	1,148,384
STATE TOTALS	\$ 5,361,382,030	\$ 331,742,500

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.



BETTY T. YEE
California State Controller

August 1, 2018

County Auditors Responsible for State Transit Assistance funds
Transportation Planning Agencies
County Transportation Commissions
San Diego Metropolitan Transit System

SUBJECT: 2018-19 State of Good Repair Program Allocation Estimate

Enclosed is the summary schedule for State of Good Repair (SGR) program funds available to be allocated for fiscal year (FY) 2018-19 to each Transportation Planning Agency (TPA), county transportation commission, and the San Diego Metropolitan Transit System for the purposes of Public Utilities Code (PUC) section 99312.1(c). Allocations for the SGR program are calculated pursuant to the distribution formulas in PUC sections 99313 and 99314. Also enclosed is a schedule detailing the estimated available amount calculated pursuant to PUC section 99314 for each TPA by operator.

PUC section 99313 allocations are based on the latest available annual population estimates from the Department of Finance. PUC section 99314 allocations are based on the revenue amount for each STA-eligible operator, determined from annual reports submitted to the Controller pursuant to PUC section 99243.

The estimated amount of SGR funds budgeted, according to the FY 2018-19 enacted California Budget, is \$105,000,000. Prior to receiving an apportionment of SGR program funds in a fiscal year, an agency must submit a list of projects proposed to be funded to the Department of Transportation (DOT). The DOT reports to the Controller the eligible agencies that will receive an allocation quarterly pursuant to Sections 99313 and 99314. We anticipate that the first allocation to eligible agencies will be paid by November 30, 2018. Please refer to the schedule for the amounts that relate to your agency.

Please contact Mike Silvera by telephone at (916) 323-0704 or email at msilvera@sco.ca.gov with any questions, or for additional information about this schedule. Information for the SGR program can be found at <http://www.dot.ca.gov/drmt/spstasgr.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Evelyn Calderon-Yee".

EVELYN CALDERON-YEE, Bureau Chief
Bureau of Payments

Enclosures

Local Government Programs and Services Division
MAILING ADDRESS P.O. Box 942850, Sacramento, CA 94250
3901 C Street, Suite 700, Sacramento, CA 95816

STATE CONTROLLER'S OFFICE
2018-19 STATE OF GOOD REPAIR PROGRAM
ESTIMATED AVAILABLE AMOUNT SUMMARY
AUGUST 1, 2018

<u>Regional Entity</u>	Estimated Available 2018-19 Amount Based on PUC 99313 <u>Allocation</u>	Estimated Available 2018-19 Amount Based on PUC 99314 <u>Allocation</u>	Total Estimated Available 2018-19 Amount <u>Allocation</u>
	A	B	C= (A + B)
Metropolitan Transportation Commission	\$ 10,250,287	\$ 28,352,052	\$ 38,602,339
Sacramento Area Council of Governments	2,535,655	945,328	3,480,983
San Diego Association of Governments	1,271,550	332,669	1,604,219
San Diego Metropolitan Transit System	3,129,801	1,331,850	4,461,651
Tahoe Regional Planning Agency	137,189	5,990	143,179
Alpine County Transportation Commission	1,523	64	1,587
Amador County Transportation Commission	50,237	9,447	59,684
Butte County Association of Governments	300,181	16,573	316,754
Calaveras County Local Transportation Commission	59,552	937	60,489
Colusa County Local Transportation Commission	29,142	1,317	30,459
Del Norte County Local Transportation Commission	35,898	2,070	37,968
El Dorado County Local Transportation Commission	221,027	15,850	236,877
Fresno County Council of Governments	1,328,308	255,154	1,583,462
Glenn County Local Transportation Commission	37,975	995	38,970
Humboldt County Association of Governments	179,356	38,599	217,955
Imperial County Transportation Commission	251,390	27,220	278,610
Inyo County Local Transportation Commission	24,499	0	24,499
Kern Council of Governments	1,194,547	75,366	1,269,913
Kings County Association of Governments	200,008	9,138	209,146
Lake County/City Council of Governments	85,827	5,323	91,150
Lassen County Local Transportation Commission	40,765	1,621	42,386
Los Angeles County Metropolitan Transportation Authority	13,561,918	17,315,559	30,877,477
Madera County Local Transportation Commission	209,545	1,681	211,226
Mariposa County Local Transportation Commission	23,908	772	24,680
Mendocino Council of Governments	117,765	10,835	128,600
Merced County Association of Governments	369,226	22,051	391,277
Modoc County Local Transportation Commission	12,676	1,192	13,868
Mono County Local Transportation Commission	18,228	26,484	44,712
Transportation Agency for Monterey County	584,588	192,507	777,095
Nevada County Local Transportation Commission	130,763	6,049	136,812
Orange County Transportation Authority	4,247,908	1,332,696	5,580,604
Placer County Transportation Planning Agency	403,945	76,203	480,148
Plumas County Local Transportation Commission	26,076	1,850	27,926
Riverside County Transportation Commission	3,186,099	518,107	3,704,206
Council of San Benito County Governments	75,286	1,559	76,845
San Bernardino County Transportation Authority	2,868,252	534,183	3,402,435
San Joaquin Council of Governments	1,000,612	240,846	1,241,458
San Luis Obispo Area Council of Governments	369,390	22,739	392,129
Santa Barbara County Association of Governments	598,007	153,456	751,463
Santa Cruz County Transportation Commission	365,121	305,474	670,595
Shasta Regional Transportation Agency	235,099	13,552	248,651
Sierra County Local Transportation Commission	4,230	308	4,538
Siskiyou County Local Transportation Commission	58,833	1,735	60,568
Stanislaus Council of Governments	732,743	38,939	771,682
Tehama County Transportation Commission	84,453	1,870	86,323
Trinity County Transportation Commission	17,981	823	18,804
Tulare County Association of Governments	627,518	66,675	694,193
Tuolumne County Transportation Council	72,190	2,554	74,744
Ventura County Transportation Commission	1,132,923	181,738	1,314,661
State Totals	\$ 52,500,000	\$ 52,500,000	\$ 105,000,000

STATE CONTROLLER'S OFFICE
2018-19 STATE OF GOOD REPAIR PROGRAM ESTIMATED AVAILABLE AMOUNT
BASED ON PUC 99314 ALLOCATION DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	Estimated Available 2018-19 Amount Based on PUC 99314 Allocation
Altamont Corridor Express*		
Alameda County Congestion Management Agency	\$ NA	\$ 40,599
Santa Clara Valley Transportation Authority	NA	31,362
San Joaquin Regional Rail Commission	NA	142,848
Regional Entity Totals	0	214,809
	0	(214,809)
Metropolitan Transportation Commission		
Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, and the City of San Francisco**	1,922,701,386	18,827,575
Central Contra Costa Transit Authority	11,776,890	115,322
City of Dixon	107,734	1,055
Eastern Contra Costa Transit Authority	5,512,937	53,984
City of Fairfield	3,574,163	34,999
Golden Gate Bridge Highway and Transportation District	127,650,347	1,249,984
Livermore-Amador Valley Transit Authority	5,211,206	51,029
Marin County Transit District	21,602,639	211,538
Napa County Transportation and Planning Agency	1,674,384	16,396
Peninsula Corridor Joint Powers Board	127,623,810	1,249,724
City of Petaluma	632,515	6,194
City of Rio Vista	35,498	348
San Francisco Bay Area Water Emergency Transportation Authority	30,770,489	301,312
San Mateo County Transit District	125,228,491	1,226,269
Santa Clara Valley Transportation Authority	456,606,000	4,471,201
City of Santa Rosa	2,596,440	25,425
Solano County Transit	5,606,531	54,901
County of Sonoma	3,488,169	34,157
Sonoma-Marin Area Rail Transit District	26,186,190	256,422
City of Union City	1,686,347	16,513
City of Vacaville	406,623	3,982
Western Contra Costa Transit Authority	7,328,372	71,761
Regional Entity Subtotals	2,888,007,161	28,280,091
Alameda County Congestion Management Agency - Corresponding to ACE*	NA	40,599
Santa Clara Valley Transportation Authority - Corresponding to ACE*	NA	31,362
Regional Entity Totals	2,888,007,161	28,352,052
Sacramento Area Council of Governments		
City of Davis (Unitrans)	3,353,129	32,835
City of Elk Grove	1,680,981	16,461
City of Folsom	618,040	6,052
County of Sacramento	1,148,895	11,250
Sacramento Regional Transit System	83,685,695	819,471
Yolo County Transportation District	4,638,784	45,424
Yuba Sutter Transit Authority	1,412,866	13,835
Regional Entity Totals	96,538,390	945,328
San Diego Association of Governments		
North County Transit District	33,972,698	332,669
San Diego Metropolitan Transit System		
San Diego Metropolitan Transit System	35,421,645	346,858
San Diego Transit Corporation	55,911,739	547,502
San Diego Trolley, Inc.	44,677,168	437,490
Regional Entity Totals	136,010,552	1,331,850

* The amounts allocated to the member agencies of Altamont Corridor Express are included with their corresponding transportation planning agency.

** The amounts for Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, and the City of San Francisco are combined.

STATE CONTROLLER'S OFFICE
2018-19 STATE OF GOOD REPAIR PROGRAM ESTIMATED AVAILABLE AMOUNT
BASED ON PUC 99314 ALLOCATION DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	Estimated Available 2018-19 Amount Based on PUC 99314 Allocation
Southern California Regional Rail Authority***		
Los Angeles County Metropolitan Transportation Authority	NA	1,135,286
Orange County Transportation Authority	NA	502,777
Riverside County Transportation Commission	NA	241,737
San Bernardino County Transportation Authority	NA	249,593
Ventura County Transportation Commission	NA	115,145
Regional Entity Totals	0	2,244,538
	0	(2,244,538)
Tahoe Regional Planning Agency		
Tahoe Transportation District	611,743	5,990
Alpine County Transportation Commission		
County of Alpine	6,405	64
Amador County Transportation Commission		
Amador Regional Transit System	964,773	9,447
Butte County Association of Governments		
Butte Regional Transit	1,672,658	16,379
City of Gridley - Specialized Service	19,669	194
Regional Entity Totals	1,692,327	16,573
Calaveras County Local Transportation Commission		
County of Calaveras	95,736	937
Colusa County Local Transportation Commission		
County of Colusa	134,485	1,317
Del Norte County Local Transportation Commission		
Redwood Coast Transit Authority	211,415	2,070
El Dorado County Local Transportation Commission		
El Dorado County Transit Authority	1,618,665	15,850
Fresno County Council of Governments		
City of Clovis	1,602,042	15,688
City of Fresno	22,984,844	225,073
Fresno County Rural Transit Agency	1,469,792	14,393
Regional Entity Totals	26,056,678	255,154
Glenn County Local Transportation Commission		
County of Glenn Transit Service	101,636	995
Humboldt County Association of Governments		
City of Arcata	245,498	2,404
City of Blue Lake	0	0
City of Eureka	668,155	6,543
City of Fortuna - Specialized Service	26,278	257
Humboldt Transit Authority	3,001,863	29,395
Regional Entity Totals	3,941,794	38,599

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE OF GOOD REPAIR PROGRAM ESTIMATED AVAILABLE AMOUNT
BASED ON PUC 99314 ALLOCATION DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	Estimated Available 2018-19 Amount Based on PUC 99314 Allocation
Imperial County Transportation Commission		
Imperial County Transportation Commission	2,742,059	26,851
Quechan Indian Tribe	37,678	369
Regional Entity Totals	<u>2,779,737</u>	<u>27,220</u>
Inyo County Local Transportation Commission	None	None
Kern Council of Governments		
City of Arvin	54,160	530
City of California City	22,791	223
City of Delano	171,562	1,680
Golden Empire Transit District	5,216,607	51,082
County of Kern	1,265,929	12,396
City of McFarland	16,480	162
City of Ridgecrest	372,125	3,644
City of Shafter	57,040	559
City of Taft	354,385	3,470
City of Tehachapi	23,960	235
City of Wasco	141,482	1,385
Regional Entity Totals	<u>7,696,521</u>	<u>75,366</u>
Kings County Association of Governments		
City of Corcoran	90,008	881
Kings County Area Public Transit Agency	843,214	8,257
Regional Entity Totals	<u>933,222</u>	<u>9,138</u>
Lake County/City Council of Governments		
Lake Transit Authority	543,639	5,323
Lassen County Local Transportation Commission		
County of Lassen	165,544	1,621
Los Angeles County Metropolitan Transportation Authority		
Antelope Valley Transit Authority	17,661,942	172,950
City of Arcadia	1,503,070	14,718
City of Claremont	536,755	5,256
City of Commerce	2,257,290	22,104
City of Culver City	12,371,573	121,146
Foothill Transit Zone	58,142,008	569,341
City of Gardena	13,126,661	128,540
City of La Mirada	731,706	7,165
Long Beach Public Transportation Company	53,395,698	522,864
City of Los Angeles	86,605,504	848,063
County of Los Angeles	25,318,527	247,925
Los Angeles County Metropolitan Transportation Authority	1,284,967,738	12,582,727
City of Montebello	17,241,955	168,838
City of Norwalk	7,822,560	76,600
City of Redondo Beach	2,677,120	26,215
City of Santa Clarita	19,254,675	188,547
City of Santa Monica	45,735,978	447,858
Southern California Regional Rail Authority***	229,215,711	NA
City of Torrance	3,003,977	29,416
Regional Entity Subtotals	<u>1,881,570,448</u>	<u>16,180,273</u>
Los Angeles County Metropolitan Transportation Authority - Corresponding to SCRRRA***	NA	1,135,286
Regional Entity Totals	<u>1,881,570,448</u>	<u>17,315,559</u>

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE OF GOOD REPAIR PROGRAM ESTIMATED AVAILABLE AMOUNT
BASED ON PUC 99314 ALLOCATION DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	Estimated Available 2018-19 Amount Based on PUC 99314 Allocation
Madera County Local Transportation Commission		
City of Chowchilla	29,015	284
City of Madera	107,090	1,049
County of Madera	35,527	348
Regional Entity Totals	171,632	1,681
Mariposa County Local Transportation Commission		
County of Mariposa	78,847	772
Mendocino Council of Governments		
Mendocino Transit Authority	1,106,473	10,835
Merced County Association of Governments		
Transit Joint Powers Authority of Merced County	1,601,512	15,682
Yosemite Area Regional Transportation System (YARTS)	650,442	6,369
Regional Entity Totals	2,251,954	22,051
Modoc County Local Transportation Commission		
Modoc Transportation Agency - Specialized Service	121,702	1,192
Mono County Local Transportation Commission		
Eastern Sierra Transit Authority	2,704,577	26,484
Transportation Agency for Monterey County		
Monterey-Salinas Transit	19,659,094	192,507
Nevada County Local Transportation Commission		
County of Nevada	442,738	4,335
City of Truckee	175,020	1,714
Regional Entity Totals	617,758	6,049
Orange County Transportation Authority		
City of Laguna Beach	1,506,307	14,750
Orange County Transportation Authority	83,246,339	815,169
Regional Entity Subtotals	84,752,646	829,919
Orange County Transportation Authority - Corresponding to SCRRRA***	NA	502,777
Regional Entity Totals	84,752,646	1,332,696
Placer County Transportation Planning Agency		
City of Auburn	67,408	660
County of Placer	6,410,020	62,769
City of Roseville	1,304,523	12,774
Regional Entity Totals	7,781,951	76,203
Plumas County Local Transportation Commission		
County of Plumas	106,864	1,046
County Service Area 12 - Specialized Service	82,081	804
Regional Entity Totals	188,945	1,850

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE OF GOOD REPAIR PROGRAM ESTIMATED AVAILABLE AMOUNT
BASED ON PUC 99314 ALLOCATION DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	Estimated Available 2018-19 Amount Based on PUC 99314 Allocation
Riverside County Transportation Commission		
City of Banning	156,338	1,531
City of Beaumont	224,665	2,200
City of Corona	450,444	4,411
Palo Verde Valley Transit Agency	132,998	1,302
City of Riverside - Specialized Service	359,643	3,522
Riverside Transit Agency	15,107,301	147,934
Sunline Transit Agency	11,791,965	115,470
Regional Entity Subtotals	28,223,354	276,370
Riverside County Transportation Commission - Corresponding to SCRRRA***	NA	241,737
Regional Entity Totals	28,223,354	518,107
Council of San Benito County Governments		
San Benito County Local Transportation Authority	159,244	1,559
San Bernardino County Transportation Authority		
Morongo Basin Transit Authority	952,534	9,327
Mountain Area Regional Transit Authority	550,923	5,395
City of Needles	63,807	625
Omnitrans	21,459,134	210,133
Victor Valley Transit Authority	6,036,365	59,110
Regional Entity Subtotals	29,062,763	284,590
San Bernardino County Transportation Authority - Corresponding to SCRRRA***	NA	249,593
Regional Entity Totals	29,062,763	534,183
San Joaquin Council of Governments		
Altamont Corridor Express *	21,936,599	NA
City of Escalon	52,421	513
City of Lodi	388,883	3,808
City of Manteca	117,760	1,153
City of Ripon	33,226	325
San Joaquin Joint Powers Authority	4,429	44
San Joaquin Regional Transit District	9,249,774	90,576
City of Tracy	161,209	1,579
Regional Entity Subtotals	31,944,301	97,998
San Joaquin Regional Rail Commission - Corresponding to ACE*	NA	142,848
Regional Entity Totals	31,944,301	240,846
San Luis Obispo Area Council of Governments		
City of Arroyo Grande - Specialized Service	0	0
City of Atascadero	42,800	419
City of Morro Bay	48,809	478
City of Pismo Beach - Specialized Service	0	0
City of San Luis Obispo Transit	721,384	7,064
San Luis Obispo Regional Transit Authority	1,358,259	13,300
South County Area Transit	150,950	1,478
Regional Entity Totals	2,322,202	22,739
Santa Barbara County Association of Governments		
City of Guadalupe	76,566	750
City of Lompoc	1,982,484	19,413
County of Santa Barbara	3,108	31
Santa Barbara Metropolitan Transit District	12,667,672	124,045
City of Santa Maria	843,464	8,259
City of Solvang	97,875	958
Regional Entity Totals	15,671,169	153,456

* The amounts allocated to the member agencies of Altamont Corridor Express are included with their corresponding transportation planning agency.

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.

STATE CONTROLLER'S OFFICE
2018-19 STATE OF GOOD REPAIR PROGRAM ESTIMATED AVAILABLE AMOUNT
BASED ON PUC 99314 ALLOCATION DETAIL
AUGUST 1, 2018

Regional Entity and Operator(s)	Revenue Basis	Estimated Available 2018-19 Amount Based on PUC 99314 Allocation
Santa Cruz County Transportation Commission Santa Cruz Metropolitan Transit District	31,195,520	305,474
Shasta Regional Transportation Agency Redding Area Bus Authority	1,383,901	13,552
Sierra County Local Transportation Commission County of Sierra - Specialized Service	31,409	308
Siskiyou County Local Transportation Commission County of Siskiyou	177,193	1,735
Stanislaus Council of Governments City of Ceres	60,925	597
City of Modesto	3,305,086	32,364
County of Stanislaus	559,730	5,481
City of Turlock	50,729	497
Regional Entity Totals	3,976,470	38,939
Tehama County Transportation Commission County of Tehama	191,016	1,870
Trinity County Transportation Commission County of Trinity	84,086	823
Tulare County Association of Governments City of Dinuba	238,592	2,336
City of Exeter	7,279	72
City of Porterville	813,111	7,962
City of Tulare	605,494	5,929
County of Tulare	1,130,012	11,065
City of Visalia	3,997,529	39,145
City of Woodlake	16,841	166
Regional Entity Totals	6,808,858	66,675
Tuolumne County Transportation Council County of Tuolumne	260,809	2,554
Ventura County Transportation Commission City of Camarillo	906,471	8,876
Gold Coast Transit District	4,286,969	41,979
City of Moorpark	370,141	3,625
City of Simi Valley	541,598	5,303
City of Thousand Oaks	695,406	6,810
Regional Entity Subtotals	6,800,585	66,593
Ventura County Transportation Commission - Corresponding to SCRRRA***	NA	115,145
Regional Entity Totals	6,800,585	181,738
STATE TOTALS	\$ 5,361,382,030	\$ 52,500,000

*** The amounts allocated to the member agencies of Southern California Regional Rail Authority are included with their corresponding transportation planning agency.



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

Agenda Item No. 8

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

TITLE VI MONITORING REPORT FOR SERVICE POLICIES

RECOMMENDATION:

That the Board of Directors review and approve the 2018 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:

- Vehicle Load for each mode
- Vehicle Headway for each mode
- On-Time Performance for each mode
- 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:

- Vehicle Assignment for each mode
- 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 May 2018.

The 2018 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 2021) 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.

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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Attachments: A. 2018 Title VI Monitoring Report for Service Policies
B. MTS Vehicle Assignment Policy
C. MTS Transit Amenities Policy



TITLE VI MONITORING REPORT FOR SERVICE POLICIES

Prepared by the Metropolitan Transit System

September 2018

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1. INTRODUCTION

The San Diego Metropolitan Transit System (MTS) has conducted a Title VI analysis of its most recent Vehicle Assignment Policy and Transit Amenities Policy, as required by the Federal Transit Administration (FTA). Title VI is a Federal statute and provides that no person shall, on the grounds 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. The purpose of this analysis is to ensure that MTS is in compliance with Title VI requirements. MTS has followed FTA's guidelines, published in FTA Circular 4702.1B on October 1, 2012.

Per FTA Circular 4702.1B,

"Title 49 CFR Section 21.5 states the general prohibition of discrimination on the grounds of race, color, or national origin. Section 21.5(b)(2) specifies that a recipient shall not 'utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.' Section 21.5(b)(7) requires recipients to 'take affirmative action to assure that no person is excluded from participation in or denied the benefits of the program or activity on the grounds of race, color, or national origin.' Finally, Appendix C to 49 CFR part 21 provides in Section (3)(iii) that '[n]o person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.'"

In order to ensure compliance with DOT's Title VI regulations, FTA requires transit providers to monitor the performance of their transit system relative to their system-wide service standards and service policies. Service standards are monitored annually and presented to the board in the annual performance monitoring report. This report is the monitoring of the qualitative administrative policies for placement of amenities and vehicle assignment.

2. BACKGROUND

2.1. DEFINITION OF LOW-INCOME AND MINORITY GROUPS

FTA Circular 4702.1B encourages recipients to use a locally developed threshold for low-income person that is “at least as inclusive as the HHS poverty guidelines.” In coordination with SANDAG, MTS defines a low-income person as an individual whose household income is at or below 200 percent of the poverty level as defined by the United States Census Bureau. The FTA defines minority persons as the following: American Indian and Alaska Native, Asian, African American, Hispanic or Latino, and Native Hawaiian or other Pacific Islander.

Table 1 shows the total MTS service area averages for minority and low-income populations, based on the data from the 2016 American Community Survey 5 year estimates:

Table 1 – Service Area Averages

Population	Service Area Average
Minority	56.8%
Low-Income	32.4%

3. TITLE VI METHODOLOGY

The FTA guidelines allow transit agencies to use either ridership or population as a basis to determine disparate impacts and disproportionate burdens. Whichever basis is selected should be used throughout the analysis. MTS has selected population as the basis, as ridership figures are unlinked and disproportionately favor Census block groups with transit centers.

FTA Circular 4702.1B, Appendix J, includes suggested formats in Table 5 and Figure 4 which have been used to guide the presentation of the results of this analysis as recommended by the FTA.

4. MONITORING OF SERVICE POLICIES

4.1. VEHICLE ASSIGNMENT POLICY

4.1.1. BUS ASSIGNMENT POLICY

4.1.1.1. BUS CATEGORIES

STANDARD BUS

MTS is currently in compliance with its Vehicle Assignment Policy with respect to standard non-articulated transit buses.

The default vehicle is the compressed natural gas (CNG) powered 40-foot transit vehicle, which is assigned out of the Imperial Avenue and Kearny Mesa Divisions as well as the South Bay and East County Maintenance Facilities for fixed-route service. Passenger amenities in this vehicle fleet are substantially similar across the entire standard bus fleet.

ARTICULATED BUS

MTS is currently mostly in compliance with its Vehicle Assignment Policy with respect to articulated transit buses.

The default articulated vehicle is a CNG-powered 60-foot bus, assigned out of the Imperial Avenue, Kearny Mesa, and South Bay Divisions for fixed-route services requiring additional passenger capacity to prevent overcrowding.

The Rapid articulated bus, featuring Rapid branding and standard passenger amenities, is used on the Rapid 215 service operating primarily along the El Cajon Boulevard corridor. MTS's Freeway Rapid articulated buses (Rapid-branded vehicles with upgraded seating) are in use on the Rapid 225 and 235 services along the Interstates 805 and 15 corridors, respectively.

Freeway Rapid articulated buses were purchased for Rapid 237 due to its long segment of freeway service. However, that route has since changed, and only a short segment of the route remains on the freeway. Additionally, the Rapid SuperLoop service had a need for higher capacity buses. Therefore, these Freeway Rapid articulated buses were largely reassigned to the Rapid SuperLoop, though it has no freeway segments. These are anticipated to be replaced with regular Rapid articulated buses when they are retired.

MINIBUS

MTS is currently in compliance with its Vehicle Assignment Policy with respect to minibuses.

MTS operates 25- to 34-foot cutaway minibuses on routes with lower passenger demand out of its Copley Place Maintenance Facility. These vehicles are currently assigned to lower-ridership services, with some serving a route all week and others serving a route on Saturday and/or Sunday, depending on historical passenger demand.

OVER-THE-ROAD COACH

MTS is currently in compliance with its Vehicle Assignment Policy with respect to over-the-road coaches.

MTS operates its fleet of 45-foot single-door highway coaches out of its East County Bus Maintenance Facility in service on Rapid Express routes only.

ADA PARATRANSIT MINIBUS

MTS is currently in compliance with its Vehicle Assignment Policy with respect to ADA paratransit minibuses.

MTS operates its Type II cutaway minibus fleet out of its Copley Place Maintenance Facility exclusively for Americans with Disabilities Act paratransit services.

4.1.1.2. BUS DIVISIONS

All MTS buses are assigned to the agency's respective operating divisions as stated in the Vehicle Assignment Policy.

All MTS buses are operated out of the Imperial Avenue Division, the Kearny Mesa Division, the South Bay Maintenance Facility, the East County Bus Maintenance Facility, or the Copley Place Maintenance Facility.

4.1.1.3. BUS VEHICLE AMENITIES

MTS's compliance with its bus amenities list currently varies:

- Alternative Fuel-Powered: Standard Bus, Articulated Bus, Minibus. **Partially compliant.**
 - o The current MTS standard bus and articulated bus fleet is powered by CNG, while the MTS minibus and paratransit bus fleet are powered by propane. The MTS over-the-road coach fleet continues to be powered by diesel fuel. MTS intends to exclusively purchase alternative fuel, hybrid electric, or zero-emission buses to replace its diesel-powered buses as they reach the end of their useful service lives as stated in Section 2.7 of the Vehicle Assignment Policy.
- Air Conditioning: All buses. **Fully compliant.**
 - o All MTS buses are equipped with air conditioning.
- Lift for Accessibility: Minibus, Over-the-Road Coach. **Fully compliant.**
 - o All MTS minibuses and over-the-road coaches are equipped with wheelchair lifts per the Americans with Disabilities Act of 1990. Two remaining MTS standard buses with high-floor designs also feature wheelchair lifts; however, these vehicles are due for replacement in FY 2016.

- Ramp for Accessibility: Standard Bus, Articulated Bus. **Fully compliant.**
 - o All MTS standard and articulated buses are considered low-floor and are equipped with deployable ramps for wheelchair access per the Americans with Disabilities Act of 1990.
- Wheelchair Tie-Down Locations (minimum two positions): All buses. **Fully compliant.**
 - o All MTS buses are equipped with at least two wheelchair tie-down locations.
- Bicycle Rack (minimum two positions): Standard Buses, Articulated Buses, Minibuses. **Fully compliant.**
 - o All MTS standard buses, articulated buses, and minibuses operated in standard fixed-route service are equipped with a front-mounted two-position bicycle rack. MTS's ADA Paratransit Minibus fleet is not equipped with bicycle racks.
- Bicycle Underfloor Storage: Over-the-Road Coaches. **Fully compliant.**
 - o All MTS over-the-road coaches are equipped with underfloor bicycle storage provisions.
- Seating: Shell Seats with Fabric Inserts: Standard Bus, Articulated Bus. **Fully compliant.**
 - o All MTS standard buses and most MTS articulated buses are equipped with shell-style seats with fabric inserts. TransNet-funded Rapid Freeway articulated buses are equipped with upgraded padded seating.
- Seating: Standard Transit Padded Seating: Minibus. **Fully compliant.**
 - o All MTS minibuses are equipped with standard transit padded seating.
- Seating: Upgraded High-Back Seats: Articulated Bus, Over-the-Road Coaches. **Fully compliant.**
 - o All MTS over-the-road coaches are equipped with upgraded high-back padded seats, with a similar specification of seat installed on the TransNet-funded Rapid Freeway articulated bus fleet.

4.1.1.4. BUS ASSIGNMENTS BY ROUTE

MTS is fully compliant with its Vehicle Assignment Policy with respect to bus assignment by route. TransNet-funded services are assigned a TransNet-funded bus as standard practice, with Rapid services assigned a Rapid-branded bus. Standard fixed-route services are allocated vehicles based on passenger load considerations given the assigned service frequency, with routes exhibiting the above-average passenger loads assigned articulated buses, routes exhibiting average passenger loads assigned standard buses, and routes exhibiting below-average passenger loads assigned minibuses.

MTS does not allocate buses to routes based on any other factor, with all routes receiving buses of any age with equal consideration based on availability.

4.1.1.5. ROUTE ASSIGNMENTS BY DIVISION

MTS is fully compliant with its Vehicle Assignment Policy with respect to 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 familiarity, supervision, and incident response.

4.1.1.6. BUS ASSIGNMENTS BY DIVISION

MTS is fully compliant with its Vehicle Assignment Policy with respect to bus assignments by division. Every division operating fixed-route service using standard and articulated buses receive new vehicles with equal preference.

4.1.1.7. FUTURE BUS PROCUREMENTS

MTS is fully compliant with its Vehicle Assignment Policy with respect to future bus procurement. All bus procurement contracts valid at present are for the future purchase of low-floor, CNG-powered standard and articulated buses. No other vehicle procurement contracts are open at this time, but MTS does regularly purchase ADA minibuses that comply with the Vehicle Assignment Policy.

4.1.2. RAIL ASSIGNMENT POLICY

4.1.2.1. TROLLEY CAR CATEGORIES

The active MTS rail vehicle fleet is fully consistent with the descriptions in the Vehicle Assignment Policy.

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.

LOW-FLOOR CARS

Siemens S70 and S70US cars are designed with 70% low floors, 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 of each car. Cars were manufactured between 2005 and 2014. Passenger amenities are nearly identical for both models and vintages.

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 ramp and a high-density forward-facing seating arrangement.

4.1.2.2. RAIL DIVISIONS

All MTS rail vehicles are assigned to the agency's single rail operating division at 1341 Commercial Street in San Diego.

4.1.2.3. RAIL VEHICLE AMENITIES

MTS is in full compliance with each aspect of its rail vehicle amenities policy:

- Air Conditioning: Low-Floor, High-Floor. **Fully compliant.**
 - o All modern low-floor and high-floor MTS rail cars are equipped with air conditioning. The MTS vintage car fleet does not feature air conditioning.
- Lift for Accessibility: High-Floor, Vintage. **Fully compliant.**
 - o All MTS high-floor and vintage cars are equipped with wheelchair lifts for access per the Americans with Disabilities Act of 1990.
- Ramps for Accessibility: Low-Floor. **Fully compliant.**
 - o All MTS low-floor cars are equipped with deployable ramps for wheelchair access per the Americans with Disabilities Act of 1990.
- Wheelchair Spaces: All rail vehicles. **Fully compliant.**
 - o All MTS rail vehicles are equipped with designated space for wheelchairs. The vintage rail vehicle fleet has space for one wheelchair passenger, the high-floor rail vehicle fleet has space

for three, and the low-floor rail vehicle fleet does not have restrictions on the number of wheelchairs allowed on each car.

- **Bicycle Spaces:** Low-Floor, High-Floor. **Fully compliant.**
 - o MTS's modern low-floor and high-floor rail cars permit two bicycles each per agency policy. MTS does not permit bicycles on its vintage rail vehicle fleet.
- **Seating: Shell Seats with Fabric Inserts:** Low-Floor. **Fully compliant.**
 - o All MTS low-floor rail cars are equipped with shell-style seats with fabric inserts.
- **Seating: Standard Transit Padded Seating:** High-Floor, Vintage. **Fully compliant.**
 - o All MTS high-floor and vintage rail cars are equipped with standard transit padded seating.

4.1.2.4. TROLLEY ASSIGNMENTS BY LINE

MTS is fully compliant with its Vehicle Assignment Policy with respect to Trolley car assignment by line. All Trolley stations have a minimum 8-inch platform height to permit the use of low-floor rail cars throughout the Trolley network. MTS does not always operate complete low-floor trolley consists due to limitations in the number of available rail cars at the present time, and instead typically operates mixed three-car consists featuring two low-floor rail cars and one high-floor rail car in standard service, with some tripper and special event service trips receiving all high-floor consists as necessary to provide sufficient capacity.

Vintage rail cars are only in use on the special supplemental Silver Line service in Downtown San Diego due to capacity and access constraints. All stations served by the Silver Line also receive regular service from either the Blue, Orange, or Green lines.

4.1.2.5. FUTURE RAIL PROCUREMENTS

MTS is fully compliant with its Vehicle Assignment Policy with respect to future rail vehicle procurement. MTS has a current order for 45 additional Siemens S70US Trolley cars that will be fully compliant with all aspects of the Vehicle Assignment Policy, including accessibility, air conditioning, and seating. These cars will be used to supplement the current fleet for added frequency, and to operate the Mid-Coast extension opening in 2021.

4.2. TRANSIT AMENITIES POLICY

MTS's Transit Amenities Policy guides the provision of benches, shelters, passenger information displays, elevators and escalators, trash cans, restrooms, and ticket vending machines at both Trolley stations and bus stops. The Transit Amenities Policy prioritizes the provision of passenger amenities based on the number of rider boardings by stop, illustrated in maps in Section 4.2.1.8. These maps show the Top 500 bus stops based on passenger boardings in FY2018. Where discrepancies exist with respect to passenger boardings and amenities provided, the Transit Amenities Policy will guide MTS in prioritizing placement of new amenities in areas with high levels of passenger boardings. For example, MTS has improved stops as part of its Capital Improvement Plan for to enable the future installation of new passenger amenities.

4.2.1. BUS STOP AMENITIES

MTS's current distribution of bus stop amenities is consistent with its Transit Amenities Policy.

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.

MTS has entered into a number of Memoranda of Understanding (MOU) with its constituent cities on the provision of amenities at MTS bus stops. Cities that have entered into an MOU with MTS have provided MTS with the ability to install and maintain amenities such as benches and shelters at bus stops within their respective jurisdictions. As of August 2018, MTS only has an active MOU for shelters with the City of San Diego and active MOUs for benches with the Cities of National City and San Diego. In cities with active MOUs, MTS takes primary responsibility for installing and maintaining bus passenger amenities, although outside parties may provide amenities on a case-by-case basis. The Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee are currently responsible for their own improvements and amenities. While these are included in MTS's inventory for the purpose of monitoring the amenities, MTS does not have direct control over their placement or installation.

Stops within cities that have not entered into MOUs with MTS are shown in the amenities maps in Section 4.2.1.8 in a lighter shade than those stops under direct MTS control.

4.2.1.1. SEATING

MTS provides four types of seating at bus stops:

Stand-alone benches: MTS maintains a contract with a vendor 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.

Shelter benches: MTS maintains a contract with a vendor 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.

Rapid/TransNet station benches: MTS maintains benches at Rapid bus stops/stations with TransNet reimbursement for operating expenses.

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.

4.2.1.2. SHELTERS

MTS provides three kinds of shelters at its bus stops:

Stand-alone shelters: MTS maintains a contract with a vendor 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). New MTS shelters have solar capabilities for appropriate sites. 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.

Rapid/TransNet station shelters: MTS maintains shelters at Rapid bus stops/stations with TransNet reimbursement for operating expenses.

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.

4.2.1.3. PASSENGER INFORMATION

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 include an information panel for a schedule, route map, or other information, depending on the service and location.

Electronic Displays: “Next-arrival” displays are provided at most Rapid 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, but there are no plans to expand the program at this time.

4.2.1.4. ELEVATORS/ESCALATORS

Elevators: Provided only at locations where a fixed ramp could not meet Americans with Disabilities Act (ADA) requirements. Currently, the only bus stop locations with an MTS-owned elevator not also served by Trolley are: the parking structure at the Sabre Springs/Peñasquitos Transit Station (2 elevators), the Boulevard Transit Plaza (4 elevators total), and the City Heights Transit Plaza (4 elevators total).

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

4.2.1.5. TRASH CANS

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

- Transit centers served by both buses and Trolleys
- Rapid stations with TransNet reimbursement for operating expenses
- 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.

4.2.1.6. RESTROOMS

Only three locations have MTS-owned restrooms available for passenger use:

- 12th & Imperial Transit Center
- Old Town Transit Center
- 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.

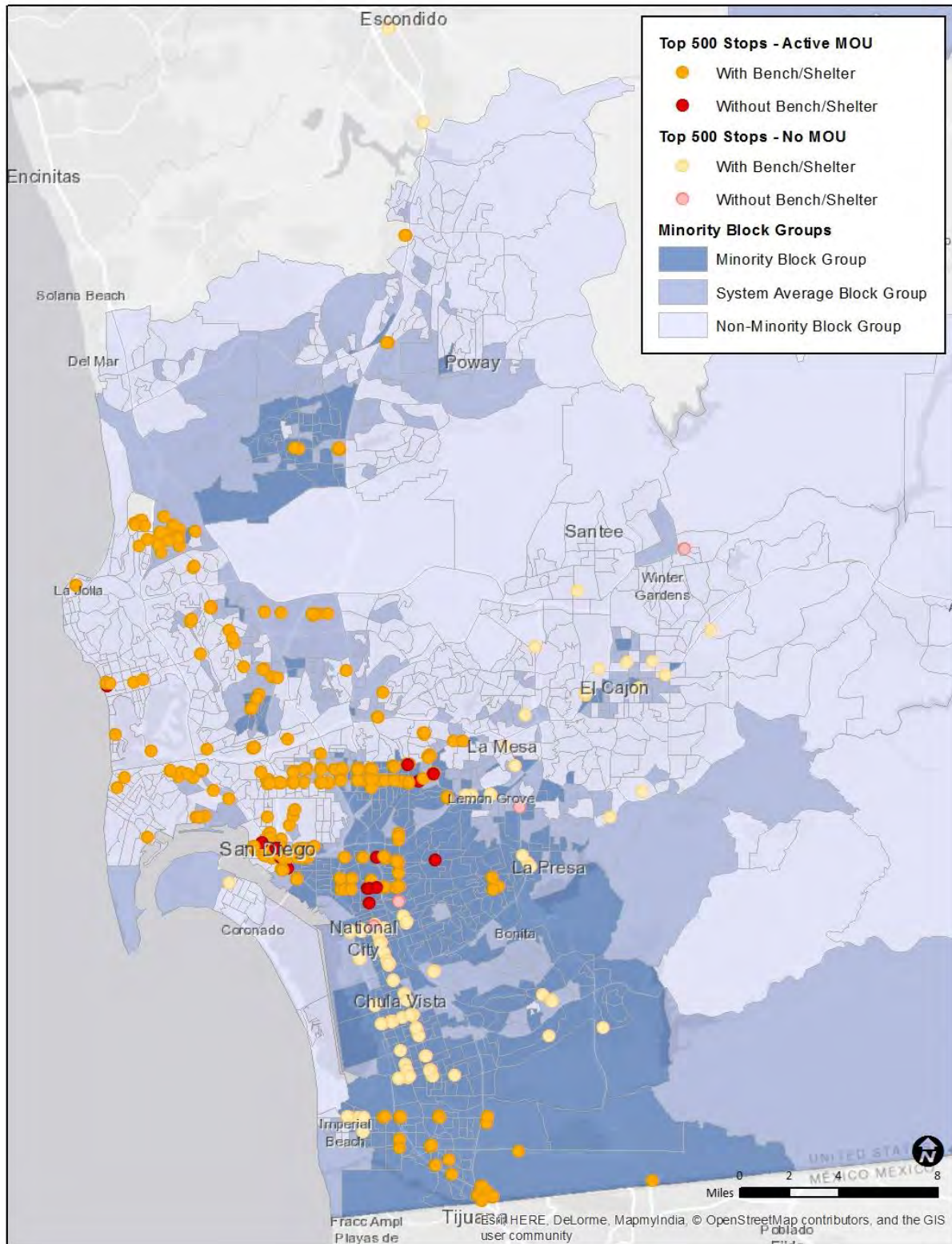
MTS provides secured restrooms for employees only at various bus route terminal locations. At some bus route terminals, MTS has an agreement with a nearby business to allow drivers (not passengers) to use their restroom.

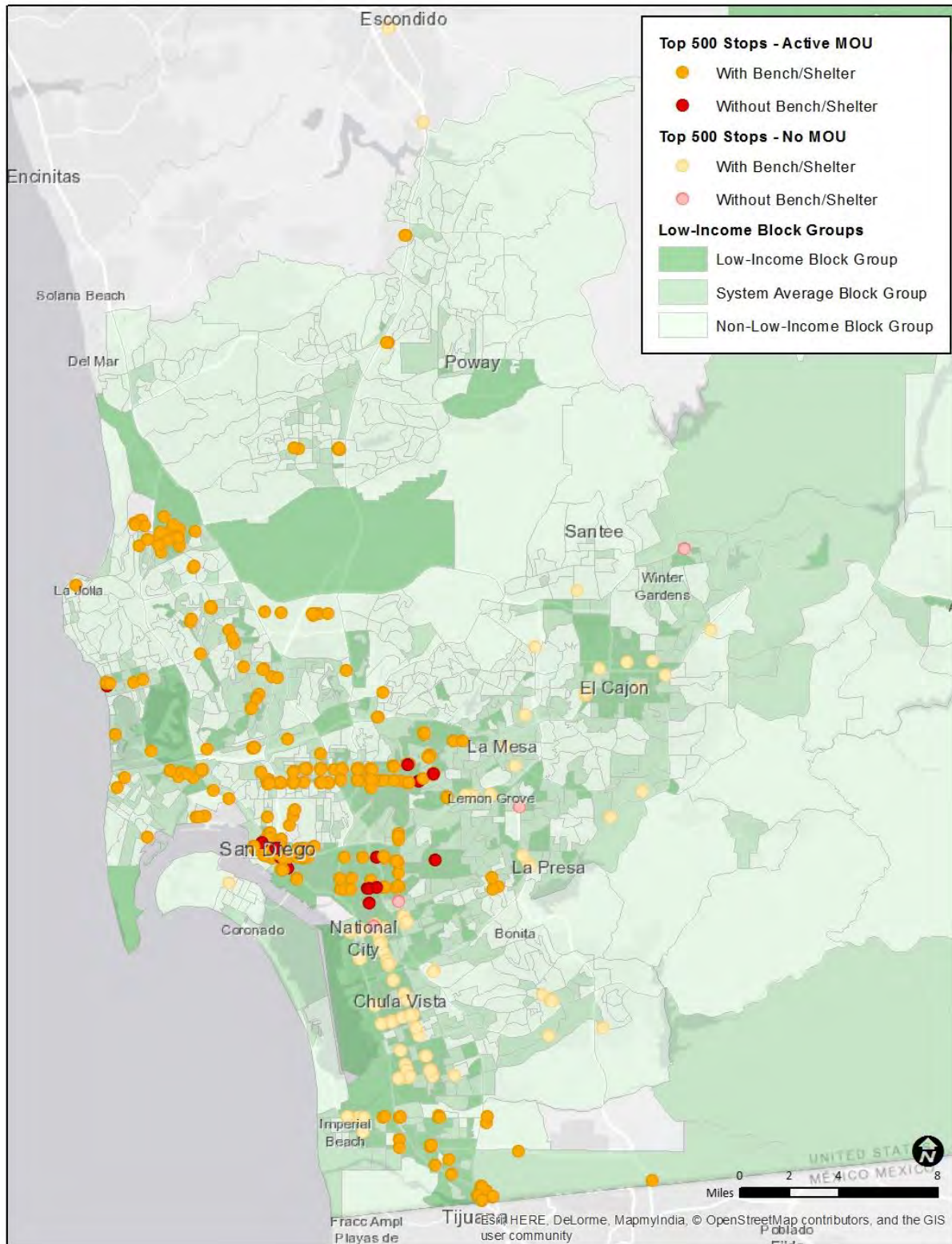
4.2.1.7. TICKET VENDING MACHINES

Ticket vending machines (TVMs) are only provided at three locations served by buses apart from Trolley stations: San Diego International Airport (Terminals 1 & 2), Virginia Avenue Transit Center at the San Ysidro International Border, and (beginning in 2019) the Otay Mesa Transit Center (at the Otay Mesa International Border). These locations have TVMs due to the high volume of cash-paying passengers, to reduce dwell times for buses. MTS' future fare system procurement may allow for simpler TVMs that can be deployed at more bus stop locations.

4.2.1.8. AMENITY DISTRIBUTION MAPS

The overlay maps below show the locations of amenities, namely benches and shelters, provided at the top 500 MTS bus stops by passenger boardings relative to the locations of minority and non-minority populations as well as low-income and non-low income populations. Such a map is one way to demonstrate how amenities are distributed across the transit system.





4.2.2. RAIL STATION AMENITIES

MTS's current distribution of rail station amenities is consistent with its Transit Amenities Policy.

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.

4.2.2.1. 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.

4.2.2.2. SHELTERS

MTS provides two kinds of shelters at its Trolley stations:

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

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

4.2.2.3. PASSENGER INFORMATION

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.

Electronic Displays: "Next-arrival" displays are provided above all Trolley platforms, indicating the line of service and the estimated time of arrival for subsequent trains.

4.2.2.4. ELEVATORS/ESCALATORS

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. Several stations on the future Mid-Coast light rail extension will include elevators due to the elevated guideway and stations.

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.

4.2.2.5. TRASH CANS

MTS installs and services trash cans at all Trolley stations.



VEHICLE ASSIGNMENT POLICY • 2018



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Subject: VEHICLE ASSIGNMENT POLICY

Effective Date: July 1, 2018

Promulgated this 1st day of July 2018.

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 95 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 54 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. It has also been distributed to MTS' outside contractors that provide transit services.

2.0 Buses

MTS bus services board approximately 51 million passengers per year, 170,000 on an average weekday. The fleet consists of approximately 800 buses operating on 95 fixed-routes and paratransit service. Modes operated include motorbus, commuter bus, and demand response. 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. All standard buses are powered by Compressed Natural Gas (CNG).

- 2.1.A.1 **Standard MTS:** The largest segment of MTS' fixed-route fleet. Buses are 32' or 40' long, with the shorter buses assigned to routes with lower ridership or operating in areas where a 40' bus is challenging.



Seating is a standard transit shell seat product with fabric inserts.

- 2.1.A.2 **Standard Rapid:** The Standard Rapid bus differs from the Standard MTS bus by exterior branding and installation of Transit Signal Priority (TSP) transmitters. All other features and amenities are the same.



- 2.1.B Articulated Bus: Articulated transit buses are 60' long and manufactured by New Flyer, NABI, etc. There are three distinct fleets, all CNG-powered:

- 2.1.B.1 **Urban:** MTS branded with passenger amenities similar to MTS standard buses. 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, 29'-34' in length; generally fewer seats than standard buses; propane- or gasoline-powered; all are equipped with a wheelchair lift at the curbside rear. 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; all are equipped with a curbside midship wheelchair lift. 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. There is no variation in passenger amenities from year-to-year, and vehicles are dispatched equally throughout the region based on ride demands.



2.1.F Zero Emission Bus: MTS does not currently own or operate any zero-emission buses. However a pilot fleet of six standard electric buses will be acquired in mid-2019 for testing throughout the bus network. The deployment plan will be developed during FY2019 to determine where and how these buses will be operated to maximize our operational experience.



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 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-powered buses.

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

2.2.D East County Division (ECD). Owned by MTS and operated by a contractor (currently Transdev): 544 Vernon Way, El Cajon, CA 92020; operates standard buses, minibuses, and over-the-road coaches. Fuels and maintains CNG-, diesel-, and gasoline-powered buses.

2.2.E Copley Park Division (CPD): 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 propane- and 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	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: Vehicles are assigned by route type in the specifications below. Temporary exceptions to these assignments may be made in an unanticipated, emergency, or standby situation when service would otherwise be lost.
- 2.4.B.1 *Rapid* Express routes between the Interstate 15 corridor and Downtown San Diego are assigned over-the-road coaches; these routes have a higher fare and pass price accordingly.
- 2.4.B.2 High-demand TransNet-funded Rapid/SuperLoop routes are assigned Rapid articulated buses. (These may be supplemented as needed with other MTS buses for capacity purposes.) 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.
- 2.4.B.3 Standard-demand TransNet-funded Rapid/SuperLoop routes are operated using Rapid articulated buses, Standard Rapid buses, or regular MTS-branded standard buses, depending on availability.
- 2.4.B.4 Urban Frequent routes are operated using MTS-branded articulated and standard buses.
- 2.4.B.5 Urban Standard, Circulator, and Rural routes are operated using MTS-branded standard buses and minibuses, depending on the capacity needs of the individual route.

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' ability to reassign 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.). Buses are currently assigned to the divisions according to the following table:

Bus Category	IAD	KMD	SBD	ECD	CPD
2.1.A.1 Standard MTS Bus	X	X	X	X	
2.1.A.2 Standard Rapid Bus		X			
2.1.B.1 Articulated Urban Bus	X	X	X		
2.1.B.2 Articulated Rapid Bus	X				
2.1.B.3 Articulated Rapid Freeway Bus		X	X		
2.1.C Minibus				X	X
2.1.D Over-the-Road Coach				X	
2.1.E ADA Paratransit Minibus					X
2.1.F Zero Emission Bus - TBD					

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. MTS will be taking delivery of 45 additional Siemens S70US cars, currently in production, beginning in late 2018 into 2020.



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. An additional 45 Siemens S70US low-floor cars, currently in production, will be delivered to MTS from late 2018 into 2020 to support the Mid-Coast extension.

3.6 Trolley System Map:



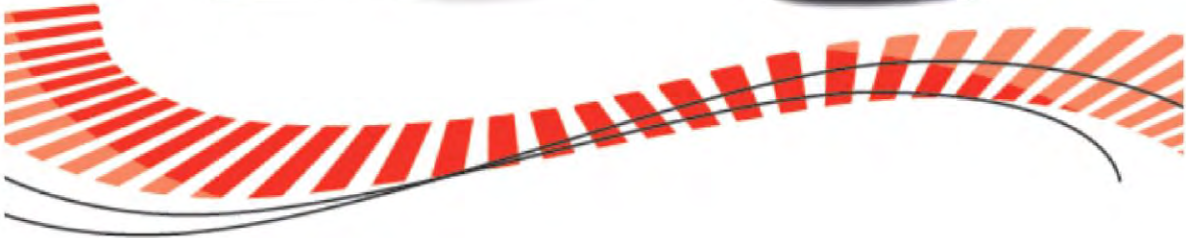
4.0 MTS Fleet List (as of 7/1/2018)

Motorbus - Directly Operated							
Division	Quantity in Fleet	NTD Fit ID #	Fleet Series	Year	Make	Model	Vehicle Assignment Policy Category
IAD	10	NEW	1400	2017	Gillig	Low-Floor	Standard MTS Bus
KMD	23	344586	200	2015	Gillig	Low-Floor	Standard MTS Bus
KMD	13	344585	1300	2015	New Flyer	XN60	Articulated Bus - Urban
KMD	12	338442	900	2014	Gillig	Low-Floor	Standard MTS Bus
IAD	18	544438	1200	2013	New Flyer	XN60	Articulated Bus - Rapid
KMD	29	544438	1100	2013	New Flyer	XN60	Articulated Bus - Rapid Freeway
IAD	26	338441	800	2013	Gillig	Low-Floor	Standard MTS Bus
IAD	31	49048	700	2012	New Flyer	C40LFR	Standard MTS Bus
IAD	26	49047	600	2011	New Flyer	C40LFR	Standard MTS Bus
KMD	12	33993	339-350	2008	New Flyer	C40LF	Standard Rapid Bus
KMD	22	33993	317-338	2008	New Flyer	C40LF	Standard MTS Bus
IAD	16	33993	301-316	2008	New Flyer	C40LF	Standard MTS Bus
IAD	26	33994	1000	2008	NABI	60BRT	Articulated Bus - Urban
KMD	6	15224	400	2005	New Flyer	C40LF	Standard MTS Bus
Motorbus - Purchased Transportation							
SBD	17	NEW	7500	2017	New Flyer	XN60	Articulated Bus - Rapid Freeway
SBD	10	NEW	7400	2017	New Flyer	XN60	Articulated Bus - Urban
SBD	36	NEW	2100	2017	Gillig	Low-Floor	Standard MTS Bus
ECD	38	344589	8300	2016	Gillig	Low-Floor	Standard MTS Bus
CPD	31	350599	3100	2016	El Dorado Nat'l	AeroElite 320	Minibus
ECD	13	344588	8200	2015	Gillig	Low-Floor	Standard MTS Bus
SBD	14	344588	2000	2015	Gillig	Low-Floor	Standard MTS Bus
SBD	38	338448	2400	2014	Gillig	Low-Floor	Standard MTS Bus
CPD	6	338444	3000	2014	El Dorado Nat'l	AeroElite 320	Minibus
SBD	24	338447	2300	2013	Gillig	Low-Floor	Standard MTS Bus
SBD	22	54442	2900	2012	New Flyer	C40LFR	Standard MTS Bus
SBD	75	33997	2800/7300	2009	New Flyer	C40LF	Standard MTS Bus
ECD	3	38586	3500	2009	El Dorado Nat'l	AeroElite 290	Minibus
SBD	7	31120	2770	2008	El Dorado Nat'l	EZ Rider II	Standard MTS Bus
SBD	5	338446	7200	2008	New Flyer	C40LF	Standard MTS Bus
ECD	6	26339	2700	2005	New Flyer	C40LF	Standard MTS Bus
Commuter Bus - Purchased Transportation							
ECD	24	43777	8500	2007	Blue Bird	Express 4500	Over-the-Road Coach
Demand Response - Purchased Transportation							
CPD	26	NEW	3200	2017	Starcraft	AllStar	ADA Paratransit Minibus
CPD	46	350597	3300	2016	Starcraft	AllStar	ADA Paratransit Minibus
CPD	5	344587	3970	2015	Starcraft	AllStar	ADA Paratransit Minibus
CPD	55	338443	3900	2014	Starcraft	AllStar	ADA Paratransit Minibus
CPD	37	54437	3800	2012	Starcraft	AllStar	ADA Paratransit Minibus
CPD	3	49037	3700	2012	Starcraft	AllStar	ADA Paratransit Minibus
CPD	3	43784	3600	2011	Starcraft	AllStar	ADA Paratransit Minibus
Light Rail - Directly Operated							
SDTI	45	NEW	5000	2020	SDU	S70US	Low-Floor Car
SDTI	65	49044	4000	2011	SDU	S70US	Low-Floor Car
SDTI	11	25813	3000	2005	SDU	S70	Low-Floor Car
SDTI	52	25812	2000	1995	SDU	SD100	High-Floor Car
SDTI	1	43778	529	1946	SLC	PCC	Vintage Car
SDTI	1	347023	530	1946	SLC	PCC	Vintage Car

Shaded blocks indicate the same NTD Fleet.



TRANSIT AMENITIES POLICY • 2018



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Subject: TRANSIT AMENITIES POLICY

Effective Date: July 1, 2018

Promulgated this 1st day of July 2018.

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 95 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 54 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.

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 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 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 to install shelters at bus stop locations, based primarily on passenger volume. MTS' current shelter design includes solar-powered lighting that does not require an external power source. MTS expects all older model shelters to be replaced by late 2018.

Potential locations require sufficient space for the shelter and suitable electrical conditions (sufficient lighting for solar generation, or a 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 stand-alone shelters 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 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 the hardware is no longer supported and there are no plans to expand the program at this time.

2.4 Elevators/Escalators

2.4.A Elevators: Due to maintenance, security, and cleaning costs, elevators are only considered at locations where a fixed ramp could not meet Americans with Disabilities Act (ADA) requirements.

Currently, elevators are provided at only two bus stop locations (four platforms) apart from Trolley stations: the City Heights and Boulevard Transit Plazas in Mid-City San Diego. The elevators connect freeway level platforms with the surface street overpasses. Fixed ramps at these stations would not meet ADA requirements. Each of the two stations has two platforms, each with two elevators, for a total of eight elevators.

One other passenger facility with an MTS-owned elevator not also served by Trolley is the parking structure at the Sabre Springs/Peñasquitos Transit Station.

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

2.5 Trash Receptacles

MTS provides or contracts for trash receptacles 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 receptacles (if provided) are installed, serviced, and controlled by an outside entity, typically a city, business improvement district, or adjacent property owner.

2.6 Restrooms

Passenger restrooms are available at a limited number of transit centers with rail service. These are covered in Section 3.6. MTS does not provide public or passenger restrooms at any bus-only facilities.

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 four bus stop locations with ticket vending machines (TVMs) apart from Trolley stations: the two terminals at San Diego International Airport, the Virginia Avenue Transit Center at the San Ysidro International Border, and (beginning in 2019) the new Otay Mesa Transit Center at the Otay Mesa International Border. These locations all have high volumes of cash riders and the TVMs are located on off-street sites in controlled right-of-way. A future MTS fare system, planned for 2021, could include the ability to place TVMs at more bus stops.

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. 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, Stadium, Grantville Transit Center, SDSU Transit Center, and Grossmont Transit Center.

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

3.5 Trash Receptacles

MTS installs and services trash receptacles at all Trolley stations.

3.6 Restrooms

Four locations have MTS-owned restrooms available for passenger use: 12th & Imperial Transit Center, Old Town Transit Center, Old Town Transit Center, E Street Transit Center, and El Cajon Transit Center. All four locations have an outside vendor that maintains the restroom and controls access. Restroom hours correspond with the vendor’s business hours. 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.

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.

3.8 Trolley System Map:





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

Agenda Item No. 9

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

CONTRACT WITH THE CITY OF CHULA VISTA FOR TAXICAB ADMINISTRATION

**THIS ITEM WILL BE
PROVIDED WITH BOARD
MEETING MATERIALS**





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Agenda Item No. 10

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

INVESTMENT REPORT – JUNE 2018

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

Attachment A comprises a report of the San Diego Metropolitan Transit System (MTS) investments as of June 30, 2018. The combined total of all investments has increased month to month from \$81.7 million to \$102.3 million. This \$20.6 million increase is attributable to \$9.5 million in State Transit Assistance (STA) revenues received, \$16.0 million in expense reimbursements from the San Diego Association of Governments (SANDAG) for capital projects, partially offset by \$6.2 million in capital expenditures, as well as normal timing differences in other payments and receipts.

The first column provides details about investments restricted for capital improvement projects.

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

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Investment Report for June 2018



**San Diego Metropolitan Transit System
Investment Report
June 30, 2018**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<u>Average rate of return</u>
Cash and Cash Equivalents				
JP Morgan Chase - concentration account	-	37,883,071	37,883,071	0.00%
Total Cash and Cash Equivalents	-	37,883,071	37,883,071	
Cash - Restricted for Capital Support				
US Bank - retention trust account	2,478,035	-	2,478,035	N/A*
California Bank & Trust - retention trust account	321,884		321,884	N/A*
San Diego County Investment Pool				
Proposition 1B TSGP grant funds	9,738,373	-	9,738,373	1.906%
Total Cash - Restricted for Capital Support	12,538,293	-	12,538,293	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	5,623,981	12,231,218	17,855,199	1.854%
San Diego County Investment Pool	-	34,000,000	34,000,000	1.906%
Total Investments - Working Capital	5,623,981	46,231,218	51,855,199	
Total cash and investments	<u>\$ 18,162,274</u>	<u>\$ 84,114,289</u>	<u>\$ 102,276,563</u>	

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



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Agenda Item No. 11

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

INVESTMENT REPORT – JULY 2018

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

Attachment A comprises a report of the San Diego Metropolitan Transit System (MTS) investments as of July 31, 2018. The combined total of all investments has decreased month to month from \$102.3 million to \$99.2 million. This \$3.1 million decrease is attributable to \$3.3 million in capital expenditures, as well as normal timing differences in other payments and receipts.

The first column provides details about investments restricted for capital improvement projects.

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

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Investment Report for July 2018



**San Diego Metropolitan Transit System
Investment Report
July 31, 2018**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<u>Average rate of return</u>
Cash and Cash Equivalents				
JP Morgan Chase - concentration account	-	40,782,191	40,782,191	0.00%
Total Cash and Cash Equivalents	-	40,782,191	40,782,191	
Cash - Restricted for Capital Support				
US Bank - retention trust account	2,521,643	-	2,521,643	N/A*
California Bank & Trust - retention trust account	321,884		321,884	N/A*
San Diego County Investment Pool				
Proposition 1B TSGP grant funds	13,485,398	-	13,485,398	1.942%
Total Cash - Restricted for Capital Support	16,328,925	-	16,328,925	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	5,165,754	12,896,572	18,062,326	1.944%
San Diego County Investment Pool	-	24,058,532	24,058,532	1.942%
Total Investments - Working Capital	5,165,754	36,955,104	42,120,858	
Total cash and investments	<u>\$ 21,494,679</u>	<u>\$ 77,737,295</u>	<u>\$ 99,231,974</u>	

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



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Agenda Item No. 12

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) TASK ORDER CONTRACT
APPROVAL FOR DESIGN SERVICES FOR JAMES R. MILLS BUILDING
HVAC/CENTRAL PLANT ENGINEERING STUDY

RECOMMENDATION:

That the MTS Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order WOA1949-AE-19 for MTS Doc. No. G1949.1-17 (in substantially the same format as Attachment A) with Jacobs Engineering, Inc. in the amount of \$119,609.31 for design services for a James R. Mills building Heating, Ventilation and Air Conditioning (HVAC)/Central Plant Engineering Study.

Budget Impact

The funding for Work Order WOA1949-AE-19 in the amount of \$119,609.31 is allocated under MTS account number 791010-571250. Direct costs for this agreement, will be reimbursed by the San Diego Regional Building Authority (SDRBA).

DISCUSSION:

On January 12, 2016, the San Diego Association of Governments (SANDAG) and MTS issued a joint Request for Statement of Qualifications (RFSQ) for On-Call Architectural and Engineering (A&E) Design Consulting services. The RFSQ resulted in the approval of 8 firms qualified to perform A&E services. Tasks are assigned to the firms through a work order process, and MTS selects the most qualified firm based on the scope of work to be performed.

Under work order WOA1949-AE-19, the consultant shall evaluate the Mills Building's mechanical systems and operational plant, evaluate proposed changes to the systems and make recommendations for improvements geared towards meeting today's Title 24 requirements.



These services are necessary to ensure the James R. Mills Building mechanical systems meet current 2016 Building Energy Efficiency Standards, Title 24, Part 6 and applicable California Building Code.

On March 9, 2018, MTS staff issued a Request for Proposals (RFP) to approved A&E firms. No firms responded to the solicitation. MTS staff then reviewed the approved A&E firms and utilizing a rotation process according to the established ranked order of firms, selected Jacobs Engineering to perform the requisite services. Jacobs Engineering and their sub-consultant, AECOM had the mechanical engineering experience to fulfill the requirements of this project.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No G1949.1-17 work order WOA1949-AE-19 (in substantially the same format as Attachment A) with Jacobs Engineering in the amount of \$119,609.31 for design services for a James R. Mills Building HVAC/Central Plant Engineering Study.

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Work Order WOA1949-AE-19, MTS Doc. No. G1949.1-17

September 20, 2018

MTS Doc. No. G1949.1-17
Work Order No. WOA1949-AE-19

Jacobs Engineering Group, Inc.
Lewis P. Cornell, Vice President
725 West Town & Country Road, Suite 300
Orange CA, 92868

Dear Mr. Cornell:

Subject: MTS DOC. NO. G1949.1-17, WORK ORDER WOA1949-AE-19, GENERAL ENGINEERING DESIGN SERVICES FOR JAMES R MILLS BUILDING HVAC/CENTRAL PLANT ENGINEERING STUDY

This letter shall serve as our agreement for Work Order WOA1949-AE-19 to MTS Doc. No. G1949.1-17, for professional services under the General Engineering Consultant Agreement, as further described below.

SCOPE OF SERVICES

This Work order provides for design services to evaluate the existing building mechanical systems and operational plant, evaluate proposed changes to the systems and make recommendations for improvements geared towards meeting today's Title 24 requirements. Work provided under this Work Order will be performed in accordance with the attached Scope of Services (Attachment A and B)

SCHEDULE

This Work Order will not change the original schedule. The Scope of Services, as described above, shall remain in effect for seventy-five (75) days from the date of the Notice to Proceed.

PAYMENT

Payment shall be based on actual costs in the amount not to exceed without prior authorization of \$119,609.31.

Please sign below, and return the document to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Lewis Cornell
Jacobs Engineering Group, Inc.

Date: _____

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



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Agenda Item No. 13

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

SPECIAL TRACKWORK MATERIALS – 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. L1463.0-19, (in substantially the same format as Attachment A) with Progress Rail Services Corporation, for special trackwork materials.

Budget Impact

The total budget for this project shall not exceed \$272,424.33 and is funded by Capital Improvement Project CIP 2005005102.

DISCUSSION:

MTS is in need of a contractor to furnish special trackwork materials including new head hardened 115 RE rail elements for a No. 10 crossover, with rail bound manganese frogs. The installation of a new crossover on the Orange Line will be located on Commercial Street between National Avenue and 15th Street.

On July 10, 2018 MTS solicited for the special trackwork materials. On August 13, 2018 MTS received two bids from Progress Rail Services and Voestalpine Nortrak who were both deemed responsive.



The bids and MTS's Independent Cost Estimate (ICE) are summarized below:

	Progress Rail Services	Voestalpine Nortrak	MTS Independent Cost Estimate
Sub Total	\$252,830.00	\$289,996.00	\$400,000.00
CA Sales Tax	\$19,594.33	\$22,474.69	\$31,000.00
Total	\$272,424.33	\$312,470.69	\$431,000.00

MTS deems Progress Rail Services' bid fair and reasonable by a comparison to current market pricing of Voestalpine Nortrak's bid and MTS's ICE .

Therefore, staff recommends that the Board of Directors authorize the CEO to execute MTS Doc. No. L1463.0-19, (in substantially the same format as Attachment A) with Progress Rail Services Corporation, for special trackwork materials.

/s/ Sharon Cooney for
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 L1463.0-19

DRAFT

STANDARD PROCUREMENT AGREEMENT

L1463.0-19
CONTRACT NUMBER

THIS AGREEMENT is entered into this ___ day of _____ 2018, 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: Progress Rail Services Corporation Address: 1600 Progress Drive

Form of Business: Corporation Albertville, AL 35950

(Corporation, partnership, sole proprietor, etc.)

Telephone: (707) 481-8597 Email Address: mloadman@progressrail.com

Authorized person to sign contracts: Kelly Roney Vice President
Name Title

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

Special trackwork materials as specified in the Scope of Work (attached as Exhibit A), Progress Rail Services Corporation bid (attached as Exhibit B), and in accordance with the Standard Procurement Agreement, including Standard Conditions Procurement (attached as Exhibit C) and Forms (attached as Exhibit D).

This is a one-time purchase. The total cost is \$252,830 + \$19,594.33 sales tax for a not exceed amount of \$272,424.33 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
\$272,424.33	2005005102	FY 19

By: _____
Chief Financial Officer Date

(___ total pages, each bearing contract number)

SA-SERVICES REVISED (2/22/2017)
DATE



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Agenda Item No. 14

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

TRASH DISPOSAL, GREEN WASTE AND RECYCLING 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. G2151.0-18, (in substantially the same format as Attachment A) with EDCO Disposal for the provision of trash and green waste disposal, and recycling services for a five (5) year base period with five (5) year option terms (for a total of ten years); and
- 2) Exercise the option years at the CEO's discretion.

Budget Impact

The ten year total shall not exceed \$1,903,393.33 and is funded as shown in Table 1 below.

DISCUSSION:

MTS is in need of a qualified, experienced and licensed firm to provide trash disposal, green waste and recycling services (e.g. paper, cardboard and plastic). The Contractor shall provide collection vehicles, personnel, dumpsters and all miscellaneous equipment necessary to collect, transport, dispose and/or recycle to authorized disposal or recycling facilities. Pickup locations are within San Diego Trolley Incorporated (SDTI), San Diego Transit Corporation (SDTC) and MTS Taxicab. The contractor shall also provide additional dumpsters as requested for special events such as Comic Con.



On May 31, 2018, MTS issued an Invitation for Bids (IFB) intending to award a contract to a contractor to provide trash and green waste disposal, and recycling services.

On July 31, 2018 two bids were received and publicly opened. EDCO Disposal was determined to be the lowest responsive, responsible bidder at \$1,903,393.33.

Table 1 below shows the bids received and MTS cost savings summary:

	EDCO	ALLIED	MTS ICE
Group A - SDTI service costs (Funding 380016-536600)	\$892,629.60	\$1,076,454.28	\$1,393,166.05
Group A - SDTI disposal fees (Funding 380016-536600)	\$475,318.45	\$516,733.03	\$578,458.17
Group A - SDTI supplemental services (Funding 380016-536600)	\$18,300.96	\$31,680.00	Included
Group B – SDTC (Funding 331014-571210)	\$476,742.72	\$545,058.44	\$467,421.66
Group C - MTS Taxi (Funding 761018-571210)	\$40,401.60	\$19,656.37	\$34,004.28
TOTAL (10 years)	\$1,903,393.33	\$2,189,582.12	\$2,473,050.16
<i>Cost comparison with lowest bidder (MTS savings)</i>		\$286,188.79	\$569,656.83

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to: (1) Execute MTS Doc. No. G2151.0-18, (in substantially the same format as Attachment A) with EDCO Disposal for the provision of trash and green waste disposal, and recycling services for a five (5) year base period with five (5) year option terms (for a total of ten years); and (2) Exercise the option years at the CEO's discretion.

/s/ Sharon Cooney for _____
Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft Standard Services Agreement; MTS Doc. No. G2151.0-18
B. Bid Summary

STANDARD SERVICES AGREEMENT

G2151.0-18
CONTRACT NUMBER

THIS AGREEMENT is entered into this _____ day of _____ 2019, 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: EDCO Disposal Corporation Address: 6670 Federal Blvd

Form of Business: Corporation Lemon Grove, CA 91945

(Corporation, partnership, sole proprietor, etc.)

Telephone: (619) 287-7555 Email Address: jvorgeas@edcodisposal.com

Authorized person to sign contracts: John D. Vorgeas Director of Market Development
Name Title

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

Provide trash disposal, green waste and recycling services as set forth in the Scope of Work (attached as Exhibit A), EDCO Disposal's Bid (attached as Exhibit B) and in accordance with the Standard Services Agreement, including Standard Conditions Services (attached as Exhibit C), Federal Requirements (attached as Exhibit D) and Forms (attached as Exhibit E).

This contract term is for up to a five (5)-year base period and five (5) option year terms, exercisable at MTS's sole discretion, for a total of ten years. Base period shall be effective February 1, 2019 through January 31, 2023 and option years shall be effective February 1, 2023 through January 31, 2028, if exercised by MTS.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$901,324.44 for the base years and \$1,002,068.90 for the option years, for a total not to exceed \$1,903,393.33 without the express written consent of MTS.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$1,903,393.33	Various	FY19-28

By: _____ Chief Financial Officer _____ Date

(___ total pages, each bearing contract number)

SA-SERVICES REVISED (2/22/2017)

Attachment B
 Bid Summary
 TRASH DISPOSAL, GREEN WASTE AND RECYCLING SERVICES
 MTS DOC. NO. G2151.0-18

Year	SDTI Service costs	SDTI Disposal costs	SDTI Supplemental costs	SDTC	MTS Tax	Annual Total
1	\$ 83,229.36	\$ 40,149.78	\$ 1,560.00	\$ 44,451.84	\$ 3,767.16	\$ 173,158.14
2	\$ 83,229.36	\$ 41,790.24	\$ 1,614.64	\$ 44,451.84	\$ 3,767.16	\$ 174,853.24
3	\$ 86,142.48	\$ 43,430.70	\$ 1,671.12	\$ 46,007.64	\$ 3,898.92	\$ 181,150.86
4	\$ 86,142.48	\$ 45,071.16	\$ 1,729.60	\$ 46,007.64	\$ 3,898.92	\$ 182,849.80
5	\$ 89,157.36	\$ 46,711.62	\$ 1,790.16	\$ 47,617.92	\$ 4,035.36	\$ 189,312.42

Base years total \$ 901,324.44

6	\$ 89,157.36	\$ 48,352.08	\$ 1,852.80	\$ 47,617.92	\$ 4,035.36	\$ 191,015.52
7	\$ 92,277.96	\$ 49,992.54	\$ 1,917.60	\$ 49,284.48	\$ 4,176.60	\$ 197,649.18
8	\$ 92,277.96	\$ 51,633.00	\$ 1,984.72	\$ 49,284.48	\$ 4,176.60	\$ 199,356.76
9	\$ 95,507.64	\$ 53,273.46	\$ 2,054.24	\$ 51,009.48	\$ 4,322.76	\$ 206,167.58
10	\$ 95,507.64	\$ 54,913.92	\$ 2,126.08	\$ 51,009.48	\$ 4,322.76	\$ 207,879.88

Option years total \$ 1,002,068.90

Total	\$ 892,629.60	\$ 475,318.45	\$ 18,300.96	\$ 476,742.72	\$ 40,401.60	\$ 1,903,393.33
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Agenda Item No. 15

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

INDUSTRIAL GENERAL PERMIT & STORM WATER MANAGEMENT SERVICES –
SOLE SOURCE CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute a contract for a two-year (2) and nine (9) month period in response to MTS Doc. No. PWG263.0-19 (in substantially the same format as Attachment A), to Whitson Contracting & Management, Inc., for Industrial General Permit (IGP) and Storm Water Management Services in an amount not to exceed \$273,412.20.

Budget Impact

The contract period of performance would be for a two-year (2) and nine (9) month period beginning on October 1, 2018, and ending on June 30, 2021. The total value of this agreement will not exceed \$273,412.20, and is locally funded through account 791010-571210.

DISCUSSION:

On July 1, 2015, MTS submitted Notice of Intents (NOI) to the Regional Water Quality Control Board (RWQCB) for the Imperial Avenue Division (IAD), Kearny Mesa Division (KMD), and Trolley Yard to comply with RWQCB requirements. MTS contracted with Whitson Contracting & Management, Inc. via a competitive Request for Proposals (RFP) process to implement an IGP compliance program. The current agreement with Whitson Contracting & Management expires on September 30, 2018.

Under the new proposed sole-source agreement, Whitson Contracting & Management will continue to provide an IGP compliance program for MTS Industrial Facilities (Trolley Yard, IAD, and KMD) that will address MTS's ongoing Investigative Order (IO) needs



and provide advanced storm water monitoring, sampling, analysis, reporting for each year, update and maintain the Storm Water Pollution Prevention Plan (SWPPP) as-needed and as site conditions change. They will also provide Exceedance Response Action (ERA) evaluation and reporting, and maintenance of MTS's storm drain filters.

The IGP Permit and IO are critical to all MTS Bus and Trolley operations. Non-compliance with the permits and/or IOs has the potential to put all maintenance facilities and current operating bus and trolley lines at a very high risk of shut-downs and/or large fines from the RWQCB. Whitson Contracting & Management has already completed and filed a number of IGP and IO reports on behalf of MTS.

Through these efforts, it has become apparent that Whitson Contracting & Management has a very unique knowledge and experience with MTS's Trolley Maintenance Facility, and the IGP. A new firm would require new reports, numerous site visits and meetings to fully catch up on the statuses of the IO and IGP. This duplication of efforts would result in additional costs and staff time to MTS, as well as expose MTS to possible non-compliance during that period of time.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. PWG263.0-19 (in substantially the same format as Attachment A), a sole source agreement with Whitson Contracting and Management, Inc., for Industrial General Permit (IGP) and Storm Water Management Services in an amount not to exceed of \$273,412.20.

/s/ Sharon Cooney for

Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Doc. No. PWG263.0-19

STANDARD SERVICES AGREEMENT

PWG263.0-19
CONTRACT NUMBER

DRAFT

THIS AGREEMENT is entered into this _____ day of _____ 2018, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Whitson Contracting & Management, Inc. Address: 11021 Via Frontera, Suite E

Form of Business: Corporation San Diego, CA 92127
(Corporation, partnership, sole proprietor, etc.)

Telephone: 858.673.0966 Email: mitch@whitsoncm.com

Authorized person to sign contracts: Mitchel Whitson President
Name Title

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

Provide Industrial General Permit (IGP) and Storm Water Management Services as set forth in the MTS Minimum Technical Specifications/Scope of Work and Fee Schedule (attached as Exhibit A), in accordance with the Standard Services Agreement, including Standard Conditions Services (attached as Exhibit B), and signed MTS forms (attached as Exhibit C).

The contract term is for a two (2) year and nine (9) period effective October 1, 2018 through June 30, 2021. Payment terms shall be net 30 days from invoice date.

The total contract cost shall not exceed \$ 273,412.20 without prior written approval from MTS.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$ <u>273,412.20</u>	<u>791010-571210</u>	<u>2019-2021</u>

By: _____ Date
Chief Financial Officer



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Agenda Item No. 16

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

SAN DIEGO TROLLEY ON-CALL TREE TRIMMING AND REMOVAL SERVICES –
AMENDMENT NO. 4

RECOMMENDATION:

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

- 1) Ratify contract amendments one (1) and two (2) as MTS Doc. No. PWL199.1-16 and PWL199.2-16 for a total of \$42,180.00, which were previously issued to Singh Group, Inc. under the Chief Executive Officer's (CEO) authority, for On-Call Tree Trimming Services;
- 2) Ratify MTS Doc. No. PWL199.3-16 (Amendment three (3)) with Singh Group, Inc. for \$40,000.00, which was previously issued under the CEO authority, for services for On-Call Tree Trimming Services at Chollas Creek; and
- 3) Authorize the CEO to execute MTS Document No. PWL199.4-16 with Singh Group, Inc., for \$103,856.00.

Budget Impact

The value of this amendment will not exceed \$103,856.00, and will be funded through Capital Improvement Program account 2005007203. The new total contract value will be \$330,036.00.

DISCUSSION:

On December 8, 2016, the Board of Directors awarded a 5-year contract to the Singh Group for the trimming and removal of trees within the MTS service area. The initial contract was valued at \$144,000 based on staff's estimated tree trimming needs. MTS issued Amendments one and two in the amount of \$42,180 under the CEO's authority for various additional services required.



On May 27, 2018, there was a fire near Chollas Creek along the Orange Line in Lemon Grove, and MTS was issued a "Notice to Clean Property" by the Fire Marshall. The order included the need to trim and/or remove the remaining trees. In addition, MTS was tasked with clearing and grubbing the area as well. Amendment three was issued on July 20, 2018 for \$40,000 to begin the work required by the Fire Marshall under the CEO's authority.

Staff is seeking Board approval to issue amendment number four to complete this work. The additional work required by the Fire Marshall is estimated at \$103,856; the total amount required for this project is \$143,856.

Therefore, staff recommends that the MTS Board of Directors ratify contract Amendments 1-3 totaling \$82,180.00 which was previously issued under the CEO's authority, and authorize the CEO to execute MTS Doc. No. PWL199.4-16 (Amendment No. 4) with Singh Group, Inc. for the trimming and removal of trees along Chollas Creek totaling \$103,856.00.

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. MTS Doc. No.PWL199.4-16

September 27, 2018

MTS Doc. No. PWL199.4-16
PO#4500010222

Mr. Adolph Singh
Singh Group, Inc.
1308 Descanso Avenue
San Marcos, CA 92069

Subject: AMENDMENT NO. 4 TO MTS DOC. NO. PWL199.0-16; TREE TRIMMING AND REMOVAL SERVICES

Dear Mr. Singh:

This shall serve as Amendment No. 4 to our agreement for the tree trimming and removal services as described in MTS Doc. No. PWL199.0-16.

SCOPE

Added Tree Trimming/Removal Services for SDTI Management (Item #9). Palm trees located at Chollas Creek.

SCHEDULE

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

CONTRACT VALUE

PO# 4500010222 will increase per below chart

On-Call Tree Trimming and Removal Services	Current Estimated Annual Amount for On-Call Services	Increased Amount per year	Total
FAC Base Year 1 (Line Item #1)	\$24,000	\$0.00	\$24,000
MOW Base Year 1 (Line Item #2) AM 01	\$24,000	\$6,000	\$30,000
FAC Base Year 2 (Line Item #3)	\$24,000	\$0.00	\$24,000
MOW Base Year 2 (Line Item #4) AM 01	\$24,000	\$24,000	\$48,000
FAC Base Year 3 (Line Item # 5)	\$24,000	\$0.00	\$24,000
MOW Base Year 3 (Line Item #6) AM 01	\$24,000	\$7,680	\$31,680
Land Management Santee/EI Cajon Work (Line Item #7) AM 02		\$4,500	\$4,500.00
SDTI Management Chollas Creek (Line Item #8) AM 03		\$40,000	\$40,000
SDTI Management Chollas Creek (Line Item #9) AM 04		\$103,856	\$103,856
	\$144,000	\$186,036	\$330,036

Mr. Adolph Singh
Singh Group, Inc.
September 27, 2018
Page Two

As a result of this Amendment, the contract value has increased by \$103,856.00 from \$226,180.00 to \$330,036.00

All other terms and conditions remain unchanged.

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

Adolph Singh
Singh Group, Inc.

LMARQUIS-CL
CL-PWL199.4-16.SINGH.JRIDER.092718

Date: _____

cc: R. Montes, G.McKee, S. Elmer, Procurement File

DRAFT



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Agenda Item No. 17

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) JOB ORDER CONTRACT
(JOC) WORK ORDER FOR 8th STREET BRIDGE REPAIR

RECOMMENDATION:

That the MTS Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC7501-25 (in substantially the same format as Attachment A) with Herzog Contracting Corporation to perform work under MTS Doc. No. PWL182.0-16 for the repair of the bridge at 8th Street on the Blue Line.

Budget Impact

The total cost will not exceed \$263,238.77 inclusive of a direct cost of \$260,606.38 and the contractor share of administrative fees totaling \$2,632.39. Total administrative fees are \$7,765.54 (contractor share \$2,632.39 and MTS share \$5,133.16). Funding will be from the MTS Capital Improvement Project El Cajon & 8th Street Bridge (2005003802).

DISCUSSION:

During a scheduled bridge inspection on the 8th Street Bridge, the inspector discovered corrosion and deterioration on the bridge cap, which will eventually lead to an extensive bridge repair in the future. To strengthen the integrity of the bridge cap, and avoid major repairs, MTS requires a contractor to reinforce and secure the existing bridge cap. Staff deems this a priority repair that should be completed as soon as possible.

Staff has elected to utilize the JOC procurement process to secure a contractor to perform this work. Utilizing the JOC process will expedite delivery of work by up to 3 months over normal competitive bid solicitation process and reduce additional staff time and cost that would be incurred in the competitive bid process.

On February 19, 2015, the San Diego Association of Governments (SANDAG) and MTS issued a joint solicitation for the provision of on-call JOC railroad construction services.



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. Four responsive bids were received and the contract was awarded to Herzog Contracting Corporation.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute Work Order No. MTSJOC7501-25 (in substantially the same format as Attachment A) with Herzog Contracting Corporation, to perform work under MTS Doc. No. PWL182.0-16 for the repair of the bridge at 8th Street on the Blue Line at a cost not to exceed \$263,238.77.

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Work Order MTSJOC7501-25, PWL182.0-16

JOB ORDER CONTRACT
WORK ORDER

PWL182.0-16
CONTRACT NUMBER

MTSJOC7501-25
WORK ORDER NUMBER

THIS AGREEMENT is entered into this _____ day of _____ 2018, 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: Herzog Contracting Corporation Address: 3760 Kilroy Airport Way Suite 120

Form of Business: Corporation Long Beach, CA 90806

(Corporation, partnership, sole proprietor, etc.)

Telephone: (562) 595-7414

Authorized person to sign contracts: Gene Chimits Project Manager
Name Title

Pursuant to the existing Job Order Contract (MTS Doc. No. PWL182.0-16), MTS issues a Work Order to Contractor to complete the detailed Scope of Work (attached as Exhibit A.), the Cost Breakdown for the Scope of Work (attached as Exhibit B.), and the subcontractor listing form applicable to this Work Order (attached as Exhibit C.)

Pursuant to the SANDAG JOC Contract Section 7-1.04A(3), 1% of the work order value has been deducted. MTS will pay both the Contractor (1%) and the MTS/Owner share of the Gordian Group license fee.

The total cost for this work order will not exceed \$263,238.77 inclusive of a direct cost of \$260,606.38 and a 1% Gordian Group license fee of \$2,632.39.

TOTAL PAYMENTS TO CONTRACTOR SHALL NOT EXCEED \$260,606.38

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>\$ 260,606.38</u>	<u>2005003802</u>	<u>2018</u>

By: Chief Financial Officer _____ Date _____
(___ total pages, each bearing contract number and work order number)



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Agenda Item No. 18

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

MTS JOB ORDER CONTRACT (JOC) WORK ORDER FOR TURNOUT S37
REPLACEMENT

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC7501-27 with Herzog Contracting Corporation to perform work under MTS Doc. No. PWL182.0-16 (in substantially the same format as Attachment A) for the replacement of Turnout S37 on the Blue Line.

Budget Impact

The total cost will not exceed \$111,539.48 inclusive of a direct cost of \$110,424.09 and the contractor share of administrative fees totaling \$1,115.39. Total administrative fees are \$3,290.41 (contractor share \$1,115.39 and MTS share \$2,175.02). Funding will be from the MTS Capital Improvement Project, Special Track work Replacement (S34 & S37) CIP account (2005107101).

DISCUSSION:

MTS staff has determined that it is necessary to replace turnout S37, and approximately 110 feet of existing 90 lb. rail with new 115 lb. rail on the Blue Line, north of F Street in Chula Vista. The existing 90 lb. turnout and 90 lb. rail sits on wood shims that require periodic maintenance to ensure the track is level with the adjacent 115 lb. rail. By installing the new 115 lb. turnout and rail, the wood shims can be removed, thus eliminating maintenance of the shims and improving safety on this segment of the track.



On February 19, 2015, the San Diego Association of Governments (SANDAG) and MTS issued a joint solicitation for the provision of on-call JOC railroad construction services. 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. Four responsive bids were received and the contract was awarded to Herzog Contracting Corporation; the low responsive and responsible bidder.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute Work Order MTSJOC7501-27, PWL182.0-16 (in substantially the same format as Attachment A) with Herzog Contracting Corporation for the replacement of Turnout S37 on the Blue Line at a cost not to exceed \$111,539.48.

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Work Order MTSJOC7501-27, PWL182.0-16

JOB ORDER CONTRACT
WORK ORDER

PWL182.0-16
CONTRACT NUMBER

MTSJOC7501-27
WORK ORDER NUMBER

THIS AGREEMENT is entered into this _____ day of _____ 2018, 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: Herzog Contracting Corporation Address: 3760 Kilroy Airport Way Suite 120
 Form of Business: Corporation Long Beach, CA 90806
 (Corporation, partnership, sole proprietor, etc.) Telephone: (562) 595-7414
 Authorized person to sign contracts: Gene Chimits Project Manager
 Name Title

Pursuant to the existing Job Order Contract (MTS Doc. No. PWL182.0-16), MTS issues a Work Order to Contractor to complete the detailed Scope of Work (attached as Exhibit A.), the Cost Breakdown for the Scope of Work (attached as Exhibit B.), and the subcontractor listing form applicable to this Work Order (attached as Exhibit C.)

Pursuant to the SANDAG JOC Contract Section 7-1.04A(3), 1% of the work order value has been deducted. MTS will pay both the Contractor (1%) and the MTS/Owner share of the Gordian Group license fee.

The total cost for this work order will not exceed \$111,539.48 inclusive of a direct cost of \$110,424.09 and a 1% Gordian Group license fee of \$1,115.39.

TOTAL PAYMENTS TO CONTRACTOR SHALL NOT EXCEED \$110,424.09

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>\$110,424.09</u>	<u>2005107101</u>	<u>2018</u>

By: _____ Chief Financial Officer _____ Date
 (_____ total pages, each bearing contract number and work order number)



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Agenda Item No. 19

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

AC SWITCHGEAR REPLACEMENT FOR ORANGE LINE SUBSTATIONS –
ENGINEERING DESIGN SERVICES – WORK ORDER

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA1951-AE-20 to MTS Doc. No. G1951.0-17 (in substantially the same format as Attachment A) with Mott MacDonald, LLC for the AC Switchgear Replacement on Orange Line TPSS - Engineering Design Services.

Budget Impact

The value of this Engineering Design Work Order will not exceed \$211,852.64 and is funded through the MTS Capital Improvement Project budget account 2005105601.

DISCUSSION:

On January 12, 2016, San Diego Association of Governments (SANDAG) and MTS issued a joint Request for Statement of Qualifications (RFSQ) for On-Call Architectural and Engineering (A&E) Design Consulting services. The RFSQ resulted in the approval of 8 firms qualified to perform A&E services. Tasks are assigned to the firms through a work order process, and MTS selects the most qualified firm based on the scope of work to be performed.

On the Orange Line, there are nine (9) original Traction Power Substations (TPSS) that were manufactured by Ohio Brass in 1990. Under this work order, the consultant will provide engineering design services, which includes the delivery of Plan, Specification and Estimate (PS&E) documents for the replacement of the of existing AC switchgear cubicles for the substations.



The work is necessary, as the switchgears are no longer supported by the manufacturer and subsequently, there are no spare parts available for MTS Maintenance department to repair and/or replace. The AC switchgears are major components inside the substations and when they fail, the substations will not be able to power the trolley vehicles in this section of the Orange Line, resulting in a major disruption of trolley services in this corridor.

On June 12, 2018, MTS staff issued a Request for Proposals (RFP) to approved A&E firms. On July 10, 2018, MTS received two proposals from Jacobs Engineering, Inc. and Mott MacDonald, LLC. MTS staff evaluated both proposals and determined that Mott MacDonald's proposal was the most advantageous to MTS. Below is a summary of evaluation committee's scoring:

Firm	Total Score
Jacobs Engineering, Inc.	76.67
Mott MacDonald, LLC.	99.33

In an effort to reduce the cost for the services, staff then negotiated with Mott MacDonald, LLC. The negotiations resulted in \$38,008 savings to MTS.

Therefore, staff recommends that the Board of Directors authorize the CEO to execute Work Order WOA1951-AE-20 to MTS Doc. No. G1951.0-17 (in substantially the same format as Attachment A) with Mott MacDonald, LLC. in the amount of \$211,852.64 for engineering design services for AC switchgear replacement for Orange Line substations.

/s/ Sharon Cooney for
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft Work Order WOA1951-AE-20, MTS Doc. No. G1951.0-17

September 20, 2018

MTS Doc. No. G1951.0-17
Work Order No. WOA1951-AE-20

Mr. Dan Tempelis
Senior Vice President
Mott MacDonald, LLC
401 B Street, Suite 1520
San Diego, CA 92101

Dear Mr. Tempelis:

Subject: MTS DOC. NO. G1951.0-17, WORK ORDER WOA1951-AE-20, ENGINEERING DESIGN SERVICES FOR AC SWITCHGEAR REPLACEMENT FOR ORANGE LINE SUBSTATIONS

This letter shall serve as our agreement for Work Order WOA1951-AE-20 to MTS Doc. No. G1951.0-17, for engineering design services for ac switchgear replacement for Orange Line substations.

SCOPE OF SERVICES

Provide engineering design services to prepare plans and specifications for the replacement of existing AC switchgear cubicles for the nine (9) Ohio Brass Traction Power Substations (TPSS) on the Orange Line. Work provided under this Work Order will be performed in accordance with the attached Scope of Services (Attachment A and B)

SCHEDULE

The Scope of Services, as described above, shall remain in effect through construction of the project.

PAYMENT

Payment shall be based on actual costs in the amount not to exceed without prior authorization of \$211,852.64.

Please sign below, and return the document to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Dan Tempelis, Senior Vice President
Mott MacDonald, LLC

Date: _____

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



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Agenda Item No. 20

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

LIGHT RAIL VEHICLE PANTOGRAPH PARTS – PURCHASE ORDER

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute an outline agreement in a form of a Purchase Order with Siemens Mobility Inc. for the purchase of Light Rail Vehicle (LRV) Pantograph parts.

Budget Impact

The value of this agreement will not exceed \$195,059.55 and is funded under the San Diego Trolley, Inc. (SDTI) LRV Maintenance budget account 350016-545100.

DISCUSSION:

The MTS LRV fleet has Pantographs manufactured by Shunk installed as a means of electric current collection from the overhead wire. The LRV department has a need to perform repairs to these units due to wear and damages that occur while in service. A new Pantograph can cost \$15,000 - \$16,000 depending upon the model. This purchase increases MTS on hand stock of spare parts enabling repair of units that may otherwise require replacement at a substantially higher cost as well as providing needed spares for preventative maintenance activities.

On June 11, 2018, staff issued a Request for Quotes (RFQ). Two responsive and responsible bids were received by the due date of July 13, 2018.



Based on the bids received, and in comparison with the independent cost estimate (ICE), the Siemens Mobility, Inc. price was determined to be fair and reasonable.

PANTOGRAPH PARTS		
COMPANY NAME	BID AMOUNT	Meets Buy America Requirements
** Siemens	\$195,059.55	Y
<i>Schunk</i>	\$197,933.12	Y
<i>ICE</i>	\$301,357.40	

**Tax not included in bid comparison.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute an outline agreement in a form of a Purchase Order with Siemens Mobility, Inc. for the purchase of Light Rail Vehicle (LRV) Pantograph parts.

/s/ Sharon Cooney for
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. 21

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

September 20, 2018

**Draft for
Executive Committee
Review Date: 9/6/18**

SUBJECT:

DOUGLAS FIR RAILROAD TIES – 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. L1467.0-19, (in substantially the same format as Attachment A) with B&B Diversified Materials (B&B), for Douglas Fir Railroad Ties.

Budget Impact

The total budget for this project shall not exceed \$123,555.23 and is funded by the Maintenance of Wayside (MOW) budget account 370016-545500.

DISCUSSION:

Timber ties on various locations within the MTS right-of-way are at the end of their useful service life. These timber ties will be used by MOW to keep the track in a state of good repair.

On July 10, 2018 MTS solicited for the wood ties, and on August 14, 2018 MTS received two bids from B&B and JMA Rail Products.

After performing a responsibility check, only B&B's bid was deemed responsive; JMA Rail Products was deemed non-responsive due to an incomplete bid package submission. B&B is also a disadvantaged business enterprise (DBE).



The bids are summarized below:

	B&B Diversified Materials	JMA Rail Products
Sub Total	\$113,614.00	\$133,482.00
Lumbar Tax	\$1,136.14	\$1,334.82
CA Tax	\$8,805.09	\$10,344.86
Total	\$123,555.23	\$145,161.68

MTS deems B&B's bid fair and reasonable by a comparison to current market pricing of JMA Rail Products bid which is \$21,606.45 higher.

Therefore, staff recommends that the Board of Directors authorize the CEO to execute MTS Doc. No. L1467.0-19, (in substantially the same format as Attachment A) with B&B Diversified Materials, a DBE, for Douglas Fir Railroad Ties totaling \$123,555.23.

/s/ Sharon Cooney for _____
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 L1467.0-19

DRAFT

STANDARD PROCUREMENT AGREEMENT

L1467.0-19
CONTRACT NUMBER

THIS AGREEMENT is entered into this ___ day of _____ 2018, 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: B&B Diversified Materials Address: P.O. Box 1125

Form of Business: Corporation Green Valley, AZ 85622

(Corporation, partnership, sole proprietor, etc.)

Telephone: (520) 840-0484 Email Address: Beverly@bnbdiversified.com

Authorized person to sign contracts: Beverly Christensen Owner
Name Title

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

Douglas fir railroad wood ties as specified in the Scope of Work (attached as Exhibit A), B&B Diversified Materials bid (attached as Exhibit B), and in accordance with the Standard Procurement Agreement, including Standard Conditions Procurement (attached as Exhibit C), federal requirements (attached as Exhibit D) and Forms (attached as Exhibit E).

This is a one-time purchase. The total cost is \$113,614.00 + \$8,805.09 CA sales tax + \$1,136.14 lumber tax for a not exceed amount of \$123,555.23 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
\$123,555.23	370016-545500	FY 19

By: _____ Date _____
Chief Financial Officer

(___ total pages, each bearing contract number)

SA-SERVICES REVISED (2/22/2017)
DATE