

MINUTES
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

December 12, 2024

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

1. Roll Call

Chair Whitburn called the Executive Committee meeting to order at 9:01 a.m. A roll call sheet listing Executive Committee member attendance is attached as Attachment A.

2. Public Comment

There were no Public Comments.

3. Approval of Minutes

Vice Chair Goble moved to approve the minutes of the November 7, 2024, MTS Audit Oversight and Executive Committee meeting. Chair Whitburn seconded the motion, and the vote was 6 to 0 in favor with Board Member Bush absent.

DISCUSSION ITEMS

4. 2025 State and Federal Legislative Program (Julia Tuer, Mark Watts, Peter Peyser)

Julia Tuer, MTS Manager of Government Affairs, Mark Watts, MTS State Legislative Representative and Peter Peyser, MTS Federal Legislative Representative, presented on the proposed 2025 Legislative Program. They outlined: legislative priorities, 2025 legislative program, legislative priorities, 2024 recap, 2025 proposals, state and federal legislative updates and staff's recommendation.

Public Comment

There were no Public Comments.

Committee Comment

Board Member Moreno supported the bill sponsored by California Transit Association (CTA) for assaults on transit workers. She asked about the transit funding for grade separation projects, and to identify the locations/intersections that are currently identified for grade separation improvements. Ms. Tuer replied that the current priority is grade separation. Any future project would be coordinated with SANDAG to determine the next regionally significant priority for grade separation. Board Member Moreno asked staff if SANDAG has a focus on any grade separations. Ms. Tuer replied that SANDAG does have a regional program priority list. Board Member Moreno asked if the Palomar Project already has funding. Ms. Tuer confirmed that it's the closest to begin construction, other projects are in the preliminary stages. Board Member Moreno praised the project and the importance of grade separation; she also acknowledged the San Ysidro Intermodal Transit Center, she talked about SANDAG's preliminary design choice and emphasized the importance of enhancing the transit station as critical for improving accessibility and Transit reliability. Board Member Moreno made a motion that the San Ysidro Intermodal Transit Center project be placed on the list of Capital Projects that staff will be seeking funding for.

Vice Chair Goble asked Mr. Peyser to give his professional prediction about the new administration not supporting fleet electrification as strongly as previous administrations. Vice

Chair Goble was concerned about grant conflicts for alternative fuel vehicles such as electric or hydrogen. He asked if his concern was true, will the agency require state assistance to comply with requirements and reduced federal funding. He also asked about reduced federal funding available for the state, should the agency be more attentive to favoring modes of alternative fuel, and consider pivoting in electric infrastructure, due to funding availability. Mr. Peyser replied that the federal government does not differentiate its funding between hydrogen and battery electric modes – they are both considered zero emission vehicles. He added that the administration has broad discretion about the split between the two alternative energy modes, but no current legislative preference, he acknowledged the competitiveness of applicants in discretionary grant programs. Vice Chair Goble expressed concern about the electrification of projects that are grant dependent and may require a last-minute pivot due to administration funding priorities. Sharon Cooney, MTS Chief Executive Officer, emphasized that the agency is monitoring potential regionalization of the programs.

Board Member Elo-Rivera asked about the urgency for inflation reduction funds that have not been spent down, he asked about the impacts to MTS. Ms. Tuer stated that agencies who have not obligated funds do run a risk of losing their funding. However, MTS has obligated all funds. Board Member Elo-Rivera clarified that he was concerned about projects that seemed promising, because they have not been obligated out of the federal government. Ms. Cooney replied that the agency did re-submit Clean Transit Advancement Campus (CTAC) project at the request of the administration for leftover funding. Ms. Tuer replied that the results will be available in mid-January, before the new administration. The agency will monitor all future programs and remain aggressive in their grant applications.

Action Taken

Board Member Moreno moved to forward a recommendation to the Board of Directors to approve the 2025 State and Federal Legislative Program with the inclusion of funding advocacy for the San Ysidro Intermodal Transit Center project. Board Member Bush seconded the motion, and the vote was 7 to 0 in favor.

5. Project Labor Agreement (PLA) Monitoring (Samantha Leslie and Katie Rich, The Solis Group)

Samantha Leslie, MTS Deputy General Counsel, and Katie Rich with the Solis Group presented on PLA Monitoring. They provided details on: PLA facts, local hire goal, covered projects

Public Comment

There were no Public Comments.

Committee Comment

Board Member Montgomery Steppe asked if the 30-day union notice requirement is applied to emergency projects. Ms. Rich replied that the requirement is applied to every PLA project. She explained there is a 30-day requirement to acknowledge a core employee, in this case, the contractor did not abide by it and is now paying penalties for non-compliance. Ms. Rich added that there is already another anticipated project with advance notice of the 30-day requirement, so when they begin work in the following month, there is already an opportunity for various stakeholders to onboard residents to the projects. Board Member Montgomery Steppe was concerned that with emergency projects, there are additional complications. She stated that she was unhappy with the local percentage of work hired and the importance of circulating money locally through these projects. Board Member Montgomery Steppe extended the Board's

support to facilitate a successful project. She stated her commitment to continue and have conversations with the Building Trades to have local residents in the apprenticeship program. Karen Landers, MTS General Counsel, expressed it was unfortunate that the first PLA project was an emergency procurement, but that it identified several areas for improvement in communication between the MTS team and the contractor teams on how to follow the PLA requirements. For this specific emergency contract, a review of worker zip codes showed that the emergency contractor is based in Los Angeles and their workforce, while composed of union members, primarily resides outside of San Diego county. Ms. Leslie replied that staff will report on PLA results annually, per Board Policy 66. Board Member Montgomery Steppe restated her advocacy for local hires within the PLA program. Ms. Rich added that the 30-day requirement is for a specific form and will not delay people onboarding the project and starting work.

Vice Chair Goble asked if a compliance check is required for contractors to receive payment. Ms. Riche replied that it was. She stated that she asks MTS staff to check with the Solis Group, since the report that they generate will show contractors that are current or delinquent, along with local hire data. If there is an issue, MTS would know before payment is released. Vice Chair Goble asked if a contractor had a difference of opinion in compliance interpretation, how would that difference be settled. Ms. Rich replied that there are specific requirements on projects that require proof. If the Solis Group does not have those proof of documents, they would be deemed out of compliance. Vice Chair Goble asked if the items that The Solis Group is seeking compliance for are objective, measurable, and less subjective. Ms. Rich agreed. Vice Chair Goble praised the compliance check.

Board Member Bush agreed with Board Member Montgomery Steppe's prioritization for local hire as a benefit for the San Diego region.

Action Taken

No action taken. Informational item only.

OTHER ITEMS

6. Review of Draft December 19, 2024 Board Agenda

Recommended Consent Items

3. Approval of Minutes

Action would approve the November 14, 2024 Board of Directors meeting minutes.

4. CEO Report

5. Bridge Inspection Services – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA2497-CM23 under MTS Doc. No. G2497.0-21, with Jacobs Project Management Company (Jacobs), in the amount of \$1,020,332.06 to perform bridge inspection services for a period of twenty-one (21) months.

6. Approve Fiscal Year (FY) 2024-25 State Transit Assistance (STA) Claim and STA Interest Claim

Action would adopt Resolution No. 24-17 approving the FY 2024-25 STA claim.

7. Orange Line Improvement Project Phase 1 – Train Control Wire and Cable – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1687.0-25, with Balfour Beatty Infrastructure, Inc. (Balfour), for the purchase of Train Control Wire and Cable for the Orange Line Phase 1 of the Orange Line Improvement Project (Project) in the amount of \$394,629.29 (inclusive of 7.75% CA Sales Tax).

8. Purchase of Tow Tractors – Contract Award

Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0771.0-24, with Blue Angel International LLC (Blue Angel), a Small Business (SB), for the purchase of four (4) base tow tractors with two (2) optional tow tractors, in the amount of \$488,801.41 inclusive of 7.75% CA Sales Tax; and 2) Authorize the CEO to exercise the option quantities at CEOs discretion.

9. Americans with Disabilities Act (ADA) Bus Stop Upgrades Construction Services – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB415.0-25, with Fordyce Construction Inc., a Small Business (SB), for ADA upgrades to eight (8) bus stops, in the amount of \$255,805.50.

10. Wheel Truing Machine Removal Structural Design and Kearny Mesa Division (KMD) Parking Deck Structural Survey – Work Order Agreement

Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA352-AE-47 to MTS Doc No. PWL352.0-22, with HDR Engineering, Inc. (HDR), in the amount of \$251,534.57 for the Wheel Truing Machine Removal Design and KMD Parking Deck Structural Survey.

11. Revisions to MTS Board Policy No. 41, “Signature Authority”

Action would approve revisions to MTS Board Policy No. 41, “Signature Authority”.

12. San Diego State University (SDSU) Monitoring Services for Fire and Safety – Sole Source Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL423.0-25 with Johnson Controls Fire Protection, LP (JCI), in the amount of \$345,492.00 for monitoring, inspection, maintenance and as-needed repair services of the fire and safety equipment at the SDSU Trolley Station for a period of five (5) years.

13. Operations Budget Status Report for October 2024

14. Municipal Separate Storm Sewer System (MS4) Support and As-Needed Best Management Practices (BMP) Repair and Consulting Services – Contract Amendment

Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 1 to MTS Doc. No. PWG367.0-23, with WSP USA (WSP), in the amount of \$241,340.35 for inspection, maintenance, and as-needed repair services of the drain insert BMPs at the Imperial Avenue Division (IAD) and Kearny Mesa Division (KMD) facilities as-needed repair and consulting services in accordance with Water Quality Order No. 2013-0001-DWQ for Storm Water Discharges from Small MS4s.

15. Enterprise Resource Planning (ERP) / Transit Asset Management (TAM) Software – Contract Amendment

Action would 1) Ratify Amendment Nos. 5 and 6 to MTS Doc. No. G1680.0-14, with SAP Public Services, Inc. (SAP), for the Calendar Year (CY) 2023-2024 contractual price increases based on Consumer Price Index (CPI) for a total amount of \$18,487.89; and 2) Execute Amendment No. 7 to MTS Doc. No. G1680.0-14, with SAP, for a two-year contract extension of perpetual SAP ERP and TAM licensing support in the amount of \$428,197.35.

16. PRONTO Fare Collection System – Contract Amendment

Action would 1) Ratify Amendment 18 to MTS Doc. No. G2091.0-18, with Innovations in Transportation, Inc. (INIT), in the amount of \$0; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment 19 to MTS Doc. No. G2091.0-18, with INIT, in the amount of \$1,439,125.00 (inclusive of 7.75% CA Sales Tax).

17. Purchase of Trackwork Turnouts for Yard A Track Improvements – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1686.0-25, with Progress Rail Services Corporation (Progress Rail), for the purchase of Trackwork Turnouts for Yard A Track Improvements in the amount of \$3,284,290.04 (inclusive of 7.75% CA Sales Tax).

18. San Diego Transit Corporation (SDTC) Pension Plan Investment Consulting Services – Contract Award

Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc No. G2914.0-24, with RVK, Inc., to provide SDTC Pension Plan Investment Consulting Services in the amount of \$1,203,707.33 for five (5) base years with five (5) 1-year options for a total of 10 years; and 2) Authorize the CEO to exercise the five (5) 1-year options at the CEO's discretion.

19. Emergency Repairs: 69th Street Track and Subgrade Repairs – Contract Award

Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. PWL424.0-25, with Stacy and Witbeck, Inc. (Stacy and Witbeck), for the track and subgrade repairs at 69th Street in the amount of \$1,326,300.00; and 2) Authorize the CEO to execute change orders up to a 20% contingency in the amount of \$265,260.00 bringing the total expenditure authority to \$1,591,560.00.

20. 2025 State and Federal Legislative Program

Action would approve the 2025 State and Federal Legislative Program.

Chair Whitburn added the revised recommendation approved for the 2025 State and Federal Legislative Program to the consent calendar.

21. Other Staff Communications and Business

Ms. Cooney advertised the Holly Jolley Trolley event. She also announced the completion of an MTS sponsored mural installment on the I-5, near E St.

22. Committee Member Communications and Other Business

There was no Committee Member Communications and Other Business discussion.

23. Next Meeting Date

The next Executive Committee meeting is scheduled for January 9, 2025, at 9:00 a.m.

24. Adjournment

The meeting was adjourned at 10:15 a.m.

/S/ Stephen Whitburn

Chairperson

San Diego Metropolitan Transit System

/S/ Dalia Gonzalez

Clerk of the Board

San Diego Metropolitan Transit System

Attachment: A. Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE MEETING

ROLL CALL

MEETING OF (DATE): <u>December 12, 2024</u> RECESS: _____ CLOSED SESSION: _____ _____	CALL TO ORDER (TIME): <u>9:01 a.m.</u> RECONVENE: _____ RECONVENE: _____ ADJOURN: <u>10:15 a.m.</u>
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REPRESENTING	MEMBER	EC ALTERNATE	PRESENT (time arrived)	ABSENT (time left)
AOC & EC Chair	Whitburn <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	9:01 a.m.	10:15 a.m.
AOC & EC Member	Elo-Rivera <input checked="" type="checkbox"/>	Joe LaCava <input type="checkbox"/>	9:03 a.m.	10:15 a.m.
AOC & EC Member	Montgomery Steppe <input checked="" type="checkbox"/>	Vargas <input type="checkbox"/>	9:01 a.m.	10:15 a.m.
AOC & EC Member	Frank <input checked="" type="checkbox"/>	Hall <input type="checkbox"/>	9:01 a.m.	10:15 a.m.
AOC & EC Member	Moreno <input checked="" type="checkbox"/>	Bush <input type="checkbox"/>	9:01 a.m.	10:15 a.m.
AOC & EC Member	Bush <input checked="" type="checkbox"/>	Leyba- Gonzalez <input type="checkbox"/>	9:17 a.m.	10:15 a.m.
AOC & EC Vice Chair	Goble <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	9:01 a.m.	10:15 a.m.

SIGNED BY THE CLERK OF THE BOARD: /S/ Dalia Gonzalez