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Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

February 7, 2019

9:00 a.m.

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

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		<u>ACTION RECOMMENDED</u>
A.	ROLL CALL	
B.	APPROVAL OF MINUTES – January 10, 2019	Approve
C.	COMMITTEE DISCUSSION ITEMS	
1.	Implementation Procedures for Board Policy No. 18 (Sharon Cooney) Action would discuss proposed implementation procedures for Board Policy 18, “Joint Development Program”, and provide direction to staff.	Possible Action
2.	Palm Avenue Trolley Station Transit Oriented Development (Sharon Cooney and Tim Allison) Action would receive a report on the Palm Avenue Trolley Station Transit Oriented Development opportunities and provide direction to staff.	Possible Action
3.	CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION/ CONFERENCE WITH LABOR NEGOTIATORS – CHIEF EXECUTIVE OFFICER Pursuant to California Government Code Sections 54957 and 54957.6; <u>Agency-Designated Representative</u> : Georgette Gómez, Chairperson <u>Employee</u> : Paul C. Jablonski	Possible Action

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during the meeting

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. 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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|----|--|--------------------|
| D. | REVIEW OF DRAFT February 14, 2019 MTS BOARD AGENDA | |
| E. | <u>REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA</u>
Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting. | Possible
Action |
| F. | COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS | |
| G | PUBLIC COMMENTS | |
| H. | NEXT MEETING DATE: March 14, 2019 | |
| I. | ADJOURNMENT | |

DRAFT

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

January 10, 2019

MINUTES

A. ROLL CALL

Chair Gomez called the Executive Committee meeting to order at 9:02 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Ms. Rios moved for approval of the minutes of the December 6, 2018, MTS Executive Committee meeting. Chair Gomez seconded the motion, and the vote was 4 to 0 in favor with Mr. Arambula, Mr. Arapostathis, and Mr. Fletcher absent.

C. COMMITTEE DISCUSSION ITEMS

1. San Diego Transit Corporation (SDTC) Pension Investment Status (Jeremy Miller, Representative from RVK and Larry Marinesi)

Larry Marinesi, Chief Financial Officer, introduced this item and Jeremy Miller with RVK. Mr. Marinesi noted that the SDTC Pension Plan is a closed plan, which means that no new non-management employees are included in the plan. He noted that all new non-management employees are part of a defined contribution pension plan. He stated that Mr. Miller will be presenting on the fiscal year 2018 investment results. Mr. Miller continued the presentation and reviewed the investment structure; investment details; fiscal year 2018 performance; and performance details as of June 30, 2018. He noted that the fiscal year 2018 performance was just under 6%.

Chair Gomez asked what the return percentage was for fiscal year 2017. Mr. Miller stated that the fiscal year 2017 return was just above 8%. He noted that the combination of the fiscal year 2017 and 2018 returns are in line with the recommended actuarial rate of return of 7%.

Action Taken

No action taken. Informational item only.

2. San Diego Transit Corporation (SDTC) Employee Retirement Plan's Actuarial Valuation as of July 1, 2018 (Anne Harper and Alice Alsberghe of Cheiron, Inc. and Larry Marinesi)

Mr. Marinesi introduced Anne Harper and Alice Alsberghe with Cheiron, Inc. Ms. Harper continued the presentation and discussed the plan cost changes; plan cost by source; plan history contributions; plan history funding; plan history membership; and plan composition. Ms. Alsberghe discussed the plan projections for the future. She reviewed

the projected total contributions and the projected funded ratio. Ms. Alsberghe noted that the plan is projected to be fully funded by 2037.

Action Taken

Ms. Rios moved to forward a recommendation to the Board of Directors to receive the SDTC Employee Retirement Plan's (Plan) actuarial valuation as of July 1, 2018, and adopt the pension contribution amount of \$15,919,058 for fiscal year 2020. Ms. Salas seconded the motion, and the vote was 5 to 0 in favor with Mr. Arambula and Mr. Arapostathis absent.

3. 12th & Imperial Transit Center (Denis Desmond)

Paul Jablonski, Chief Executive Officer, introduced this item and stated that MTS owns two pieces of land adjacent to the 12th & Imperial Transit Center site. He commented that staff has been researching and discussing potential options to develop those two properties to expand transit service and possibly build extra office space as well as a transit oriented development.

Denis Desmond, Director of Planning, continued the presentation and discussed the current status of the 12th & Imperial site. He presented pictures of the site and the adjacent properties next to 12th & Imperial. Mr. Desmond discussed the newly updated Policy 18, which discusses the joint development guidelines of MTS properties. He stated that MTS hired Kimley Horn and Associates to develop concepts for an improved transit center at 12th & Imperial. Peter Ritchey with Kimley Horn stated that they developed potential concepts for development at the site. He stated that they worked with Stantec to develop these concepts. Mr. Ritchey presented pictures of various concepts and designs for the combined properties at 12th & Imperial. Patrick McKelvey with Stantec discussed different potential configurations for the 12th & Imperial site. He presented various pictures of potential development opportunity layouts at the site.

Mr. Jablonski noted that this will be an affordable transit oriented development with minimal parking requirements. He stated that they will also be encouraging developers to include transit passes in the proposals as well as alternatives to leased and shared parking options. Mr. Jablonski noted that the next steps in this process will be to prepare a presentation for the City of San Diego regarding the street vacations and zoning adjustments, and then to develop a Request for Qualifications (RFQ) to release to the development community. Chair Gomez recommended bringing this item back to the Executive Committee and then to the Board after the RFQ process.

Action Taken

No action taken.

4. Implementation Procedures for Board Policy 18 (Sharon Cooney)

Sharon Cooney, Chief of Staff, provided a presentation on the implementation procedures for Board Policy 18. Ms. Cooney discussed the purpose of the Policy 18 Procedural Manual. She introduced Deborah Ruane with Norwood Development Strategies. Ms. Ruane was hired to help develop the Procedural Manual for MTS. Ms.

Ruane stated that she conducted peer agency and stakeholder outreach in order to receive feedback for the Procedural Manual. She discussed the identification of best practices for a Procedural Manual and reviewed the opportunities for innovation. Ms. Cooney reviewed the next steps including receiving comments from the Executive Committee, updating the inventory and the MTS website, continuing to pursue development opportunities, and presenting a draft Procedural Manual for the Executive Committee to review in February.

Mr. Fletcher asked about alternative creating funding and financing options for affordable housing to be included in future developments. Ms. Ruane stated that the developers she has had conversations with are happy to try to seek creative financing methods and options that will help the affordable housing portion of the developments.

Ms. Rios inquired about parking requirements for future developments. Ms. Ruane stated that the parking requirements would be based on a site-by-site basis.

PUBLIC COMMENT

Maya Rosas – Ms. Rosas commented on behalf of Circulate San Diego. She stated that Circulate San Diego released a report, Real Opportunity, which emphasized points they wanted to see included in Policy 18 and the Procedural Manual. Ms. Rosas said their report focused on reducing or eliminating replacement parking requirements; proactively seeking proposals from developers; and requiring affordable housing. She commented that the updates to Policy 18 were adopted a couple months ago and incorporated these points. Ms. Rosas thanked staff and the Board for moving this process along quickly.

Action Taken

No action taken.

5. E Street Trolley Station Joint Development and Reimbursement Agreement with the City of Chula Vista (Tim Allison)

Tim Allison, Manager of Real Estate Assets, provided a presentation on the E Street Trolley Station joint development and reimbursement agreement with the City of Chula Vista. He introduced Kevin Pointer with the City of Chula Vista's Economic Development Department. Mr. Allison provided pictures of the E Street Trolley Station and City of Chula Vista F Street Yard properties. He reviewed the site details of both properties. Mr. Allison discussed the adopted City of Chula Vista Urban Core Specific Plan for this area. He reviewed the proposed strategy for pursuing this joint development and noted that the City of Chula Vista is hiring Keyser Marston and Associates, Inc. for the purposes of market and financial analysis; RFQ/RFP development; and to evaluate developers.

Ms. Salas commented that this property and proposed project has a lot of potential to transform and enhance Chula Vista. She stated that this project will create many jobs, which is great for the region. Ms. Salas also said she is envisioning this development to have a very high density.

Chair Gomez requested this item to be brought to the Board next week as an informational item. It was noted that Mr. Jablonski has the authority to execute this joint

agreement with the City of Chula Vista. The Executive Committee agreed that the Board should have this item presented as an informational item.

D. REVIEW OF DRAFT January 17, 2019 BOARD AGENDA

Recommended Consent Items

6. Security for South Bay Bus Rapid Transit
Action would authorize the Chief Executive Officer (CEO) to execute Amendment Number 5 to MTS Doc. No G1828.0-15 with Allied/Universal dba Transit Systems Security, to provide additional security services for coverage of the new South Bay Rapid (Route 225) through June 30, 2019.
7. Lease Agreement with Brick by Brick, LLC at 675 West G Street, San Diego
Action would authorize the Chief Executive Officer (CEO) to execute a Lease Agreement with Brick By Brick, LLC for a lease at 675 West G Street, San Diego.
8. Mills Building Retail Lease: Extension of A-Mart Lease
Action would authorize the Chief Executive Officer (CEO) to execute an amended and restated Lease Agreement with Ramzi and Anwar Murad dba A-Mart, MTS Doc. No. G0202.2-93, including an extension of up to ten (10) years.
9. Imperial Avenue Division (IAD) Maintenance Floor Project – Award Work Order Under a Job Order Contract (JOC)
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC7503-13 to MTS Doc. No. PWL234.0-17 with ABC Construction Company, Inc. (ABC) for the epoxy floor installation in the maintenance building at IAD.
10. Fashion Valley Stair Repair – Award Work Order Under a Job Order Contract (JOC)
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC7504-24 for MTS Doc. No. PWL204.0-16 with ABC Construction Company, Inc. (ABC) for the Fashion Valley Stair Repair located at Fashion Valley Transit Center.
11. Design Services for Zero Emission Bus (ZEB) Pilot Program, Chargers Phase II – Work Order
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA1947-AE-34 for MTS Doc. No. G1947.1-17 with HDR Engineering, Inc. (HDR) in the amount of \$245,460.38 for design services for ZEB Chargers Phase II.
12. Kearny Mesa Division (KMD) Concrete Replacement – Award Work Order Under a Job Order Contract (JOC)
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC7504-50 for MTS Doc. No. PWL204.0-16 with ABC Construction Company, Inc. (ABC) for the partial replacement of concrete at KMD.
13. Paint Booth Blower Upgrades and Repair – Award Work Order Under a Job Order Contract (JOC)
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC7503-47 for MTS Doc. No. PWL234.0-17 with ABC Construction Company, Inc. (ABC) for Paint Booth Blower upgrades and repair at the Trolley Paint Booth.
14. South Bay Maintenance Facility Flooring – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB265.0-19 with Stoncor Group, Inc. dba Stonhard (Stonhard) for the installation of a multi component epoxy mortar floor system (flooring) in the maintenance bays at the South Bay Bus Maintenance Facility.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

There was no SANDAG Transportation Committee agenda discussion.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

There was no Committee Member Communications and Other Business discussion.

G. PUBLIC COMMENTS

There were no Public Comments.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for February 7, 2019, 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) January 10, 2019

CALL TO ORDER (TIME) 9:02 a.m.

RECESS _____

RECONVENE _____

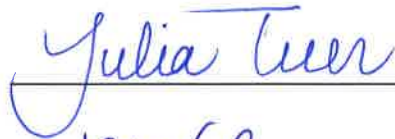
CLOSED SESSION _____

RECONVENE _____

ADJOURN 10:46 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ARAMBULA	<input type="checkbox"/>		
Transportation Committee Rep.			
ARAPOSTATHIS	<input type="checkbox"/> (Arambula) <input type="checkbox"/>		
FLETCHER	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:30 a.m.	10:46 a.m.
GOMEZ (Chair)	<input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
MONTGOMERY	<input checked="" type="checkbox"/> (Ward) <input type="checkbox"/>	9:00 a.m.	10:46 a.m.
RIOS (Vice-Chair)	<input checked="" type="checkbox"/>	9:00 a.m.	10:46 a.m.
SALAS	<input checked="" type="checkbox"/> (Sandke) <input type="checkbox"/>	9:00 a.m.	10:46 a.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:





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Agenda Item No. C1

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

February 7, 2019

SUBJECT:

IMPLEMENTATION PROCEDURES FOR BOARD POLICY 18 (SHARON COONEY)

RECOMMENDATION:

That the Executive Committee discuss proposed implementation procedures for Board Policy 18, "Joint Development Program", and provide direction to staff.

Budget Impact

None at this time.

DISCUSSION:

The MTS Board, in October 2018, adopted revisions to Board Policy 18, "Joint Development Program", a policy that was last updated in 2007. This policy guides staff efforts to develop and utilize property owned and acquired by the Board. Staff researched policies at other transit agencies and concluded that much of the current MTS Policy 18 language would more reasonably be included in a procedural manual that could be used to implement the Board's policy directives. The revised policy directed Staff to develop written procedures necessary to fully implement the new directive within three months of its adoption.

To accomplish this task, MTS hired Deborah Ruane of Norwood Development Strategies to assist in this effort. Ms. Ruane recently started her consultant practice after having a successful term with the San Diego Housing Authority. Ms. Ruane was also in the residential development industry both on the developer side and in the development banking industry.

The goal of the effort was to look at the current MTS process, compare to other like transit agencies, discuss with stakeholders from all sides of the process including public



agency staff, elected officials, industry professionals, and industry policy groups, incorporate federal requirements where applicable, and recommend implementation procedures based on the research.

At its January 10, 2019 Executive Committee meeting, staff presented its research and preliminary findings and received direction from the Committee. Since that meeting, Ms. Ruane and MTS staff have moved forward with a draft of the manual for consideration and discussion. The draft is attached as Attachment A.

/s/ Paul C. Jablonski

Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Draft MTS Joint Development Program

MTS Joint Development Program

Draft

January 25, 2019



MTS Joint Development Program Table of Contents

I. INTRODUCTION

- A. MTS Commitment to Joint Development
- B. Transit Oriented Development Definition

II. MTS PORTFOLIO

- A. Real Estate Inventory
 - a. Content of Inventory List
 - b. Prioritization of Real Estate

III. JOINT DEVELOPMENT

- A. Joint Development Procedures
 - a. Request for Proposals
 - b. Request for Qualifications
 - c. Unsolicited Offers and Non-Priority Sites
 - d. Review Time for Consideration of Proposals
- B. Design and Construction Considerations
 - a. Development
 - b. Joint Development Checklist
 - c. Post-Development Review
 - d. Ground Lease Terms
- C. Consideration of Developer Concessions
 - a. Lease
 - b. Density
 - c. Parking
 - d. Transit Passes
 - e. Financing Request

IV. LEGAL

- A. MTS Statutory Framework
- B. Federal Transportation Authority Regulations
- C. CALTRANS
- D. Environmental
- E. Local Jurisdictions

V. EXHIBITS

- A. Joint Development Checklist

MTS JOINT DEVELOPMENT PROGRAM

Guidelines and Procedures

I. INTRODUCTION

A. MTS Commitment to Joint Development

The San Diego Metropolitan Transit System (“MTS”) proactively encourages joint transit-oriented development of its real estate assets to facilitate increased transit utilization and support environmentally sustainable, high-quality communities balanced with future regional growth.

The “MTS Joint Development Program” (Program) is created as a resource to support and encourage public/private partnership development of the real estate assets it owns and seeks collaboration from partners to create vibrant, sustainable communities which are transit and pedestrian oriented and will facilitate economic growth and create stronger communities.

B. Transit-Oriented Development Definition

MTS defines Transit-Oriented Development, for the purposes of this Program, as the creation of mixed-use communities on MTS-owned real estate or centered within a ten (10) minute walk or one half (0.5) mile distance of mass transit systems, and which promote increased transit ridership and integrate environmentally with passenger amenities.

MTS’s primary responsibility is the safe operations of its transit service and therefore encourages joint development that increases ridership, creates vibrant communities that offer a range of equitable and affordable housing types, and provides job opportunities centered around public transit.

II. MTS PORTFOLIO

A. Real Estate Inventory

MTS currently maintains an Inventory List of their developable real estate assets on its website.

- a. The Inventory list will be reviewed annually by the Board of Directors, and will contain the following:
 - Site Name
 - Address
 - Assessor's Parcel Number (APN) (where available)
 - Acreage
 - Current usage (including number of parking spaces and bus bays, if any)
 - Electronic link (per site) to MTS website with site-specific information (studies or reports, if any)
 - Current zoning designation
 - Date of last Community Plan Update
 - Status of site - available for joint development or in process of development
 - Designation of Priority for joint development (see below)

B. Prioritization of Real Estate

Staff will prioritize the sites based upon the following criteria:

- Whether MTS deems the site to be a good candidate for TOD based on location, interest in having the site developed, or designation (e.g., Opportunity Zones).
- Support from City in whose jurisdiction the site lies. MTS works closely with local agencies in the planning and implementation of transit-oriented activities and the support sites receive will weigh significantly on whether a site is designated as a priority for development. This support to TOD may include a jurisdiction establishing mixed-income housing goals, having a completed and updated community plan, providing financial support, and fast-tracking options for permit approval.

Prioritization does not preclude MTS from receiving a proposal on a non-prioritized site. However, the prioritization is intended to efficiently allocate staff time and resources to the review for joint development. Therefore, consideration of a non-prioritized site will be considered only upon approval by the Chief Executive Officer of MTS.

III. JOINT DEVELOPMENT

In its commitment to encourage joint development of its sites, MTS will continue to foster relationships with local jurisdictions, regional agencies and industry leaders to support development of real estate jointly located in other cities, as well as participate with jurisdictions and transit advocacy organizations to promote and foster TOD awareness and education.

A. Joint Development Procedures: In general, MTS will advertise its available real estate using the standard Request for Qualifications/Proposals (RFQ/P) procedure set forth in the MTS Policy No. 52 as a general guidance for determining the appropriate process for soliciting the development proposal. However, this will not preclude other methods (as outlined below).

a. Request for Proposals (RFP):

MTS currently employs MTS Policy 52 (as currently published) as guidance for issuing RFPs, and will seek, at a minimum, the following from applicants:

- Development Team Qualifications including:
 - Ground lease management expertise
 - Expertise with affordable housing (for residential development only)
- MTS's needs are met including:
 - Financial structure that leverages other sources of available funding at the local, state and federal level and minimizes requests for subsidy from MTS.
 - Preliminary design plans showing site layout, demonstrating transit interface to show easy pedestrian access to transit facilities and promotion of transit use.
 - Identify the relationship between MTS facilities and the proposed development, including plans for staging/phasing construction to minimize interference with existing MTS operations.
 - Inclusion of any site specific transit amenities or facilities outlined in the RFP.
 - Provide suggestion for ongoing maintenance responsibilities of any new MTS facilities or amenities associated with the development.
- Design Criteria including:
 - Evidence that maximum allowable and economically feasible densities are achieved.
 - Evidence that parking ratios are sufficient and include any opportunities for alternative parking scenarios (off site, shared, etc.).
 - Housing affordability and type (if proposed) with a minimum of 20% of the property deed restricted to very low and low-income families.
 - Demonstrated commitment to Environmental Building Practices through potential inclusion of renewable energy, sustainable building materials, stormwater reclamation and management, etc.
 - Project shall be consistent with adopted regional and local community plans and policies, unless the proposer can demonstrate a path toward gaining local approvals. MTS will

partner with the successful proposer to gain all necessary approvals and permits.

- Community needs for product type, employment and services are met.
- Must be in conformance with MTS and Federal Transit Administration guidelines and policies.
- Any other issues pertinent to the joint development.

b. Request for Qualifications (RFQ)

Should MTS seek to create a list of development partners with expertise in higher density, TOD and mixed-use development, a RFQ may be issued. The developers identified through this process will then be eligible to submit their proposals through the RFP process. This approach can make the process more efficient by minimizing the impact of full RFP submittal to a broader group and streamlining the review processes for staff. Additionally, if MTS seeks new development ideas for a specific site, it can use this short list of qualified developers to request suggestions for a specific site that may have been considered difficult to develop or overlooked by the development community previously.

c. Unsolicited Proposals and Non-Priority Sites

MTS currently allows, and will continue to allow, unsolicited offers to develop sites that are not listed as Priority. In these instances, MTS staff may initiate formal negotiations on non-priority sites upon approval from the Chief Executive Officer of MTS. MTS staff will examine any such offers based on the criteria listed in the RFP section. Staff will include the local agencies having jurisdiction in the project area in the review period to determine acceptance and support. MTS will also publically notice the location of the unsolicited proposal for a term of at least 30 days prior to submitting any unsolicited proposal to the Board.

d. Review Time for Consideration of Proposals:

Regardless of whether the proposal for joint development is received by MTS through a formal (RFQ/P) or informal (unsolicited) process, staff will have a minimum of 60 days to perform the initial evaluation of unsolicited proposals, at which time a determination will be made as to whether to request additional and detailed information or to make a recommendation to the MTS Executive Committee to enter into negotiations for an Exclusive Negotiation Agreement (ENA) with the developer, to propose that additional proposals be solicited for the property development (in the case of an unsolicited offer), or to reject the proposal. Additional time may be required to make the determination depending on the complexity of the development proposal and other factors as determined by MTS.

B. Design and Construction Considerations

a. Development

i. Residential Development Projects:

- 1) shall strive to provide the highest possible density.

- 2) shall create mixed-income housing with a minimum of 20% of the units for very low (<50% Area Median Income “AMI”) and low-income households (<80% AMI) that will be deed restricted to maintain long-term affordability.

ii. All developments:

- 1) shall comply with the review and approval policies and procedures of the local jurisdictions in which the respective projects are sited,
- 2) shall make best efforts to incorporate the urban design standards and enhance the characteristics of the communities of the localities with jurisdiction over them,
- 3) shall utilize best practices as identified by industry leaders in TOD, and,
- 4) will be consistent with State of California Greenhouse Gas reduction goals.

A. Ground Lease Terms

1. MTS prefers land leases over a sale of their real estate holdings. Lease terms will be no fewer than 65 years which will facilitate financing options for the developers through traditional financing mechanisms.
 - a. MTS may entertain a sale in extreme cases where a ground lease is determined to not be feasible and with continued utilization of land for MTS purposes. In either scenario, a detailed pro forma analysis justifying the request must accompany the submittal.
 - b. Use of Revenue by MTS. It is the intention of MTS to utilize the proceeds (from either scenario) for the improvement of transit operations.
2. Zoning/Zoning Changes – Zoning changes and other entitlement approvals, if needed, may be completed at varying times, depending upon the development proposal. While it is preferred to have all entitlement approvals completed prior to MTS Board approval, in some instances they may be completed in conjunction with or following approval. MTS will work with the development team to support entitlement approvals, zoning changes or other land use approvals.

A. Consideration of Developer Concessions

As each site differs, so will be the development opportunity proposed. In order to facilitate the joint development, MTS may allow developer incentives including, but not limited to:

1. Lease Terms:

a. Deferral of lease payments

While MTS already engages in this practice, it has benefit to the development, particularly during lease-up and stabilization. In some

instances, MTS may elect to delay lease payment for a longer period of up to five years, with justification from the developer that it is critical to the success of the development.

b. Up-Front Lease Payments

MTS has accepted an upfront ground lease payment previously, which greatly helped the financing and operations of the development. This practice should continue to be available on future sites, upon verification from the developer that it benefits the developer economically and doesn't pose any risk to MTS.

c. Discounted lease payments

Where appropriate, MTS staff may recommend to its Board for approval, below-market ground leases in order to accommodate development. While not preferred, MTS recognizes that below market pricing is advantageous and, sometimes necessary, for development. Upon Board approval, MTS may elect to reduce the lease payment, temporarily or over the course of the lease, to facilitate the development and operations of the property.

2. Density:

If it is determined that a lower density is advantageous (financially or for design purposes) for the development of the site, MTS may, upon board approval, elect to support a lower density than allowed, although this is not preferred.

3. Parking:

An analysis shall be undertaken to determine the appropriate level at which existing parking should be replaced to maximize the developable density on the site and minimize construction costs. Proposals will include justification for parking spaces, including innovative solutions for replacement and joint-use parking, if applicable.

4. Transit Passes:

While maximizing revenue to MTS is critical, in some instances an award of transit passes (or subsidized transit passes) may be economically beneficial to the development. MTS may issue subsidized transit passes for use by the residents or employees of the development, at the request of the developer and upon approval by the Board of Directors. This will be reviewed on a case-by-case basis and the developer must provide evidence that it is in the best interest of the development and the residents.

5. Financing:

In rare cases, MTS may consider a financial contribution to the development if:

- 1) funds are available and budgeted for MTS facilities or other infrastructure that supports operations, and,
- 2) any financial commitment is approved by Board action.

IV. LEGAL REQUIREMENTS

A. MTS Statutory Framework:

MTS's enabling legislation is codified at California Public Utilities Code §§ 120220-120238. MTS is a political subdivision and local agency of the State of California. As such, MTS shall comply with all applicable California Government Code (Cal. Gov. Code), California Public Contract Code (Cal. Pub. Con. Code), California Labor Code (Cal. Lab. Code), California Public Utility Code (Cal. Pub. Util. Code), California Civil Code (Cal. Civ. Code) and California Code of Civil Procedure (Cal. Code of Civ. Pro.) sections that regulate how MTS shall procure goods and services. See MTS Policy 52 for further information.

B. Federal Transit Administration (FTA) Regulations:

TOD sites which were acquired with assistance from the FTA are subject to FTA joint development policies; see FTA Circular 7050.1A – Federal Transit Administration Guidance on Joint Development. See also MTS Policy 52 for further information.

C. California Department of Transportation (CALTRANS):

As a recipient of CALTRANS funds, MTS shall comply with applicable CALTRANS procurement requirements and standards. All applicable CALTRANS regulations and directives that MTS shall follow may be found at MTS Board Policy No. 52 and are incorporated here by reference. TOD sites which were acquired with assistance from the California Department of Transportation (Caltrans) may be subject to review by Caltrans.

D. Environmental

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.

E. Local Jurisdictions

TOD projects are subject to local land use policies and procedures in the host jurisdiction, similar to any private development. The selected developer for any joint development site must follow the land use, zoning, permitting, and entitlement process for the local jurisdiction of that site.



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Agenda Item No. C2

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

February 7, 2019

SUBJECT:

PALM AVENUE TROLLEY STATION TRANSIT ORIENTED DEVELOPMENT (SHARON COONEY AND TIM ALLISON)

RECOMMENDATION:

That the Executive Committee receive a report on the Palm Avenue Trolley Station Transit Oriented Development opportunities and provide direction to staff.

Budget Impact

None.

DISCUSSION:

The San Diego Metropolitan Transit System (MTS) has received an unsolicited development proposal for the Palm Avenue Trolley Station in the Otay Mesa – Nestor Community of the City of San Diego. Two developers have teamed together to bring forward a mixed-use mixed-income transit oriented development proposal for the site. National CORE is an experienced developer and operator of affordable housing projects. Malick Infill is a developer focused on transit-oriented development and place-making.

The Palm Avenue Trolley Station is approximately 3.9 acres, with approximately 488 total parking spaces (Attachment A). The site is relatively flat and very suitable for development. There is not a large demand for parking at this site and is mostly under parked. This lot has been used for trolley material storage, contractor lay down yards and other activities on the excess parking areas. The station is also south of the Otay Valley Regional Park with a trail access from the north of the station to the Park.

This station is well placed for access to the South Bay locations, employment centers, regional recreation activities and a 30 minute trolley ride into downtown San Diego. The property is currently split zoned IL-1 and RM-1 and would require a rezone to allow for



the proposed developments mixed-use. A rezone would be consistent with the vision and strategies of the Otay Mesa Nestor Community Plan. The Plan designates the Palm City neighborhood, centered at Palm Avenue and Hollister, as one of five neighborhood centers. The Plan recognizes the “great potential for revitalization”, stating “it is an ideal location for pedestrian-oriented development incorporating commercial, residential and civic uses”. The transit center site is specifically identified as the “cornerstone” of the Palm City neighborhood and a site for mixed-use transit oriented development. A rezone to allow the proposed mixed-use development is consistent with the expressed goals of the Community Plan. It should be noted that while the Community Plan references a density of 29 dwelling units per acre when drafted over 12 years ago, the density proposed by the development team is more appropriate given the current climate for housing and development along transit corridors.

The development proposal is reflected in the site plan attached as Attachment B. The development proposes a mixed income community of residential, some commercial, a mobility hub, and other site serving amenities. The team proposes two residential mixes. National CORE proposes 150 affordable units serving 30% to 60% of the Area Median Income. Malick Infill proposes 100 units of moderate to middle income housing serving residents at 81% to 150% of the Area Median Income.

The proposal offers some commercial space, a mobility hub, community services for the residents, and possible incubator office space. The development team proposes 254 parking spaces of which 175 spaces will replace the existing MTS parking spaces for transit patrons.

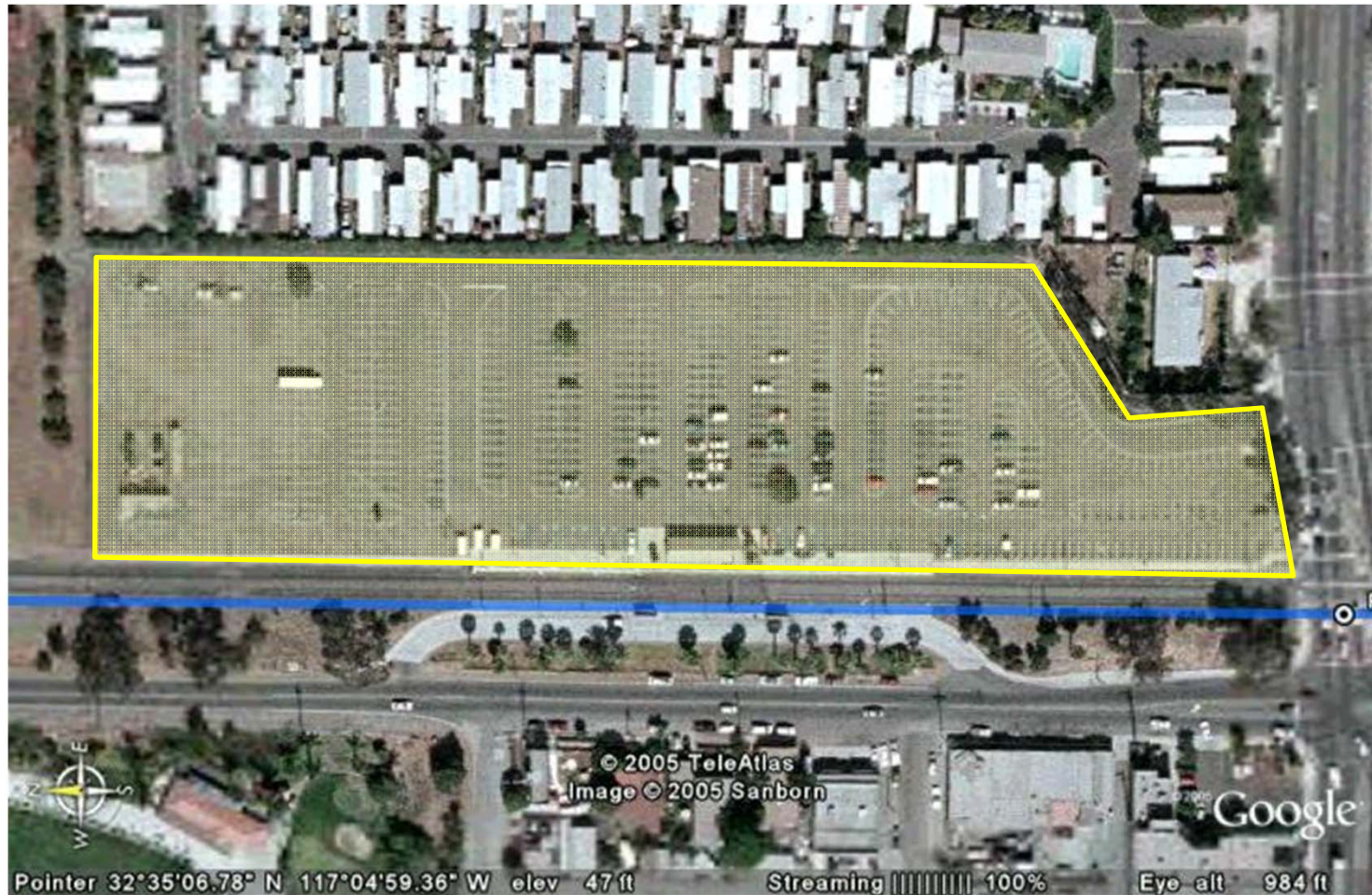
MTS adopted revisions to Policy 18, “Joint Development Program”, calling for unsolicited development proposals received to be publically noticed to allow for other development interests to submit a competing proposal within 30 days for consideration by the MTS Board of Directors. This agenda item serves as the public notice for competing proposals.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Site Map
B. Site Plan

Palm Avenue Station



Development Proposal Schematic





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DRAFT

Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

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 – January 17, 2019 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

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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.



CONSENT ITEMS

- | | | |
|-----|---|-------------------|
| 6. | <u>Investment Report – Quarter Ending December 31, 2018</u> | Informational |
| 7. | <u>Proposed Revisions to San Diego Metropolitan Transit System (MTS) Policy No. 41 – Signature Authority</u>
Action would approve the proposed revisions to MTS Policy No. 41 – Signature Authority. | Approve |
| 8. | <u>Excess Insurance Renewals for Liability and Workers' Compensation Program</u> | Approve |
| 9. | <u>Revisions to San Diego Metropolitan Transit System (MTS) Ordinance No. 11</u>
Action would: (1) Adopt the proposed amendments to MTS Ordinance No. 11, an Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City and County by the Adoption of a Uniform Paratransit Ordinance; (2) Direct publication of a summary of the amendments to MTS Ordinance No. 11; and (3) Upon adoption of the proposed amendments, authorize the Chief Executive Officer (CEO) the discretion to enforce MTS Ordinance No. 11 in its amended form. | Adopt/
Approve |
| 10. | <u>San Diego Metropolitan Transit System (MTS) Task Order Contract Approval for Design Services to Double Track the Bayside Terminal</u>
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA1949-AE-31 for MTS Doc. No. G1949.0-17 with Jacobs Engineering Group, Inc. (Jacobs) in the amount of \$706,805.56 to perform design services for the Bayside Terminal double track project. | Approve |
| 11. | <u>Train Number Signs, Brackets and Support for SD9 Trolley Vehicles for Mid-Coast – Contract Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1483.0-19, a Sole Source agreement, with Woojin IS America, Inc. (Woojin), to provide train number signs, brackets and support for the new Mid-Coast SD9 Light Rail Vehicles (LRV). | Approve |
| 12. | <u>Mobile Router and Cellular Communications Pilot – Conduent Software and Hardware Changes – Sole Source Award</u>
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1914.1-16 with Conduent Transportation Solutions, Inc. (Conduent) for the provision of software changes required to implement the mobile router and cellular communications project. | Approve |

CLOSED SESSION

- | | | |
|-----|---|--------------------|
| 24. | a. CLOSED SESSION - PUBLIC EMPLOYEE PERFORMANCE EVALUATION/ CONFERENCE WITH LABOR NEGOTIATORS – CHIEF EXECUTIVE OFFICER Pursuant to California Government Code Sections 54957 and 54957.6; <u>Agency-Designated Representative</u> : Georgette Gomez, Chairperson <u>Employee</u> : Paul C. Jablonski | Possible
Action |
|-----|---|--------------------|

b. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) Anda Topalusic v. San Diego Transit Corporation, Metropolitan Transit System et al. San Diego Superior Court Case No. 37-2018-0001-9000-CU-PO-CTL	Possible Action
c. CLOSED SESSION – CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8 <u>Property</u> : APNs 667-020-52, 54, 71, 86, and 88 San Diego, CA <u>Agency Negotiators</u> : Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; and Tim Allison, Manager of Real Estate Assets <u>Negotiating Parties</u> : United States of America <u>Under Negotiation</u> : Price and Terms of Payment	Possible Action

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. <u>2019 State and Federal Legislative Programs (Sharon Cooney)</u> Action would approve staff recommendations for 2019 federal and state legislative programs.	Approve
31.	
32.	

REPORT ITEMS

45.. <u>First Transit/Taxicab Pilot Update – Access Services (Bill Spraul)</u>	Informational
46. <u>Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments (Samantha Leslie)</u>	Informational
47.	
48.	
59. <u>Ad Hoc Ballot Measure Committee Report</u>	Informational
60. <u>Chair Report</u>	Informational
61. <u>Chief Executive Officer's Report</u>	Informational
62. <u>Board Member Communications</u>	Informational

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: March 21, 2019
65. Adjournment



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Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

**Draft for
Executive Committee
Review Date: 2/7/19**

SUBJECT:

INVESTMENT REPORT – QUARTER ENDING DECEMBER 31, 2018

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

Attachment A comprises a report of the San Diego Metropolitan Transit System (MTS) investments as of December 31, 2018. The combined total of all investments has increased quarter to quarter from \$152.3 million to \$154.7 million. This \$2.4 million increase is attributable to \$7.8 million in State Transit Assistance (STA) revenue, \$8.6 million subsidy reimbursement from SANDAG relating to the light-rail vehicle procurement, partially offset by \$10.0 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.

MTS remains in compliance with Board Policy 30 and is able to meet expenditure requirements for a minimum of the next six months as required.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Investment Report for the Quarter Ending December 31, 2018.



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

Institution / Issuer	Function	Investment Type	Restricted	Unrestricted	Total	Avg. Rate of Return	Benchmark
J.P. Morgan Chase	Operating Funds	Depository Bank	-	50,672,314	50,672,314	0.37%	* 0.590% WSJ Money Market
U.S. Bank - Retention Trust Account	Restricted for Capital Support	Depository Bank	3,173,857	-	3,173,857	N/A	** -
California Bank & Trust - Retention Trust Account	Restricted for Capital Support	Depository Bank	-	-	-	N/A	*** -
San Diego County Treasurer's Office	Prop 1B TSGP Grant Funds	Investment Pool	6,846,570	620,686	7,467,255	2.172%	1.833% S&P US T-Bill 0-3 Mth Index
Subtotal: Restricted for Capital Support			10,020,427	620,686	10,641,112		
Local Agency Investment Fund (LAIF)	Investment of Surplus Funds	Investment Pool	5,165,754	37,994,649	43,160,403	2.291%	1.833% S&P US T-Bill 0-3 Mth Index
San Diego County Treasurer's Office	Investment of Surplus Funds	Investment Pool	-	50,195,067	50,195,067	2.172%	1.833% S&P US T-Bill 0-3 Mth Index
Subtotal: Investment Surplus Funds			5,165,754	88,189,716	93,355,470		
Grand Total Cash and Investments			\$ 15,186,181	\$ 139,482,715	\$ 154,668,896		

*-The .28% is an annual percentage yield on the average daily balance that exceeds \$22 million

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

***- Retention was released and the account was closed in October 2018



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Agenda Item No. 7

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

**Draft for
Executive Committee
Review Date: 2/7/19**

SUBJECT:

PROPOSED REVISIONS TO SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS)
POLICY NO. 41 – SIGNATURE AUTHORITY

RECOMMENDATION:

That the Board of Directors approve the proposed revisions to MTS Policy No. 41 –
Signature Authority (Attachment A).

Budget Impact

None.

DISCUSSION:

MTS Board Policy No. 41, Signature Policy, provides the authority granted by the Board of Directors to the Chief Executive Officer, and to provide the Chief Executive Officer with the authority to delegate functions under his or her control to MTS staff. It also establishes guidelines and procedures for authorized signatories relating to check processing (including wire transfers) and MTS documents (purchase requisitions, contracts, agreements, payment vouchers, deeds, grants, etc.). The policy relates to MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI). Throughout this policy, the agencies are collectively referred to as MTS.



MTS staff is proposing minor changes to the previously approved Board Policy No. 41, including the approval authority of the Director of Capital Projects to \$50,000, an update to a position title and the removal of duplicative language.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Proposed Revisions to Policy No. 41



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Policies and Procedures

No. 41

Board Approval: 12/8/2016 2/14/2019

SUBJECT:

SIGNATURE AUTHORITY

PURPOSE:

The purpose of this policy is to establish the authority granted by the Board of Directors to the Chief Executive Officer, and to provide the Chief Executive Officer with the authority to delegate functions under his or her control to MTS staff. It also establishes guidelines and procedures for authorized signatories relating to check processing (including wire transfers) and San Diego Metropolitan Transit System (MTS) documents (purchase requisitions, contracts, agreements, payment vouchers, deeds, grants, etc.). The policies below relate to MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI). Throughout this policy, the agencies are collectively referred to as MTS.

BACKGROUND:

From time to time, various third parties and agencies seek to verify that individual MTS staff members have the authority to execute documents on behalf of MTS.

MTS maintains a number of checking accounts in various approved financial institutions. To ensure adequate internal controls, signing of checks and execution of wire transfers are restricted to authorized personnel only. This policy establishes guidelines and procedures for obtaining appropriate approval.

In addition, this policy establishes guidelines and procedures for delegating authority to execute MTS documents, including contracts and agreements, on behalf of the Chief Executive Officer in his or her absence.

POLICY:

41.1 Authorized Signatories for Disbursements

A disbursement is the final authorization to pay a third party through either a check, warrant, wire transfer/Electronic Funds Transfer (EFT), Automated Clearing House (ACH) or other similar payment mechanism. Authorized signatures for disbursements are: the Accounting~~Finance~~ Manager, Controller, Director of



Financial Planning and Analysis, Chief Operating Officer – Bus/Rail, Chief Financial Officer, Chief of Staff, General Counsel, and Chief Executive Officer.

One signature is required for disbursements under \$2,000. This signature can be a facsimile signature. Two signatures are required for all disbursements over \$2,000. One of these can be a facsimile signature. A listing of all facsimile checks must be reviewed and approved by an authorized signer. For disbursements over \$10,000, the second signature SHALL NOT BE the Accounting~~Finance~~ Manager, Controller, or Director of Financial Planning and Analysis. Disbursements over \$25,000 require that one of the signatures be that of the Chief of Staff, General Counsel, Chief Financial Officer, or Chief Executive Officer.

The listing below summarizes the above as to effective levels of signing authority:

Finance <u>Accounting</u> Manager	To	\$
10,000		
Controller	To	\$ 10,000
Director of Financial Planning & Analysis	To	\$ 10,000
Chief Operating Officer – Bus/Rail	To	\$ 25,000
Chief Financial Officer	Over	\$ 25,000
Chief of Staff	Over	\$ 25,000
General Counsel	Over	\$ 25,000
Chief Executive Officer	Over	\$ 25,000

41.2 Purchase Requisitions

Purchase Requisitions initiate the potential procurement of goods and/or services. Purchase Requisitions define the need for goods and/or services; budget for the goods and/or services; and assign staff time and resources to initiate the procurement of such goods and/or services. Purchase Requisitions do not constitute a commitment or contractual relationship with a Vendor.

Authorized signatures for Purchase Requisitions are Supervisors, Managers, Directors, Chief Operating Officer – Bus/Rail, Chief Financial Officer, Chief of Staff, General Counsel, and Chief Executive Officer.

Manager/Supervisor	To	\$ 3,500
Directors	To	\$ 5,000
<u>Director of Capital Projects</u>	<u>To</u>	<u>\$ 50,000</u>
Chief Operating Officer – Bus/Rail	To	\$ 50,000
Chief Financial Officer	To	\$ 50,000
Chief of Staff	To	\$ 50,000
General Counsel	To	\$ 50,000
Chief Executive Officer	Over	\$ 50,000

41.2.1 Purchase Requisitions for Inventory Items. The signature authority to approve Purchase Requisitions for inventory items is described within MTS Board Policy No. 64, Inventory Controls and Signature Authority.

41.3 Purchase Orders under Existing Contract

Upon completion of the procurement process (i.e. Board of Directors or staff approval of a formal contract pursuant to Section 41.4 of this Policy), the Procurement Manager may execute and transmit Purchase Orders to the vendor to properly manage the funding of multiple year contracts.

41.4 Authorized Signatories on Contracts and Documents

~~Authorized signatures for Contracts and Documents are Supervisors, Managers, Directors, Chief Operating Officer – Bus/Rail, Chief Financial Officer, Chief of Staff, General Counsel, and Chief Executive Officer.~~

41.4.1 Expense Contracts. Expense contracts are contracts that require MTS to expend funds in return for goods or services. Expense contracts can be issued using various procurement forms, including but not limited to: a formal contract; punch-out catalog purchase orders, ~~and/or~~ ~~Vendor Agreement Forms~~. All approval levels must be contained within and be consistent with overall Board of Directors approval levels. The approval levels are as follows:

Materials Manager (Punch-Out Catalog Purchase Orders Only)	To	\$ 3,500
Procurement Manager, Senior Procurement Specialist or Principal Contracts Administrator	To	\$ 3,500
Directors	To	\$ 5,000
<u>Director of Capital Projects</u>	<u>To</u>	<u>\$ 50,000</u>
Chief Operating Officer – Bus/Rail	To	\$ 50,000
Chief Financial Officer	To	\$ 50,000
Chief of Staff	To	\$ 50,000
General Counsel	To	\$ 50,000
Chief Executive Officer	Up To	\$ 100,000
Board of Directors	Over	\$ 100,000

41.4.2 Stand-Alone Purchase Orders. Once a Purchase Requisition for the procurement of goods and/or service is approved per Section 41.2 of this Policy or through Board of Directors action, the Procurement Manager or his/her designee will have the authority to execute stand-alone purchase orders so long as the value of the stand-alone purchase order does not exceed the value of the approved Purchase Requisition.

The Chief Executive Officer will implement internal policies and protocols to identify which procurements for goods and/or services are appropriate for the use of a stand-alone purchase order process as opposed to requiring a formal contract subject to heightened review and approval.

41.4.3 Purchase Card. Authorized signatures for Purchase Card transactions are Directors, Chief Operating Officer – Bus/Rail, Chief Financial Officer and Chief Executive Officer. All approvals of Purchase Card transactions must be consistent with MTS's internal Purchase Card Policy.

41.4.4 Change Orders. A contract change order is a change within the original scope of the contract. Contract change orders costing \$100,000 or less may be approved by the Chief Executive Officer. Contract change orders costing more than \$100,000 may be approved by the Board of Directors. Any change order costing more than \$100,000 that requires immediate approval due to: an emergency involving public safety; liability to MTS; unacceptable delay to the project; or substantial cost increase, shall receive immediate concurrence from the Chief Executive Officer and report such action to the Board of Directors at its next meeting.

41.4.5 Revenue Contracts. Revenue contracts are contracts that result in payments to MTS for goods, services or real property interests. Examples include group/employer sales contracts (monthly passes/fare revenue), advertising, special event licenses, property leases, right of entry permits or licenses, easements and grant deeds. All revenue contracts may be approved by the Chief Executive Officer. Long-term concession contracts (e.g. bus shelter advertising, naming rights, trolley station concessions) and the sale of real property rights (e.g. easement or fee simple interest) valued over \$100,000 shall be approved by the Board of Directors.

41.4.6 Grants and Memorandums of Understanding. Grants and related documents necessary to obtain local, state and federal funding may be approved by the Chief Executive Officer, Chief Financial Officer, Chief of Staff or General Counsel. Memorandums of Understanding or other agreements documenting an agreed process or program, but not requiring a specific expenditure of MTS funds, may be approved by the Chief Executive Officer. Memorandums of Understanding or other agreements that materially alter the risk or liability MTS has agreed to/is legally obligated to bear, shall be approved by the Board of Directors.

41.4.7 Cost Recovery Agreements. Agreements to undertake certain activities, but which are fully funded by another entity, may be approved by the Chief Executive Officer. Examples include agreements with San Diego Association of Governments establishing the cost-recovery process for *TransNet*-funded transit programs or agreements with North County Transit District to pay its fair share of Regional Fare System (Compass Card) costs.

41.4.8 Real Property Transfer Documents. Subject to the approval limits set forth in this Policy, the Chief Executive Officer is authorized to sign all real property transfer documents, including but not limited to, permits, rights of entry, licenses, leases, deeds, easements, escrow instructions, and certificates of acceptance.

41.4.9 Capital Asset Transfer Documents. Capital Assets may include but are not limited to: revenue vehicles; non-revenue vehicles; equipment; information technology; and furniture. Transfer documentation for Capital Assets may be signed by staff as authorized within MTS Board Policy No. 33, Capital Asset Disposal.

41.5 Changes in Terms and Conditions

Any requested revision to MTS's Terms and Conditions or to accept a Vendor's Terms and Conditions must be approved by the General Counsel.

41.6 Authorized Signatories for Payment of Invoices

41.6.1 Payment of Invoices not associated with Contracts. Payment of invoices not associated with contracts includes, but is not limited to, employee reimbursements, payroll deductions, utility payments, insurance payments, purchase card transactions and claim payments. Authorized signatures for payment of these invoices are Supervisors, Managers, Directors, Chief Operating Officer – Bus/Rail, Chief Financial Officer, Chief of Staff, General Counsel, and Chief Executive Officer.

All approval levels must be contained within and be consistent with overall Board of Directors approval levels. The approval levels are as follows:

Manager/Supervisor	To	\$ 3,500
Directors	To	\$ 5,000
Chief Operating Officer – Bus/Rail	To	\$ 50,000
Chief Financial Officer	To	\$ 50,000
Chief of Staff	To	\$ 50,000
General Counsel	To	\$ 50,000
Chief Executive Officer	Over	\$ 50,000

41.6.2 Payment of Invoices associated with Contracts. Payment of invoices associated with contracts, includes, but is not limited to, formal contracts, stand-alone purchase orders and punch-out catalog purchase orders. The Chief Executive Officer will implement internal policies and protocols to ensure that upon receiving an invoice, the proper rate, price and quantity is being charged before payment is processed. Once payment is processed, the disbursement must then be approved as required by Section 41.1 of this Policy.

41.7 Authorized Signatories for Freight/Shipping and Sales/Other Taxes

The signature authority for the approval and payment of freight/shipping and sales/other taxes is described within MTS Board Policy No. 63, Payments for Freight/Shipping or Sales/Other Taxes Policy.

41.8 Authorized Signatories for Absences

In the Chief Executive Officer's absence, General Counsel, Chief of Staff, Chief Financial Officer or the Chief Executive Officer's designee is authorized to execute all checks, purchase requisitions, contracts, and documents as necessary, subject to any limits set or instructions given by the Chief Executive Officer.

In the Procurement Manager's absence, the Chief Financial Officer, the General Counsel, the Director of Financial Planning and Analysis, or the Controller is authorized to execute Expense Contracts falling within the Procurement Manager's signature authority.

In the Clerk of the Board's absence, the Assistant Clerk of the Board is authorized to execute documents as may be required to certify actions of the Board of Directors.

41.9 Electronic Signature

Any signature authorized within this Policy may be provided electronically through an automated system (e.g. SAP system).

Upon receipt of approval from the Board of Directors for any Expense Contract over \$100,000, the Chief Executive Officer or his or her designee shall have the authority to provide the electronic approval within an automated system for the Board of Directors when applicable.

This original Policy was adopted on 2/13/1992.

Policy revised on 8/11/1994.

Policy revised on 1/29/2004.

Policy revised on 2/23/2006.

Policy revised on 11/18/2010.

Policy revised on 11/14/2013.

Policy revised on 03/20/2014.

Policy revised on 10/29/2015

Policy revised on 12/8/2016.

[Policy revised on 2/14/2019.](#)



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Agenda Item No. 8

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

February 14, 2019

**Draft for
Executive Committee
Review Date: 2/7/19**

SUBJECT:

EXCESS INSURANCE RENEWALS FOR LIABILITY AND WORKERS'
COMPENSATION PROGRAM

AGENDA ITEM & ATTACHMENT WILL BE PROVIDED WITH BOARD MATERIALS

Attachment: A. MTS 2019-20 Excess Liability & Excess Workers' Compensation Insurance Proposal

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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. 9

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

**Draft for
Executive Committee
Review Date: 2/7/19**

SUBJECT:

REVISIONS TO SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS)
ORDINANCE NO. 11

RECOMMENDATION:

That the Board of Directors:

- 1) Adopt the proposed amendments to MTS Ordinance No. 11, an Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City and County by the Adoption of a Uniform Paratransit Ordinance (Attachment A);
- 2) Direct publication of a summary of the amendments to MTS Ordinance No. 11; and
- 3) Upon adoption of the proposed amendments, authorize the Chief Executive Officer (CEO) the discretion to enforce MTS Ordinance No. 11 in its amended form.

Budget Impact

None with this action.

DISCUSSION:

The MTS Taxicab Administration licenses and regulates for-hire vehicles through MTS Ordinance No. 11. The following are proposed revisions to MTS Ordinance No. 11.

MTS Ordinance No. 11, Section 1.1 (hh) and 1.11 (b)

Assembly Bill (AB) 939 makes administrative and clarifying changes to the regulation of taxicab transportation services. The proposed revisions would modify the definition of substantially located per AB 939. A taxicab must be substantially located within Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San



Diego and/or Santee (cities that MTS currently regulates taxicabs for) in order for MTS to regulate. Substantially located means either where the primary business address of the taxicab permit holder is located and/or jurisdiction where the largest share of the taxicab permit holder's total number of prearranged and non-prearranged trips originate over the previous calendar year, as determined annually. Per AB 939, the proposed revisions would also add the requirement that if a taxicab permit holder plans to change where it is substantially located, it must notify MTS and the new jurisdiction of such change within six (6) months or as soon as practicable prior to making that change.

MTS Ordinance No. 11, Sections 1.11 and 1.13

Currently, the owner of a for-hire-vehicle may place their operating permit under inactive status for a period of ninety (90) days. The owner of the permit may also request one sixty (60) day extension and one additional thirty (30) day extension, if certain conditions are met. Sections 1.11 and 1.13 also currently states that if the for-hire-vehicle is not placed back into service within certain time frames, the permit is considered abandoned. The proposed revisions would eliminate all time frames, allowing the owner to place the operating permit in inactive status indefinitely, so long as they file a written request, submit an annual statement, and continue to pay the required annual fee attached to the permit. Additionally, there are no limits on the number of times an operating permit may be removed or placed into inactive status. Lastly, if permit holders are found operating a for-hire-vehicle which is currently under inactive status, the Chief Executive Officer may suspend or revoke the operating permit. On December 12, 2018, the MTS Taxicab Advisory Committee discussed and supported the implementation of these changes.

All other proposed revisions to MTS Ordinance No. 11 that are not described here are minor and non-substantive.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

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

Attachment: A. Redline Draft of Amended MTS Ordinance No. 11

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11
*(as amended through ~~November 8~~February 14,
20198)*

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

MTS CODIFIED ORDINANCE NO. 11

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SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~November 8~~February 14, 20189)

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

SECTION 1.0 - GENERAL REGULATIONS

Section 1.1 - Definitions

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

- (a) "Board" shall mean the Board of Directors of the San Diego Metropolitan Transit System.
- (b) "Charter vehicle" shall mean every vehicle which:
- (1) Transports passengers or parcels or both over the public streets of the City;
 - (2) Is routed at the direction of the hiring passenger;
 - (3) Is prearranged in writing for hire;
 - (4) Is not made available through "cruising"; and
 - (5) Is hired by and at the service of a person for the benefit of himself or herself or a specified group.
- (c) "Chief Executive Officer" shall mean the Chief Executive Officer of MTS or his or her designated representative.
- (d) "City" and "Cities" shall mean the incorporated areas of the Cities of Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee and any other City that has entered into a contractual agreement with MTS for the licensing and regulation of transportation services.
- (e) "Compensation" shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.
- ~~(f) "Compensation" shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.~~
- ~~(g)~~ "County" shall mean the unincorporated area of the County of San Diego located within MTS's jurisdictional boundaries. Only the sections of MTS Ordinance No. 11 that apply to taxicab permit holders and taxicab drivers shall be applicable to the County of San Diego.

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

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

(ji) "Doing business" shall mean accepting, soliciting or transporting passengers for hire or compensation in a City or County.

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

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

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

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

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

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

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

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

- (1) Transports passengers or parcels or both over the public streets of the City;
- (2) Follows a fixed route of travel between specified points with the fare based on a per capita charge established in its permit; and
- (3) Is made available to boarding passengers at specified locations along its route on a variable schedule.

(sr) A "low-speed vehicle" or "LSV" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a "low-speed vehicle" or "LSV" is

not a golf cart, except when operated pursuant to California Vehicle Code Section 21115 or 21115.1.

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

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

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

(~~wv~~) "Nonemergency medical vehicle" shall mean every vehicle which: transports persons, regardless of whether specialized transportation equipment or assistance is needed, for primarily medical purposes, over the public streets of the City. Medical purposes is defined as providing transportation services to or from the following places: hospitals, convalescent homes, retirement homes, homes receiving funding for the board and care of residents living in those homes, medical or rehabilitation clinics, senior citizen centers, and any other like social service category, over the public streets of the City. It shall be the responsibility of the transportation provider to determine if the service is primarily for medical purposes.

(~~xw~~) "Operate" or "Operating" shall refer to the solicitation or acceptance of a fare within City or County for compensation or providing passenger transportation for compensation, regardless if such compensation is obtained from the passenger or a third party. It shall also include, as the context may require, the act of driving, managing or directing the utilization of one or more for-hire vehicles.

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

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

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

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

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

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

(~~edd~~) "Sightseeing vehicle" shall mean every vehicle which:

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

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

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

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

(~~hgg~~) "Substantially Located" shall mean where the primary business address of the taxicab permit holder is located and/or the ~~jurisdiction with a single county in which trips originating in that jurisdiction account~~ jurisdiction where ~~for the largest share of that the~~ taxicab permit holder's total number of ~~prearranged and non-prearranged trips within that county originate over the past year and determined every five (5) years thereafter~~ the previous calendar year, as determined annually. ~~-Trip logs and/or other documentation showing where fifty percent or more of fare revenue are generated from-~~ shall be used to substantiate the jurisdiction of where the largest share of taxicab permit holder's total number of originating trips occur over the applicable time period.

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

- (1) Carries not more than eight (8) passengers excluding the driver;
- (2) Transports passengers or parcels or both over City or County public streets;
- (3) Is made available for hire on call or demand through "cruising," at taxi stands or by telephone or other communication devices to destination(s) specified by the hiring passenger; and
- (4) Is Substantially Located within the jurisdiction of City and/or County.

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

(1) A Hard Meter is a Taximeter that has a prefixed fare with an external seal approved by the County of San Diego Agriculture, Weights and Measures and mileage is calculated based on distance and time.

(2) A Soft Meter is a Taximeter that is provided through a smartphone or tablet that uses GPS or other on-board diagnostics approved by the California Department of Food and Agriculture Division of Measurement Standards to calculate distance and rates.

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

(Section 1.1 amended 2/14/2019)

(Section 1.1 amended 11/8/2018, effective 1/1/2019)

(Section 1.1 amended 9/20/2018)

(Section 1.1 amended 12/14/2017)
(Section 1.1 amended 5/12/2016)
(Section 1.1 amended 8/7/2003)
(Section 1.1 amended 11/14/2002)
(Section 1.1 amended 6/24/1999)
(Sections 1.1(d), 1.1(R)(1) amended 6/22/1995)
(Section 1.1 amended 1/12/1995)
(Section 1.1 amended 6/27/1991; effective 7/27/1991)
(Section 1.1 amended 5/23/1991; effective 6/23/1991)

Section 1.2 - Operating Permits

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

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

(c) A person who obtains an operating permit shall be responsible for the provision of vehicle-for-hire services in accordance with the provisions of this Ordinance and shall exercise due diligence to assure that drivers of the permitted vehicles adhere to all pertinent requirements of this ordinance.

(Section 1.2 amended 11/8/2018, effective 1/1/2019)
(Section 1.2 amended 12/14/2017)
(Section 1.2 amended 8/7/2003)
(Section 1.2 amended 11/14/2002)
(Section 1.2 amended 6/24/1999)

Section 1.3 - Application for Permit

(a) All persons applying to the Chief Executive Officer for new permit(s) for the operation of one or more for-hire vehicles shall file with the Chief Executive Officer a proposal to meet San Diego City Council Policy 500-02 requirements, and a sworn application therefore on forms provided by the Chief Executive Officer, stating as follows:

(1) The applicant name, company name, doing business as ("DBA") name if different than company name, mailing and business address (a business address or mailing address is not a Post Office [PO] Box or dispatch service address), and business telephone number of the permit applicant. If a taxicab permit applicant, the business address will also serve the purpose of establishing where Substantially Located;

(2) The number of permitted vehicles actually owned and operated by such owner on the date of application, if any;

(3) The name and address of all legal and registered owner(s) of the vehicle(s);

- (4) The name and address of each person with a financial interest in the business which operates the vehicle;
- (5) Data sufficient to establish the applicant's financial responsibility;
- (6) The number of vehicle(s) for which a permit(s) is desired;
- (7) Proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions, are ADA-compliant, are no older than 10 years of the model age and do not have a "salvage" title, and are equipped with a Global Positioning System (GPS);
- (8) The rates of fare which the applicant proposes to charge for vehicle-for-hire services. This requirement does not apply to taxicab permit applicants;
- (9) A description of the proposed vehicle design;
- (10) Where the application is for a limited permit or LSV, a detailed description of the geographic area in which said permit shall be in existence;
- (11) Such other information as the Chief Executive Officer may in his or her discretion require;
- (12) Provide evidence of at least six-months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business;
- (13) Provide a customer service and a customer complaint plan;
- (14) Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use; and
- (15) Provide a dispatch service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology, if a taxicab permit applicant.

(b) The applicant shall also submit, with the application, a nonrefundable application fee prior to the permit approval. Upon issuance of the permit, the applicant shall also pay an initial nonrefundable permit vehicle regulatory fee to be determined by the Chief Executive Officer in order to recover the cost of processing such applications.

(Section 1.3 amended 11/8/2018, effective 1/1/2019)

(Section 1.3 amended 12/14/2017)

(Section 1.3 amended 2/12/2015)

(Section 1.3 amended 11/15/2012)

(Section 1.3 amended 8/7/2003)

(Section 1.3 amended 11/14/2002)

Section 1.4 - Issuance of Permit

(a) Based on San Diego City Council Policy 500-02 requirements, the Chief Executive Officer shall determine the number of permits to be granted any applicant(s) and approve permits for any applicant(s) subject to such conditions as the Board and San Diego City Council Policy 500-02 may deem advisable or necessary in the public interest. Before a permit may be approved, the

applicant shall pay an initial regulatory fee in an amount to be determined by the Chief Executive Officer.

(b) The Chief Executive Officer shall deny the approval of a permit upon making a finding:

(1) That the applicant is under twenty-one (21) years of age; or

(2) That within the five (5) years immediately preceding the processing of the application, the applicant has been convicted of, or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the permit in accordance with Section 1.13 of this Ordinance. For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere or a forfeiture of bail shall be deemed a conviction; or

(3) That the applicant provided false information of a material fact in an application within the past five (5) years.

(c) All permits issued after April 1, 2015 shall be renewable annually upon evidence San Diego City Council Policy 500-02 requirements are being met, that if a taxicab permit holder they are Substantially Located within City or County, and payment of a regulatory fee in an amount and on a date to be determined by the Chief Executive Officer.

(d) No permit issued after April 1, 2015 shall be approved or renewed for any person who has not fully complied with all of the requirements of this Ordinance, San Diego City Council Policy 500-02, and all other applicable laws and/or regulations necessary to be complied with before commencement of the operation of the proposed service.

(e) Permits held prior to April 1, 2015 by corporations and LLCs shall meet all of the screening criteria included in San Diego City Council Policy 500-02 by February 12, 2020. However, upon issuance of any new permits to said corporation or LLC, or upon the transfer of a permit to said corporation or LLC, the corporation or LLC shall need to be in compliance with requirements of this Ordinance and San Diego City Council Policy 500-02 for the new permit(s).

(f) When the permit has been approved and upon determination by the Chief Executive Officer that the for-hire vehicle, after appropriate inspection, meets the requirements of this Ordinance, the Chief Executive Officer will issue a numbered medallion(s) to be affixed to the for-hire vehicle.

(Section 1.4 amended 11/8/2018, effective 1/1/2019)

(Section 1.4 amended 12/14/2017)

(Section 1.4 amended 2/12/2015)

(Section 1.4 amended 11/15/2012)

(Section 1.4 amended 11/14/2002)

Section 1.5 - Transfer and Administration of Permits

(a) Each permit issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the permit holder to another person or entity only with the approval of the Chief Executive Officer, and upon meeting the requirements of this Ordinance and San Diego City Council Policy 500-02 including, but not limited to:

(1) Provide evidence of at least six-months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business.

(2) Vehicle(s) must meet California Air Resources Board criteria for zero emissions/low emissions, be ADA-compliant, be equipped with a Global Positioning System (GPS), be no older than 10 years of the model age and not have a "salvage" title, if a taxicab.

(3) Provide a customer service plan that demonstrates, a requirement for drivers to accept credit cards, detailed record keeping of all calls for service, trips provided, and a customer service complaint resolution plan.

(4) Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use.

(5) Provide a Dispatch service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology, if a taxicab.

(b) Permits held prior to April 1, 2015 shall be in compliance with San Diego City Council Policy 500-02 Screening Criteria by February 12, 2020. Whenever a corporation or LLC is issued any new permits, then it shall be in compliance with requirements of this Ordinance and San Diego City Council Policy 500-02.

(c) The proposed transferee shall file with the Chief Executive Officer a sworn application for the transfer and shall comply with the requirements of Section 1.3. The permit holder shall certify in writing that the permit holder has notified the proposed transferee of the requirements of this section pertaining to the transfer of a permit. Whenever an application for a transfer of permit is filed, the Chief Executive Officer shall process the application for transfer in accordance with Section 1.4 of this Ordinance.

(d) The Chief Executive Officer shall charge regulatory fees to affect the full cost recovery of activities associated with the administration, regulation, issuance, or transfer of for-hire vehicle permits and associated records.

(1) Changes in fee schedules affecting permits shall be mailed to all permit holders. Changes shall be effective thirty (30) calendar days thereafter.

(2) Any person objecting to a particular fee or charge may file, within ten (10) days of the mailing of such changes, an appeal for review with the Chief Executive Officer who shall thereafter process it in accordance with Section 1.17; provided, however, that the sole issue to be determined on review is whether the fee or charge exceeds the reasonable costs for personnel salaries and administrative overhead associated with the particular administrative service or function.

(Section 1.5 amended 11/8/2018, effective 1/1/2019)

(Section 1.5 amended 12/14/2017)

(Section 1.5 amended 2/12/2015)

(Section 1.5 amended 8/7/2003)

(Section 1.5 amended 11/14/2002)

Section 1.6 - Blank

The text of Section 1.6 is deleted in its entirety effective February 12, 2015.

(Section 1.6 deleted 2/12/2015)

(Section 1.6 amended 11/14/2002)

Section 1.7 - Blank

The text of Section 1.7 is deleted in its entirety effective October 24, 1998.

(Section 1.7 was deleted 9/24/1998)

Section 1.8 - Equipment and Operating Regulations

(a) No medallion shall be issued for a vehicle unless the vehicle conforms to all the applicable provisions of this Ordinance.

(b) The privilege of engaging in the business of operating a for-hire vehicle in a City or County granted in the permit is personal to the permit holder, who must be the owner of the for-hire vehicle. The rights, requirements, and responsibilities which attach to the permit remain with the holder at all times the for-hire vehicle is operated under the authority of the permit. These rights, requirements and responsibilities, which include, but are not limited to, the requirements of this Ordinance, will remain unaffected by any agreement or contractual arrangement between the permit holder and those persons who operate for-hire vehicles, irrespective of the form or characterization of the agreement under which the driver operates the for-hire vehicle.

(c) The permit holder shall maintain a business address, a mailing address where he or she can accept mail directed to his or her company, and a business telephone in working order which must be answered during normal business hours, Monday through Friday, and during all hours of operation. A post office box or dispatch service address shall not be used for the business address or mailing address. The permit holder shall, in the case of any change in his or her business address, mailing address, or business telephone, notify the Chief Executive Officer in writing of such change within forty-eight (48) hours of the effective date of this change.

(d) Before a for-hire vehicle is placed in service and at least annually thereafter, the for-hire vehicle shall be delivered to a place designated by the Chief Executive Officer for inspection. All new permit holders are required to observe at least one full vehicle inspection as part of the initial permit issuance. MTS inspectors shall inspect the for-hire vehicle and its equipment to ascertain whether the vehicle complies with the provisions of this Ordinance. Failure to produce the vehicle for inspection shall be cause for suspension or revocation of the permit for such vehicle.

(e) Any MTS inspector or peace officer, after displaying proper identification, may make reasonable and periodic inspections of any for-hire vehicle operating under an MTS permit for the purpose of determining whether the vehicle is in compliance with the provisions of this Ordinance.

(f) Any for-hire vehicle which fails to meet the requirements of the California Vehicle Code or this section after inspection shall be immediately ordered out-of-service by an MTS inspector or peace officer if it is unsafe for service. Ordering a vehicle out-of-service does not constitute a suspension or revocation of the permit. A vehicle is deemed unsafe for service when any of the following conditions exists:

- (1) Tires fail to meet the requirements of the California Vehicle Code;

(2) Headlights, taillights or signal lights are inoperable during hours of darkness (sunset to sunrise);

(3) Windshield wipers are inoperable during rainy conditions;

(4) Taximeter is not working, the Taximeter displays signs of tampering, the seal of a Hard Meter is broken, the County of San Diego seal of a Hard Meter is more than thirteen (13) months old from the date of issuance, a Service Agent's temporary seal of a Hard Meter is more than ninety (90) days old from the date of issuance, or a Soft Meter displays technology not approved by the California Department of Food and Agriculture Division of Measurement Standards or does not appear to be operating as is intended or approved;

(5) Brakes, brake lights or brake system are inoperable or otherwise fail to meet the requirements of the California Vehicle Code;

(6) Excessive play in steering wheel exceeding three (3) inches;

(7) Windshield glass contains cracks or chips that interfere with driver's vision;

(8) Any door latch is inoperable from either the interior or exterior of the vehicle;

(9) Any seat is not securely fastened to the floor;

(10) Seat belts, when required, fail to meet requirements of the California Vehicle Code;

(11) Either side or rearview mirrors are missing or defective;

(12) Any vehicle safety system light is activated; and

(13) Any other condition which reasonably and rationally pertains to the operating safety of the vehicle or to passenger or pedestrian safety.

(g) If the vehicle is not unsafe but is unsuitable or otherwise in violation of this Ordinance or any vehicle condition/equipment section of the California Vehicle Code, the operator or permit holder, as appropriate, shall be subject to a seventy-two (72) hours correction notice.

(1) Failure to correct such violation within the seventy-two (72) hours shall then be cause to order the vehicle out-of-service. When a vehicle is ordered out-of-service, the medallion shall be immediately removed.

(2) Before the vehicle may again be placed in service, the violation shall be corrected and the vehicle shall be inspected by an MTS inspector.

(3) The medallion shall be reaffixed when the MTS inspector finds that the vehicle meets prescribed standards.

(h) The interior and exterior of the for-hire vehicle shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements and the requirements of this Ordinance at all times when in operation. The following minimum vehicle standards must be maintained to comply with this section:

(1) Wheels. Hubcaps or wheel covers shall be on all wheels for which hubcaps or wheel covers are standard equipment.

(2) Body Condition. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. Fenders, bumpers, and light trim shall be securely fixed to the vehicle. No extensive unrepaired body damage shall be allowed and exterior paint shall be free from excessive fading. The vehicle shall be equipped with front and rear bumpers. The exterior of the vehicle shall be maintained in a reasonably clean condition so as not to obscure approved vehicle markings.

(3) Lights. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights shall all be operable.

(4) Wipers. Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.

(5) Brakes. Both the parking and hydraulic or other brake system must be operable.

(6) Steering. Excessive play in the steering mechanism shall not exceed three (3) inches free play in turning the steering wheel from side to side.

(7) Engine. The engine compartment shall be reasonably clean and free of uncontained combustible materials.

(8) Mufflers. Mufflers shall be in good operating condition.

(9) Windows. The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer. The windows and windshield shall be maintained in a reasonably clean condition so as not to obstruct visibility.

(10) Door Latches. All door latches shall be operable from both the interior and exterior of the vehicle.

(11) Suspension. The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.

(12) Seats. All seats shall be securely fastened. Seat belts, when required by the California Vehicle Code, shall be installed. The upholstery shall be free of grease, holes, rips, torn seams, and burns.

(13) Interior. The interior of each vehicle and the trunk or luggage area shall be maintained in a reasonably clean condition, free of foreign matter, offensive odors, and litter. The seats shall be kept reasonably clean and without large wear spots. The door handles and doors shall be intact and clean. The trunk or luggage area shall be kept empty except for spare tire and personal container for the driver not exceeding one (1) cubic foot in volume and emergency equipment, to allow maximum space for passenger luggage and belongings.

(i) Each for-hire vehicle, except taxicabs and Low Speed Vehicles, shall contain:

(1) A fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 5 B/C units and a current inspection card affixed to it.

(2) A minimum of three (3) red emergency reflectors.

(3) A first-aid kit containing medical items to adequately attend to minor medical problems.

(j) In the event that a for-hire vehicle for which a permit has been approved is taken out of service, by the permit holder for maintenance or any purpose, other than a violation of any provision of this Ordinance, a spare vehicle operating permit may be granted. The spare vehicle operating permit shall only be valid for the vehicle for which it was issued. The permit holder may only utilize a spare for-hire vehicle which has been duly inspected by an MTS inspector and approved prior to use. The permit holder must immediately inform an MTS inspector when a spare for-hire vehicle is in use and the location of the disabled vehicle. The spare vehicle will be issued a "spare vehicle" sticker which must be affixed to the left rear portion of the for-hire vehicle for which it is approved, in plain view from the rear of the for-hire vehicle. The permit holder may utilize one (1) spare for-hire vehicle for a period not to exceed thirty (30) calendar days from the date of issuance. This subsection shall not be construed, nor deemed to replace, those provisions in this Ordinance which apply to permanent replacement of a for-hire vehicle.

(k) The medallion issued to the permit holder must be affixed by an MTS inspector on the for-hire vehicle for which the permit is approved in plain view from the rear of the for-hire vehicle. The permit holder must immediately report the loss, destruction, or defacing of a medallion to the Chief Executive Officer. Except as provided in Subsection (j), it shall be unlawful to operate a for-hire vehicle without the medallion affixed and visible.

(l) There shall be displayed in the passenger compartment of each for-hire vehicle between the sun visors, in full view of the passengers in the front and rear seats, a card not less than ten (10) inches wide by six (6) inches high in size. Posted on this card, utilizing "Universe" font in black ink on white background, shall be:

1) The first line of the card, 3/4 inch in height, shall say one of the following according to permit type: TAXICAB, SIGHTSEEING, CHARTER, NONEMERGENCY, LOW-SPEED VEHICLE, OR JITNEY LOST AND FOUND.

2) Below this, the card shall include the vehicle medallion number in three-inch numerals.

3) Below the medallion number, the name, address, and phone number of the MTS Taxicab Administration and the permit holder and/or permit holder trade name shall be printed, 1/4-inch in height.

4) Without approval from MTS, no other signs, markings, lettering, decals, or any type of information shall be displayed within 18 inches around the card.

(m) Advertisements, whether displayed on the inside or outside of the vehicle, shall be posted in accordance with MTS Board Policy No. 21, Revenue-Generating Display Advertising, Concessions, and Merchandise, any guidelines developed by the Chief Executive Officer, and the provisions of this Ordinance. Advertisements shall not be displayed without prior approval from MTS.

(n) The driver of each for-hire vehicle may either carry: a map of the City or County, published within the past two (2) years; or an electronic device equipped with a GPS enabled map, which shall be displayed to any passenger upon request.

(o) The maximum rates of fare charged for for-hire vehicle services shall be clearly and conspicuously displayed in the passenger compartment, unless if a taxicab which shall be in compliance with Section 2.2(d) of this Ordinance.

(p) Each for-hire vehicle licensed to operate in the City or County shall have located on the passenger side dashboard area a driver identification card provided by the County of San Diego or Sheriff. The driver identification card shall have no alterations or information covered. The driver identification card shall be visible to passengers, peace officers and MTS inspectors so they can easily view the driver identification card from either inside or outside the vehicle. The driver identification card shall bear the following information:

- (1) The number of the license of the driver;
- (2) The name and business address of the driver;
- (3) The name of the owner of the vehicle; and
- (4) A small photograph of the driver.

(q) Each for-hire vehicle shall be equipped with a rearview mirror affixed to the right side of the vehicle, as an addition to those rearview mirrors otherwise required by the California Vehicle Code.

(r) The driver shall offer each passenger a printed receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the driver's name and ID number, the taxicab number, the company (DBA) name, and the dispatch service name with phone number if a taxicab.

(s) All disputes to fare shall be determined by the peace officer or MTS inspector most readily available where the dispute is had. It shall be unlawful for any person to fail or refuse to comply with such determination by the peace officer or MTS inspector.

(t) It is unlawful for any person to refuse to pay the lawful fare of a for-hire vehicle after employing or hiring the same.

(u) The driver of any for-hire vehicle shall promptly obey all lawful orders or instructions of any peace officer, fire fighter, or MTS inspector.

(v) No driver of any for-hire vehicle shall transport any greater number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(w) It shall be unlawful for any person to solicit business for a for-hire vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any passenger to a specific for-hire vehicle or company. It shall be unlawful for any permit holder, association, or driver to have or make a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agents or employees of such owner, by which the permit holder, association or driver receives any type of payment or

commission for recommending or directing any passenger to an establishment operated by a specific owner.

(x) The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, an identification card approved by the Chief Executive Officer.

(y) The Board specifically finds that the dress, grooming, and conduct of for-hire vehicle drivers affect the public health and safety, particularly as it relates to visitors and the tourist industry. Therefore, while driving or operating a for-hire vehicle, drivers shall be hygienically clean, well-groomed, and neat and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(2) The term "well-groomed" shall mean that male drivers shall be clean-shaven, except for those parts of the face where a beard or mustache is worn and their hair shall be neatly trimmed; beards or mustaches shall be groomed and neatly trimmed at all times in order not to present a ragged appearance. For all drivers, it shall mean that scalp or facial hair shall be combed or brushed and that all clothing is clean, free from soil, grease and dirt, and without unrepaired rips or tears.

(3) The term "neat and suitably dressed" shall be interpreted to require that a driver shall be fully covered by clothing at a minimum from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms. Drivers shall wear shoes. It shall not be permissible for any driver to wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swim wear, jogging or warm-up suits or sweatshirts or similar attire, jogging or bathing shorts or trunks, or sandals. Trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(z) For-hire vehicles shall comply with the California Vehicle Code, e.g., not impede traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers, including taxicab, shall not load or unload passengers in traffic lanes.

(aa) Smoking is not permitted at any time inside a MTS-permitted vehicle.

(bb) A driver or permit holder shall not prejudice, disadvantage, or require a different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex or any characteristic listed or defined in Section 11135 of the Government Code.

(cc) A driver shall not use rude or abusive language toward a passenger(s) or conduct any physical action that a reasonable person would construe as threatening or intimidating.

(dd) A driver may refuse a fare if it is readily apparent that the prospective or actual fare is a hazard to the driver or operator. A driver is not obligated to transport any person who is verbally or otherwise abusive to the driver. Such incidents shall also be noted on the trip log and notification shall be immediately sent to the dispatch service organization, if a taxicab, which shall record the incident and keep the record for the minimum of 6 months.

(ee) No driver shall stop, park, or otherwise leave standing any MTS permitted vehicle within fifteen (15) feet of any fire plug except as modified in Section 2.5 of this Ordinance.

(ff) No driver shall stop, park or otherwise leave standing any MTS permitted vehicle in a disabled parking zone except as authorized per California Vehicle Code section 22507.8.

(Section 1.8 amended 11/8/2018, effective 1/1/2019)

(Section 1.8 amended 12/14/2017)

(Section 1.8 amended 10/13/2016)

(Section 1.8 amended 5/12/2016)

(Section 1.8 amended 2/12/2015)

(Section 1.8 amended 8/7/2003)

(Section 1.8 amended 11/14/2002)

(Section 1.8 amended 9/24/1998)

(Section 1.8 amended 2/13/1997)

(Section 1.8 amended 6/24/1993)

Section 1.9 - Public Liability

(a) It shall be unlawful to operate a for-hire vehicle unless the permit holder establishes and maintains in effect one of the forms of financial responsibility specified in this section.

(1) This requirement may be met by maintaining a valid policy of insurance executed and delivered by a company authorized to carry on an insurance business, the financial responsibility of which company has been approved by the Chief Executive Officer. The terms of the policy shall provide that the insurance company assumes financial responsibility for injuries to persons or property caused by the operation of the for-hire vehicle in an amount determined by the Chief Executive Officer.

(2) The permit holder may also meet this requirement by obtaining a certificate of self-insurance for a specified amount approved by the Board and pursuant to the applicable provisions of the California Vehicle Code.

(b) A valid proof of insurance issued by the company providing the insurance policy required under Subsection (a) (1) of this section shall be filed with and approved by the Chief Executive Officer. This certificate shall provide that MTS is a named certificate holder and shall be placed in each vehicle, per California Vehicle Code Section 16020. It shall also provide that the insurer will notify MTS of any cancellation and that the cancellation notice shall be in writing and shall be sent by registered mail at least thirty (30) days prior to cancellation of the policy. The certificate shall also state:

- (1) The full name of the insurer;
- (2) The name and address of the insured;
- (3) The insurance policy number;
- (4) The type and limits of coverage;
- (5) The specific vehicle(s) insured;
- (6) The effective dates of the certificate; and
- (7) The certificate issue date.

(Section 1.9 amended 9/17/2015)

(Section 1.9 amended 11/14/2002)

Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements

(a) Every person engaged in the business of operating a for-hire vehicle within the City under a permit granted by the Chief Executive Officer shall maintain:

(1) Financial records, including but not limited to the current executed taxicab driver lease agreement that includes all aspects of the business relationship between the permit holder and the lessee, and written receipts of all payments from lessee in accordance with good accounting practices;

(2) Ownership records; and

(3) Operating records in a form, and at intervals, which shall be determined from time to time by the Chief Executive Officer.

(b) Ownership and operating records shall be made available to the Chief Executive Officer upon demand at any reasonable time. The permit holder shall retain operating records for a minimum of six (6) months from the date the records are created.

(c) For purposes of this section, ownership records shall include, but are not limited to, the following:

(1) Copies of the Articles of Incorporation as filed with the Secretary of State of California;

(2) Records identifying all corporate officers and members of the corporation's Board of Directors. A corporation shall report any change in corporate officers or members of its Board of Directors to MTS within ten (10) days of the effective date.

(3) A stock register recording the issuance or transfer of any shares of the corporate stock; and

(4) The registration cards issued by the State of California Department of Motor Vehicles to the vehicle owner for all for-hire vehicles operated under the authority of an MTS for-hire vehicle permit. Valid proof of registration shall be maintained in the vehicle at all times.

(d) For purposes of this section, operating records shall include, but are not limited to, the following:

(1) Typed or written dispatch records for taxicab companies which operate their own dispatch service;

(2) Any logs which a for-hire vehicle driver keeps describing the trips carried by a for-hire vehicle other than a taxicab;

(3) Copies of the daily trip log required by taxicab or LSV drivers under Section 2.4 (o); and

(4) Any other similar records.

(e) Between January 1 and December 31 of each calendar year, every permit holder shall file with the Chief Executive Officer a signed statement which shall report and attest to the accuracy of the following information:

(1) The individual name(s), business name, business address, and telephone number of the permit holder(s);

(2) The name and address of all legal and registered owner(s) of the for-hire vehicle(s);

(3) The name and address of each person with a financial interest in the business which operates the vehicle(s); and

(4) The year, manufacturer, model, vehicle identification number, license plate, and medallion number affixed to the permitted vehicle(s).

(f) If the permit holder is an individual, the permit holder must email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a partnership, one of the partners must email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a corporation or LLC, an officer of the corporation, or a member of the LLC, authorized to represent the company, must email, mail or appear in person in the offices of MTS to file the statement and provide evidence San Diego City Council Policy 500-02 requirements are being met. If email or mail is used, the email address or mailing address used by the permit holder must be an email address or mailing address that is on file with the Chief Executive Officer.

(Section 1.10 amended 11/8/2018, effective 1/1/2019)

(Section 1.10 amended 5/12/2016)

(Section 1.10 amended 2/12/2015)

(Section 1.10 amended 8/7/2003)

(Section 1.10 amended 11/14/2002)

(Section 1.10 amended 6/24/1993)

Section 1.11 - Destruction, Permanent Replacement, ~~or Retirement~~ or Inactive Status of For-Hire Vehicles

(a) Whenever a for-hire vehicle is destroyed, rendered permanently inoperative, is sold, or the permit holder is no longer the owner of the for-hire vehicle, the permit holder shall notify the Chief Executive Officer in writing within forty-eight (48) hours.

(b) If a taxicab permit holder plans to change where it is Substantially Located, the permit holder shall notify the Chief Executive Officer and the new jurisdiction in which it will become Substantially Located within six (6) months or as soon as practicable prior to making that change.

~~—— (bc) A replacement vehicle must be placed in service within ninety (90) days of the date the original vehicle is removed from service unless prior written permission has been obtained from the Chief Executive Officer. It is the intent of this section that the Chief Executive Officer, in granting such permission, gives due consideration to the operating situation of the permit holder on a case-by-case basis. A permit holder may place a for-hire vehicle under inactive status after written permission is obtained from the Chief Executive Officer.~~

The following guidelines are to be used in granting permission ~~for a permit holder to take longer than ninety (90) days in placing a replacement vehicle in service.~~

for a for-hire vehicle to be placed and kept -on inactive status-:

- (1) No lapse in payment of annual regulatory fees during any time of inactive status-;
- (2) Permit must be in good standing (e.g. no pending disciplinary or enforcement action); and
- (3) Annual statement must be filed in accordance with Section 1.10(e).

(d) At any time a permit holder may bring a for-hire vehicle under inactive status back into service after written permission is obtained from the Chief Executive Officer.

————— The following guidelines are to be used in granting permission to return a for hire vehicle under inactive status back to service:

- (1) Permit holder must notify Chief Executive Officer in writing of their intent to place their vehicle back into service;
- (2) Permit holder must show proof of a valid vehicle insurance policy as required by Section 1.9;
- (3) Permit holder must show proof of current vehicle registration;
- (4) Permit holder must show proof of current subscription to a dispatch service organization-, if a taxicab; and
- (5) Vehicle must pass MTS required -inspection.

~~(1) — The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and identifying a plan and timetable for placing the replacement vehicle in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.~~

~~(2) — The plan and timetable submitted must reflect a reasonable approach for placing the vehicle in service within the shortest possible time frame.~~

~~(3) — An additional period of time, not to exceed sixty (60) calendar days, may be granted to a permit holder in case of severe personal illness or other similar hardship.~~

~~(4) — An additional period of time, not to exceed thirty (30) calendar days, may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.~~

~~(5) — No extensions will be granted to any permit holder who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs of operating a for-hire vehicle.~~

~~(6) — No more than one (1) extension will be granted for each vehicle in a single twelve (12) month period.~~

(e) The Chief Executive Officer shall, as a matter of owner right, allow the replacement of a vehicle which is destroyed, rendered inoperative, sold or transferred, provided that the permit holder has complied with, and the for-hire vehicle is in conformance with, all applicable provisions of this Ordinance. An owner must remove the markings from the vehicle that indicate it is a taxicab or LSV before the owner disposes of it.

~~(d) When a permit holder retires any for-hire vehicle or vehicles from service and does not replace them within ninety (90) days, the permit for each such retired for-hire vehicle shall be considered abandoned and will be void. The permit holder shall immediately surrender each related medallion to the Chief Executive Officer. Such abandoned permits may not be restored by any means other than through application for new permits in the manner provided in this Ordinance.~~

(Section 1.11 amended 2/14/2019)

(Section 1.11 amended 10/13/2016)

(Section 1.11 amended 8/7/2003)

(Section 1.11 amended 11/14/2002)

(Section 1.11 amended 2/13/1997)

Section 1.12 - Driver's Identification Cards

(a) No person shall drive or operate any for-hire vehicle under the authority of a permit granted under this Ordinance unless such person has and displays a valid driver's identification card obtained annually through the Sheriff of the County of San Diego.

(b) No permit holder shall employ as a for-hire vehicle driver or operator any person who has not obtained a for-hire vehicle driver's identification card through the Sheriff of the County of San Diego.

(c) No permit holder shall employ as a driver or operator any person whose privilege to operate a for-hire vehicle within the City has expired, or has been revoked, denied or suspended or prohibited.

(d) A driver may drive for more than one permit holder. The driver must, however, have on file with and accepted by the Sheriff of the County of San Diego, a separate application on forms provided by the Sheriff, for each permit holder with whom he has a current driving agreement. A driver may have on file with the Sheriff a maximum of four (4) such applications at any one time. It shall be unlawful for a driver to accept or solicit passengers for hire in the City or County while operating the taxicab or LSV of any permit holder for whom the driver does not have such an application on file with the Sheriff.

(e) No person shall drive or operate any for-hire vehicle, under the authority of a permit granted under this Ordinance unless such person has successfully completed an MTS-approved driver safety training course concerning driver safety rules and regulations, map reading, crime prevention, courtesy and professionalism, compliance with ADA, and a corresponding qualification examination.

(f) No person who has received a notice of prohibition pursuant to Section 1.14, or whose privilege to operate a for-hire vehicle within the City has expired, or has been suspended, revoked or denied by the Sheriff or the Chief Executive Officer shall drive or operate a for-hire vehicle within the City.

(g) No for-hire vehicle driver's identification card shall be issued or renewed to any of the following persons:

(1) Any person under the age of twenty-one (21) years.

(2) Any person who has been convicted of a felony involving a crime of force or violence against any person, or the theft of property, unless five (5) years have elapsed since his or her discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time his or her record is good.

(3) Any person who has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the driver to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(4) Any person who, within the five (5) years immediately preceding the processing of the application, has been convicted of or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally related to the for-hire vehicle industry or any similar business operation which would have authorized the suspension or revocation of the driver's identification card in accordance with Section 1.14 of this Ordinance.

(5) Any person who is required to register as a sex offender pursuant to the California Penal Code.

(6) Any person who has provided false information of a material fact in their application within the past five (5) years.

(7) No person shall obtain or renew a driver's identification card unless such person has successfully completed a driver safety training course approved by the Chief Executive Officer.

(8) When a driver permanently no longer drives for an MTS Taxicab Administration permit holder, the permit holder shall report this to the Sheriff's Department within ten (10) calendar days.

(h) The Sheriff is authorized to issue temporary for-hire vehicle driver identification cards pending the approval or denial of an application for a regular for-hire vehicle driver identification card. No temporary for-hire vehicle driver identification card shall be issued without the satisfactory completion of a local law enforcement agency record check of the applicant. Any temporary identification card so issued shall be valid for a period not to exceed ninety (90) days or until the date of approval or denial of the application for a regular for-hire vehicle driver identification card, whichever shall occur first. The issuance of a temporary identification card hereunder shall not authorize the operation of a for-hire vehicle following the denial of the application while pending the resolution of any appeal otherwise provided for in Section 1.16 of this Ordinance. The Sheriff or the Chief Executive Officer shall establish nonrefundable filing fees to defray the costs of processing regular and temporary driver identification cards.

(Section 1.12 amended 11/8/2018, effective 1/1/2019)
(Section 1.12 amended 12/14/2017)

(Section 1.12 amended 5/12/2016)
(Section 1.12 amended 11/15/2012)
(Section 1.12 amended 8/7/2003)
(Section 1.12 amended 11/14/2002)
(Section 1.12 amended 9/24/1998)
(Section 1.12 amended 10/30/1997)
(Section 1.12 amended 11/9/1995)

Section 1.13 - Suspension and Revocation of Permit

(a) Permits may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the permit holder's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance.

(2) The permit holder fails to comply with the applicable provisions of this Ordinance.

(3) The drivers of the for-hire vehicle or vehicles fail to act in accordance with those provisions of this Ordinance which govern driver actions. The permit holder shall have strict liability in this regard; however, this provision shall not restrict the Chief Executive Officer's ability to penalize a driver for violations of those provisions of this Ordinance which govern driver actions.

(4) ~~The owner shall cease to operate any for-hire vehicle for a period of ninety (90) consecutive days without having obtained written permission for cessation of such operation from the Chief Executive Officer. It is the intent of this section that the Chief Executive Officer, in granting such permission, gives due consideration to the operating situation of the permit holder on a case-by-case basis. The owner ceases to operate a for hire vehicle without having obtained written permission from the Chief Executive Officer.~~

(5) The permit holder is found to be operating a for-hire vehicle that is under inactive status.

~~The following guidelines are to be used in granting permission for a permit holder to cease operating a for-hire vehicle for a period longer than ninety (90) days.~~

~~(a) The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and identifying a plan and timetable for placing the vehicle back in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.~~

~~(b) The plan and timetable submitted must reflect a reasonable approach for placing the vehicle back in service within the shortest possible time frame.~~

~~(c) An additional period of time, not to exceed sixty (60) calendar days, may be granted to a permit holder in case of severe personal illness or other similar hardship.~~

~~(d) — An additional period of time, not to exceed thirty (30) calendar days, may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.~~

~~(e) — No extension will be granted to any permit holder who is unable to meet the basic operational costs including liability insurance, regulatory fees, and normal maintenance and repairs of operating a for-hire vehicle.~~

~~(f) — No more than one (1) extension in time will be granted for each vehicle permit in a single twelve (12) month period.~~

(56) The for-hire vehicle or vehicles, if operated as other than a taxicab, are operated at a rate of fare other than those fares on file with the Chief Executive Officer.

(76) The for-hire vehicle or vehicles, if operated as a LSV, are operated at a rate of fare greater than those fares on file with the Chief Executive Officer or posted on the taxicab or LSV pursuant to Section 2.2 (b) of this Ordinance.

(78) The for-hire vehicle or vehicles, if operated as a taxicab, are operated at a rate of fare greater than current maximum rate established by the Board pursuant to Section 2.2(a) of this Ordinance or posted the applicable rate provided to passenger pursuant to Section 2.4 (gg) of this Ordinance.

(89) The permit holder fails to begin operating the for-hire vehicle for which the permit is first approved within ninety (90) days after the approval date.

(910) The permit holder has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the applicant or permit holder to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(4011) The permit holder has been convicted of a crime that would require a person to register as a sex offender under the California Penal Code. For purposes of this section, a plea or verdict of guilty, a finding of guilt by a court, a plea of nolo contendere or a forfeiture of bail shall be considered a conviction.

(b) A permit holder shall be notified in writing within 10 working days when a credible complaint has been filed with the Chief Executive Officer by a member of the public where such complaint involves the permit holder, the driver of the permitted for-hire vehicle, or the dispatch service to which the permit holder is subscribed. It shall be the responsibility of the permit holder to investigate the complaint and report in writing to the Chief Executive Officer within 30 days the result of the investigation and any corrective action taken or proposed. Where the complainant has agreed to the sharing of their identity, the results of the investigation, findings, and actions shall be communicated to the complainant.

(c) In the event the Chief Executive Officer finds a permit holder has failed to responsibly respond to notification of complaints or to initiate corrective action, the Chief Executive Officer shall issue a notice of proposed adverse action to the permit holder. If the circumstances of the complaint or subsequent investigation so warrant, the Chief Executive Officer may issue a notice of adverse action to a driver independently of or in conjunction with any adverse action

proposed to the permit holder. The Chief Executive Officer shall refer to the Administrative Penalty Guidelines in determining a proposed adverse action.

(d) The permit holder or driver in receipt of a notice of proposed adverse action shall be given the opportunity to appear for an informal hearing before the Chief Executive Officer or designated representative. Failure to appear will constitute waiver of the hearing. Following the hearing or waiver thereof, the Chief Executive Officer shall issue the notice of adverse action if justified by the facts. If the Chief Executive Officer determines that the performance of the permit holder or driver involves criminal activity or constitutes a serious degradation of the public safety, convenience, or necessity, a notice of adverse action may be issued and the action effected without hearing.

(e) Upon a finding by the Chief Executive Officer that a permit holder falls within the provisions of this section, the permit holder or driver shall be notified that his or her permit has been subjected to an adverse action and that the matter is such that the action may be appealed. In lieu of an action provided for in the Administrative Penalty Guidelines, the Chief Executive Officer may impose a fine or a fine and a period of suspension for any violation(s) of this Ordinance.

(Section 1.13 amended 2/14/2019)

(Section 1.13 amended 11/8/2018, effective 1/1/2019)

(Section 1.13 amended 12/14/2017)

(Section 1.13 amended 10/13/2016)

(Section 1.13 amended 5/12/2016)

(Section 1.13 amended 8/7/2003)

(Section 1.13 amended 11/14/2002)

(Section 1.13 amended 6/24/1999)

Section 1.14 - Suspension and Revocation of Driver's Identification Cards

(a) Driver's identification cards may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the driver's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance; or

(2) The driver fails to comply with the applicable provisions of this Ordinance; or

(3) Circumstances furnish grounds for the denial, suspension, revocation or refusal to renew the driver's identification card by the Sheriff under the terms of the applicable Ordinance of the County of San Diego; or

(4) His/her California Driver's License is revoked or suspended; or

(5) The driver is convicted of reckless driving or driving while under the influence of intoxicating liquors and/or narcotics; or

(6) The driver has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any crime involving force and violence, or reasonably and rationally is related to the ability or integrity of the driver to operate a for-hire vehicle or transport passengers; or

(7) The driver has ever been convicted of a crime that requires registration under the California Penal Code as a sex offender.

(b) For purposes of Subsections (a) (1) through (a) (6) of this section, a plea of nolo contendere, or a forfeiture of bail shall be considered a conviction if it occurred within the five (5) years immediately preceding the date of application for a permit or identification card.

(c) Notwithstanding a driver's possession of a valid taxicab or LSV driver identification card, the Chief Executive Officer may deny, suspend, revoke, or refuse to renew the driver's privilege to operate a for-hire vehicle in the City if the driver falls within the provisions of this section. The Chief Executive Officer shall send a notice of prohibition the date postmarked to operate a taxicab or LSV to any holder of a Sheriff's driver identification card who is ineligible under Subsection (a) to operate a for-hire vehicle within the City limits. The notice of prohibition shall be appealable in accordance with Section 1.16.

(Section 1.14 amended 5/12/2016)

(Section 1.14 amended 8/7/2003)

(Section 1.14 amended 11/14/2002)

(Section 1.14 amended 6/24/1999)

Section 1.15 - Surrender of Medallion

(a) When a permit has been suspended or revoked, the operation of any for-hire vehicle authorized by such permit shall cease, and its medallion surrendered immediately to the Chief Executive Officer.

(Section 1.15 amended 11/14/2002)

Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or Driver's Identification Card or Related Adverse Action

(a) The permit holder or driver shall be notified that he or she may file with the Chief Executive Officer a written administrative appeal ten (10) days after delivery of the notice of revocation or suspension, or the denial of a license, permit, or driver's identification card, the notice of prohibition to operate or the imposition of a fine. The permit holder or driver shall set forth in the appeal the reasons why such action is not proper.

(b) If no administrative appeal is filed within the proper time, the permit or driver's identification card shall be considered revoked, suspended or denied, and shall be surrendered, the fine be imposed, as applicable, or the notice of prohibition to operate take effect.

(c) Except as provided in Subsection (d), once an administrative appeal is filed, the revocation or suspension of the permit or driver's identification card, the effect of the notice of prohibition to operate, or the imposition of the fine shall be stayed pending the final determination of the administrative appeal.

(d) If, in the Chief Executive Officer's opinion, the continued operation of a for-hire vehicle or possession of a driver's identification card represents an unsafe condition for any passenger or pedestrian, the revocation or suspension of the related permit, driver's identification card, or the effect of any notice of prohibition to operate shall not be stayed. A revocation or suspension of a permit imposed for failure to comply with Section 1.8 (f) or Section 1.9 is rebuttably presumed to represent an unsafe condition pending the determination of the appeal or the correction of the violation, whichever shall occur first. Notwithstanding, no medallion shall be reaffixed to a vehicle until the violation under Sections 1.8 (f) or 1.9 has been corrected.

(Section 1.16 amended 8/7/2003)

(Section 1.16 amended 11/14/2002)

Section 1.17 - Procedure Upon Administrative Appeal

(a) When an appeal is filed, the Chief Executive Officer shall review the appeal, and based on additional information provided therein, may revise the findings and penalty; in accordance with the additional information provided; or cause the appeal to be assigned to a Hearing Officer, who shall expeditiously schedule the hearing before him/her.

(1) The Chief Executive Officer shall use California Department of General Services, Office of Administrative Hearings Administrative Law Judges as Hearing Officers. The assignment of Administrative Law Judges as Hearing Officers shall be determined by the California Department of General Services, Office of Administrative Hearings.

(2) The Hearing Officer shall be a member of the California State Bar and shall not be an MTS employee.

(b) The appellant and the Chief Executive Officer or designate shall each have the right to appear in person and be represented by legal counsel, to receive notice, to present evidence, to call and cross-examine witnesses under oath, and to present argument.

(c) An appellant may select an individual to interpret for them. MTS will not pay any costs or be held responsible for any aspect of the interpreter's ability to accurately interpret the hearing.

(1) The Hearing Officer shall have the power to compel attendance of witnesses and documents by subpoena, in accordance with state law.

(2) The formal rules of evidence need not apply, and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs shall be admissible. Hearsay evidence may be considered by the Hearing Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The formal exceptions to the hearsay rule shall apply.

(d) The Chief Executive Officer shall promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.

(e) The decision of the Hearing Officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.

(f) If the Hearing Officer decides to suspend or revoke a permit or driver's identification card, the appellant shall immediately surrender the medallion or driver's identification card to the Chief Executive Officer.

(Section 1.17 amended 5/12/2016)

(Section 1.17 amended 11/15/2012)

Section 1.18 - Exceptions to Provisions

(a) The provisions of this Ordinance do not apply to:

(1) a vehicle properly licensed under the jurisdiction of the California Public Utilities Commission (CPUC) unless such vehicle also provides transportation services regulated by MTS under this Ordinance;

(2) or to public transit vehicles owned, operated, or contracted for by MTS; or

(3) to a vehicle properly licensed by the State or County as an ambulance.

(b) For compliance purposes, MTS inspectors may inspect all CPUC licensed vehicles, ensure they are not exceeding the authority granted by their license or operating as unlicensed private-hire transportation provider.

(Section 1.18 amended 12/14/2017)

(Section 1.18 amended 5/12/2016)

(Section 1.18 amended 11/15/2012)

(Section renumbered to 1.18 9/24/1998)

(Section 1.17 amended 1/12/1995)

(Section 1.17 amended 6/24/1993)

Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines

(a) Except where Board action is specifically required in this Ordinance, the Chief Executive Officer may adopt any rules and regulations reasonable and necessary to implement the provisions of this Ordinance. The Chief Executive Officer shall promulgate a schedule of administrative fines and penalties for violations of this Ordinance in lieu of the revocation or suspension of a permit or identification card, a copy of which schedule shall be filed with the Clerk of the Board.

(Section renumbered to 1.19 9/24/1998)

Section 1.20 - Americans with Disabilities Act

(a) Permit holders, vehicles, and drivers are required to comply with the requirements of the federal Americans with Disabilities Act (ADA), and ADA regulations are hereby incorporated into MTS Ordinance No. 11 by reference. A violation of ADA requirements is a violation of this Ordinance and subject to a fine or suspension or revocation or a combination.

(Section renumbered to 1.20 9/24/1998)

(Section 1.19(a) was added 4/10/1997)

SECTION 2.0 - TAXICABS AND/OR LSVs

Section 2.1 - Types of Service

(a) A taxicab or LSV is authorized to provide exclusive ride and group ride service.

(Section 2.0 and 2.1 amended 8/7/2003)

Section 2.2 - Rates of Fare

(a) After a noticed and open public hearing of the Taxicab Advisory Committee, MTS shall establish a maximum rate of fare for exclusive ride and group ride hire of taxicabs and/or LSVs

except for trips from San Diego International Airport. A permit holder may petition the Board for any desired change in the maximum taxicab or LSV rates for exclusive ride and/or zone rates and group ride hire.

(b) Taxicab trips from San Diego International Airport shall not be charged more than the authorized maximum rate of fare. Notwithstanding, rates for trips originating at the airport may include an extra charge equal to the Airport Access Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the passenger by visually identifying the Airport Access Fee on the taxicab meter. A driver may not verbally request payment. All taxicabs utilizing the Airport Access Fee must have a decal, approved by the Chief Executive Officer and the County of San Diego Office of Weights and Measures. The decal shall identify and accurately describe the extra charge consistent with regulatory requirements.

(c) All taxicabs shall accept major credit cards including, but not limited to, VISA, MasterCard, American Express, and Discover. Credit Card fees shall not be passed onto passengers.

(d) The taxicab permit holder or taxicab driver shall disclose fares, fees or rates to the passenger. The taxicab permit holder or taxicab driver may disclose by website, mobile telephone application or telephone orders.

(e) It shall be unlawful for a permit holder or driver to operate any taxicab in the City or County, unless the vehicle is equipped with a Taximeter that meets the requirements of the State of California.

(1) If Hard Meter, each taxicab permit holder shall have the Taximeter set by properly licensed personnel for the rate that he/she will charge and have the Taximeter sealed and inspected.

(2) If Soft Meter, a certificate of approval must be provided by the California Department of Food and Agriculture Division of Measurement Standards

(3) The Taximeter shall calculate fares upon the basis of a combination of mileage traveled and time elapsed. When operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this, and when the vehicle is not in motion.

(4) Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate. Waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged the taxicab.

(5) It shall be the duty of every permit holder operating a taxicab to keep the Taximeter in proper condition so that the Taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The Taximeter shall be at all times subject to the charge for the distance traveled and waiting time.

(6) The Taximeter shall be at all times subject to inspection by an MTS inspector or any peace officer. The MTS inspector or peace officer is hereby authorized at his or her instance or upon complaint of any person to investigate or cause to be investigated the Taximeter, and upon discovery of any inaccuracy in the Taximeter, or if the Taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of the City until the Taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and Taximeter must be inspected and approved by the Chief Executive Officer.

(7) Any device repairperson who places into service, repairs, or recalibrates a Taximeter shall record the tire size and pressure of the drive wheels of that vehicle, as tested, on the repair person's sticker.

(8) It shall be the duty of the permit holder to ensure the proper device repair person's sticker is affixed to the Taximeter and to ensure the tires are the proper size.

(f) It shall be unlawful for any driver of a taxicab, while carrying exclusive or group ride passengers, to display the flag or device attached to the Taximeter in such a position as to denote that the vehicle is for hire, or is not employed, or to have the flag or other attached device in such a position as to prevent the Taximeter from operating. It shall be unlawful for any driver to throw the flag into a position which causes the Taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into non-recording position at the termination of each and every service.

(g) The Taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well-lighted and easily readable by the passenger riding in such taxicab.

(h) It shall be unlawful for any permit holder and/or driver of a taxicab or LSV to demand of a passenger a charge for hire which is greater than the current maximum rate approved by the Board pursuant to Section 2.2 (a) or (b) of this Ordinance.

(i) Except as provided in this section, it shall be unlawful for any permit holder and/or driver to demand of a passenger a charge for hire which is greater than the permit holder's meter rate pursuant to Sections 2.1 (a), or 2.2 (c) of this Ordinance.

(j) Nothing in this Ordinance shall preclude a permit holder or driver from agreeing with prospective passenger(s) to a rate of fare which is less than the permit holder's posted rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip.

(Section 2.2 amended 11/8/2018, effective 1/1/2019)

(Section 2.2 amended 12/14/2017)

(Section 2.2 amended 5/12/2016)

(Section 2.2(c)(2)amended 11/15/2012)

(Section 2.2(b) amended 4/19/2012)

(Section 2.2 amended 8/7/2003)

(Section 2.2 amended 5/8/2003)

(Section 2.2 amended 11/14/2002)

(Section 2.2 amended 6/24/1999)

(Section 2.2 amended 9/24/1998; Section 2.2c operative May 1, 1999)

(Section 2.2 amended 10/30/1997)

(Section 2.2 amended 4/10/1997)

Section 2.3 - Equipment and Specifications

(a) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed, if applicable, by an authorized representative of the State of California, and thereafter so maintained in a manner satisfactory to the Chief Executive Officer.

(b) Each taxicab may be equipped with a device which plainly indicates to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(c) Mandatory Exterior Markings: The permit holder must display one of the following exterior markings schemes on each taxicab:

(1) Exterior Marking Scheme 1: The following must be displayed if in use of Exterior Marking Scheme 1:

(A) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both rear doors or both rear quarter panels utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

(B) The medallion number shall be painted or permanently affixed, on both rear doors or both rear quarter panels, one (1) inch below the permit holder's trade name, six (6) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(2) Exterior Marking Scheme 2: The following must be displayed if in use of Exterior Marking Scheme 2:

(A) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both front doors utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

(B) The medallion number shall be painted or permanently affixed, on both front doors, one (1) inch below the permit holder's trade name, six (6) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(C) The permit holder's trade name and medallion number shall be painted or permanently affixed on the rear of the taxicab, four (4) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the rear of the vehicle does not have four inches of vertical space for the

trade name and medallion number, the rear lettering may be less than four inches, provided that it is easily readable from a distance of 50 feet.

(d) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her taxicab which must be posted only at the specific location and in the size noted.

(1) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

(2) Dispatch Service Provider. If the permit holder chooses to display the dispatch service provider name or logo, the dispatch service provider name or logo cannot utilize the words "cab" or taxi." The dispatch service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

(3) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than three (3) inches in height and posted only on the top front portion of both front side quarter panels.

(4) "Driver Carries Only \$ _____ Change". If the permit holder chooses to post "Driver Carries only \$ _____ Change", postings must be located only on rear quarter panels near the rear door but clear of the rates of fare.

(5) "Leased to Driver". If permit holder chooses to post "Leased to Driver," it must be posted only on both side rear quarter panels near the rear door but clear of the rate of fares in lettering no larger than 1 inch.

(6) Body Numbers. If the permit holder chooses to post an internally assigned body number, different from the medallion number, the body number shall be posted in one (1) inch numerals on the front and rear bumpers.

(e) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(f) All taxicabs shall be equipped and operated so that they may be dispatched by two-way radio or two-way electronic communication, monitored by a dispatcher, in response to a telephone or other request for service by a prospective passenger.

(1) Means of dispatch device must be turned on, and audible to driver, at all times the taxicab is in service.

(2) Dispatch equipment, such as a two-way radio, cellular phone or tablet, shall be securely mounted within the vehicle in such a way to be visible to peace officers and MTS inspectors and allow for hands-free operation while the vehicle is in motion.

(g) If radio dispatch capability is utilized, the dispatch service must abide by the following: the radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission (FCC) pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

(1) The current valid FCC license shall be on file with MTS.

(2) Taxicab permit holder shall provide current proof the radio or electronic device has passed inspection by an MTS-approved inspector.

(3) Taxicab radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(h) Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions. The device must be visible to all passengers and must allow the passenger to operate the payment device independently of the driver, without having to hand the credit card to the driver. The device must be fully operational at all times. The permit holder or dispatch service shall be the merchant of record associated with the device. Any means of electronic credit card acceptance is acceptable so long as it complies with the provisions set forth in Section 1.8 (r).

(Section 2.3 amended 11/8/2018, effective 1/1/2019)

(Section 2.3 amended 12/14/2017)

(Section 2.3 amended 10/13/2016)

(Section 2.3 amended 5/12/2016)

(Section 2.3 amended 2/12/2015)

(Section 2.3 amended 11/15/2012)

(Section 2.3 amended 6/27/2002)

(Section 2.3 amended 9/24/1998; Section 2.3c operative May 1, 1999)

(Section 2.3 amended 6/27/1991; effective 7/27/1991)

(Section 2.3 amended 4/10/1997)

Section 2.4 - Operating Regulations

(a) Operating regulations shall be promulgated and adopted from time to time by resolution of the Board. These resolutions will have the force of law and will be published and processed as though set forth in this Ordinance.

(b) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to the destination safely and expeditiously.

(c) A failure of the driver of any taxicab or LSV to assist a passenger with the loading or unloading of a reasonable size, number, and kind of passenger luggage or other items, when requested to do so, shall be specifically defined as a violation of this section.

(1) A driver is not required to lift any single piece of passenger luggage or other item that exceeds 25 pounds in weight. The requirement for loading or unloading assistance shall be limited to retrieval from or deposit onto the nearest curbside adjacent to the legally parked taxicab or LSV. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE."

(2) A driver with a lawful disability that prevents him/her from handling items as defined in subsection (2) above is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (2). A driver so situated may affix a small sign either in the passenger section of the vehicle to be clearly visible to a rear seat

passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(d) It shall be unlawful for taxicab operators to refuse or discourage a prospective or actual fare based upon trip length within City or County, or method of payment. Driver shall not refuse payment by credit card.

(1) A vehicle designated as an LSV may refuse a prospective or actual fare if the trip distance is outside allowed areas of operations.

(2) A failure to promptly dispatch (within the standards required by Sections 2.6(a)(1), (2), and (3) of this Ordinance), or any action by a driver of any taxicab or LSV to refuse or discourage a prospective or actual passenger who must transport foodstuffs or who must meet a medical appointment, irrespective of trip length, shall be specifically defined as a violation of this section so long as that prospective passenger has notified the dispatch service of this circumstance at the time a request for taxi service was made.

(e) No driver of any taxicab or LSV shall stop, park, or otherwise leave standing a taxicab or LSV on the same side of the street in any block in which taxicabs or LSVs are already stopped, parked, or otherwise standing except the taxicab or LSV may actively unload in a passenger loading zone or be parked in a marked taxi/LSV stand.

(f) No driver shall stop, park or otherwise leave standing a taxicab or LSV within one-hundred (100) feet of any other taxicab or LSV except in a marked taxi/LSV stand or while actively loading or unloading passengers.

(g) An out-of-service sign must be displayed when the taxicab or LSV is not available for hire and is being operated or is lawfully parked for purposes of maintenance, inspection, or personal use. The sign must be placed in a location in the vehicle that is clearly visible from the exterior of the vehicle. The sign must be of durable material and written in block letters in black ink and easily readable from a distance of not less than ten (10) feet.

(h) A taxicab driver may seek passengers by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic.

(i) It shall be unlawful, however, for the driver to seek passengers by stopping at or driving slowly in the vicinity of an entertainment center or transportation center or any other location of public gathering, in such a manner as to interfere with public access to or departure from that center or location, or so as to interfere with or impede traffic.

(j) It shall also be unlawful for a taxicab or LSV driver, having parked and left his or her taxicab or LSV, to solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.

(k) No person shall solicit passengers for a taxicab or LSV other than the driver thereof; however, the Chief Executive Officer may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his or her discretion, public service and traffic conditions require.

(l) It shall be unlawful for the driver or operator of any taxicab or LSV to remain standing in any established taxicab or LSV stand or passenger loading zone, unless the driver or operator

remains within twelve (12) feet of his or her taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

(m) Only paying passengers and persons specifically authorized by the Chief Executive Officer may occupy a taxicab or LSV that is already occupied by a paying passenger. No driver, once a paying passenger has occupied the taxicab or LSV, shall permit any other nonpaying passenger to occupy or ride in the taxicab or LSV.

(n) It shall be unlawful to respond to a call for service dispatched to another operator except when an LSV refers service to another operator because the trip distance is outside of the approved area of jurisdiction.

(o) The taxicab or LSV driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name, taxicab or LSV number, date, time, beginning odometer reading, starting and ending locations, type of service provided, and fare paid for each trip provided.

(1) The daily trip log shall consist, at a minimum, of a five- by seven-inch paper form retained on a stiff-board writing surface with ruled lines and columns sufficient to contain the required information. All entries will be in black or dark blue ink, block letters, and be clearly legible. Colored paper that is lightly shaded is allowed provided there is sufficient contrast for entries to be easily read. Onboard electronically generated reports that meet the legibility requirements are acceptable.

(2) The driver shall deliver trip logs to the permit holder upon request or at a weekly interval, whichever is less.

(3) If a taxicab, the trip log shall be retained for at least 18 months.

(p) All operating regulations set forth in Section 1.8 apply.

(q) The permit holder or the driver of the taxicab shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walkup rides and street hails. The rate may be provided on the exterior of the vehicle, with an application of a mobile phone, device, or other internet-connected device, or be clearly visible in either print or electronic form inside the taxicab.

(Section 2.4 amended 11/8/2018, effective 1/1/2019)

(Section 2.4 amended 12/14/2017)

(Section 2.4 amended 10/13/2016)

(Section 2.4 amended 5/12/2016)

(Section 2.4 amended 2/12/2015)

(Section 2.4 amended 11/15/2012)

(Section 2.4 amended 8/7/2003)

(Section 2.4 amended 11/14/2002)

(Section 2.4 amended 6/24/1999)

(Section 2.4 amended 2/13/1997)

(Section 2.4 amended 6/27/1991; effective 7/27/1991)

Section 2.5 - Stands

(a) The Chief Executive Officer may establish, locate and designate shared use taxicab/LSV stands for one or more taxicabs/LSVs, which stands when so established shall be

appropriately designated "Taxis/LSVs Only." The operating regulations of this Ordinance shall apply to such stands and to taxicab/LSV stands established by the San Diego Unified Port District in areas under its jurisdiction within the City.

(b) Each taxicab or LSV stand established hereunder may be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer.

(c) Any individual, partnership, association, or other organization may petition MTS requesting that a new taxicab/LSV stand be established, or that the location of an existing taxicab/LSV stand be changed to another location. A nonrefundable filing fee to be determined by the Chief Executive Officer must be paid at the time the petition is submitted.

(d) It shall be unlawful for a vehicle other than a taxicab or LSV with a proper MTS taxicab or LSV permit to occupy a taxi/LSV stand.

(e) LSVs may only occupy taxicab stands that are specially signed, designated their approved use.

(Section 2.5 amended 11/15/2012)

(Section 2.5 amended 8/7/2003)

Section 2.6 - Dispatch Services

(a) In order to provide taxicab dispatch service required by Section 2.3(d, e), the dispatch service organization adding or changing subscribers after July 1, 1991 shall establish and conform to written policies and procedures concerning the following:

- (1) Standard time elapse for answering the telephone service-request line(s).
- (2) Standard time elapse for the taxicab's arrival at requested pick-up location.
- (3) Passenger's request for a specific driver ("personals").
- (4) Additional two-way communication devices (mobile or cellular phones) in taxicabs
- (5) Lost and found for passengers' items.
- (6) Assignment of vehicle body numbers.
- (7) Immediately notify the permit holder of all lost items and inquiries.

Current written policies and procedures shall be available to subscribers from the radio dispatch organization, and on file with MTS.

(b) Taxicab service organizations shall, 24 hours a day, have dispatch staff on duty at the business location, which must be a preapproved physical address, answer telephone- request line(s), properly dispatch those requests to all members, provide radio response to all licensed radio frequencies/channels, and respond to direct requests from drivers, permit holders, and MTS as well as law enforcement and local regulatory agencies.

(c) Taxicab dispatch services shall keep written records of all requests for taxi service, calls dispatched, and the time(s) each taxicab goes in and out of service. These records shall be kept on file for a minimum of six (6) months, and made available to MTS, upon request.

(d) No person, partnership, corporation, association, other organization providing radio or other dispatch service shall dispatch a request for service to a driver, owner, or vehicle unless the driver, owner, and vehicle are properly licensed to provide the service requested.

(e) The Chief Executive Officer may, at any time, revoke or suspend the taxicab privileges of or fine any person, partnership, corporation, association, other organization providing radio or other dispatch service that violates a provision of this ordinance.

(Section 2.6 amended 11/8/2018, effective 1/1/2019)

(Section 2.6 amended 12/14/2017)

(Section 2.6 amended 10/13/2016)

(Section 2.6 amended 11/15/2012)

(Section 2.6 amended 8/7/2003)

(Section 2.6 amended 9/24/1998)

(Section 2.6 added 6/27/1991; effective 7/27/1991)

Section 2.7 - Driver Safety Requirements

(a) No taxicab vehicle shall be operated unless such vehicle is equipped with an emergency signaling device approved by the Chief Executive Officer.

(b) No taxicab vehicle may be operated with window tinting, shades, or markings that could interfere with a clear view of the cab interior from the outside, unless equipped by the vehicle manufacturer and approved by an MTS inspector.

(c) Taxicab dispatch services required by Section 2.3 shall at all times have a dispatch staff person on duty who has successfully completed a driver safety training course approved by the Chief Executive Officer.

(d) The use of a cellular phone or other similar electronic device by drivers is prohibited at all times when the vehicle is in motion. Otherwise, California Vehicle Code rules apply.

(Section 2.7 amended 11/8/2018, effective 1/1/2019)

(Section 2.7 amended 12/14/2017)

(Section 2.7 amended 10/13/2016)

(Section 2.7 amended 5/12/2016)

(Section 2.7 amended 11/15/2012)

(Section 2.7 amended 8/7/2003)

(Section 2.7 added 9/24/1998)

Section 2.8 – Prearranged Trips by Taxicabs

(a) A Prearranged Trip shall mean a trip using an online enabled application, dispatch or Internet Web site.

(b) A MTS taxicab permit holder may provide Prearranged Trips anywhere within San Diego County.

(c) A taxicab not permitted by MTS, but permitted by another authorized agency within San Diego County, may provide Prearranged Trips within City or County. MTS will not require such a taxicab to apply for a permit with MTS if the taxicab is not Substantially Located in City or County. MTS will require such a taxicab to comply with ~~all~~ mechanical safety regulations within Section 1.8 (f) required of taxicabs permitted by MTS as a public health, safety and welfare measure.

(Section 2.8 amended 2/14/2019)

(Section 2.8 added 11/8/2018, effective 1/1/2019)

SECTION 3.0 - CHARTER VEHICLES

Section 3.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for charter services.

(b) If a permit holder desires to change the rates of fare being charged for charter services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for charter services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rates of fare shall be established by a prearranged written contract on a per-mile or per-hour basis.

(Section 3.1 amended 4/10/1997)

Section 3.2 - Operating Regulations

(a) It shall be unlawful for any charter vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) The charter for-hire vehicle driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name and the medallion number on the vehicle. In addition, the trip log shall identify the scheduling parties by name, date, and time of the prearranged hire. If the trip is medical in nature, the passenger's name may be omitted.

(d) All other operating regulations defined in Section 1.8 apply.

(Section 3.2 amended 12/14/2017)

(Section 3.2 amended 11/14/2002)

SECTION 4.0 - SIGHTSEEING VEHICLES

Section 4.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder of sightseeing vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for sightseeing services during any calendar year, the permit holder shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said changes.

(c) No permit holder shall charge any rate of fare for sightseeing services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rate of fare shall be established on a per capita or per event basis.

(Section 4.1 amended 11/8/2018, effective 1/1/2019)

(Section 4.1 amended 4/10/1997)

Section 4.2 - Operating Regulations

(a) It shall be unlawful for any sightseeing vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) All other operating regulations defined in Section 1.8 apply, except Section 1.8 (v).

SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES

Section 5.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for nonemergency medical vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for nonemergency medical vehicle services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for nonemergency medical vehicle services unless said rates are on file with the Chief Executive Officer as aforesaid.

(d) The rate of fare for exclusive ride service shall be established on a per capita plus per mile basis.

(e) The rates of fare for shared ride service shall be established on a per capita plus per mile basis, or on a per capita plus per zone basis.

(Section 5.1 amended 12/14/2017)
(Section 5.1 amended 4/10/1997)

Section 5.2 - Operating and Equipment Regulations

(a) It shall be unlawful for any nonemergency medical vehicle to remain standing on any public street in the City, except when enabling passengers to load or unload.

(b) All other operating regulations defined in Section 1.8 apply.

(c) Special equipment on a nonemergency medical vehicle shall, at all times the vehicle is in operation, be in proper working order. Such vehicles equipped with wheelchair ramps or lifts shall have proper device(s) to secure each wheelchair on board.

(d) The permit holder is responsible for ensuring that the driver of a nonemergency medical vehicle is properly trained:

(1) in the use of any of the vehicle's special equipment;

(2) concerning supervision of or assistance to the disabled passengers whom the driver is to transport.

(Section 5.2 amended 6/22/1995)
(Section 5.2 amended 6/24/1993)

Section 5.3 - Driver Identification Cards

In addition to the requirements set forth in Section 1.12, nonemergency medical vehicle drivers shall acquire and maintain valid proof of proper first-aid and CPR training.

(Section 5.3 added 6/24/1993)

SECTION 6.0 - JITNEY VEHICLES

Section 6.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for jitney services.

(b) If a permit holder desires to change the rates of fare being charged for jitney services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for jitney services unless said rates are on file with the Chief Executive Officer and duly displayed.

(d) The rates of fare shall be established on a per capita basis.

(Section 6.1 amended 11/8/2018, effective 1/1/2019)
(Section 6.1 amended 4/10/1997)

Section 6.2 - Jitney Routes

(a) A permit holder who wishes to provide a fixed route service shall apply to the Chief Executive Officer for authorization to serve a defined route with a specific vehicle. No for-hire vehicle may be operated as a jitney until it has met all other requirements of this Ordinance and has been approved for service on a specific fixed route. A jitney may be authorized to serve more than one route; however, a jitney may provide fixed route service on only those routes which the Chief Executive Officer has approved in writing for that vehicle.

(b) The application for a fixed route shall be in writing and shall contain the following information:

- (1) A description of the vehicle(s) which will be utilizing the route;
- (2) A detailed written description of the route, to include starting location, ending location, and the street name and direction of travel for all streets to be used in the route;
- (3) A map in sufficient detail to clearly indicate the proposed route;
- (4) The fare to be charged; and
- (5) Such other information as the Chief Executive Officer may, in his or her discretion, require.

(c) Upon approval of a fixed route by the Chief Executive Officer, the permit holder shall display a representation of the route, the fare, and the permit holder's trade name on each side of the vehicle in letters large enough to be easily read by potential customers in accordance with the standards established by the Chief Executive Officer under Section 6.5 of this Ordinance. Only one (1) route may be displayed on a vehicle at any time.

(d) If a permit holder wishes to alter his or her approved fixed route(s), he or she must apply in writing to the Chief Executive Officer, submitting the information required in Section 6.2 (b).

(e) The Chief Executive Officer may, in his or her discretion, place conditions on the approval of fixed routes.

(f) The Chief Executive Officer may change a route that has been approved previously when the Chief Executive Officer finds it necessary to do so. A change of route may be necessary when a street has been closed temporarily or permanently because of construction, or the direction of a street has been changed, or a street has been vacated, or for similar reasons as determined by the Chief Executive Officer. The Chief Executive Officer shall notify in writing any permit holder whose route has been changed. The Chief Executive Officer's change of a route is subject to appeal under Section 1.16 of this Ordinance.

(g) Except as provided for within this subsection, an approved fixed route may not be transferred to another vehicle or permit holder. A permit holder may receive approval for a vehicle that is replacing a jitney already in service to use the approved fixed routes of the replaced vehicle.

(Section 6.2 amended 11/14/2002)

Section 6.3 – Operating Regulations

(a) It is unlawful for any jitney to remain standing on any public street in the City, except when enabling passengers to load or unload, or except when standing in a jitney holding zone for the time period established by MTS.

(b) It is unlawful for any person including, but not limited to, a jitney owner, driver, or agent thereof, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway, airport, or light rail transit station.

(c) A peace officer or MTS inspector may authorize a dispatcher to solicit passengers and assist with loading passengers at such times and places as, in his/her discretion, public service and traffic conditions require.

(d) Except when a driver or operator is actually engaged in assisting passengers to load or unload, a jitney driver or operator must remain within twelve (12) feet of his/her jitney while the jitney is in service.

(e) It is unlawful for a jitney vehicle to operate a fixed route service on other than that route designated by the Chief Executive Officer.

(f) It shall be unlawful for a jitney driver to load or unload passengers in any place other than an authorized jitney stop, bus stop, or passenger loading zone.

(g) All other operating regulations defined in Section 1.8 apply.

(Section 6.3 amended 11/14/2002)

Section 6.4 - Jitney Holding Zones

(a) The Chief Executive Officer may, by resolution, locate and designate holding zones for one (1) or more jitneys, which holding zones when so established, shall be designated by appropriate signs. The operating regulations of Section 6.3 shall apply to any holding zones so established, and to holding zones established by the San Diego Unified Port District in areas under its jurisdiction. The Chief Executive Officer may, by his or her discretion, establish the maximum number of jitneys permitted to remain standing at one time in a holding zone.

(b) Each holding zone established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer. The Chief Executive Officer shall adopt written standards to determine whether to allow holding zones to be in operation fewer than twenty-four (24) hours every day. If a holding zone is to be in operation fewer than twenty-four (24) hours every day, the Chief Executive Officer shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

(c) The Chief Executive Officer may, on his or her own motion, establish holding zones.

(d) Any individual, partnership, corporation, association or other organization may petition MTS requesting that a new holding zone be established. The petition must be filed in writing with the Chief Executive Officer or his/her designee. The petition must state the reason for the request and the proposed location(s). The Board may approve, deny, or modify the request.

(e) Whether initiated by the Chief Executive Officer under Subsection (c) of this section or by persons described in Subsection (d) of this section, before any holding zone is established,

the proposed location of any holding zone must be reviewed by the Traffic Engineer of the City. The Traffic Engineer shall report his/her recommendations to approve, deny, or modify the proposed location in writing to the Chief Executive Officer. The Traffic Engineer's report shall include a statement of reasons supporting the recommendation to the Chief Executive Officer.

(f) The Chief Executive Officer shall, by resolution, establish a maximum time limit for individual jitneys to remain standing in any holding zone. The time limit shall apply uniformly to all holding zones.

(g) It shall be unlawful for a vehicle other than a jitney with a proper MTS jitney permit to occupy a jitney holding zone.

(Section 6.4 amended 11/15/2012)

Section 6.5 - Equipment and Specifications

(a) Each jitney shall bear on the outside, signs clearly designating the route which it serves. The specifications of the sign are subject to the approval of the Chief Executive Officer. The Chief Executive Officer shall adopt written standards for approval or denial of the size of the signs, the location of the signs on the vehicle, the size of the lettering or graphics on the signs, and other specifications that the Chief Executive Officer finds necessary.

(b) All jitney vehicles must bear a trade name and shall be assigned a body number by the permit holder. The trade name and body number so assigned shall be placed on the vehicle in accordance with written standards adopted by the Chief Executive Officer.

Any violation of this Ordinance shall constitute an infraction unless otherwise specified.

SECTION 7.0 – LOW-SPEED VEHICLES

Section 7.1 – Low-Speed Vehicle (LSV) Definition

Low-Speed Vehicles (LSV) shall mean every vehicle that is designated per the requirements of Ordinance No. 11, Section 1.1(~~sr~~). LSVs may operate by zones and/or a prearranged basis as set forth in Section 1.1 (b) (1)-(5).

(Section 7.1 amended 2/14/2019)

(Section 7.1 amended 11/8/2018, effective 1/1/2019)

(Section 7.0 and 7.1 added 8/7/2003)

Section 7.2 – Establishment of Zones

The Chief Executive Officer shall establish and authorize the use of zones of operation.

(Section 7.2 added 8/7/2003)

Section 7.3 – Zone Rates of Fare

(a) All vehicles permitted as LSV may use two methods of seeking compensation, either by zone rates or on a prearranged basis. Either method may be used when working inside of an approved zone. However, when operating on a prearranged charter basis, within an approved zone, no operator may exceed the maximum number of vehicles that are permitted.

(b) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for LSV services.

(c) When a permit holder desires to change the rates of fare being charged for LSV services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(d) No permit holder shall charge any rate of fare for LSV services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(e) The rates of fare shall be established by a zone and/or prearranged written contract on a per-mile or per-hour basis.

(f) The maximum rates of fare shall be established pursuant to Section 2.2.

(Section 7.3 amended 10/13/2016)
(Section 7.3 added 8/7/2003)

Section 7.4 – Spare Vehicle Policy

(a) The following sets out procedures for LSV permit holders to place a spare vehicle into service as either a temporary replacement for a permitted vehicle that is out of service for recharging or mechanical problems.

(1) Spare LSVs must be marked with the approved company markings.

(2) In place of the medallion number, the spare LSV must be marked "Spare LSV." Where more than one spare LSV is being requested, under the provisions of paragraph 9, the LSVs will be marked "Spare LSV 1," "Spare LSV 2," and so on. The "Spare LSV" marking should be sized to fit in approximately the same space as the medallion number would otherwise be placed with legibility and visibility being the primary criteria.

(3) Spare LSVs must be inspected upon initial issuance and annually thereafter.

(4) All spare LSVs must meet all MTS insurance requirements.

(5) To use a spare LSV that meets the requirements of 1 through 4 above, the permit holder must communicate in writing (facsimile is acceptable), a request to place a spare LSV into service.

The request must state:

(A) the medallion number of the LSV being taken out of service, the reason for being out of service, and the location of the out-of-service LSV; and

(B) the estimated time the spare LSV will be in use.

(6) When the out-of-service LSV is ready to re-enter service, the permit holder must immediately notify MTS in writing (facsimile is acceptable).

(7) The out-of-service LSV may not be required to be reinspected to be placed back into service.

(8) The spare LSV must be removed from service at the time the LSV it has been replacing is placed back into service.

(9) Under normal circumstances, a permit holder may utilize spare LSVs. Permit holders may utilize spare LSVs in a ratio of 3:1 permits held.

(10) Spare LSVs that are placed in service may only operate inside of the MTS-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular permitted vehicles.

(11) A permit holder found to have operated a spare LSV in deliberate violation of these procedures will be subject to immediate suspension/revocation of the permit and the loss of the spare LSV utilization privilege.

(Section 7.4 amended 10/13/2016)

(Section 7.4 amended 10/16/2003)

(Section 7.4 added 8/7/2003)

Section 7.5 – LSV Driver Identification Cards

(a) Refer to Section 1.12 of this Ordinance to reference driver and permit holder ID requirements.

(Section 7.5 added 8/7/2003)

Section 7.6 - Equipment and Specifications

(a) Each LSV shall display whether out of service in accordance with section 2.4 (g) of this Ordinance, which shall indicate to a person outside the LSV whether the LSV is in operation or is not.

(b) Exterior Markings

(1) Mandatory Exterior Vehicle Markings. The medallion number shall be painted or permanently affixed, on the front of the vehicle, one (1) inch below the permit holder's trade name, two (2) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(2) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her LSV which must be posted only at the specific location and in the size noted and are subject to the Chief Executive Officer's approval.

(A) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

(B) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot

utilize the words "cab" or taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

(C) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than two (2) inches in height and posted only on the top front portion of both front side quarter panels.

(D) "Driver Carries Only \$_____ Change". If the permit holder chooses to post "Driver Carries only \$_____ Change", postings must be located only on panels near the rear door but clear of the rates of fare.

(E) "Leased to Driver". If permit holder chooses to post "Leased to Driver," it must be posted only on both rear quarter panels near the rear door area but clear of the rate of fares in lettering no larger than 1 inch.

(3) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(c) All LSVs shall be equipped and operated so that they have adequate means of electronic communication during business hours. The LSV company business address shall serve as the storefront for the purpose of handling lost and found items. All other operational requirements shall be met as set forth in section 1.8 (c).

(Section 7.6 amended 11/8/2018, effective 1/1/2019)

(Section 7.6 amended 12/14/2017)

(Section 7.6 amended 10/4/2016)

(Section 7.6 added 8/7/2003)

SECTION 8 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be effective 30 days after adoption, and before the expiration of 15 days after its passage, this Ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

Amended: 2/14/2019

Amended: 11/8/2018

Amended: 9/20/2018

Amended: 12/14/2017

Amended: 10/13/2016

Amended: 5/12/2016

Amended: 9/17/2015

Amended: 2/12/2015

Amended: 11/15/2012

Amended: 4/19/2012

Amended: 10/16/2003

Amended: 8/7/2003

Amended: 5/8/2003

Amended: 11/14/2002

Amended: 6/27/2002

Amended: 5/23/2002

Amended: 6/24/1999

Amended: 9/24/1998

Amended: 10/30/1997
Amended: 4/10/1997
Amended: 2/13/1997
Amended: 11/9/1995
Amended: 6/22/1995
Amended: 1/12/1995
Amended: 6/24/1993
Amended: 6/27/1991
Amended: 5/23/1991
Amended: 10/11/1990
Repealed & Readopted: 8/9/1990
Amended: 4/12/1990
Amended: 4/27/1989
Adopted: 8/11/1988



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Agenda Item No. 10

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

**Draft for
Executive Committee
Review Date: 2/7/19**

SUBJECT:

SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) TASK ORDER CONTRACT
APPROVAL FOR DESIGN SERVICES TO DOUBLE TRACK THE BAYSIDE TERMINAL

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order WOA1949-AE-31 for MTS Doc. No. G1949.0-17 (in substantially the same format as Attachment A) with Jacobs Engineering Group, Inc. (Jacobs) in the amount of \$706,805.56 to perform design services for the Bayside Terminal double track project.

Budget Impact

The value of the Engineering Design Work Order will not exceed \$706,805.56 and is allocated under fiscal year (FY) 2020 TIRCP funded, Capital Improvement Program number 2005108201 (Green Line IMT Double Tracking).

DISCUSSION:

MTS requires design services to double track the Bayside Terminal on the Green Line located at 12th and Imperial Avenue.

Currently, trains traveling westbound from Santee enter the Bayside Terminal by merging onto the east bound main track. The present configuration can result in train congestion and delays when trains meet at the station. The additional track will allow for two (2) trains to occupy the station, thus providing more flexibility for operations, improvement in on-time performance, more easily accommodating scheduling changes for special events, and facilitating service and maintenance work for unforeseen track outages (see Attachment B).

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. MTS selects the most qualified firm based on the scope of work to be performed.

On October 12, 2018, staff issued a Request for Proposals (RFP) to approved A&E firms. On November 21, 2018 MTS received five (5) proposals from the following firms:

1. Global Signals Group
2. HDR Engineering, Inc.
3. HNTB
4. Jacobs
5. Mott MacDonald

An evaluation panel was comprised of MTS representatives from San Diego Trolley, Inc. The proposals were evaluated based on the following factors.

1. Project Team
2. Project Team's Capabilities
3. Project Understanding and Approach
4. Schedule

After the initial evaluation of proposals, the evaluation panel determined Jacobs to be the highest ranked proposer. The following table represents the proposers' final scores and rankings following the evaluation:

Ranking	Proposer Name	Total Score
1	Jacobs	93.80
2	HNTB	88.80
3	HDR	85.40
4	Mott MacDonald	85.00
5	Global Signals	80.60

Based on the panel's evaluation of the proposal, MTS staff has determined that Jacobs provided a proposal that best met all of the requirements outlined in the RFP. Furthermore, Jacobs' proposed amount of \$706,805.56 is less than MTS's Independent Cost Estimate (ICE) of \$822,210.40 and is determined to be fair and reasonable.

For this project, Jacobs will utilize the following subcontractors for the estimated amounts:

Subcontractor Name	Designation	Estimated Amount
Pacific Railway Enterprises	DBE	\$85,236.00
Project Design Consultants	SBE	\$8,537.00

Therefore, staff recommends that the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order WOA1949-AE-31 for MTS Doc. No. G1949.0-17 (in substantially the same format as Attachment A) with Jacobs Engineering Group, Inc. in the amount of \$706,805.56 to perform design services for the Bayside Terminal double track project.

/s/ Paul C. Jablonski
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-31, MTS Doc. No. G1949.0-17
B. Site Map

February 14, 2019

MTS Doc. No. G1949.0-17
Work Order No. WOA1949-AE-31

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. G1949.0-17, WORK ORDER WOA1949-AE-31, GENERAL ENGINEERING
DESIGN SERVICES TO DOUBLE TRACK THE BAYSIDE TERMINAL

This letter shall serve as our agreement for Work Order WOA1949-AE-31 to MTS Doc. No. G1949.0-17, for professional services under the General Engineering Consultant Agreement, as further described below.

SCOPE OF SERVICES

This Work order provides design services for the Bayside terminal double track project. 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 eight (8) months 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 \$706,805.56.

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,

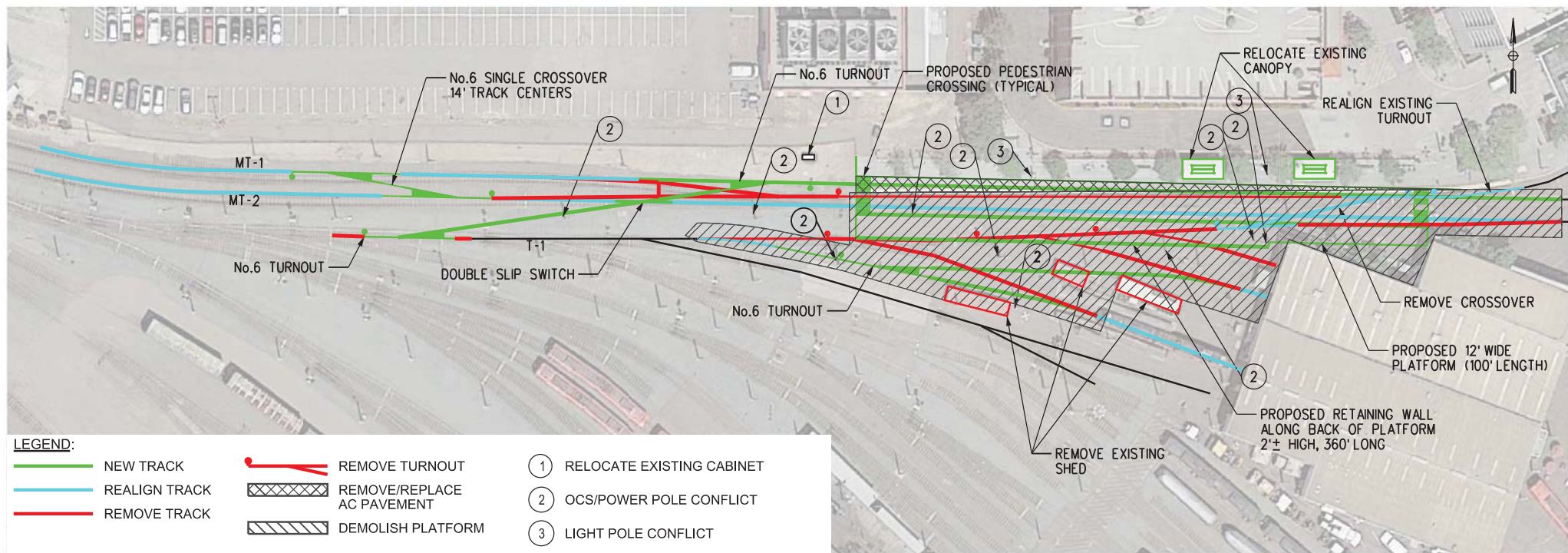
Accepted:

Paul C. Jablonski
Chief Executive Officer

Lewis Cornell
Jacobs Engineering Group, Inc.

Date: _____

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



PROJECT DESCRIPTION

- BAYSIDE STATION WILL BE DOUBLE TRACKED USING SIDE PLATFORMS.
- NEW SOUTH PLATFORM WILL BE CONSTRUCTED WITH STANDARD WIDTH (15'). A MODIFIED WIDTH (12') WILL BE USED ON THE LAST 100' OF THE PLATFORM. NORTH PLATFORM IS MODIFIED WITH VARIABLE REDUCED WIDTH TO ACCOMMODATE TRACK REALIGNMENT.
- MAINTENANCE YARD TRACKS WILL BE RECONFIGURED TO ACCOMMODATE THE NEW PLATFORM.
- TURNOUTS AND CROSSOVERS WILL BE LOCATED WEST OF THE STATION FOR OPERATIONAL FLEXIBILITY AND TO MAINTAIN EXISTING ROUTES.

PROJECT IMPACTS/REQUIREMENTS

- APPROX. 2000 SQFT OF THE EXISTING PLATFORM WILL BE DEMOLISHED. MIN. WIDTH WILL BE 15 FT.
- SINGLE CROSSOVER CONNECTING THE MAIN LINE TO THE YARD LEAD. WILL BE RELOCATED WEST OF THE PLATFORM.
- CONNECTION TO MAINTENANCE BAYS 1-3 WILL BE RECONFIGURED.
- BAY 1 WILL PERMANENTLY LOSE CONNECTION THROUGH THE WEST END OF THE BUILDING; ACCESS THROUGH EAST END ONLY.
- THE TURNOUT TO THE WEST OF THE STATION JOINING MAIN TRACKS 1 AND 2 WILL BE REMOVED. THE EXISTING CABINET CONTROLLING THE TURNOUT WILL BE RELOCATED/REMOVED.
- THE EXISTING CANOPIES NEED TO BE RELOCATED.
- ADDITIONAL/SEPARATE PACKETS WILL BE DEVELOPED FOR THE PROCUREMENTS OF NEW PLATFORM AMENITIES SUCH AS CANOPIES, CARD READERS, TRAIN SCHEDULE DISPLAYS AMONG OTHERS.
- NEW YARD CONNECTION TO THE WEST OF THE PLATFORM USING A SINGLE CROSSOVER BETWEEN MT1 AND THE YARD LEAD. A DOUBLE SLIP SWITCH WILL BE INSTALLED ON TRACK 2 TO REPLACE THE EXISTING CROSSOVER MOVEMENT NEAR THE EAST END OF THE EXISTING PLATFORM.
- A SHORT WALL (APPROXIMATELY 2FT HIGH) WILL BE NEEDED ALONG THE BACK OF THE NEW PLATFORM TO ACCOUNT FOR THE ELEVATION DIFFERENCE IN THE YARD.
- A TOTAL OF 9 OCS/POWER POLES, 3 OF THEM INSIDE THE YARD, HAVE BEEN IDENTIFIED AS IMPACTED AND WILL NEED TO BE RELOCATED.
- 2 LIGHT POLES ON THE EXISTING PLATFORM WILL BE RELOCATED
- DETECTABLE WARNING TILES WILL BE INSTALLED ALONG THE NEW EDGE OF WHERE THE PLATFORM IS DEMOLISHED.
- RAIL WORK REQUIRED: APPROXIMATELY 1,100 TRACK FEET OF REALIGNMENT, 850 TRACK FEET OF NEW TRACK AND REMOVAL OF APPROXIMATELY 900 TRACK FEET.
- APPROXIMATE AREA OF AC PAVEMENT REPLACEMENT IS 27,500 SQFT.

JACOBS

BAYSIDE TERMINAL DOUBLE TRACK

EXHIBIT A - MTS ALTERNATIVE



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Agenda Item No. 11

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

**Draft for
Executive Committee
Review Date: 2/7/19**

SUBJECT:

TRAIN NUMBER SIGNS, BRACKETS AND SUPPORT FOR SD9 TROLLEY VEHICLES
FOR MID-COAST – 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. L1483.0-19, a Sole Source agreement (in substantially the same format as Attachment A), with Woojin IS America, Inc. (Woojin), to provide train number signs, brackets and support for the new Mid-Coast SD9 Light Rail Vehicles (LRV).

Budget Impact

The total contract amount is \$134,360.00 is funded by SANDAG project 2002010401 – Mid-Coast LRV Procurement.

DISCUSSION:

The Next Train Arrival (NTA) system delivers accurate arrival times on digital display signs located at the trolley stations. Phase 2 of the NTA system is to create the General Transit Feed Specification (GTFS) real-time data feed. This allows MTS to confidently and accurately match the real-time vehicle location data with our current trolley schedules, and the ability to retrieve the train number from each LRV.

Under a pilot project initiated in July 2017, MTS reached out to four major sign manufacturing companies: Luminator, Daktronics, Hanover and Woojin to inquire if they had the capability and desire to engineer and develop a sign meeting our needs at an estimate of \$38,225 for the pilot.

MTS could not find a company that makes a “stand-alone smart run sign”. Luminator and Hanover stated they had similar smart run signs in their current system, but MTS would have to replace the entire Central Control Unit (CCU) and all the head signs on every



LRV, which is not economically feasible. Daktronics could not dedicate the resources needed for the project. Woojin was the only company willing to engineer and build out this functionality for \$32,879.

MTS entered into a pilot project with Woojin to manufacture, test and deliver the desired smart signs which are programmable, utilize Wi-Fi and have an Application Program Interface (API) so they can communicate with the NTA system. The signs provided a train number dashboard interface for tracking, displaying, and managing train number signs for every train consist. The pilot was tested on six (6) trains and was successful. In May 2018, the MTS Board approved contract number L1456.0-18 that replaced 184 old train number signs with the successfully tested Woojin smart signs.

In anticipation of the eleven-mile Mid-Coast Light Rail Extension Project set for opening in 2021, MTS has purchased thirty-six (36) additional LRVs to be delivered by late 2020.

Today's proposed action would authorize MTS to contract with Woojin to continue to provide the smart train number signs on each new Mid-Coast LRV (SD9), to come equipped with the signs on both ends of the LRV. The proposed order would include 72 signs (two per LRV) plus 8 additional signs for spares.

Considering that a significant amount of work has been completed by Woojin, it is not expected that a separate competitive procurement will be a benefit to the agency. A separate solicitation can yield a different contractor that would be considerably more expensive due to the significant testing needed by the successor to become familiar with MTS's needs and the concepts behind the project, and recreate new signs to replace the already successfully tested signs. Economy and efficiency further supports award to Woojin as a logical follow-on to the pilot project. The table below shows the cost comparison between MTS's Independent Cost Estimate (ICE) and Woojin's quote:

	Total
MTS ICE	\$139,333.63
Woojin's quote	\$134,360.00
MTS Savings (MTS ICE - quote)	\$4,973.63

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. L1483.0-19, a Sole Source agreement for \$134,360.00 (in substantially the same format as Attachment A) with Woojin IS America, Inc. to provide train number signs, brackets and support for the new Mid-Coast SD9 LRVs.

/s/ Paul C. Jablonski
Paul C. Jablonski
Chief Executive Officer

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

Attachments: A. Draft MTS Doc. No. L1483.0-19
B. Woojin Quote

DRAFTL1483.0-19
CONTRACT NUMBER**STANDARD SERVICES PROCUREMENT**

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: Woojin IS America, Inc.Address: 5108 Azusa Canyon Rd.
Irwindale, CA 91706Form of Business: Corporation
(Corporation, partnership, sole proprietor, etc.)Telephone: 626-386-0101Email Address: dohlee@wijsamerica.com

Authorized person to sign contracts: Joseph Kim Vice President and COO
Name Title

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

Provide train number signs, brackets and support as specified in the Scope of Work (attached as Exhibit A), Woojin quote dated October 3, 2018 (attached as Exhibit B), and in accordance with the Standard Services Procurement, including the Standard Conditions Procurement (attached as Exhibit C), Federal Requirements (attached as Exhibit D) and Signed MTS Forms (attached as Exhibit E).

Delivery shall be no more than 6 months after issuance of the Notice to Proceed letter. Upon delivery of each sign, there is a 2-year warranty for support and repairs of each unit. The contract shall terminate June 30, 2021.

Payment terms shall be net 30 days from invoice date. The contract total is \$134,360.00. This total shall not be exceeded without MTS approval.

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
\$134,360.00	2002010401
FISCAL YEAR	
	2019-2022

By: _____
Chief Financial Officer Date

(XX total pages, each bearing contract number)

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



Woojin IS America, Inc.
 5108 Azusa Canyon Road
 Irwindale, CA 91706
 626.386.0101 fax 626.386.0102
 www.wjisamerica.com

Quotation

Date	Quote #
10/3/2018	E1800029

Name / Address
San Diego Metropolitan Transit Systems Attn: Accounts Payable 1255 Imperial Ave, Ste 1000 San Diego, CA 92101

Payment Terms	Expiration Date	Rep	Account #	FOB		Other	
Net 30	11/2/2018	FG	AB2017001	San Diego			
Item	Description			Qty	U/M	Rate	Total
R1C007624	Train Number Sign for SDMTS 10 key WiFi WISK 102000958			80		1,484.00	118,720.00T
R1C007626	Installation Bracket for SDMTS RNS SD8 WISK 211000219			80		66.00	5,280.00T
5.Freight	freight or shipping cost (Single Shipment - estimate)					750.00	750.00
	California Sales Tax - San Diego					7.75%	9,610.00
TERMS: Quotes are good for 30 calendar days Lead Time: noted above FOB: Irwindale CA unless indicated above Payment Terms: noted above							
Any change or issues must be communicated immediately					Total \$134,360.00		



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Agenda Item No. 12

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

February 14, 2019

**Draft for
Executive Committee
Review Date: 2/7/19**

SUBJECT:

MOBILE ROUTER AND CELLULAR COMMUNICATIONS PILOT – CONDUENT
SOFTWARE AND HARDWARE CHANGES - SOLE SOURCE AWARD

AGENDA ITEM & ATTACHMENT WILL BE PROVIDED WITH BOARD MATERIALS

