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Policies and Procedures

No. 24

SUBJECT:

Board Approval: 2/26/04

REGIONAL TRANSIT SERVICE DISPUTE RESOLUTION

PURPOSE:

To establish the rules and regulations to be used by the MTS Board of Directors to resolve regional transit service disputes.

BACKGROUND:

Senate Bill (SB) 510 (1983) added Sections 120475-120479 to the Public Utilities Code summarized as follows:

- Section 120475. The Board shall coordinate the operation of all regional public transit services that operate within the area under the jurisdiction of the Board so as to achieve efficient operation thereof and shall establish procedures to resolve disputes between public transit operators and local agencies.
- Section 120476. The Board shall act in full cooperation and coordination with regional operators, local operators, and local public agencies in such matters as schedules, routes, and exchange of transfers.
- Section 120477. The Board shall resolve regional transit service disputes between local agencies and transit operators that provide services in the area pursuant to the rules and regulations adopted by the Board.

The provisions in this policy regarding private Enterprise Transit Service Disputes relate only to those services provided by MTS or those provided with federal financial assistance.

POLICY ELEMENTS:

- 24.1 Definition of Regional Transit Service. Regional service shall be generally characterized by operating speed above the system average, limited stops, and moderate service frequencies connecting different communities or cities. Annually, with MTS Board adoption of the Short-Range Transit Plan, the Board shall also adopt a current-year map of regional transit services.



- 24.2 Definition of a Regional Transit Service Dispute. A regional transit service dispute is defined to be any disagreement between parties (local agencies or operators) regarding routes on the adopted regional transit service map. Specific items that would characterize a dispute include, but are not limited to, the following: fare levels, service levels, routings, stop locations, transfer provisions, and funding.
- 24.3 Definition of Private Enterprise Transit Service. Private enterprise transit services shall consist of any bus route, local or regional, that is considered by the MTS Board pursuant to the provisions of Policy No. 31 for possible operation by private enterprise providers, whether or not that route is ultimately chosen by the Board for private enterprise bidding.
- 24.4 Definition of a Private Enterprise Transit Service Dispute. A private enterprise transit service dispute is defined to be any disagreement between public and private enterprise transit providers and/or local agencies and/or operators regarding services provided by MTS or with federal financial assistance concerning:
- a. whether or not a route should be offered for public bid.
 - b. any matter relating to the nature of such a bid or bid process.
- 24.5 Initial Step Toward Resolution. In order to trigger provisions of this Policy, a written notice of dispute shall be provided to the MTS Chief Executive Officer and all parties by one or more of the parties. In all cases of dispute, MTS staff will meet with the parties and endeavor to work out a solution satisfactory to all parties as an initial step. If the dispute is not resolved at this level, then the procedures in Policy Element 24.6 shall be followed.
- 24.6 Formation of a Mediation Panel. MTS will adhere to the following order of procedures in reviewing and resolving a dispute:
1. MTS staff will prepare an informational report for Board review summarizing the issues of the dispute. A draft of this report shall be made available to each of the affected parties for review and comment prior to transmittal to the Board. The Board shall not take any action on the matter at this first meeting, unless each party agrees, and except for direction regarding data to be assembled.
 2. After this first hearing, the Board shall appoint a three-person panel consisting of Board members. The panel will meet with the parties and attempt to mediate the dispute and have parties agree to a resolution. Panel members should not be representatives from the involved jurisdictions, unless equally represented.
 3. If mediation fails, the panel will schedule and hold a public meeting on the regional transit service dispute in the locality of the dispute and make a report of its findings of fact and its recommendations regarding the dispute to the Board.
 4. A report containing the recommendations of the panel will be transmitted

to the parties prior to MTS Board action.

- 24.7 Procedures Involving San Diego Transit. Procedures for the review and resolution of regional transit service disputes involving the San Diego Transit Corporation shall require mutual agreement by the parties to the dispute.
- 24.8 Procedures if a Party is Outside of the MTS Area. If the regional transit service dispute involves one or more local agencies not within the area governed by the Board, procedures for the review and resolution of the dispute shall require mutual agreement by the parties to the dispute.

TFL:paw/smc/jg
POLICY.24.REG TRANSIT SVC DISPUTE RESOLUTION
7/14/06

Original Policy approved on 1/26/84.
Policy revised 12/10/87.
Policy revised on 2/26/04.