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Revised Agenda*

**Subject to 2/3 vote approval of the members present*

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

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|-----|---|-------------------|
| 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>
Action would approve the purchase of excess liability insurance (at limits of \$75 million less a \$2 million self-insured retention [SIR]) and excess workers' compensation insurance (at statutory limits less a \$1 million self-insured retention [SIR]). The new policies would be in effect from March 1, 2019 through March 1, 2020. | 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 |
| 13. | <u>San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its Meeting on January 29, 2019</u>
Action would receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Desert Line quarterly reports, and ratify all actions taken. | Receive |

CLOSED SESSION

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| 24. | <p>a. 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</p> <p>b. 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</p> <p>c. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Pursuant to California Government Code Section 54956.9(d)(4) (One potential case: Riverstone Capital, LLC)</p> <p>d. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) San Diego Metropolitan Transit System v. Grand Central West LLC and related cross-complaints (San Diego Superior Court Case No. 37-2014-00044014-CU-OR-CTL)</p> | <p>Possible Action</p> <p>Possible Action</p> <p>Possible Action</p> <p>Possible Action</p> |
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NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

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| 30. | <p>Implementation Procedures for Board Policy No. 18 (Sharon Cooney, Tim Allison and Debbie Ruane of Norwood Strategies)</p> <p>Action would approve the proposed implementation procedures for Board Policy 18, "Joint Development Program".</p> | Approve |
| 31. | <p>2019 State and Federal Legislative Programs (Sharon Cooney)</p> <p>Action would approve staff recommendations for 2019 federal and state legislative programs.</p> | Approve |

REPORT ITEMS

- | | | |
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| 45. | <p>First Transit/Taxicab Pilot Update – Access Services (Bill Spraul)</p> | Informational |
| 46. | <p>Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards and Payments (Samantha Leslie)</p> | Informational |
| 47. | <p>Operations Budget Status Report for December 2018 (Mike Thompson)</p> | Informational |

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| 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. | <u>Additional Public Comments Not on the Agenda</u>
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. | |
| 64. | <u>Next Meeting Date:</u> March 21, 2019 | |
| 65. | <u>Adjournment</u> | |

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

MINUTES

January 17, 2019

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased].

1. Roll Call

Chair Gomez called the Board meeting to order at 9:00 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Ms. Salas moved to approve the minutes of the December 13, 2018, MTS Board of Directors meeting. Ms. Rios seconded the motion, and the vote was 10 to 0 in favor with Ms. Aguirre, Mr. Arambula, Mr. Arapostathis, Mr. Hall absent, and Ms. Moreno abstaining.

3. Public Comments

John Brady – Mr. Brady commented on behalf of Voices of Our City Choir. He stated that the Choir represents the homeless community in San Diego. Mr. Brady commented about disabled and reduced fare passes. He stated that they are looking into the legality of the MTS process in approving disabled and reduced fare passes. Mr. Brady requested that the reduced fare passes be offered to the low income and homeless population.

Martha Welch – Ms. Welch commented that she has issues with the Blue Line and Orange Line no longer ending at the same station. She commented about the Routes 11, 12 and 901 buses, as well as the lack of bus benches on Broadway. Ms. Welch stated that there should be public restrooms at stations. She also said that the bus routes are constantly changing in San Diego.

Steven Ried – Mr. Ried commented about the Route 1 bus not going all the way down to the bottom of the hill by the trolley station at 70th Street. He noted that he is going to forward a video to the Board of himself going to the hill in his wheelchair. He stated that this is dangerous and should be addressed. Mr. Ried stated that at the bus stop on Elkelton and Jamacha does not have an area to easily get on and off the bus. He commented that the stop is difficult for wheelchair riders to get on and off. Mr. Ried stated that he strongly objects to the trolley officers always asking him to show proof of his bus pass.

Jack Shu – Mr. Shu commented about security issues on the MTS system. Mr. Shu stated that he has seen targeting of homeless people and internalized oppression. He said this is not the kind of enforcement the area needs. Mr. Shu recommended changing the attitude of MTS and its security enforcement. He stated that enforcement should be a public service and not focused primarily on fare enforcement. Mr. Shu stated that the security officers should be making the transit system a welcoming environment for all of its riders.

Valerie Hightower – Ms. Hightower commented that the Route 4 service needs to be increased. She asked for more bus benches to be installed in the communities. Ms. Hightower stated that Routes 4, 916 and 917 should have increased service. She recommended charging riders to use public restrooms at transit stations. She stated that there is illicit behavior that occurs at the Old Town Trolley Station. Ms. Hightower asked for the bus windows to be unlocked for the riders.

4. Elect Vice Chair, Chair Pro Tem, and Committee Appointments (Sharon Cooney)

Chair Gomez stated that the Ad Hoc Nominating Committee recommended a proposed slate of appointments to the Board for approval. She noted that she would like to make a motion to move those recommended appointments forward with one amendment. Chair Gomez stated that she would like to amend the SANDAG Board appointments to reflect Mona Rios as the primary representative and Nathan Fletcher as the alternate representative.

Action Taken – Elect Vice Chair, Chair Pro Tem and Committee Appointments

Chair Gomez moved to elect Mona Rios as Vice Chair, Bill Sandke as Chair Pro Tem, and approve the proposed slate for the appointment of representatives to MTS committees and other outside committees for 2019, with the following amendment: appointing Mona Rios as the primary SANDAG Board representative and Nathan Fletcher as the alternate SANDAG Board representative. Mr. Ward seconded the motion and the vote was 11 to 0 in favor with Ms. Aguirre, Mr. Arambula, Mr. Arapostathis and Mr. Hall absent.

[Clerk's Note: A FPPC Form 806 was completed for all MTS Board officer positions and committee appointments.]

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, 2021.
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.

COMMENTS – CONSENT ITEMS

Chair Gomez noted that consent item number 6 had a number of public comment requests, so she would pull that item for comments. Chair Gomez also noted that consent item number 7 would be pulled and removed from today's agenda and brought back at a later Board meeting.

Action on Recommended Consent Items, excluding number 6 and 7

Mr. Ward moved to approve Consent Agenda Item Nos. 8 – 14. Ms. Rios seconded the motion, and the vote was 11 to 0 in favor with Ms. Aguirre, Mr. Arambula, Mr. Arapostathis and Mr. Hall absent.

STAFF REPORT – Consent Item Number 6

Ms. Cooney commented that there will be a new Bus Rapid Transit (BRT) Route opening in the South Bay at the end of this month. The new Route will require additional security coverage. She stated that the security contract did not include coverage for this Route (Route 225), and this item is requesting the Board's approval to provide additional security coverage for Route 225.

PUBLIC COMMENTS – Item Number 6

John Brady – Mr. Brady commented that MTS security officers are aggressive toward riders. He stated that the amount of money spent on security does not equate to the number of people it enforces and does not have the proper accountability measures in place. Mr. Brady said that MTS security should include citizen accountability and reporting policies. He commented that the bus drivers have been friendly and helpful, but the trolley officers do not act in the same manner. Mr. Brady said that the security officers are unapproachable and intimidating. He commented that the zero tolerance policy that was recently implemented with trolley passes needs to be reevaluated and reverted back to a discretionary enforcement practice.

Steven Ried – Mr. Ried commented that the security personnel are generally abusive and abrasive. He stated that it is an unpleasant experience when approached by the majority of the security officers on the trolleys. Mr. Ried commented that he would much rather prefer an accountable security force.

Mark Sheetz – Mr. Sheetz commented that he has a problem with the zero tolerance policy on transit passes. He stated that the officers do not give riders an opportunity to purchase a pass before writing tickets. Mr. Sheetz said that there are times when he does not have time to purchase a pass before the trolley arrives and the officers will not allow riders to purchase a pass at the next stop.

Marchelle Minafee – Ms. Minafee commented that she believes the security officers perceive her to be homeless, but she is not. She asked that the security officers be compassionate, humane and accountable. Ms. Minafee suggested that the officers receive special training for interactions with the public. She stated that the zero tolerance policy needs to be reevaluated.

Anne Barron – Ms. Barron commented on behalf of Women Occupy San Diego. She stated that they are working heavily on creating strong citizen oversight for police practices and they now want to include the MTS security officers. Ms. Barron commented that she sees the bus drivers utilize de-escalation skills, but she does not see that in the security officers. She stated that she has been documenting interactions between the security officers and the trolley riders. Ms. Barron commented that she has seen security officers hassle young women on the trolleys. She stated that they have reports of aggression and discrimination by the security officers. Ms. Barron asked if the security contract includes options to assert oversight over the contracted security officers.

Ellis Rose – Mr. Rose commented about an incident where one of his friends was riding the trolley and when she came into a stop, there were about thirty security officers that required all of the riders to get off the trolley and provide proof of their fares. He stated that this experience is not appropriate. Mr. Rose commented that when he lived in Chicago, he was never asked to provide proof of fare on the train because of the turnstile security system. He stated that the trolley system is setup in such a way to tempt and entice people, especially homeless people, to ride the trolley with no fare in order to get to assistance agencies when they have no other means. Mr. Rose recommended MTS to look at the security enforcement issues. He stated that a customer service approach is needed, instead of the manner in which the officers behave today.

Tasha Williamson – Ms. Williamson commented that MTS has lost millions of dollars over lawsuits concerning its security officers. She stated that the riders will be launching a boycott over MTS. Ms. Williamson commented that the low-income public should not be brutalized by the security officers on the MTS system. She stated that she has witnessed many videos of the security officers behaving aggressively and inappropriately. Ms. Williamson said that riders will boycott the system, because there have been no changes to the security enforcement behaviors. She stated that she would be putting her name on the ballot for Mayor for 2020 to address these issues among other outstanding issues in the community.

BOARD COMMENTS

Mr. Ward commented that he understands the need for security services and additional security for new service, however he has an overriding concern with how MTS is using public investments with security. He stated that he will not be able to support this item today, due to some of the outstanding issues related to the security department and the homeless population. Mr. Ward commented that he hopes the reallocation of some of the current funds could help pay for the security coverage needed for the new Route 225 service. He stated that he is looking forward to a much broader conversation about security policies.

Ms. Montgomery recommended removing this item from the agenda today and postponing it to a future meeting to have further discussions. She commented that there seems to be large differences between what the public is saying and showing in videos versus what staff is reporting. She stated that there needs to be accountability and she will address that in the MTS Public Security Committee meetings. Ms. Montgomery said that training is another issue she would like to raise and address for security. She noted that she understands this agenda item is to amend the contract for adding coverage to new service, however she wants to ensure that these other outstanding issues are addressed to the overall contract.

Ms. Salas asked if there is any oversight related to the quality of security personnel and incidents by security personnel. Manny Guaderrama, MTS Chief of Police, replied that MTS Security does have oversight of its personnel and any incidents that occur. He stated that he and the supervisors review and document any incident and all potential use of force cases. He noted that a potential use of force case includes any time a person is handcuffed. Mr. Guaderrama stated that they review every reported incident and use of force case videos. He noted that they take use of force cases seriously and there have been times where the case was substantiated and those employees were terminated. Ms. Salas asked if general courtesy and behaviors of security are reviewed on a regular basis. Mr. Guaderrama replied that all of all the security officers and code compliance inspectors (CCIs) go through training. He stated that CCIs have annual de-escalation training and they have had PERT training recently. He noted that all officers are trained and have been through the laws of arrest class. Mr. Guaderrama stated that they do not tolerate discourtesy when it comes to their attention. He stated if that comes to their attention, they will review the incident and address the issue. Ms. Salas asked what the turnover staff rate is for security personnel. Mr. Guaderrama stated that the contracted security personnel turnover rate is very high, however the CCI personnel turnover rate is lower. Ms. Salas commented that the turnover rate is also problematic, because of having to continually train and retrain new personnel. Mr. Guaderrama commented that the staffing of contracted security personnel is difficult due to the pay rates and competing security jobs. Ms. Salas stated that we may have to relook at the pay rates and wage scale for the contract. She commented that she agrees that we will need to take extra time to look at the long term policies

and changes to the entire security contract. Ms. Salas noted that she is committed to helping with that process, but also understands that today's motion needs to move forward in order to ensure that enough security personnel is staffed for the new Route 225.

Mr. Fletcher commented that he is concerned by the public's comments today about the security officers. He stated that he wants to ensure that the officers tasked with making people feel safe are actually making people feel safe and not threatened. Mr. Fletcher asked when the new bus service would be opening. Ms. Cooney replied that the new service will begin on Sunday, January 27th. She noted that the Route 225 is a TransNet funded route and therefore TransNet will fund the security services. Mr. Fletcher asked if any of the officers receive mental health awareness training. Mr. Guaderrama replied that the CCIs do receive that type of training, and it is up to the security contractors to provide their training. He noted that they have certain mandated types of training they are required to comply with and mental health awareness training is not one of the mandated trainings, but it is recommended. Mr. Fletcher commented that type of required training for all officers is something the Board should consider. Mr. Fletcher asked if there are any oversight or citizens' review boards similar to the police or Sheriff's departments. Mr. Guaderrama replied no. Mr. Fletcher stated that he would like to have more substantive discussions related to these issues surrounding training, funding and oversight.

Mr. Jablonski commented that all of the CCIs receive de-escalation and sensitivity training. He noted that the private security officers are paired with the CCIs during shifts. Mr. Jablonski stated that there is a newly appointed MTS Public Security Committee and staff can schedule a meeting to begin these discussions. Mr. Fletcher asked what the percentage of officers have that training versus the officers that do not have the training. Mr. Jablonski replied that approximately 60 out of about 120 officers have the training. Mr. Fletcher stated that he is interested in scheduling the Public Security Committee meeting soon and to possibly compare other transit system security services to MTS at that meeting.

Chair Gomez commented that she is happy there is a new Public Security Committee and that the committee can drive these discussions going forward. She stated that she has directed her staff to work with MTS on pulling all of the policies related to security practices to review and update. Chair Gomez commented that this should be a priority of the Board and the Board will look to the Public Security Committee for guidance and recommendations.

Ms. Montgomery commented that she also understands the need for security, however she does not want to wait until a new contract is issued to address some of the ongoing issues in the current contract. She stated that she wants to ensure that these issues will be revisited in the next couple of months. Chair Gomez replied that she agrees that the issues concerning the current contract will be reviewed and discussed in a timely manner.

Mr. Jablonski also commented that staff is happy to help coordinate a ride along with the security officers for any Board Member that is interested.

Action on Recommended Consent Item Number 6

Ms. Salas moved to approve Consent Agenda Item No. 6. Ms. Rios seconded the motion, and the vote was 8 to 3 in favor with Mr. Fletcher, Ms. Montgomery and Mr. Ward voting no, and Ms. Aguirre, Mr. Arambula, Mr. Arapostathis and Mr. Hall absent.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. 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. Mr. Marinesi stated that Jeremy Miller will present on the SDTC pension investment status results for fiscal year 2018. He also noted that Anne Harper and Alice Alsberghe with Cheiron would present on the next agenda item related to the SDTC Employee Retirement Plan's Actuarial Valuation.

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 return was just under 6%. Mr. Miller noted that the actuarial assumed rate of return is 7%. He commented that the rate of return fluctuates from year to year and generally reflects how markets did for that fiscal year. Mr. Miller stated that the portfolio is well positioned for the future given the plan dynamics.

PUBLIC COMMENT

Tasha Williamson – Ms. Williamson commented that there will be a boycott in 90 days on the bus system until the security team is fired. She stated that the loss of revenue will affect the pension funds for the employees. She said that the Board Members need to think about the previous comments made related to the security officers and how a boycott could affect staff and their retirement plans with the loss of revenue.

BOARD COMMENTS

Mr. McClellan commented about the past rate of returns and asked if additional money needs to be contributed into the fund to address the lower rate of returns. Mr. Marinesi replied that in the next presentation we will go into a deeper review of the plan for the fund going forward. Mr. McClellan noted that the average ten year rate of return is below the actuarial rate of return of 7%. Mr. Marinesi stated that the actuarial rate of return was recently reduced to 7% from 7.5% in 2016. Mr. McClellan stated that he believes that number the rate of return should be reduced again.

Ms. Moreno asked how the plan's performance compares to other major index funds. Mr. Miller replied that the plan compares fairly close to those indexes, however it is still slightly under. He also noted that this type of plan is different from those major index funds based on the types of investments. Mr. Marinesi commented that this plan has about \$160 million of assets and many of the major indexes have assets in the billions of dollars, which gives those funds the ability to withstand market fluctuations. He stated that we do not invest in higher risk investments

compared to the major indexes. Ms. Moreno asked when the pension plan closed. Mr. Marinesi stated that the plan closed in 2012.

Mr. Jablonski noted that MTS has three different pension plans. He stated that the plan being discussed today is for San Diego Transit, which includes the bus drivers and the maintenance workers on the bus side. He noted that San Diego Trolley has a CalPERS pension plan, but does not pay into Social Security, and MTS has a CalPERS pension plan and also pays into Social Security. Mr. Jablonski stated that these are three different legacy pension plans from before all entities were combined under MTS.

Mr. Ward commented that he is concerned with some of the future projections in the presentation. Mr. Miller replied that the numbers included in the presentation are historical only, not forward looking. He noted that they do look at forward looking projections on an annual basis. Anne Harper, with Cheiron, commented that they also make future projections and every five years they conduct an experience study, which projects assumptions for assets in the plan. Based on the experience study, they are able to make a recommended expected rate of return for the portfolio. Mr. Ward stated that the Board will need to address future concerns with the expected and actual rate of returns.

Ms. Galvez commented that she believes the rate of return should potentially be lowered to 6.5% or 6%. She asked what the process would be to do that. Mr. Marinesi replied that an actuarial experience study is conducted every five years. He commented that they can look at starting the experience study sooner to begin evaluating the plan and the markets and how that would impact the rate of return and the costs associated with the plan.

Action Taken

No action taken. Informational item only.

CLOSED SESSION COMMENTS – TAKEN OUT OF ORDER

Steve Padilla – Mr. Padilla commented on behalf of Grand Central West, LLC regarding their ongoing litigation with MTS about the property immediately behind and adjacent to the McDonalds building at the San Ysidro Transit Center. He stated that MTS has pursued a policy regarding this property, which is a public asset and should be used as public property and not private property. Mr. Padilla stated that MTS has put the traveling public at risk by pursuing their policy of this property. He said that the property was previously acquired by MTS with public funds to use as a bus platform to connect travelers to private intercity bus connections. Mr. Padilla stated that MTS has pursued litigation against Grand Central West for the last four years in pursuit of a policy that would treat that public property as private property. He stated that at the end of December of last year, the trial court rendered its decision against MTS. Mr. Padilla commented that he hopes the agency will not appeal and use additional public funds to pursue a policy that does not benefit the community or transit riders. He stated that the money used in this litigation should have been used on the transit riding public.

Miguel Aguirre – Mr. Aguirre gave his speaking time to Mr. Padilla.

31. 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)

Ms. Harper provided a presentation on the SDTC Employee Retirement Plan's Actuarial Valuation as of July 1, 2018. Ms. Harper 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.

Ms. Moreno inquired about the possible future funding issues of the plan. Mr. Marinesi stated that once the plan was closed in 2012, we were able to calculate our funded ratio and determine the plan going forward to drive the funded ratio from 58% to 100% funded over the course of about twenty years. Ms. Moreno asked if the numbers will change if we change the actuarial rate of return. Mr. Marinesi replied that the funding percentages will still stay the same, but the amount contributed into the plan would then increase. Ms. Moreno asked how the plan will have enough assets to cover its liabilities. Ms. Harper replied that the contributions are assumed to be made to the plan to cover its liabilities.

Mr. McClellan commented that he believes we need to be contributing more to this plan in order to help ensure that there are no issues in the future with funding retirees.

Ms. Galvez asked how quickly the Board could see the estimates based on a 5% rate of return. Mr. Marinesi replied that they can begin working on the actuarial experience study to bring back to the Board next year. He noted that the process is very extensive and time consuming.

Action Taken

Ms. Salas moved 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. Rios seconded the motion, and the vote was 11 to 0 in favor with Ms. Aguirre, Mr. Arambula, Mr. Arapostathis and Mr. Hall absent.

REPORT ITEMS

45. 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 the City of Chula Vista is looking forward to working with MTS on this joint development project. She thanked Kevin Pointer with the City of Chula Vista for his help on this project. Mr. Pointer stated that he is very proud to be working alongside MTS to engage with developers and the proposals to achieve the objectives of both agencies for the project.

Ms. Moreno thanked MTS staff and the City of Chula Vista for bringing forward this joint development project. She stated that this project can serve as a template for MTS to partner with other cities to provide and build more housing.

Ms. Galvez inquired about a small portion of a property adjacent to these properties, located on the corner of F Street. She asked what it would take to acquire and utilize that adjacent piece of property in this project. Mr. Allison replied that area of property contains traction power substations for trolley utilization and unfortunately cannot be removed. Ms. Landers noted that there is an opportunity to remove the abandoned freight tracks adjacent to the property to increase the footprint.

Action Taken

No action taken. Informational item only.

46. Update on Innovative Clean Transit Regulation (Paul Jablonski)

Mr. Jablonski provided an update on the California Air Resources Board (CARB) Innovation Clean Transit (ICT) Regulation. Mr. Jablonski noted that the CARB Board approved the ICT Regulation in December 2018. He reviewed and discussed all of the major components and minor components of the ICT Rule. Mr. Jablonski noted that MTS will be doing an electric bus pilot program and the buses for the pilot program have been ordered and purchased. He presented a sample picture of the electric buses that will be used in the pilot program.

PUBLIC COMMENTS

Gretchen Newsom – Ms. Newsom commented on behalf of the IBEW 569. She stated that they are big supporters of the ICT Rule and of transitioning transit to clean technologies. Ms. Newsom invited any Board Members to tour their training facility, which demonstrates the skills of their electrical trainees.

Jack Shu – Mr. Shu commented on behalf of the Cleveland National Forest Foundation and the Sierra Club. He stated that he agrees with Ms. Newsom's statements about the ICT Rule. Mr. Shu stated that he travels to China frequently and he saw China transition rapidly to electric buses. He said that he's looking forward to this region doing the same.

Lorraine Leighton – Ms. Leighton asked about the future electric cutaway buses. Mr. Jablonski noted that the cutaway buses are not included in the regulation at this time.

BOARD COMMENTS

Ms. Rios commented that she understands there are exemptions to the ICT Rule, but she believes that we should continually move forward with the transition to all zero emission buses.

Action Taken

No action taken. Informational item only.

47. Operations Budget Status Report for November 2018 (Mike Thompson)

Mike Thompson, Director of Financial Planning and Analysis, provided a report on the operations budget status for November 2018. He reviewed the total operating revenues; total operating expenses; and total operating variance. Mr. Thompson reviewed details of on-going concerns including regional sales tax receipts; STA formula funds; passenger levels; and energy prices.

Action Taken

No action taken. Informational item only.

59. Ad Hoc Ballot Measure Committee Report

Chair Gomez noted that the Board appointed a new Ad Hoc Ballot Measure Committee today. She stated that they will be scheduling those meetings now that the new Committee has been created. Chair Gomez commented that the previous Committee had completed acquiring the team of consultants to assist in the Ballot Measure process and development. She stated that there have been some initial discussions of projects and the initial polling of those projects will be conducted in early February. She noted that the outcome of the polling will be discussed with the Committee. Chair Gomez stated that the outreach process will begin in March, which will create focus groups and possibly a stakeholder working group. She commented that they will be engaging the public and all necessary stakeholders during the process.

PUBLIC COMMENTS

Vianney Ruvalcaba – Ms. Ruvalcaba commented on behalf of the City Heights Community Development Corporation (CDC). She stated that they are a part of the San Diego Transportation Equity Working Group and they are excited to be working with this group. Ms. Ruvalcaba stated that City Heights is one of the highest transit ridership areas in the city and they are looking forward to enhancing transit service in this area. She stated that the Working Group has submitted a letter to the Board that addresses the recommendations and needs for a future ballot measure.

Jack Shu – Mr. Shu stated that he supports the Quality of Life Coalition's letter to the Board in relation to this ballot measure. He commented that the methodology and process related to this ballot measure needs to be changed. He stated that the same processes SANDAG used should not be used here.

Bee Mittermiller – Ms. Mittermiller commented on behalf of San Diego 350. She stated that they are partners with the Working Group. She stated that they support the ballot measure. She commented that it is important to be transparent and to include public outreach during the process. Ms. Mittermiller stated that the chances of the ballot measure passing depends on the

input from the public and the voters. She commented that they are proposing to make the Ad Hoc Committee a public forum.

Gretchen Newsom – Ms. Newsom commented on behalf of the IBEW 569. She stated that they are also Quality of Life Coalition members and are hopeful that the Board is going to develop a very public process with a lot of transparency.

Sophie Wolfram – Ms. Wolfram commented on behalf of the Climate Action Campaign. She stated that they see a lot of potential in this ballot measure to help improve the environment and increase the quality of life as well as transit service in the region. Ms. Wolfram commented that the ballot measure needs to be developed through a transparent and public process. She stated that they are asking for the Ad Hoc Committee to be a public committee and that two of the seats on the committee be community seats. She stated that they are also asking for a community working group to be developed by MTS as well.

Rosa Olascoaga – Ms. Olascoaga commented on behalf of Mid-City CAN. She stated that they would like the ballot measure process to be transparent and include community input. She asked that the Ad Hoc Committee be a public forum so the community can provide input and participate.

Ana Castro Reynoso – Ms. Castro Reynoso provided a presentation on transportation justice projects and policies for the ballot measure. She discussed the San Diego Transportation Equity Working Group and its members. She reviewed the issues they believe to be top priorities including increasing transit access to jobs, decreasing the cost to riders, and helping the region achieve climate targets. Ms. Castro Reynoso reviewed their various priority projects and policies for the ballot measure. A complete copy of the presentation is included in the final meeting packet.

Esperanza Miranda – Ms. Miranda commented that she is advocating with the Environmental Health Coalition and the San Diego Transportation Equity Working Group on behalf of public transportation. She stated that she supports the Working Group's proposed projects and policies in relation to the ballot measure. She commented that they would like to see 24-hour service in their community, more frequent service and more security.

Lorraine Leighton – Ms. Leighton commented on the proposed ballot measure and asked that the Board explain why they should raise the fares. She also commented on another issue and stated that there have been a lot of drug dealings at El Cajon Transit Center.

Peter Brownell – This speaker was not present.

BOARD COMMENTS

Ms. Rios thanked the community and speakers for sharing their thoughts about the ballot measure. She stated that this process will include meaningful public outreach and inclusion. She stated that she would support making the Committee a public Committee.

Chair Gomez commented that there will be plenty of community input and they will ensure this process is a transparent process before the Board makes any decision on whether we will be moving forward with a ballot measure.

60. Chair Report

There was no Chair report.

61. Chief Executive Officer's Report

There was no Chief Executive Officer's report.

62. Board Member Communications

There were no Board Member communications.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

CLOSED SESSION – TAKEN OUT OF ORDER

24. Closed Session Items

The Board convened to Closed Session at 11:47 a.m.

- a. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9(d)(1) San Diego Metropolitan
Transit System v. Grand Central West LLC and related cross-complaints (San Diego
Superior Court Case No. 37-2014-00044014-CU-OR-CTL)

The Board reconvened to Open Session at 12:29 p.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from legal counsel.

64. Next Meeting Date

The next regularly scheduled Board meeting is February 14, 2019.

65. Adjournment

Chair Gomez adjourned the meeting at 12:30 p.m.

/s/ Georgette Gómez
Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

/s/ Julia Tuer
Clerk of the Board
San Diego Metropolitan Transit System

/s/ Karen Landers
General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): January 17, 2019

CALL TO ORDER (TIME): 9:00 a.m.

RECESS: _____

RECONVENE: _____

CLOSED SESSION: 11:47 a.m.

RECONVENE: 12:29 p.m.

PUBLIC HEARING: _____

RECONVENE: _____

ORDINANCES ADOPTED: _____

ADJOURN: 12:30 p.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
AGUIRRE	<input type="checkbox"/> (Spriggs) <input type="checkbox"/>		
ARAMBULA	<input type="checkbox"/> (Mendoza) <input type="checkbox"/>		
ARAPOSTATHIS	<input type="checkbox"/> (TBD) <input type="checkbox"/>		
FAULCONER	<input type="checkbox"/> (Moreno) <input checked="" type="checkbox"/>	9:00 a.m.	12:30 p.m.
FLETCHER	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
FRANK	<input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
GALVEZ	<input checked="" type="checkbox"/> (Diaz) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
GOMEZ	<input checked="" type="checkbox"/> (Campbell) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
HALL	<input type="checkbox"/> (McNelis) <input type="checkbox"/>		
MCCLELLAN	<input checked="" type="checkbox"/> (Goble) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
MONTGOMERY	<input checked="" type="checkbox"/> (Bry) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
SALAS	<input checked="" type="checkbox"/> (Diaz) <input type="checkbox"/>	9:00 a.m.	12:30 p.m.
SANDKE	<input type="checkbox"/> (Donovan) <input checked="" type="checkbox"/>	9:00 a.m.	12:30 p.m.
WARD	<input checked="" type="checkbox"/> (Kersey) <input type="checkbox"/>	9:00 a.m.	11:20 a.m.

SIGNED BY THE CLERK OF THE BOARD:

Julia Tuer

CONFIRMED BY THE GENERAL COUNSEL:

Karl Bad

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

**PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT)
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(PLEASE PRINT)

DATE	2/14/19		
Name	JOHN BRAOY		
Address	1550 MARKET SAN DIEGO, CA		
Telephone			
Email			
Organization Represented	VOICES OF OUR CITY		
Subject of Your Remarks	SECURITY		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

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(PLEASE PRINT)

DATE	2/14/19
Name	JOY FREEMAN
Address	4061 MANZANITA DR, SAN DIEGO, CA 92105
Telephone	727 242-1311
Email	JOY.FREEMAN@LIVE.COM
Organization Represented	
Subject of Your Remarks	MTS FAIRES
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	7-14, 2019		
Name	RICHARD MCNAMEE		
Address	550-14TH ST APT 427 S.D. CA 92101		
Telephone	(619) 200 8863		
Email	DICKIEPOO1@YAHOO.COM		
Organization Represented	V.O.O.C		
Subject of Your Remarks	FREE RIDES FOR YOUNG PEOPLE, AND HOMELESS		
Regarding Agenda Item No.	3	PUBLIC COMMENT	
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	2/14/19		
Name	Charles J Fealey		
Address	352 E Lydus St		
Telephone	518-248-2476		
Email	CFealey@Smart-Union.org		
Organization Represented	SMART		
Subject of Your Remarks	Introduction to SMART		
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	2/14/19	
Name	Michael McConnell	
Address	10 Boy 927366	
Telephone	760-846-2108	
Email	Michael@latollacoin.com	
Organization Represented	Myself	
Subject of Your Remarks	Criminalization of Homosexuality	
Regarding Agenda Item No.		
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	2-14-19	2-14-19
Name	Rick Bramhall	
Address	6955 Alvarado Rd #58 SD 92120	
Telephone	760-639-9522	
Email	rick.bramhall	
Organization Represented		
Subject of Your Remarks	proposed sales tax	
Regarding Agenda Item No.		
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

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(PLEASE PRINT)

DATE	07-14-19
Name	MARCHELLE MINAFEE
Address	3929 TANK ST
Telephone	619-608-2074
Email	MARCHELLE.MINAFEE@gmail.com
Organization Represented	VOCC
Subject of Your Remarks	Trolley PASSES - PASSES
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

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ORDER REQUEST RECEIVED

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(PLEASE PRINT)

DATE	2/14/19			
Name	Laina Gossman			
Address	5918 Madra Ave. San Diego 92120			
Telephone	858-774-2600			
Email	Laina.gossman@gmail.com			
Organization Represented				
Subject of Your Remarks	Extend trolley to Sorrento Valley			
Regarding Agenda Item No.				
Your Comments Present a Position of:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

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

Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

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



1255 Imperial Avenue, Suite 1000
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Agenda Item No. 7

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

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.

Today's action would revise MTS Policy No. 41 to:

1. Add new section 41.4.10 to specifically acknowledge that the emergency procurement provisions of Public Utilities Code section 120224.1 apply to the MTS Policy No. 41 expenditure limits. Any emergency procurement authorized shall be reported to the Board (see CEO Report, Agenda Item No. 61);



2. Adding \$50,000 approval authority for the new Director of Capital Projects position;
3. Update certain position titles; and
4. Remove 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 Accounting 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
Director of Capital Projects	To	\$ 50,000
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

41.2.1 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.

41.4.10 Emergency Procurements. As authorized by Public Utilities Code section 120224.1, the Chief Executive Officer may authorize the purchase of goods or services, including those costing more than \$100,000, if the purchase requires immediate approval to avert or alleviate damage to, or to repair or restore damaged or destroyed property and insure that MTS facilities are available to serve the transportation needs of the general public or to comply with any state or federal regulation with respect to the operation of public transportation services or protecting public safety. The Chief Executive Office shall report such actions to the Board of Directors at its next meeting.

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

SUBJECT:

EXCESS INSURANCE RENEWALS FOR LIABILITY AND WORKERS'
COMPENSATION PROGRAM

RECOMMENDATION:

That the Board of Directors approve the purchase of excess liability insurance (at limits of \$75 million less a \$2 million self-insured retention [SIR]) and excess workers' compensation insurance (at statutory limits less a \$1 million self-insured retention [SIR]). The new policies would be in effect from March 1, 2019 through March 1, 2020.

Budget Impact

The combined proposed premium for both lines of coverage, including taxes and fees, would not exceed \$1,665,184 for the one year period. The total premium for the excess liability insurance represents a 3.28% or \$46,364 increase over the expiring policies. The excess workers' compensation premium is decreasing by 9.28% or \$21,028 over the expiring policy. Terrorism coverage is included in both insurance lines.

The specific allocation among MTS, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), and San Diego and Arizona Eastern (SD&AE) Railway Company is based on the underwriting exposure. Costs associated with the excess insurance policies are allocated across two fiscal years. For fiscal year 2019, staff estimates that the agencies will be within budget. Fiscal year 2020 budgets are currently being developed. Funds for this coverage will be designated and included within them.

The approximate annual breakdown between the agencies is noted within the table below.



COMBINED TOTAL EXCESS INSURANCE PREMIUMS					
AGENCY	MTS	SDTC	SDTI	SD&AE	TOTAL
Excess Liability	\$175,167	\$649,580	\$620,385	\$14,597	\$1,459,729
Excess Workers' Comp.	\$24,655	\$91,427	\$87,318	\$2,055	\$205,455
Total Excess Premium	\$199,822	\$741,007	\$707,703	\$16,652	\$1,665,184
Combined Excess Split	12.0%	44.5%	42.5%	1.0%	

DISCUSSION:

MTS, SDTC, SDTI, and SD&AE jointly purchase commercial general liability insurance to finance large third-party catastrophic losses for bodily injury, property damage and other damage claims in excess of a self-insured retention of \$2 million per occurrence. The agencies also jointly purchase an excess workers' compensation policy to supplement the self-insured program of \$1 million per occurrence. The existing policies will expire on March 1, 2019. MTS's insurance broker, Alliant Insurance Services, Inc., has worked extensively with staff and multiple insurance carriers to obtain the best coverage possible for the forthcoming year.

Current Program

MTS currently has excess liability coverage within four layers of insurance limits from various insurance companies. These layers provide for a total general liability limit of \$75 million. The policies each contain coverage for acts of terrorism. The current cost of these policies, including taxes and fees, is \$1,413,365. In addition, MTS purchases excess workers' compensation insurance at statutory limits (i.e., the maximum benefit the State would allow for a single accident/injury) for a cost of \$226,483. These premiums totaled \$1,639,848 under the current program structure.

Proposed Program

The proposed excess liability insurance program is also anticipated to include four policy layers and would carry a self-insured retention of \$2 million for general liability and public entity excess liability. All of this coverage (including MTS' self-insured retention) would provide full limits up to \$75 million per occurrence at an annual cost not to exceed \$1,459,729. The proposed program includes remaining with the incumbent carriers on all 4 layers. There is an overall 3.28% (or \$46,364) liability insurance premium increase this year.

An excess workers' compensation policy is also being recommended for purchase at statutory limits less a \$1 million insurance deductible/retention. The premium cost for this policy is \$205,455, which represents a 9.28% (or \$21,028) decrease over the expiring premium for the same limits and retention.

The total premium of \$1,665,184 for the combined excess liability and excess workers' compensation coverage represents an overall 1.55% (or \$25,336) increase over last year.

COVERAGE	INSURER	AM BEST RATING	LIMIT & ATTACHMENT	TOTAL PREMIUM
Excess Workers' Comp.	Arch Insurance Company	A+ XV	Statutory x \$1M SIR	\$205,455
1st Layer Excess Liability	Princeton Excess & Surplus Lines (Munich Re)	A+ XV	\$10M x \$2M SIR	\$868,676
2nd Layer Excess Liability	Lloyds of London (Aegis & Hamilton)	A+ XV	\$15M x \$10M x \$2M SIR	\$259,452
3rd Layer Excess Liability	Great American Assurance Company	A XV	\$25M x \$25M x \$2M SIR	\$227,215
4th Layer Excess Liability	Allied World Assurance Co. (AWAC)	A XV	\$23M x \$50M x \$2M SIR	\$104,386
				\$1,665,184

Renewal Issues – Underwriting Base

Premium rates for the excess liability coverage are based on a combination of passenger counts, revenue miles, operating revenue, construction costs, loss history and current market conditions. For excess workers' compensation, premiums are largely driven by payroll as well as loss history and current market conditions.

Public Entity Market - Recent Observations

MTS's brokers marketed several excess general liability insurance carriers in addition to the incumbents to determine whether cost savings could be found elsewhere. What was found is a changing landscape in terms of carriers interested in writing public entity business. Several "lead layer" markets have either left the public entity business entirely, or have increased their attachment points well above MTS's \$2M retention. New carriers have selectively entered the market place; however, their pricing was not as competitive as the liability carriers that currently provide MTS's coverage. The premium increase this year was also influenced by recent historical loss development at MTS.

With regard to the excess workers' compensation insurance, there was more competition this year from one additional carrier besides the incumbent. However, the other options came with some conditions that caused minor coverage concerns. The incumbent decreased its pricing to be competitive with the other carrier's quote. Therefore, staff is recommending MTS remain with the incumbent excess workers' compensation carrier.

Overall, MTS's insurance broker, Alliant, did an outstanding job negotiating an advantageous excess liability and workers' compensation insurance program for MTS once again this year. Despite the rise in premium over last year, MTS is not required to increase its long-standing \$2M self-insured retention for liability and its \$1M self-insured retention for workers' compensation. Furthermore, MTS is able to retain the favorable

coverage terms and conditions it has had for many years. This is particularly important in light of current loss history and a general push in the carrier markets to increase self-insured retentions.

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

Key Staff Contact: Sharon Cooney, 619-557-4513 sharon.cooney@sdmts.com

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

San Diego Metropolitan Transit System

EXCESS LIABILITY & EXCESS WORKERS' COMPENSATION INSURANCE PROPOSAL 2019-2020

Presented on January 31, 2019 by:



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2019-20 Insurance Market: Recent Observations

Public Entity Liability Marketplace

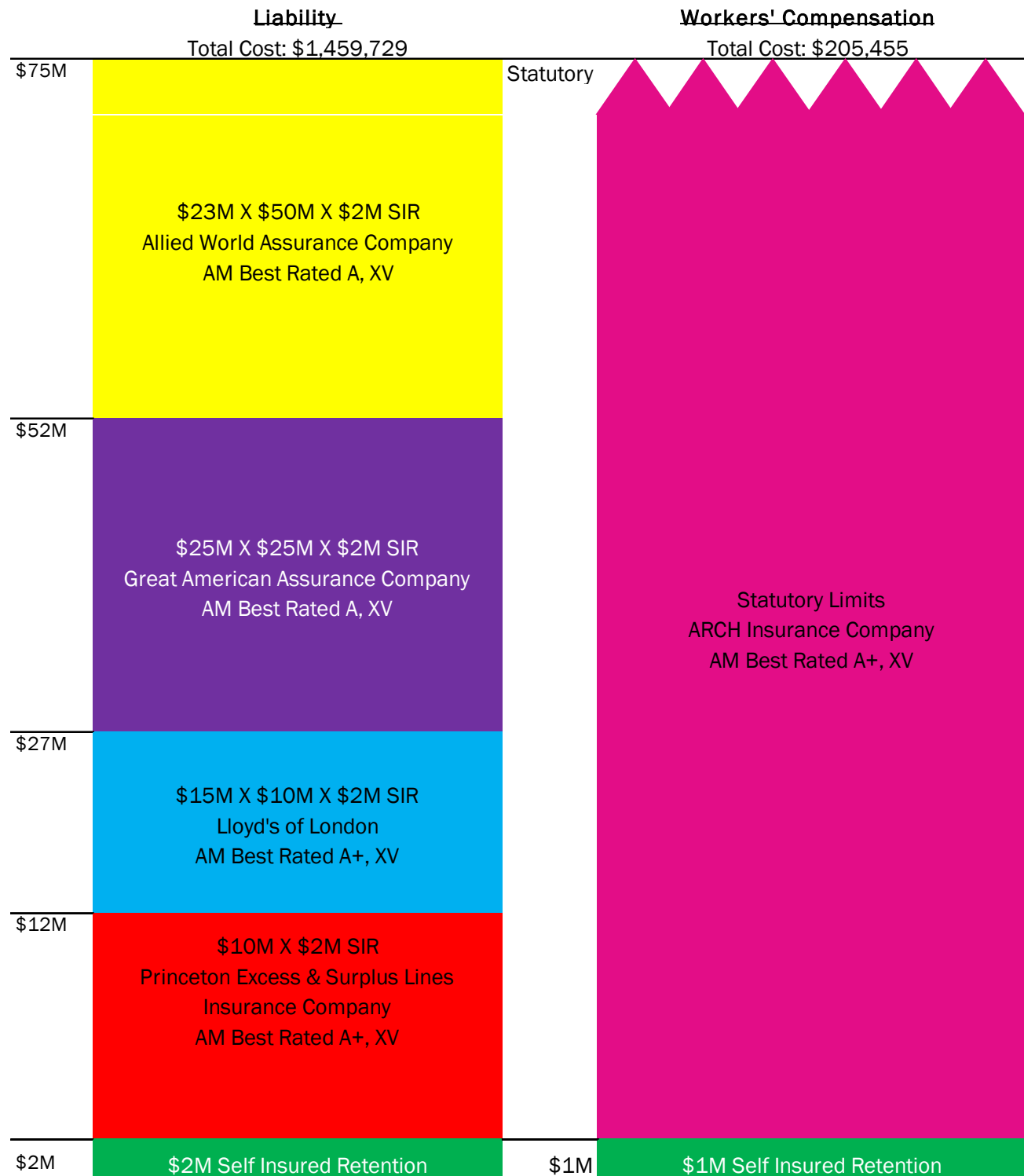
- Continues to Pose Placement Challenges:
 - Especially true in non tort-protected jurisdictions such as California
 - Carriers carefully evaluating risks that can lead to severe losses, and very selective about attachment point, limit offerings and price
- Over the last five years, several markets that focus on layers directly over insureds' self-insured retentions (SIR) have either left the segment entirely, or significantly restructured their offerings due severe losses within their public entity book of business:
 - Starr
 - Civic Risk
 - Ironshore
 - Lexington
 - AmTrust
- Carriers that focus on Excess Capacity have been reducing limit offerings, which means it is taking more carriers to replace what had been single carrier placements.
- Large industry losses have span many areas of the Public Sector including: Transit, Streets & Road Design, Employment Practices, Sexual Abuse, and Law Enforcement;
- New carriers have very selectively entered the space, which is a welcome respite, however frequently proposed pricing and terms are not as competitive as expiring
- *Upward SIR & Pricing Pressure for risks showing susceptibility of Losses excess of SIR.*
- SD MTS's liability pricing is up 3.28% over expiring:
 - The premium increase is driven primarily due to recent historical loss development at SD MTS, and the general market conditions described previously.

Workers' Compensation Market

-) Narrow marketplace with few insurers offering Excess Workers' Compensation coverage
-) Market is mostly stable for good performing accounts with no material loss activity excess of the self-insured retention.
-) Two renewal options are available for SD MTS's consideration and under either option, a premium reduction will be achieved for the renewal.



LIABILITY AND WORKERS COMPENSATION STRUCTURE CHART





COST OF RISK – RENEWAL COST COMPARISON

Expiring Compared to Renewal: Net of Commission (where applicable) and Includes TRIA

Coverage	\$2M SIR Expiring	\$2M SIR Renewal	\$ Difference	% Difference
Excess Liability – Layer 1	\$841,080	\$868,676	\$27,596	3.28%
Excess Liability – Layer 2	\$251,213	\$259,452	\$8,239	3.28%
Excess Liability – Layer 3	\$220,000	\$227,215	\$7,215	3.28%
Excess Liability – Layer 4	\$101,072	\$104,386	\$3,314	3.28%
<i>Excess Liability Sub Total:</i>	<i>\$1,413,365</i>	<i>\$1,459,729</i>	<i>\$46,364</i>	<i>3.28%</i>
Excess Workers' Compensation	\$226,483	\$205,455	-\$21,028	-9.28%
Total Annual Cost	\$1,639,848	\$1,665,184	\$25,336	1.55%



Historical Liability Pricing & Layering Exhibit

2015-16										
Layer	Carrier	Limit & Attachment	Annual Premium w/o Terrorism	Terrorism Surcharge	Terrorism Elected	Gross Premium	Surplus Lines Taxes & Fees 3.20%	Grand Total (w/ SL T&F's)	Price / Mil (incl TRIA)	Change over expiring
1	National Casualty Company (Admitted)	10M x 2M SIR	\$ 788,274	\$ 7,883	Yes	\$ 796,157		\$ 796,157	\$ 79,615.70	3.45%
								\$ 716,541		-6.89%
2	Berkley National (Admitted)	15M x 10M x 2M SIR	\$ 296,451	\$ 2,965	Yes	\$ 299,416		\$ 299,416	\$ 19,961.07	0.00%
3	Great American (Admitted)	25M x 25M x 2M SIR	\$ 221,760	\$ 2,240	Yes	\$ 224,000		\$ 224,000	\$ 8,960.00	0.00%
4	AWAC (Admitted)	23M x 50M x 2M SIR	\$ 98,800	Included	Yes	\$ 98,800	N/A	\$ 98,800	\$ 3,952.00	0.00%
	TOTAL		\$ 1,405,285			\$ 1,418,373		\$ 1,418,373		1.91%
								\$ 1,338,757		-3.81%
2016-17										
Layer	Carrier	Limit & Attachment	Annual Premium w/o Terrorism	Terrorism Surcharge	Terrorism Elected	Gross Premium	Surplus Lines Taxes & Fees 3.20%	Grand Total (w/ SL T&F's)	Price / Mil (incl TRIA)	Change over expiring
1	National Casualty Company (Admitted)	10M x 2M SIR	\$ 788,274	\$ 7,883	Yes	\$ 796,157	N/A	\$ 796,157	\$ 79,615.70	0.00%
								\$ 716,541		0.00%
2	Berkley National (Admitted)	15M x 10M x 2M SIR	\$ 296,451	\$ 2,965	Yes	\$ 299,416	N/A	\$ 299,416	\$ 19,961.07	0.00%
3	Great American (Admitted)	25M x 25M x 2M SIR	\$ 224,000	Included	Yes	\$ 224,000	N/A	\$ 224,000	\$ 8,960.00	0.00%
4	AWAC (Admitted)	23M x 50M x 2M SIR	\$ 98,800	Included	Yes	\$ 98,800	N/A	\$ 98,800	\$ 3,952.00	-93.03%
	TOTAL		\$ 1,407,525			\$ 1,418,373		\$ 1,418,373		0.00%
								\$ 1,338,757		0.00%
2017-18										
Layer	Carrier	Limit & Attachment	Annual Premium w/o Terrorism	Terrorism Surcharge	Terrorism Elected	Gross Premium	Surplus Lines Taxes & Fees 3.20%	Grand Total (w/ SL T&F's)	Price / Mil (incl TRIA)	Change over expiring
1	Princeton Excess & Surplus Lines Insurance Company (Non-Admitted)	10M x 2M SIR	\$ 733,086	\$ 7,411	Yes	\$ 740,497	\$ 23,696	\$ 764,193	\$ 74,049.70	-4.01%
2	Lloyd's of London (Non-Admitted)	15M x 10M x 2M SIR	\$ 250,000	Included	Yes	\$ 250,000	\$ 8,000	\$ 258,000	\$ 16,666.67	-13.83%
								\$ 239,250		
3	Great American (Admitted)	25M x 25M x 2M SIR	\$ 215,000	Included	Yes	\$ 215,000	N/A	\$ 215,000	\$ 8,600.00	-4.02%
4	AWAC (Admitted)	23M x 50M x 2M SIR	\$ 98,800	Included	Yes	\$ 98,800	N/A	\$ 98,800	\$ 3,952.00	0.00%
	TOTAL		\$ 1,296,886			\$ 1,304,297		\$ 1,335,993		-5.81%
								\$ 1,317,243		-1.61%
2018-19 (Expiring)										
Layer	Carrier	Limit & Attachment	Annual Premium w/o Terrorism	Terrorism Surcharge	Terrorism Elected	Gross Premium	Surplus Lines Taxes & Fees 3.20%	Grand Total (w/ SL T&F's)	Price / Mil (incl TRIA)	Change over expiring
1	Princeton Excess & Surplus Lines Insurance Company (Non-Admitted)	10M x 2M SIR	\$ 806,931	\$ 8,069	Yes	\$ 815,000	\$ 26,080	\$ 841,080	\$ 81,500.00	10.06%
2	Lloyd's of London (Non-Admitted)	15M x 10M x 2M SIR	\$ 262,500	Included	Yes	\$ 262,500	\$ 8,400	\$ 270,900	\$ 17,500.00	5.00%
								\$ 251,213		
3	Great American (Admitted)	25M x 25M x 2M SIR	\$ 220,000	included		\$ 220,000		\$ 220,000	\$ 8,800.00	2.33%
4	AWAC (Admitted)	23M x 50M x 2M SIR	\$ 100,062	\$ 1,010		\$ 101,072		\$ 101,072	\$ 4,042.88	2.30%
						\$ 1,398,572		\$ 1,433,052		7.26%
								\$ 1,413,365		7.30%
			104386							
2019-20 (Proposed)										
Layer	Carrier	Limit & Attachment	Annual Premium w/o Terrorism	Terrorism Surcharge	Terrorism Elected	Gross Premium	Surplus Lines Taxes & Fees 3.20%	Grand Total (w/ SL T&F's)	Price / Mil (incl TRIA)	Change over expiring
1	Princeton Excess & Surplus Lines Insurance Company (Non-Admitted)	10M x 2M SIR	\$ 833,406	\$ 8,334	Yes	\$ 841,740	\$ 26,936	\$ 868,676	\$ 84,174.00	3.28%
2	Lloyd's of London (Non-Admitted)	15M x 10M x 2M SIR	\$ 271,110	Included	Yes	\$ 271,110	\$ 8,676	\$ 279,786	\$ 18,074.00	3.28%
								\$ 259,452		
3	Great American (Admitted)	25M x 25M x 2M SIR	\$ 227,215	included		\$ 227,215		\$ 227,215	\$ 9,088.60	3.28%
4	AWAC (Admitted)	23M x 50M x 2M SIR	\$ 103,346	\$ 1,040		\$ 104,386		\$ 104,386	\$ 4,175.44	3.28%
						\$ 1,444,451		\$ 1,480,062		4.65%
								\$ 1,459,729		3.28%



LINE OF COVERAGE – EXCESS LIABILITY

First Layer – The Princeton Excess & Surplus Lines (Munich)

NAMED INSURED:	San Diego Metropolitan Transit System	
INSURANCE COMPANY:	The Princeton Excess and Surplus Lines Insurance Company	
AM BEST RATING:	A+ (Superior), XV (\$2 Billion or greater) as of October 19, 2016	
S&P RATING:	AA- (Very Strong) as of December 22, 2006	
CALIFORNIA STATUS:	Non-Admitted	
POLICY TERM:	March 1, 2019 to March 1, 2020	
COVERAGE FORM:	Retained Limit of Liability Form	
LIMIT OF LIABILITY:		
	\$ 10,000,000	General Liability Per Occurrence
	\$ 10,000,000	Law Enforcement Liability Per Occurrence
	\$ 10,000,000	Auto Liability Per Accident
	\$ 10,000,000	Wrongful Acts Liability Per Occurrence
	\$ 10,000,000	Employee Benefit Liability Per Occurrence
	\$ 10,000,000	Sexual Abuse Per Occurrence
	\$ 10,000,000	Miscellaneous Professional Liability
	<u>Aggregate Limits</u>	
	\$ N/A	General Liability & Auto Liability
	\$ 20,000,000	Law Enforcement Liability
	\$ 30,000,000	Wrongful Acts Liability
	\$ 20,000,000	Employee Benefits Liability
	\$ 20,000,000	Sexual Abuse
	\$ 20,000,000	Miscellaneous Professional Liability
RETAINED LIMIT:	\$ 2,000,000	
DEFENSE COST:	Inside the Limit of Liability	
PREMIUM:	\$ 841,740.00	Policy Premium
	\$ 26,935.68	Surplus Lines Taxes & Fees
	\$ 868,675.68	Total Annual Premium
TERRORISM OPTION:	\$8,600.69 included in the premium above	



LINE OF COVERAGE – EXCESS LIABILITY

First Layer – The Princeton Excess & Surplus Lines (Munich), continued

ENDORSEMENTS & EXCLUSIONS:

Form	Form No.
Common Policy Declaration	RL 1000 CDEC 11/18
Liability Coverage Parts Declarations	RL 1000 LDEC 01/18
Policy Conditions	RL 1000 PC 07/13
Liability Conditions Definitions and Exclusions – amended so that exclusion 17 will provide BI coverage	RL 1000 LC 01/18
Automobile Liability – Coverage Part	RL 1000 AU 01/11
General Liability Coverage Part – Occurrence	RL 1000 GLOC 01/18
Wrongful Acts Liability Coverage Part – Occurrence	RL 1000 WROC 01/18
Miscellaneous Professional Liability Coverage Part – Occurrence	RL 1000 MPOC 01/18
Employee Benefits (Wrongful Act Occurrence)	RL 2008 01/18
Fire Damage Liability - \$500,000 Limit	RL 2012 01/11
Amended Law Enforcement Endorsement – Modified so that AL is not subject to any aggregate	RL 2015 07/13
Single Policy Retained Limit & Single Policy Excess Limit – Non-Clash	RL 2019 01/11
Sexual Abuse Wrongful Act (Occurrence)	RL 2022 01/18
Ultimate Net Loss Amendment	RL 2028 01/11
Policy Change – Schedule of Named Insured	RL 2032 A 01/02
Policy Changes – Notice of Cancellation Rev. 90 Days	RL 2032 B 01/02
Policy Changes – Retained Limit – Other Insurance	RL 2032 C 01/02
Policy Changes – Wrongful Act Sublimit – \$500,000	RL 2032 E 01/02
Front or Bay Pay Coverage	
Service of Suit – PESLIC	RL 2050 01/02
Additional Insured – lessor or Leased Equipment – US Bank Corporate Trust Services	RL 2064 A-D 01/02
Renewal Endorsement	RL 2089 09/085
Amendment of Definition of Insured	RL 2100 01/18
Violent Event Response Coverage	RL 2121 03/16
Waiver of Subrogation	RL 2130 A-D 07/10
Unmanned Aircraft Exclusion	RL 2172 01/18
Mold/Fungal Pathogens Exclusion	RL 2034 01/02
Cap on Losses Certified Acts of Terrorism (if elected)	RLVTERR 01 01/15
Terrorist Activity Exclusion (if rejected)	RL CTERR 01 01/15
Policy Changes – Time Element Pollution Exclusion	RL 2032 D 01/02
Policy Changes – Land or Earth Movement Exclusion	RL 2032 F 01/02
New Cyber Exclusion except for BI	



LINE OF COVERAGE – EXCESS LIABILITY

First Layer – The Princeton Excess & Surplus Lines (Munich), continued

QUOTE VALID:	March 1, 2019
MINIMUM EARNED:	25%
BINDING CONTITIONS:) Written request to bind coverage) Sign & Date D1 and Terrorism Disclosure Notice
LOSS REPORTING:	Incidents that will or might give rise to a claim should be immediately reported to: <i>The Princeton Excess & Surplus Lines Ins. Co.</i> 555 College Road East Princeton, NJ 08543 Phone: 609-243-4200 Fax: 609-243-4558 clmsins@munichreamerica.com Or <i>Alliant Insurance Services – Claims Department</i> Mr. Robert Frey or Ms. Elaine Kim Main Phone: 415.403.1400 Fax: 415.403.1466 rfrey@alliant.com / ekim@alliant.com



LINE OF COVERAGE – EXCESS LIABILITY

Second Layer – Lloyd's of London

NAMED INSURED:	San Diego Metropolitan Transit System
INSURANCE COMPANY:	Lloyd's of London
AM BEST RATING:	A+ (Superior), XV (\$2 Billion or greater) as of February 26, 2016
S&P RATING:	A+ (Strong) as of May 13, 1999
CALIFORNIA STATUS:	Non-Admitted
POLICY TERM:	March 1, 2019 to March 1, 2020
COVERAGE FORM:	Commercial Excess Liability Coverage Form
LIMIT OF LIABILITY:	\$ 15,000,000 Each Occurrence \$ 30,000,000 Aggregate Limit (Where Applicable) <i>(In excess of the controlling underlying insurance shown below.)</i>
DEFENSE COST:	Inside the Limit of Liability
UNDERLYING POLICY:	The Princeton Excess & Surplus Lies Ins. Co. \$ 10,000,000 General Liability \$ 10,000,000 Auto Liability \$ 10,000,000 Law Enforcement Liability \$ 10,000,000 Wrongful Acts Liability \$ 10,000,000 Employee Benefits Liability \$ 10,000,000 Sexual Abuse \$ 10,000,000 Miscellaneous Professional Liability <u>Aggregate Limits</u> \$ N/A General & Auto Liability \$ 20,000,000 Law Enforcement Liability \$ 30,000,000 Wrongful Acts Liability \$ 20,000,000 Employee Benefits Liability \$ 20,000,000 Sexual Abuse \$ 20,000,000 Miscellaneous Professional <u>Excess of: Retained Limit</u> \$ 2,000,000



LINE OF COVERAGE – EXCESS LIABILITY

Second Layer – Lloyd's of London, continued

PREMIUM:	\$ 271,110.00	Annual Premium	
	\$ -20,333.25	Return Commission Credit (7.5%)	
	\$ 8,133.30	Surplus Lines Tax	
	\$ 542.22	Stamping Fee	
	\$ 259,452.27	Total Annual Premium	
TERRORISM OPTION:	included in the premium above		
ENDORSEMENTS & EXCLUSIONS: (including but not limited to)	Form		Form No.
	Schedule of Underlying Policies		
	Premium Payment Clause – 60 Days		LSW 3000
	Endorsement for Excess Following Form Policy Issuance Prior to Issuance/Receipt of the lead underlying policy		
	Cancellation Clause, in the event of downgrading of insurer's Financial Rating		
	Assistance & Co-Operation Amendment Endorsement		
	Non-Follow Form amendatory Endorsement		
	Service of Suit Clause		LMA 5020
	Sanctions Limitation Clause		LMA 3100
	TRIA Notice, LMA 5218 apply if purchased, LMA5219 if rejected		LMA 9104
	Notice of Cancellation provision – 90 Days		
MINIMUM EARNED:	35%		
QUOTE VALID:	March 1, 2019		
POLICY AUDITABLE:	Not Auditable		
BINDING CONDITIONS:) Written request to bind coverage) Signed and Dated TRIA Letter, Required Prior to Binding.) Signed Policyholder Disclosure Notice of Terrorism Insurance Coverage must be returned at the time of binding.		
LOSS REPORTING:	Incidents that will or might give rise to a claim should be immediately reported to: <i>Alliant Insurance Services – Claims Department</i> Mr. Robert Frey or Ms. Elaine Kim Main Phone: 415.403.1400 Fax: 415.403.1466 rfrey@alliant.com / ekim@alliant.com		



LINE OF COVERAGE – EXCESS LIABILITY

Third Layer – Great American Assurance Company

NAMED INSURED:	San Diego Metropolitan Transit System
INSURANCE COMPANY:	Great American Assurance Company
AM BEST RATING:	A+ (Superior), XV (\$2 Billion or greater) as of May 12, 2016
S&P RATING:	A+ (Strong) as of October 5, 2010
CALIFORNIA STATUS:	Admitted
POLICY TERM:	March 1, 2019 to March 1, 2020
COVERAGE FORM:	Excess Liability Coverage Form - GAI6524 (06/97)
LIMIT OF LIABILITY:	\$ 25,000,000 Each Occurrence \$ 50,000,000 Aggregate, where applicable <i>(In excess of the controlling underlying insurance shown below.)</i>
DEFENSE COST:	Inside the Limit of Liability
EXCESS LAYERS:	Excess Liability Occurrence Lloyd's of London \$ 15,000,000 Each Occurrence or Wrongful Act \$ 30,000,000 Aggregate, where applicable Excess of First Underlying Insurance
FIRST UNDERLYING INSURANCE:	Retained Limit Liability Insurance Policy for Public Entities Princeton Excess & Surplus Lines Insurance Company \$ 10,000,000 General Liability \$ 10,000,000 Law Enforcement Liability \$ 10,000,000 Auto Liability \$ 10,000,000 Wrongful Acts Liability \$ 10,000,000 Employee Benefit Liability \$ 10,000,000 Sexual Abuse \$ 10,000,000 Miscellaneous Professional Liability Aggregate Limits: N/A General Liability & Auto Liability \$ 20,000,000 Law Enforcement Liability \$ 30,000,000 Wrongful Acts Liability \$ 20,000,000 Employee Benefit Liability \$ 20,000,000 Sexual Abuse \$ 20,000,000 Miscellaneous Professional Liability <i>Defense expenses are included in the limits of liability</i>



LINE OF COVERAGE – EXCESS LIABILITY

Third Layer – Great American Assurance Company, continued

RETAINED LIMIT: \$ 2,000,000 Any one occurrence or wrongful act or employee benefit wrongful act – each & every

FIRST UNDERLYING FORMS, EXCLUSIONS AND/OR IMITATIONS: We will follow all of the exclusions and limitations of the Princeton E&S Lines Ins. Company coverage form and any additional exclusions/modifications/limitations as noted in their quote.

Attachments:

Automobile Liability Coverage Part – RL 1000 Au 01/11
 General Liability Coverage Part – Per Occurrence – RL 1000 GLOC 07/13
 Wrongful Acts Liability Coverage Part – Occurrence – RL 1000 WROC 07/13
 Misc. Professional Liability Coverage Part – Occurrence – RL 1000 MOC 07/13
 Employee Benefits (Wrongful Act Occurrence) – RL 2008 07/13
 Amended Law Enforcement Endorsement – RL 2015 07/13
 Policy Conditions – RL 1000 PC 07/13
 Liability Conditions Definition & Exclusions – Exclusions include but are not limited to: eminent domain, condemnation, inverse condemnation, or adverse possession; medical, surgical, dental, x-ray or nursing service or treatment; punitive or exemplary damages; fiduciary; ERISA; workers' compensation; criminal, fraudulent, dishonest act or bad faith; pollution; hostile fire; asbestos; lead; supply of gas; oil, water, electricity, steam or sewage; earth movement; aircraft; airfields; watercraft; landfill, dam, spillway, levee or reservoir; war; Nuclear Energy Liability; nuclear material; and Electronic Information Security Event – RL 1000 LC 07/15
 Single Policy Retained Limit and Policy Excess Limit – Non-Clash – RL 2019 01/11
 Sexual Abuse Wrongful Act (Occurrence) – RL 2022 07/13
 Notice of Cancellation Revision Endorsement – 90 Days – RL2032B0102
 Time Element Pollution Exclusion – RL 2032 01/02
 Land or Earth Movement Exclusion – RL 2032 01/02
 Mold/Fungal Pathogens Exclusion – RL 2034 01/02
 Unmanned Aircraft Exclusion – RL1720118

Great American Exclusions, Limitation and/or Attachments:

J Exclusion – Recording and Distribution of Material or Information in Violation of Statutes or Common Law – GAI6774 (12/13)
 J War Liability Exclusion – GAI6550 (03/03)
 J Amendment of Cancellation Condition – California – GAI6011 (06/97)
 J Economic and Trade Sanctions Clause – IL7324 (08/12)
 J Following Form Endorsement – GAI6965 (10/14)
 J In Witness Clause – IL7268 (09/09)
 J State Amendatory – California Changes – GAI6704 (01/13)
 J If Terrorism Coverage is Accepted – Cap on Losses from Certified Acts of Terrorism will attach – GAI6452 (04/15)
 J Disclosure Pursuant to Terrorism Risk Insurance Act – GAO6472 (04/15)



LINE OF COVERAGE – EXCESS LIABILITY

Third Layer – Great American Assurance Company, continued

PREMIUM:	\$ 227,215.00 Annual Premium including \$0 for TRIA
TERRORISM OPTION:	\$0 Included in the premium above
QUOTE VALID:	March 1, 2019
BINDING CONDITIONS:	<ul style="list-style-type: none">) Written request to bind coverage) If TRIA is excluded by any underlying, then TRIA will be excluded by this policy and a TRIA rejection disclosure must be signed by the insured.
LOSS REPORTING:	<p>Incidents that will or might give rise to a claim should be immediately reported to:</p> <p><i>Alliant Insurance Services – Claims Department</i> Mr. Robert Frey or Ms. Elaine Kim Main Phone: 415.403.1400 Fax: 415.403.1466 rfrey@alliant.com / ekim@alliant.com</p>



LINE OF COVERAGE – EXCESS LIABILITY

Fourth Layer – Allied World Assurance Company

NAMED INSURED:	San Diego Metropolitan Transit System
COMPANY:	Allied World Assurance Company
AM BEST RATING:	A (Excellent), XV (\$2 Billion or greater) as of December 20, 2016
S&P RATING:	A (Strong) as of June 7, 2011
CALIFORNIA STATUS:	Admitted
POLICY TERM:	March 1, 2019 to March 1, 2020
COVERAGE FORM:	Excess Liability Coverage Form – GL 00126 00 (06/07)
LIMIT OF LIABILITY:	\$ 23,000,000 Each Occurrence/Aggregate (where applicable)
	Excess Of Attachment Point:
	\$ 50,000,000 Each Occurrence/Aggregate (where applicable)
DEFENSE COST:	Follows Scheduled of Underlying Insurance
EXCESS LAYERS:	Excess Liability Occurrence – Great American Assurance Company
	\$ 25,000,000 Each Occurrence
	\$ 50,000,000 Aggregate, where applicable
	Excess Liability Occurrence – Lloyd's of London
	\$ 15,000,000 Each Occurrence or Wrongful Act
	\$ 30,000,000 Aggregate (where applicable)
FIRST UNDERLYING INSURANCE:	Retained Limit Liability Insurance Policy for Public Entities Princeton E&S Lines Insurance Company
	\$ 10,000,000 Each Occurrence or Accident
	\$ 20,000,000 Law Enforcement Liability Aggregate
	\$ 30,000,000 Wrongful Acts Liability Aggregate
	\$ 20,000,000 Employee Benefit Liability Aggregate
	\$ 20,000,000 Sexual Abuse Aggregate
	\$ 20,000,000 Miscellaneous Professional Liability Aggregate
	<i>Excess of Retained limit:</i>
RETAINED LIMIT:	\$ 2,000,000 Any one occurrence or wrongful act or employee benefit wrongful act – each & every
PREMIUM:	\$ 104,386 Annual Premium



LINE OF COVERAGE – EXCESS LIABILITY

Fourth Layer – Allied World Assurance Company, continued

TERRORISM OPTION:	\$1,040.00 (included in above premium)	
FIRST UNDERLYING FORMS, EXCLUSIONS AND/OR IMITATIONS:	We will follow all of the exclusions and limitations of the Princeton E&S Insurance Company coverage form and any additional exclusions/modifications/limitations	
ENDORSEMENTS & EXCLUSION: (including but not limited to)	Form AWAC – U.S. Follow-Form Occurrence – Claims-Made Declarations Schedule of Underlying Insurance U.S. Treasury Departments Office Of Foreign Assets Control ("OFAC") Advisory Notice To Policyholders Asbestos Exclusion Policyholder Disclosure Statement Under the Terrorism Risk Insurance Act California Amendatory Endorsement Follow-Form Other Aggregate Limit	Form No. GL 00139 00 (12/11) 00157 (11/05) 00136 (11/05) 00241 (11/05) GL 00117 00 (01/15) GL 00286 04 (02/07) GL 00366 00 (09/11)
QUOTE VALID:	March 1, 2019	
MINIMUM EARNED:	25%	
BINDING CONDITIONS:) Written request to bind coverage) This QUOTATION is subject to review if there are any significant changes in operations, exposure or experience prior to Allied World's binding.) Any restrictive policy terms and conditions that apply to underlying policies that are in excess of the Followed Policy but underlying to the Allied World Excess policy will also apply to the Allied World Excess limit of liability. Any additional endorsements to the Allied World Policy will be determined upon review of the above-required documentation.) Complete and Sign TRIA	
LOSS REPORTING:	Incidents that will or might give rise to a claim should be immediately reported to: <i>Alliant Insurance Services – Claims Department</i> Mr. Robert Frey or Ms. Elaine Kim Main Phone: 415.403.1400 Fax: 415.403.1466 rfrey@alliant.com / ekim@alliant.com	



LINE OF COVERAGE – EXCESS Workers' Compensation

	Present Coverage	Proposed Coverage	Proposed Coverage
INSURANCE COMPANY:	Arch Insurance Company	Arch Insurance Company	State National Insurance Co. (A Markel Co.)
A.M. BEST RATING:	A+; XV	A+; XV	A; IX
STANDARD & POOR'S RATING:	A+	A+	A
CA STATUS:	Admitted	Admitted	Admitted
COVERAGE TERM:	March 1, 2018 to March 1, 2019	March 1, 2019 to March 1, 2020	March 1, 2019 to March 1, 2020
Limits:			
Workers' Compensation:	Statutory	Statutory	Statutory
Employers' Liability:	\$2,000,000	\$2,000,000	\$2,000,000
Estimated Payroll:	\$89,838,746	\$92,049,791	\$92,049,791
Rates per \$100 of Payroll:	0.2521	0.2232	0.2085
Self-Insured Retention:	\$1,000,000	\$1,000,000	\$1,000,000
Premium:	\$226,483	\$205,455	\$191,924
Terrorism Option:	Included in the above premium	\$6,164 included in the above premium	Included in the above Premium
Minimum Earned Premium:	No longer applicable	25%	25%
Policy Auditable:	Annual Payroll Audit	Annual Payroll Audit	Annual Payroll Audit
Quote Valid Until:	No longer applicable	March 1, 2019	March 1, 2019



LINE OF COVERAGE – EXCESS WORKERS' COMP

Continued – Excess Workers' Comp

	Present Coverage	Proposed Coverage	Proposed Coverage
Endorsement & Exclusions: (including but not limited to)	<ul style="list-style-type: none">) Named Insured Additional Endorsement) Losses Redefined to Include Allocated Loss Adjustment Expenses Endorsement) California Foreign Voluntary Compensation and Employers Liability and Repatriation Coverage Endorsement) California Volunteer Coverage – Excess Voluntary Compensation and Employers Liability Coverage Endorsement) Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement) California Amendatory Endorsement 	<ul style="list-style-type: none">) Named Insured Additional Endorsement) Losses Redefined to Include Allocated Loss Adjustment Expenses Endorsement) California Foreign Voluntary Compensation and Employers Liability and Repatriation Coverage Endorsement) California Volunteer Coverage – Excess Voluntary Compensation and Employers Liability Coverage Endorsement) Terrorism Risk Insurance Program Reauthorization Act Disclosure Endorsement) California Amendatory Endorsement 	<ul style="list-style-type: none">) Terrorism Premium Endorsement) Catastrophe Premium Endorsement) Employers Liability) Escalation Exclusion) Notice of Cancellation) California Changes) Voluntary Compensation) Late Reporting Penalty) Multi Year Rate
Binding Conditions:	No longer applicable	<ul style="list-style-type: none">) Written Request to Bind Coverage) Rates are Guarantee for two (2) years) Optional Quote from Midwest for annual cost of \$217,422 	<ul style="list-style-type: none">) Written Request to Bind Coverage) Requires Quarterly Claims Reporting) Rates are Guaranteed for Two(2) Years

See Disclaimer Page for Important Notices and Acknowledgement



DISCLOSURES

Alliant Disclosure

This proposal of insurance is provided as a matter of convenience and information only. All information included in this proposal, including but not limited to personal and real property values, locations, operations, products, data, automobile schedules, financial data and loss experience, is based on facts and representations supplied to Alliant Insurance Services, Inc. by you. This proposal does not reflect any independent study or investigation by Alliant Insurance Services, Inc. or its agents and employees.

Please be advised that this proposal is also expressly conditioned on there being no material change in the risk between the date of this proposal and the inception date of the proposed policy (including the occurrence of any claim or notice of circumstances that may give rise to a claim under any policy which the policy being proposed is a renewal or replacement). In the event of such change of risk, the insurer may, at its sole discretion, modify, or withdraw this proposal whether or not this offer has already been accepted.

This proposal is not confirmation of insurance and does not add to, extend, amend, change, or alter any coverage in any actual policy of insurance you may have. All existing policy terms, conditions, exclusions, and limitations apply. For specific information regarding your insurance coverage, please refer to the policy itself. Alliant Insurance Services, Inc. will not be liable for any claims arising from or related to information included in or omitted from this proposal of insurance

NY Regulation 194 Disclosure

Alliant Insurance Services, Inc. is an insurance producer licensed by the State of New York. Insurance producers are authorized by their license to confer with insurance purchasers about the benefits, terms and conditions of insurance contracts; to offer advice concerning the substantive benefits of particular insurance contracts; to sell insurance; and to obtain insurance for purchasers. The role of the producer in any particular transaction typically involves one or more of these activities.

Compensation will be paid to the producer, based on the insurance contract the producer sells. Depending on the insurer(s) and insurance contract(s) the purchaser selects, compensation will be paid by the insurer(s) selling the insurance contract or by another third party. Such compensation may vary depending on a number of factors, including the insurance contract(s) and the insurer(s) the purchaser selects. In some cases, other factors such as the volume of business a producer provides to an insurer or the profitability of insurance contracts a producer provides to an insurer also may affect compensation.

The insurance purchaser may obtain information about compensation expected to be received by the producer based in whole or in part on the sale of insurance to the purchaser, and (if applicable) compensation expected to be received based in whole or in part on any alternative quotes presented to the purchaser by the producer, by requesting such information from the producer.



DISCLOSURES, continued

Alliant embraces a policy of transparency with respect to its compensation from insurance transactions. Details on our compensation policy, including the types of income that Alliant may earn on a placement, are available on our website at www.alliant.com. For a copy of our policy or for any inquiries regarding compensation issues pertaining to your account you may also contact us at: Alliant Insurance Services, Inc., Attention: General Counsel, 701 B Street, 6th Floor, San Diego, CA 92101.

Analyzing insurers' over-all performance and financial strength is a task that requires specialized skills and in-depth technical understanding of all aspects of insurance company finances and operations. Insurance brokerages such as Alliant Insurance typically rely upon rating agencies for this type of market analysis. Both A.M. Best and Standard and Poor's have been industry leaders in this area for many decades, utilizing a combination of quantitative and qualitative analysis of the information available in formulating their ratings.

A.M. Best has an extensive database of nearly 6,000 Life/Health, Property Casualty and International companies. You can visit them at www.ambest.com. For additional information regarding insurer financial strength ratings visit Standard and Poor's website at www.standardandpoors.com.

Our goal is to procure insurance for you with underwriters possessing the financial strength to perform. Alliant does not, however, guarantee the solvency of any underwriters with which insurance or reinsurance is placed and maintains no responsibility for any loss or damage arising from the financial failure or insolvency of any insurer. We encourage you to review the publicly available information collected to enable you to make an informed decision to accept or reject a particular underwriter. To learn more about companies doing business in your state, visit the Department of Insurance website for that state.



CERTIFICATES / EVIDENCE OF INSURANCE

Certificates of insurance are issued as a matter of information only and confer no rights upon the certificate holder. The certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by a policy. Nor does it constitute a contract between the issuing insurer(s), authorized representative, producer or certificate holder.

You may have signed contracts, leases or other agreements requiring you to provide this evidence. In those agreements, you may assume obligations and/or liability for others (Indemnification, Hold Harmless) and some of the obligations that are not covered by insurance. We recommend that you and your legal counsel review these documents.

In addition to providing a certificate of insurance, you may be required to name your client or customer on your policy as an additional insured. This is only possible with permission of the insurance company, added by endorsement and, in some cases, an additional premium.

By naming the certificate holder as additional insured, there are consequences to your risks and insurance policy including:

-) Your policy limits are now shared with other entities; their claims involvement may reduce or exhaust your aggregate limit.
-) Your policy may provide higher limits than required by contract; your full limits can be exposed to the additional insured.
-) There may be conflicts in defense when your insurer has to defend both you and the additional insured.



Glossary of Insurance Terms

Below are a couple of links to assist you in understanding the insurance terms you may find within your insurance coverages:

<http://insurancecommunityuniversity.com/UniversityResources/InsuranceGlossaryFREE.aspx>

<http://www.ambest.com/resource/glossary.html>

<http://www.irmi.com/online/insurance-glossary/default.aspx>



OTHER ALLIANT SERVICES

Alliant Business Services: HR Membership Program

Strategic HR

Strategic HR's Membership Program is designed to help our clients protect their company or organization by averting potential problems before they develop, and quickly responding to employment-related issues after they occur. In addition, HR members have access to a wide array of tools and resources to help them navigate the complex world of human resources.

The HR Membership Program provides clients of Alliant Insurance Services with the following:

Consultation with Human Resources Experts:

Assigned consultants respond quickly with advice and guidance on any HR or safety issue, such as:

- Problem employees
- Terminations
- Compliance
- Wage and hour issues
- Leaves of absence
- Harassment

Human Resources Seminars and Webinars:

With employment laws and regulations constantly changing, it is imperative that employers stay current. Members receive a significant discount on admission to our webinar seminars on a variety of topics including HR, Employment Laws and Management Training.

Online Access to HR Forms, Guidelines, Policies and checklists: By accessing the password-protected members-only section of the Strategic HR web site, members have a wide range of documents available at no charge. Topics include, but are not limited to:

- Hiring
- Payroll and Recordkeeping
- Performance Evaluations
- Leaves of Absences
- Discipline and Termination
- Harassment and Investigation
- Sample Policies and Required Forms
- Answers to frequently asked HR questions

Alerts and Notices: Clients who are enrolled in a Strategic HR Program receive timely alerts on employment law legislation and regulations, as well as notices regarding employment trends, best practices and more.

Compensation Data: Each program level provides a certain number of salary surveys. The surveys provide compensation information with data that is customized to a specific industry and geographic location.

Special Member Pricing on HR Projects and Services: Members receive preferred rates on a wide array of projects and services, including:

- Employee handbooks
- HR audits
- Job description review and development
- Affirmative Action Plans
- Compensation systems
- Call Center Services
- HR Outsourcing
- Management & Supervisory Training

Preferred rates on HR partners, such as:

- Compliance Posters: mandated federal and state employment posters
- HR Plus: accurate and timely background information
- Payroll Solutions: payroll services
- Strategic HR Staffing – temporary and fulltime placement

Please contact SHR for details.

Contact Information:
(866)716-6294 Toll free
clientcare@strategichr.com



OTHER ALLIANT SERVICES

Alliant Loss Control Services

HAZARD IDENTIFICATION, EVALUATION, ELIMINATION AND CONTROL WILL PROTECT YOUR COMPANY, LOWER INSURANCE COSTS, AND IMPROVE SERVICE.

Accidents and avoidable incidents that result in financial loss can threaten the very existence and long-term viability of your company. They mean lost time, damaged property, diversion of resources, and possible legal and medical expenses that can place a huge burden on your organization and prevent you from reaching your business goals.

Alliant's Risk Control Consulting helps clients identify and reduce loss exposures. Our specialists can help prevent costly accidents and losses, which can lead to lower insurance costs. Whatever the size of your company or scope of your operations, we can help strengthen your safety and risk management programs with proven services that protect lives, safeguard assets, and control costs. Services are not limited to those listed below.

How to Choose the Right Risk Control Consultant

When seeking a qualified risk control consultant, you should ask:

- Does the consultant have specific commercial experience for your type(s) of operations and assets?
- Does the consultant have the resources and availability to do the job when you need it and for your intended use?
- Do they tell you whatever you need to know to control risk or only what you want to hear?
- Does the consultant have a support team of experts able to help you if there is an regulatory citation, a serious claims, or challenging litigation?

Each of the above questions can be answered YES by Alliant's Risk Control Consulting.

Alliant also offers:

- **Extensive Experience in Diverse Business Sectors**
- **Nationwide Coverage**
- **Local Expertise**
- **Peer Review**

Safety Services

- Program Development
- On-Site Hazard/Risk Assessments
- Ergonomics
- Industrial Hygiene
- Fleet Safety Analysis
- General Liability
- Training Services

Workers' Compensation Services

- Loss Prevention (Safety)
- Risk Control (Injury Management)
- Recordkeeping Management

Property Risk Control Services

- Fire System Evaluation
- Risk Assessment
- Loss Estimates
- Hazard Analysis
- Loss Prevention and Risk Control Program Analysis
- Property Marketing Reports
- Business Interruption Analysis and Continuity Planning
- Infrared and Ultrasonic Testing

To learn more about our risk control consulting and safety services:
(888) 737-4752 Toll Free
riskcontrol@alliantinsurance.com



BIND COVERAGE REQUEST

San Diego Metropolitan Transit System

We have reviewed the Excess Liability and Excess Workers' Compensation proposals and agree to the terms and conditions of the coverages presented. We are requesting coverage to be bound effective March 1, 2019.

Please sign, date and return to Alliant Insurance prior to March 1, 2019.

Coverage Line	Bind Coverage for:
Excess Liability –The Princeton ES Ins. Co. -	<input type="checkbox"/>
Excess Liability – Lloyd's of London	<input type="checkbox"/>
Excess Liability – Great American	<input type="checkbox"/>
Excess Liability – AWAC	<input type="checkbox"/>
Excess Workers Compensation – please select carrier to bind with:	<input type="checkbox"/>
- Arch Insurance	<input type="checkbox"/>
- State National Ins. Co.	<input type="checkbox"/>
	<input type="checkbox"/>

This Authorization to Bind Coverage also acknowledges receipt and review of all disclaimers and disclosures, including exposures used to develop insurance terms, contained within this proposal.

Signature

Date

Title

Printed / Typed Name

This proposal does not constitute a binder of insurance. Binding is subject to final carrier approval. The Actual terms and conditions of the policy will prevail.

Named Insured : San Diego Metropolitan Transit System

Policy No. or Type of Policy: Renewal of N1-A3-RL-0000109-01 Effective Date: 03/01/2019

Insurance Company: The Princeton Excess and Surplus Lines Insurance Company

POLICYHOLDER DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

You are hereby notified that under the Terrorism Risk Insurance Act, as amended, you now have a right to purchase insurance coverage for losses resulting from acts of terrorism, *as defined in Section 102(1) of the Act*: The term "act of terrorism" means any act or acts that are certified by the Secretary of the Treasury in consultation with the Secretary of Homeland Security, and the Attorney General of the United States--to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS AN EXCLUSION FOR NUCLEAR EVENTS. UNDER THE FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES 85% THROUGH 2015; 84% BEGINNING ON JANUARY 1, 2016; 83% BEGINNING ON JANUARY 1, 2017; 82% BEGINNING ON JANUARY 1, 2018; 81% BEGINNING ON JANUARY 1, 2019 AND 80% BEGINNING ON JANUARY 1, 2020 OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS THAT MAY BE COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE TERRORISM RISK INSURANCE ACT, AS AMENDED, CONTAINS A \$100 BILLION CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS' LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION, IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

SELECTION OR REJECTION OF TERRORISM INSURANCE COVERAGE

_____ I hereby elect to purchase Terrorism coverage as defined in the Terrorism Risk Insurance Act, as amended, for a prospective premium of \$8,334

_____ I hereby elect to have the exclusion for terrorism coverage attached to my policy. I understand that an exclusion will be attached to my policy and I will have no coverage for losses resulting from certified acts of terrorism.

Policyholder/Applicant's Signature

Print Name

Date

TERRORISM RISK INSURANCE ACT

The following is a partial summary of the Terrorism Risk Insurance Act, as amended, (hereinafter referred to as the Act). Only the provisions of the Act determine the scope of the insurance protection available for the losses covered under the Act. The Act has been extended through December 31, 2020.

The Act provides coverage for property and casualty insurance for "insured losses" as a result of an "act of terrorism." As stated in the Act:

- A. "Insured loss" means any loss resulting from an "act of terrorism" (including an act of war, in the case of worker's compensation) that is covered by primary or excess property and casualty insurance issued by an insurer if such loss:
 - 1. occurs within the United States; or
 - 2. occurs to an air carrier (as defined in section 40102 of title 49, United States Code), to a United States flag vessel (or a vessel based principally in the United States, on which US income tax is paid and whose insurance coverage is subject to regulation in the United States), regardless of where the loss occurs, or at the premises of any United States mission.

- B. "Act of terrorism" means any act or acts that are certified by the Secretary of the Treasury, in consultation with the Secretary of Homeland Security and the Attorney General of the United States:
 - 1. To be an act of terrorism;
 - 2. To be a violent act or an act that is dangerous to:
 - a. human life;
 - b. property; or
 - c. infrastructure;
 - 3. to have resulted in damage within the United States, or outside of the United States in the case of:
 - a. an air carrier or vessel described in paragraph (5)(B) of Section 102 of the Act; or
 - b. the premises of a United States mission; and
 - 4. to have been committed by an individual or individuals, as part of an effort to coerce the civilian populations of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

- C. Section 102 (1)(B) of the Act states "no act shall be certified by the Secretary as an act of terrorism if:
 - 1. the act is committed as part of the course of a war declared by the Congress, except that this clause shall not apply with respect to any coverage for workers' compensation; or
 - 2. property and casualty insurance losses resulting from the acts, in the aggregate, do not exceed \$5,000,000."

- D. The Act also contains a "program trigger" in Section 103(e)(1)(B), pursuant to which the federal government does not pay compensation for losses resulting from a certified act occurring after December 31, 2007, unless aggregate industry insured losses from such a certified act exceed a certain amount, or "trigger." For insured losses occurring in 2008 and for all additional calendar years, the program trigger is \$100,000,000 through 2015, \$120,000,000 beginning on January 1, 2016, \$140,000,000 beginning on January 1, 2017, \$160,000,000 beginning on January 1, 2018, \$180,000,000 beginning on January 1, 2019, \$200,000,000 beginning on January 1, 2020, of aggregate industry insured losses.

- E. The Act does not apply to: crop or livestock insurance; private mortgage insurance or title insurance; financial guaranty insurance issued by monoline financial guaranty insurance corporations; insurance for medical malpractice; health or life insurance; flood insurance provided under the National Flood Insurance Act of 1968; commercial automobile insurance; burglary and theft insurance; surety insurance; professional liability insurance (except Directors and Officers Liability); or farm owners multiple peril insurance.
- F. Under the Act for calendar years through December 31, 2020, the federal government will reimburse the insurance company for 85% through 2015; 84% beginning on January 1, 2016; 83% beginning on January 1, 2017; 82% beginning on January 1, 2018; 81% beginning on January 1, 2019 and 80% beginning on January 1, 2020 of its insured losses in excess of a deductible, until aggregate "insured losses" in any calendar year exceed \$100 billion. Each insurer's deductible will be 20% of its direct earned premium for property and casualty insurance (as reported on Page 14 of the company's Annual Statement), over the immediately preceding calendar year.

For the purposes of determining such deductibles, direct earned premium means only the premiums earned on the commercial lines property and casualty insurance covered by the Act for U.S. risks or vessels, aircraft and foreign missions outside the U.S. covered by the Act.

Neither the insurance company (having met its statutorily mandated share as described above) nor the federal government will be liable for payment of any portion of "insured losses" under the Act that exceeds \$100 billion in the aggregate during any calendar year.



POLICYHOLDER DISCLOSURE
TERRORISM COVERAGE UNDER THE TERRORISM RISK INSURANCE ACT

The Terrorism Risk Insurance Act establishes a program within the United States Department of the Treasury, under which the Federal Government shares, with the insurance industry, the risk of loss from future terrorist attacks. The Act applies when the Secretary of the Treasury certifies that an event meets the definition of an act of terrorism. The Act provides that, to be certified, an act of terrorism must cause losses of at least five million dollars and must have been committed by an individual or individuals as part of an effort to coerce the government or population of the United States.

The United States Government, Department of the Treasury, will pay a share of terrorism losses insured under the federal program. The federal share equals a percentage, as outlined below; of that portion of the amount of such insured losses that exceeds the applicable insurer retention.

Calendar Year	2015	2016	2017	2018	2019	2020
Federal Share	85%	84%	83%	82%	81%	80%

The Terrorism Risk Insurance Act contains a \$100 billion cap that limits U.S. Government reimbursement as well as insurers' liability for losses resulting from certified acts of terrorism when the amount of such losses in any one calendar year exceeds \$100 billion. If the aggregate insured losses for all insurers exceed \$100 billion, your coverage may be reduced.

In accordance with the Terrorism Risk Insurance Act, we are required to offer you coverage for losses resulting from an act of terrorism **that is certified under the federal program** as an act of terrorism. The policy's other provisions will still apply to such an act.

This coverage is being included **at no additional charge**; however, if you wish to reject this coverage please sign and date where indicated below and return to the company. By doing so, you agree that an exclusion of losses from certified acts of terrorism will be made part of this policy.

Rejection of Terrorism Coverage

By signing below I acknowledge that I am rejecting the offer of terrorism coverage. I understand that an exclusion of losses from certified acts of terrorism will be made part of this policy.

Policyholder/Applicant's Signature

San Diego Metropolitan Transit System

Named Insured

Great American Assurance Company

Insurance Company

Policyholder/Applicant's Name (Please Print)

Policy Number

Date

**POLICYHOLDER DISCLOSURE STATEMENT
UNDER THE
TERRORISM RISK INSURANCE ACT**

The **insured** is hereby notified that under the federal Terrorism Risk Insurance Act, as amended, (the "Act"), the **insured** has a right to purchase insurance coverage for **losses** arising out of an Act of Terrorism, as defined in Section 102(1) of the Act. The term "act of terrorism" means any act certified by the Secretary of the Treasury, in consultation with the Secretary of Homeland Security and the Attorney General of the United States to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside of the United States in case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion. The **insured** should read the Act for a complete description of its coverage. The Secretary's decision to certify or not to certify an event as an Act of Terrorism covered by the Act is final and not subject to review.

Coverage provided by this **policy** for **losses** caused by a Certified Act of Terrorism may be partially reimbursed by the United States Government under a formula established by federal law. However, the **insured's policy** may contain other exclusions that might affect coverage, such as an exclusion for nuclear events. Under the formula, the United States Government will generally reimburse 85% through 2015; 84% beginning on January 1, 2016; 83% beginning on January 1, 2017; 82% beginning on January 1, 2018; 81% beginning on January 1, 2019; and 80% beginning on January 1, 2020, of covered terrorism losses exceeding a statutorily established deductible that must be met by the **company**, and which deductible is based on a percentage of the **company's** direct earned premiums for the year preceding the Certified Act of Terrorism.

Be advised that the Terrorism Risk Insurance Act, as amended, contains a \$100 billion cap on all losses resulting from Certified Acts of Terrorism. If aggregate insured losses attributable to Certified Acts of Terrorism exceed \$100 billion in a calendar year, the United States Government shall not make any payment for any portion of the amount of such loss that exceeds \$100 billion. If aggregate insured losses attributable to Certified Acts of Terrorism exceed \$100 billion in a calendar year and the **company** has met its deductible under the Act, the **company** shall not be liable for payment of any portion of the losses that exceeds \$100 billion, and in such case, insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

Coverage for "insured losses" as defined in the Act is subject to the coverage terms, conditions, amounts and limits in this **policy** applicable to **losses** arising from events other than Certified Acts of Terrorism.

The **insured** should know that under federal law, the **insured** is not required to purchase coverage for **losses** caused by Certified Acts of Terrorism.

Please indicate the selection of the **insured** below.

___ The **insured** hereby elects to purchase coverage in accordance with the Act for a premium of \$1,040.

___ The **insured** hereby rejects coverage and accepts reinstatement of the exclusion in accordance with the Act.

Signature of **insured** San Diego Metropolitan Transit System

Print/Title

Date



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

Agenda Item No. 9

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

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.

(~~kkj~~) "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 she 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

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,

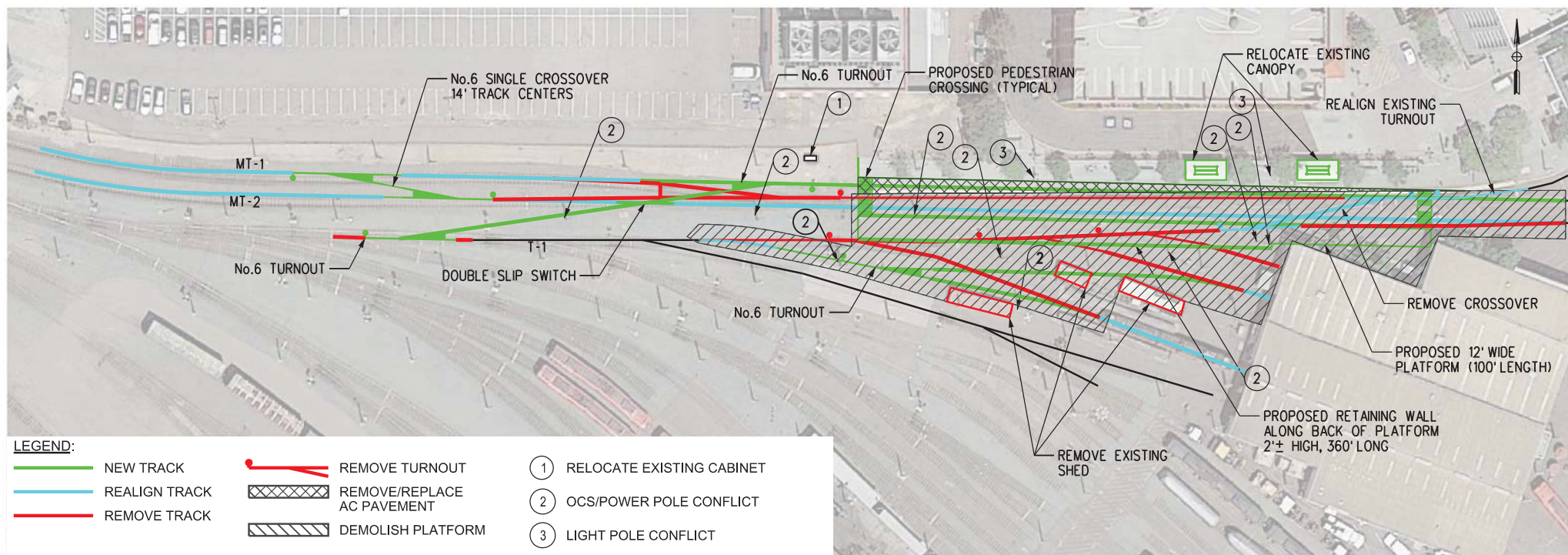
Accepted:

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.

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

**PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT)
TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM**

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach any written statement to this form). Communications on hearings and agenda items are generally limited to three minutes per person unless the Board authorizes additional time; however, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

(PLEASE PRINT)

DATE	2019-02-14		
Name	Clive Richard		
Address	5153 La Jorna St, San Diego, CA		
Telephone	(619) 867-7049		
Email	scliverichard@gmail.com		
Organization Represented	Self		
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five speakers with three minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

NOTE: Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.



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Agenda Item No. 11

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

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



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Agenda Item No. 12

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

SUBJECT:

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

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1914.1-16 (in substantially the same format as Attachment A) with Conduent Transportation Solutions, Inc. (Conduent) for the provision of software changes required to implement the mobile router and cellular communications project.

Budget Impact

The new authorized contract amount shall not exceed \$5,612,164 (\$5,466,191 current contract value plus \$145,973 for mobile router and cellular communications project). The project will be funded through the Miscellaneous Capital Project, WBSE #1009103601-599901.

DISCUSSION:

The Regional Transit Management System (RTMS) is a sophisticated vehicle-tracking and communications system that provides performance and security/safety monitoring of transit vehicles. RTMS is currently being used to support operations of most MTS and NCTD fixed-route bus services.

The current system uses a radio data network, owned by MTS and North County Transit District (NCTD), to send data messages, GPS readings, and other information from vehicles to the central server. While the radio system is fully functional, it is limited in bandwidth. Based on the current number of vehicles on the system, MTS is only able to receive a position update from each bus approximately every 80 seconds.



Cellular technology has become a mainstay of voice and data communications due to the proliferation of smart phones. To take advantage of cellular service for data communications, the RTMS upgrade is necessary. MTS staff has determined that a pilot project would allow the agency to explore the technology prior to a significant investment.

The first step in the pilot project requires changes to RTMS in order to communicate with buses over cellular communications in which MTS will benefit from the coverage and speed of this technology. In addition, the account-based fare system that MTS will soon be implementing must also have real-time cellular communications in order to validate account-based passes and fares. Every transit vehicle will require a cellular connection to process these transactions.

The scope of the pilot project is to install four different cellular routers, one each on four different buses, in order to test the routers' effectiveness for operational needs, coverage, and compatibility. The goal of the pilot project is to prove that the hardware and communications are sufficient for RTMS and the future fare system.

Conduent is the sole provider of the required hardware and software for its proprietary system used by MTS. MTS staff worked with Conduent to obtain pricing for the required software changes and associated on-board cabling, for a total price of \$145,973. Staff has determined that these costs are fair and reasonable.

MTS Policy No. 52, "Procurement of Goods and Services", permits MTS to utilize a documented Sole Source procurement method when goods or services it needs are available from only one responsible and responsive source and no other goods or services will satisfy its requirements.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. G1914.1-16 for the provision of software changes required to implement the mobile router and cellular communications 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 MTS Doc. No. G1914.1-16

DRAFT

February 14, 2019

MTS Doc. No. G1941.1-16

Conduent Transport Solutions, Inc.
Mr. Jim Schleifer
Vice President, Operations
7160 Riverwood Drive
Columbia, MD 21046

Dear Mr. Schleifer:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. G1941.1-16; RTMS ON-BOARD VEHICLE
SUPPORT AND MAINTENANCE

This shall serve as Amendment No. 1 to our agreement for the RTMS on-board vehicle support maintenance as further described below.

SCOPE

This amendment is for the provision of software changes required to implement the mobile router and cellular communications project per the attached Statement of Work. The estimated time of completion of this project shall be subject to a mutually agreed to schedule developed between MTS and Conduent (Contractor) after Purchase Order is issued.

Contractor shall continue to provide RTMS on-board vehicle support and maintenance, in accordance with the terms and conditions of the original agreement, MTS Doc. No. G1941.0-16.

SCHEDULE

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

PAYMENT

This contract amendment shall authorize additional costs not to exceed \$145,973 per the attached quote. The total value of this contract, including this amendment, shall be in the amount of \$3,881,997 (\$3,736,024 base period plus \$145,973 for this amendment). This amount shall not be exceeded without written approval from MTS.

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

Sincerely,

Agreed:

Paul C. Jablonski
Chief Executive Officer

Jim Schleifer, V.P., Operations
Conduent Transport Solutions, Inc.

FEB2019.G1941.1-16.CONDUENT.doc

Date: _____

Attachment: Conduent Quote #CNDT-00332189 dated 1/17/19

Cc: D. Braun, C. Aquino, S. Elmer, A. Monreal, Procurement File



Conduent Transport Solutions, Inc.
7160 Riverwood Drive
Columbia, MD 21046

January 17, 2019

San Diego Metropolitan Transit System (SDMTS)
1255 Imperial Ave #1000
San Diego, CA 92101

Attn: Devin Braun
devin.braun@sdmts.com

Reference: Quote to Support Cellular Data Upgrade Efforts

Conduent Quote #: CNDT-00332189

Dear Mr. Braun:

Conduent Transport Solutions, Inc. is pleased to offer the attached quote to support cellular data upgrade efforts. **Please refer to the Conduent Quote number when placing your order.**

Conduent appreciates the opportunity to provide this quote to SDMTS. This quote will remain valid for ninety (90) days from the date of letter. The provided quote and statement of work are subject to the attached terms and conditions. Should you have any questions, please do not hesitate to contact John Leatherman at john.leatherman@conduent.com or 443-259-7125.

Sincerely,

A handwritten signature in black ink, appearing to read "John Leatherman", written over a light blue horizontal line.

John Leatherman
Business Development Manager
Customer Service

Attachments: Statement of Work
Terms & Conditions



Statement of Work

San Diego Metropolitan Transit System (SDMTS)

Quote to Support Cellular Data Upgrade

Price: \$145,973

Introduction

SDMTS has requested that Conduent Transport Solutions, Inc. (Conduent) provide a firm-fixed quote to support San Diego's efforts to provide Cellular Data functionality to a designated mini-fleet of four (4) fixed-route vehicles to include four (4) OrbStar-equipped vehicles.

Scope of Work

Conduent will make changes to enable cellular communication on the designated vehicles and at the fixed end. This effort will include two new IVU patches as well as activating the GTMD on DCC1.

Note: There will need to be a hardware change on the vehicle to be done by SDMTS personnel.

Conduent Responsibilities

- Provide a single Point of Contact (POC) for the project.
- Participate in project meetings remotely as required.
- Provide four (4) OrbStar to modem cables.
- Required testing and development in our lab at Columbia, MD.
- Develop a Configuration Management (CM) build for the IVU.
- Develop and test the required code to allow the IVU to use an Ethernet data interface to the modem.
- Configure servers to support GTMD at San Diego.
- Reconfiguring servers to support Microsoft clustering.
- Configure the new GTMD to support a Cellular Data solution.
- Remotely support program cutover at San Diego.

San Diego Responsibilities

- Provide a single Point of Contact (POC) for the project.

- Participate in project meetings as required.
- Configure and program all cellular units in the vehicles and at the server side.
- Configure and test network setup between the vehicle cellular units and the fixed-end server.
- All upgrades will be done by San Diego over the WIFI.
- All vehicle installation, test and verification.
- Provide all required vehicle hardware to include modems except for cables being provided by Conduent.
- Control and be responsible for the power to the modem unless San Diego connects the power to the K2 relay in the radio tray.
- Coordinate any required cellular services and agreements to include payment.

Schedule

The estimated time for the completion of this Statement of Work will be subject to a mutually agreed to formal project schedule developed between San Diego and Conduent after Purchase Order is received by Conduent.

Assumptions

- Conduent will not perform any vehicle installations.
- All work to be done remotely.
- No onsite support has been included in the price.
- The only Conduent -provided hardware will be four (4) IVU to modem cables.
- No documentation will be provided as part of this effort.

Closeout Criteria

Closeout Criteria for the Cellular Data Solution effort will be achieved and final payment milestone will be invoiced after installation and the successful demonstration of cellular data communications between four (4) MTS OrbStar-equipped fixed-route vehicles and the fixed end.

Payment Milestones

Develop mutually agreed to schedule	30 %
Provide patches to the San Diego DIS machine	40 %
Closeout Criteria for Cellular Data Solution is achieved	30 %

Terms & Conditions

Any resulting order shall be governed by the attached terms and conditions.

Conduent Proposal #: CDNT-0332189

Conduent Transport Solutions, Inc. ("Seller")
COMMERCIAL
TERMS AND CONDITIONS

1. **ACCEPTANCE** – This Order constitutes an offer by Seller which is accepted by Buyer solely in accordance with the terms set forth herein and on the face of the Order upon Buyer's signing and returning the acknowledgment copy hereof. Once this Order has been accepted by Buyer, Buyer has no cancellation rights and shall be responsible for payment in full for all Products delivered pursuant to the Order. For purposes of these Commercial Terms and Conditions, "Products" shall mean all equipment, software and services to be delivered to Buyer hereunder.

2. **ADDENDA** - All supplemental or acknowledged Statements of Work ("SOW"), sheets, schedules, exhibits, specifications, drawings, data or riders which may be attached hereto or referenced herein are made part of this Order.

3. **APPLICABLE LAW** – This Order shall be governed by the laws of the State of Maryland.

4. **CHANGES** – If any mutually agreed to changes cause either an increase or decrease in the cost of or the time required for the performance of this Order, an equitable adjustment shall be made in the price or delivery schedule or both, and this Order shall be modified in writing accordingly.

5. **DELIVERY** - Seller may make deliveries in advance of the schedule set forth in this Order, without penalty.

6. Intentionally Omitted

7. **DESIGN AND INVENTION RIGHTS** – Seller shall retain all rights it possesses in all Products delivered to Buyer hereunder including, but not limited to, any copyright, trademark or other intellectual property rights.

8. **DRAWINGS, SPECIFICATIONS AND TECHNICAL INFORMATION** – Drawings, data, designs, inventions and other technical information supplied by Seller in connection herewith (hereinafter called "Data"), shall remain Seller's property and shall be held in confidence by Buyer. Such Data shall not be reproduced, used or disclosed to others by Buyer without Seller's prior written consent.

9. **INDEPENDENT CONTRACTOR** - Seller's relationship to Buyer in the performance under this Order is that of an independent contractor. Neither the Seller nor any of the persons furnishing materials or performing work or services which are required by this Order are employees of Buyer within the meaning of or the application of any Federal or State Unemployment Insurance Law or other Social Security Law or any Workmen's Compensation Industrial Accident Law or other Industrial or Labor Law. The Seller shall, at its own expense, comply with such laws and assume all liabilities or obligations imposed by any one or more of such laws and regulations thereunder with respect to this Order.

10. **INSPECTION** – All Products shall be subject to inspection and test at Buyer's facility upon delivery. Products shall be considered accepted if Buyer does not reject them within five (5) days of delivery at Buyer's facility.

11. **INVOICING /PAYMENT/TAXES** – Unless otherwise specified in a Statement(s) of Work associated with this Order ("SOW"), a separate invoice shall be issued to Buyer for each delivery under this Order. Unless otherwise specifically provided for herein, (i) Seller shall issue invoices as of the respective Delivery Date(s) and Buyer shall make payment within thirty (30) days of the applicable Invoice date and (ii) Buyer shall be responsible for the payment of all applicable taxes including, but not limited to, any excise or sales taxes.

12. **LIMITATIONS OF LIABILITY** – Notwithstanding any other provision of this Order, Seller's maximum liability to Buyer shall not exceed the total purchase price of this Order. Buyer shall not be entitled to any incidental, special or consequential damages if Seller breaches or otherwise fails to perform any obligations under this Order.

13. **MODIFICATION OF ORDER/TERMINATION** – This Order contains all the agreements and conditions of sale and no course of dealing or usage of the trade shall be applicable unless expressly incorporated in this Order. The terms and conditions contained in this Order shall not be added to, modified, superseded or otherwise altered except by a written modification signed by an authorized representative of the Buyer and delivered by Buyer to Seller. Each Product delivery received by Buyer from Seller shall be deemed to be only upon the terms and conditions contained in this Order notwithstanding any terms and conditions that may be contained in any Product acknowledgment, invoice or other form of Seller, and notwithstanding Buyer's act of accepting or paying for any delivery or similar act of Buyer. Seller shall have the right to terminate this Order for cause in the event that Buyer materially breaches its obligations hereunder and does not cure said breach within thirty (30) days after receiving written notice thereof.

14. **ORDER OF PRECEDENCE** – In the event of an inconsistency between the clauses of this Order, the inconsistency shall be resolved by giving precedence in the following order, (i) provisions on the face of this Order; (ii) Terms and Conditions; (iii) the Specifications and/or Statement of Work and (iv) other provisions of the Order, whether attached or incorporated by reference.

15. **PACKING, MARKING AND SHIPPING** – Seller shall pack, mark and ship all Products in accordance with the requirements of this Order so as to be in compliance with transportation regulations and good commercial practice for protection and shipment and shall secure the most advantageous transportation service and rates consistent therewith.

16. **SEPARABILITY** – If any term or provision of this Order is determined to be invalid or unenforceable, such determination shall not affect the validity of the remaining terms and conditions. In such case, the Order shall be deemed to have been executed without the invalid or unenforceable term or provision.

17. **TITLE AND RISK OF LOSS** – All risk of loss or damage to Products to be delivered hereunder shall remain with the Seller until all Products are delivered to Buyer at the destination set forth in this Order. Title to Products shall remain with the Seller until the Products are fully paid for by Buyer. Unless otherwise mutually agreed to, all deliveries shall be made INCOTERMS 2010 DDP.

18. **WARRANTY** – On all new equipment, services, and software purchased under this contract, Seller's standard one (1) year service and warranty policy will be furnished as follows:

"Seller warrants that all Products sold hereunder will be free from defects in material and workmanship for a period of one (1) year from the date of receipt at the FOB point and that the Products will conform to the Seller's applicable specifications. If any unit requires repair during this period due to defective material and/or workmanship or failure to adhere to such specifications, Seller shall, solely at its option, repair the defective unit free of charge or provide a replacement in exchange for the defective unit, provided that: (a) proof of purchase and written notice of the nonconformance are received by Seller within the warranty period, (b) the unit(s) are returned, transportation prepaid, in protected shipping containers in accordance with the Seller's shipping instructions, provided Seller determines, in its judgment, that there is a valid warranty claim. All defective units which have been replaced by Seller shall become Seller's property. If Seller determines that there is not a valid warranty claim for the unit(s), then Buyer shall reimburse Seller for all costs incurred by Seller relating to such warranty claim, including but not limited to, shipping, handling, material and labor costs. This warranty shall not apply to defects resulting from: Improper or inadequate maintenance by Buyer; Operation outside the unit(s) environmental specifications; Improper site preparation and maintenance; Improper testing of the unit(s) by the Buyer; Unauthorized modification or misuse of the unit(s); Unauthorized repair or examination by Buyer; and/or Mishandling, neglect, misuse, or abuse of the unit(s) by Buyer. The Contractor's warranty extends to Buyer only. All other warranties, express, statutory, or implied, including all warranties of merchantability and fitness for

a particular purpose, and all warranties arising from course of dealing or usage of trade are hereby excluded.

With regard to services and software, Seller shall re-perform any defective services until they meet the specifications set forth in the SOW. Similarly, any defective software will be corrected so that it satisfies the applicable specifications set forth in the SOW.”

The remedies set forth herein are Buyer’s sole and exclusive remedies for any failure of Seller to meet its warranty obligations herein. In no event shall the contractor be liable for any special, indirect, incidental, or consequential damages.

19. LICENSE – PATENT AND COPYRIGHT INFRINGEMENT – Unless otherwise specified in the SOW or a software licensing agreement which forms part of this Order, Buyer is granted a non-exclusive, non-transferable, non-assignable license to use any Seller owned software to be delivered as part of this Order. For any Seller owned software delivered hereunder, Buyer Seller will defend, at its expense, any suits against Buyer based upon a claim that any unaltered equipment or software provided under this Order directly infringes on a U.S. patent or copyright, and Seller will pay costs and damages finally awarded against Buyer in any such suit, provided that Seller is notified promptly in writing of any such claim and, at Seller’s request and expense, is given control of the suit. At any time, Seller may elect, at its option and at no expense to Buyer, to (a) obtain for Buyer the legal right to continue its use of the infringing equipment/software, (b) substitute equivalent non-infringing equipment/software reasonably acceptable to Buyer or, if (a) and (b) are not feasible, (c) accept the return of the infringing equipment/software and refund the depreciated price for the equipment/software or the infringing portion thereof. Seller will have no liability to Buyer for any infringement, or alleged infringement, of any patent or copyright caused by use of Buyer’s equipment/software provided under this Order in combination with any equipment/software not furnished by Seller where infringement would not have occurred except for such combination. Seller’s obligations to Buyer under this Section will be the full extent of Seller’s indemnification for patent and copyright infringement for Products provided under this contract.

20. EXCUSABLE DELAYS – In the event that the Seller is delayed at any time during the performance of this Order by acts of God or the public enemy, Government action, labor strikes, epidemic, lockouts, fire, unavoidable casualties, sabotage, unusually severe weather or any other causes which are beyond the control and without the fault or negligence of the Seller or its suppliers, the Product delivery date may be extended for a period equivalent to the time lost by reason of any or all of the aforementioned causes.

21. COMPLETE AGREEMENT – The provisions of the Order set forth the entire agreement between the parties hereto and supersede all previous communications, representations, or agreements, whether oral or written, concerning the subject matter herein. No agreement or understanding varying from or extending, or changing in any way whatsoever any provisions of this Order shall be binding unless it is in writing and signed by an authorized representative of each party. Acceptance of any supplies, goods or services under this Order is expressly limited to the provisions stated herein, notwithstanding any terms and conditions that may be contained in any acknowledgment, invoice, or other Buyer form, and notwithstanding Buyer’s act of accepting or paying for any delivery or similar act, and shall not constitute a waive of any provision under this Order or acceptance of additional terms and/or conditions.

22. TAXES – No sales or excise taxes are included in the referenced prices. Should they become due, Seller will pay them and Buyer will reimburse Seller for all taxes paid.

23. INDEMNIFICATION – Subject to the Limitations of Liability set forth in sec. 12 herein, Seller shall indemnify Buyer for all loss or damage to Products caused by Seller’s negligence.

24. BUYER APPROVALS – Seller assumes a 90-day approval Buyer cycle for all submissions. Approvals exceeding that limit will necessitate an equitable adjustment to the schedule.

25. ASSIGNMENT – This Order and the rights and obligations of the parties hereunder shall not be assigned by either party without the prior written consent of the other.

26. BUY AMERICA COMPLIANCE – If applicable to the Products covered by this Order and unless otherwise specifically stated herein, Seller hereby certifies that it will comply with the requirements of section 165(a) of the Surface Transportation Act of 1982, as amended, and the applicable regulations in 49 CFR part 661, as amended.



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

Agenda Item No. 13

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

SUBJECT:

SAN DIEGO AND ARIZONA EASTERN (SD&AE) RAILWAY COMPANY QUARTERLY
REPORTS AND RATIFICATION OF ACTIONS TAKEN BY THE SD&AE BOARD OF
DIRECTORS AT ITS MEETING ON JANUARY 29, 2019

RECOMMENDATION:

That the Board of Directors receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Desert Line quarterly reports (Attachment A), and ratify all actions taken.

Budget Impact

None.

DISCUSSION:

Pursuant to the Agreement for Operation of Freight Rail Services, SD&IV and Museum, have provided operations reports during the fourth quarter of 2018 (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. Copy of Final Meeting Materials from 1/29/2019 SD&AE Meeting



AGENDA

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

January 29, 2019

9:00 a.m.

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

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

ACTION RECOMMENDED

1. [Approval of the Minutes of October 9, 2018](#) Approve
Action would approve the SD&AE Railway Company Minutes of October 9, 2018.
2. [Statement of Railway Finances \(Erin Dunn\)](#) Informational
3. [Report on San Diego and Imperial Valley \(SD&IV\) Railroad Operations \(Matt Domen\)](#) Informational
4. [Report on Pacific Southwest Railway Museum \(Diana Hyatt\)](#) Informational
5. [Report on the Desert Line \(Jorge Izquierdo\)](#) Informational
6. [Real Property Matters \(Tim Allison\)](#)
 - a. [Summary of SD&AE Documents Issued Since October 9, 2018](#) Informational
7. Board Member Communications
8. Public Comments
9. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8
Property: APNs 667-020-52, 54, 71, 86, and 88 in San Diego, CA
Agency Negotiators: Karen Landers, General Counsel; Tim Allison, Manager of Real Estate Assets
Negotiating Parties: United States of America
Under Negotiation: Price and Terms of Payment Possible Action
10. Next Meeting Date: April 9, 2019
11. Adjournment

San Diego and Arizona Eastern Railway Company

January 29, 2019

Sign-in Sheet (VOLUNTARY)

Name	Company
1. <i>MITT Ogata</i>	<i>SDIV</i>
2. <i>Jared Good</i>	<i>SDIV</i>
3. <i>R. M. Ted Beauchamp</i>	<i>Tenn Mader Landung</i>
4. <i>Diana Hyatt</i>	<i>PSRM</i>
5. <i>Jorge Francisco</i>	<i>DJRR</i>
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MINUTES

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

October 9, 2018

A meeting of the Board of Directors of the San Diego & Arizona Eastern (SD&AE) Railway Company, a Nevada corporation, was held at 1255 Imperial Avenue, Suite 1000, San Diego, California 92101, on October 9, 2018, at 9:00 a.m.

The following persons, constituting the Board of Directors, were present: Wayne Terry for Paul Jablonski, Matt Domen, and Jared Gooch. Also in attendance were members from:

San Diego Metropolitan Transit System:	Tim Allison, Erin Dunn, Karen Landers, Fred Byle
Pacific Southwest Railway Museum:	Diana Hyatt
Baja California Railroad (BJRR):	Jorge Izquierdo
Other:	R. Mitchel Beauchamp

1. Approval of Minutes

Mr. Domen moved to approve the Minutes of the July 10, 2018, SD&AE Railway Board of Directors meeting. Mr. Gooch seconded the motion, and it was unanimously approved.

2. Statement of Railway Finances

Erin Dunn reviewed the Statement of Railway Finances for the third quarter of 2018 (attached to the agenda item). Karen Landers added that Baja California Railroad (BJRR) has engaged a contractor and therefore more expenses are expected in the next few quarters as MTS's engineer will have to review all of the plans.

Action Taken

Informational item only. No action taken.

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

Matt Domen reviewed the SD&IV Periodic Report for activities for the third quarter of 2018 (attached to the agenda item). In response to Mr. Terry's inquiry regarding the status of the absolute block between Tijuana Junction and Palomar, Fred Byle responded that the drawings are ready and he will contact the FRA today to schedule a review. Mr. Byle added that the FRA has recently had a lot of staffing changes, which may require re-reviewing the details of the project with the new personnel. Mr. Terry responded that the FRA review should move forward before the next SD&AE meeting.

Action Taken

Informational item only. No action taken.

4. Report on Pacific Southwest Railway Museum Operations

Diana Hyatt reviewed the Pacific Southwest Railway Museum (PSRM) report for the third quarter of 2018 (attached to the agenda item). Mr. Terry asked about the status of acquiring the PCC cars. Ms. Hyatt responded that she will make some phone calls to interested parties and then contact MTS staff with an update.

Action Taken

Informational item only. No action taken.

5. Report on the Desert Line

Jorge Izquierdo gave a verbal report on the Desert Line (no written report was submitted). Mr. Izquierdo stated that on 8/8/2018, a visit was made to the Desert Line to close gates at Tunnels 5, 20, and 21 and install private-property signs. There was also reconnaissance patrol with a Sheriff's deputy on 8/10/2018 conducted by the County of San Diego. Mr. Izquierdo reported that there were no injuries, accidents, or environmental incidents during this reporting period and no freight activity.

Action Taken

Informational item only. No action taken.

6. Real Property Matters

a. Summary of SD&AE Documents Issued Since July 10, 2018

Since the July 10, 2018, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-18-684: Right of Entry Permit to Wilson and Company for surveying at the San Ysidro border crossing.
- S200-18-685: Right of Entry Permit to Jerusalem Construction to construct street improvements on north Spring Street in the City of La Mesa.

Action Taken

Informational item only. No action taken.

b. License for E Street At-Grade Crossing and Sweetwater Bicycle Path and Pedestrian Promenade

Tim Allison stated that there is a request from the San Diego Unified Port District (Port) to begin improvements on the Coronado Branch at E Street as part of the Bayfront Master Plan. He showed a map of the area and explained that the Port will eventually make the private crossing area into a city street similar to the project completed at H Street. This phase of the project includes a bike path and pedestrian promenade through an Urban Greening Grant. Pending SD&AE Board approval, the license

(attached to the agenda item) would be issued to the Port with some minor edits by General Counsel (which would not affect the substantial form of the agreement). Mr. Allison added that staff will come back at some point to the SD&AE Board for approval to issue an easement to upgrade the private crossing to a public crossing, and he clarified that the Port is funding the project.

Action Taken

Mr. Domen moved to approve issuing a license to the San Diego Unified Port District for an at-grade crossing and class 1 bike path and pedestrian promenade at the existing E Street crossing on the Coronado Branch in the City of Chula Vista. Mr. Terry seconded the motion, and it was unanimously approved.

c. License for Camera Tower Placement Near Mile Post 86.5 on the Desert Line

Mr. Allison stated that Customs and Border Protection (CBP) is requesting a license to put in a camera tower east of Hipass. The camera is a self-contained mobile unit with a tower that would be used as a demo. Mr. Allison reviewed the location on a map. He stated that the license would be terminable and has to meet all requirements, and that BJRR would need to agree with the location of the installation and the access to it.

Mr. Allison stated that depending upon the camera's success, CBP could move it to other locations. He clarified that the request is for a single unit, but CBP could be allowed to request additional units as per the agreement. Ms. Landers added that this is the type of infrastructure that could be used in BJRR's Customs inspection anti-smuggling plan in collaboration with CBP to address any potential issues at the Border and along the line during operations. She stated that there will be legal agreements for any equipment that CBP will be using. She added that the locations for the cameras will be mostly at CBP's discretion depending upon the problem areas that it identifies in relation to illegal activities, and this monitoring would benefit MTS and the rail operators.

Action Taken

Mr. Domen moved to approve issuing a license to the United States Customs and Border Protection (CBP) for a camera tower installation on the Desert Line near mile post 86.5. Mr. Gooch seconded the motion, and it was unanimously approved.

7. Removal of Abandoned Track – Proposed Capital Project

Ms. Landers stated that MTS is working on its Capital Improvement Program (CIP) for fiscal year 2020. One area identified is the removal of some abandoned track in SD&AE's right-of-way (Commercial Street in San Diego, Cleveland Street in National City, and F & J Streets in Chula Vista). Ms. Landers gave a PowerPoint presentation and explained that the track in question is not intended for any future use; however, if it were, it would have to be removed and replaced to bring it to current standards. She stated that from a risk and mitigation standpoint, the condition of the tracks needs to be addressed. Staff is looking at available funding and also the costs of removing the track, paving over the track, or removing the track and ties and pulling everything out in addition to other options. The schedule would be prioritized to determine which work is completed and when based on funding. The current estimate is a little above 7,200 linear feet of track in addition to paving of 10 feet wide.

Ms. Landers reviewed the areas proposed for track removal, and she discussed some injury claims associated with a few of those areas.

Mr. Terry stated that a value has to be determined for this CIP and also whether to do it all at once or in stages. Based on the severity of the condition of some of the tracks, the contractor is recommending removing ties, which would cost more. Ms. Landers added that different funding sources will have to be identified, and a portion of those funds would ultimately come from the SD&AE reserves.

Mr. Domen asked if any of the cities have been contacted regarding cost-sharing. Ms. Landers responded that most have franchise agreements, which puts the financial responsibility on SD&AE. Mr. Allison added that the City of Chula Vista is working on its F Street Corridor and that project has some impact, so there may be cost-sharing opportunities. Discussion ensued regarding responsibility for construction projects and railroad right-of-way improvements.

Public Comments

- *R. Mitchell Beauchamp with San Diego Electric Railway Association – Mr. Beauchamp stated that he is the Director of the San Diego Electric Railway Association (SDERA), which runs the Historic Depot. He stated that one of SDERA's goals is to utilize the track in Cleveland Avenue. He provided some historical information about rail over the tracks. He relayed concern about the loss of the line and asked that the Board not approve the action to remove the track on the Coronado Belt Line. He suggested adding cautionary striping.*

Mr. Terry stated that the condition of the tracks and safety are the biggest concerns and confirmed with Ms. Landers that staff will come back to the SD&AE Board with funding, cost estimates, and a plan. Ms. Landers stated that it is her understanding that significant work would be necessary to restart rail operations. She clarified that at this point, staff is not proposing to abandon the right-of-way or the right to have tracks. The plan is to remove the tracks—which would not prevent any future reuse of that corridor—but it would mitigate potential risks for liability claims in the meantime.

Ms. Landers clarified for members that this is the first step for approving the concept and that some SD&AE reserve funds might be used. Staff will bring a specific plan to the SD&AE Board. She stated that any work that would cost over \$100,000 would have to go to the MTS Board, but staff wanted to get the SD&AE Board's consent beforehand to move forward. The plan would also go to the CIP Committee before the next SDAE meeting for consideration of inclusion into the CIP.

Action Taken

Mr. Gooch moved to approve the concept to use SD&AE reserve funds to remove unused track in Commercial Street in San Diego, Cleveland Street in National City, and F and J Streets in Chula Vista contingent upon further research of funding and costs associated with partial or complete removal of track and ties. Staff will present options to the SD&AE Board of Directors with subsequent final approval by the MTS Board of Directors. Mr. Domen seconded the motion, and it was unanimously approved.

8. Approval of the 2019 SD&AE Board Of Directors Meeting Schedule

Ms. Landers proposed the following SD&AE Board of Directors meeting schedule for 2019:

Tuesday, January 15, 2019	9:00 a.m.	(Fourth Quarter 2018 Reports)
Tuesday, April 9, 2019	9:00 a.m.	(First Quarter 2019 Reports)
Tuesday, July 9, 2019	9:00 a.m.	(Second Quarter 2019 Reports)
Tuesday, October 8, 2019	9:00 a.m.	(Third Quarter 2019 Reports)

Materials Due to Clerk:

Wednesday, January 9, 2019
Wednesday, April 3, 2019
Tuesday, July 2, 2019
Wednesday, October 2, 2019

Materials Posted:

Friday, January 11, 2019
Friday, April 5, 2019
Friday, July 6, 2019
Friday, October 4, 2019

Action Taken

Mr. Domen moved to approve the SD&AE Board of Directors meeting schedule for 2019.
Mr. Gooch seconded the motion, and it was unanimously approved.

9. Board Member Communications

There were no Board member communications.

10. Public Comments

There were no public comments.

11. Next Meeting Date

The next meeting of the SD&AE Railway Company Board of Directors is on Tuesday, January 15, 2019.

12. Adjournment

The meeting was adjourned at 9:36 a.m.

/s/ Paul Jablonski

President

/s/ Karen Landers

General Counsel

Agenda Item No. 2

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

January 29, 2019

SUBJECT:

STATEMENT OF RAILWAY FINANCES

RECOMMENDATION:

That the SD&AE Railway Company Board of Directors receive a financial report for the period ending November 30, 2018.

Budget Impact

None.

DISCUSSION:

SD&AE's financial results for the period ending November 30, 2018, are attached.

As of November 30, 2018, fiscal year-to-date revenues are \$368,000 favorable to budget primarily due to the Desert Line Lease revenue not included in the budget.

Expenses are \$32,000 favorable to budget primarily due to a favorable variance in Outside Services and Personnel Costs.

The year to date Net Income as of November 30, 2018, was \$411,000.

Attachment: SD&AE Operating Statement for period ending November 30, 2018.

SD&AE Operating Statement FY2019-18

	FY 2019					FY 2018	
	Q1 Actual	Oct - Nov Actual	YTD Actual (Jul - Nov)	YTD Budget (Jul - Nov)	Variance	Q1 - Q2 Actual (Jul - Nov)	Variance
Revenues							
Right of Entry Permits	\$ 750	\$ 1,500	\$ 2,250	\$ 12,500	\$ (10,250)	\$ 12,000	(9,750)
Lease Income	19,144	15,421	34,566	64,585	\$ (30,019)	37,122	(2,556)
Desert Line Lease Revenue	250,000	166,667	416,667	-	\$416,667	416,673	(6)
Operator Income - SD&IV 1% Freight Fee	10,000	6,667	16,667	25,000	\$ (8,333)	15,500	1,167
Total Revenues	279,894	190,255	470,149	102,085	368,064	481,295	(11,146)
Expenses							
Personnel Costs	7,671	6,239	13,910	22,220	8,310	14,678	768
Outside Services	5,030	11,299	16,328	37,791	21,463	53,822	37,494
Risk Management	3,533	3,176	6,709	8,460	1,751	56,309	49,600
Misc. Operating Expenses	4,290	18,352	22,641	23,490	849	21,001	(1,640)
Total Expenses	20,524	39,064	59,588	91,961	32,373	145,810	86,222
Net Income/(Loss)	\$ 259,370	\$ 151,191	\$410,561	\$ 10,124	\$400,437	\$ 335,485	\$75,076

Reserve Balance July 1, 2018	\$ 1,375,700
Allocated Interest Earnings - Estimate	10,417
Operating Profit/(Loss) - YTD	410,561
Less Desert Line Lease Revenue	(416,667)
Estimated Reserve Balance as of Nov 30, 2018	\$ 1,380,011

Agenda Item No. 3

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

January 29, 2019

SUBJECT:

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

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

An oral report will be given during the meeting.

Attachment: Periodic Report for the 4th Quarter of 2018



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

January 21, 2019

Periodic Report

In accordance with Section 20 of the Agreement for Operational Freight Service and Control through Management of the San Diego and Arizona Eastern Railway Company activities of interest for the 4th Quarter of 2018 are listed as follows:

1. Labor

At the end of December 31, 2018 the San Diego & Imperial Railroad had 8 employees:

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

2. Marketing

Volume in the 4th Quarter had a 7% decrease as compared to the same quarter in 2017. Bridge traffic into Mexico was up about 3% while traffic terminating or originating on the SDIY was down about 20% versus last year. The primary driver for this was a temporary dip in the liquid bulk shipments to the transload.

3. Reportable Injuries/Environmental

Days through year to date, December 31, 2018, there were no FRA Reportable injuries or Environmental incidents on the SDIV Railroad.

Days FRA Reportable Injury Free: **7940**

4. Summary of Freight

	018	2017	2016
Total rail carloads that moved by SDIY Rail Service in the quarter.	870	940	1440
Total railroad carloads Terminating/Originating Mexico in the quarter.	535	519	1110
Total railroad carloads Terminating/Originating El Cajon, San Diego, National City, San Ysidro, California in the quarter.	335	421	330
Total customers directly served by SDIY in the quarter	10	12	11
Regional Truck trips that SDIY Railroad Service replaced in the quarter	2610	2820	4320

Respectfully,

Matt Domen

General Manager

Agenda Item No. 4

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

January 29, 2019

SUBJECT:

REPORT ON PACIFIC SOUTHWEST RAILWAY MUSEUM

RECOMMENDATION:

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

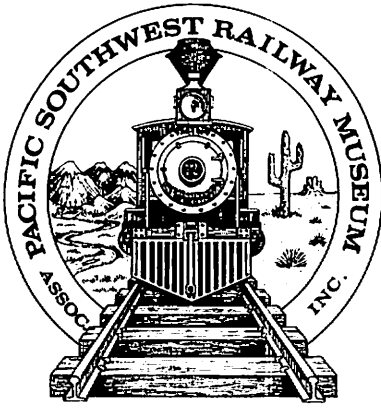
Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.

Attachment: Not submitted in time for the mail-out.



Pacific Southwest Railway Museum

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

January 28, 2019

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

Re: Fourth Quarter 2018

Dear SD&AE Board:

During the fourth quarter of 2018 and utilizing all volunteer crews, the Pacific Southwest Railway Museum operated 24 Pumpkin Express trains, 64 Valley Flyer trains and 16 North Pole Limited trains, carrying a total of 7,698 passengers during 24 operating days. There were no FRA reportable accidents or injuries during the fourth quarter, 2018. Earned revenue from SD&AE property for the fourth quarter, 2018 was \$288,547.45 our check for \$5,770.95 is enclosed.

7,698 passengers during the fourth quarter of 2018
7,153 passengers during the fourth quarter of 2017
6,736 passengers during the fourth quarter of 2016
7,110 passengers during the fourth quarter of 2015
6,765 passengers during the fourth quarter of 2014
6,535 passengers during the fourth quarter of 2013
6,889 passengers during the fourth quarter of 2012

Ridership for the fourth quarter 2018 increased by 545 passengers and revenue increased by \$21,144 from the same quarter of the previous year with the same number of operating days for both years. The month of October was filled with four weekends of Pumpkin Express Trains followed by four weekends of Valley Flyer trains during November and four weekends of North Pole trains commencing on the last day of November and extending through December 22nd.

PSRM continues to maintain both signalized railroad crossings within our right of way limits; PSRM signal maintainers perform the monthly, quarterly and annual inspections.

Please mark your calendars and plan on joining us at Campo on Saturday, September 7, 2019 to celebrate the Groundbreaking of the SD&A and again on Saturday, November 16, 2019 for SD&A Centennial Day in Campo. At both events, we welcome the participation of members of the SD&A board and key personnel of MTS as speakers at the events. Other 2019 events celebrating the centennial year of the completion of the railroad include hikes to China Camp, Dos Cabezas and the Goat Canyon Trestle, slide shows at various San Diego venues, SD&A Centennial exhibits around town and at select museums in Balboa Park and SD&A silent movie night at the Spreckels Organ Pavilion. The centennial celebration calendar is updated frequently and more information can be found at <https://www.psrn.org/centennial/calendar/>

I would like to extend my thanks to this board and the MTS board for continuing to support our efforts in educating our community on the history and importance of passenger and freight rail through our preservation efforts and living history train ride.

Sincerely,



Diana Hyatt
President

Agenda Item No. 5

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

January 29, 2019

SUBJECT:

REPORT ON THE DESERT LINE

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

A report will be presented during the meeting.

Attachment: Not submitted in time for the mail-out.

Agenda Item No. 6a

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

January 29, 2019

SUBJECT:

SUMMARY OF SD&AE DOCUMENTS ISSUED SINCE OCTOBER 9, 2018

RECOMMENDATION:

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

Budget Impact

None.

DISCUSSION:

Since the October 9, 2018, SD&AE Railway Company Board of Directors meeting, the documents described below have been processed by staff.

- S200-19-687: Right of Entry Permit to Segni Construction for potholing In La Mesa west of Jackson Drive.
- S200-19-688: Easement to San Diego Gas & Electric for underground electric facilities at North Avenue in the City of Lemon Grove.
- S200-19-689: Right of Entry Permit to HMS Construction, Inc., for traffic control at Palomar Street in the City of Chula Vista.
- S200-19-891: Right of Entry Permit to Segni Construction, Inc. for landscaping and slope repair west of Jackson Drive in La Mesa.



REQUEST TO SPEAK

Agenda Item No. ☐

Order Request Received ☐

PLEASE SUBMIT THIS COMPLETED FORM (AND ANY WRITTEN STATEMENTS) TO THE CLERK OF THE COMMITTEE PRIOR TO DISCUSSION OF YOUR ITEM¹.

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Committee (please attach any written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Committee authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

Please Print

NAME	R Mitchell Beauchamp
Address	1434 East 24 th St National City
Telephone	619 477 5333
Organization represented (if any)	Tierra Madre Ranch
Subject of your remarks	Derail Lim Station
Regarding Agenda Item No.	6 Public Comment
Your comments are presenting a position of:	<input type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At public hearings of the Committee, persons wishing to speak shall be permitted to address the Committee on any issue relevant to the subject of the hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Committee on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each under the Public Comment agenda item. Additional speakers will be heard at the end of the Committee's agenda.

Request to Speak Form.doc

¹ REMEMBER: Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.



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

Agenda Item No. 30

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

SUBJECT:

IMPLEMENTATION PROCEDURES FOR BOARD POLICY 18 (SHARON COONEY, TIM ALLISON AND DEBBIE RUANE OF NORWOOD STRATEGIES)

RECOMMENDATION:

That the Board of Directors approve the proposed implementation procedures for Board Policy 18, "Joint Development Program".

Executive Committee Recommendation

At its meeting on February 7, 2019, the Executive Committee voted 6 to 0 (Board members Arapostathis, Fletcher, Gomez, Montgomery, Rios and Salas in favor) to recommend that the Board approve the staff recommendation.

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.

/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

REVISED

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
 - 1. Content of Inventory List
- B. Prioritization of Real Estate

III. JOINT DEVELOPMENT

- A. Joint Development Procedures
 - 1. Request for Proposals ([RFP](#))
 - 2. Request for Qualifications ([RFQ](#))
 - 3. Unsolicited ~~Offers~~ [Proposals](#) and Non-Priority Sites
 - 4. Review Time for Consideration of Proposals
- B. Design and Construction Considerations
 - 1. Development
 - 2. Ground Lease Terms
 - 3. Zoning / Zoning Changes
- C. Consideration of Developer Concessions
 - 1. Lease [Terms](#)
 - 2. Density
 - 3. Parking
 - 4. Transit Passes
 - 5. Financing [Request](#)

IV. LEGAL

- A. MTS Statutory Framework
- B. Federal Transportation Administration ([FTA](#)) Regulations
- C. California Department of Transportation ([CALTRANS](#))
- D. Environmental
- E. Local Jurisdictions

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.

1. 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, having recently addressed zoning capacity, 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).

1. 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.
- MTS anticipates issuing RFP's annually, and it may include one, or more sites.

2. 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.

3. Unsolicited Proposals and Non-Priority Sites

MTS currently allows, and will continue to allow, unsolicited offers to develop sites, ~~whether they are designated as priority or not~~. 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~~ publicly notice the location of the unsolicited proposal for a term of at least 30 days prior to submitting any unsolicited proposal to the Board.

4. 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

1. Development

a. 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.

b. 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.
- 5) will incorporate mobility hub services, [transit amenities \(including, but not limited to, public restrooms, lighting, etc.\)](#), and technologies where practicable to foster increased travel choices for residents, employees, and visitors.
- 6) will consider design elements [and facilities](#) consistent with active transportation policy, planning, and implementation.

2. Ground Lease Terms

- a. 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.
- b. 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.

- c. Use of Revenue by MTS. It is the intention of MTS to utilize the proceeds (from either scenario) for the improvement of transit operations.

3. Zoning/Zoning Changes

- a. 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.

C. 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:

- 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~~ of 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 automobile 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, shared and offsite parking, if applicable. Developers should emphasize parking options for bicycle, motorcycle and other dockless modes of transit.

4. Transit Passes:

Transit passes as an offset to a portion of ground lease payments or in lieu of providing automobile parking are encouraged ~~should be considered~~ on all residential and mixed-used projects. While maximizing revenue to MTS is critical, in some instances an award of transit passes (or subsidized transit passes) may be 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:

- a. funds are available and budgeted for MTS facilities or other infrastructure that supports operations, and,
- b. 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.

Implementation Procedures for Board Policy 18

February 14, 2019



Policy 18 Procedural Manual

- October 2018 – Board approved revisions to Policy 18 “Joint Development Program”
- Separate procedural manual for Board approval
- Engaged Consultant, Norwood Development Strategies
- Scope of work:
 - Peer agency and stakeholder review/outreach
 - Best practices compilation
 - Consistency review
 - Create Draft Procedural Handbook



Identification of Best Practices

Inventory List:

- Update annually for Board and public on website
- Include additional information:
 - Current zoning, date of last community plan update, APN's, link to MTS reports, if any
- Prioritize sites to target resource allocation:
 - MTS or State/Federal designations apply (e.g., Opportunity Zones)
 - Local jurisdiction support (e.g., updated community plan, financial support, established housing goals)
 - Accept unsolicited offers upon approval by CEO



Identification of Best Practices

Unsolicited Offers

- Staff response due within 60 days- alternatives:
 - Request for additional information
 - Recommend MTS Executive Committee enter into ENA
 - Propose additional proposals be solicited
 - Reject the proposal



RFQ/P Criteria

Development Team Qualifications:

- Ground Lease management
- Expertise with affordable housing (residential only)

MTS Needs:

- Leverages other funding sources
- Preliminary design plans
 - site layout, transit interface, pedestrian access to transit facilities and promotion of transit use
- Identify relationship between MTS facilities and proposed development
- Site specific transit amenities or facilities, transit passes for residents encouraged
- Ongoing maintenance responsibilities of any new MTS facilities or amenities associated with development



Design Criteria

- Maximum allowable/economically feasible densities (to incentivize transit use and enhance site development potential)
- Parking ratios sufficient & include alternative parking scenarios
- If residential, minimum of 20% affordable, deed-restricted for 55 years, affordable to 50% and 80% AMI
- Employing Environmental Building Practices recommended (renewable energy, sustainable building materials, stormwater reclamation, etc.)
- Consistent with adopted regional/local community plans and policies, unless modifications approved by local agencies and MTS
- Community needs met for product type, employment and services
- In conformance with MTS and FTA guidelines
- Other pertinent site specific criteria



Identification of Best Practices

Ground Lease Terms:

- Long term ground lease (no fewer than 65 years)
 - Facilitates traditional affordable housing financing needs
 - Sufficient to provide financial institutions with needed assurances
- Deferral of lease payments (1 to 5 years)
- Up-front lease payments
- Discounted lease payments, temporarily or over the course of the lease

Developer incentives that may be considered:

- Density concession possible, although not preferred
- Parking waivers, with emphasis on minimizing parking spaces
- An award of transit passes or subsidized passes
- Financial subsidy, if available & budgeted for MTS facilities or infrastructure

* In all cases, justification is required for any concession



Opportunities for Innovation

Legal Requirements

- MTS shall comply with all applicable legislation, including:
 - Federal Transit Administration Regulations
 - California Department of Transportation (CALTRANS)
- MTS will be lead agency in Environmental matters, unless designated to local jurisdiction
- Local land use policies and procedures of jurisdiction (zoning, permitting, entitlement process, etc.)



Next Steps

- Update inventory and website
- Continue to pursue development opportunities



Recommendation

That the Board of Directors approve the implementation procedures for Board Policy 18, “Joint Development Program”.



REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

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(PLEASE PRINT)

DATE	2-14-2019		
Name	John Seymour		
Address	4322 Piedmont Dr-92107		
Telephone	619 223 9222		
Email	js Seymour@nashcon/core.org		
Organization Represented	National CORE		
Subject of Your Remarks			
Regarding Agenda Item No.	30		
Your Comments Present a Position of:	<input checked="" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

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DATE	2/14/19		
Name	Maya Rosas		
Address			
Telephone			
Email			
Organization Represented	Circulate San Diego		
Subject of Your Remarks	Policy 18		
Regarding Agenda Item No.	30		
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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Circulate San Diego
1111 6th Avenue, Suite 402
San Diego, CA 92101
Tel: 619-544-9255
Fax: 619-531-9255
www.circulatesd.org

February 12, 2019

Chair Georgette Gómez
Board of Directors
Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

RE: Support for MTS' Proposed Joint Development Program

Chair Gómez,

On behalf of Circulate San Diego, whose mission is to create excellent mobility choices and vibrant, healthy neighborhoods, I am writing in support of the proposed Joint Development Program implementation procedures for Board Policy 18 to be presented at the Board of Directors meeting on February 14th.

Circulate released its report¹ on how to transform empty parking lots owned by MTS into housing with three main recommendations: to issue regular requests for proposals for priority sites, require a percentage of new developments be made affordable, and eliminate the requirement for new developments to replace underutilized parking.

The proposed MTS Joint Development Program implements Circulate recommendations. It proposes to issue annual requests for qualifications of priority sites, which will be determined in part by the property's zoned capacity. It requires a minimum of 20 percent of units be deed restricted affordable homes.

While the language regarding parking replacement meets our shared intent to maximize the developable density and provide alternatives to driving, it does not provide specific guidance that would ensure new developments are not overparked. Circulate recommends that the implementing document state that replacement parking be no greater than current parking lot utilization, based on regular counts conducted by MTS. Additional studies or analysis should not be necessary to determine the replacement parking requirements.

MTS staff and the Board have demonstrated their leadership to address San Diego's most pressing issues through Policy 18 and the Joint Development Program implementing procedures. Circulate applauds MTS' efforts to provide more housing regionally near transit.

¹ Circulate San Diego, Real Opportunity (April 25, 2018), available at <http://www.circulatesd.org/realopportunity>.

Sincerely,



Maya Rosas
Director of Policy
Circulate San Diego

CC:

Paul Jablonski, Chief Executive Officer, MTS
Sharon Cooney, Chief of Staff, MTS
Tim Allison, Manager of Real Estate Assets, MTS

REQUEST TO SPEAK FORM

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DATE	2/14/19		
Name	Kelvin Barrios		
Address	3796 40th st		
Telephone	619-534-3111		
Email	kbarrios@local89.org		
Organization Represented	Laborers Local 89		
Subject of Your Remarks	Policy 18		
Regarding Agenda Item No.	30		
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

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Agenda Item No. 31

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

SUBJECT:

2019 STATE AND FEDERAL LEGISLATIVE PROGRAMS (SHARON COONEY)

RECOMMENDATION:

That the Board of Directors approve staff recommendations for 2019 federal and state legislative programs (see Attachments A and B).

Budget Impact

None.

DISCUSSION:

The draft federal and state legislative programs (Attachments A and B) are attached for review. The changes from the 2018 programs are identified. Upon approval by the MTS Board, these programs will be used to define MTS legislative advocacy efforts in calendar year 2019. Staff will return to the Board for approval of any amendments that are required to address unforeseen events or policy initiatives.

/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 Federal Legislative Program (redline version)
B. Draft State Legislative Program (redline version)



DRAFT

San Diego Metropolitan Transit System (MTS) 2019 Federal Legislative Program

I. Transit Funding

- Oppose legislation that would reduce direct funding to transit agencies or transportation funding in general, and support increased appropriation levels for existing transit funding programs.
- Seek a permanent compressed natural gas tax credit program for transit operators.
- Support legislation that would help offset the impact on transit budgets caused by increases in fuel costs.
- Support legislation that would generate new revenue for transit projects and operating costs, and advocate for positive outcomes in any new infrastructure funding program.
- Support legislation to bring funding to railroad corridors and seek funding for railroad bridge and infrastructure rehabilitation.
- Seek funding to offset the costs associated with implementation of hybrid and alternative technologies in the transit fleet.
- In partnership with interested cities, seek funding dedicated to grade-separation projects.
- Seek programs in the defense appropriation process that would help offset the cost to provide transit services for military facilities.
- Oppose attempts to discontinue federal funding for school paratransit services or for nonemergency medical transport.
- Seek a legislative fix to ensure that transit operators will be reimbursed for paratransit services for Medicaid eligible trips.

II. Public Safety

- Oppose attempts to create duplicative state rail safety regulatory agencies.
- Seek stiffer federal criminal penalties for vandalism or theft of transit property.
- Seek federal penalties for assaults on transit workers.
- Support legislation that increases funding for transit security projects and personnel.
- Support legislation that provides reimbursement to transit operators for lost employee work hours due to emergency preparedness and antiterrorism training.
- Oppose legislation or regulations that would have an adverse impact on transit agencies' ability to provide safe transportation to their customers.
- Support legislation that assists transit operators to carry out their responsibilities as first responders to emergency situations.
- Support efforts to enhance the transit agency's ability to coordinate with other local emergency personnel for disaster response and evacuation preparedness.

III. Regulatory Matters

- Support legislation that would facilitate the delivery of capital projects.
- Oppose unfunded mandates that negatively impact transit operators; seek funding for all newly mandated programs.
- Support efforts to increase competition in the fuel market.
- Support legislation that would require manufacturers of wheelchairs and scooters to notify customers prior to purchase of any vehicles that are larger than what the Americans with Disabilities Act requires transit agencies to accommodate for boarding.
- Oppose proposals that limit the use of eminent domain for public transportation projects.
- Monitor and respond to legislation in the areas of finance, employment, and safety that could affect agency governance or operations, including issues related to contractors.

- Support efforts to ensure that climate change legislation recognizes that transit investment can help achieve emission reduction goals, and seek inclusion of transit funding in any climate change legislation.
- Oppose efforts to enlarge the universe of paratransit service eligibility to classifications of individuals that could effectively be served through fixed-route services.
- Seek limits on the interpretation of the Americans With Disabilities Act with regard to service animals.
- Monitor and respond to attempts to alter Access Guidelines in a way that would financially burden transit operators without providing funding.
- Oppose regulatory interpretations of Title VI that are not in keeping with the policy's intent or which cause actions by transit agencies that constitute unfunded mandates.
- Seek positive closure to the Department of Labor's case regarding the California Public Employees' Pension Reform Act (PEPRA).
- Seek approval for the operation of cross border rail freight.

IV. Support for Legislative Programs of Other Agencies or Organizations

- Support the legislative programs of other agencies, such as SANDAG, NCTD or other jurisdictions, where consistent with the MTS legislative program.
- Support provisions in the legislative programs of organizations, such as the California Transit Association and American Public Transportation Association, where consistent with the MTS legislative program.

V. Capital Projects

1. Seek funding for the following capital projects:
 - MTS Bus Replacement Vehicles
 - Fare Collection System
 - Zero Emission Buses and Electrification Infrastructure
 - 12th and Imperial Transit Center Expansion
 - SD 100 Light Rail Vehicle Replacements
 - New Bus Maintenance Facility

DRAFT

**San Diego Metropolitan Transit System (MTS)
2019 State Legislative Program**

I. Transit Funding

- Oppose legislation that would reduce direct funding to transit agencies, or transportation funding in general; support legislation that would generate new revenue for transit projects and operating costs.
- Oppose legislation that would expand the use of Transportation Development Act (TDA) funds to non-transit purposes not currently covered by statute.
- Support legislation that would help offset the impact on transit budgets caused by increases in fuel costs.
- In partnership with interested cities, seek funding dedicated to grade-separation projects.
- Seek legislation to exempt transit agencies from state sales tax.
- Seek favorable programmatic guidelines for Cap and Trade related funding sources, and seek awards under all relevant programs. Support member agency applications for all relevant programs funded by Cap and Trade related auctions, including the Affordable Housing and Sustainable Communities grant program.
- Oppose attempts to legislate local fare programs or to remove fare setting decisions from transit agencies. Seek subsidies for specialized fare programs supported by the MTS Board.
- Seek funding for zero emission buses and electrification infrastructure. favorable electric rate setting to incentivize deployment of this technology, and standardization of charging infrastructure and on board bus charge management systems.
- Support programs that would provide incentives to local transit agencies towards funding student transit passes.
- Support ACA 1, (Aguiar-Curry), a constitutional amendment to reduce the voter threshold for infrastructure sales tax levies.
- Seek changes to MTS enabling statutes that would facilitate the implementation of AB 805's authorization to levy a sales tax.

II. Transit-Oriented Development

- Support legislation that provides funding incentives for mixed-use projects and transit-oriented development.
- Support legislation that aids transit operators' efforts to create high density transit-oriented development.

III. Public Safety

- Oppose legislation or regulations that would have an adverse impact on transit agencies' ability to provide safe transportation to their customers.
- Support efforts to enhance penalties for crimes against transit staff or related to transit property.
- Support legislation that would protect the records of transit code compliance officers to the same degree as sworn officers.
- Seek legislation that would permit transit agencies to adjudicate code violations.

- Support legislation that would remove Vehicle Code restrictions on the placement of video and audio recorders inside taxicabs.
- Seek changes to MTS enabling statutes that would allow MTS to regulate taxicab transportation services for the County or any City within San Diego County.

IV. Climate Change

- ~~Oppose efforts to require actions by the transit operators in support of state climate change initiatives that constitute unfunded mandates.~~
- ~~Assist the California Air Resources Board (CARB) in crafting the Innovative Clean Transit program, and oppose efforts to impose the purchase of a specific technology that would have adverse impacts on MTS's ability to provide adequate levels of transit service.~~

V. Regulatory Matters

- Support legislation that would facilitate the delivery of transit capital projects—especially through the availability of alternative procurement practices, such as design build.
- Oppose unfunded mandates that negatively impact transit operators. Seek dedicated funding to offset costs when new regulatory requirements are proposed.
- Oppose legislation that adversely limits the use of eminent domain for public transportation projects.
- Seek relief from regulations which prevent MTS from providing service in the most cost efficient way possible.
- Oppose legislation that would limit MTS's use of data to provide better service to customers.
- Oppose efforts to eliminate or restrict transit exemption provisions in the California Environmental Quality Act (CEQA); seek legislative clarification that service and fare adjustments are always exempt from CEQA.
- Support effortseek ways to improve the state's oversight of rail operators, currently the jurisdiction of the California Public Utilities Commission.
- Seek statutory clarification that transit operators shall be reimbursed for Medi-Cal eligible paratransit trips.

VI. Labor Relations

- Monitor and respond to legislation relating to personnel matters.
- Support legislation that protects the integrity of collective bargaining agreements, and oppose efforts to mandate benefits or working conditions.
- Monitor and respond to legislation designed to clarify provisions of the Public Employees Pension Reform Act of 2012.

VII. Support Legislative Programs of Other Agencies or Organizations

- Support the legislative programs of other agencies, such as SANDAG and NCTD, where consistent with the MTS legislative program.
- Support provisions in the legislative programs of organizations, such as the California Transit Association and American Public Transportation Association, where consistent with the MTS legislative program.

2019 State and Federal Legislative Programs

Board of Directors
February 14, 2019



Federal Legislative Priorities

- Support new infrastructure funding program
- Seek project funding
 - Bus Replacement Vehicles
 - Next Gen Fare Collection System
 - Zero Emission Buses (ZEBs)/Electrification Infrastructure
 - 12th and Imperial Transit Center Expansion
 - SD100 Light Rail Vehicle Replacements
 - New Bus Maintenance Facility
- Seek approval for the operation of cross border freight
- Support SANDAG in seeking MidCoast appropriations
- Seek a legislative fix to gain reimbursement for paratransit trips for Medicaid recipients



State Legislative Priorities

- Seek grant awards under all applicable Cap and Trade/SB 1/CARB programs
 - Prioritize ZEBs
 - Support City and developer applications for Affordable Housing and Sustainable Communities grants
- Seek subsidies for specialized fare programs supported by the Board
- Seek funding for ZEBs, favorable electricity ratemaking, and standardization of charging systems
- Support ACA 1 (Aguiar-Curry) to lower the voter threshold for infrastructure sales tax levies



State Legislative Priorities

- Seek any changes to enabling statutes that could assist with implementation of AB 805 authorization
 - Eg. allowing a sales tax in less than the entire MTS jurisdiction, raising the limits on local sales tax levels
- Support housing legislation that makes TOD easier and more effective
- Seek changes to MTS enabling statutes to allow MTS to regulate taxicabs outside of its jurisdiction.
- Seek clarification that transit operators shall be reimbursed for Medi-Cal eligible trips.
- Support the legislative programs of other agencies where consistent.



Recommendation

- That the Board approve staff recommendations for 2019 federal and state legislative programs (attachments A and B)



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DATE	2/14/15
Name	JOE GABALDON
Address	288 8330 CENTURY PARK CT
Telephone	858 650 6121
Email	jgabdond@semprautilities.com
Organization Represented	SDG & E
Subject of Your Remarks	2015 LEGISLATIVE PRIORITIES
Regarding Agenda Item No.	31
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

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Agenda Item No. 45

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

SUBJECT:

FIRST TRANSIT/TAXICAB PILOT UPDATE - ACCESS SERVICES (BILL SPRAUL)

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

MTS Access paratransit service is for customers with disabilities who are unable to use the fixed route bus or trolley services. MTS contracts with First Transit to operate this service. Customer eligibility is certified by MTS' eligibility services contractor MTM, in accordance with the ADA and FTA regulations. In partnership with First Transit, Access has implemented a one year taxi pilot program that has allowed First Transit to sub-contract with Yellow Group to operate a limited number of Access trips.

Staff has and continues to monitor the program and conduct on-going analysis to determine its effectiveness and cost savings efficiency, and will use the pilot program's results to assess the continuation of the program and its potential expansion in the future.

/s/ Paul C. Jablonski

Paul C. Jablonski
Chief Executive Officer

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



MTS Access Taxi Pilot Program Update



Board Meeting
February 14, 2019



Overview

- One year pilot/demonstration: July 2018 – June 2019
 - Managed and administered by First Transit, within MTS/First Transit Access contract
 - Sub-contract between First Transit and Yellow Taxi Group

Goals:

- Decrease the cost per trip, by moving higher cost, lower productivity trips to taxi
- Maintain and improve overall Access productivity and service quality

Focus:

- Single ride customer trips = highest cost, lowest productivity trips
- Ambulatory customers who do not need/minimal driver assistance
- Target of 36,000 trips to taxi during pilot



Pilot Program Components

- Transparent to customer at time of trip request
(utilizes same reservations and trip scheduling system and process)
- Trips managed using Trapeze Trip Broker software - schedules based on:
 - Customer specific data
 - Trip distance, time of day, locations
 - Compatibility with other scheduled trips
 - Estimated total cost of trip on Access
- Taxi trips required to be ADA compliant:
 - Reservations/Scheduling
 - Vehicles
 - Service quality
 - Driver training
- Participating Taxi drivers trained and certified using national Passenger Assistance Safety and Sensitivity Training Program (PASS)
- 172 drivers trained and certified for pilot program



Pilot Performance

Goal:

Decrease the cost per trip, by moving higher cost, lower productivity trips to taxi

	<u>Actual</u> (July – December)	<u>Goal</u> (July – December)
Total trips	25,655	18,000
Savings per trip	\$ 21.21	\$ 20.44
Cumulative savings	\$ 534,859	\$ 367,920

- Total eligible customers with a taxi trip: 1,278
 - 44% of total taxi eligible customers



Pilot Performance

Goal:

Maintain and improve Access overall productivity and service quality

- On time performance improved by 5%
- Average trip travel time reduced by 17%
- Safety: preventable accidents reduced by 41%
 - Taxi: only one (1) minor accident, zero (0) preventable accidents



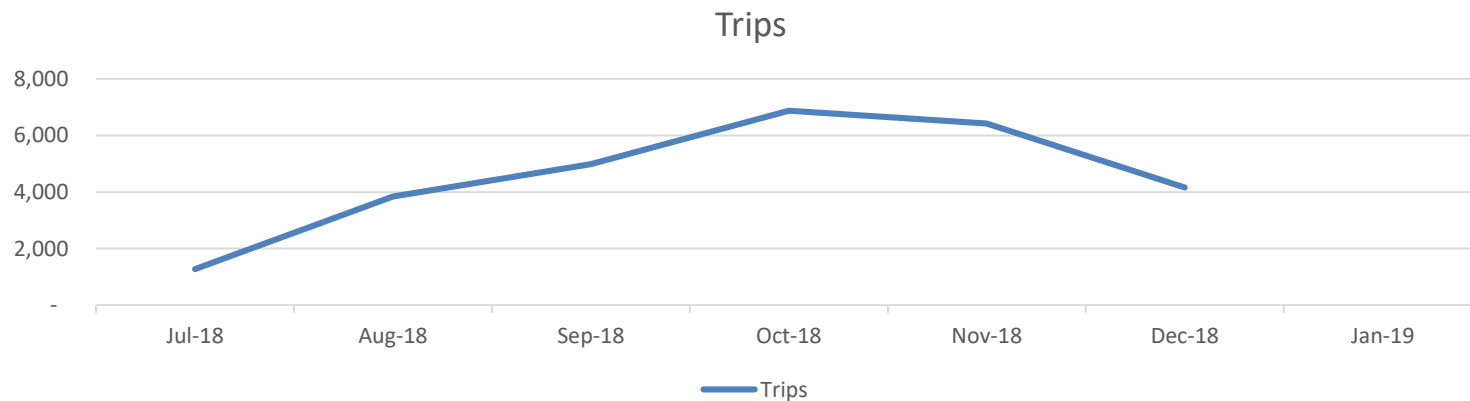
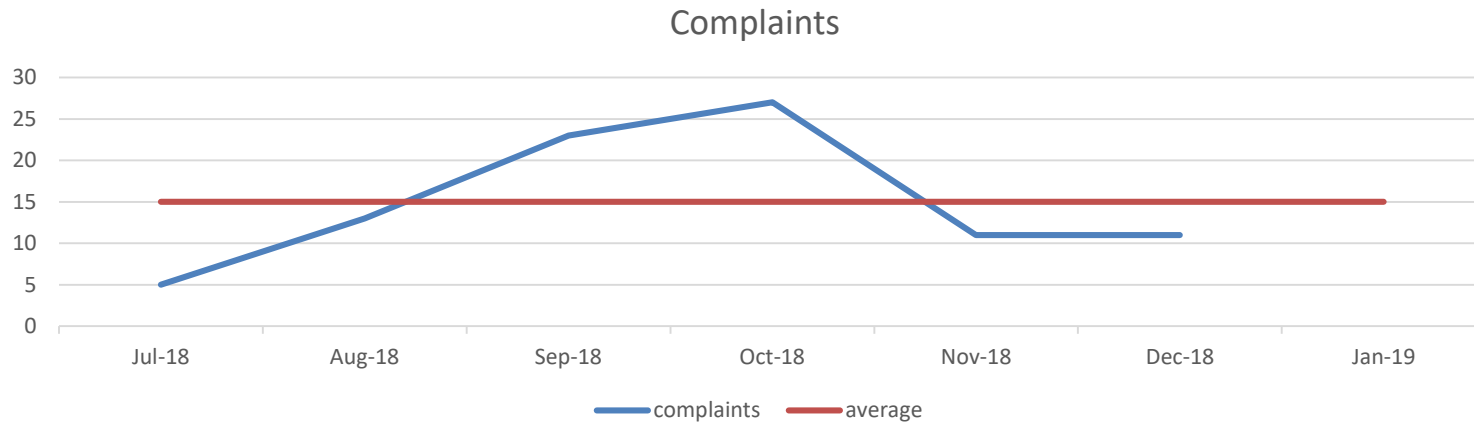
Customer Feedback

- All taxi customer service reports managed through the MTS Customer Relations Management system (CRM)
 - Mirrors standard MTS reporting, investigation and resolution process
- Twenty-one (21) customer service compliments received
- Ninety-two (92) customer service complaints received
 - Complaint ratio is less than 0.3% (92 / 25,655 total trips)
 - Driver attitude most frequent complaint category
 - First Transit / Yellow Taxi Group responsible for resolution (driver re-training, monitoring and/or removal from program)



Customer Feedback

Complaints vs. Trips



Customer Feedback

Random, Post-Taxi Trip Surveys

- MTS team conducts random phone surveys with taxi customers
- Customers rank service quality on a scale of 1-10 (10 highest)
 - Average rating for on time performance = 9
 - Average rating for driver courtesy and professionalism = 9
 - Average rating for vehicle cleanliness = 9
- 98% of customers prefer a permanent taxi program
- Customer concerns:
 - Operator attitude
 - Difficulty in communicating with drivers (due to language barrier)
 - Inconsistency in driver compliance with Access-specific procedures



Next Steps

- Continue taxi program through remaining year of current First Transit contract
 - July 2019 – June 2020
- Incorporate into next contract
- Expand program utilization to optimize effectiveness & cost savings



Questions ?



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Agenda Item No. 46

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

SUBJECT:

SEMIANNUAL UNIFORM REPORT OF DISADVANTAGED BUSINESS ENTERPRISE
(DBE) AWARDS AND PAYMENTS (SAMANTHA LESLIE)

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

As a Federal Transit Administration (FTA) grantee, San Diego Metropolitan Transit System (MTS) complies with the federal regulations set forth in 49 CFR Part 26 regarding participation by DBEs in the U.S. Department of Transportation (DOT) Program.

I. Goals of MTS's DBE Program

The goals of MTS's race-neutral DBE program are:

1. to ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. to ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. to ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. to help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. to assist the development of firms that can compete successfully in the marketplace outside of the DBE program; and
7. to provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.



II. MTS's DBE Triennial Overall Goal for FFY 2016- 2018

The DBE regulations require MTS to prepare a DBE Triennial Overall Goal. The DBE Triennial Overall Goal is established upon the number of ready, willing, and able DBE contractors within MTS's geographic market area that are available to bid on MTS's federally assisted procurements (excludes transit vehicle procurements). For the triennial reporting period (October 1, 2015, to September 30, 2018), MTS had an aspirational triennial overall goal of **3.75%** DBE participation on federally funded contracts.

III. Participation by certified DBEs

For purposes of reporting DBE participation to the FTA, MTS may only count participation by certified DBE contractors. In order to be certified as a DBE through the California Unified Certification Program, contractors must:

- (1) have a majority owner who is **socially and economically disadvantaged** (Native Americans, African Americans, Hispanics, Asian-Pacific, Subcontinent Asian Americans and women are currently presumed to be socially and economically disadvantaged by the DOT);
- (2) the majority owner must have a personal net worth of less than **\$1,320,000**; and
- (3) the business must be a **small business** and, for *most* types of businesses, have average annual gross receipts less than **\$23,980,000**.

Per DOT DBE Regulations, MTS **may not** count participation from certified minority owned businesses (MBE), disabled veteran owned businesses (DVBE), women owned businesses (WBE), small businesses (SB) or lesbian gay bisexual transgender owned businesses (LGBTBE) (collectively referred to as SBEs) toward meeting its DBE Triennial Overall Goal. Nonetheless, MTS encourages participation from, conducts outreach to, and tracks awards and payments to SBEs.

IV. Race-Neutral Measures to Increase DBE and SBE Participation

A race-neutral DBE program means that there are no DBE contract specific goals and no advantages provided to interested DBE contractors when submitting bids or proposals. Successful bidders are chosen using race-neutral means, generally through a low-bid or best-value procurement process.

To increase DBE participation on MTS's federally assisted procurements, as well as SBE participation on all MTS's contracts, MTS conducts outreach to DBEs and SBEs in an effort to inform them of upcoming MTS procurements. The following are some of the race-neutral measures MTS has implemented:

1. outreach to past and current MBEs, DVBEs, WBEs, SBs and LGBTBEs to discuss the benefits of DBE certification and what qualifications are necessary to become DBE certified, as some may already qualify;
2. outreach to past and current DBEs, MBEs, DVBEs, WBEs, SBs and LGBTBEs requesting that they register on PlanetBids so they can receive automatic notification of upcoming MTS formal procurements;

3. for small purchase procurements in which MTS must seek out three (3) bids, MTS aims to advertise more of these procurement on PlanetBids so as to increase the potential of DBEs, MBEs, DVBes, WBEs, SBs or LGBTBEs learning of the procurement, if such a contractor is available to perform the work;
4. for small purchase procurements in which MTS must seek out three (3) bids, seeking at least one (1) of those bids from a DBE or SBE, if available; and
5. attend and actively promote small business conferences and programs to alert DBEs, MBEs, DVBes, WBEs, SBs or LGBTBEs of upcoming MTS contracting opportunities and to educate about MTS's procurement and DBE program.

V. Federally Funded Procurements

Only contracts awarded and paid by MTS using federal funds (or a portion of federal funds) are reported to the FTA per DOT DBE Regulations. MTS generally reserves federal funds for transit vehicle procurements, transit facility improvements, and state-of-good-repair vehicle or system preventative maintenance projects. MTS generally uses local and state funds for capital projects (e.g. construction, architectural & engineering), administrative costs and other operating expenses (e.g. marketing expenses, land management, office supplies).

VI. Summary of Semi-Annual DBE Report Findings (Federal Funds Only)

The FTA Semi-Annual Report for April 1, 2018 to September 30, 2018 is the last of six reports in the triennial period of FFY 2016-2018. MTS has provided to the FTA MTS's DBE achievement for contracts awarded, contracts open and contracts completed between April 1, 2018 to September 30, 2018 reporting period.

a. Contracts Awarded

For this reporting period, MTS **did meet** its DBE Triennial Overall Goal of 3.75% for contracts awarded. MTS achieved **17.92%** DBE participation for contracts awarded.

	Federal Contract Awards/Commitments			Goal
<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>vs</u> <u>3.75%</u>
Federal Funds: Apr 1 2018 – Sept 30 2018	\$5,453,720.86	\$977,533.90	17.92%	+14.17%

The main reason for why MTS was able to meet its DBE Triennial Overall Goal for contracts awarded was due to exercising option years for a large dollar amount to a DBE Contractor.

Large DBE Contract Awarded During Reporting Period			
DBE Contractor	Services	Contract Amount Exercised	Comments
NMS Management	Anti-Graffiti Window Film Services – <i>Exercise of Three (3) Option Years and Adding Funds Due to Increased Service</i>	\$1,086,686.58 (80% Fed Funded)	In 2016, a formal competitive invitation for bid (IFB) process was used for a two (2) year base-period and three (3) one-year options. Three (3) responsive bids were received. Awarded to lowest, responsive and responsible bidder NMS Management (DBE).

b. Contracts Open

MTS **did meet** its DBE Triennial Overall Goal of 3.75% for contracts open. MTS achieved **4.45%** DBE participation for contracts open.

	Federal Contracts Open/Payments Made During Reporting Period			Goal
<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>vs 3.75%</u>
Federal Funds: Apr 1 2018 – Sept 30 2018	\$54,148,723.59	\$2,411,009.53	4.45%	+0.70%

The main reason for why MTS was able to meet its DBE Triennial Overall Goal for contracts open was due to payments made towards two large, multi-year contracts to a DBE Contractor.

Payments to Large DBE Contracts During Reporting Period				
DBE Contractor	Services	Total Contract Value	Payments Made	Comments
NMS Management	Anti-Graffiti Window Film Services	\$1,607,137.75 (80% Fed Funded)	\$589,643.96 (80% Fed Funded)	In 2016, a formal competitive invitation for bid (IFB) process was used for a two (2) year base-period and three (3) one-year options. Three (3) responsive bids were received. Awarded to lowest, responsive and responsible bidder NMS Management (DBE).
NMS Management	Janitorial Services	\$4,045,292.50 (80% Fed Funded)	\$2,221,472.34 (80% Fed Funded)	In 2016, a formal competitive request for proposal (RFP) was used for a three (3) year base-period and three (3) one-year options. Five (5) responsive proposals were received. Two (2) of the proposers were DBE firms. Awarded to the proposer that presented the best overall value, NMS Management (DBE)

c. Contracts Completed

MTS **did not meet** its DBE Triennial Overall Goal of 3.75% for contracts completed. MTS achieved **2.27%** DBE participation for contracts completed.

	Federal Contracts Completed/Total Payments			Goal
<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>vs</u> <u>3.75%</u>
Federal Funds: Apr 1 2018 – Sept 30 2018	\$2,374,432.45	\$53,935.26	2.27%	-1.48%

The main reason for why MTS was not able to meet its DBE Triennial Overall Goal for contracts completed was due to closing out a large, multi-year contract to a non-DBE Contractor. If we did not close this large contract this reporting period, MTS would have met and exceeded its 3.75% DBE Triennial Overall Goal.

Large non-DBE Contract Completed During Reporting Period				
Non-DBE Contractor	Services	Contract Amount	Total Payments	Comments
Cummins Pacific LLC	Bus Engine Overhaul Services	\$1,917,169.98 (80% Fed Funded)	\$1,348,151.47 (80% Fed Funded)	In 2012, a formal competitive invitation for bid (IFB) process was used for a two (3) year base-period and two (2) one-year options. Four (4) responsive bids were received. Awarded to lowest, responsive and responsible bidder Cummins (Non-DBE).

VII. Summary of Achievement Toward Meeting MTS's DBE Triennial Overall Goal for FFY 2016 – FFY 2018

While the specific DBE participation rate for each six month reporting period may fluctuate, the goal of the MTS DBE program is to achieve the 3.75% Triennial Overall DBE goal as an average for the FFY 2016-2018 triennial period.

MTS was able to meet and exceed its aspirational DBE Triennial Overall Goal of 3.75% for the triennial reporting period (October 1, 2015, to September 30, 2018). This is largely due to MTS awarding large multi-year contracts to a DBE, NMS Management, for janitorial services and anti-graffiti film services in FFY 2017 and FFY 2018. When reviewing all of the six reporting periods, MTS has achieved an overall **11.48%** DBE participation rate, which exceeds MTS's goal of 3.75%.

History of DBE Achievement for FFY 2016- FFY 2018				
FFY	Reporting Period	Total Fed Awarded	Total DBE Awarded	DBE %
FFY 2016	Oct 1 15 to Mar 31 16	\$ 4,094,298.13	\$11,859.89	0.29%
FFY 2016	April 1 16 to Sept 30 16	\$ 6,418,545.41	\$255,760.97	3.98%
FFY 2017	Oct 1 16 to Mar 31 17	\$ 19,827,518.60	\$3,781,098.94	19.07%
FFY 2017	April 1 17 to Sept 30 17	\$ 3,326,175.53	\$31,444.62	0.95%
FFY 2018	Oct 1 17 to Mar 31 18	\$ 5,888,603.26	\$107,876.47	1.83%
FFY 2018	April 1 18 to Sept 30 18	\$5,453,720.86	\$977,533.90	17.92%
Achievement Toward Meeting FFY 2016-2018 DBE Triennial Overall Goal of 3.75% (FFY 2016-2018 Total DBE Awarded ÷ FFY 2016-2018 Total Fed Awarded)		11.48% <i>(exceeds 3.75% Goal)</i>		

VIII. Upcoming Triennial Period FFY 2019-2021

On July 26, 2018, staff provided a report to the MTS Board of Directors regarding a proposed DBE Overall Goal of 2.7%, rounded up to 3%, for the upcoming triennial period of FFY 2019-2021. The DBE Overall Goal was based on an analysis of the federal contracts that MTS expects to award during the upcoming triennial period (e.g. ADA paratransit contract services, bus video surveillance system, light rail vehicle body repair) and the number of certified DBE contractors in our geographic market area that perform such work.

MTS submitted its Overall Goal Methodology to the FTA for approval on July 31, 2018. On October 4, 2018, FTA requested additional clarification on various areas of its Overall Goal Methodology. This included: a request to not round the goal to the nearest whole number, to more expressly describe information provided in tables, and to write out the rationale (i.e. show your work) used for choosing certain calculation methods over other available methods.

Based on FTA's comments, MTS revised its Overall Goal Methodology. The revised analysis resulted in a **2.9%** proposed DBE Overall Goal for FFY 2019-2021. MTS submitted its revised Overall Goal Methodology on December 4, 2018 to the FTA for concurrence. On December 19, 2018, the FTA approved our revised Overall DBE Goal of 2.9% for FFY 2019-2021. MTS's DBE website page and contract documents have been updated to reflect MTS's new Overall DBE Goal of 2.9%.

IX. Summary of DBE, WBE, MBE, DVBE, LGBTBE and SB Participation for all Contracts (Regardless of Funding Source)

Although MTS may not report to the FTA the participation of MBE, DVBE, WBE, SB and LGBTBE (collectively referred to as SBEs) for its FTA DBE Semi Annual Report, MTS does record the participation of these businesses to gauge the success of its program to foster small business participation. MTS encourages the participation of SBEs on all of its contracts, no matter the funding source.

MTS's DBE and SBE participation rates for the reporting period, using both local and federal funds, were as follows:

<u>REPORTING PERIOD</u>	All Contract Awards/Commitments				
	<u>Total \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>SBE \$\$</u> (MBE, DVBE, WBE, SB and LGBTBE)	<u>SBE %</u>
Total Funds: Apr 1 2018 to Sept 30 2018	\$68,024,202.91	\$1,725,734.24	2.54%	\$4,982,014.37	7.32%

When reviewing SBE achievements, MTS exercised three (3) option years with a SB firm for a large dollar amount.

Large SBE Contract Awarded During Reporting Period			
SBE Contractor	Services	Contract Amount Exercised	Comments
Brault / Electro Specialty Systems (SB)	On Call CCTV Services – <i>Exercise three (3) one-year Option Years</i>	\$2,468,302.48 (100% Locally Funded)	In 2015, a formal competitive request for proposal (RFP) was used for a three (3) year base-period and three (3) one-year options. Two (2) responsive proposals were received. Both proposers were SB firms. Awarded to the proposer that presented the best overall value, Brault / Electro Specialty Systems (SB).

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

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

Attachment: A. History of Semi-Annual Reports for Contracts Awarded

MTS History of DBE Semi Annual Reports Contract Awards/Commitments*																	
	Federal DBE GOAL	REPORTING PERIOD	TOTAL DOLLARS AWARDED (fed & local)	Total DBE \$\$	Total DBE %	Total SBE \$\$	Total SBE %	Total Federal \$\$	Federal DBE \$\$	Federal DBE %	Federal SBE \$\$	Federal SBE %	Total Local \$\$	Local DBE \$\$	Local DBE %	Local SBE \$	LOCAL SBE %
FFY16	3.75%	Oct 1 15 to Mar 31 16	\$ 63,883,438.52	\$ 298,902.02	0.47%	\$ 2,929,504.04	4.59%	\$ 4,094,298.13	\$ 11,859.89	0.29%	\$ 246,645.99	6.02%	\$ 59,789,140.39	\$ 287,042.13	0.48%	\$ 2,682,858.05	4.49%
		April 1 16 to Sept 30 16	\$ 32,178,592.14	\$ 976,115.34	3.03%	\$ 996,434.97	3.10%	\$ 6,418,545.41	\$ 255,760.97	3.98%	\$ 148,325.08	2.31%	\$ 25,760,046.73	\$ 720,354.37	2.80%	\$ 848,109.89	3.29%
FFY17**		Oct 1 16 to Mar 31 17	\$ 92,516,929.91	\$ 5,611,166.70	6.07%	\$ 3,735,641.71	4.04%	\$ 19,827,518.60	\$ 3,781,098.94	19.07%	\$ 196,188.57	0.99%	\$ 72,689,411.31	\$ 1,830,067.76	2.52%	\$ 3,539,453.14	4.87%
		April 1 17 to Sept 30 17	\$ 40,939,010.42	\$ 478,288.92	1.17%	\$ 1,622,764.06	3.96%	\$ 3,326,175.53	\$ 31,444.62	0.95%	\$ 405,594.52	12.19%	\$ 37,612,834.89	\$ 446,844.30	1.19%	\$ 1,217,169.54	3.24%
FFY18		Oct 1 17 to Mar 31 18	\$ 31,874,559.08	\$ 754,167.60	2.37%	\$ 3,002,750.48	9.42%	\$ 5,888,603.26	\$ 107,876.47	1.83%	\$ 716,139.92	12.16%	\$ 25,985,955.82	\$ 646,291.13	2.49%	\$ 2,286,610.56	8.80%
		April 1 18 to Sept 30 18	\$ 68,024,202.91	\$ 1,725,734.24	2.54%	\$ 4,982,014.37	7.32%	\$ 5,453,720.86	\$ 977,533.90	17.92%	\$ 267,303.01	4.90%	\$ 62,570,482.05	\$ 748,200.34	1.20%	\$ 4,714,711.36	7.54%
FFY16-18	3.75%	Oct 1, 2015 thru Sept 30, 2018 (6 semi-annual reports)	\$ 329,416,732.98	\$ 9,844,374.82	2.99%	\$ 17,269,109.63	5.24%	\$ 45,008,861.79	\$ 5,165,574.79	11.48%	\$ 1,980,197.09	4.40%	\$284,407,871.19	\$ 4,678,800.03	1.65%	\$ 15,288,912.54	5.38%

*Transit Vehicle Procurements (buses, trolleys) from Transit Vehicle Manufacturers (TVM) are not included in this Report per DOT DBE Regulations. TVMs have their own DBE Program, Goals and Reporting requirements. Inventory procurements are also not included. Only at time an inventory item is issued from store room will the federal/local breakdown be known, not at the time of purchase. ****

In FY17, MTS began using the U.S. Small Business Administration Database, which provides a listing of Small Businesses. This Database tracks firms in which revenues and/or number of employees do not exceed the NAICS code's small business size standards, which is used to determine whether a DBE is considered a small business or not.*

MTS Disadvantaged Business Enterprise (DBE) Program

Agenda Item No. 46
MTS Board of Directors Meeting
February 14, 2019



DBE Regulations

- Develop a DBE Program (Board Policy No. 26)
- Establish a Triennial Overall DBE Goal
- Report DBE achievement Semi-Annually to FTA
- Conduct Outreach Measures towards DBE and other Small Businesses



Certified DBE

- Eligibility Requirements:
 - Socially and Economically Disadvantaged (minority member or woman)
 - Majority Owner Personal Net Worth of Less than \$1,320,000; and
 - Small Business per U.S. SBA size standards
 - Average annual gross receipts of less than \$23,980,000



Federally Funded Contracts

- Transit Vehicle Procurements
- Preventative Maintenance
 - e.g. HVAC, janitorial, plumbing, landscaping, pest control, fire alarm maintenance and testing, tree trimming, elevator maintenance
- Vehicle Repairs
 - e.g. bus engine repairs, bus towing, trolley body accident repairs
- Facility and Asset Repairs
 - e.g. rail welding, rail testing
- Contract Services
 - e.g. First Transit (complementary paratransit operator), Transdev (fixed route and BRT operator)



Outreach Measures

- Info re DBE, MBE, SBE, LGBT, WBE, DVBE certification process
- Info re PlanetBids registration
- Direct notice of upcoming procurements
- For small procurements requiring 3 quotes, seek 1 quote from DBE or other SB firm
- Attend and Promote SB Workshops and Trainings



DBE Semi Annual Report for Apr 1 2018 – Sept 30 2018

- MTS *achieved* its Overall DBE Triennial Goal for this past Reporting Period.
 - High DBE % was due to award of option years to NMS Management (DBE) for Anti-Graffiti Film Services for \$1,086,686.58 (80% Federally Funded)

	Federal Contract Awards/Commitments			Goal
<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>VS</u> <u>3.75%</u>
Federal Funds: Apr 1 2018 – Sept 30 2018	\$5,453,720.86	\$977,533.90	17.92%	+14.17%



Summary of DBE Achievement for FFY 2016-2018

History of DBE Achievement for FFY 2016- FFY 2018				
FFY	Reporting Period	Total Fed Awarded	Total DBE Awarded	DBE %
FFY 2016	Oct 1 15 to Mar 31 16	\$ 4,094,298.13	\$11,859.89	0.29%
FFY 2016	April 1 16 to Sept 30 16	\$ 6,418,545.41	\$255,760.97	3.98%
FFY 2017	Oct 1 16 to Mar 31 17	\$ 19,827,518.60	\$3,781,098.94	19.07%
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FFY 2018	April 1 18 to Sept 30 18	\$5,453,720.86	\$977,533.90	17.92%
Achievement Toward Meeting FFY 2016-2018 DBE Triennial Overall Goal of 3.75% (FFY 2016-2018 Total DBE Awarded ÷ FFY 2016-2018 Total Fed Awarded)			11.48% (<u>exceeds</u> 3.75% Goal)	



DBE Overall Triennial Goal for FFY 2019-2021

- Current DBE Overall Triennial Goal is 2.9%
- For upcoming federal contracts anticipated to be awarded, the relative availability of DBEs for that work is 2.9%
 - Low or no DBE availability for services such as complementary paratransit operations, bus video surveillance system, trolley body repair



SB Achievements for Apr 1 2018 – Sept 30 2018

- Award of option years to Brault (SB) for CCTV Services for \$2,468,302.48 (100% Locally Funded)

	All Contract Awards/Commitments				
<u>REPORTING PERIOD</u>	<u>Total \$\$</u>	<u>DBE \$\$</u>	<u>DBE %</u>	<u>SBE \$\$</u> (MBE, DVBE, WBE, SB and LGBTBE)	<u>SBE %</u>
Total Funds: Apr 1 2018 to Sept 30 2018	\$68,024,202.91	\$1,725,734.24	2.54%	\$4,982,014.37	7.32%



Questions?





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Agenda Item No. 47

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

February 14, 2019

SUBJECT:

OPERATIONS BUDGET STATUS REPORT FOR DECEMBER 2018 (MIKE THOMPSON)

INFORMATIONAL ONLY

Budget Impact

None at this time.

DISCUSSION:

This report summarizes the year-to-date operating results for December 2018 compared to the fiscal year (FY) 2019 adopted budget for San Diego Metropolitan Transit System (MTS). Attachment A-1 combines the operations', administrations' and other activities' results for December 2018. Attachment A-2 details the December 2018 combined operations' results and Attachments A-3 to A-7 present budget comparisons for each MTS operation. Attachment A-8 details budget comparisons for MTS Administration, and Attachment A-9 provides December 2018 results for MTS's other activities (Taxicab/San Diego and Arizona Eastern Railway Company).

MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1, for the year-to-date period ending December 2018, MTS's net-operating income favorable variance totaled \$1,004,000 (1.1%). Operations produced a \$681,000 (-0.8%) unfavorable variance and the administrative/other activities areas were favorable by \$1,685,000.

MTS COMBINED RESULTS

Operating Revenues. Year-to-date combined revenues through December 2018 were \$55,439,000 compared to the year-to-date budget of \$54,451,000, representing a \$988,000 (1.8%) favorable variance. Year-to-date passenger revenue has an



unfavorable variance of \$240,000 (-0.5%). This was offset by a \$1,228,000 (15.0%) favorable experience in other operating revenue, primarily due to high prices of the state energy credits.

Operating Expenses. Year-to-date combined expenses through December 2018 were \$142,371,000 compared to the budget of \$142,387,000, resulting in a \$16,000 (0.0%) favorable variance.

Personnel Costs. Year-to-date personnel-related costs totaled \$67,185,000, compared to a budgetary figure of \$67,679,000, producing a favorable variance of \$494,000 (0.7%).

Outside Services and Purchased Transportation. Total outside services through six months of the fiscal year totaled \$49,372,000 compared to a budget of \$49,223,000 resulting in an unfavorable variance of \$148,000 (-0.3%).

Materials and Supplies. Total year-to-date materials and supplies expenses were \$6,482,000, compared to a budgetary figure of \$6,033,000, resulting in an unfavorable variance of \$449,000 (-7.4%). This is primarily due to higher than expected costs for revenue vehicle parts.

Energy. Total year-to-date energy costs were \$15,396,000, compared to the budget of \$14,887,000 resulting in an unfavorable variance of \$509,000 (-3.4%). This is primarily due to higher than expected electricity rates.

Risk Management. Total year-to-date expenses for risk management were \$1,278,000, compared to the budget of \$1,753,000, resulting in a favorable variance totaling \$475,000 (27.1%). This is primarily due to favorable claim recoveries for both Bus and Rail Operations.

General and Administrative. The year-to-date general and administrative costs, including vehicle and facilities leases, were \$2,658,000 through December 2018, compared to a budget of \$2,811,000, resulting in a favorable variance of \$153,000 (5.4%).

YEAR-TO-DATE SUMMARY

The December 2018, year-to-date net-operating income totaled a favorable variance of \$1,004,000 (1.1%). These factors include favorable variances in other operating revenue, personnel, risk management, and general and administrative costs; partially offset by unfavorable variances in passenger revenue, outside services, materials and supplies, and energy costs.

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

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

Attachment: A. Comparison to Budget

**MTS
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 46,047	\$ 46,287	\$ (240)	-0.5%
Other Revenue	9,393	8,165	1,228	15.0%
Total Operating Revenue	\$ 55,439	\$ 54,451	\$ 988	1.8%
Personnel costs	\$ 67,185	\$ 67,679	\$ 494	0.7%
Outside services	49,372	49,223	(148)	-0.3%
Transit operations funding	-	-	-	-
Materials and supplies	6,482	6,033	(449)	-7.4%
Energy	15,396	14,887	(509)	-3.4%
Risk management	1,278	1,753	475	27.1%
General & administrative	2,133	2,283	150	6.6%
Vehicle/facility leases	525	528	3	0.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	0	-	(0)	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 142,371	\$ 142,387	\$ 16	0.0%
Operating income (loss)	\$ (86,932)	\$ (87,936)	\$ 1,004	1.1%
Total public support and nonoperating revenues	(958)	(931)	(26)	2.8%
Income (loss) before capital contributions	\$ (87,890)	\$ (88,867)	\$ 977	

OPERATIONS
CONSOLIDATED OPERATIONS
COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 46,047	\$ 46,287	\$ (240)	-0.5%
Other Revenue	374	312	62	19.9%
Total Operating Revenue	\$ 46,420	\$ 46,598	\$ (178)	-0.4%
Personnel costs	\$ 56,782	\$ 56,895	\$ 113	0.2%
Outside services	42,022	41,815	(207)	-0.5%
Transit operations funding	-	-	-	-
Materials and supplies	6,471	6,027	(444)	-7.4%
Energy	14,972	14,499	(473)	-3.3%
Risk management	1,066	1,496	430	28.8%
General & administrative	315	370	55	14.9%
Vehicle/facility leases	421	443	22	5.0%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	12,517	12,517	(0)	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 134,566	\$ 134,063	\$ (503)	-0.4%
Operating income (loss)	\$ (88,146)	\$ (87,464)	\$ (681)	-0.8%
Total public support and nonoperating revenues	(253)	(257)	5	-1.8%
Income (loss) before capital contributions	\$ (88,398)	\$ (87,722)	\$ (676)	0.8%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
TRANSIT SERVICES (SAN DIEGO TRANSIT CORPORATION)
COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)

Att. A, AI 47, 2/14/19

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 10,696	\$ 10,477	\$ 220	2.1%
Other Revenue	9	8	1	17.0%
Total Operating Revenue	\$ 10,705	\$ 10,484	\$ 221	2.1%
Personnel costs	\$ 37,288	\$ 37,821	\$ 533	1.4%
Outside services	815	980	165	16.8%
Transit operations funding	-	-	-	-
Materials and supplies	2,989	2,839	(151)	-5.3%
Energy	2,740	2,830	90	3.2%
Risk management	545	753	208	27.6%
General & administrative	155	174	20	11.2%
Vehicle/facility leases	155	162	8	4.8%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	3,781	3,781	(0)	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 48,469	\$ 49,341	\$ 872	1.8%
Operating income (loss)	\$ (37,764)	\$ (38,857)	\$ 1,093	2.8%
Total public support and nonoperating revenues	(364)	(368)	5	-1.3%
Income (loss) before capital contributions	\$ (38,127)	\$ (39,225)	\$ 1,098	0.0%

OPERATIONS
RAIL OPERATIONS (SAN DIEGO TROLLEY, INCORPORATED)
COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 21,182	\$ 20,822	\$ 360	1.7%
Other Revenue	364	304	60	19.6%
Total Operating Revenue	\$ 21,546	\$ 21,127	\$ 419	2.0%
Personnel costs	\$ 19,197	\$ 18,862	\$ (334)	-1.8%
Outside services	2,382	2,414	31	1.3%
Transit operations funding	-	-	-	-
Materials and supplies	3,463	3,167	(295)	-9.3%
Energy	8,004	7,389	(616)	-8.3%
Risk management	513	736	223	30.3%
General & administrative	158	188	30	16.0%
Vehicle/facility leases	117	131	14	10.8%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	7,671	7,671	0	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 41,504	\$ 40,557	\$ (947)	-2.3%
Operating income (loss)	\$ (19,958)	\$ (19,430)	\$ (528)	-2.7%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (19,958)	\$ (19,430)	\$ (528)	2.7%

OPERATIONS
MULTIMODAL OPERATIONS (FIXED ROUTE)
COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 12,736	\$ 13,670	\$ (935)	-6.8%
Other Revenue	1	-	1	-
Total Operating Revenue	\$ 12,737	\$ 13,670	\$ (933)	-6.8%
Personnel costs	\$ 218	\$ 149	\$ (69)	-46.3%
Outside services	29,728	29,567	(161)	-0.5%
Transit operations funding	-	-	-	-
Materials and supplies	18	20	2	8.8%
Energy	3,184	3,250	65	2.0%
Risk management	-	-	-	-
General & administrative	0	3	3	95.2%
Vehicle/facility leases	10	10	0	3.5%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	824	824	(0)	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 33,982	\$ 33,822	\$ (160)	-0.5%
Operating income (loss)	\$ (21,245)	\$ (20,152)	\$ (1,093)	-5.4%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (21,245)	\$ (20,152)	\$ (1,093)	5.4%

OPERATIONS
MULTIMODAL OPERATIONS (PARATRANSIT)
COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 1,433	\$ 1,318	\$ 115	8.7%
Other Revenue	-	-	-	-
Total Operating Revenue	\$ 1,433	\$ 1,318	\$ 115	8.7%
Personnel costs	\$ 80	\$ 63	\$ (17)	-26.4%
Outside services	8,988	8,747	(241)	-2.8%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	1,044	1,031	(13)	-1.3%
Risk management	8	8	-	0.0%
General & administrative	3	5	3	48.7%
Vehicle/facility leases	140	140	(0)	0.0%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	241	241	(0)	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 10,503	\$ 10,235	\$ (268)	-2.6%
Operating income (loss)	\$ (9,070)	\$ (8,917)	\$ (153)	-1.7%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (9,070)	\$ (8,917)	\$ (153)	1.7%

**OPERATIONS
CORONADO FERRY**

**COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	-	-	-	-
Total Operating Revenue	\$ -	\$ -	\$ -	-
Personnel costs	\$ -	\$ -	\$ -	-
Outside services	108	108	-	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	-	-	-	-
Risk management	-	-	-	-
General & administrative	-	-	-	-
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	-	-	-	-
Depreciation	-	-	-	-
Total Operating Expenses	\$ 108	\$ 108	\$ -	0.0%
Operating income (loss)	\$ (108)	\$ (108)	\$ -	0.0%
Total public support and nonoperating revenues	111	111	-	0.0%
Income (loss) before capital contributions	\$ 3	\$ 3	\$ -	0.0%

**ADMINISTRATION
CONSOLIDATED**

**COMPARISON TO BUDGET - FISCAL YEAR 2019
DECEMBER 31, 2018
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	8,864	7,613	1,252	16.4%
Total Operating Revenue	\$ 8,864	\$ 7,613	\$ 1,252	16.4%
Personnel costs	\$ 9,996	\$ 10,350	\$ 354	3.4%
Outside services	7,310	7,302	(8)	-0.1%
Transit operations funding	-	-	-	-
Materials and supplies	11	3	(9)	-326.7%
Energy	413	379	(34)	-9.1%
Risk management	197	243	46	18.9%
General & administrative	1,744	1,832	88	4.8%
Vehicle/facility leases	92	72	(20)	-27.7%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(12,558)	(12,558)	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 7,205	\$ 7,621	\$ 416	5.5%
Operating income (loss)	\$ 1,659	\$ (8)	\$ 1,668	19620.7%
Total public support and nonoperating revenues	(705)	(674)	(31)	4.6%
Income (loss) before capital contributions	\$ 954	\$ (683)	\$ 1,636	-239.7%

OTHER ACTIVITIES

CONSOLIDATED

COMPARISON TO BUDGET - FISCAL YEAR 2019

DECEMBER 31, 2018

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	155	240	(85)	-35.5%
Total Operating Revenue	\$ 155	\$ 240	\$ (85)	-35.5%
Personnel costs	\$ 407	\$ 435	\$ 28	6.5%
Outside services	40	107	66	62.3%
Transit operations funding	-	-	-	-
Materials and supplies	0	4	4	99.3%
Energy	10	8	(2)	-23.9%
Risk management	16	14	(2)	-11.6%
General & administrative	74	81	7	8.4%
Vehicle/facility leases	12	12	1	7.4%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	41	41	0	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 600	\$ 703	\$ 103	14.6%
Operating income (loss)	\$ (445)	\$ (463)	\$ 17	3.8%
Total public support and nonoperating revenues	-	-	-	-
Income (loss) before capital contributions	\$ (445)	\$ (463)	\$ 17	-3.8%

Metropolitan Transit System FY 2019 - December 2018 Financial Review

MTS Board of Directors Meeting
February 14, 2019



CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – DECEMBER 31, 2018 - FY 2019

TOTAL OPERATING REVENUES (\$000's)

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>VAR %</u>
Fare Revenue	\$ 46,047	\$ 46,287	(\$240)	-0.5%
Other Operating Revenue	9,393	8,165	1,228	15.0%
Operating Revenue	\$55,439	\$54,451	\$988	1.8%

- Fare Revenue
 - Revenue favorable to the prior year by \$559K (1.2%)
- Other Operating Revenue - Favorable experience within Administration



CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – DECEMBER 31, 2018 - FY 2019

TOTAL OPERATING EXPENSES (\$000's)

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>VAR %</u>
Personnel Costs	\$ 67,185	\$ 67,679	\$ 494	0.7%
Purchased Transportation	37,598	37,338	(260)	-0.7%
Other Outside Services	11,774	11,885	111	0.9%
Energy	15,396	14,887	(509)	-3.4%
Other Expenses	<u>10,419</u>	<u>10,597</u>	<u>179</u>	<u>1.7%</u>
Operating Expenses	\$ 142,371	\$ 142,387	\$ 16	0.0%

- Personnel Costs – Favorable experience in Health & Welfare and Workers Compensation
- Energy - Unfavorable commodity prices for electricity
- Other Expenses:
 - Favorable experience in Risk Management and General & Administrative
 - Partially offset by unfavorable experience in Materials & Supplies



CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – DECEMBER 31, 2018 - FY 2019

TOTAL OPERATING VARIANCE (\$000's)

Combined Net Operating Variance

MTS Operating Revenue	\$ 988
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MTS Operating Expenses	<u>16</u>
------------------------	-----------

Total Combined Net Operating Variance	\$ 1,004
--	-----------------

Variance Percentage	1.1%
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CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – DECEMBER 31, 2018 - FY 2019 ON GOING CONCERNS

	Budget	YTD Actual	Projection
Regional Sales Tax Receipts	\$448.7 M	\$237.1M	\$448.7 M
STA Formula Funds - Base	\$13.0 M	\$3.1 M	\$15.4 M
STA Formula Funds - SB1	\$0 M	\$2.9 M	\$12.8 M
Passenger Levels	85.8 M	43.2 M	85.8 M
Energy Prices			
CNG	\$ 0.90	\$ 0.90	\$ 0.86
Propane	\$ 1.53	\$ 1.47	\$ 1.47
Diesel	\$ 2.47	\$ 2.83	\$ 2.84
Gas	\$ 2.51	\$ 2.89	\$ 2.84
Electricity	\$ 0.215	\$ 0.258	\$ 0.245

Favorable

On Target

Unfavorable



REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach any written statement to this form). Communications on hearings and agenda items are generally limited to three minutes per person unless the Board authorizes additional time; however, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

(PLEASE PRINT)

DATE	02-14-2019		
Name	TOM LEMMON		
Address			
Telephone			
Email			
Organization Represented	SAN DIEGO BUILDING TRADES		
Subject of Your Remarks	MTS Ballot Measure		
Regarding Agenda Item No.	59		
Your Comments Present a Position of:	<input type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five speakers with three minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

NOTE: Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

2

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(PLEASE PRINT)

DATE	02-14-2019		
Name	DR. MURTAZA BAXAMUSA		
Address			
Telephone			
Email			
Organization Represented	SAN DIEGO BUILDING TRADES FAMILY HSG		
Subject of Your Remarks	MTS Ballot Measure		
Regarding Agenda Item No.	59		
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT	<input type="checkbox"/> OPPOSITION

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REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

3

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(PLEASE PRINT)

DATE	2/14/19
Name	Michael McConnell
Address	Po Box 927366 SD Ca 92192
Telephone	760-846-2108
Email	Michael@LaJollaCow.com
Organization Represented	Myself
Subject of Your Remarks	Ballot Measure
Regarding Agenda Item No.	59
Your Comments Present a Position of:	<input checked="" type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

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

Agenda Item No. 61

Chief Executive Officer's Report

February 14, 2019

In accordance with Board Policy No. 52, "Procurement of Goods and Services", attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period January 8, 2019 through February 4, 2019.

*Please note additional reporting of purchase orders that is now possible with the new SAP Enterprise Resource Planning system.

**Also attached is a report of a non-competitive contract award under "immediate remedial measures" exception.

CEO Travel Report (since last Board meeting)

February 8: California Transit Association Executive Committee Meeting in Sacramento, CA

Board Member Travel Report (since last Board meeting)

N/A





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

To: Board of Directors

From: Paul Jablonski, Chief Executive Officer and Samuel Elmer, Manager of Procurement

Date: February 6, 2019

Subject: Contract Actions During Flood Remediation

Legal and Policy Authority for Emergency Procurements

MTS's enabling legislation, Public Utilities Code (PUC) sections 120000 et seq, includes a general requirement to competitively bid contracts for goods and services (see PUC § 120222). One exception to this requirement is in the event of an emergency:

120224.1. (a) Upon determining that immediate remedial measures to avert or alleviate damage to, or to repair or restore damaged or destroyed property of, the board are necessary in order to insure that the facilities of the board are available to serve the transportation needs of the general public or to comply with any state or federal regulation with respect to the operation of public transportation services, and upon determining that available remedial measures, including procurement in compliance with Sections 120222, and 120223, are inadequate, the general manager or chief executive officer may authorize the expenditure of money previously appropriated by the board specifically for the direct purchases of goods and services, without observance of the provisions of those sections.

(b) The general manager or chief executive officer, after the expenditure authorized under subdivision (a) has been made, shall submit to the board a full report explaining the necessity for that action.

MTS Board Policy No. 41 grants the CEO authority to award any contracts valued at up to \$100,000. Section 41.4.4 recognizes that emergency situations may require the CEO to authorize contract change orders over \$100,000. PUC 120224.1 recognizes the same exception may be required for original contracts.

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.



This memorandum is intended to report to the Board the actions taken to mitigate damages to MTS facilities and equipment as a result of a storm on December 6, 2018.

Emergency Event Requiring Immediate Remedial Measures

On the evening of December 6, 2018, a major weather event caused significant flooding in the LRV Maintenance Facility Building C and the Taxi Administration building. The flooding impacted the agency's ability to operate and immediate action had to be taken to mitigate the damage and bring the agency back to operational readiness. Water filled LRV maintenance pits, flooded offices, and damaged equipment. Some of the water that intruded into the LRV maintenance facility was contaminated by nearby portable toilets serving the Newton Avenue homeless shelter. The CEO authorized staff to proceed under an emergency procurement process to remove flood waters, assess and remediate any environmental or occupational hazards caused by the flooding, and to repair and restore the facilities to a safe and operational condition as quickly as possible. Contracts were issued to service providers that were qualified, ready and available to respond immediately. Staff has worked closely with MTS's insurance provider to receive authorization or approval for certain contracts, to ensure the price paid is considered fair and reasonable by both MTS staff and insurance representatives experienced in auditing such costs.

The following contracts were issued or are in process as part of this effort:

FLOOD WORK

Contractor	Work Done / Needed	Work status	PO	Amount
Simmons	Wheel truing machine inspection and replacement; contractor is original equipment manufacturer	Pending pricing - long lead time	Contract not issued	1,700,000.00
BBM Railway Equipment	LRV Lift Evaluation and repair; contractor is original equipment manufacturer	Assessment and minor repairs complete. Final contract for replacement not finalized.	Contract not issued	787,320.00
Clean Harbor	Pump water out of LRV shop	Complete	4500022576	152,535.26
Servpro	Repair water damage to Bldg C., taxi inspection and taxi admin.	Underway	4500022670	232,088.37
Dellner	SD100 Coupler Buffer Assy.	Goods ordered	4500022329	19,572.00
Dellner	Draft Gear Coupler, SD8	Goods ordered	4500022329	19,572.00
Dellner	Mechanical Head Coupler, SD8	Goods ordered	4500022329	19,572.00
Ansaldo	Electronic Circuit Controller (ecc)	Goods ordered	4500022315	17,640.00
TAKKT	LRV replacement furniture	Goods ordered	4500022506	16,200.46
Enviro Pure	Asbestos sampling- could be more coming	Complete	4500022742	9,685.00
Bay City Equipment	Generator repairs	Complete	4500022780	5,246.82
Ocean Blue	Environmental sampling of flood waters and remediated areas	Complete	4500022184	3,454.00
South Bay Fence	LRV gate repair	Complete	4500022847	2,200.00
Veolia	Horton riprap (protective rock) haul and dump	Complete	4500023099	46,411.63
Total				\$3,031,497.54

EXPENSE CONTRACTS				
Doc #	Organization	Subject	Amount	Day
G2067.1-18	ENGHOUSE TRANSPORTATION	TO AUTHORIZE PUSH MESSAGES ENHANCEMENTS "PUSH SMS"	\$5,240.00	2019-01-08
G2213.0-19	R. MARTIN BOHL	LEGAL SERVICES - REAL ESTATE	\$38,225.00	2019-01-08
G2232.0-19	CITY OF CHULA VISTA	CITY OF CHULA VISTA MARKETING PARTNERSHIP	\$0.00	2019-01-08
G2214.0-19	ELDON L. FLOYD & ASSOC.	LEGAL SERVICE - WORKERS COMPENSATION	\$75,000.00	2019-01-08
G2229.0-19	SKYHAWK - LIGHTING MESSENGER EXPRESS	COURIER SERVICES	\$90,300.00	2019-01-08
G2210.0-19	BAKER AND MILLER, PLCC	LEGAL SERVICES - RAILROAD & ENVIRONMENTAL	\$51,693.56	2019-01-09
G2201.0-19	HANSON BRIDGETT, LLP	LEGAL SERVICES-ALL AREAS	\$47,069.60	2019-01-09
G1953.1-17-AE-08.02	PACIFIC RAIL ENTERPRISES	DESIGN MODIFICATIONS	\$40,726.28	2019-01-09
G1953.0-17-AE-07.01	PACIFIC RAILWAY ENTERPRISES	TIME EXTENSION	\$0.00	2019-01-11
B0688.1-18	NEW FLYER OF AMERICA, INC	PRICE CHANGE FOR ZEB	\$11,725.38	2019-01-12
G2234.0-19	UNIVISION RADIO	UNIVISION RADIO/MTS MARKETING PARTNERSHIP	\$0.00	2019-01-15
B0683.1-18	CUMMINS PACIFIC, LLC	ADDING TO COVER ADDITIONAL ENGINE REPAIR SRVS	\$0.00	2019-01-18
B0614.1-14	TRANSDEV NORTH AMERICA	AUTHORIZE CONTRACTUAL RATE CHANGES	\$0.00	2019-01-18
PWL243.2-17	VEOLIA TRANSPORTATION	CCO2 - EXTRA TRAFFIC CONTROL AND PAVING	\$25,669.95	2019-01-18
PWG148.8-14	MOBILE RELAY ASSOCIATES	AMENDMENT TO TRANSFER RADIOS FOR 35 RETIRING BUSES	\$6,645.38	2019-01-18
PWL203.0-16-07.02	HMS CONSTRUCTION, INC.	CCO2 - NO COST TIME EXTENSION	\$0.00	2019-01-18
PWL204.4-16	ABC CONSTRUCTION, INC	REVISE CONTRACT EXPIRATION DATE	\$0.00	2019-01-23
PWG251.1-18	RSI ROOFING & SOLAR	EXERCISING OPTION YEAR 1	\$18,043.75	2019-01-24
PWG153.6-14	THYSSENKRUPP ELEVATOR (TKE)	REPAIR SVC ON BRT ELEVATORS - GROUP C	\$99,385.00	2019-01-27
G2016.0-17CM003	TRC ENGINEERS, INC	WOA EXECUTION - TROLLEY TRACK IMPROVEMENTS	\$66,693.12	2019-01-28
G2211.0-19	DUANE MORRIS LLP	LEGAL SERVICES - FINANCE LAW	\$58,625.46	2019-01-30
PWL234.0-17-07.03	ABC CONSTRUCTION, INC.	CC03 - CONSTRUCTION SERVICES FOR BUILDING C	\$56,742.74	2019-01-30
G2212.0-19	ENVIRONMENTAL LAW GROUP LLP	LEGAL SERVICES - ENVIRONMENTAL LEGAL SERVICES	\$69,796.09	2019-02-04

EXPENSE CONTRACTS				
Doc #	Organization	Subject	Amount	Day
G2016.0-1-17	TRC ENGINEERS, INC	CAL TROP TO TRC NAME CHANGE TO MASTER AGREEMENT	\$0.00	2019-02-04
G1953.0-17-AE-11.01	PACIFIC RAILWAY ENTERPRISES	NO TIME COST EXTENSION	\$0.00	2019-02-04

REVENUE CONTRACTS & MOUs				
Doc #	Organization	Subject	Amount	Day
L1484.0-19	NOVA SERIES	ROE - AFFIRMED HOUSING GRANTVILLE STATION	\$0.00	2019-01-08
L6780.0-19	SD REMODELING, INC.	ROE SORRENTO VALLEY STATION	\$750.00	2019-01-08
S200-19-690	CHC CONSULTING	ROE CITY OF EL CAJON	\$1,425.00	2019-01-08
B0700.0-19	MCRT CALIFORNIA CONSTRUCTION LP	ROE - MODERA SD PROJECT 368 APARTMENT	\$2,550.00	2019-01-10
L1487.0-19	WINDCO PAINTING, INC.	ROE 1420 KETTNER BLDV	\$750.00	2019-01-12
L1488.0-19	NATIONAL AIR & ENERGY	ROE INSTALL UNIT AT 12 & IMPERIAL	\$750.00	2019-01-12
L5270.0-19	CITY OF SANTEE	ROE - SANTEE TROLLEY SQUARE	\$750.00	2019-01-15
L4631.1-19	BURTECH PIPELINE, INC.	ROE TIME EXTENSION UNTIL JULY 2019	\$750.00	2019-01-29
M6727.0-18	FLATIRON CONSTRUCTION	ROE - HAZARD CENTER TROLLEY PLATFORM	\$1,725.00	2019-01-29
S200-17-660.2	WESTCOAST GENERAL CORPORATION	ROE - EXTEND PERMIT FROM CITY OF LEMON GROVE	\$750.00	2019-01-29
S200-19-694	DUDEK ENVIRONMENTAL	ROE - DESERT LINE REHAB	\$0.00	2019-01-30
L1485.0-19	SKY HIGH LLC	ROE - CITY COLLEGE TROLLEY STATION	\$1,275.00	2019-01-30
L1489.0-19	SOUTHERN CONTRACTING COMPANY	ROE - SAN DIEGO DOWNTOWN	\$750.00	2019-01-30
L6728.3-16	HENKELS & MCCOY	JROE - EXTEND MASTER PERMIT	\$750.00	2019-02-01
G2101.1-18	NATIONAL CITY CHAMBER OF COMMERCE	OPTION YEARS FOR EL MARIACHI FESTIVAL	\$0.00	2019-02-04
L1491.0-19	UNDERGROUND SOLUTIONS	ROE - 14TH AND COMMERCIAL	\$1,200.00	2019-02-04
S200-19-693	NASNI MWR DEPARTMENT	ROE - HARBOR DRIVE AND CESAR CHAVEZ	\$0.00	2019-02-04
L1493.0-19	ROLCOM CORPORATION	ROE - MASSACHUSETTS TROLLEY STATION	\$2,025.00	2019-02-04
L1494.0-19	HELIX ENVIRONMENTAL PLANNING, INC.	ROE - GRANTVILLE STATION	\$0.00	2019-02-04

Purchase Orders					
PO Number	PO Date	Name	Prime DBE Cert.	Material Group	PO Value
4400000445	1/8/2019	Office Depot		G200-OFFICE SUPPLIES	150.84
4400000446	1/8/2019	Office Depot		G200-OFFICE SUPPLIES	59.44
4400000447	1/8/2019	Office Depot		G200-OFFICE SUPPLIES	549.93
4400000448	1/9/2019	Office Depot		G200-OFFICE SUPPLIES	68.04
4400000449	1/9/2019	Office Depot		G200-OFFICE SUPPLIES	31.92
4400000450	1/9/2019	Office Depot		G200-OFFICE SUPPLIES	242.80
4400000451	1/9/2019	W.W. Grainger Inc		G130-SHOP TOOLS	215.93
4400000452	1/9/2019	Office Depot		G200-OFFICE SUPPLIES	9.57
4400000453	1/9/2019	Office Depot		G200-OFFICE SUPPLIES	4.10
4400000454	1/9/2019	Office Depot		G200-OFFICE SUPPLIES	330.65
4400000455	1/10/2019	Office Depot		G200-OFFICE SUPPLIES	43.95
4400000456	1/11/2019	W.W. Grainger Inc		G180-JANITORIAL SUPPLIES	564.01
4400000457	1/14/2019	Office Depot		G200-OFFICE SUPPLIES	40.52
4400000458	1/14/2019	W.W. Grainger Inc		G190-SAFETY/MED SUPPLIES	105.17
4400000459	1/16/2019	Office Depot		G200-OFFICE SUPPLIES	123.80
4400000460	1/16/2019	Office Depot		G200-OFFICE SUPPLIES	8.78
4400000461	1/16/2019	W.W. Grainger Inc		R150-RAIL/LRV COMM EQUIP	3,595.02
4400000462	1/17/2019	W.W. Grainger Inc		G200-OFFICE SUPPLIES	766.33
4400000463	1/17/2019	W.W. Grainger Inc		G130-SHOP TOOLS	129.30
4400000464	1/17/2019	W.W. Grainger Inc		M110-SUB STATION	2,483.70
4400000465	1/17/2019	Office Depot		G200-OFFICE SUPPLIES	358.17
4400000466	1/18/2019	W.W. Grainger Inc		G170-LUBRICANTS	99.30
4400000467	1/22/2019	Office Depot		G200-OFFICE SUPPLIES	17.56
4400000468	1/22/2019	Office Depot		G200-OFFICE SUPPLIES	142.79
4400000469	1/23/2019	Office Depot		G200-OFFICE SUPPLIES	118.79
4400000470	1/23/2019	Office Depot		G200-OFFICE SUPPLIES	53.23
4400000471	1/23/2019	Office Depot		G200-OFFICE SUPPLIES	272.92
4400000472	1/28/2019	Office Depot		G200-OFFICE SUPPLIES	5.35
4400000473	1/28/2019	Office Depot		G200-OFFICE SUPPLIES	115.72
4400000474	1/28/2019	Office Depot		G200-OFFICE SUPPLIES	287.10
4400000475	1/29/2019	W.W. Grainger Inc		T130-TRACK, DRAINAGE SYS	1,859.02
4400000476	1/29/2019	Office Depot		G200-OFFICE SUPPLIES	60.95
4400000477	2/1/2019	Office Depot		G200-OFFICE SUPPLIES	350.77
4400000478	2/1/2019	W.W. Grainger Inc		B250-BUS REPAIR PARTS	156.63
4400000479	2/1/2019	Mcmaster-Carr Supply Co		B250-BUS REPAIR PARTS	158.19
4400000480	2/2/2019	Mcmaster-Carr Supply Co		G120-SECURITY	6.44
4400000481	2/2/2019	Office Depot		G200-OFFICE SUPPLIES	166.86
4400000482	2/4/2019	Office Depot		G200-OFFICE SUPPLIES	73.98
4400000483	2/4/2019	Office Depot		M200-YARD FACILITIES	603.18
4500022478	1/8/2019	Dave C. Yu		G120-SECURITY	1,050.00
4500022479	1/8/2019	Transtechnik Corp USA		R160-RAIL/LRV ELECTRICAL	5,033.82
4500022480	1/8/2019	Transit Holdings Inc		B110-BUS HVAC SYSTEMS	1,623.39
4500022481	1/8/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	1,515.05
4500022482	1/8/2019	Mohawk Mfg & Supply Co		B160-BUS ELECTRICAL	195.97
4500022483	1/8/2019	Ansaldo Sts Usa Inc		G130-SHOP TOOLS	1,182.81
4500022484	1/8/2019	Gillig LLC		B140-BUS CHASSIS	1,803.68
4500022485	1/8/2019	BBM Railway Equipment, LLC		P130-EQUIP MAINT REPR SVC	16,900.00
4500022486	1/8/2019	Urban Corps of San Diego County		P290-LANDSCAPING SERVICES	23,640.00
4500022487	1/8/2019	Kaman Industrial Technologies		G140-SHOP SUPPLIES	82.31
4500022488	1/8/2019	Chromate Industrial Corporation		G150-FASTENERS	793.06
4500022489	1/8/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	451.91
4500022490	1/8/2019	Siemens Mobility, Inc.		R150-RAIL/LRV COMM EQUIP	715.46
4500022491	1/8/2019	W.W. Grainger Inc		G170-LUBRICANTS	269.78
4500022493	1/8/2019	OneSource Distributors, LLC		M120-OVRHEAD CATENARY SYS	3,448.61
4500022494	1/8/2019	JKL Cleaning Systems	Small Business	P130-EQUIP MAINT REPR SVC	413.71
4500022495	1/8/2019	Home Depot USA Inc		G160-PAINTS & CHEMICALS	123.82
4500022496	1/9/2019	Professional Contractors Supplies		G160-PAINTS & CHEMICALS	244.67
4500022497	1/9/2019	J. J. Keller & Associates Inc		P540-MAINTENANCE TRAINING	283.35
4500022498	1/9/2019	Home Depot USA Inc		G140-SHOP SUPPLIES	106.28
4500022499	1/9/2019	Home Depot USA Inc		G200-OFFICE SUPPLIES	1,647.61
4500022500	1/9/2019	Eldon L. Floyd & Associates		P340-LEGAL	75,000.00
4500022501	1/9/2019	Law Offices of R. Martin Bohl		P340-LEGAL	38,255.00
4500022502	1/9/2019	Cubic Transportation Systems		B190-BUS FARE EQUIP	1,182.67
4500022503	1/9/2019	CDW LLC		I110-INFORMATION TECH	2,523.80
4500022504	1/9/2019	Norman Industrial Materials		B250-BUS REPAIR PARTS	108.89
4500022505	1/9/2019	Baker & Miller LLP		P340-LEGAL	51,693.56
4500022506	1/9/2019	TAKKT America Holding Inc		G210-OFFICE FURNITURE	17,219.53
4500022507	1/9/2019	W.W. Grainger Inc		B250-BUS REPAIR PARTS	215.16
4500022508	1/9/2019	Steven Timme		G110-BUS/TROLLEY SIGNAGE	3,192.16
4500022509	1/9/2019	Dimensional Silk Screen Inc		G110-BUS/TROLLEY SIGNAGE	2,741.16

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4500022510	1/9/2019	Neyenesch Printers Inc		G110-BUS/TROLLEY SIGNAGE	4,559.98
4500022511	1/9/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	961.82
4500022512	1/9/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	2,142.62
4500022513	1/9/2019	Calmat		T130-TRACK, DRAINAGE SYS	881.13
4500022515	1/9/2019	Knorr Brake Company		R160-RAIL/LRV ELECTRICAL	2,303.28
4500022516	1/9/2019	Hanson Bridgett LLP		P340-LEGAL	47,069.60
4500022517	1/9/2019	Delphin Computer Supply	DBE	G200-OFFICE SUPPLIES	431.01
4500022518	1/9/2019	Vern Rose Inc		G140-SHOP SUPPLIES	321.33
4500022519	1/9/2019	CDW LLC		I110-INFORMATION TECH	1,176.24
4500022520	1/9/2019	Curbell Plastics Inc		B130-BUS BODY	1,057.16
4500022521	1/9/2019	Waco Filters Corporation		F120-BUS/LRV PAINT BOOTHS	157.87
4500022522	1/9/2019	Midwest Bus Corporation	Small Business	B130-BUS BODY	473.51
4500022523	1/9/2019	SC Commercial, LLC		F110-SHOP/BLDG MACHINERY	2,660.73
4500022524	1/9/2019	Nth Generation Computing Inc	Woman Owned Business	I140-IT CAPITAL SOFTWARE	3,470.00
4500022525	1/9/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	3,266.15
4500022526	1/9/2019	Culligan of San Diego		G140-SHOP SUPPLIES	1,815.60
4500022527	1/9/2019	W.W. Grainger Inc		G270-ELECTRICAL/LIGHTING	77.58
4500022528	1/9/2019	Airgas Inc		G190-SAFETY/MED SUPPLIES	984.86
4500022529	1/9/2019	Harbor Diesel & Equipment		B250-BUS REPAIR PARTS	547.63
4500022530	1/9/2019	HI-TEC Enterprises	Small Business	R120-RAIL/LRV CAR BODY	808.13
4500022531	1/9/2019	Allied Refrigeration Inc	Small Business	B110-BUS HVAC SYSTEMS	264.16
4500022532	1/9/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	1,655.17
4500022533	1/9/2019	Kiel NA LLC		B250-BUS REPAIR PARTS	254.46
4500022534	1/9/2019	Tribologik Corporation		G140-SHOP SUPPLIES	1,932.50
4500022535	1/9/2019	West-Lite Supply Co Inc	Small Business	M180-STATION ELECTRICAL	415.92
4500022536	1/9/2019	Konecranes Inc		P130-EQUIP MAINT REPR SVC	743.50
4500022537	1/9/2019	Jamaica Bearings Co Inc		R220-RAIL/LRV TRUCKS	51,287.27
4500022538	1/9/2019	Carlos Guzman Inc		R110-RAIL/LRV PROCRMNT	1,950.00
4500022539	1/10/2019	California Transit Association		P280-GENERAL SVC AGRMNTS	50,569.00
4500022540	1/10/2019	Tribologik Corporation		G140-SHOP SUPPLIES	2,317.16
4500022541	1/10/2019	Steven Timme		G110-BUS/TROLLEY SIGNAGE	1,237.58
4500022542	1/10/2019	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	1,428.23
4500022543	1/10/2019	United Refrigeration Inc		G170-LUBRICANTS	94.71
4500022544	1/10/2019	Thompson Building Materials		F180-BUILDING MATERIALS	2,277.53
4500022545	1/10/2019	Staples Contract & Commercial Inc		G200-OFFICE SUPPLIES	859.96
4500022546	1/10/2019	Office Depot		G200-OFFICE SUPPLIES	45.06
4500022547	1/10/2019	LSA Associates. Inc.		P410-CONSULTING	3,500.00
4500022548	1/10/2019	SPX Corporation		G290-FARE REVENUE EQUIP	396.09
4500022549	1/10/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	20,885.91
4500022550	1/10/2019	Genuine Parts Co		G170-LUBRICANTS	1,536.25
4500022551	1/10/2019	Automated Railroad Maint. Systems		M140-WAYSIDE SIGNALS	2,800.65
4500022552	1/10/2019	Paradigm Mechanical Corp	DBE	F160-BLDG HVAC EQUIP	60,739.88
4500022553	1/10/2019	Citywide Auto Glass Inc		R120-RAIL/LRV CAR BODY	269.38
4500022554	1/10/2019	Sid Tool Co		B250-BUS REPAIR PARTS	716.45
4500022555	1/10/2019	Reid and Clark Screen Arts Co		R120-RAIL/LRV CAR BODY	1,424.99
4500022556	1/10/2019	Sherwin Williams Company		F120-BUS/LRV PAINT BOOTHS	248.38
4500022557	1/10/2019	R.B. Hornberger Co Inc		M150-PWR SWITCHES/LOCKS	739.17
4500022558	1/10/2019	Gillig LLC		B160-BUS ELECTRICAL	1,599.84
4500022559	1/10/2019	Sportworks Northwest Inc		B130-BUS BODY	206.88
4500022560	1/10/2019	Jeyco Products Inc		G130-SHOP TOOLS	306.72
4500022561	1/10/2019	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	481.91
4500022562	1/10/2019	Muncie Transit Supply		B200-BUS PWR TRAIN EQUIP	1,723.52
4500022563	1/10/2019	Staples Contract & Commercial Inc		P280-GENERAL SVC AGRMNTS	143.23
4500022564	1/10/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	46,997.97
4500022565	1/10/2019	TK Services Inc	Small Business	R170-RAIL/LRV HVAC	65.68
4500022566	1/10/2019	Robcar Corporation	Small Business	G140-SHOP SUPPLIES	161.63
4500022567	1/10/2019	Super Welding of Southern CA	Small Business	R160-RAIL/LRV ELECTRICAL	2,481.01
4500022568	1/10/2019	Airgas Inc		G190-SAFETY/MED SUPPLIES	1,658.70
4500022569	1/10/2019	OneSource Distributors, LLC		G180-JANITORIAL SUPPLIES	809.94
4500022570	1/11/2019	Ansaldo Sts Usa Inc		M130-CROSSING MECHANISM	1,014.84
4500022571	1/11/2019	Matthias Moos		M120-OVRHEAD CATENARY SYS	993.99
4500022572	1/11/2019	CDW LLC		I110-INFORMATION TECH	461.28
4500022573	1/11/2019	Shilpark Paint Corp.		G160-PAINTS & CHEMICALS	63.09
4500022574	1/11/2019	Robcar Corporation	Small Business	G160-PAINTS & CHEMICALS	357.23
4500022575	1/11/2019	JKL Cleaning Systems	Small Business	G160-PAINTS & CHEMICALS	493.75
4500022576	1/11/2019	Clean Harbors Environmental		C120-SPECIALTY CONTRACTOR	296,887.21
4500022577	1/11/2019	Transit Holdings Inc		B130-BUS BODY	1,700.28
4500022578	1/11/2019	Norman Industrial Materials		B250-BUS REPAIR PARTS	370.43
4500022579	1/11/2019	Mcmaster-Carr Supply Co		F110-SHOP/BLDG MACHINERY	232.42
4500022580	1/11/2019	BJ's Rentals	Small Business	P160-EQUIPMENT RENTALS	396.31

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4500022581	1/11/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	60.89
4500022582	1/11/2019	Praxair Distribution Inc.		G130-SHOP TOOLS	258.84
4500022583	1/11/2019	Tennant Sales & Serv Co		P130-EQUIP MAINT REPR SVC	1,132.00
4500022584	1/11/2019	JKL Cleaning Systems	Small Business	P130-EQUIP MAINT REPR SVC	142.54
4500022585	1/11/2019	TAKKT America Holding Inc		G210-OFFICE FURNITURE	5,918.85
4500022586	1/11/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	10,154.36
4500022587	1/11/2019	Team One Repair Inc	Small Business	G290-FARE REVENUE EQUIP	676.13
4500022588	1/11/2019	Cubic Transportation Systems		G290-FARE REVENUE EQUIP	351.69
4500022589	1/11/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	220.00
4500022590	1/11/2019	Paradigm Mechanical Corp	DBE	F110-SHOP/BLDG MACHINERY	36,405.00
4500022591	1/11/2019	Kaman Industrial Technologies		B130-BUS BODY	1,460.82
4500022592	1/11/2019	Paradigm Mechanical Corp	DBE	P110-BLDG MAINTENANCE	31,168.24
4500022593	1/11/2019	SC Commercial, LLC		B180-BUS DIESEL	7,306.88
4500022594	1/11/2019	A+ Auto Center		P210-NON-REV VEH REPAIRS	71.41
4500022595	1/11/2019	HI-TEC Enterprises	Small Business	R120-RAIL/LRV CAR BODY	282.84
4500022596	1/11/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	7,376.84
4500022597	1/11/2019	IATR		C120-SPECIALTY CONTRACTOR	525.00
4500022599	1/14/2019	CRK Appraisals LLC		P370-RISK MANAGEMENT	1,500.00
4500022600	1/14/2019	J. J. Keller & Associates Inc		P540-MAINTENANCE TRAINING	281.11
4500022601	1/14/2019	Rush Truck Centers of California		B140-BUS CHASSIS	1,405.06
4500022602	1/14/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	18,085.38
4500022603	1/14/2019	Gillig LLC		B120-BUS MECHANICAL PARTS	1,766.05
4500022604	1/14/2019	Muncie Transit Supply		B130-BUS BODY	499.14
4500022605	1/14/2019	Cummins Pacific LLC		B130-BUS BODY	3,027.15
4500022606	1/14/2019	Merrimac Petroleum Inc	Woman Owned Business	A120-AUTO/TRUCK GASOLINE	21,096.63
4500022607	1/14/2019	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	21,096.63
4500022608	1/14/2019	Calmat		T130-TRACK, DRAINAGE SYS	2,835.26
4500022609	1/14/2019	Transit Holdings Inc		B130-BUS BODY	2,472.84
4500022610	1/14/2019	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	1,354.76
4500022611	1/14/2019	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	1,744.70
4500022612	1/14/2019	TK Services Inc	Small Business	B250-BUS REPAIR PARTS	61.20
4500022613	1/15/2019	Harbor Diesel & Equipment		B250-BUS REPAIR PARTS	379.79
4500022614	1/15/2019	W.W. Grainger Inc		P280-GENERAL SVC AGRMNTS	148.27
4500022615	1/15/2019	Kaso John Enterprises Corp.	Minority Owned Business	G110-BUS/TROLLEY SIGNAGE	7,261.20
4500022616	1/15/2019	Dimensional Silk Screen Inc		G110-BUS/TROLLEY SIGNAGE	17,340.00
4500022617	1/15/2019	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	1,580.29
4500022618	1/15/2019	Cummins-Allison		G290-FARE REVENUE EQUIP	51.18
4500022619	1/15/2019	Wesco Distribution Inc		G270-ELECTRICAL/LIGHTING	164.86
4500022620	1/15/2019	W.W. Grainger Inc		P280-GENERAL SVC AGRMNTS	252.89
4500022621	1/15/2019	Transit Holdings Inc		B130-BUS BODY	6,709.74
4500022622	1/15/2019	Gillig LLC		B140-BUS CHASSIS	10,940.06
4500022623	1/15/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	8,569.20
4500022624	1/15/2019	W.W. Grainger Inc		G140-SHOP SUPPLIES	405.68
4500022625	1/15/2019	Tennant Sales & Serv Co		P130-EQUIP MAINT REPR SVC	3,151.24
4500022626	1/15/2019	Industrial Maintenance Supply LLC	DBE	B110-BUS HVAC SYSTEMS	439.98
4500022627	1/15/2019	W.W. Grainger Inc		B160-BUS ELECTRICAL	94.18
4500022628	1/15/2019	Gillig LLC		B250-BUS REPAIR PARTS	75.85
4500022629	1/15/2019	Airgas Inc		G190-SAFETY/MED SUPPLIES	237.16
4500022630	1/15/2019	B Hepworth & Company Limited		R120-RAIL/LRV CAR BODY	740.02
4500022631	1/15/2019	B&B Marketing Enterprises LLP		R160-RAIL/LRV ELECTRICAL	3,361.80
4500022632	1/15/2019	Annex Automotive and		F120-BUS/LRV PAINT BOOTHS	3,362.95
4500022633	1/15/2019	W.W. Grainger Inc		A140-AUTO/TRUCK REPAIR	2,203.82
4500022634	1/15/2019	Home Depot USA Inc		F180-BUILDING MATERIALS	816.31
4500022635	1/15/2019	West End Holdings Inc		P260-TESTING & ANALYSIS	690.00
4500022636	1/15/2019	Reid and Clark Screen Arts Co		A140-AUTO/TRUCK REPAIR	91.98
4500022637	1/16/2019	Gillig LLC		B250-BUS REPAIR PARTS	282.56
4500022638	1/16/2019	Carlos Guzman Inc		R120-RAIL/LRV CAR BODY	2,500.00
4500022639	1/16/2019	San Diego Community		G120-SECURITY	184.00
4500022640	1/16/2019	United Refrigeration Inc		F110-SHOP/BLDG MACHINERY	645.64
4500022641	1/16/2019	San Diego Friction Products, Inc.		B110-BUS HVAC SYSTEMS	617.64
4500022642	1/16/2019	Harbor Diesel & Equipment		B250-BUS REPAIR PARTS	13,931.40
4500022643	1/16/2019	Chingon Custom Metal Fabrication		P280-GENERAL SVC AGRMNTS	549.26
4500022644	1/16/2019	Red Truck Fire & Safety Co.	Woman Owned Business	F110-SHOP/BLDG MACHINERY	109.88
4500022645	1/16/2019	Steven Timme		G230-PRINTED MATERIALS	2,268.98
4500022646	1/16/2019	Steven Timme		G230-PRINTED MATERIALS	383.66
4500022647	1/16/2019	HI-TEC Enterprises	Small Business	R160-RAIL/LRV ELECTRICAL	5,656.88
4500022648	1/16/2019	Chromate Industrial Corporation		G150-FASTENERS	209.97
4500022649	1/16/2019	Grah Safe & Lock Inc	Small Business	R120-RAIL/LRV CAR BODY	135.77
4500022650	1/16/2019	Professional Contractors Supplies		G140-SHOP SUPPLIES	541.22
4500022651	1/16/2019	OneSource Distributors, LLC		G190-SAFETY/MED SUPPLIES	60.98

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4500022653	1/16/2019	W. Gessman GMBH		R160-RAIL/LRV ELECTRICAL	5,534.68
4500022654	1/16/2019	Init Innovations in Transportation		I110-INFORMATION TECH	44,146.30
4500022655	1/16/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	1,004.17
4500022656	1/16/2019	Mcmaster-Carr Supply Co		M200-YARD FACILITIES	183.74
4500022657	1/16/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	5,077.18
4500022658	1/16/2019	Praxair Distribution Inc.		G130-SHOP TOOLS	437.06
4500022659	1/16/2019	BJ's Rentals	Small Business	P160-EQUIPMENT RENTALS	455.55
4500022660	1/16/2019	Total Filtration Services Inc		R230-RAIL/LRV MECHANICAL	2,180.15
4500022661	1/16/2019	Steven Timme		G230-PRINTED MATERIALS	1,196.04
4500022662	1/17/2019	Carlos Guzman Inc		R110-RAIL/LRV PROCRMNT	1,950.00
4500022663	1/17/2019	Reid and Clark Screen Arts Co		G140-SHOP SUPPLIES	631.01
4500022664	1/17/2019	Sherwin Williams Company		B250-BUS REPAIR PARTS	793.58
4500022665	1/17/2019	Chromate Industrial Corporation		G150-FASTENERS	1,043.27
4500022666	1/17/2019	Mission Janitorial Supplies		G180-JANITORIAL SUPPLIES	364.09
4500022667	1/17/2019	Air & Lube Systems Inc	Small Business	F110-SHOP/BLDG MACHINERY	1,581.58
4500022668	1/17/2019	SC Commercial, LLC		B180-BUS DIESEL	7,551.73
4500022669	1/17/2019	Haixin Flooring Inc		C130-CONSTRUCTION SVCS	2,499.00
4500022670	1/17/2019	Reliable Fire Water Restoration Inc		P120-BLDG/FACILITY REPRS	232,088.37
4500022671	1/17/2019	Transit Holdings Inc		B140-BUS CHASSIS	14,363.50
4500022672	1/17/2019	Gillig LLC		B160-BUS ELECTRICAL	951.59
4500022673	1/17/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	11,013.00
4500022674	1/17/2019	West-Lite Supply Co Inc	Small Business	M110-SUB STATION	139.89
4500022675	1/17/2019	San Diego Seal Inc	Small Business	R220-RAIL/LRV TRUCKS	1,460.52
4500022676	1/17/2019	Kaman Industrial Technologies		G140-SHOP SUPPLIES	4,181.90
4500022677	1/17/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	1,574.01
4500022678	1/17/2019	W.W. Grainger Inc		G170-LUBRICANTS	13,164.72
4500022679	1/17/2019	Southern California Shredding Inc	Small Business	P280-GENERAL SVC AGRMNTS	80.00
4500022680	1/17/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	665.77
4500022681	1/17/2019	Kaman Industrial Technologies		B160-BUS ELECTRICAL	11,016.77
4500022682	1/17/2019	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	290.70
4500022683	1/17/2019	Dunn-Edwards Corporation		F110-SHOP/BLDG MACHINERY	223.20
4500022684	1/18/2019	Thompson Building Materials		R230-RAIL/LRV MECHANICAL	3,009.35
4500022685	1/18/2019	Professional Contractors Supplies		G140-SHOP SUPPLIES	99.67
4500022686	1/18/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	5,786.98
4500022687	1/18/2019	Airgas Inc		G190-SAFETY/MED SUPPLIES	4,969.90
4500022688	1/18/2019	Carlos Guzman Inc		G180-JANITORIAL SUPPLIES	1,818.47
4500022689	1/18/2019	Annex Automotive and		F120-BUS/LRV PAINT BOOTHS	1,368.80
4500022690	1/18/2019	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	310.32
4500022691	1/18/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	519.46
4500022692	1/18/2019	Prochem Specialty Products Inc	Small Business	G180-JANITORIAL SUPPLIES	3,478.72
4500022693	1/18/2019	Cubic Transportation Systems		B190-BUS FARE EQUIP	2,424.38
4500022694	1/18/2019	Home Depot USA Inc		G140-SHOP SUPPLIES	113.61
4500022695	1/18/2019	Shilpark Paint Corp.		G160-PAINTS & CHEMICALS	438.01
4500022696	1/18/2019	Southern Counties Lubricants LLC		G170-LUBRICANTS	9,891.46
4500022697	1/18/2019	Point Loma Nazarene University		P410-CONSULTING	50,000.00
4500022698	1/18/2019	Transit Holdings Inc		B130-BUS BODY	21,484.90
4500022699	1/21/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	1,297.96
4500022700	1/21/2019	Cummins Pacific LLC		B250-BUS REPAIR PARTS	525.75
4500022701	1/21/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	220.00
4500022702	1/21/2019	W.W. Grainger Inc		P280-GENERAL SVC AGRMNTS	182.91
4500022703	1/21/2019	Harbor Diesel & Equipment		B250-BUS REPAIR PARTS	536.58
4500022704	1/21/2019	Dartco Transmission		B250-BUS REPAIR PARTS	451.25
4500022705	1/21/2019	Cummins Pacific LLC		B250-BUS REPAIR PARTS	1,332.39
4500022706	1/21/2019	Citywide Auto Glass Inc		B250-BUS REPAIR PARTS	400.00
4500022707	1/21/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	220.00
4500022708	1/21/2019	Recaro North America Inc		B130-BUS BODY	605.90
4500022709	1/21/2019	AxleTech International LLC		B140-BUS CHASSIS	2,203.66
4500022710	1/21/2019	Golden State Supply LLC		G130-SHOP TOOLS	98.19
4500022711	1/21/2019	Mcmaster-Carr Supply Co		G140-SHOP SUPPLIES	59.22
4500022712	1/22/2019	CDW LLC		G200-OFFICE SUPPLIES	292.33
4500022713	1/22/2019	ASPEN Refrigerants Inc		R170-RAIL/LRV HVAC	182.10
4500022714	1/22/2019	B & S Graphics Inc		B130-BUS BODY	544.36
4500022715	1/22/2019	Matthias Moos		M120-OVRHEAD CATENARY SYS	267.22
4500022716	1/22/2019	Vallen Distribution Inc.		G120-SECURITY	569.61
4500022717	1/22/2019	Barry Sandler Enterprises	Small Business	G180-JANITORIAL SUPPLIES	1,003.43
4500022718	1/22/2019	Hogan MFG Inc		B250-BUS REPAIR PARTS	2,071.51
4500022719	1/22/2019	Team One Repair Inc	Small Business	G290-FARE REVENUE EQUIP	93.75
4500022720	1/22/2019	Veritech, Inc.	Small Business	B250-BUS REPAIR PARTS	2,327.40
4500022721	1/22/2019	Sid Tool Co		G130-SHOP TOOLS	308.85
4500022722	1/22/2019	ISC Applied Systems Corp		R160-RAIL/LRV ELECTRICAL	4,736.69

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PO Number	PO Date	Name	Prime DBE Cert.	Material Group	PO Value
4500022723	1/22/2019	Virginia Electronic & Lighting LLC		M140-WAYSIDE SIGNALS	3,989.00
4500022724	1/22/2019	Elkhart Brass Manufacturing Co.		B130-BUS BODY	159.78
4500022725	1/22/2019	Gillig LLC		B160-BUS ELECTRICAL	5,590.56
4500022726	1/22/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	12,193.02
4500022727	1/22/2019	Siemens Mobility, Inc.		R220-RAIL/LRV TRUCKS	2,322.02
4500022728	1/22/2019	W.W. Grainger Inc		G140-SHOP SUPPLIES	873.12
4500022729	1/22/2019	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	109.00
4500022730	1/22/2019	Mcmaster-Carr Supply Co		F110-SHOP/BLDG MACHINERY	54.36
4500022731	1/22/2019	AxleTech International LLC		B140-BUS CHASSIS	473.60
4500022732	1/22/2019	Jeyco Products Inc		G140-SHOP SUPPLIES	160.37
4500022733	1/22/2019	Allied Refrigeration Inc	Small Business	R170-RAIL/LRV HVAC	125.16
4500022734	1/22/2019	BJ's Rentals	Small Business	P160-EQUIPMENT RENTALS	877.25
4500022735	1/22/2019	Super Welding of Southern CA	Small Business	R220-RAIL/LRV TRUCKS	3,154.92
4500022736	1/22/2019	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	321.61
4500022737	1/22/2019	Cummins Pacific LLC		B250-BUS REPAIR PARTS	1,745.43
4500022738	1/22/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	93.09
4500022739	1/22/2019	Chromate Industrial Corporation		G150-FASTENERS	402.05
4500022740	1/22/2019	Marco's Canopies Inc	Small Business	G140-SHOP SUPPLIES	1,163.63
4500022741	1/22/2019	Culligan of San Diego		G140-SHOP SUPPLIES	1,944.80
4500022742	1/22/2019	EnviroPure Solutions LLC		P110-BLDG MAINTENANCE	9,685.00
4500022743	1/23/2019	Gillig LLC		B130-BUS BODY	3,027.97
4500022744	1/23/2019	New Technical Solutions, Inc.		I110-INFORMATION TECH	81,451.00
4500022745	1/23/2019	CDW LLC		I110-INFORMATION TECH	1,209.80
4500022746	1/23/2019	Mohawk Mfg & Supply Co		B120-BUS MECHANICAL PARTS	282.13
4500022747	1/23/2019	Crossman Landscape & Maintenance		P290-LANDSCAPING SERVICES	810.00
4500022748	1/23/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	7,972.64
4500022749	1/23/2019	Transit Holdings Inc		B160-BUS ELECTRICAL	2,739.46
4500022750	1/23/2019	Waxie's Enterprises Inc.		G130-SHOP TOOLS	693.15
4500022751	1/23/2019	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	248.55
4500022752	1/23/2019	Aslan Capital Inc		G180-JANITORIAL SUPPLIES	276.40
4500022753	1/23/2019	Mcmaster-Carr Supply Co		F110-SHOP/BLDG MACHINERY	59.74
4500022754	1/23/2019	David Buettel		G230-PRINTED MATERIALS	3,195.00
4500022756	1/23/2019	Citywide Auto Glass Inc		B250-BUS REPAIR PARTS	112.72
4500022757	1/23/2019	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	387.31
4500022758	1/23/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	91.49
4500022759	1/23/2019	Airgas Inc		G190-SAFETY/MED SUPPLIES	296.43
4500022760	1/23/2019	Office Depot		G210-OFFICE FURNITURE	1,120.51
4500022761	1/23/2019	Siemens Mobility, Inc.		R160-RAIL/LRV ELECTRICAL	922.37
4500022762	1/23/2019	Pressnet Express Inc		G230-PRINTED MATERIALS	3,478.17
4500022763	1/23/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	220.00
4500022764	1/23/2019	Arizona Machinery LLC		A110-AUTO/TRUCK TIRES	192.36
4500022765	1/23/2019	Reid and Clark Screen Arts Co		G120-SECURITY	130.49
4500022766	1/23/2019	Super Welding of Southern CA	Small Business	R120-RAIL/LRV CAR BODY	818.90
4500022767	1/23/2019	Team One Repair Inc	Small Business	G290-FARE REVENUE EQUIP	2,153.65
4500022768	1/23/2019	Id Services Inc	Small Business	I110-INFORMATION TECH	125.00
4500022769	1/23/2019	OneSource Distributors, LLC		G130-SHOP TOOLS	2,445.39
4500022770	1/23/2019	Mcmaster-Carr Supply Co		I110-INFORMATION TECH	62.61
4500022771	1/23/2019	Chula Vista Chamber of Commerce		P310-ADVERTISING SERVICES	675.00
4500022772	1/23/2019	Select Interactive Media, Inc.		P420-MAIL SERVICES	1,075.70
4500022773	1/23/2019	Steven Timme		G110-BUS/TROLLEY SIGNAGE	1,693.00
4500022774	1/23/2019	General Information Systems Ltd		G120-SECURITY	792.00
4500022775	1/23/2019	Westair Gases & Equipment Inc	Small Business	G140-SHOP SUPPLIES	358.61
4500022776	1/23/2019	Steven Timme		G110-BUS/TROLLEY SIGNAGE	2,708.80
4500022777	1/23/2019	Ismael Frausto		R120-RAIL/LRV CAR BODY	370.39
4500022778	1/23/2019	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	947.34
4500022779	1/23/2019	Muncie Transit Supply		B200-BUS PWR TRAIN EQUIP	1,249.41
4500022780	1/23/2019	Bay City Equipment Industries Inc	Small Business	M200-YARD FACILITIES	5,164.87
4500022781	1/23/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	237.50
4500022782	1/23/2019	Steven Timme		G230-PRINTED MATERIALS	175.16
4500022783	1/23/2019	Reid and Clark Screen Arts Co		A140-AUTO/TRUCK REPAIR	224.99
4500022784	1/23/2019	Home Depot USA Inc		P540-MAINTENANCE TRAINING	712.95
4500022785	1/23/2019	San Diego Bowl Game Association		P310-ADVERTISING SERVICES	1,000.00
4500022786	1/24/2019	Transit Holdings Inc		B130-BUS BODY	77.84
4500022787	1/24/2019	Neyenesch Printers Inc		G230-PRINTED MATERIALS	2,319.86
4500022788	1/24/2019	CDW LLC		I110-INFORMATION TECH	36.59
4500022789	1/24/2019	CDW LLC		I110-INFORMATION TECH	308.39
4500022790	1/24/2019	Siemens Mobility, Inc.		M140-WAYSIDE SIGNALS	3,297.16
4500022791	1/24/2019	Supreme Oil Company		B180-BUS DIESEL	6,657.38
4500022792	1/24/2019	Otay Mesa Chamber of Commerce		P310-ADVERTISING SERVICES	650.00
4500022793	1/24/2019	BJ's Rentals	Small Business	F110-SHOP/BLDG MACHINERY	450.00

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PO Number	PO Date	Name	Prime DBE Cert.	Material Group	PO Value
4500022794	1/24/2019	Steven Timme		G230-PRINTED MATERIALS	744.08
4500022795	1/24/2019	W.W. Grainger Inc		G180-JANITORIAL SUPPLIES	862.62
4500022796	1/24/2019	P & R Paper Supply Company Inc		G180-JANITORIAL SUPPLIES	225.85
4500022797	1/24/2019	Steven Timme		G230-PRINTED MATERIALS	2,153.45
4500022798	1/24/2019	Digital Printing Systems Inc		G280-FARE MATERIALS	17,972.70
4500022799	1/24/2019	Professional Contractors Supplies		G180-JANITORIAL SUPPLIES	286.58
4500022800	1/24/2019	Transit Holdings Inc		B140-BUS CHASSIS	8,609.94
4500022801	1/24/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	25,555.08
4500022802	1/24/2019	Supreme Oil Company		A120-AUTO/TRUCK GASOLINE	28,248.03
4500022803	1/24/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	2,002.11
4500022804	1/24/2019	Gillig LLC		B120-BUS MECHANICAL PARTS	9,329.70
4500022805	1/24/2019	Cummins-Allison		G290-FARE REVENUE EQUIP	65.06
4500022806	1/24/2019	Rush Truck Centers of California		B140-BUS CHASSIS	623.55
4500022807	1/24/2019	Muncie Transit Supply		B130-BUS BODY	276.24
4500022808	1/24/2019	Gillig LLC		B200-BUS PWR TRAIN EQUIP	3,601.55
4500022809	1/24/2019	Harbor Diesel & Equipment		B120-BUS MECHANICAL PARTS	954.77
4500022811	1/24/2019	Rayne - San Diego Inc		P280-GENERAL SVC AGRMNTS	2,604.00
4500022812	1/25/2019	Annex Automotive and		R240-RAIL/LRV REPR PARTS	2,050.00
4500022813	1/25/2019	GCCCD Auxiliary Organization		P540-MAINTENANCE TRAINING	404.93
4500022814	1/25/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	295.00
4500022815	1/25/2019	San Diego Plastics Inc	Small Business	M180-STATION ELECTRICAL	826.98
4500022816	1/25/2019	Team One Repair Inc	Small Business	G280-FARE MATERIALS	3,335.60
4500022817	1/25/2019	Ahlee Backflow Service	Small Business	F110-SHOP/BLDG MACHINERY	233.58
4500022818	1/25/2019	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	152.31
4500022819	1/25/2019	Reid and Clark Screen Arts Co		G230-PRINTED MATERIALS	425.97
4500022820	1/25/2019	Gillig LLC		B160-BUS ELECTRICAL	1,119.09
4500022823	1/25/2019	Uline		F170-MATL HANDLING EQUIP	404.08
4500022824	1/25/2019	Charter Industrial Supply Inc	Small Business	B120-BUS MECHANICAL PARTS	63.85
4500022825	1/25/2019	BJ's Rentals	Small Business	P160-EQUIPMENT RENTALS	511.95
4500022826	1/25/2019	JKL Cleaning Systems	Small Business	P130-EQUIP MAINT REPR SVC	307.93
4500022827	1/25/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	388.50
4500022828	1/25/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	15,989.07
4500022829	1/25/2019	W.W. Grainger Inc		G220-OFFICE EQUIPMENT	465.05
4500022830	1/28/2019	New Technical Solutions, Inc.		I110-INFORMATION TECH	21,850.00
4500022831	1/28/2019	Reid and Clark Screen Arts Co		A140-AUTO/TRUCK REPAIR	36.21
4500022832	1/28/2019	Wesco Distribution Inc		G270-ELECTRICAL/LIGHTING	849.18
4500022833	1/28/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	455.69
4500022834	1/28/2019	Louis Sardo Upholstery Inc		P190-REV VEHICLE REPAIRS	527.25
4500022835	1/28/2019	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	2,835.46
4500022836	1/28/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	209.46
4500022837	1/28/2019	TVEyes, Inc.		G260-MEDIA	2,400.00
4500022838	1/28/2019	OPW Fueling Components		B200-BUS PWR TRAIN EQUIP	694.99
4500022839	1/28/2019	Fox Sports Net Inc		G260-MEDIA	500.00
4500022840	1/28/2019	City Treasurer		C130-CONSTRUCTION SVCS	6,207.41
4500022841	1/28/2019	Eran Hason		P280-GENERAL SVC AGRMNTS	461.78
4500022842	1/28/2019	San Diego Plastics Inc	Small Business	R220-RAIL/LRV TRUCKS	1,014.84
4500022843	1/28/2019	Professional Contractors Supplies		G160-PAINTS & CHEMICALS	548.40
4500022844	1/28/2019	Neyenesch Printers Inc		G230-PRINTED MATERIALS	8,620.00
4500022845	1/28/2019	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	221.12
4500022846	1/28/2019	San Diego Comic Convention Inc		P310-ADVERTISING SERVICES	74,926.47
4500022847	1/28/2019	South Bay Fence Inc	Small Business	P120-BLDG/FACILITY REPRS	2,200.00
4500022848	1/28/2019	San Diego Friction Products, Inc.		B140-BUS CHASSIS	2,198.10
4500022849	1/28/2019	Steven Timme		G110-BUS/TROLLEY SIGNAGE	859.48
4500022850	1/28/2019	Annex Automotive and		F120-BUS/LRV PAINT BOOTHS	3,678.00
4500022851	1/28/2019	Transit Holdings Inc		B140-BUS CHASSIS	16,217.98
4500022852	1/28/2019	Gillig LLC		B250-BUS REPAIR PARTS	3,760.52
4500022853	1/28/2019	W.W. Grainger Inc		G120-SECURITY	1,427.37
4500022854	1/28/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	15,335.09
4500022855	1/28/2019	Harbor Diesel & Equipment		B120-BUS MECHANICAL PARTS	1,625.22
4500022856	1/28/2019	Chromate Industrial Corporation		G150-FASTENERS	272.90
4500022857	1/28/2019	Mission Janitorial Supplies		G180-JANITORIAL SUPPLIES	833.73
4500022858	1/28/2019	Nth Generation Computing Inc	Woman Owned Business	I110-INFORMATION TECH	28,565.00
4500022859	1/28/2019	IPC (USA), Inc.		B180-BUS DIESEL	7,112.03
4500022860	1/28/2019	Reid and Clark Screen Arts Co		R120-RAIL/LRV CAR BODY	1,273.29
4500022861	1/28/2019	Home Depot USA Inc		G180-JANITORIAL SUPPLIES	2,190.42
4500022862	1/28/2019	Shilpark Paint Corp.		G160-PAINTS & CHEMICALS	340.48
4500022863	1/29/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	2,894.21
4500022864	1/29/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	220.00
4500022865	1/29/2019	Western-Cullen-Hayes Inc		M130-CROSSING MECHANISM	3,068.72
4500022866	1/29/2019	W.W. Grainger Inc		G140-SHOP SUPPLIES	574.15

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PO Number	PO Date	Name	Prime DBE Cert.	Material Group	PO Value
4500022867	1/29/2019	Willy's Electronic Supply Co	Small Business	M110-SUB STATION	63.79
4500022868	1/29/2019	Cummins-Allison		G290-FARE REVENUE EQUIP	254.21
4500022869	1/29/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	9,632.45
4500022870	1/29/2019	Romaine Electric Corporation	Small Business	B160-BUS ELECTRICAL	11,889.69
4500022871	1/29/2019	Supreme Oil Company		A120-AUTO/TRUCK GASOLINE	1,646.06
4500022872	1/29/2019	Kaman Industrial Technologies		B120-BUS MECHANICAL PARTS	3,313.92
4500022873	1/29/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	1,141.73
4500022874	1/29/2019	Gillig LLC		B250-BUS REPAIR PARTS	171.12
4500022875	1/29/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	807.64
4500022876	1/29/2019	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	3,190.40
4500022877	1/29/2019	W.W. Grainger Inc		B250-BUS REPAIR PARTS	83.21
4500022878	1/29/2019	Freeby Signs		B250-BUS REPAIR PARTS	446.62
4500022879	1/29/2019	Norman Industrial Materials		B250-BUS REPAIR PARTS	96.08
4500022880	1/29/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	2,576.95
4500022881	1/29/2019	The Animal Keeper Inc		G120-SECURITY	190.00
4500022882	1/29/2019	VisioLogix Corporation		G120-SECURITY	159.99
4500022883	1/29/2019	Gillig LLC		B250-BUS REPAIR PARTS	764.20
4500022884	1/29/2019	San Diego Machinery Movers, Inc.		G290-FARE REVENUE EQUIP	2,309.00
4500022885	1/29/2019	Master Protection LP		P280-GENERAL SVC AGRMNTS	575.00
4500022886	1/29/2019	Prochem Specialty Products Inc	Small Business	G180-JANITORIAL SUPPLIES	1,391.49
4500022887	1/29/2019	Altec Industries Inc		P210-NON-REV VEH REPAIRS	57.36
4500022888	1/29/2019	OneSource Distributors, LLC		G130-SHOP TOOLS	650.80
4500022889	1/29/2019	Johnson Controls Fire Protection LP		P280-GENERAL SVC AGRMNTS	894.80
4500022890	1/29/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	109.86
4500022891	1/29/2019	Sid Tool Co		G180-JANITORIAL SUPPLIES	239.04
4500022892	1/29/2019	Voith Turbo Inc		R230-RAIL/LRV MECHANICAL	25,342.80
4500022893	1/29/2019	Knorr Brake Company		R220-RAIL/LRV TRUCKS	2,834.91
4500022895	1/30/2019	Knorr Brake Company		R160-RAIL/LRV ELECTRICAL	1,592.08
4500022896	1/30/2019	Romaine Electric Corporation	Small Business	M130-CROSSING MECHANISM	3,188.92
4500022897	1/30/2019	APD Incorporated		B130-BUS BODY	825.65
4500022898	1/30/2019	Reefco LLC		B110-BUS HVAC SYSTEMS	55.92
4500022899	1/30/2019	The Animal Keeper Inc		G120-SECURITY	290.00
4500022900	1/30/2019	Harbor Diesel & Equipment		B200-BUS PWR TRAIN EQUIP	16,720.46
4500022901	1/30/2019	Citywide Auto Glass Inc		G130-SHOP TOOLS	24.24
4500022902	1/30/2019	Team One Repair Inc	Small Business	G290-FARE REVENUE EQUIP	268.95
4500022903	1/30/2019	Rick Busch		G180-JANITORIAL SUPPLIES	156.24
4500022904	1/30/2019	Rush Truck Centers of California		B140-BUS CHASSIS	3,205.57
4500022905	1/30/2019	Rush Truck Centers of California		P490-MANAGEMENT TRAINING	-
4500022907	1/30/2019	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	143.40
4500022908	1/30/2019	Transit Holdings Inc		B130-BUS BODY	-
4500022909	1/30/2019	Cubic Transportation Systems		B190-BUS FARE EQUIP	186.49
4500022910	1/30/2019	Don Oleson Inc	Small Business	B200-BUS PWR TRAIN EQUIP	2,302.00
4500022913	1/30/2019	Freeby Signs		B250-BUS REPAIR PARTS	342.90
4500022914	1/30/2019	San Diego Friction Products, Inc.		B140-BUS CHASSIS	1,648.58
4500022915	1/30/2019	Acuity Specialty Products Inc		G180-JANITORIAL SUPPLIES	-
4500022916	1/30/2019	Charter Industrial Supply Inc	Small Business	B200-BUS PWR TRAIN EQUIP	71.76
4500022917	1/30/2019	Air & Lube Systems Inc	Small Business	F110-SHOP/BLDG MACHINERY	945.32
4500022918	1/30/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	603.31
4500022919	1/30/2019	TK Services Inc	Small Business	B110-BUS HVAC SYSTEMS	114.97
4500022921	1/30/2019	TK Services Inc	Small Business	B110-BUS HVAC SYSTEMS	5,981.26
4500022922	1/30/2019	Transit Products and Services		B130-BUS BODY	9,666.50
4500022923	1/30/2019	Kaman Industrial Technologies		B140-BUS CHASSIS	330.85
4500022924	1/30/2019	Grah Safe & Lock Inc	Small Business	M150-PWR SWITCHES/LOCKS	2,875.85
4500022925	1/30/2019	Southern Counties Lubricants LLC		G170-LUBRICANTS	20,916.44
4500022926	1/30/2019	Home Depot USA Inc		G130-SHOP TOOLS	384.05
4500022927	1/30/2019	W.W. Grainger Inc		G140-SHOP SUPPLIES	874.93
4500022929	1/30/2019	Applied Industrial Technologies-CA		G140-SHOP SUPPLIES	293.25
4500022930	1/31/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	1,639.60
4500022931	1/31/2019	Charter Industrial Supply Inc	Small Business	B250-BUS REPAIR PARTS	292.74
4500022932	1/31/2019	Muncie Transit Supply		B140-BUS CHASSIS	2,136.48
4500022933	1/31/2019	Steven Timme		G230-PRINTED MATERIALS	2,692.21
4500022934	1/31/2019	Aztec Shops, Ltd.		P310-ADVERTISING SERVICES	510.00
4500022936	1/31/2019	JKL Cleaning Systems	Small Business	F110-SHOP/BLDG MACHINERY	40.35
4500022937	1/31/2019	Kaman Industrial Technologies		B250-BUS REPAIR PARTS	399.25
4500022938	1/31/2019	Dimensional Silk Screen Inc		G230-PRINTED MATERIALS	633.57
4500022939	1/31/2019	Waytek Inc		G140-SHOP SUPPLIES	90.27
4500022940	1/31/2019	Neyenesch Printers Inc		G230-PRINTED MATERIALS	728.39
4500022941	1/31/2019	ZUZA LLC		G230-PRINTED MATERIALS	2,424.38
4500022942	1/31/2019	Rush Truck Centers of California		B200-BUS PWR TRAIN EQUIP	1,555.53
4500022943	1/31/2019	Charlie Shoaf		P310-ADVERTISING SERVICES	372.50

Purchase Orders					
PO Number	PO Date	Name	Prime DBE Cert.	Material Group	PO Value
4500022944	1/31/2019	CDW LLC		I110-INFORMATION TECH	3,325.00
4500022946	1/31/2019	Transit Holdings Inc		B130-BUS BODY	4,649.54
4500022947	1/31/2019	Annex Automotive and		F120-BUS/LRV PAINT BOOTHS	2,564.94
4500022948	1/31/2019	JKL Cleaning Systems	Small Business	F110-SHOP/BLDG MACHINERY	145.47
4500022949	1/31/2019	Citywide Auto Glass Inc		P190-REV VEHICLE REPAIRS	225.43
4500022950	1/31/2019	Gillig LLC		B200-BUS PWR TRAIN EQUIP	6,955.96
4500022951	1/31/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	10,455.70
4500022952	1/31/2019	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	124.67
4500022953	1/31/2019	Wesco Distribution Inc		F110-SHOP/BLDG MACHINERY	654.49
4500022954	1/31/2019	W.W. Grainger Inc		B250-BUS REPAIR PARTS	402.29
4500022955	1/31/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	356.74
4500022956	1/31/2019	JKL Cleaning Systems	Small Business	G170-LUBRICANTS	513.15
4500022957	1/31/2019	Kenneth Place		P130-EQUIP MAINT REPR SVC	681.36
4500022958	1/31/2019	HI-TEC Enterprises	Small Business	R220-RAIL/LRV TRUCKS	94,483.02
4500022959	1/31/2019	BCP Systems Inc	Small Business	G290-FARE REVENUE EQUIP	1,109.77
4500022960	1/31/2019	Westinghouse Air Brake		R140-RAIL/LRV DOORS/RAMP	1,799.43
4500022961	2/1/2019	Team One Repair Inc	Small Business	G290-FARE REVENUE EQUIP	2,743.03
4500022962	2/1/2019	JKL Cleaning Systems	Small Business	F110-SHOP/BLDG MACHINERY	489.33
4500022963	2/1/2019	Airgas Inc		G190-SAFETY/MED SUPPLIES	76.72
4500022964	2/1/2019	ZUZA LLC		G230-PRINTED MATERIALS	21,000.00
4500022965	2/1/2019	ZUZA LLC		G230-PRINTED MATERIALS	6,275.00
4500022966	2/1/2019	Schunk Carbon Technology LLC		R190-RAIL/LRV PANTOGRAPH	7,465.56
4500022967	2/1/2019	Northwest Pump & Equipment Co		G130-SHOP TOOLS	303.18
4500022968	2/1/2019	W.W. Grainger Inc		B250-BUS REPAIR PARTS	71.16
4500022969	2/1/2019	East Penn Manufacturing Co Inc		R240-RAIL/LRV REPR PARTS	1,065.47
4500022970	2/1/2019	SC Commercial, LLC		B180-BUS DIESEL	7,337.78
4500022971	2/1/2019	SC Commercial, LLC		B180-BUS DIESEL	7,371.83
4500022972	2/1/2019	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	22,705.70
4500022973	2/1/2019	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	22,705.70
4500022974	2/1/2019	Cummins Pacific LLC		B250-BUS REPAIR PARTS	2,620.09
4500022975	2/1/2019	Mcmaster-Carr Supply Co		G140-SHOP SUPPLIES	240.73
4500022976	2/4/2019	Reefco LLC		B110-BUS HVAC SYSTEMS	502.06
4500022977	2/4/2019	Autolift Services Inc	Small Business	P130-EQUIP MAINT REPR SVC	3,490.25
4500022978	2/4/2019	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	210.15
4500022979	2/4/2019	Willy's Electronic Supply Co	Small Business	B190-BUS FARE EQUIP	67.45
4500022980	2/4/2019	Kaman Industrial Technologies		F110-SHOP/BLDG MACHINERY	60.27
4500022981	2/4/2019	Gillig LLC		B250-BUS REPAIR PARTS	394.37
4500022982	2/4/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	220.00
4500022985	2/4/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	14,735.94
4500022986	2/4/2019	Louis Sardo Upholstery Inc		B250-BUS REPAIR PARTS	2,093.06
4500022987	2/4/2019	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	282.80
4500022988	2/4/2019	Shilpark Paint Corp.		G160-PAINTS & CHEMICALS	240.50
4500022989	2/4/2019	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	1,063.97
4500022990	2/4/2019	Transit Holdings Inc		B250-BUS REPAIR PARTS	158.34
4500022991	2/4/2019	Staples Contract & Commercial Inc		G200-OFFICE SUPPLIES	2,903.51
4500022993	2/4/2019	Kurt Morgan		G200-OFFICE SUPPLIES	2,562.10
4500022995	2/4/2019	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	1,644.94
4500022996	2/4/2019	Sherwin Williams Company		F120-BUS/LRV PAINT BOOTHS	628.15
4500022997	2/4/2019	Southern Counties Oil Co, LP		G170-LUBRICANTS	2,480.73
4500022998	2/4/2019	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	220.00
4500022999	2/4/2019	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	69.24
4500023000	2/4/2019	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	252.07

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

1

**PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT)
TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM**

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach any written statement to this form). Communications on hearings and agenda items are generally limited to three minutes per person unless the Board authorizes additional time; however, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

(PLEASE PRINT)

DATE	2-14-'19
Name	Thomas H. Brill
Address	P.O. # 60545
Telephone	(619) 382-7575
Email	thbrill@gmail
Organization Represented	
Subject of Your Remarks	Operations cost reduction
Regarding Agenda Item No.	
Your Comments Present a Position of:	<input checked="" type="checkbox"/> SUPPORT <input checked="" type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five speakers with three minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

NOTE: Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

9

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(PLEASE PRINT)

DATE	2-14th	2-14
Name	DAVID RODGER	
Address	525 C#	
Telephone	619 750-3355	
Email	GODPR@GMAIL.COM	
Organization Represented		
Subject of Your Remarks	CUSTOMER SERVICE	
Regarding Agenda Item No.		
Your Comments Present a Position of:	<input type="checkbox"/>	<input checked="" type="checkbox"/> SUPPORT <input type="checkbox"/> OPPOSITION

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