



Executive Committee Agenda

Click link to access the meeting:

<https://us02web.zoom.us/j/94562188418>






Zoom Meeting ID

Ways to Join



Computer: Click the link above. You will be prompted to run the Zoom browser or Zoom application. Once signed on to the meeting, you will have the option to join using your computer audio system or phone.

Webinar Features:

 Raise Hand	▶	Use the raise hand feature every time you wish to make a public comment.
	▶	Participants can enable closed captioning by clicking the CC icon. You may also view the full transcript and change the font size by clicking 'subtitle settings'. These features are not available via phone.
	▶	This symbol shows you are muted , click this icon to unmute your microphone.
	▶	This symbol shows you are currently unmuted , click this button to mute your microphone.
	▶	The chat feature should be used by panelists and attendees solely for "housekeeping" matters as comments made through this feature will not be retained as part of the meeting record. See the Live Verbal Public Comment for instructions on how to make a public comment.



Smartphone or Tablet: Download the Zoom app and join the meeting by clicking the link or using the webinar ID (found in the link).



Phone:

1. If you are joining the meeting audio by phone and viewing the meeting on a device, dial the number provided in the 'join audio' phone call tab of the initial pop-up, and enter the Meeting ID (found in the link).
2. If you are joining by phone only, dial: **+1-669-900-9128** or **+1-253-215-8782** and type the meeting ID found in the link, press #. You will have access to the meeting audio, **but will NOT be able to view the PowerPoint presentations.**



Live Verbal Public Comments:

Use the 'Raise Hand' icon every time you wish to make a public comment on an item. Raise your hand once the agenda item you wish to comment on has been called. In person public comments will be taken first, virtual attendees will be taken in the order in which they raise their hand. Requests to speak will not be taken after the public comment period ends, unless under the Chair's discretion. General Public Comment, at the beginning of the Board of Directors meeting only, will be limited to five speakers. Additional speakers with general public comments will be heard at the end of the meeting. Two-minutes of time is allotted per speaker, unless otherwise directed by the Chair.

Public Comments Made Via Zoom

1. Click the link found at the top of this instruction page
2. Click the raise hand icon located in the bottom center of the platform
3. The Clerk will announce your name when it is your turn to speak
4. Unmute yourself to speak

Public Comments Made by Phone Only

1. Dial **+1-669-900-9128**
2. Type in the zoom meeting ID found in the link and press #
3. Dial *9 to raise your hand via phone
4. The Clerk will call out the last 4 digits of your phone number to announce you are next to speak
5. Dial *6 to unmute yourself



Written Public Comments (before the meeting): Written public comments will be recorded in the public record and will be provided to MTS Board Members in advance of the meeting. Comments must be emailed or mailed to the Clerk of the Board* by 4:00pm the day prior to the meeting.



Translation Services: Requests for translation services can be made by contacting the Clerk of the Board* at least four working days in advance of the meeting.



In-Person Participation: In-person public comments will be heard first. Following in-person public comments, virtual attendees will be heard in the order in which they raise their hand via the Zoom platform. Speaking time will be limited to two minutes per person, unless specified by the Chairperson. Requests to speak will not be taken after the public comment period ends, unless under the Chair's discretion.

Instructions for providing in-person public comments:

1. Fill out a speaker slip located at the entrance of the Board Room;
2. Submit speaker slip to MTS staff seated at the entrance of the Board Room;
3. When your name is announced, please approach the podium located on the right side of the dais to make your public comments.

Members of the public are permitted to make general public comment at the beginning of the agenda or specific comments referencing items on the agenda during the public comment period. General Public Comment, at the beginning of the Board of Directors meeting only, will be limited to five speakers. Additional speakers with general public comments will be heard at the end of the meeting.



Assistive Listening Devices (ALDs): ALDs are available from the Clerk of the Board* prior to the meeting and are to be returned at the end of the meeting.



Reasonable Accommodations: As required by the Americans with Disabilities Act (ADA), requests for agenda information in an alternative format or to request reasonable accommodations to facilitate meeting participation, please contact the Clerk of the Board* at least two working days prior to the meeting.



***Contact Information:** Contact the Clerk of the Board via email at ClerkoftheBoard@sdmts.com, phone at (619) 398-9681 or by mail at 1255 Imperial Ave. Suite 1000, San Diego CA 92101.



Agenda del Comité Ejecutivo

Haga clic en el enlace para acceder a la reunión:

<https://us02web.zoom.us/j/94562188418>






ID de la reunión
en Zoom

Formas de Participar



Computadora: Haga clic en el enlace más arriba. Recibirá instrucciones para operar el navegador de Zoom o la aplicación de Zoom. Una vez que haya iniciado sesión en la reunión, tendrá la opción de participar usando el sistema de audio de su computadora o teléfono.

Funciones del Seminario En Línea:

 Levantar la mano	▶	Use la herramienta de levantar la mano cada vez que desee hacer un comentario público.
	▶	Los participantes pueden habilitar el subtitulado haciendo clic en el ícono CC. También puede ver la transcripción completa y cambiar el tamaño de letra haciendo clic en “configuración de subtítulos”. Estas herramientas no están disponibles por teléfono.
	▶	Este símbolo indica que usted se encuentra en silencio , haga clic en este ícono para quitar el silenciador de su micrófono.
	▶	Este símbolo indica que su micrófono se encuentra encendido . Haga clic en este símbolo para silenciar su micrófono.
	▶	La herramienta de chat deben usarla los panelistas y asistentes únicamente para asuntos “pertinentes a la reunión”, ya que comentarios realizados a través de esta herramienta no se conservarán como parte del registro de la reunión. Consulte el Comentario público verbal en vivo para obtener instrucciones sobre cómo hacer un comentario público.



Teléfono Inteligente o Tableta: Descargue la aplicación de Zoom y participe en la reunión haciendo clic en el enlace o usando el ID del seminario web (que se encuentra en el enlace).



Teléfono:

1. Si está participando en la reunión mediante audio de su teléfono y viendo la reunión en un dispositivo, marque el número indicado en la pestaña de llamada telefónica “unirse por audio” en la ventana emergente inicial e ingrese el ID de la reunión (que se encuentra en el enlace).
2. Si está participando solo por teléfono, marque: **+1-669-900-9128** o **+1-253-215-8782** e ingrese el ID de la reunión que se encuentra en el enlace, pulse #. Tendrá acceso al audio de la reunión, **pero NO podrá ver las presentaciones en PowerPoint.**



Comentarios Públicos Verbales en Vivo: Use la herramienta “levantar la mano” cada vez que desee hacer un comentario público sobre alguno de los artículos. Levante la mano una vez que el artículo de la agenda sobre el que desea comentar haya sido convocado. Los comentarios públicos en persona se escucharán primero, se escuchará a los asistentes virtuales en el orden en el que levanten la mano. No se aceptarán solicitudes para hablar después de que termine el periodo para hacer comentarios públicos, a menos de que el presidente determine de otra forma a su discreción. Comentarios públicos generales, únicamente al inicio de la reunión de la Junta de Directores, se limitarán a cinco personas que deseen hablar. Las personas adicionales que deseen aportar comentarios públicos generales podrán hacerlo al final de la reunión. Se otorga dos minutos de tiempo por persona que desee hablar, a menos de que el presidente instruya de otra forma. *(Consulte la página 2 para obtener instrucciones sobre cómo hacer un comentario público.)*

Comentarios Públicos a Través de Zoom

1. Haga clic en el enlace que se encuentra en la parte superior de esta página de instrucciones
2. Haga clic en el ícono de levantar la mano en el centro inferior de la plataforma
3. El secretario anunciará su nombre cuando sea su turno de hablar
4. Desactive el silenciador para que pueda hablar

Comentarios Públicos Realizados Únicamente por Teléfono

1. Marque el **+1-669-900-9128**
2. Ingrese el ID de la reunión en Zoom que se encuentra en el enlace y pulse #
3. Marque *9 para levantar la mano por teléfono
4. El secretario indicará los últimos 4 dígitos de su número de teléfono para anunciar que usted será el siguiente en hablar
5. Marque *6 para desactivar el silenciador



Comentarios Públicos por Escrito (Antes de la Reunión): Los comentarios públicos por escrito se registrarán en el registro público y se entregarán a los miembros de la Junta de MTS antes de la reunión. Los comentarios deben enviarse por correo electrónico o postal al secretario de la Junta* antes de las 4:00 p.m. el día anterior a la reunión.



Servicios de Traducción: Pueden solicitarse servicios de traducción comunicándose con el secretario de la Junta* por lo menos cuatro días hábiles antes de la reunión.



Participación en Persona: Los comentarios públicos en persona se escucharán primero. Después de los comentarios públicos en persona, se escuchará a los asistentes virtuales en el orden en el que levanten la mano a través de la plataforma de Zoom. El tiempo para hablar se limitará a dos minutos por persona, a menos de que el presidente especifique de otra forma. No se recibirán solicitudes para hablar después de que termine el periodo para hacer comentarios públicos, a menos de que el presidente determine de otra forma a su discreción.

Instrucciones para brindar comentarios públicos en persona:

1. Llene la boleta para personas que desean hablar que se encuentran en la entrada de la Sala de la Junta.
2. Entregue la boleta para personas que desean hablar al personal de MTS que se encuentra sentado en la entrada de la Sala de la Junta.
3. Cuando anuncien su nombre, por favor, acérquese al podio ubicado en el lado derecho de la tarima para hacer sus comentarios públicos.

Los miembros del público pueden hacer comentarios públicos generales al inicio de la agenda o comentarios específicos que hagan referencia a los puntos de la agenda durante el periodo de comentarios públicos. Los comentarios públicos generales únicamente al inicio de la reunión de la Junta de Directores, se limitarán a cinco personas que deseen hablar. Las personas adicionales que deseen aportar comentarios públicos generales podrán hacerlo al final de la reunión.



Dispositivos de Asistencia Auditiva (ALD, por sus siglas en inglés): Los ALD están disponibles con el secretario de la Junta* antes de la reunión y estos deberán ser devueltos al final de la reunión.



Facilidades Razonables: Según lo requerido por la Ley de Estadounidenses con Discapacidades (ADA, por sus siglas en inglés), para presentar solicitudes de información de la agenda en un formato alternativo o solicitar facilidades razonables para facilitar su participación en la reunión, por favor, comuníquese con el secretario de la Junta* por lo menos dos días hábiles antes de la reunión.



***Información de Contacto:** Comuníquese con el secretario de la Junta por correo electrónico en ClerkoftheBoard@sdmts.com, por teléfono al **(619) 398-9681** o por correo postal en **1255 Imperial Ave. Suite 1000, San Diego CA 92101.**



**Metropolitan
Transit
System**

Executive Committee Agenda

March 7, 2024 at 9:00 a.m.

In-Person Participation: James R. Mills Building, 1255 Imperial Avenue, 10th Floor Board Room, San Diego CA 92101

Teleconference Participation: (669) 444-9171; Webinar ID: 945 6218 8418, <https://us02web.zoom.us/j/94562188418>

NO.	ITEM SUBJECT AND DESCRIPTION	ACTION
1.	Roll Call	
2.	Public Comments This item has a two minute per speaker time limit. If you have a report to present, please give your copies to the Clerk of the Board.	
3.	Approval of Minutes Action would approve the February 1, 2024 Executive Committee meeting Minutes.	Approve
DISCUSSION AND REPORT ITEMS		
4.	Rapid 227 Service in Imperial Beach (Denis Desmond)	Informational
5.	Vehicle Assignment and Transit Amenities Policies (Samantha Leslie & Denis Desmond)	Informational
OTHER ITEMS		
6.	Review of Draft March 14, 2024 MTS Board Agenda	
7.	Staff Communications and Committee Member Communications	
8.	Next Meeting Date: April 11, 2024	
9.	Adjournment	





**Metropolitan
Transit
System**

MTS STAFF USE ONLY
Public Comment
AI #: 2 Date: 3/7/24
No. in queue: 1

IN – PERSON PUBLIC COMMENT

SPEAKER INFORMATION (please print)

Agenda Item No.: 24
 Name: Ozzy Meneses Telephone: 818 807-6223
 Email: omeneses@gmail.com
 City of Residence: San Diego
 Remark Subject: General Comment
 Affiliated Organization: N/A

PLEASE SUBMIT THIS COMPLETED FORM BACK TO THE CLERK

INSTRUCTIONS

This meeting is offered both in an in-person and virtual format. In-person speaker requests will be taken first. Speaking time will be limited to three minutes per person, unless specified by the Chairperson. Please make your comment at the podium located on the right side of the dais. Members of the public are permitted to make general public comments at the beginning of the agenda or make specific comments on any item in the agenda at the time the Board/Committee is considering the item during the meeting. Requests to speak will not be taken after the public comment period ends, unless under the Chair's discretion.

BOARD OF DIRECTORS MEETING

General Public Comment at the beginning of the agenda will be limited to five speakers with the standard three-minute limit, unless otherwise directed by the Chair. Additional speakers with general public comments will be heard at the end of the meeting.

MEETING RECORD

A paraphrased version of this comment will be included in the minutes. The full comment can be heard by reviewing the recording posted on the respective meeting website:
<https://www.sdmts.com/about/meetings-and-agendas>. This form will be included in the Meeting Materials posted on the respective MTS meeting site.

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

San Diego 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 member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Sanitee, and the County of San Diego. MTS is also the For-Hire Vehicle administrator for nine cities.



MINUTES
MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

February 1, 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 9:29 a.m. A roll call sheet listing Executive Committee member attendance is attached.

2. Public Comment

John & Lenora Porcella – Residents of Imperial Beach made a written statement to the Committee prior to the meeting. Lenora expressed opposition with Route 227. The full written comment is provided in the February 1, 2024, Final Meeting Packet.

William Mike Harris – A resident of Imperial Beach made a written statement to the Committee prior to the meeting. William expressed opposition with Route 227. The full written comment is provided in the February 1, 2024, Final Meeting Packet.

3. Approval of Minutes

Vice Chair Goble moved to approve the minutes of the December 7, 2023, MTS Executive Committee meeting. Board Member Bush seconded the motion, and the vote was 5 to 0 in favor with Board Member Elo-Rivera, and Board Member Montgomery Steppe absent.

DISCUSSION ITEMS

4. San Diego Transit Corporation (SDTC) Pension Investment Status (Jeremy Miller, with RVK Inc., and Mike Thompson)

Jeremy Miller, with RVK Inc., and Mike Thompson, MTS Director of Financial Planning and Analysis, presented on SDTC Pension Investment Status. They outlined: the investment structure as of 6/30/23, investment details, FY 2023 performance, long term performance details and investment structure summary.

Action Taken

No action taken. Informational item only.

5. San Diego Transit Corporation (SDTC) Employee Retirement Plan's Actuarial Valuation as of July 1, 2023 (Anne Harper and Alice Alsberghe with Cheiron Inc., and Mike Thompson)

Anne Harper and Alice Alsberghe with Cheiron Inc., along with Mr. Thompson, presented on SDTC Employee Retirement Plan's Actuarial Valuation as of July 1, 2023. They outlined the following information: background, Revised Actuarial Standard of Practice (ASOP) No. 4, plan contributions for Fiscal Year 2024-2025 (based on 2023 Actuarial Valuation), PEPRM Member Contributions July 1, 2024 (based on 2023 Actuarial Valuation), plan history, and plan projections.

Action Taken

Chair Whitburn moved to forward a recommendation to the Board of Directors to receive the SDTC Employee Retirement Plan's (Plan) Actuarial Valuation as of July 1, 2023 and adopt the pension contribution amount of \$20,174,660 for fiscal year 2025. Vice Chair Goble seconded the motion, and the vote was 6 to 0 in favor with Board Member Montgomery Steppe absent.

6. Equity Policy Update (Julia Tuer and Samantha Leslie)

Julia Tuer, MTS Manager of Government Affairs, and Samantha Leslie, MTS Deputy General Counsel, presented on the equity policy update. They discussed: the background, Diversity, Equity and Inclusion (DEI) Committee & MTS workforce, Social Equity Listening Tour, Importance of Equity Policy, peer review staff research, internal review staff research, results, proposed consultant scope of work, and staff next steps.

Public Comment

Manny Rodriguez – Representing the San Diego Transportation Equity Working Group, made a verbal statement to the Board during the meeting. Manny expressed support to formalizing an equity policy but was concerned about the two-year implementation timeline.

Committee Comment

Board Member Elo-Rivera acknowledged timeline concerns; however, he was satisfied to know that an industry expert would develop the policy. He asked if the scope had been finalized. Ms. Tuer replied that the document was still under a review process. Board Member Elo-Rivera hoped to see how equity could be institutionalized into MTS practices.

Board Member Moreno suggested that MTS should consider creating a Social Equity Working Group (SEWG) that is made up of community-based organizations (CBOs) similar to SANDAG. She asked if staff would consider making such a committee. Ms. Cooney noted that the SANDAG SEWG could be used as a medium to receive feedback on equity-related items. Ms. Leslie added that SANDAG offered their committee as a resource to discuss this policy. Board Member Moreno believed that MTS should form a formal SEWG of its own.

Board Member Bush expressed his support for Board Member Elo-Rivera and Board Member Moreno's comments. He was not opposed using the existing SANDAG SEWG as a platform to receive feedback for the policy. He also asked if the scope included a matrix evaluation of projects or the procurement process. Ms. Tuer confirmed that the evaluation would look at all departments and areas where improvements could be made. Board Member Bush asked if the Board would be able to view the proposed contract for approval. Ms. Tuer confirmed that it would along with any necessary updates. He asked that projects also be listed as areas of review and asked what the proposed scoring criteria was predicted to be during the procurement process. Ms. Tuer noted that the criteria would be discussed with Procurement Department staff, at a later date. Board Member Bush noted Pueblo Planning, the consultant for the Social Equity Listening Tour, as a potential firm for this project, based on their previous outreach work for MTS.

Chair Whitburn asked public commenter, Manny Rodriguez, if the external focus concern was addressed based on the committee discussion. Manny replied that it was since it was clarified that department and projects would be part of the assessment.

Action Taken

No action taken. Informational item only.

7. Overnight Downtown - Border Express Bus Service Implementation (Denis Desmond)

Denis Desmond, MTS Director of Planning and Scheduling, presented on overnight downtown border express bus service implementation. He provided details on: SB 125 funding, bus service enhancements, early implementation for border express route, early implementation for Route 910, and Route 961.

Public Comment

Manny Rodriguez – Provided a verbal statement to the Board during the meeting. Manny expressed support for the item and the aggressive timeline.

Carolina Martinez – Representing Environmental Health Coalition and San Diego Transportation Equity Working Group, made a verbal statement to the Board during the meeting. Carolina expressed support for the acceleration of the bus service and commended the agency.

Committee Comment

Board Member Moreno looked forward to the operation of the bus route.

Board Member Bush looked forward to the operation of the bus route, border express and the positive impacts the changes would bring to the community. Board Member Bush asked if riders or bus drivers have been able to provide input on the bus stops. Mr. Desmond assured the Board that public input was part of the outreach efforts and that the survey was currently being drafted. Mr. Desmond added that the agency does have late- and early-morning data from Route 929 to guide staff on heavily used stops. He noted that staff understands the balance between serving as many stops as possible while mimicking the trolley frequency. Board Member Bush asked staff about the distance between stops. Mr. Desmond replied that stops would not be based off distance but rather rider demand. Board Member Bush asked if Sharon Cooney, MTS Chief Executive Officer, had any additional comments to add about the route. Ms. Cooney noted the origins of this proposal came from Elevate SD 2020 efforts. She added that updated outreach and trip efficiency are necessary for the success of the project.

Action Taken

No action taken. Informational item only.

8. Storm Damage Update and Authorization to Create a Program for Transit Assistance for Victims of Flooding (Brian Riley)

Brian Riley, MTS Chief Operating Officer for Rail, presented a storm damage update and authorization to create a program for transit assistance for victims of flooding. He outlined: the rail network flood impact to Rail maintenance buildings, damage to Orange Line right-of-way, restoration efforts throughout the system, Federal Emergency Management Agency (FEMA), San Diego County & California Office of Emergency Services Tour, estimated costs, recovery, upcoming weather forecasts, and staff's recommendation.

She added that the staff recommendation would allow the agency to spend up to \$50,000 in complimentary transit fares and the necessary partnerships with CBOs as community

connections. MTS could not receive FEMA reimbursement for the program and would want to work with Cities or the County on a match program.

Public Comment

Tracy Johnson – Representing Wakeland Housing and Development Corporation, made a written statement to the Committee prior to the meeting. Tracy expressed support for the staff recommendation. The full written comment is provided in the February 1, 2024, Final Meeting Packet.

Tricia Tasto Levien – Representing Wakeland Housing and Development Corporation, made a written statement to the Committee prior to the meeting. Tricia expressed support for the staff recommendation. The full written comment is provided in the February 1, 2024, Final Meeting Packet.

Manny Rodriguez – Provided a verbal statement to the Board during the meeting. Manny commended the agency for its rapid response and the proposed staff recommendation.

Committee Comment

Board Member Elo-Rivera asked staff to confirm the number of injured individuals. Mr. Riley replied that gratefully, no customers or employees were injured. Board Member Elo-Rivera asked if employees were impacted from the flood outside of their work environment. Mr. Riley replied that employees lost their personal vehicles that were parked at their job sites.

Ms. Cooney replied that all employees live in MTS areas of service, but she has not heard firsthand stories of impacts. Board Member Elo-Rivera suggested paid time off to folks who need to address hardships from the flood. Mr. Riley replied that union workers were contacted to relay the need for them to continue to attend work. Mike Wygant, Chief Operating Officer for Bus added that the division has been in contact with the unions and that there have been minimal reported damages from employees. Board Member Elo-Rivera encouraged staff to be as accommodating to impacted employees as possible. He also asked if the \$22 million estimated damage was expected to increase. Ms. Cooney replied that variables could change the estimate. She added that MTS made an all-in estimate, as suggested by FEMA, and that MTS insurers were appraising the damage.

Board Member Elo-Rivera was concerned that if an additional storm system impacted the agency, FEMA would not consider the damage a cumulative total but rather they would be starting from zero-dollar amount for the assessment. He believed it was the City and County's responsibility to put the pieces back together. He made an amendment to the motion to say that free transit pass program be for eligible individuals residing in the County's designated impact areas due to the January 22, 2024, storm.

Board Member Moreno commended MTS staff for their quick response and supported the staff recommendation. She asked the Chair to take the lead on any City of San Diego enforcement action against MTS.

Vice Chair Goble asked Board Member Elo-Rivera to clarify his modified motion and was concerned that some residents may be excluded from the service based on the wording. Board Member Elo-Rivera replied that the County designated certain zip codes as impacted, and he clarified that his intent was not to exclude individuals. He modified his motion to include individuals who lost their vehicles due to the storm's impacts.

Chair Whitburn commended MTS staff and expressed his pride towards staff's response. Chair Whitburn noted that he was gathering information to address the City of San Diego's enforcement action, and that a resolution would be reached between both entities.

Action Taken

Board Member Elo-Rivera moved to receive a report on storm damage experienced by MTS and authorize the CEO to create a free transit pass program for eligible individuals who lost their vehicle or who reside in the County's designated impact areas due to the January 22, 2024, storm; and to direct MTS staff to work with partner agencies to identify additional funding and a process for getting the passes to eligible recipients. Board Member Moreno seconded the motion, and the vote was 6 to 0 in favor with Board Member Montgomery Steppe absent.

OTHER ITEMS

9. Review of Draft February 8, 2024 Board Agenda

Recommended Consent Items

3. Approval of Minutes

Action would approve the January 18, 2024 Board of Directors meeting minutes.

4. Direct Fixation Fasteners – Sole Source Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1661.0-24, a sole source award to Voestalpine Railway Systems Nortrak (Nortrak), in the amount of \$989,145.00 for the purchase of 4,500 direct fixation (DF) fasteners and incidentals for the Maintenance of Way (MOW) department.

5. Payroll and Human Resources Information System (HRIS) Solution & Implementation Services – Contract Amendment

Action would 1) Ratify Amendment 2 to MTS Doc. No. G1935.2-17, in the amount of \$50,132.50; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to MTS Doc G1935.3-17, with ADP, LLC, to add \$125,774.00 for Learning Management System and training software and implementation, for a total of \$175,906.50.

6. Background Investigative Services – Contract Amendment

Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 1 to MTS Doc No. G2646.1-22, with Kristy Investigative Services, Inc., to add \$300,000.00 for employee background and reference investigation services.

7. MTS Excess Liability and Workers' Compensation Insurance Renewals

Action would 1) Authorize the Chief Executive Officer (CEO) to agree to an extension of the current Excess Liability Insurance Program to March 15, 2024, to allow for further negotiation of terms and conditions of coverage through the next 30 days; and 2) Authorize the CEO to either agree to an extension of the current Excess Workers Compensation Program to March 15, 2024, or at the CEO's discretion, renew the coverage effective March 1, 2024, in an amount not to exceed \$335,000.

8. Operations Budget Status Report for December 2023

9. Additional Staffing – Two (2) Bus Operations Training Instructor

Action would authorize the Chief Executive Officer (CEO) to add two (2) Bus Operator Training Instructors to the position tables previously approved in the Fiscal Year 2024 budget.

10. External Auditing Services – Contract Award

Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. G2788.0-24, with The Pun Group, Inc. (The Pun Group) for External Auditing Services for a five (5) year base period in the amount of \$1,143,722.35, plus three (3) 1-year options in the amount of \$771,190.85 for a total contract amount of \$1,914,913.20; and 2) Exercise the option years at the CEO's discretion.

10. Other Staff Communications and Business

Ms. Cooney stated that she would be traveling to Washington DC for the White House Roundtable on Clean Bus Manufacturing. She would also hold advocacy meetings with MTS's delegation and the Federal Transit Administration (FTA) regarding disaster relief funding and to discuss other priority projects.

11. Committee Member Communications and Other Business

There was no Committee Member Communications and Other Business discussion.

12. Next Meeting Date

The next Executive Committee meeting is scheduled for March 7, 2024, at 9:00 a.m.

13. Adjournment

The meeting was adjourned at 11:27 a.m.

/S/ Stephen Whitburn

Chairperson
San Diego Metropolitan Transit System

/S/ Dalia Gonzalez

Clerk of the Board
San Diego Metropolitan Transit System

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

ROLL CALL

MEETING OF (DATE): February 1, 2024 CALL TO ORDER (TIME): 9:29 a.m.
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: _____ RECONVENE: _____
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 11:27 a.m.

REPRESENTING	BOARD MEMBER	ALTERNATE	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Chair	Whitburn <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	9:29 a.m.	11:27 a.m.
City of San Diego	Elo-Rivera <input checked="" type="checkbox"/>	Joe LaCava <input type="checkbox"/>	9:29 a.m.	9:30 a.m.
			9:35 a.m.	11:27 a.m.
County of San Diego	Montgomery Steppe <input type="checkbox"/>	Vargas <input type="checkbox"/>	ABSENT	ABSENT
East County	Frank <input checked="" type="checkbox"/>	Hall <input type="checkbox"/>	9:29 a.m.	11:27 a.m.
SANDAG Transportation Committee	Moreno <input checked="" type="checkbox"/>	Bush <input type="checkbox"/>	9:29 a.m.	11:27 a.m.
South Bay	Bush <input checked="" type="checkbox"/>	Leyba-Gonzalez <input type="checkbox"/>	9:29 a.m.	11:27 a.m.
Vice Chair	Goble <input checked="" type="checkbox"/>	No Alternate <input type="checkbox"/>	9:29 a.m.	11:27 a.m.

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



**Metropolitan
Transit
System**

Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

March 7, 2024

SUBJECT:

Rapid 227 Service in Imperial Beach (Denis Desmond)

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

After five years of planning and construction, MTS implemented the Rapid 227 between Otay Mesa and Imperial Beach in October 2023. The route has been in the Regional Transportation Plan since 2015 (as Rapid 905). In 2018, MTS received a \$18 million Transit Intercity Rail Capital Program (TIRCP) grant to implement the route, including purchase battery electric articulated buses and charging infrastructure, bus stop enhancements, and a high level of service. MTS engaged the City of Imperial Beach early in the planning process, and their input was valuable to the design of the route in that city. The TIRCP grant required a public engagement process, and MTS hired a consultant to help with those efforts.

Since implementation five months ago, the City of Imperial Beach staff and elected officials have received constituent complaints, largely centered around the use of Third Street in the routing and buses blocking coastal views at the Seacoast Drive terminal. The Imperial Beach City Council discussed the issue at a Planning Commission meeting on February 21, 2024. The council voted to send a letter to MTS formally requesting that the westbound routing be changed from Third Street to Ninth Street, following outreach to nearby residents. This change could be accomplished as a minor service change in mid-2024.

Staff will provide an update on the City of Imperial Beach's issues and the current status of the route.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

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San Diego 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 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. MTS is also the For-Hire Vehicle administrator for nine cities.

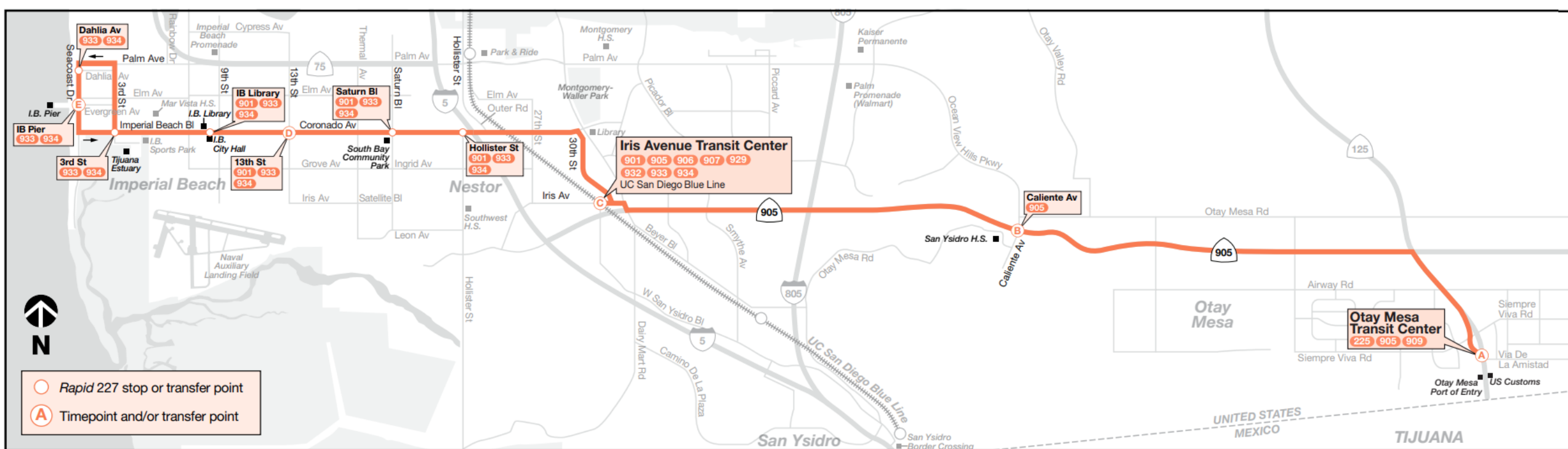


Rapid 227 Imperial Beach

Executive Committee

Rapid 227

- Conceived in RTP in 2016 as Rapid 905
- 2018: MTS received State TIRCP grant for implementation
- 2019-2020: Planning & public engagement
- 2019-2024: Bus procurement, design & construction
- October 2023: Service Launch



Grant Funding

Rapid 227 Grant Funding	TIRCP	LCTOP
Outreach & Planning	\$ 250,000	
Corridor & Station Design	\$ 240,000	
Corridor & Station Construction*	\$ 2,852,000	
Bus Procurement (12 Buses)	\$ 13,316,000	\$ 1,400,000
Overhead Gantry Charging Stations at South Bay Division	\$ 1,301,000	
Grant Total	\$ 17,959,000	\$ 1,400,000

- *Corridor & Station Construction:
 - Phase I - Complete
 - Iris Avenue Transit Center West Improvements
 - Phase II – Pending
 - Iris Avenue Transit Center East Improvements
 - New traffic signal at 30th/Coronado
 - Bus stop improvements in Nestor & Imperial Beach
 - Some sliver properties already acquired; construction due to begin later this year
- Not included in grant: \$4 million/year annual operating cost

Rapid 227 Ridership

- Average daily riders:

- Weekday: 2,145
- Saturday: 1,277
- Sunday: 988

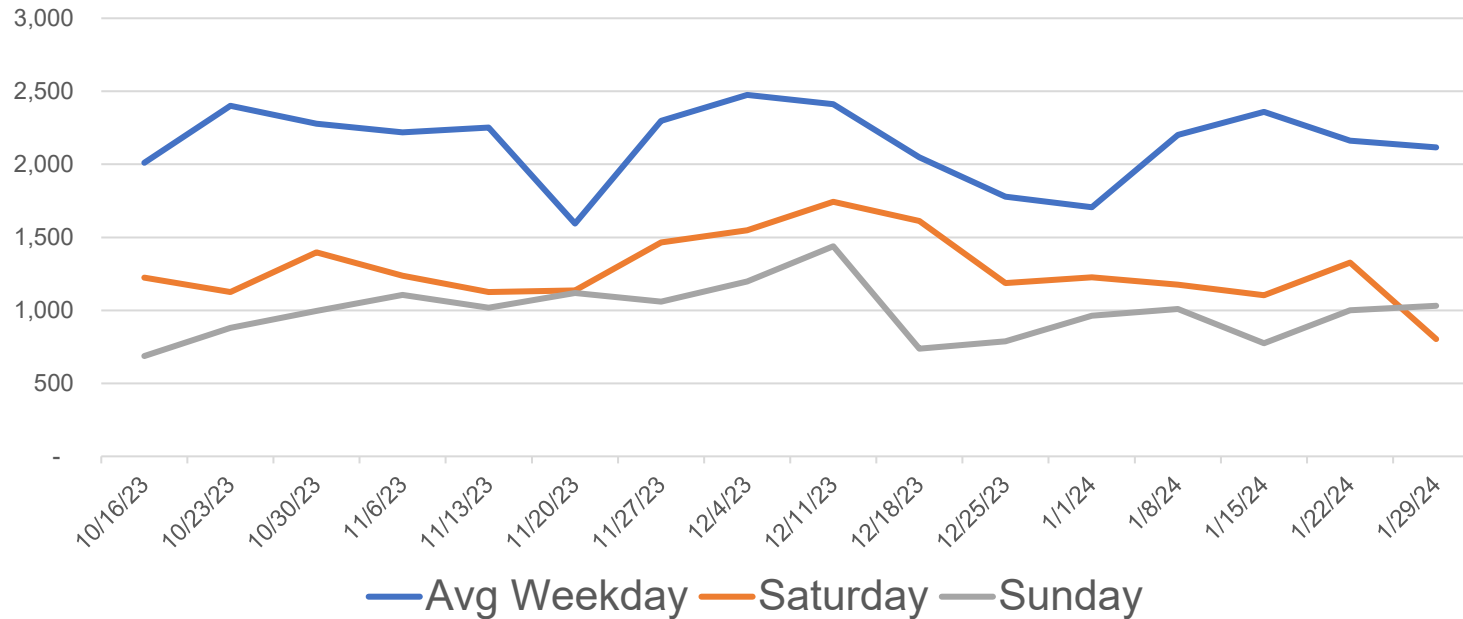
- Ridership by segment:

- Olay Mesa – Iris: 82%
- Nestor: 5%
- Imperial Beach: 13%

- I.B. weekday trip ends:

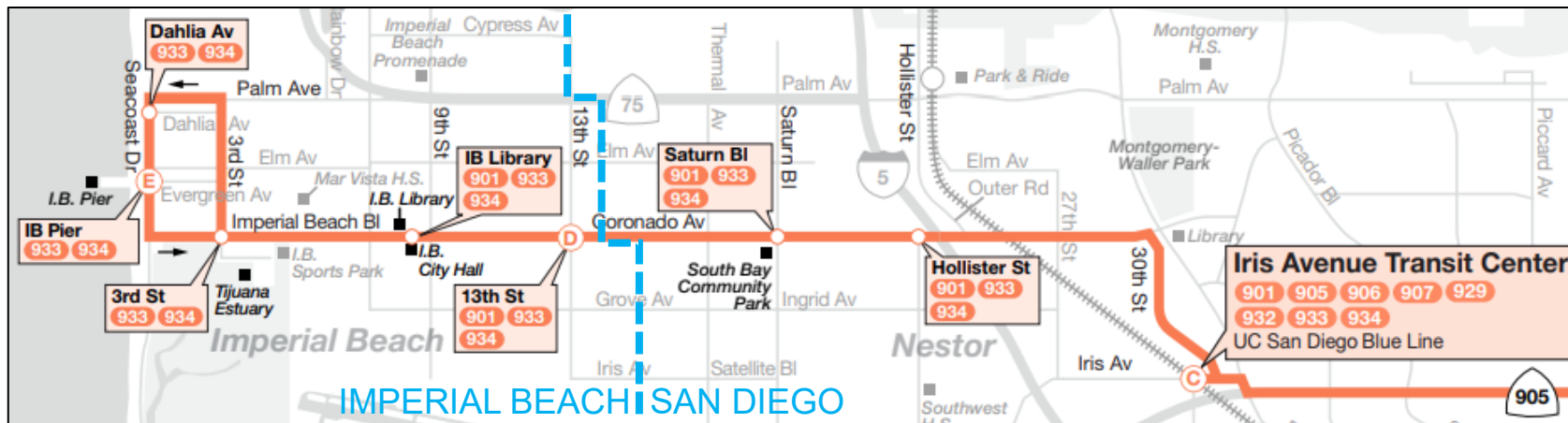
- Seacoast/Evergreen: 96
- Seacoast/Dahlia: 14
- IB Blvd./3rd: 29
- IB Blvd./8th: 38
- IB Blvd./13th: 80

257 daily trip ends in IB



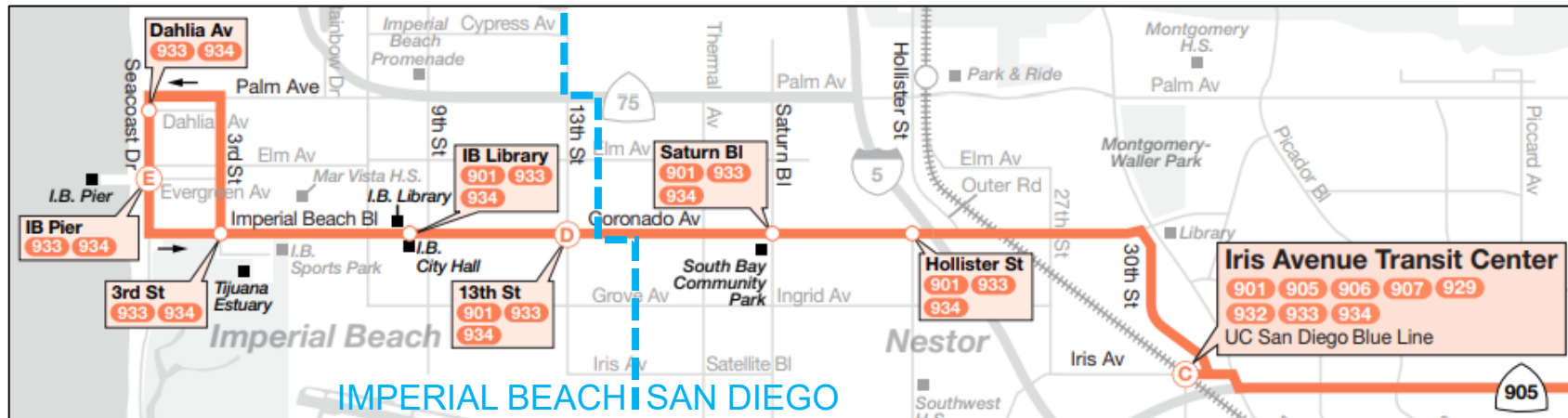
Rapid 227 in Imperial Beach

- Resident complaints began with implementation in Oct. 2023
 - Noise, traffic, size of buses, safety, low ridership, blocking views, etc.
- Auxiliary issue is added “major transit stops” as defined in Public Resource Code Section 21064.3
 - Potential zoning, parking, development implications (SB 743, AB 2097, etc.)



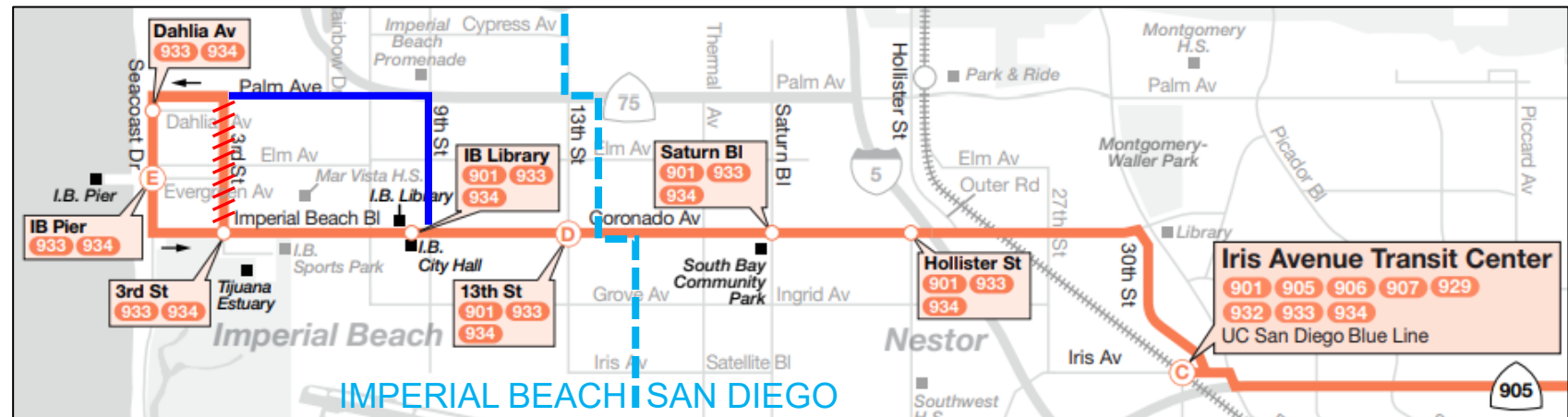
Rapid 227 in Imperial Beach

- In December 2023, City requested re-route from 3rd St. to 9th St.
 - Effort was put on hold, pending further city consideration of options
- I.B. City Council Discussion – February 2024
 - City staff made informational presentation
 - 27 of 37 speakers favored maintaining Rt. 227 (10 speakers opposed)
 - **Council voted to formally request MTS to re-route 227 from 3rd St. to 9th St.**



Rapid 227 in Imperial Beach

- Route change from 3rd St. to 9th St.:
 - Minor service change per Policy 42
 - Would not resolve all I.B. complaints (City requests outreach to 9th St. residents)
 - No difference in operating costs
 - Two westbound stops would be affected
 - Opportunity stop could be added at Palm & 9th
 - Implementation planned for mid-2024



Questions/Comments



**Metropolitan
Transit
System**

Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Vehicle Assignment and Transit Amenities Policies (Samantha Leslie & Denis Desmond)

INFORMATIONAL ONLY

Budget Impact

None at this time.

DISCUSSION:

As a recipient of Federal Transit Administration (FTA) funds, MTS is required to comply with certain FTA Title VI requirements. On October 1, 2012, the FTA issued Circular 4702.1B, which provided revised guidance for transit agencies to maintain compliance with Title VI requirements. The circular introduced new requirements “to set system-wide service standards and policies.” The service standards have been incorporated into MTS Board Policy 42 “Transit Service Evaluation and Adjustment”, and two separate administrative policies are maintained to fulfill the policy requirement for the distribution of transit amenities for each mode and the vehicle assignment for each mode.

MTS’s Transit Amenities Policy sets forth the transit amenities made available to passengers and how distributed across MTS’s system. MTS’s Vehicle Assignment Policy sets forth the types of vehicles operated and how placed into service across MTS’s system. MTS monitors the performance of MTS’s system relative to these policies not less than every three (3) years to ensure amenities are being distributed and vehicles are being assigned throughout the MTS system in an equitable manner.

MTS’s Transit Amenities Policy and MTS’s Vehicle Assignment Policy monitoring results were last presented to the MTS Board of Directors on July 29, 2021. MTS has recently updated these policies to reflect fleet updates, implementation of PRONTO, and the extension of the Blue Line. Interest has been expressed among Board members to review these administrative policies. Before staff begins performance monitoring of these policies, staff will provide a report on MTS’s Transit Amenities and Vehicle Assignment Policy and seek feedback on whether there are any other changes to these policies that should be addressed.



Please note, MTS' triennial Title VI Program submittal is due by June 1, 2024, which is a report that summarizes how MTS has complied with its Title VI requirements for the previous three-year period. Approval by the MTS Board of Directors of the triennial Title VI Program is required prior to submission to FTA. Staff aims to bring the triennial Title VI Program for Board approval on May 16, 2024, which will include MTS's Transit Amenities Policy and MTS's Vehicle Assignment Policy and any completed performance monitoring results within the last three years.

/S/ Sharon Cooney _____

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Draft 2024 Transit Amenities Policy and Vehicle Assignment Policy



**Metropolitan
Transit
System**

Vehicle Assignment Policy 2024



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Subject: VEHICLE ASSIGNMENT POLICY

Effective Date: December 31, 2023

SAN DIEGO METROPOLITAN
TRANSIT SYSTEM

Sharon Cooney
Chief Executive Officer

Approved as to form:
Samantha Leslie
Deputy General Counsel / Title VI Liaison Officer

1.0 Introduction

The San Diego Metropolitan Transit System (MTS) is the provider of public fixed-route bus and light rail transit services in the southern and eastern portions of San Diego County. MTS' service area is approximately 570 square miles of the **urbanized** areas of San Diego County, plus the rural areas of East County. Our total jurisdiction is 3,240 square miles, serving a population of nearly 3 million.

MTS can trace its roots back to 1886, when private companies began providing various rail transit services in San Diego. The current organization was created by the passage of California Senate Bill 101 and came into existence in January 1976 as the Metropolitan Transit Development Board (MTDB). In 2002, Senate Bill 1703 merged MTDB's long-range planning, financial programming, project development and construction functions into the regional metropolitan planning organization, the San Diego Association of Governments (SANDAG). In 2005, MTDB changed its name to MTS.

MTS directly or through private contractors operates 96 fixed bus routes, 4 light rail lines, and an Americans with Disabilities Act (ADA) complementary paratransit service. All services are coordinated by MTS, which determines the routes, stops, frequencies and hours of operation. Light rail infrastructure includes 54 stations and 102.6 miles of rail. Various modes of bus routes are operated, including local, urban, express, Rapid, Rapid Express, and rural services.

Federal Transit Administration (FTA) Circular 4702.1B requires that operators receiving federal financial assistance have policies ensuring the equitable distribution of vehicles and amenities as part of their compliance with Title VI of the Civil Rights Act of 1964. This document provides the policy guidelines for the distribution and operation of MTS vehicles throughout the MTS service area. It has also been distributed to MTS' outside contractors that provide transit services.

2.0 Buses

In Fiscal Year 2023, over 32 million riders boarded MTS bus services, and 105,000 on an average weekday. The fleet consists of over 700 buses operating on 96 fixed-routes and paratransit service. Modes operated include motorbus, commuter bus, and demand response. Approximately half of the bus service is directly operated by MTS employees. The remaining half is operated by private contractors using buses or vans provided by MTS and operating from divisions owned by MTS. ADA Paratransit service is also provided by taxicabs owned and operated by private entities. Most of the heavy-duty bus fleet is powered by natural gas, the culmination of an initiative started in 1994 to replace diesel with cleaner, alternative fuels. The last of MTS' diesel buses were retired in early 2021. As of December 2023, MTS has 25 battery electric buses (BEBs) in its fleet, the first step in a plan to convert the entire fleet to zero-emission by 2040.

2.1 Vehicle Categories

2.1.A Standard Bus: Medium or Heavy-Duty urban transit buses manufactured by New Flyer, Gillig, etc. Passenger amenities are common throughout the fleet, with only minor year-to-year variations. All standard buses are battery-electric or powered by Compressed Natural Gas (CNG).

2.1.A.1 **Standard MTS**: The largest segment of MTS' fixed-route fleet. All standard buses are 40' long. Seating is a standard transit shell seat product with fabric inserts.



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



2.1.B Articulated Bus: Articulated transit buses are 60' long and all were manufactured by New Flyer Industries. There are three distinct fleets, all either battery-electric or CNG-powered:

2.1.B.1 **Artic Urban**: MTS branded with passenger amenities similar to MTS standard buses. These are assigned to higher volume routes that require additional capacity when added frequency isn't practical, feasible, or cost-effective.



2.1.B.2 **Artic Rapid**: Branded for Rapid service with passenger amenities similar to MTS standard buses. These are primarily assigned to TransNet-funded Rapid routes that operate mostly on surface streets.



2.1.B.3 **Artic Rapid Freeway**: Branded for Rapid service with an upgraded seating product. These are assigned to TransNet-funded Rapid routes

that operate significant freeway segments, with the upgraded seating intended to improve the ride quality at higher speeds.

- 2.1.C Minibus: Single-door, high-floor, body-on-chassis cutaway buses, typically 29'-34' in length; generally fewer seats than standard buses; propane- or gasoline-powered; all are equipped with a wheelchair lift at the curbside rear. These are assigned to fixed-routes with lower ridership. They are also used on other routes during lower-demand periods such as weekends.



- 2.1.D Over-the-Road (OTR) Coach: Single-door, 45' long, high-floor highway coach; upgraded seating product and some additional passenger amenities such as parcel racks and reading lights; all are equipped with a curbside midship wheelchair lift. These are assigned to the higher-fare *Rapid Express* service on the Interstate 15 corridor.



- 2.1.E ADA Paratransit Assigned Minibus: All ADA complementary paratransit buses are Type II cutaway minibuses. There is no variation in passenger amenities from year-to-year, and vehicles are dispatched equally throughout the region based on ride demands.



- 2.1.F ADA Paratransit Assigned Vans: All ADA complementary paratransit vans are conversions of standard minivans. There is no variation in passenger amenities from year-to-year, and vehicles are dispatched equally throughout the region based on ride demands. All are wheelchair accessible.



- 2.1.G ADA Paratransit Assigned Non-MTS Vehicles: MTS' Contractor for ADA Paratransit Service subcontracts with third party organizations to service a portion of the passenger trips. These fleets include taxicabs and/or transportation network company (TNC) vehicles. These vehicles are made up of a variety of standard passenger vehicles. There may be a slight variation in passenger amenities from year-to-year based on the available fleet, but all are equipped with air conditioning and heaters. MTS does not purchase, own, or maintain these vehicles. These vehicles are operated and maintained by private entities, and are dispatched equally throughout the MTS Access Service Area based on ride demands and operational efficiencies. These vehicles are not currently wheelchair accessible. See Section 2.8 of this Vehicle Assignment Policy for further information on Vehicle Assignments for ADA Paratransit.



Sample taxicab; may not be actual vehicle.

2.2 Zero Emission Vehicles (ZEVs)

The California Air Resources Board (CARB) requires that transit bus fleets convert to ZEBs by 2040. Various internal combustion engine-powered (ICE) examples in the above vehicle

categories will be replaced by ZEBs over the coming years, anticipated to be primarily Battery Electric Buses (BEBs). **MTS' transition plan prioritizes the deployment of BEBs in disadvantaged communities, as defined by California Senate Bill 535 using the State's CalEnviroscreen tool.**

The transition plan is a gradual conversion of all bus orders, with the last ICE bus being purchased in 2028. All ICE buses will be retired by 2040.

Challenges include the need for significant electrical grid and charging infrastructure installed at all divisions, insufficient range with current battery technology, and lack of viable BEB options on some fleet types. MTS anticipates that most of these will be resolved over the next several years as technology and availability improves, but the CARB plan is a dynamic document that will be updated as new information becomes available.

The current small fleet of Standard BEBs is supported at four MTS divisions with pedestal chargers. The current fleet of articulated BEB buses is located at the South Bay Division, where they are charged using overhead gantries with drop-down pantographs that charge the buses as needed for service. This system also optimizes charging times to avoid peak periods on the grid. Planning and design are underway for the installation of the overhead gantry systems at MTS' other divisions.

2.3 Divisions

MTS bus service is operated from five bus divisions, with a sixth in development:

- 2.3.A Imperial Avenue Division (IAD): Directly operated by MTS. Located at 100 Sixteenth Street, San Diego, CA 92101 (Downtown San Diego); operates standard and articulated buses. Maintains CNG-powered and battery-electric buses.
- 2.3.B Kearny Mesa Division (KMD): Directly operated by MTS. Located at 4630 Ruffner Street, San Diego, CA 92111 (Kearny Mesa); operates standard and articulated buses. Fuels and maintains CNG-powered buses. Maintains CNG-powered and battery-electric buses.
- 2.3.C South Bay Division (SBD): Owned by MTS and operated by a contractor (currently Transdev). Located at 3650A Main Street, Chula Vista, CA 91911 (southern Chula Vista); operates standard and articulated buses. Maintains CNG-powered and battery-electric buses.
- 2.3.D East County Division (ECD). Owned by MTS and operated by a contractor (currently Transdev): 544 Vernon Way, El Cajon, CA 92020; operates standard buses, minibuses, and over-the-road coaches. Fuels and maintains CNG- and gasoline-powered buses, and battery-electric buses.
- 2.3.E Copley Park Division (CPD): Owned by MTS and operated by a contractor (currently First Transit). Located at 7490 Copley Park Place, San Diego, CA 92111 (Kearny Mesa); operates minibuses. Fuels and maintains propane- and gasoline-powered buses.

2.3.F Clean Transit Advancement Campus (CTAC). MTS is developing a sixth bus division that will accommodate expansion of the fleet, as well as free up space in existing divisions to add the necessary BEB charging infrastructure. The CTAC is being designed from the ground-up as a primarily ZEB division, with no facilities planned for the fueling of ICE buses.

2.4 Vehicle Amenities: Passenger amenities vary by vehicle type, as shown in the table below:

Vehicle Amenity	Standard Bus	Articulated Bus	Minibus	OTR Coach	Van	Non-MTS Vehicles
Alternative Fuel-Powered	X	X	X	X		
Zero-Emissions	X	X				
Air conditioning	X	X	X	X	X	X
Lift for accessibility			X	X		
Ramp for accessibility	X	X			X	
Wheelchair Tie-Down Locations	2	2	2	2	1	
Bicycle Rack (2-3 positions)	X	X	X			
Bicycle Underfloor Storage				X		
Seating: shell seats with fabric or vinyl inserts	X	X				
Seating: standard transit padded seating			X			
Seating: upgraded high-back seats		X		X		
Seating: standard OEM seating					X	X

2.5 Bus Assignments by Route: Bus types are assigned by route based on the following:

2.5.A Capacity needs: Articulated buses are assigned to higher volume routes that require additional capacity when added frequency isn't practical, feasible, or cost-effective. Minibuses are assigned to the lowest ridership fixed-routes – routes which generally could not be economically operated with a larger bus.

2.5.B Route type: Vehicles are assigned by route type in the specifications below. Temporary exceptions to these assignments may be made in an unanticipated, emergency, or standby situation when service would otherwise be lost.

2.5.B.1 *Rapid Express* routes between the Interstate 15 corridor and Downtown San Diego are assigned over-the-road coaches; these routes have a higher fare and pass price accordingly.

- 2.5.B.2 High-demand Rapid routes are assigned Rapid articulated buses. (These may be supplemented as needed with other MTS buses for capacity purposes.) Rapid routes or trips that operate significant freeway segments are assigned the Rapid “freeway” articulated buses, with upgraded seating intended to improve the ride quality at higher speeds.
- 2.5.B.3 Standard-demand Rapid routes are operated using Rapid articulated buses, Standard Rapid buses, or regular MTS-branded standard buses, depending on availability.
- 2.5.B.4 Urban Frequent routes are operated using MTS-branded articulated and standard buses.
- 2.5.B.5 Urban Standard, Circulator, and Rural routes are operated using MTS-branded standard buses and minibuses, depending on the capacity needs of the individual route.

2.6 Route Assignments by Division: Routes are assigned to each division based on the number and types of buses available, proximity to the service, and opportunities to complement other nearby routes for efficiency, interlining, driver familiarization, supervision, and incident response. State law limits MTS’ ability to reassign directly-operated routes to divisions operated by MTS contractors.

2.7 Vehicle Assignments by Division: Vehicle types are assigned to each division based on division space capacity, and the capability of the division to fuel, operate, and maintain any specialized equipment (alternative fuels, BEBs, articulated buses, etc.). ADA Paratransit Assigned Non-MTS Vehicles do not operate from a division but instead are assigned through dispatch service organizations and are operated and maintained from a non-MTS site. Vehicles are currently assigned to the divisions according to the following table:

Vehicle Category	IAD	KMD	SBD	ECD	CPD	N/A
2.1.A.1 Standard MTS Bus	X	X	X	X		
2.1.A.2 Standard Rapid Bus		X				
2.1.B.1 Articulated Urban Bus	X	X	X			
2.1.B.2 Articulated Rapid Bus	X					
2.1.B.3 Articulated Rapid Freeway Bus		X	X			
2.1.C Minibus				X	X	
2.1.D Over-the-Road Coach				X		
2.1.E ADA Paratransit Assigned Minibus					X	
2.1.F ADA Paratransit Assigned Vans					X	
2.1.G ADA Paratransit Assigned Non-MTS Vehicles						X

2.8 Vehicle Assignments for ADA Paratransit: ADA Paratransit minibus, vans and Non-MTS Vehicles are assigned and routed based on the trips requested by riders each day and

operational efficiencies. Since the ADA Paratransit assigned Non-MTS vehicle fleet does not currently maintain a wheelchair accessible vehicle, a review of the rider’s functional abilities is conducted prior to vehicle assignment to ensure that the appropriate vehicle is assigned (e.g. if the rider uses a wheelchair, requires a lift or ramp to access the vehicle, or requires another accessibility element only available in a minibus or van, then only a minibus or van will be assigned to service that particular trip). MTS does not accommodate ADA Paratransit passenger preference requests for certain type or appearance of vehicles, as it would result in a fundamental alteration of MTS’s operations, service and scheduling process.

- 2.9 Future Procurements: All heavy-duty buses are alternative fuel, hybrid-electric, or zero-emission. Heavy-duty buses will be low-floor, except for buses used for Rapid Express, standby, or tripper services, or on special or low-ridership routes.

3.0 Rail Vehicles

- 3.1 Trolley Car Categories: Three different types of cars are operated:

3.1.A High-Floor Cars: Siemens SD100 cars with high floors, steps inside the car to access 0”-8” station platform, wheelchair and bike space at the ends of each car, and a wheelchair lift next to the driver compartment in the lead car. These cars have a flip seat that allows space for three wheelchairs. Passenger amenities are identical on all cars in this fleet, which is planned to be phased out by 2024.



3.1.B Low-Floor Cars: Siemens S70 and S70US cars are 70% low-floor. They include inside steps only up to seating areas at far ends of the car, wheelchair and bike space in the middle of the car, and passenger-activated ramps at two of four doors on each side of each car. Cars were manufactured between 2005 and 2023. Passenger amenities are nearly identical for all models and vintages, with minor improvements in seating configurations in later production cars. Earlier models had larger driver cabs, resulting in a longer overall vehicle length.



3.1.C Vintage Cars: MTS deploys three historic cars on its Silver Line loop in Downtown San Diego: two Presidents Conference Cars (PCCs) dating from 1946; and one 1980-vintage Siemens-



Duewag U2 car preserved from the original San Diego Trolley fleet. These are high-floor vehicles with a wheelchair lift for accessibility.

3.2 Divisions: MTS operates one rail division, from which all light rail (“Trolley”) service is operated: 1341 Commercial Street, San Diego, CA 92113 (Downtown San Diego).

3.3 Vehicle Amenities: Passenger amenities vary by car type, as shown in the table below:

Vehicle Amenity	Low-Floor	High-Floor	Vintage
Air conditioning	X	X	
Lift for accessibility		X	X
Ramps for accessibility	X		
Wheelchair Spaces	Not limited	3	1
Bicycle Spaces (limited by policy for safety)	2	2	0
Seating: shell seats with fabric or vinyl inserts	X		
Seating: standard transit padded seating		X	X

3.4 Trolley Assignments by Line: Trolley cars are assigned primarily based on four factors:

3.4.A Station infrastructure limitations: Low floor cars require a minimum 8” station platform height in order for the ramp to maintain an ADA-compliant slope. All stations on all four lines now have 8” platforms. Most Trolley stations can accommodate four-car trains, except for 12th & Imperial, City College, Fifth Ave, Civic Center, Courthouse, and America Plaza, which can only accommodate three-car trains.

3.4.B Fleet constraints: When additional cars are needed for a full peak schedule, low-floor cars may be supplemented with a high-floor car in the middle of three-car consists. Some occasional tripper and special event trains may operate with all-high-floor consists.

3.4.C Vintage Car constraints: Due to their high floor and limited capacity, the three vintage cars are used only on the Silver Line loop in Downtown San Diego, where they supplement other existing services. Two of the vintage vehicles only have an operating cab on one side, and can therefore can only operate in one direction and limiting them to loop services.

3.5 Future Procurements: Except for vintage cars, all Trolley cars will be a minimum of 70% low-floor; existing high-floor cars will be replaced by low-floor cars upon retirement.

3.6 Trolley System Map:

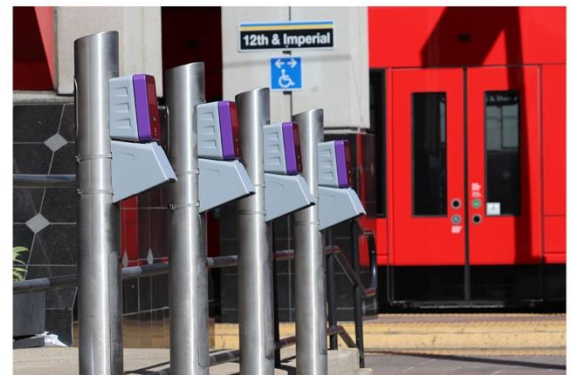


4.0 MTS Fleet List (as of 1/1/2024)

Division	Quantity in Fleet	Fleet Series	Year	Make	Model	Vehicle Assignment Policy Category	Power/ Fuel	NTD Fleet ID #
Motorbus - Directly Operated								
KMD	24	1900	2023	New Flyer	Xcelsior XN60	Artic Rapid Fwy	CNG	NEW
IAD	5	1600	2021	Gillig	Low-Floor	Standard MTS	BEB	382015
IAD	2	1600	2020	Gillig	Low-Floor	Standard MTS	BEB	390000
IAD	38	1700	2020	Gillig	Low-Floor	Standard MTS	CNG	389998
IAD	26	1800	2020	New Flyer	Xcelsior XN60	Artic Urban	CNG	389997
KMD	2	1500	2019	New Flyer	Xcelsior XE40	Standard MTS	BEB	382015
KMD	10	1400	2017	Gillig	Low-Floor	Standard Rapid	CNG	355845
KMD	23	200	2015	Gillig	Low-Floor	Standard MTS	CNG	344586
KMD	13	1300	2015	New Flyer	Xcelsior XN60	Artic Urban	CNG	344585
KMD	12	900	2014	Gillig	Low-Floor	Standard MTS	CNG	338442
KMD	8	1100	2013	New Flyer	Xcelsior XN60	Artic Rapid Fwy	CNG	54438
IAD	18	1200	2013	New Flyer	Xcelsior XN60	Artic Rapid	CNG	54438
IAD	26	800	2013	Gillig	Low-Floor	Standard MTS	CNG	338441
IAD	31	700	2012	New Flyer	C40LFR	Standard MTS	CNG	49048
IAD	21	600	2011	New Flyer	C40LFR	Standard MTS	CNG	49047
TOTAL:	259							
Motorbus - Purchased Transportation								
SBD	12	7550	2022	New Flyer	Xcelsior XE60	Artic Rapid Fwy	BEB	NEW
SBD	38	2200	2022	Gillig	Low-Floor	Standard MTS	CNG	NEW
SBD	32	2600	2021	Gillig	Low-Floor	Standard MTS	CNG	NEW
SBD	5	2790	2020	Gillig	Low-Floor	Standard MTS	CNG	390015
SBD	2	1500	2019	New Flyer	Xcelsior XE40	Standard MTS	BEB	395913
ECD	2	1500	2019	New Flyer	Xcelsior XE40	Standard MTS	BEB	295913
ECD	6	8350	2019	Gillig	Low-Floor	Standard MTS	CNG	382016
SBD	7	2780	2018	Gillig	Low-Floor	Standard MTS	CNG	375609
ECD	3	3500	2018	Starcraft	Allstar XL	Minibus	Gasoline	375611
SBD	17	7500	2017	New Flyer	Xcelsior XN60	Artic Rapid Fwy	CNG	355848
SBD	10	7400	2017	New Flyer	Xcelsior XN60	Artic Urban	CNG	355848
SBD	36	2100	2017	Gillig	Low-Floor	Standard MTS	CNG	355847
CPD	29	3100	2016	El Dorado Nat'l	AeroElite 320	Minibus	Propane	350599
ECD	38	8300	2016	Gillig	Low-Floor	Standard MTS	CNG	344589
ECD	13	8200	2015	Gillig	Low-Floor	Standard MTS	CNG	344588
SBD	14	2000	2015	Gillig	Low-Floor	Standard MTS	CNG	344588
SBD	38	2400	2014	Gillig	Low-Floor	Standard MTS	CNG	338448
SBD	18	2300	2013	Gillig	Low-Floor	Standard MTS	CNG	344588
ECD	6	2300	2013	Gillig	Low-Floor	Standard MTS	CNG	344588
CPD	6	3000	2014	El Dorado Nat'l	AeroElite 320	Minibus	Gasoline	338444
SBD	22	2900	2012	New Flyer	C40LFR	Standard MTS	CNG	54442
SBD	5	2900	2011	New Flyer	C40LFR	Standard MTS	CNG	n/a
TOTAL:	359							
Commuter Bus - Purchased Transportation								
ECD	24	8530	2020	MCI	D4500	OTR Coach	CNG	390001
TOTAL:	24							
Demand Response - Purchased Transportation								
CPD	14	3700	2019	Dodge	Grand Caravan	ADA Van	Gasoline	396365
CPD	35	3630	2018	Starcraft	AllStar	ADA Minibus	Propane	375388
CPD	25	3200	2017	Starcraft	AllStar	ADA Minibus	Propane	355846
CPD	46	3300	2016	Starcraft	AllStar	ADA Minibus	Propane	350597
TOTAL:	120							
Light Rail - Directly Operated								
SDTI	67	5000	2019	SDU	S70US	Low-Floor Car	EP	376580
SDTI	65	4000	2011	SDU	S70US	Low-Floor Car	EP	49044
SDTI	11	3000	2005	SDU	S70	Low-Floor Car	EP	25813
SDTI	33	2000	1995	SDU	SD100	High-Floor Car	EP	25812
SDTI	1	1001	1980	SDU	U2	Vintage Car	EP	382272
SDTI	1	529	1946	SLC	PCC	Vintage Car	EP	43778
SDTI	1	530	1946	SLC	PCC	Vintage Car	EP	347023
TOTAL:	179							



Transit Amenities Policy 2024



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Subject: TRANSIT AMENITIES POLICY

Effective Date: December 31, 2023

SAN DIEGO METROPOLITAN
TRANSIT SYSTEM

Sharon Cooney
Chief Executive Officer

Approved as to form:
Samantha Leslie
Deputy General Counsel / Title VI Liaison Officer

1.0 Introduction

The San Diego Metropolitan Transit System (MTS) is the provider of public fixed-route bus and light rail transit services in the southern and eastern portions of San Diego County. MTS' service area is approximately 570 square miles of the urbanized areas of San Diego County as well as the rural parts of East County. Our total jurisdiction is 3240 total square miles, serving nearly 3 million people in San Diego County.

MTS can trace its roots back to 1886, when private companies began providing various rail transit services in San Diego. The current organization was created by the passage of California Senate Bill 101 and came into existence in January 1976 as the Metropolitan Transit Development Board (MTDB). In 2002, Senate Bill 1703 merged MTDB's long-range planning, financial programming, project development and construction functions into the regional metropolitan planning organization, the San Diego Association of Governments (SANDAG). In 2005, MTDB changed its name to MTS.

MTS directly or through private contractors operates 95 fixed bus routes, 4 light rail lines, and an Americans with Disabilities Act (ADA) complementary paratransit service. All services are coordinated by MTS, which determines the routes, stops, frequencies and hours of operation. Light rail infrastructure includes 54 stations and 102.6 miles of rail. Various modes of bus routes are operated, including local, urban, express, Rapid, Rapid Express, and rural services.

Federal Transit Administration (FTA) Circular 4702.1B requires that operators receiving federal financial assistance have policies ensuring the equitable distribution of vehicles and amenities as part of their compliance with Title VI of the Civil Rights Act of 1964.

This policy is established to ensure the equitable distribution of amenities across the MTS transit network. Details on amenities provided by mode follow below. It has been provided to MTS' outside contractors that install and maintain amenities.

This policy applies to amenities funded by or constructed by or at the direction of MTS. This policy does not limit or restrict outside parties from funding and constructing infrastructure improvements at or near MTS transit stations/stops for the benefit of MTS passengers.

2.0 Bus Stops

The installation of bus stop amenities is prioritized based on the number of passenger boardings at stops and stations along those routes. This prioritization can be adjusted by site constraints which may prevent installation of an amenity. MTS also works with local communities to ensure that installed amenities are an asset rather than nuisance, and may adjust siting and installations on a case-by-case basis accordingly.

For purposes of increasing equity in the delivery of public transit services, MTS has established goals for the improvement of bus stops in communities of concern. In cases of stops that warrant amenities based on ridership, MTS will also consider if a stop is located in a disadvantaged community, as defined by a state agency or local jurisdiction.

2.1 Seating

MTS provides four (4) types of seating at bus stops:

- 2.1.A Stand-alone benches: MTS maintains a contract with a vendor to install benches at bus stop locations within jurisdictions that have an agreement with MTS for bus stop furniture. Installation can be based on passenger volume or upon request. Space constraints on city sidewalks often limit the ability to install a bench. Some cities in MTS' service area install their own bus stop benches; While MTS works closely with the local jurisdictions, MTS does not have the ultimate authority over the placement, design, or location of these benches.
- 2.1.B Shelter benches: MTS maintains a contract with a vendor to install shelters and benches at bus stop locations within jurisdictions that have an agreement with MTS for bus stop furniture.. Typically, a bench is installed at each shelter location, but MTS occasionally omits or removes the bench to increase circulation and queuing space for passengers, or when working with local communities to resolve loitering issues.
- 2.1.C Rapid/TransNet station benches: MTS maintains benches at Rapid and SuperLoop bus stops/stations with TransNet reimbursement for operating expenses.
- 2.1.D Transit Center benches: Off-street transit centers maintained by MTS and shared with Trolley service have benches located at or near the bus stops for use by bus passengers.

Outside entities such as nearby institutions, cities, business improvement districts, and adjacent property owners sometimes install their own furniture at or near bus stops. MTS maintains some control of the immediate bus stop area for safety and ADA compliance, but the local jurisdiction has the ultimate authority over furniture placed within its right-of-way.

2.2 Shelters

MTS provides three (3) kinds of shelters at its bus stops:

- 2.2.A Stand-alone shelters: MTS maintains a contract with a vendor to install shelters at bus stop locations within jurisdictions that have an agreement with MTS for bus stop furniture. Placement is based primarily on passenger volume. MTS' current shelter design includes solar-powered lighting that does not require an external power source. This model is the latest generation of MTS shelter, and replaced all of MTS' original shelters by 2020.

Potential locations require sufficient space for the shelter and suitable electrical conditions (sufficient lighting for solar generation, or a nearby power source and ability to ground the equipment). Space constraints on city sidewalks often limit the ability to install a shelter. MTS offers two lengths of stand-alone shelters to accommodate smaller spaces where possible, or to provide more shelter area at busier stops, space permitting.

MTS' shelter contractor uses a digital advertising panel in some locations. This affects the advertising panel only; passenger amenities are not affected and do not differ on shelters with digital versus static advertising panels.

- 2.2.B Rapid/TransNet station shelters: MTS maintains shelters at Rapid and SuperLoop bus stops/stations with TransNet reimbursement for operating expenses. These shelters were all included as part of each Rapid project's planning process, led by the San Diego Association of Governments. Therefore, the design of these shelters vary by project.
- 2.2.C Transit Center shelters: Off-street transit centers maintained by MTS and shared with Trolley service have shelters located at or near the bus stops for use by bus passengers.

Some cities in MTS' service area install their own bus stop shelters and other furniture. While MTS works closely with these local jurisdictions, MTS does not have the ultimate authority over the placement, design, or location of these shelters.

Other outside entities, such as nearby institutions, business improvement districts, and adjacent property owners, sometimes install their own furniture at or near bus stops. MTS maintains some control of the immediate bus stop area for safety and ADA compliance, but the local jurisdiction has the ultimate authority over furniture placed within its right-of-way.

2.3 Passenger Information

2.3.A Static Displays

Each bus stop blade includes the following information: MTS logo, bus icon, list of routes serving the stop, and the individual stop number, allowing passengers to access stop-specific information on the internet or via smartphone. Blades installed at transit centers, major transfer points, and significant destinations include larger route decals with each route's destination also provided.

Bus stop pole displays showing the schedule for the route(s) serving the stop are installed at transit centers, major transfer points, significant destinations, and some locations with high numbers of boardings.

Information kiosks are installed at off-street transit centers, selected busy on-street transfer locations, Rapid stations, and at some stops along Broadway in Downtown San Diego. The information provided is customized to the location, but may include routes and destinations, fare information, local area maps, route maps, and "How to Ride" information.

Most shelters provided and serviced by MTS' vendor include an information panel for a schedule, route map, or other information, depending on the service and location.

2.3.B Variable Message Signs

Variable message signs (VMS), or "next-arrival" displays, are provided at Rapid and SuperLoop bus stops/stations with TransNet reimbursement for operating expenses. These are installed as part of the capital project, and maintained through the operating agreement with SANDAG.

2.4 Elevators/Escalators

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

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

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

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

2.5 Trash Receptacles

MTS provides or contracts for trash and recycling receptacles at the following bus stop locations:

2.5.A Transit centers served by both buses and Trolleys

2.5.B Rapid stations with TransNet reimbursement for operating expenses

2.5.C MTS-contracted bus shelter locations

At all other locations, trash receptacles (if provided) are installed, serviced, and controlled by an outside entity, typically a city, business improvement district, or adjacent property owner. These may or may not include adjacent recycling receptacles.

2.6 Restrooms

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

MTS provides secured restrooms for employees only at various bus route terminal locations. At some bus route terminals, MTS has an agreement with a nearby business to allow MTS bus drivers to use their restroom.

2.7 Ticket Vending Machines

There are four (4) bus stop locations with ticket vending machines (TVMs) apart from Trolley stations: the two (2) terminals at San Diego International Airport, the Virginia Avenue Transit Center at the San Ysidro International Border, and the Otay Mesa Transit Center at the Otay Mesa International Border. These locations all have high

volumes of cash riders and the TVMs are located on off-street sites in controlled right-of-way.

2.8 Fare Validators

There are no PRONTO fare validators at any bus-only location.

3.0 Rail Stations

Trolley station amenities, except where noted below, are generally standardized at all Trolley stations throughout the Trolley network. This standardization ensures equal distribution to all users, regardless of the location of the station. Quantities and siting of amenities are dependent on level of boardings and site-specific conditions.

3.1 Seating

MTS provides seating at all Trolley stations. Quantity and placement of benches is dependent on location, number of boardings, and station design and layout.

3.2 Shelters

MTS provides two kinds of shelters at its Trolley stations:

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

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

3.3 Passenger Information

3.3.A Static Displays: Each Trolley platform includes signage along its length indicating the station name, line of service, and terminal destination.

Information kiosks are installed on the platforms of all Trolley stations. The information provided includes Trolley schedules, fare information, local area maps, and “How to Ride” information. Bus transfer information is also included at busy transfer centers with bus service.

3.3.B Variable Message Signs: Variable message signs (VMS), or “next-arrival” displays, are provided above all Trolley platforms. These indicate the line of service and the estimated time of arrival for subsequent trains.

3.4 Elevators/Escalators

3.4.A Elevators: Provided only at locations where a fixed ramp could not meet ADA requirements. Currently, MTS provides and maintains elevators at the following MTS Trolley stations: Fashion Valley Transit Center, Stadium Trolley Station, Grantville Transit Center, SDSU Transit Center, Grossmont Transit Center, Nobel Drive Trolley Station, UC San Diego Central Campus Station, UC San

Diego Health La Jolla Station, Executive Drive Trolley Station, and the UTC Transit Center.

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

3.5 Trash and Recycling Receptacles

MTS installs and services trash and recycling receptacles at all Trolley stations.

3.6 Restrooms

Four locations have MTS-owned restrooms available for passenger use: 12th & Imperial Transit Center, Old Town Transit Center, E Street Transit Center, and El Cajon Transit Center. All four locations have an outside vendor that maintains the restroom and controls access. Restroom hours correspond with the vendor's business hours. Other Trolley stations have nearby restrooms that can be used by passengers, but MTS does not reimburse the owner nor have any control over access.

3.7 Ticket Vending Machines (TVMs)

At least two (2) TVMs are provided at every Trolley station. Each TVM accepts credit cards and dispenses tickets. All PRONTO machines at each Trolley station have the ability to dispense PRONTO Cards and load passes on PRONTO cards. Each station will have at least one (1) Credit Card-only TVM.

3.8 Fare Validators

To validate a PRONTO pass or to deduct fare prior to boarding a Trolley, passengers may tap or scan their PRONTO card or mobile application at a Fare Validator, which are installed at all Trolley stations.

3.8 Trolley System Map:



Title VI Policies Vehicle Assignment Transit Amenities

Executive Committee

Title VI

- FTA issues guidance for agencies to comply with Title VI
- FTA Circular 4702.1B issued in 2012 included requirements for administrative policies
 - **Vehicle Assignment**
 - **Transit Amenities**
- Policies are monitored at least every three years
- Policies and monitoring results submitted as part of MTS' triennial FTA Title VI Program update (next update May 2024)
- Board interest in reviewing policies prior to next monitoring report (July 2024)

Vehicle Assignment Policy

BUSES

- Description of bus types
- Chart of amenities by bus type
- Bus assignments by route
 - Capacity needs
 - Route type
- Route assignments by division
- Vehicle assignments by division
- ADA Paratransit vehicle assignments
- Discussion of Zero Emissions Buses (ZEBs)
- Fleet list

LIGHT RAIL VEHICLES (LRVs)

- Description of LRV types
- Chart of amenities by LRV type
- LRV assignments by line
 - Infrastructure limitations
 - Vintage LRVs
- Fleet list

Transit Amenities Policy

- Seating
- Shelters
- Information displays
- Elevators/Escalators
- Trash/Recycling Receptacles
- Restrooms
- Ticket vending machines
- Fare validators

Transit Amenities Policy

- Trolley station amenities are mostly standardized throughout the system (62 Trolley stations)
 - Elevators only at selected stations where needed
 - Escalators only at SDSU
 - MTS-provided restrooms at selected stations
- Bus stop amenities vary among 4,500 bus stops in system
 - Amenities prioritized by ridership (boardings)
 - In 2021, added an equity component to consider disadvantaged communities
 - MTS authorized to add shelters & benches in some jurisdictions; some install their own
 - Many bus stop shelters and benches installed/maintained by others (cities, BIDs, developers, HOAs, etc.)
 - Infrastructure is unable to accommodate shelters or benches in many locations
 - Narrow or missing sidewalks, insufficient ROW, poor condition sidewalks
 - MTS CIP project upgrades locations; priority is ADA accessibility in disadvantaged communities

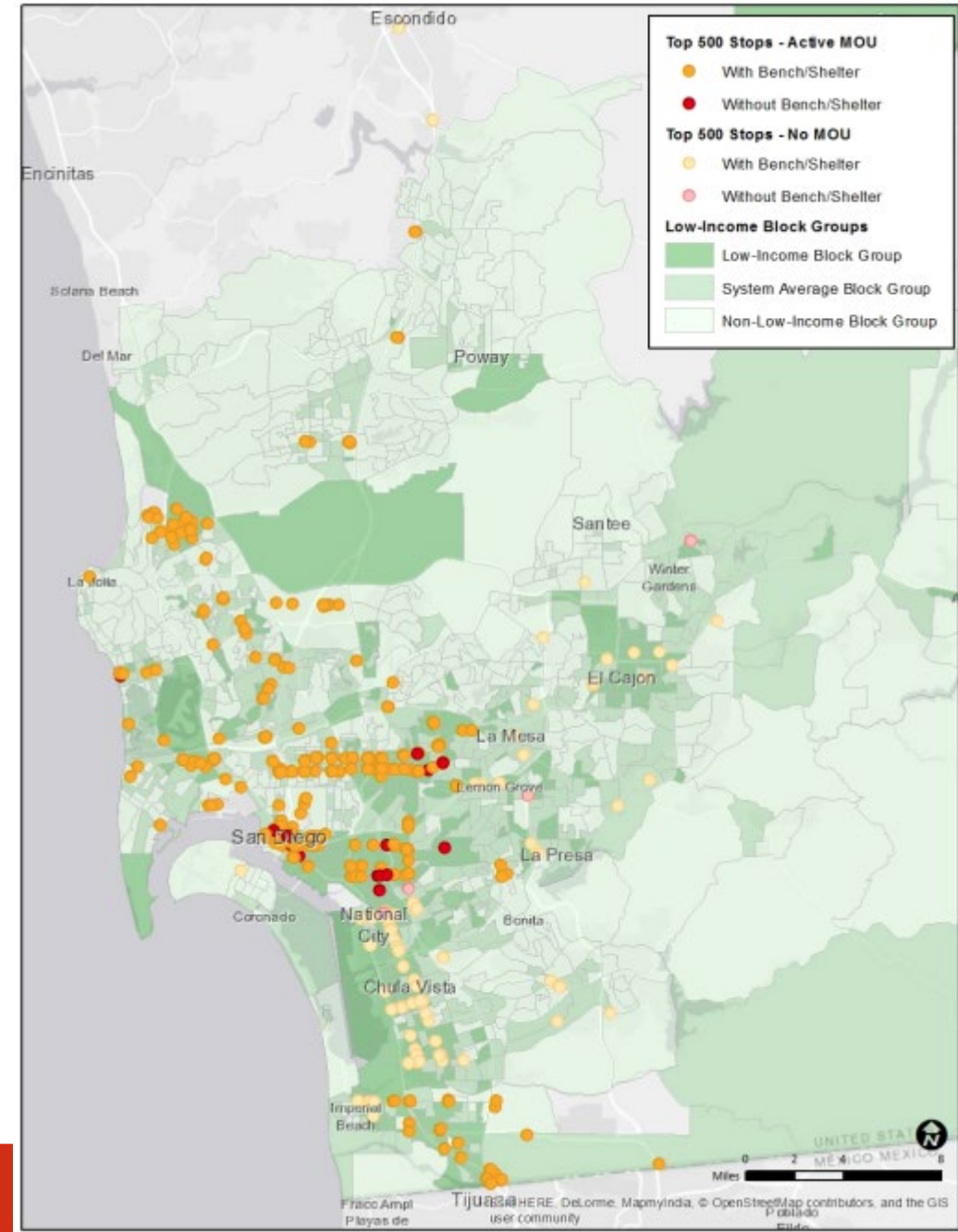
Transit Amenities Policy

- Current Initiatives
 - Procurement underway for additional bus shelters
 - Procurement this year for installation & maintenance of added shelters
 - CIP project for bus stop ADA accessibility improvements
 - Repairs and upgrades sidewalk area for ADA bus stop compliance
 - Adds sidewalk space for bench and/or shelter where feasible
 - Focus on disadvantaged communities
 - 9 stops currently in permitting process
 - MTS requests ADA compliant stop area, with space for bench/shelter, at new bus stop-adjacent developments
 - Adding restrooms
 - Re-open existing closed restrooms (24th St. in National City, Lemon Grove Depot, SDSU)
 - Include restrooms for riders in new TOD projects at MTS stations
 - Other CIP projects:
 - Upgrade VMS signs at Rapid and Trolley stations
 - Station upgrades & repairs: 12th & Imperial, El Cajon, Rio Vista

Monitoring of Policies

- Required minimum of every three years
- Monitoring report requires Board approval
- Last report approved by MTS Board in July 2021
 - To be included with this year's Title VI Program Update

Sample map of bus stop amenities overlaid with low-income tracts →



Next Steps

- Policies updated 12/31/23 with current information (fleet, PRONTO, etc.) for 2024 Title VI Program Update
 - Board approval in May 2024
- Next policies monitoring report due in July 2024
 - Board approval in July 2024
 - Report could incorporate new policy revisions with any changes desired by MTS Board
 - Would be utilized for period of 2024-2027
 - Could still be amended at any time to incorporate updates

Questions/Comments



Board of Directors
Agenda

March 16, 2024 at 9:00 a.m.

In-Person Participation: James R. Mills Building, 1255 Imperial Avenue, 10th Floor Board Room, San Diego CA 92101

Teleconference Participation: (669) 444-9171; Webinar ID: 982 8803 2362, https://zoom.us/j/98288032362

Table header with columns: NO., ITEM SUBJECT AND DESCRIPTION, ACTION

1. Roll Call

2. Public Comments

This item is limited to five speakers with two 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.

CONSENT ITEMS

3. Approval of Minutes

Action would approve the February 8, 2024 Board of Director meeting minutes.

Approve

4. Public Hearing: Proposed Amendments to For-Hire Vehicle Services Regulations

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 the County by the Adoption of a Uniform Paratransit Ordinance"; 2) Waive the requirements of MTS Board Policy No. 22 "Rules of Procedure for MTS Board of Directors", Sections 22.4.3, stating all ordinances shall be read in full either at the time of introduction or passage (per MTS Board Policy No. 22, unanimous vote of the Board members present is required in order to waive further reading); and 3) Approve the proposed revisions to MTS Board Policy No. 34 "For-Hire Vehicle Services".

Approve

5. Adoption of 2024 Conflict of Interest Code – Amendment

Action would 1) Adopt Resolution No. 24-02 amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974; 2) Adopt the amended 2024 MTS Conflict of Interest Code; and 3) Forward the amended 2024 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body) (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

Approve



6. **Addition of Full-Time Equivalent (FTE) Position: Staff Attorney** Approve
Action would authorize the Chief Executive Officer (CEO) to add one (1) Staff Attorney to the position tables previously approved in the Fiscal Year 2024 budget.
7. **Investment Report – Quarter Ending December 31, 2023** Informational
8. **Bayside Double Track Imperial Avenue Transit Center (IMT) Construction Management (CM) Services – Work Order Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA2498-CM05.01 under MTS Doc. No. G2498.0-21, with Kleinfelder Construction Services, Inc. (KCS), to CM Services for the Bayside Double Track IMT project in the amount of \$318,443.22.
9. **Trolley On-Board Video Surveillance System (OBVSS) Preventative Maintenance, Repairs and All Related Support Services – Contract Amendment** Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1603.2-22 with Seon Design USA Corp (“Seon”) for twenty (20) NH16 systems and cameras with installation in the amount of \$238,545.00.
10. **On-Call Job Order Contracting (JOC) Building and Facilities Construction Services – Contract Amendment**
Agenda Item will be provided prior to the Board Meeting
11. **On-Call Job Order Contracting (JOC) General Civil Construction Services – Contract Amendment**
Agenda Item will be provided prior to the Board Meeting
12. **On-Call Job Order Contracting (JOC) Railroad Construction Services – Contract Amendment**
Agenda Item will be provided prior to the Board Meeting
13. **Job Order Contracting (JOC) Consulting Programming Software Services – Contract Amendment**
Agenda Item will be provided prior to the Board Meeting
14. **Propane Fueling Services at Copley Park Division (CPD) – Contract Award** Approve
Action would 1) authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0760.0-24 with Suburban Propane for Propane Fueling Services, in the amount of \$14,409,695.44, for a five (5) base year period with two (2) 1-year options, for a total of seven (7) years; and 2) 1) Exercise option years at CEO’s discretion.

15. **SAP Support Services – Contract Award** Approve
Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2782.0-24 with Sage Group Technologies, Inc. (Sage) to provide SAP support services in the amount of \$600,000.00 for a contract period of thirty-two (32) months with one (1) option year. 2) Authorize the CEO to execute MTS Doc. No. G2783.0-24 with Sierra Digital, Inc. (Sierra), a Disadvantaged Business Enterprise (DBE), to provide SAP support services in the amount of \$600,000.00 for a contract period of thirty-two (32) months with one (1) option year. 3) Exercise the option year of each agreement at the CEO's discretion.
16. **Light Rail Vehicle (LRV) Pantograph Carbon Strips - Contract Award** Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1660.0-24 with Schunk Carbon Technology (Schunk) for the purchase of LRV Pantograph Carbon Strips for a five (5) year base period in the amount of \$687,536.59.
17. **Property Insurance Renewal**
Agenda Item will be provided prior to the Board Meeting
18. **MTS Excess Liability and Workers' Compensation Insurance Renewals**
Agenda Item will be provided prior to the Board Meeting

DISCUSSION AND REPORT ITEMS

19. **FY 24 Operating Mid-Year Budget Amendment**
Agenda Item will be provided prior to the Board Meeting
20. **FY 25 CIP**
Agenda Item will be provided prior to the Board Meeting
21. **Vehicle Assignment, Transit Amenities Policy**
Agenda Item will be provided prior to the Board Meeting
22. **Performance Monitoring Report**
Agenda Item will be provided prior to the Board Meeting
23. **Resolution of Necessity Hearing**
Agenda Item will be provided prior to the Board Meeting

OTHER ITEMS

- 24. Chair, Board Member and Chief Executive Officer’s (CEO’s) Communications and CEO Report** Informational
- 25. Remainder of Public Comments Not on The Agenda**
This item is a continuation of item No. 2 (Public Comment), in the event all speakers who request to comment on item No. 2 are not called. If all Public Comment is accepted during item No. 2, no additional public comment will be accepted under this item.

CLOSED SESSION

- 26. Public Comment for Closed Session**
- 27. Closed Session – Conference with Real Property Negotiators Pursuant To California Government Code Section 54956.8** Possible Action
5801 and 5805 Fairmount Ave, San Diego, CA (APNs 461-320-20 and 461-320-21)
Agency Negotiators: Sharon Cooney, Chief Executive Officer; Karen Landers, General Counsel; Heather Furey, Director of Capital Projects; Sean Myott, Manager of Real Estate Assets;
Negotiating Parties: Four D Properties, Inc.
Under Negotiation: Price and Terms of Payment
- 28. Closed Session - Conference with Labor Negotiators Pursuant To California Government Code Section 54957.6** Possible Action
Agencies: San Diego Transit Corporation (“SDTC”), San Diego Trolley, Inc. (“SDTI”)
Employee Organization: International Brotherhood of Electrical Workers, Local 465 (“IBEW”)
Employee Organization: International Association of Sheet Metal, Air, Rail, And Transportation Workers (“SMART”)
Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO Officer)

ADJOURNMENT

- 29. Next Meeting Date**
The next Board of Director’s meeting is scheduled for April 25, 2024 at 9:00am.
- 30. Adjournment**



**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Public Hearing: Proposed Amendments to For-Hire Vehicle Services Regulations

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) 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 the County by the Adoption of a Uniform Paratransit Ordinance” (Attachment A);
- 2) Waive the requirements of MTS Board Policy No. 22 “Rules of Procedure for MTS Board of Directors,” Sections 22.4.3, stating all ordinances shall be read in full either at the time of introduction or passage (per MTS Board Policy No. 22, unanimous vote of the Board members present is required in order to waive further reading); and
- 3) Approve the proposed revisions to MTS Board Policy No. 34 “For-Hire Vehicle Services” (Attachment B).

Taxicab Advisory Committee (TAC) Recommendation

At its February 21, 2024 meeting, the TAC Meeting (16 voting members) approved a motion to forward a recommendation to the Board of Directors to approve the staff recommendation, with 10 in favor (Committee Members: Chair Sean Elo-Rivera, Agustin Hodoyan, Alfred Banks, Akbar Majid, Antonio Hueso, George Abraham, Michael Anderson, Margo Tanguay, Letty Canizalez, and Peter Zschiesche voted in favor), and 6 absent (Committee Members David Tasem, Able Seifu, Karen Higareda, Daryl Mayekawa, Michael Trimble, and Zewdu Girma were absent).

Budget Impact

None with this action. All costs to administer for-hire vehicles would be paid for by fees assessed on permit holders.



DISCUSSION:

Per MTS's enabling legislation, MTS may enter into agreements with San Diego County jurisdictions to regulate for-hire vehicles, such as taxicabs, non-emergency medical vehicles, low-speed vehicles, charter vehicles and jitneys. For-hire vehicle regulation includes: ensuring each vehicle has undergone a safety inspection; each vehicle has valid liability insurance; each permit holder (i.e. business owner) has passed a fingerprint-based criminal background check; confirming drivers have been validly licensed by the Sheriff's Department; investigating passenger complaints; and in the field monitoring and enforcement. The MTS For-Hire Vehicle Administration (FHVA) is statutorily required to be full cost recovery. The cost to administer for-hire vehicle regulations is covered by fees assessed on permit holders.

MTS Ordinance No. 11 describes the requirements for-hire vehicle transportation service. MTS Board Policy No. 34 describes how MTS establishes maximum rates of fares and regulatory fees. MTS continually aims to identify ways to reduce or remove its regulatory requirements so long as its main policy goals of ensuring public safety and consumer protection are being met. MTS also looks for way to assist the for-hire vehicle industry to remain competitive. Aligned with this purpose, the proposed revisions to MTS Ordinance No. 11 and MTS Board Policy No. 34 are as follows:

Electronically Booked Taxicab Trips and Fares Charged

Recently, UBER Technologies, a Transportation Network Company (TNC), and Yellow Cab announced a partnership in which taxicabs provide prearranged trips to UBER customers booked through its app. The UBER customer agrees to an up-front fare based on TNC dynamic pricing. The trip request is then connected to the Yellow Cab app, dispatching the trip to an available taxicab.

At the request of TAC, to leverage new technologies in the for-hire vehicle market that could increase business for taxicabs, For-Hire Vehicle Administration (FHVA) developed proposed revisions to MTS Ordinance No. 11, Section 1.1, to enable taxicabs to accept and provide trips that are booked through an authorized dispatch service or TNC online-enabled application or internet website that provides an up-front price.

Currently MTS Ordinance No. 11, Section 1.13 states that permits may be suspended or revoked by the Chief Executive Officer if the taxicab is operated at a rate of fare greater than the authorized maximum rates of fare. Further, MTS Board Policy No. 34, Section 34.2, requires that the maximum rates of fare apply to all taxicab trips. As Electronically Booked trips are based on an up-front price that may be higher than the maximum rates of fare, the proposed revisions will add an exemption for taxicab trips that are Electronically Booked to not follow taxicabs maximum rates of fare. The proposed revisions will also clarify that any taxicab trips that are requested through walk-up, street hail or phone call to a dispatch service will still be subject to the taxicab maximum rates of fare.

It is possible passengers booking a taxicab trip through a mobile application or internet website may be paying more or less than the maximum rate of fare for their trip. However, such passengers would have the ability and option to compare multiple transportation options (e.g. TNC app, taxicab dispatch app) to choose which for-hire transportation mode may provide them the best rate and/or quickest trip. Further, a passenger will continue to have the option to call a

dispatch service organization or go straight to a taxicab stand or street hail, if they want their taxicab trip regulated under the maximum rate structure.

As Electronically Booked trips may be higher than the posted maximum rates of fare, to prevent possible passenger confusion on the appropriate rates, the proposed revisions to MTS Ordinance No. 11, Section 2.2 would also require a notice stating that maximum rates do not apply for trips Electronically Booked to be conspicuously posted wherever maximum rates of fare are disclosed or posted.

Additionally, the proposed revisions to MTS Ordinance No. 11, Section 2.2 will also prohibit a dispatch service organization, permit holder or driver to demand a passenger that is requesting a taxicab trip through a walk-up, street hail or phone call to a dispatch service to instead have the taxicab trip be Electronically Booked.

Lastly, as an Electronically Booked trip is based on an up-front price that may be higher or lower than the maximum rates of fare, drivers may not want to agree to the resulting fare the driver would receive from providing the trip. The proposed revisions to MTS Ordinance No. 11, Section 1.8, would allow drivers to decline to accept Electronically Booked taxicab trips.

Definition of Low-Speed Vehicle (LSV)

Currently, MTS Ordinance No. 11, Section 1.1(r) defines a LSV as 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 can propel itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface.

FHVA has received a permit application for a three-wheeled vehicle that meets all other definitions for an LSV and meets California Department of Motor Vehicles safety criteria. The proposed revision would remove the four wheels on the ground requirement to enable this new type of vehicle to be permitted as an LSV.

Corporate Permit Applicants

Currently, it is FHVA practice that when a corporation is applying to become a permit holder, staff requires certain operating records of the corporation. The proposed revisions to MTS Ordinance No. 11, Section 1.3 clarifies that this is a requirement for permit applicants if a corporation.

Currently, MTS Ordinance No. 11, Section 1.10 requires permit holders to maintain a variety of financial ownership and operating records for a minimum of six months and to make them available to the Chief Executive Officer upon request. While most records listed are still relevant for the purpose of keeping an operating permit in good standing, FHVA will no longer require permit holders to maintain or produce any stock register recording the issuance or transfer of corporate stock shares. FHVA will only conduct business with a designated corporate officer at the time of a permit application, irrespective of their percentage of company shares. The proposed revisions would remove the requirement to maintain records relating to stock register if the permit holder is a corporation.

Prohibition of Refusing a Trip Based on Trip Purpose

Drivers are currently prohibited from refusing a taxicab fare based on trip length, method of payment, and based on discriminatory purposes. Drivers are also prohibited from refusing a trip if the passenger was going to be transporting groceries or intended to go to a medical appointment.

The proposed revisions to MTS Ordinance No. 11, Section 1.8 would clarify that refusing a trip based on any trip purpose, including if going grocery shopping or going to medical appointment, is prohibited. The proposed revisions also clarify that the prohibition on refusing trips or charging a greater fare based on discriminatory purposes not only applies to drivers and permit holders, but also to dispatch service organizations.

Taxicab Soft Meter Certificate of Approval

MTS Ordinance No. 11 requires taxicab soft meters to be certified by California Department of Food and Agriculture Division of Measurement Standards. The County of San Diego of Department of Weights and Measures has confirmed the acceptance of certification provided by the National Conference of Weight and Measures for soft meters as well. The proposed revision to MTS Ordinance No. 11, Section 2.2 will add the National Conference on Weights and Measures as a certifying organization for soft meters.

Dispatch Services

Currently MTS Ordinance No. 11, Section 2.6 requires that dispatch services are able to receive and respond to service requirements or other operational questions 24 hours a day, be computerized, and be able to locate vehicles in service using a GPS or similar technology. To facilitate compliance for each of these requirements, the following revisions clarify the operation and technology elements for 24 hours, electronic dispatch and GPS tracking:

Currently, MTS Ordinance No. 11 requires dispatch service organizations to receive and respond to service requests or other operational questions 24 hours a day. The proposed revision will allow dispatch services to meet this requirement through a live person answering phone calls, automated voice recognition technology that allows the prospective passenger the option to connect to a live person, or by forwarding trip requests to a dispatch service organization that provides 24-hour operations.

Currently, MTS Ordinance No. 11 does not define a computerized dispatch system. This has caused some dispatch services to utilize WhatsApp or other phone messaging apps as their primary method to dispatch trip requests to their subscriber. The proposed revision would require a dispatch service organization to utilize a transportation or fleet management specialized computerized system designed to automate the flow of information between a dispatch service organization and driver and at a minimum, electronically record trip information start/end locations, route taken, and up-front price if Electronically Booked.

Currently, MTS Ordinance No. 11 does not explicitly explain the method dispatch services should use to locate vehicles in service using a GPS or similar technology. The proposed revision would require a dispatch service organization to provide in real time, the GPS location of every taxicab while the taxicab is in service, and that the GPS tracking method be provided through a computerized dispatch software or other similar technology.

Other revisions to MTS Ordinance No. 11 are minor and non-substantive (e.g. moving certain provisions from one section to another section for consistency purposes). Please note that per statute, any revisions to an MTS Ordinance requires a Public Hearing. MTS has accordingly posted notice in a newspaper of general circulation, at the MTS Transit Store, and on MTS's website.

Thus, it is staff's recommendation that the MTS 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 the County by the Adoption of a Uniform Paratransit Ordinance" (Attachment A);
- 2) Waive the requirements of MTS Board Policy No. 22 "Rules of Procedure for MTS Board of Directors," Sections 22.4.3, stating all ordinances shall be read in full either at the time of introduction or passage (per MTS Board Policy No. 22, unanimous vote of the Board members present is required in order to waive further reading); and
- 3) Approve the proposed revisions to MTS Board Policy No. 34 "For-Hire Vehicle Services" (Attachment B).

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Proposed Revisions to MTS Ordinance No. 11 (red-line track changes)
B. Proposed Revisions to MTS Board Policy No. 34 (red-line track changes)

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~October 19, 2023~~ March 14, 2024)

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 ~~October 19, 2023~~ March 14, 2024)

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 (MTS).

(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 themselves or a specified group.

(c) "Chief Executive Officer" shall mean the Chief Executive Officer of MTS or their 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, Oceanside, 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) "County" shall mean the unincorporated area of the County of San Diego located within MTS's jurisdictional boundaries if entered into a contractual agreement with MTS for the licensing and regulation of transportation services.

(g) "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.

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

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

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

(k) "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.

(l) "Electronically Booked" shall mean a taxicab trip booked through a taxicab dispatch service organization or transportation network company's online enabled application or internet website that provides an up-front price. An up-front price shall be considered the total cost including all fees, exclusive of tip, that a passenger has agreed to pay at the time of booking.

~~(m)~~ "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.

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

~~(oo)~~ "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.

~~(pp)~~ "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.

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

~~(rr)~~ "Jitney" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;
and

(2) Follows a fixed route of travel between specified locations along its route on a variable schedule or operates a flexible route within a geographic boundary and specific timeframes as approved by MTS, with the fare based on a per capita charge established in its permit.

~~(ss)~~ 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. It shall only operate within a geographic boundary as approved by

MTS. 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.

(~~st~~) "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.

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

(~~uv~~) "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.

(~~wx~~) "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.

(~~xy~~) "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.

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

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

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

(~~bbcc~~) "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.

(dd) "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 their services as driver.

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

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

(gg) "Substantially Located" shall mean where the primary business address of the taxicab permit holder is located and/or the 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. Trip logs and/or other documentation shall be used to substantiate the jurisdiction 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, by telephone, mobile telephone application, 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.

(ii) "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.

(jj) "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.

(kk) "Vehicle for Developmentally Disabled Persons (VDDP) driver certificate" shall mean certificate issued by California Highway Patrol pursuant to Vehicle Code section 12523.6, which is required for any driver who primarily transports persons with developmental disabilities on a for-hire basis. A VDDP driver certificate with a commercial driver's license may be used in lieu of a driver identification card to drive a for-hire vehicle within the City or County, unless for a taxicab.

(Section 1.1 amended 3/14/2024)
(Section 1.1 amended 10/19/2023)
(Section 1.1 amended 1/20/2022)
(Section 1.1 amended 11/12/2020)
(Section 1.1 amended 10/10/2019)
(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 sworn application 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 may include, but is not limited to, a Post Office [PO] Box or dispatch service

address), e-mail address, and 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) If applying as a corporation, operating records are required, as defined in Section 1.10;

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

(43) The number of vehicle(s) for which a permit(s) is desired;

(54) The rates of fare which the applicant proposes to charge for vehicle-for-hire services. This requirement does not apply to taxicab permit applicants;

(65) If the application is for a jitney or LSV, a detailed description of the geographic area in which said permit shall be in existence; and

(67) Such other information as the Chief Executive Officer may in their discretion require.

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 3/14/2024)**
- (Section 1.3 amended 1/20/2022)**
- (Section 1.3 amended 11/12/2020)**
- (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) Before a permit may be approved or renewed, 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 eighteen (18) years of age; or

(2) That the applicant has been convicted of, or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation which would have resulted in suspension or revocation of the permit in accordance with Section 1.13 of this Ordinance; or

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

(c) No permit shall be approved or renewed unless evidence of compliance with applicable MTS regulations.

(d) 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 12/8/2022)
(Section 1.4 amended 11/12/2020)
(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.

(b) 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.

(c) 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 posted, at a minimum, on the MTS website and notice of such posting will be sent to all permit holders' email address. Changes shall be effective thirty (30) calendar days thereafter.

(2) Any person objecting to a particular fee or charge may file, within ten (10) calendar days of posting 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 11/12/2020)
(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 an email address, mailing address that can accept mail directed to company, and a business telephone in which the permit holder can be reached during reasonable business hours and during all hours of operation. The permit holder shall, in the case of any change in their email 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) If a taxicab, permit holders must participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code and enroll all employed or contracted drivers who drive a vehicle for permit holder.

(1) Upon the termination of the employee or contractor driver, the permit holder shall notify the Department of Motor Vehicles (DMV) to discontinue the driver's enrollment in the pull notice system.

(2) Permit holders shall present upon request, during regular business hours, to MTS and/or the Sheriff's Department, as well as during annual permit renewal, proof of enrollment and names of any and all drivers enrolled in the DMV driver pull-notice program pursuant to Section 1.8(d) of this Ordinance.

(3) Permit holders who fall under one or more of the following categories must enroll in the DMV pull-notice program: if registered with the State of California as a Corporation and or LLC; if own more than one vehicle; employs or contracts a lease driver(s); and/or vehicle is otherwise driven by more than one driver.

(e) Before a for-hire vehicle is placed in service and at least annually thereafter, the for-hire vehicle shall be delivered to a certified Automotive Service Excellence or Bureau of Automotive Repair registered facility for mechanical inspections, or other place designated by the Chief

Executive Officer for inspection. Certified mechanics and 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 within a timeframe determined by MTS shall be cause for suspension or revocation of the permit for such vehicle.

(f) 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.

(g) 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.

(h) 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 a certified mechanics or MTS inspector

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

(i) 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.

(j) Each for-hire vehicle, except taxicabs and LSVs, 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.

(k) 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.

(l) 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 (k), it shall be unlawful to operate a for-hire vehicle without the medallion affixed and visible.

(m) 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 For-Hire Vehicle 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.

(n) 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.

(o) 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.

(p) 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 comply with Section 2.2(d) of this Ordinance.

(q) 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 Sheriff or provide upon a request a valid VDDP driver certificate with a commercial driver's license. 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 issued by the Sheriff 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.

(r) 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.

(s) 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.

(t) 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.

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

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

(w) 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.

(x) 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.

(y) 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.

(z) 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, 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 mean that: driver is wearing appropriate clothing to operate a for-hire vehicle; drivers shall wear shoes; driver cannot 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; and trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(aa) —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.

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

(cc) ~~-A driver or~~ permit holder or dispatch service organization shall not prejudice, disadvantage, or require a different rate 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.

(dd) 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.

(ee) 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.

(ff) A driver may decline to accept a taxicab trip that is Electronically Booked, so long as all other requirements of Section 1.8 are followed.

(gg) A driver shall not refuse or discourage a prospective or actual fare based upon trip length within City or County. A vehicle designated as an LSV may refuse a prospective or actual fare if the trip distance is outside allowed areas of operations.

(hh) A driver shall not refuse or discourage a prospective or actual fare based upon method of payment. Driver shall not refuse payments by credit card.

(ii) 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 based on trip purpose (e.g. transport foodstuffs or who must meet a medical appointment).

(jff) 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.

(~~ggkk~~) 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.

(~~hhll~~) If a taxicab, proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions.

(Section 1.8 amended 3/14/2024)
(Section 1.8 amended 12/8/2022)
(Section 1.8 amended 1/20/2022)
(Section 1.8 amended 11/12/2020)
(Section 1.8 amended 10/10/2019)
(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 be received 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 11/12/2020)
(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-;

(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~~

~~(34)~~ 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) As a condition of permit renewal, upon permit renewal 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 mailing address, e-mail 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);

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

(5) Proof of enrollment and names of any and all drivers enrolled in the DMV driver pull-notice program pursuant to Section 1.8(d) of this Ordinance.

(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. 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. Failure to produce the statement may result in permit suspension or denial of permit renewal.

(Section 1.10 amended 3/14/2024)
(Section 1.10 amended 12/8/2022)
(Section 1.10 amended 11/12/2020)
(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, 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.

(c) 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 for-hire vehicle to be placed and kept on inactive status:

- (1) No laps 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.

(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.

(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: displays a valid driver's identification card obtained annually through the Sheriff of the County of San Diego; or provides upon request a VDDP driver certificate with a commercial driver's license.

(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 or VDDP driver certificate with a commercial driver's license.

(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, and compliance with the ADA. As determined by the Chief Executive Officer, a corresponding qualification examination may be required.

(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, California Highway Patrol, 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 by the Sheriff to any of the following persons:

(1) Any person under the age of eighteen (18) 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 their discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time their 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 For-Hire Vehicle 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 12/8/2022)*
- (Section 1.12 amended 1/20/2022)*
- (Section 1.12 amended 11/12/2020)*
- (Section 1.12 amended 10/10/2019)*
- (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 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.

(6) ~~The for-hire vehicle or vehicles, if operated as a~~The LSV or a taxicab, are operated at a rate of fare greater than the maximum rates of fare authorized by the Chief Executive Officer or posted on the taxicab or LSV pursuant to Section 2.2 (a) of this Ordinance, unless the taxicab trip is Electronically Booked.

~~(7) 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 the applicable rate provided to passenger pursuant to Section 2.4 (q) of this Ordinance.~~

~~(7)~~ (8) 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.

(89) The permit holder has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any 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 the date of discharge from a penal institution or the satisfactory completion of parole or probation for such conviction has elapsed.

(409) 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. As directed by the Chief Executive Officer, it shall be the responsibility of the permit holder ~~shall 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 their 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 3/14/2024)
(Section 1.13 amended 12/8/2022)
(Section 1.13 amended 1/20/2022)
(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 issued by the Sheriff 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) Their 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 1/20/2022)
(Section 1.14 amended 10/10/2019)
(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 they 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 issued by the Sheriff, 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 issued by the Sheriff 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 issued by the Sheriff, 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 issued by the Sheriff 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 (g) 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 reattached to a vehicle until the violation under Sections 1.8 (g) or 1.9 has been corrected.

(Section 1.16 amended 1/20/2022)

(Section 1.16 amended 11/12/2020)

(Section 1.16 amended 10/10/2019)

(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) public transit vehicles owned, operated, or contracted for by MTS and operators and drivers of such vehicles;

(3) a vehicle properly licensed by the State or County as an ambulance, and its driver if properly licensed by the California Highway Patrol pursuant to Vehicle Code section 12527 (i.e. for-hire driver for an ambulance); or

(4) a vehicle properly regulated by the California Highway Patrol pursuant to Vehicle Code sections 34500 et seq. (i.e. bus, schoolbuses, school pupil activity buses, or youth buses), and its driver if properly licensed by the California Highway Patrol pursuant to

Vehicle Code sections 12523.6 (i.e. for-hire driver of vehicles for developmentally disabled) or 12517.3 (i.e. for-hire driver for a schoolbus, school pupil activity bus, or youth bus).

(b) For compliance purposes, MTS inspectors may inspect all vehicles listed in Section 1.18 (a) to ensure they are not exceeding the authority granted by their license or operating as unlicensed private-hire transportation provider.

(Section 1.18 amended 10/10/2019)
(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 issued by the Sheriff, a copy of which schedule shall be filed with the Clerk of the Board.

(Section 1.19 amended 10/10/2019)
(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. 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, r~~ 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) In accordance with Government Code Section 53075.5, tThe taxicab permit holder or taxicab driver shall disclose fares, fees or rates to the passenger. If providing trips booked through an online enabled application, internet website, or dispatch service, The taxicab permit holder or taxicab driverit may be disclosed by website, mobile telephone application or telephone dispatch ordersrequests. If providing trips through walkup rides or street hails, it may be disclosed on the exterior of the vehicle, internet enabled application, or be clearly visible in either print or electronic form inside the taxicab.

(1) If a trip was Electronically Booked, notice that maximum rates do not apply for trips Electronically Booked must be conspicuously posted wherever maximum rates of fare are disclosed or posted.

(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~~they 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 or National Conference of Weights and Measures.

(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 their 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, unless the taxicab trip is Electronically Booked.

(i) ~~Except as provided in this section, is~~ It shall be unlawful for any permit holder and/or driver to demand of a passenger that is requesting a taxicab trip through a walkup, street hail or phone call to a dispatch service organization a charge for hire which is greater than the authorized maximum rate pursuant to Section 2.2 (a) or (b) of this Ordinance. It shall also be unlawful for any dispatch service organization, permit holder and/or driver to request or demand that a passenger requesting a taxicab trip through a walkup or street hail or phone call to a dispatch service organization to instead have the taxicab trip Electronically Booked.

(j) Nothing in this Ordinance shall preclude a dispatch service, permit holder, or driver from agreeing with prospective passenger(s) to a rate of fare which is equal to or less than the maximum rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip. To ensure the fare agreement is equal to or less than the maximum rates of fare, the taximeter shall remain in recording position until the termination of the trip.

(Section 2.2 amended 3/14/2024)

(Section 2.2 amended 1/20/2022)
(Section 2.2 amended 12/12/2019)
(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 any solid color 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 any solid color 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 any solid color 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.

(3) Exterior Marking Scheme 3: Shall only apply to taxicab vehicles with an unladen weight of 6,000 pounds or less. The following must be displayed if in use of Exterior Marking Scheme 3::

(A) The permit holder's trade name shall be permanently affixed to the upper edge of the front and rear windshields and lower part of both left and right rear windows, three (3) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in any solid color to produce maximum contrast adequately spaced for maximum readability.

(B) The medallion number shall be permanently affixed on the upper right side of the front windshield, upper left part of the rear windshield, and both right and left rear glass panels. The Medallion number shall be a minimum of (4) inches high utilizing "Univers" or other Chief Executive Officer pre-approved font any in any solid color to produce maximum contrast adequately spaced for maximum readability.

(d) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on their 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 their trade name logo, the trade name logo shall be posted on the rear portion of both side rear quarter panels or bottom parts of the front or rear windshields farthest removed from the driver. The logo shall not exceed (6) six inches in diameter.

(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) Dispatch Service Telephone Number. If permit holder chooses to display the dispatch service telephone number, the telephone number must be no more than three (3) inches in height and posted on the top front portion of both front side quarter panels or lower part of left and right rear windows

(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 dispatch service, or driver 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 (s).

(Section 2.3 amended 1/20/2022)

(Section 2.3 amended 11/12/2020)

(Section 2.3 amended 12/12/2019)

(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 disability that prevents them from handling items as defined in subsection (1) above must receive prior approval from MTS and provide supporting documentation of such a disability. After receiving MTS approval, a driver 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.~~

(~~de~~) 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.

(~~fe~~) 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.

(~~gf~~) 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.

(~~hg~~) 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.

(~~ih~~) 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.

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

(~~kj~~) 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 their discretion, public service and traffic conditions require.

(~~lk~~) 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 their taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

(~~ml~~) 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.

(~~nm~~) 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.

(~~on~~) 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.

(po) 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 3/14/2024)
(Section 2.4 amended 1/20/2022)
(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(~~gd~~, ~~he~~), 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.~~
- (~~6~~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) Dispatch service organizations shall, be able to receive and respond to service requests or other operational questions 24 hours a day ~~as further described at Section 2.6 (c)~~, have ~~dispatch~~ staff on duty for lost and found pick-ups and drop offs during reasonable hours or by appointment, at a preapproved physical commercial business location, 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) A dispatch service organization shall maintain compliance with the 24 hour operation requirement though a live person answering phone calls, automated voice recognition technology so long as it provides the option to connect to a live person, or by forwarding trip requests to a different dispatch service organization that provides 24 hour operations.

(d) A dispatch service organization shall utilize a transportation or fleet management specialized computerized system designed to automate the flow of information between a dispatch service organization and driver that at a minimum electronically records: trip information (i.e. address or location description) of both start and end locations; the route taken; and the up-front price if Electronically Booked.

(e) A dispatch service organization shall at all times have the ability to provide in real time, the GPS location of every taxicab while the taxicab is in service. It shall be the responsibility of the dispatch service organization to provide the GPS tracking method through a computerized dispatch software or other similar technology.

(~~f~~e) Dispatch services shall keep electronic or written records of all requests for taxi service, calls dispatched, ~~and~~ the time(s) each taxicab goes in and out of service, and final fare for all trips. Final fare may be calculated by Dispatch services through trip data. These records shall be kept on file for a minimum of six (6) months, and made available to MTS, upon request.

(~~g~~e) 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.

(~~h~~-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 3/14/2024)
(Section 2.6 amended 11/12/2020)
(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 or any other emergency electronic communication 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 11/12/2020)
(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 mechanical safety regulations within Section 1.8 (g) as a public health, safety and welfare measure.

(Section 2.8 amended 11/12/2020)

(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, they 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 1/20/2022)

(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 (x).

(Section 5.0 amended 11/12/2020)

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, they 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 1/20/2022)
(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, they 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 1/20/2022)

(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 their 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 their approved fixed route(s), they 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 their 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.

(h) A permit holder may apply for a non-fixed, flexible route within an MTS determined geographic boundary and operational timeframe that MTS determines to be beneficial to passengers and businesses located within such boundaries. The application for a non-fixed, flexible 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 map in sufficient detail to clearly indicate the proposed operation within the MTS approved geographic boundary;
- (3) The fare to be charged; and
- (4) Such other reasonable information as the Chief Executive Officer may, in their discretion, require.

(Section 6.2 amended 1/20/2022)
(Section 6.2 amended 11/12/2020)
(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 their 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 their 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 1/20/2022)

(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(~~fs~~). LSVs may operate by zones and/or a prearranged basis ~~as set forth in Section 1.1 (b) (1) (5).~~

(Section 7/1 amended 3/14/2024)
(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, they 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 1/20/2022)
(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 their 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 their 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 1/20/2022)
(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: 3/14/2024

Amended: 10/19/2023

Amended: 12/8/2022

Amended: 1/20/2022

Amended: 11/12/2020

Amended: 12/12/2019

Amended: 10/10/2019

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

Clerk Affidavit

PASSED AND ADOPTED, by the Board of Directors this ~~19th-14th~~ day of ~~October~~
~~2023~~March 2024. The Ordinance amended was adopted by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

ATTEST my hand and the seal of the San Diego Metropolitan Transit System this ~~19th-14th~~
day of ~~October 2023~~March 2024.

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

General Counsel
San Diego Metropolitan Transit System



Policies and Procedures No. 34

Board Approval: ~~10/19/2023~~3/14/2024

SUBJECT:

FOR-HIRE VEHICLE SERVICES

PURPOSE:

To establish a policy with guidelines and procedures for the implementation of MTS Ordinance No. 11.

BACKGROUND:

Regulation of for-hire vehicle service is in the interest of providing the citizens and visitors to the MTS region and particularly the Cities of Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, and Santee, with a good quality local transportation service. Toward this end, MTS finds it desirable to regulate the issuance of taxicab permits, to establish maximum rates of fare, and to provide for annual review of cost-recovery regulatory fees.

POLICY:

34.1 City of San Diego Entry Policy

New City of San Diego taxicab permits will be issued in accordance with San Diego City Council Policy No. 500-02, "Taxicab Permits".

34.2 Maximum Rates of Fare Policy

Except for Electronically Booked taxicab trips, as further defined at MTS Ordinance No. 11, Mmaximum rate of fare for exclusive ride and group ride hire of taxicabs shall be made in accordance with the change in the Annual All Urban Western Transportation Consumer Price Index (CPI)/San Diego. The fare structure shall consist of the dollar amounts charged by permit holders for the flag drop, the per-mile charge, waiting-time charge, first zone, and each additional zone charge. The maximum rates of fare shall be computed annually by the Chief Executive Officer and presented at a noticed public hearing of the Taxicab Advisory Committee.



34.2.1 Maximum Rates of Fare Determination

Unless Section 34.2.2 applies, the maximum fare determination shall be adjusted annually based on the 1990 Western transportation CPI/San Diego amounts of \$1.40 flag drop, \$1.50 per mile, and \$12.00 per hour waiting. Adjustments shall be rounded up or down, as appropriate, to the nearest even \$0.10 increment.

34.2.2 Maximum Rates of Fare Determination - Only for Taxicabs Equipped with Point Of Sale Devices Electronically Connected to the Taximeter and Equipped with Printed or Electronically Conveyed Receipt Capability

Taxicabs equipped with point of sale devices electronically connected to the taximeter and capable of printing or electronically conveying receipts may charge the an increase of 6% more than the Maximum Rates of Fare for Taxicabs without such devices, as determined pursuant to Section 34.2.1. Adjustments shall be rounded up or down, as appropriate, to the nearest \$0.10 increment.

34.3 Airport Taxicab Fare Policy

In addition to the applicable maximum rate of fare described in Section 34.2.1, a taxicab operator may charge an “extra” equal to the Airport Trip 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 customer by utilizing the extra button on the taxicab meter. A driver may not verbally request payment.

34.4 Regulatory Fee Review

The following procedures will be utilized for the establishment of for-hire vehicle regulatory fees.

34.4.1 In accordance with State of California Public Utilities Code Section 120266, MTS shall fully recover the cost of regulating the taxicab and other for-hire vehicle industry. Pursuant to MTS Ordinance No. 11, Sections 1.3(b), 1.4(a), 1.4((c), and 1.5(d), the Chief Executive Officer establishes a fee schedule to effect full-cost recovery and notify affected permit holders of changes in the fee schedule.

34.4.2 The procedure for establishing a regulatory fee schedule will include an annual review of the audited expenses and revenue of the previous fiscal year associated with MTS for-hire vehicle activities. The revised fee schedule will be available for review by interested parties in November each year and is subject to appeal as provided for in Ordinance No. 11, Section 1.5(d).

34.4.3 A fee schedule based on previous year expenses and revenue amounts will be put into effect each January.

POLICY.34.FOR-HIRE VEHICLE SERVICES

This policy was originally adopted on 12/8/88.

This policy was amended on 7/26/90.

This policy was amended on 5/9/91.

This policy was amended on 6/13/91.

This policy was amended on 1/28/93.

This policy was amended on 5/11/95.

This policy was amended on 10/31/02.

This policy was amended on 4/24/03.

This policy revised on 3/25/04.

This policy was amended on 4/26/07.

This policy was amended on 7/17/08.

This policy was amended on 4/19/12.

This policy was amended on 4/16/15.

This policy was amended on 12/12/2019.

This policy was amended on 10/19/2023.

This policy was amended on 3/14/2024.



**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Adoption of 2024 Conflict of Interest Code – Amendment

RECOMMENDATION:

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

- 1) Adopt Resolution No. 24-02 (Attachment A) amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974;
- 2) Adopt the amended 2024 MTS Conflict of Interest Code (in substantially the same format as Attachment B); and
- 3) Forward the amended 2024 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body) (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

Budget Impact

None.

DISCUSSION:

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

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



It is proposed that MTS's Conflict of Interest Code be amended to include new positions that must be designated, revise the titles of existing positions, and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions (Attachment B).

Therefore, staff recommends the MTS Board of Directors:

- 1) Adopt Resolution No. 24-02 (Attachment A) amending the MTS Conflict of Interest Code pursuant to the Political Reform Act of 1974;
- 2) Adopt the amended 2024 MTS Conflict of Interest Code (in substantially the same format as Attachment B); and
- 3) Forward the amended 2024 MTS Conflict of Interest Code to the County of San Diego (the designated code-reviewing body) (Gov. Code § 82011) requesting approval of the amendment as required under Government Code section 87303.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Resolution No. 24-02
B. Redline of Amendment to 2023 Conflict of Interest Code
C. Notice of Intent

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

Resolution No. 24-02

Resolution Of The Board Of Directors Of The San Diego Metropolitan
Transit System Adopting An Amended Conflict Of Interest Code Pursuant
To The Political Reform Act Of 1974

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

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

WHEREAS, the Board of Directors adopted a Conflict of Interest Code (the "Code") which was amended on July 27, 2023, in compliance with the Act; and

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

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

WHEREAS, a public meeting was held upon the proposed amended Conflict of Interest Code at a regular meeting of the Board of Directors on March 14, 2024, at which all present were given an opportunity to be heard on the proposed amended Conflict of Interest Code.

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

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

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

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

PASSED AND ADOPTED, by the Board of Directors this 14th day of March 2024, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

General Counsel
San Diego Metropolitan Transit System

**CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO METROPOLITAN
TRANSIT SYSTEM**

CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO METROPOLITAN TRANSIT SYSTEM
(Amended March 14, 2024)

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

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

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended March 14, 2024)

PART “A”

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

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

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

Board of Directors and Alternates

Chief Executive Officer

Chief Financial Officer

Investment Consultant

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

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Assistant (Copy Center)	4
Associate Transportation Planner	5
Business Systems Analyst (ALL)	5
Buyer	4
Chief Human Resources Officer	5
Chief Information Officer	5
Chief of Staff	1
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Community Engagement Specialist	5
Contract Administrator (ALL)	4
Controller	1, 2
Creative Design Manager	5
Deputy Director of Transit – Security & Passenger Safety	5
Deputy General Counsel	1, 2
Director of Capital Projects	1, 2
Director of Contract Services & Passenger Facilities	3, 5
Director of Fare Technology and Operations	5
Director of Financial Planning & Analysis	1, 2
Director of Fleet and Facility Maintenance	5

Director of Human Resources	5
Director of LRV Maintenance	5
Director of Maintenance of Way (MOW)	5
Director of Marketing & Communications	5
Director of Planning & Scheduling	1, 2
Director of Rail Maintenance	5
Director of Rail Transportation	5
Director of Supply Chain & Operations	4
Director of Support Services	5
Director of Transit Security & Passenger Safety	5
Director of Transportation	1
Division Manager of Maintenance (ALL)	5
Environmental Health & Safety Specialist	5
Fare Systems Administrator	5
Financial Analyst	4
For-Hire Vehicle Administration Manger	5
General Counsel	1, 2
Grants Administrator	9
Graphic Designer	5
Information Security & Intelligence Engineer	5
Information Security & Intelligence Manager	5

Information Technology Development Manager	5
Information Technology Enterprise Architect (IoT)	5
Information Technology Operation Manager	5
Internal Auditor	4
Liability Claims Supervisor	1, 2, 7
Manager of Benefits & Compensation	5
Manager of Financial Planning and Analysis	1, 2
Manager of Government Affairs	1
Manager of Human Resources	5
Manager of Inventory Operations	4
Manager of Paratransit & Mini Bus	5
Manager of Procurement	4
Manager of PRONTO and Passenger Support	5
Manager of Real Estate Assets	1, 2
Manager of Risk and Claims	1, 2, 7
Manager of Scheduling	5
Manager of Service Quality and Special Operations	5, 8
Manager of Support Services	2, 3, 5
Manager of Talent Acquisition	5
Multimedia Designer	5
Network Operations Manager	5

Procurement Specialist (ALL)	4
Professional Standards Manager	7
Project Administrator	5
Project Engineer	1, 2
Project Manager (ALL)	1, 2
Public Relations Specialist	5
Report Development Analyst	5
Revenue Maintenance Supervisor (ALL)	5
Revenue Operations Manager	5
Right-of-Way Permit Coordinator	2, 5, 6
SAP Software Developer	5
Security System Administrator	5
Senior Contract Operations Administration	5
Senior Data Warehouse Engineer	5
Senior Human Resources Analyst	5
Senior Project Manager (ALL)	1, 2
Senior Transportation Planner	1, 2
Software Developer	5
Staff Attorney – Regulatory Compliance	1, 2
Supervisor of Paratransit & Mini Bus	5
Technical Project Manager	5

Transit Asset Management Program Manager	2, 4
Worker's Compensation Analyst (ALL)	7
ZEV and Sustainability Manager	5

Consultant and New Positions²

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

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

PART “B”

DISCLOSURE CATEGORIES

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

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

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS, including any leasehold, beneficial or ownership interest or option to acquire property.

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

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

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

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

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

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

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

Category 9: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit or other organization, if the source is of the type to receive grants or other monies from or through MTS or its subdivisions.

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BEST BEST & KRIEGER LLP

**CONFLICT OF INTEREST CODE
OF THE
SAN DIEGO METROPOLITAN
TRANSIT SYSTEM**

LAW OFFICES OF
BEST BEST & KRIEGER LLP

CONFLICT OF INTEREST CODE

OF THE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended ~~July 27, 2023~~ March 14, 2024)

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

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

APPENDIX

CONFLICT OF INTEREST CODE

OF THE

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

(Amended ~~July 27, 2023~~ March 14, 2024)

PART "A"

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Chief Executive Officer

Chief Financial Officer

Investment Consultant

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

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DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Administrative Assistant (Copy Center)	4
Applications Development & Support Manager	5
Assistant Manager of Maintenance	5
Assistant Manager of Stores	5
Associate Transportation Planner	5
Business Systems Analyst (ALL)	5
Buyer	4
Chief Human Resources Officer	5
Chief Information Officer	5
Chief of Staff	1
Chief Operating Officer – Rail	1
Chief Operating Officer – Transit Services	1
Community Engagement Specialist	5
Contract Administrator (ALL)	4
Controller	1, 2
Creative Design Manager	5
Deputy Director of Transit – Security & Passenger Safety Enforcement	5
Director of Fare Technology and Operations	5
Deputy Fare Systems Administrator	5
Deputy General Counsel	<u>1, 2, 5, 6, 7</u>

LAW OFFICES OF
BEST BEST & KRIEGER LLP

<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Director of Capital Projects	1, 2
Director of Contract Services & Passenger Facilities	3, 5
Director of Financial Planning & Analysis	1, 2
Director of Fleet and Facility Maintenance	5
Director of Human Resources	5
Director of Marketing & Communications	5
Director of Planning & Scheduling	1, 2
Director of Supply <u>Chain</u> & Operations	4
Director of Support Services	5
Director of Transit Security & Passenger Safety	5
Director of Transportation	1
Division Manager of Maintenance <u>(ALL)</u>	5
Environmental Health & Safety Specialist	5
Fare Systems Administrator	5
Financial Analyst	4
For-Hire Vehicle Administration Manger	5
General Counsel	1, 2
Grants Administrator	9
Graphic Designer	5
Information Security & Intelligence Engineer	5
Information Security & Intelligence Manager	5

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<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Information Technology Development Manager	5
Information Technology Enterprise Architect (IoT)	5
Information Technology Operation Manager	5
Internal Auditor	4
Liability Claims Supervisor	1, 2, 7
Manager of Benefits & Compensation	5
Manager of Contract Operations & Passenger Facilities	2, 4
Manager of Government Affairs	1
Manager of Human Resources	5
Manager of Inventory Operations	4
Manager of Marketing and Communications	5
Manager of Paratransit & Mini Bus	5
Manager of Procurement	4
Manager of PRONTO AND <u>and</u> Passenger Support	5
Manager of Real Estate Assets	1, 2
Manager of Risk and Claims	1, 2, 7
Manager of Scheduling	5
Manager of Service Quality and Special Operations	5, 8
Manager of Support Services	2, 3, 5
Manager of Talent Acquisition	5
Marketing and Communications Specialist <u>Multimedia Designer</u>	5

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<u>DESIGNATED POSITIONS'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Network Operations Manager	5
Operating Budget Supervisor <u>Manager of Financial Planning and Analysis</u>	1, 2
Procurement Specialist (ALL)	4
Project Engineer	1, 2
Professional Standards Manager	7
Project Administrator	5
Project Manager (ALL)	1, 2
Public Relations Specialist	5
Regulatory Enforcement Supervisor	6
Report Development Analyst	5
Revenue Maintenance Supervisor (ALL)	5
<u>Revenue Operations Manager</u>	5
Right-of-Way Permit Coordinator	2, 5, 6
SAP Software Developer	5
Security System Administrator	5
Senior Contract Operations Administration	5
Senior Data Warehouse Engineer	5
Senior Human Resources Analyst	5
Senior Project Manager <u>(ALL) – Rail Systems</u>	1, 2
Senior Transportation Planner	1, 2
Software Developer	5

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DESIGNATED POSITIONS'
TITLE OR FUNCTION

DISCLOSURE CATEGORIES
ASSIGNED

<u>Staff Attorney – Regulatory Compliance</u>	<u>1, 2</u>
Superintendent of Facilities - <u>Director of Rail Maintenance</u>	5
Superintendent <u>Director</u> of LRV Maintenance	5
Superintendent <u>Director</u> of <u>Rail</u> Transportation	5
Superintendent <u>Director</u> of Wayside -Maintenance <u>of Way (MOW)</u>	5
Supervisor of Paratransit & Mini Bus	5
Supervisor Revenue Operations	5
Technical Project Manager	5
Transit Asset Management Program Manager	2, 4
Transportation Operations Specialist (ALL)	2, 5
Worker's Compensation Analyst (ALL)	7
ZEV and Sustainability Manager	5

Consultant and New Positions²

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

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

PART “B”

DISCLOSURE CATEGORIES

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

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

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of MTS, including any leasehold, beneficial or ownership interest or option to acquire property.

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

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

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

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

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BEST BEST & KRIEGER LLP

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

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

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

Category 9: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, or income from a nonprofit or other organization, if the source is of the type to receive grants or other monies from or through MTS or its subdivisions.



NOTICE OF INTENT

DATE: March 4, 2024
TO: All MTS Conflict of Interest Code Filers
FROM: Dalia Gonzalez, Clerk of the Board
SUBJECT: Amend the Conflict of Interest Code of the San Diego Metropolitan Transit System

NOTICE IS HEREBY GIVEN that the Board of Directors of the San Diego Metropolitan Transit System (MTS) intends to amend its Conflict of Interest Code (the "Code") pursuant to Government Code Section 87306.

The Appendix of the Code designates those employees, members, officers and consultants who are subject to the disclosure and disqualification requirements of MTS's Code. The proposed amendment include new positions that must be designated, revise the titles of existing positions and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental.

The proposed amended Code will be considered by the Board of Directors on March 14, 2024, at 9:00 a.m. at San Diego Metropolitan Transit System, James R. Mills Building, Board Meeting Room, 10th Floor, 1255 Imperial Avenue, San Diego, California 92101. Any interested person may be present electronically via teleconference 1(669) 444-9171; Board Webinar ID: 982 8803 2362 or Zoom: <https://zoom.us/j/98288032362> and/or comment in person at the public meeting or may submit written comments concerning the proposed amendment.

Any comments or inquiries should be directed to the attention of Dalia Gonzalez, Executive Assistant to CEO and Clerk of the Board at clerkoftheboard@sdmts.com or via mail at San Diego Metropolitan Transit System, 1255 Imperial Ave., Ste. 1000, San Diego, CA 92101-7490; (619) 231-1466. Written comments must be submitted no later than March 13, 2024, at 4:00 p.m.

The proposed amended Code may be reviewed at, and copies obtained from Dalia Gonzalez, Executive Assistant to CEO and Clerk of the Board.



**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Addition of Full-Time Equivalent (FTE) Position: Staff Attorney

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to add one (1) Staff Attorney to the position tables previously approved in the Fiscal Year 2024 budget.

Budget Impact

The Staff Attorney will be in Salary Grade #11 (Range \$84,899-\$172,663). The total net annual cost for this additional position (including both wages and benefits) would be approximately \$137,810.73. The expense would be added into the annual Legal Department budget and be reflected in the Fiscal Year 2024 mid-year budget amendment.

DISCUSSION:

The MTS Legal Department currently employs two attorney positions -- General Counsel and Deputy General Counsel. The Legal Department is responsible for the following general categories of advice and reviews:

- provide legal representation and advice to the MTS Board and staff;
- review of agency procurements, contracts, licenses, leases, and permits;
- ensure compliance with all applicable regulatory and grant requirements;
- negotiate agency real estate transactions, including transit-oriented development projects;
- negotiate and manage cooperative agreements with other public agencies;
- oversee compliance with constitutional or statutory obligations;
- monitor and manage an extensive group of outside attorneys.

MTS also contracts with a panel of as-needed legal firms to provide MTS with specialized advice and expertise, including but not limited to environmental law, stormwater compliance, federal railroad law, trademark/patent, state and federal tax law, ADA compliance, insurance coverage, workers compensation, and other general areas of practice. Each of these outside counsel assignments are managed by the Legal Department. All litigation is handled by outside counsel and co-managed by the Legal, Risk, and/or Human Resources Departments.

In-house legal staff is needed to provide review and oversight of day-to-day business activities, coordinate review and implementation of large capital projects or operational initiatives, advise staff on the regulatory requirements for various state or federal grants, and problem solve projects in real time with MTS's operational and capital projects teams.

Over the last ten years, MTS's service territory has grown as more transit projects have been implemented (e.g., Mid-Coast, South Bay Rapid, Iris Rapid). In that time period, MTS has also initiated over 8 transit-oriented development (TOD) projects at MTS transit centers, begun implementation of its zero-emission bus fleet transition, including projects to design and install large-scale electric charging infrastructure, and aggressively sought grant funding for MTS state of good repair and community beautification projects. The Legal Department works with staff to implement each of these projects by reviewing grant agreements, reviewing and approving procurement processes and negotiating vendor contracts, overseeing special permit or environmental requirements, and engaging with regulatory agencies and auditors.

The Deputy General Counsel is also designated as the Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE) Liaison Officer, FTA Title VI Liaison Officer and FTA ADA Liaison Officer. These roles require federal data analysis, reports of contracting efforts, and investigation of complaints. Currently, the General Counsel represents the agency at Board, Executive Committee, Public Security, and Budget Development Committee meetings. The Deputy General Counsel represents the agency at the Taxicab Advisory Committee and Accessible Services Advisory Committee and provides backup support to the General Counsel. These activities include attorney review of all agenda items to confirm legal compliance before the Board or its Committees are requested to take action.

Because of the significant increase in operations, capital projects, and TOD projects, the Legal Department needs an additional attorney position to provide timely review and support to various projects. This type of guidance is more effectively provided by in-house counsel. The proposed Staff Attorney position would focus on Procurement/Contract related matters, smaller real estate transactions, and develop more in-house expertise on privacy and cybersecurity, which are areas of the law that are quickly developing.

A review of comparable agencies shows that the MTS Legal Department is currently understaffed. North County Transit District (NCTD), a much smaller agency than MTS,¹ has four (4) attorney positions. The San Diego Association of Governments (SANDAG) has six (6) attorney positions.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

¹ NCTD recently forecast its Fiscal Year (FY) 2024 ridership across all modes at 7.4 million. This is compared to MTS's estimate for FY 2024 of 79.1 million.



**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 7

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Investment Report – Quarter Ending December 31, 2023

INFORMATIONAL ONLY

Budget Impact

None.

DISCUSSION:

Attachment A comprises a report of the San Diego Metropolitan Transit System (MTS) investments as of December 31, 2023. The combined total of all investments has increased quarter to quarter from \$278.8M to \$315.4M. This \$36.6M increase is attributable to \$24.5M in Coronavirus Aid, Relief, and Economic Security Act (CARES) revenue, \$20.8M in *TransNet* revenue, \$19.3M in Federal Transit Administration (FTA) revenue for capital projects, and \$11.9M in Transit and Intercity Rail Capital Program (TIRCP) revenue, partially offset by \$34.6M in capital expenditures, as well as normal timing differences between other payments and receipts.

The first column provides details about investments restricted for Capital Improvement Projects (CIP) and PRONTO Stored Value.

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 MTS Board Policy No. 30 "Investment Policy" and can meet expenditure requirements for a minimum of the next six months as required.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Investment Report for the Quarter Ending December 31, 2023

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

San Diego 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 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. MTS is also the For-Hire Vehicle administrator for nine cities.



**San Diego Metropolitan Transit System
Investment Report
December 31, 2023**

<u>Institution / Issuer</u>	<u>Function</u>	<u>Investment Type</u>	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<u>Avg. Rate of Return</u>	<u>Benchmark</u>
J.P. Morgan Chase	Operating Funds	Depository Bank	-	42,970,959	42,970,959	2.61%	* 0.510% WSJ Money Market
U.S. Bank - Retention Trust Account	Restricted for Capital Support	Depository Bank	4,002,397	-	4,002,397	N/A	** -
Local Agency Investment Fund (LAIF)	Restricted (Stored Value)	Investment Pool	7,265,147	-	7,265,147	3.929%	4.798% S&P US T-Bill 0-3 Mth Index
San Diego County Treasurer's Office	State Grant Funds	Investment Pool	26,623,155	-	26,623,155	4.220%	4.798% S&P US T-Bill 0-3 Mth Index
Subtotal: Restricted for Capital Support / Stored Value			37,890,699	-	37,890,699		
Local Agency Investment Fund (LAIF)	Investment of Surplus Funds	Investment Pool	-	72,358,138	72,358,138	3.929%	4.798% S&P US T-Bill 0-3 Mth Index
San Diego County Treasurer's Office	Investment of Surplus Funds	Investment Pool	-	162,132,672	162,132,672	4.220%	4.798% S&P US T-Bill 0-3 Mth Index
Subtotal: Investment Surplus Funds			-	234,490,810	234,490,810		
Grand Total Cash and Investments			\$ 37,890,699	\$ 277,461,769	\$ 315,352,468		

*-The 2.61% is an annual percentage yield on the average daily balance that exceeds \$3 million

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



**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 8

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Bayside Double Track Imperial Avenue Transit Center (IMT) Construction Management (CM) Services – Work Order Amendment

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. WOA2498-CM05.01 under MTS Doc. No. G2498.0-21 (in substantially the same format as Attachment A), with Kleinfelder Construction Services, Inc. (KCS), to CM Services for the Bayside Double Track IMT project in the amount of \$318,443.22.

Budget Impact

The total contract cost of this service is estimated to be \$318,443.22. This project is funded by the Capital Improvement Project (CIP) account 2005108201 – Bayside Double Track IMT.

DISCUSSION:

The Bayside Double Track IMT project includes double-tracking the Green Line at the terminal station located at the 12th & Imperial Transit Center, and includes construction of a new track segment, a single-track connection between the Blue Line and Green Line, and a new double crossover. Once complete, the track layout will provide greater operational flexibility, provide better connections, and allow for tighter Green Line headways during special events such as Comic-Con.

A construction contract for this work was approved by the Board on December 16, 2021 (AI 14) and work began in March 2022. Construction services are expected to be completed in November 2024.

On December 10, 2020 (AI 13), MTS Board of Directors approved Work Order WOA2019-CM07 under MTS Doc. No. G2019.0-17 for CM services to assist staff with the coordination, control, and oversight of the construction contractor from beginning of work through completion.

However, the original on-call master agreement under MTS Doc. No. G2019.0-17 with KCS had expired. As such, the services needed to be contracted under the subsequent on-call master agreement with KCS under MTS Doc. No. G2498.0-21. On July 27, 2023 (AI 15), the MTS Board of Directors approved Work Order No. WOA2498-CM05 under MTS Doc. No. G2498.0-21 for the continuation of the CM services for the project.

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San Diego 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 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. MTS is also the For-Hire Vehicle administrator for nine cities.



This proposed work order amendment would add additional funding for CM services performed by KCS through the completion date for the Bayside Double Track IMT Project, including adding sufficient funding and updating the applicable hourly rates. When a construction project experiences delays, this requires an increase in CM service costs due to the need to have CM staff oversee the project for the extended period of time. Here, supply chain delays for the auto switch machine have resulted in the project completion schedule being extended from July 2024 to November 2024. In addition, construction work is still ongoing for Add Alternative 1 (connecting track no. 2 to Imperial Ave. track in order to extend to Orange Line) and Add Alternative 2 (changes to power mode of track to allow automatic switching).

This Work Order and amendments issued to KCS under MTS's prior on-call panel process are summarized below:

Work Order No.	Purpose	Amount	Board Approval Date
WOA2019-CM07	Original Work Order – CM Services	\$846,751.95	12/10/2020 (AI 13)
WOA2498-CM05	New work order agreement under new CM master agreement for additional CM services.	\$500,027.93	7/27/2023 (AI 15)
WOA2498-CM05.01	Additional funds for the CM services.	\$318,443.22	Today's proposed action.
Total		\$1,665,223.10	

On January 11, 2021, San Diego Association of Governments (SANDAG) and MTS issued a joint Request for Statement of Qualifications (RFSQ) for On-Call CM Services. The RFSQ resulted in the approval of 6 firms qualified to perform CM services. Tasks are assigned to the firms through a work order process.

MTS assigned this work order through a direct award based on qualifications, as this is follow up work from work orders WOA2019-CM07 and WOA2498-CM05. KCS was selected as the most qualified firm to continue the work based on their team's track work inspection expertise and experience.

The price proposal prepared by KCS was determined to be fair and reasonable as compared to the Independent Cost Estimate (ICE) at \$445,676.86. Subconsultants on this Work Order include CA Wehsener Engineering and Destination Enterprises, both are Small Businesses (SBs).

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute Work Order No. WOA2498-CM05.01 under MTS Doc. No. G2498.0-21 (in substantially the same format as Attachment A) with KCS to provide CM Services for the Bayside Double Track IMT project in the amount of \$318,443.22.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Draft Work Order WOA2498-CM05.01



Metropolitan Transit System

March 14, 2024

MTS Doc. No. G2498.0-21
Work Order No. WOA2498-CM05.01

Marc McIntyre
Project/Task Order Manager
Kleinfelder Construction Services, Inc.
5761 Copley Drive Ste.100
San Diego, CA 92101

Dear Mr. McIntyre:

Subject: AMENDMENT NO. 1 TO WOA2498-CM05 TO MTS DOC. NO. G2498.0-21, FOR CONSTRUCTION MANAGEMENT (CM) SERVICES FOR BAYSIDE DOUBLE TRACK IMPERIAL AVENUE TRANSIT CENTER (IMT)

This letter shall serve as Amendment No. 1 to WOA2498-CM05 under our agreement MTS Doc. No. G2498.0-21, for construction management services under the Construction Management Consultant Agreement, as further described below.

SCOPE OF SERVICES

There shall be no change to the Scope of Services as a result of this Amendment. This Amendment shall provide additional funding for the construction management and inspection staff for IMT Double Track Construction, in accordance with MTS and SANDAG policies and procedures.

SCHEDULE

There shall be no change to the Schedule as a result of this Amendment. The project schedule shall follow contract PWL337.0-21 IMT Double Track Construction.

PAYMENT

As a result of this Amendment, the payment shall be increased by \$318,443.22. The revised Payment shall be in the amount of \$818,471.15. Payment shall be based on actual costs, and shall not be exceeded without prior written authorization of MTS (Attachment A, Negotiated Fee Proposal).



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:

Sharon Cooney
Chief Executive Officer

Mark McIntyre, Project/Task Order Manager
Kleinfelder Construction Services, Inc.

Date: _____

Attachment: A. Negotiated Fee Proposal

DRAFT

ATTACHMENT A
NEGOTIATED FEE PROPOSAL

DRAFT

**Work Order Estimate
Summary**

Att.A, AI 8, 03/14/24

MTS Doc. No. **G2498.0-21**

Work Order No. **WOA2498-CM05.01**

Attachment: **B**

Work Order Title: **IMT Doubletrack Construction Management Services**

Project No:

Table 1 - Cost Codes Summary (Costs & Hours)

Item	Cost Codes	Cost Codes Description	Total Costs
1	0270	Construction Management and Inspection Services	\$318,443.22
Totals =			\$318,443.22

Table 2 - TASKS/WBS Summary (Costs & Hours)

Item	TASKS/WBS	TASKS/WBS Description	Labor Hrs	Total Costs
1	1	Project / Task Order Management	24	\$4,256.97
2	2	Track and Operations Assistant Resident Engineer	630	\$128,775.40
3	3	Scheduling Engineer	24	\$5,570.70
4	4	Overhead Catenary System (OCS) Inspection and Testing	505	\$95,190.11
5	5	Track Signal Engineering and Inspection	446	\$84,650.04
Totals =			1,629	\$318,443.22

Table 3 - Consultant/Subconsultant Summary (Costs & Hours)

(If Applicable, Select One)				Consultant	Labor Hrs	Total Costs
DBE	DVBE	SBE	Other			
			X	Kleinfelder Simon Wong Engineering	678	\$138,603.07
		X		CA Wehsener Engineering	505	\$95,190.11
X		X		Destination Enterprises	446	\$84,650.04
Totals =					1,629	\$318,443.22

NOTES

- Field inspection and materials testing rates have been adjusted as necessary to comply with prevailing wage DIR Determination SD-23-63-3-2021-1D. Rates are calculated using assumed fringe value of \$12/hr. Actual rates are calculated monthly per SANDAG direction.
- Billing rates included in this cost proposal are based upon the published rate table incorporated into Contract G2498.0-21 and as finalized by SANDAG under Contract 550870

Total Hours =	678
Total Costs =	\$138,603.07

Consultant/Subconsultant: **Kleinfelder Construction Services, I**

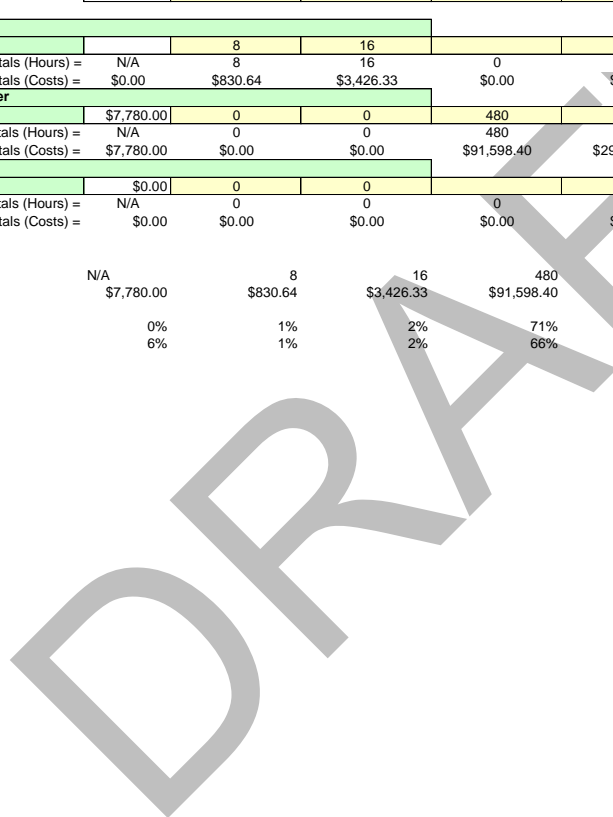
MTS Doc. No.: **G2468.0-21**

Work Order No.: **WOA2498-CM05.01**

Work Order Title: **IMT Doubletrack Construction Management Services**

Attachment: **B**

Item	TASKS/WBS	TASKS/WBS Description	ODCs (See Attachment)	Jesus Berrios	Michalle	Keith Kranda PW	Keith Kranda PW	Mark Plotnikiewicz	Mark Plotnikiewicz	Total Hours	Totals
				Project Controls II 2023-2024 rate	Beringhaus Task Order Manager 2023-2024 rate	Inspector 2023-2024 Rate	Inspector 2024-2025 Rate	Senior Schedule Engineer 2023-2024 Rate	Senior Schedule Engineer 2024-2025 Rate		
				\$ 103.83	\$ 214.15	\$ 190.83	\$ 195.98	\$ 231.07	\$ 237.31		
1	Task 1	Project / Task Order Management									
		Project / Task Order Management		8	16					24	\$4,256.97
		Subtotals (Hours) =	N/A	8	16	0	0	0	0	24	\$4,256.97
		Subtotals (Costs) =	\$0.00	\$830.64	\$3,426.33	\$0.00	\$0.00	\$0.00	\$0.00	24	\$4,256.97
2	Task 2	Track and Operations Assistant Resident Engineer									
		Track and Operations Assistant Resident Engineer	\$7,780.00	0	0	480	150			630	\$128,775.40
		Subtotals (Hours) =	N/A	0	0	480	150	0	0	630	\$128,775.40
		Subtotals (Costs) =	\$7,780.00	\$0.00	\$0.00	\$91,598.40	\$29,397.00	\$0.00	\$0.00	630	\$128,775.40
3	Task 3	Scheduling Engineer									
		Scheduling Engineer	\$0.00	0	0			20	4	24	\$5,570.70
		Subtotals (Hours) =	N/A	0	0	0	0	20	4	24	\$5,570.70
		Subtotals (Costs) =	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,621.46	\$949.24	24	\$5,570.70
Totals (Summary) =											
		Total (Hours) =	N/A	8	16	480	150	20	4	678	\$138,603.07
		Total (Costs) =	\$7,780.00	\$830.64	\$3,426.33	\$91,598.40	\$29,397.00	\$4,621.46	\$949.24		\$138,603.07
		Percentage of Total (Hours) =	0%	1%	2%	71%	22%	3%	1%	99%	
		Percentage of Total (Costs) =	6%	1%	2%	66%	21%	3%	1%		99%



**Work Order Estimate
Summary**

Consultant/ Subconsultant: **Kleinfelder Construction Services, Inc**

Contract No: **G2468.0-21**
Task Order No. **WOA2498-CM05.01**

Work Order Title: **IMT Doubletrack Construction Management Services**

Attachment: **B**

TASKS/WBS (1-5)

ODC Item	Description	Unit	Unit Cost	Task 1		Task 2		Task 3		Task 4		Task 5	
				Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total
1	Field Vehicle	Month	\$1,377.00			3.94	\$7,780.00						
2													
3													
4													
5													
6													

Subtotal = Subtotal = Subtotal = Subtotal = Subtotal =

TASKS/WBS (6-10)

ODC Item	Description									Totals	
		Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total	Quantity	Total
1	Field Vehicle									3.94	\$7,780.00
2											
3											
4											
5											
6											

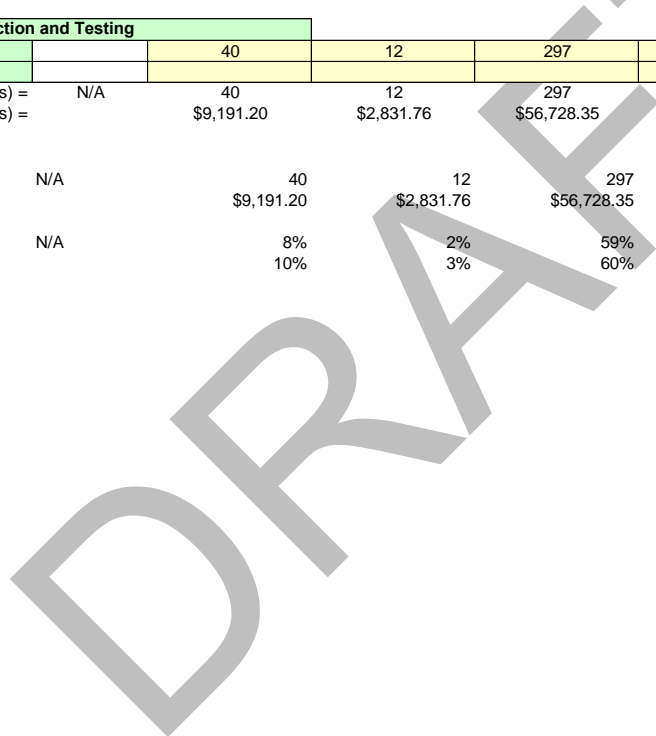
Subtotal = Subtotal = Subtotal = Subtotal = Subtotal = Totals =

Work Order Estimate Summary

Consultant/Subconsultant: **CA Wehsener Engineering** Doc. No.: **G2468.0-21**
 Work Order No.: **WOA2498-CM05.01**
 Work Order Title: **IMT Doubletrack Construction Management Services** Attachment: **B**

Total Hours = **505**
 Total Costs = **\$95,190.11**

Item	TASKS/WBS	TASKS/WBS Description	ODCs (See Attachment)	Chuck Wehsener - Engineer, Supervising 23/24	Chuck Wehsener - Engineer, Supervising 24/25	Javier Rangel, PW Inspector 23/24 Rate	Javier Rangel, PW Inspector 24/25 Rate	Thomas Wehsener, PW Inspector 23/24 Rate	Total Hours	Totals
				\$ 229.78	\$ 235.98	\$ 190.91	\$ 196.06	\$ 162.62		
4	Task 4	Overhead Catenary System (OCS) Inspection and Testing								
		Overhead Catenary System (OCS) Inspection and Testing		40	12	297	32	124	505	\$95,190.11
		Subtotals (Hours) =	N/A	40	12	297	32	124	505	\$95,190.11
		Subtotals (Costs) =		\$9,191.20	\$2,831.76	\$56,728.35	\$6,273.92	\$20,164.88	505	\$95,190.11
		Totals (Summary) =							505	\$95,190.11
		Total (Hours) =	N/A	40	12	297	32	124	505	
		Total (Costs) =		\$9,191.20	\$2,831.76	\$56,728.35	\$6,273.92	\$20,164.88		\$95,190.11
		Percentage of Total (Hours) =	N/A	8%	2%	59%	6%	25%	100%	
		Percentage of Total (Costs) =		10%	3%	60%	7%	21%		100%



Work Order Estimate Summary

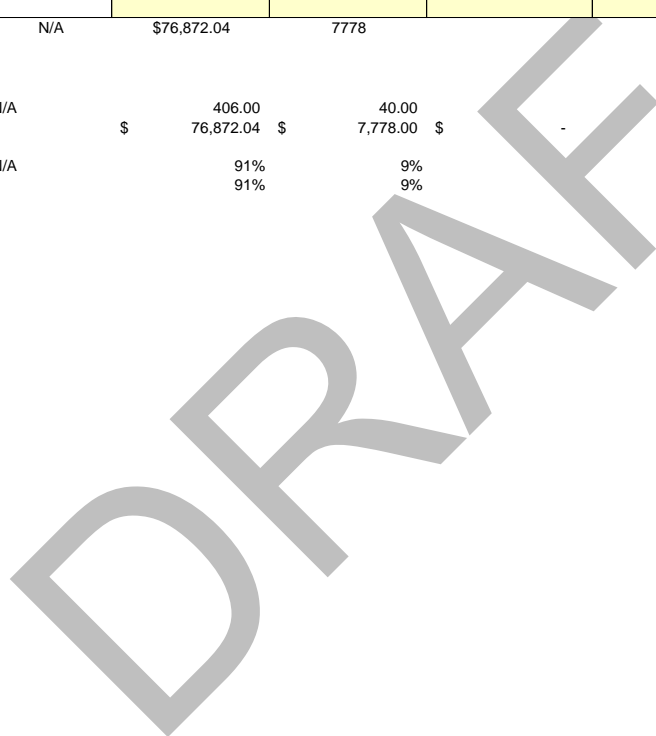
Att.A, AI 8, 03/14/24

Total Hours =
 Total Costs = **\$84,650.04**

Consultant/Subconsultant: Destination Enterprises MTS Doc. No.: G2468.0-21
 Work Order Title: IMT Doubletrack Construction Management Services Work Order No.: WOA2498-CM05.01
 Attachment: B

	ODCs (See Attachment)	Mark Crowley PW Inspector 23/24 Rate	Mark Crowley PW Inspector 24/25 Rate			Total Hours	Totals
Item TASKS/WBS TASKS/WBS Description		\$189.34	\$194.45				

5	Task 5	Track Signal Engineering and Inspection							
		Track Signal Engineering and Inspection	406	40				446	\$ 84,650.04
		Subtotals (Hours) =	N/A	\$76,872.04	7778			446	\$84,650.04
		Subtotals (Costs) =						446	\$84,650.04
		Totals (Summary) =						446	\$84,650.04
		Total (Hours) =	N/A	406.00	40.00			446	\$84,650.04
		Total (Costs) =		\$ 76,872.04	\$ 7,778.00	-			
		Percentage of Total (Hours) =	N/A	91%	9%			100%	
		Percentage of Total (Costs) =		91%	9%			100%	100%





**Metropolitan
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DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 9

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Trolley On-Board Video Surveillance System (OBVSS) Preventative Maintenance, Repairs and All Related Support Services – Contract Amendment

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1603.2-22 with Seon Design USA Corp (“Seon”) for twenty (20) NH16 systems and cameras with installation in the amount of \$238,545.00 (Attachment A).

Budget Impact

The total cost of this amendment is estimated to be \$238,545.00, and the total contract value is estimated to be \$673,280.49 (inclusive of the total costs for Amendment 1 and 2). These services costs will be funded through a Capital Improvement Project (CIP) 2002002701 - SD100 Light Rail Vehicle (LRV) Replacement Project. The project costs are summarized below:

Document No.	Description	Amount	Document Executed Date	Board Approval Date
L1603.0-22	Original Contract (Base Years)	\$208,131.25	May 5, 2022	April 14, 2022
L1603.1-02	Exercise Option Years	\$226,604.24	Pending Contractor's signature	April 14, 2022
Total (Base & Options)		\$434,735.49		
<i>Draft L1603.2-22</i>	<i>(OBVSS) Preventative Maintenance</i>	\$238,545.00	Pending Board Approval	Today's proposed action
Grand Total		\$673,280.49		



DISCUSSION:

The trolley OBVSS provides MTS with an enhanced ability to record events that occur onboard vehicles. This helps in monitoring the safety and security of passengers and assets alike.

To ensure that the OBVSS remains continuously operational and to help identify potential systemic problems, MTS requires routine preventative maintenance, repairs, and all types of related support services. On April 14, 2022, MTS Board approved Agenda Item (AI) 8 (MTS Doc. No. L1603.0-22) with Seon for \$434,735.49 for two (2) base years and two (2) option years to provide trolley OBVSS preventative maintenance and all related support services (Seon Contract). The Seon Contract included an option to add hardware and installation for the upcoming twenty-two (22) LRVs are currently in production with Siemens – called the “SD 10” fleet by trolley personnel.

OBVSS camera systems have been invaluable to MTS operations by providing a video record to review onboard or in station incidents, vehicle accidents, investigate passenger complaints, and otherwise evaluate trolley operations. In addition, the California Public Utilities Commission (CPUC) through its General Order 172 (GO - 172), requires that cameras be installed in the operator cab of each LRV. The Seon camera systems installed on the MTS LRV fleets meet the requirements of GO-172 and also provides views of exterior and interior views of the entire LRV.

MTS has started receiving new SD10 LRVs under a separate contract with Siemens Mobility (MTS Doc. No. L1449.0-18) to replace the old SD100 LRV fleet. That vehicle order does not include installation of an OBVSS system. Installation of an OBVSS was proposed by Siemens Mobility as a change order during contract negotiations in 2019 at a cost of \$16,591.45 per LRV. Due to the rapid changes in video technology, it was determined by staff at the time that it would be more cost-effective and efficient to install the systems post-delivery utilizing MTS’s ongoing contract with Seon.

Earlier this year, MTS received two new LRVs that required the hardware and installation in order to put the vehicle in service. On January 22, 2024, MTS authorized Seon to proceed, and exercised the option for 2 of the 22 LRVs, aligning with the terms of the Agreement. No additional funds were required due to year 2 providing adequate capacity/funds to advance with the two LRVs. Subsequently, MTS and Seon initiated discussions and solicited a proposal for the remaining twenty (20) LRVs.

Seon proposed the current cost to install OBVSS systems on the SD10 LRV fleet at \$12,113.00 per LRV. MTS is scheduled to receive twenty (20) new LRVs; equipping these first 20 LRVs will cost \$238,545.00. This Amendment 2 exercised the remaining option for the 20 LRVs.

Therefore, staff recommends that the MTS Board of Directions authorize the CEO to execute MTS Doc. No. L1603.2-22 with Seon for twenty (20) NH16 systems and cameras with installation in the amount of \$238,545.00 (as shown in Attachment A.)

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Amendment Draft MTS Doc. No. L1603.2-22



**Metropolitan
Transit
System**

Amendment 2

March 14, 2024

MTS Doc No. L1603.2-22

**TROLLEY ON-BOARD VIDEO SURVEILLANCE SYSTEM (OBVSS) PREVENTATIVE
MAINTENANCE, REPAIRS AND ALL RELATED SUPPORT SERVICES**

Seon Design USA Corporation
Susan Gill
Director of Finance
1313 East Maple St., Ste 231
Bellingham WA, 98225

This shall serve as Amendment No.2 to the original agreement L1603.0-22 as further described below.

SCOPE

Per Section 1 of the original agreement L1603.0-22, "Services will also include hardware and installation costs of the SD10's option for quantity twenty-two (22) vehicles. MTS will request a quote from Safe Fleet for those items (hardware and installation) sometime during this contract".

Attachment A is the quote for the additional costs related to the hardware and installation of twenty (20) Light Rail Vehicles (LRVs). On January 22, 2024, staff exercised the hardware and installation of two (2) LRVs using existing contract capacity, requiring no additional funds to be added to the contract. This Amendment 2 exercises the 22 LRV vehicle option, through the ratification of the 2 LRVs on January 22, 2024, and this order of 20 LRVs at Attachment A.

SCHEDULE

There shall be no changes to the schedule of this Agreement.

PAYMENT

This contract amendment shall authorize additional costs not to exceed \$238,545.00. The total value of this contract including this amendment shall be in the amount of \$673,280.49 (\$434,735.49 current contract plus \$238,545.00 for Amendment 2). This amount shall not be exceeded without prior written approval from MTS.



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

Sincerely,

Agreed:

Sharon Cooney, Chief Executive Officer

Susan Gill, Director of Finance
Seon Design USA Corporation

Attachment:

A. Quote

Date: _____



Date: 2024-01-22
Proposal #: Q-55907
Expiry Date: 2024-03-22
End User:

PREPARED FOR:

Roman Lazcano
 Procurement Specialist
SOLD TO DETAILS
 San Diego Metropolitan Transit System
 1255 Imperial Ave - Suite 1000
 San Diego, California 92101
 United States

619-557-4566
 roman.lazcano@sdmts.com

BILLING DETAILS

San Diego Metropolitan Transit System
 1255 Imperial Ave - Suite 1000
 San Diego, CA 92101 US

SHIPPING DETAILS

San Diego Metropolitan Transit System
 1341 Commercial Street San Diego, CA 92113 US

PREPARED BY:

Suzanne Smith

Corporate Office: 1.877.630.7366
 Unit 111, 3B Burbidge Street
 Coquitlam, BC V3K 7B2
 suzanne.smith@safefleet.net

NH16 DVR & Cameras

QTY	PRODUCT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
20	NH16V2H4T0-2HDD	NH NVR Hybrid V2 Recording System. Includes recorder supporting up to 16 Channels Max, 8 Analog HD Channels with Audio Built-In (Requires Optional Video Breakout Harness), 4 Port PoE Switch Built-in, Security Front Cover with Lock Set, Mounting Plate, Power Harness, GPS RF Antenna, External 16 Port PoE Switch with power and recorder connection harnesses, Stacking Bracket, and 4TB (2X2TB) Dual HDD Storage Cartridge. NH16 - 4TB Storage	USD 4,170.00	USD 83,400.00
20	VBH-8D-2SA-M-PKG	8CH Breakout Harness with 2x3 Video Connectors, includes 2 Signals and 1 Alarm, DVR package option only	USD 81.00	USD 1,620.00
20	SRLAC07	SmartReach Lite,2.4/5GHz,ANT PoE 12V Wi-Fi Bridge, Antenna and PoE	USD 327.00	USD 6,540.00
40	MSS-4008-00-00	MobileView Panic Button/Status LED Module Compatible with SD-9 Build.	USD 99.00	USD 3,960.00
40	C3Q9PD03A-BK	IP Camera, PoE, dome, black, 3MP progressive scan, 2.8 mm lens size, interior, IR Day/Night, audio - to use with TH8 or NH16 Forward Facing Camera without Bracket	USD 344.00	USD 13,760.00
80	C3W9PD03E	IP Camera, PoE, wedge, 3MP progressive scan, 2.8 mm lens size, exterior (no audio), IR Day/Night - to use with TH8 or NH16 Exterior Camera	USD 430.00	USD 34,400.00
120	C3Q9PD03A	IP Camera, PoE, dome, white, 3MP progressive scan, 2.8 mm lens size, interior, IR Day/Night, audio - to use with TH8 or NH16 Interior Dome Camera	USD 344.00	USD 41,280.00
20	MSS-4030-03-01-ETH	ETHERNET CABLE, STANDARD 3FT, CAT5	USD 3.00	USD 60.00
40	MSS-4030-02-01-ETH	ETHERNET CABLE, STANDARD 2FT, CAT5	USD 3.00	USD 120.00
20	MSS-4030-15-01-ETH	ETHERNET CABLE, STANDARD 15FT, CAT5	USD 7.00	USD 140.00
20	060-1265-SDMTS	H-Series Adapter Harness for Legacy MobileView IO Box. Includes J5 Digital Output	USD 47.00	USD 940.00



QTY	PRODUCT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
20	060-1267-SDMTS	H-Series Power Adapter Harness for Legacy MobileView on Siemens SD10 at SDMTS. Includes J1 Power Input	USD 98.00	USD 1,960.00
20	032-1078-SDMTS	H-Series Adapter Harness for Legacy MobileView IO Box. Includes J2 Status Output with Decoder Interface & J3 Digital Input	USD 207.00	USD 4,140.00
NH16 DVR & Cameras Total:				USD 192,320.00

Installation

QTY	PRODUCT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	INST-BaseCharge	Base Installation Charge Required for Installation Services	USD 1,625.00	USD 1,625.00
20	INST-TRCAMSYS	Installation TX/DX/TH/NX DVR with one analog camera/GPS and Signals Install and Program	USD 625.00	USD 12,500.00
20	INST-SRLB	Installation Smart Reach Wireless Bridge Install SRWireless Bridge	USD 94.00	USD 1,880.00
160	INST-INTCAM	Installation, CHQ/HD1Q/HD2Q/HD3Q/HD3U/C3Q/C8 cameras Install Interior Cameras	USD 88.00	USD 14,080.00
80	INST-EXTCAM	Installation, CA/CHW/HD1W/HD1S/HD3W/HD3S/C3W/RVC400 cameras Install Exterior Cameras	USD 156.00	USD 12,480.00
Installation Total:				USD 42,565.00

Freight

QTY	PRODUCT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
20	FRGT-NH16-G	Freight, Ground, CE, NH16 System	USD 183.00	USD 3,660.00
Freight Total:				USD 3,660.00

Total:				USD 238,545.00
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**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 10

**MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS**

March 14, 2024

SUBJECT:

On-Call Job Order Contracting (JOC) Building and Facilities Construction Services – Contract Amendment

**AGENDA ITEM WILL
BE PROVIDED
BEFORE BOARD
MEETING**

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

San Diego 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 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. MTS is also the For-Hire Vehicle administrator for nine cities.





**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 11

**MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS**

March 14, 2024

SUBJECT:

On-Call Job Order Contracting (JOC) General Civil Construction Services – Contract Amendment

**AGENDA ITEM WILL
BE PROVIDED
BEFORE BOARD
MEETING**





**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 12

**MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS**

March 14, 2024

SUBJECT:

On-Call Job Order Contracting (JOC) Railroad Construction Services – Contract Amendment

**AGENDA ITEM WILL
BE PROVIDED
BEFORE BOARD
MEETING**

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**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 13

**MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS**

March 14, 2024

SUBJECT:

Job Order Contracting (JOC) Consulting Programming Software Services – Contract
Amendment

**AGENDA ITEM WILL
BE PROVIDED
BEFORE BOARD
MEETING**

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

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**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 14

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Propane Fueling Services at Copley Park Division (CPD) – Contract Award

RECOMMENDATION:

- 1) That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0760.0-24 (in substantially the same format as Attachment A) with Suburban Propane for Propane Fueling Services, in the amount of \$14,409,695.44, for a five (5) base year period with two (2) 1-year options, for a total of seven (7) years; and
- 2) Exercise option years at CEO's discretion.

Budget Impact

The total cost of this contract shall not exceed \$14,409,695.44 (\$9,337,560.39 for the base period and \$5,072,135.05 for the option period). The contract will be funded by the Minibus Operating Budget account 835012-541500 and Americans with Disabilities Act (ADA) Paratransit Operations Budget Account 850012-541500.

DISCUSSION:

MTS operates a fleet of minibus and paratransit buses for its complementary ADA paratransit operations. The existing fleet includes thirty-seven (37) minibus vehicles and one hundred twenty-one (121) paratransit vehicles. MTS is seeking an experienced and responsible contractor to provide propane vehicle fueling services for this fleet.

On September 20, 2023, MTS issued a Request for Proposals (RFP) to provide Propane Fueling Services. MTS received three (3) proposals on the due date of October 25, 2023, from the following:



Proposer	Firm Certification
Ferrellgas	N/A
Suburban Propane	N/A
Westair Gases & Equipment	None, but meets the U.S. Small Business Administration's small business size standard

All proposals were deemed responsive and responsible and were evaluated by a committee comprised of representations from the MTS Bus Operations and Finance Departments. The proposals were evaluated on the following:

- | | |
|--|-------------|
| 1. Qualifications of the Firm or Individual | 20% |
| 2. Staffing, Organization, and Management Plan | 15% |
| 3. Work Plan | 25% |
| 4. Cost and Price | 40% |
| Total | 100% |

The following table illustrated the initial scores of the proposers:

PROPOSER	TOTAL COST (BASE + OPTIONS) *	COST SCORE	TOTAL AVG TECH SCORE	TOTAL AVG SCORE (TOTAL POSSIBLE: 100)	RANKING
Suburban Propane	\$4,869,023.36	40.00	35.33	75.33	1
Ferrellgas	\$8,993,296.93	21.66	33.00	54.66	2
Westair Gases & Equipment	\$76,308,040.34	2.55	2.67	5.22	3

*Cost is exclusive of variable spot cost and sales tax.

As a result of the initial review, two (2) firms were determined to be within the competitive range (Suburban Propane and Ferrellgas). Staff requested additional clarifications to be provided regarding each firm's work plan. After reviewing the additional information provided, the scores were updated as follows:

PROPOSER	TOTAL COST (BASE + OPTION)	COST SCORE	TOTAL AVG TECH SCORE	TOTAL AVG SCORE (TOTAL POSSIBLE: 100)	RANKING
Suburban Propane	\$4,869,023.36	40.00	33.67	73.67	1
Ferrellgas	\$8,993,296.93	21.66	38.00	59.66	2

Based on the updated scores and information gained during the clarifications, Suburban Propane and Ferrellgas remained in the competitive range. MTS identified items that required further discussion with both firms. After negotiations and additional clarifications, staff was able to reduce Ferrellgas' cost proposal by \$2,589,965.53 (28%) and Suburban Propane did not revise pricing. However, Suburban Propane remained the highest-ranked proposer (Attachment B). The scores were updated as follows:

PROPOSER	TOTAL COST (BASE + OPTION)	COST SCORE	TOTAL AVG TECH SCORE	TOTAL AVG SCORE (TOTAL POSSIBLE: 100)	RANKING
Suburban Propane	\$4,869,023.36	40.00	40.00	80.00	1
Ferrellgas	\$6,403,331.40	30.42	38.00	68.42	2

The proposed contract is based on estimated quantities (gallons) of propane to be supplied each contract year. MTS is not obligated to purchase more propane than it needs each year. Pricing for propane is set by the following: estimated quantity x (SPOT price + Bid Price over SPOT + Tax = Total Price per Gallon). SPOT price is the market price of the propane at the time of the purchase. Bid Price over SPOT is the price paid to the Contractor for providing the propane fueling services and equipment. Tax is 7.750%. The bid pricing for this procurement was for the “Bid Price over SPOT” charge. (See Attachment B.) The final contract price includes all expected costs that will be charged to MTS under this contract:

- The commodity price for the propane fuel (based on the then in effect SPOT price);
- The Bid Price over Spot factor of \$0.37/gallon; and
- California Sales Tax

Contract Term	Est. Qty (gallons)	SPOT Price*	Bid Price over SPOT	Tax	Total Price (per Gallon)	TOTAL
Base Year 1	750,000	\$1.55	\$0.37	\$0.15	\$2.07	\$1,551,600.00
Base Year 2	787,500	\$1.63	\$0.37	\$0.15	\$2.15	\$1,694,941.17
Base Year 3	826,875	\$1.71	\$0.37	\$0.16	\$2.24	\$1,852,189.92
Base Year 4	868,219	\$1.79	\$0.37	\$0.17	\$2.33	\$2,024,733.12
Base Year 5	911,630	\$1.88	\$0.37	\$0.17	\$2.43	\$2,214,096.18
Subtotal (Base)						\$9,337,560.39
Option Year I (Year 6)	957,211	\$1.98	\$0.37	\$0.18	\$2.53	\$2,421,958.96
Option Year II (Year 7)	1,005,072	\$2.08	\$0.37	\$0.19	\$2.64	\$2,650,176.09
Subtotal (Options)						\$5,072,135.05
GRAND TOTAL (Base + Options)						\$14,409,695.44

Based on the objectives of this procurement, consideration of the evaluation criteria, and Suburban Propane’s technical and cost proposal, the evaluation committee determined Suburban Propane presented the best overall value.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to:

- 1) Execute MTS Doc. No. B0760.0-24 (in substantially the same format as Attachment A) with Suburban Propane for Propane Fueling Services, in the amount of \$14,409,695.44, for a five (5) base year period with two (2) 1-year options, for a total of seven (7) years; and
- 2) Exercise option years at CEO’s discretion.

/S/ Sharon Cooney
 Sharon Cooney
 Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Draft Agreement, MTS Doc. No. B0760.0-24
 B. Revised Cost Proposal - Suburban



Metropolitan Transit System

STANDARD AGREEMENT

FOR

MTS DOC. NO. B0760.0-24

PROPANE FUELING SERVICES

THIS AGREEMENT is entered into this _____ day of _____, 2024 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: Suburban Propane Address: 2260 La Miranda Dr
Vista CA 92081
City State Zip
 Form of Business: Limited Partnership Email: eabreu@suburbanpropane.com
 (Corporation, Partnership, Sole Proprietor, etc.)
 Telephone: 760-737-0440

Authorized person to sign contracts	Egidio Abreu	Customer Service Center Manager
	_____	_____
	Name	Title

The Contractor agrees to provide services with goods as specified in the conformed Scope of Work/Technical Specification (Exhibit A), Contractor’s Cost/Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), Forms (Exhibit D).

The contract term is for a five (5) year base period with two (2) 1-year options, exercisable at MTS’s sole discretion, for a total of seven (7) years. Base period shall be effective May 1, 2024 through April 30, 2029 and option years shall be effective May 1, 2029 through April 30, 2031, if exercised by MTS.

The total contract cost shall not exceed \$9,337,560.39 for the base period and \$5,072,135.05 for the option years for a total of \$14,409,695.44 (as reflected below).



Contract Term	Est. Qty (gallons)	SPOT Price*	Bid Price over SPOT	Tax	Total Price (per Gallon)	TOTAL
Base Year 1	750,000	\$1.55	\$0.37	\$0.15	\$2.07	\$1,551,600.00
Base Year 2	787,500	\$1.63	\$0.37	\$0.15	\$2.15	\$1,694,941.17
Base Year 3	826,875	\$1.71	\$0.37	\$0.16	\$2.24	\$1,852,189.92
Base Year 4	868,219	\$1.79	\$0.37	\$0.17	\$2.33	\$2,024,733.12
Base Year 5	911,630	\$1.88	\$0.37	\$0.17	\$2.43	\$2,214,096.18
Subtotal (Base)						\$9,337,560.39
Option Year I (Year 6)	957,211	\$1.98	\$0.37	\$0.18	\$2.53	\$2,421,958.96
Option Year II (Year 7)	1,005,072	\$2.08	\$0.37	\$0.19	\$2.64	\$2,650,176.09
Subtotal (Options)						\$5,072,135.05
GRAND TOTAL (Base + Options)						\$14,409,695.44

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	SUBURBAN PROPANE
By: _____ Sharon Cooney, Chief Executive Officer Approved as to form: By: _____ Karen Landers, General Counsel	By _____ Title: _____

**EXHIBIT A
SCOPE OF WORK/
TECHNICAL SPECIFICATIONS**

1.1. SUMMARY

The San Diego Metropolitan Transit System (MTS) requests proposals from experienced and responsible contractors to provide propane vehicle fueling services for MTS's fleet of:

- 37 Minibus Vehicles
- 121 Paratransit Vehicles

The selected contractor shall be required to meet the needs of MTS propane fueling services in full to be considered responsive and responsible. Existing Propane Tank Systems are owned by the current Contractor. If needed, current Contractor and new Contractor may work together to negotiate the possible purchase of the tanks.

Contractor shall be required to provide **24-hour services** as to meet MTS' operational needs from May 1, 2024 through April 30, 2029 for the five (5) year base period and from May 1, 2029 through April 30, 2031 for the option year periods (exercisable at MTS's sole discretion).

1.2 SCOPE OF WORK

a. Minimum Requirements:

1. Contractor shall be responsible for providing Contractor-owned and operated (Onsite) fueling systems 24 hours a day, 7 day per week and shall be able to accommodate MTS minibus and paratransit operations when and as services are required.
2. Contractor shall be responsible for providing Contractor-owned and operated mobile fueling services (Offsite wet-hose) during service windows to be scheduled with MTS operations manager. Contractor should anticipate overnight work. Fueling services to be provided 7 days per week and shall be able to accommodate MTS minibus and paratransit operations when and as services are required.
3. Contractor shall have a backup fueling system at Contractors on-site facility should there be a loss in power as to ensure continuous operation of the fueling services in order to meet MTS operational requirements. If the Contractors on-site fueling system becomes inoperable, Contractor shall provide 100% mobile fueling services (wet-hose) until Contractors facility becomes fully operational. (at bulk fuel price)
4. Due to operational demands, MTS requires its vehicles to have its fuel tanks near capacity after being fueled by the Contractor. The Minibus vehicles have an 80-gallon fuel tank with 76 gallons of useable space. Paratransit vehicles have an 80-gallon fuel tank with 64 usable gallons. Minibus vehicles shall be required to have 92.5% of tank full (including unusable space) and paratransit vehicles shall be required to have 77.5% of tank full (including useable space) after fueling by Contractor.
5. Contractor shall furnish all required insurance, licenses, permits, agency notification and approvals, management, supervision, equipment, fuel and taxes without interruption for the Contract term, pursuant to the requirements specified herein.

6. Contractor shall provide contact information including email and telephone number for Contractors’ staff, both those Onsite and Offsite, who will be responsible for 24/7/365 support.

b. Fuel Requirements and Contractor Capacity:

1. Fuel usage is estimated to be as listed below in Table 1. Current estimate of usage will begin on May 1, 2024. See table 1 below for projected vehicle arrival and estimated annual usage. Contractor’s current Onsite propane fueling system and Offsite (wet-hose) shall be required to accommodate the capacity needs equivalent to MTS’ required usage, shown in Table 1 below. Contractor shall be capable of fueling multiple vehicles at the same time. Facility fuel dispensers are to be compatible with a propane Autogas/liquefied petroleum gas system.
2. MTS’s estimated usage is provided as an approximate guideline only. Actual usage may be more or less than estimated. **MTS reserves the right to increase or decrease usage based on operational need.**

Table 1

Fiscal Year	New Vehicles	Total Vehicles	Estimated Gallons
2024	-	158	750,000
2025	-	158	787,500
2026	-	158	826,875
2027	-	158	868,219
2028	-	158	911,630
2029	-	158	957,211
2030	-	158	1,005,072

3. Most of MTS’s minibus and paratransit operations occur during the daytime hours (6am-6pm) and as such a majority of the refueling services are required during the evening and overnight hours. A Contractor attendant is not required to be on-site during fueling services. However, the Contractor shall be required to respond to MTS requests, if any problems occur with the fueling facility or mobile vehicle fueling, within one hour from MTS’s written notice.

c. Fuel System Requirements: Contractor’s propane fueling system shall include, but is not limited to, the following requirements:

1. Contractor-operated onsite and offsite fueling systems with fuel monitoring equipment shall incorporate propane autogas dispensers sized to refuel MTS minibus and paratransit vehicles, as needed.
2. Contractor shall maintain a fueling system (on-site and offsite) that will accurately track total fuel pumped, per vehicle, for ease of tracking and confirmation of fuel usage for each month of this Contract.
3. Contractor's fuel system (on-site and offsite) shall be capable of providing accurate and comprehensive records of fuel pumped, per vehicle to MTS on a monthly basis.
4. Contractor shall be required to guarantee maintenance of Contractor-owned propane fueling systems, including onsite and offsite fueling at no additional cost to MTS.
5. Contractor shall provide prompt repair of the propane fueling system (onsite and offsite) for the duration of the contract, at no additional cost to MTS, to ensure Contractor can meet MTS's operational requirements.
6. Contractor shall ensure that there is an available supply of propane fuel at all times throughout the term of this Contract.

d. Training Requirements

Safety training shall be provided to all identified MTS personnel, by the Contractor, at no cost including, but not limited to, proper handling and safe operational procedures for the propane system and refueling requirements/techniques.

e. Fuel Specifications

Propane fuel used throughout the term of this Contract shall meet the current specifications as approved by the State of California for Liquefied Petroleum Gas as specified in California Code of Regulations for Specifications for Liquefied Petroleum Gas - Title 13, Division 3, Chapter 5, Article 3. The Contractor shall be solely responsible for ensuring that all Environmental Protection Agency (EPA) requirements are met and adhered to as to ensure compliance with all Federal, State, and Local guidelines, regulations and requirements throughout the term of the Contract, including any and all renewals. Contractor shall provide all applicable Safety Data Sheets (SDS) throughout the term of the Contract.

f. Product Quality

In instances of substandard fuel and/or damage caused to MTS vehicles due to traceable contaminants in the fuel, the Contractor shall be responsible for making MTS whole, inclusive of all costs to repair damaged vehicles as well as removal of all contaminated fuel from tanks and/or drums, as required. Cost may also include but are not limited to MTS labor costs, equipment and/or vehicle replacement parts and filters and any additional expense caused as a result of substandard fuel. Substandard fuel (impurities) are considered to be, but is not limited to water, dirt, harmful oils, fibrous materials, bacteria, other petroleum products and contaminants.

g. Product Testing

Propane fuel offered shall meet the specifications listed in California Code of Regulations (CCR) Specifications for Liquefied Petroleum Gas - Title 13, Division 3, Chapter 5, Article 3. Prior to Award and/or during the term of any Contract resulting from this solicitation, tests may be performed by the state or MTS, at their discretion, using certified test equipment and methods to measure conformance with the aforementioned specifications. The Contractor shall be allowed to participate in any such tests.

h. Interruption of Service

In the event fueling services are disrupted as a result of Contractor's performance and/or non-performance, the Contractor shall immediately notify MTS personnel by telephone, as identified below, of said delay. Contractor shall determine the quickest and safest response plan to mitigate any interruption of services in order to ensure MTS operations remain unaffected. Such mitigated responses may include, but is not limited to, providing alternate onsite and/or offsite fueling, or any other means necessary to ensure interruptions in service do not exceed six (6) hours.

1. Maintenance Manager:
2. General Manager
3. Asst General Manager

i. Propane Tank Installation

Contractor shall provide installation of two (2) 2,000-gallon on-site Propane Tank Systems (Propane Tank) at a locations designated by MTS. Said tanks shall be designed and manufactured to the latest edition of ASME, Section VIII, Division 1. Furthermore, the systems shall be designed for a MAWP of 250 psi at 125 degrees Fahrenheit.

The Propane tanks shall have not less than four (4) total dispensers, which could be utilized simultaneously, to meet fueling demands.

Propane Fuel:

Pricing for propane fuel is to be based on a market plus per gallon fee adjusted at time of delivery to reflect current market price. Any lease costs for equipment should be incorporated into the per gallon cost. No separate lease payment will be made independent of the per gallon charge. Fuel price is to be based on AePEX Energy LA weekly costing.

1.3 CHANGES/ADDITIONAL SERVICES

No party hereto shall have the right to demand additional services to be performed under the resultant Agreement unless such additional services were clearly contemplated in the original RFP.

No cardinal changes (changes in the Terms and Conditions or Scope of Work that result in an alteration in the original intent of the Agreement) to the resultant Agreement is permissible.

In the event that additional services are deemed valid, such services will be subject to a separate procurement.

1.4 COMPENSATION

Except as provided under the terms of the resultant Agreement, Contractor shall be compensated in monthly milestone payments, in accordance with the actual cost of service, within a “not to exceed” lump sum award for propane fueling services, per month.

Said compensation shall reflect on-going spot + pricing from AePEX Energy LA weekly costing or as otherwise approved by MTS.

All payment milestones shall be based on actual service as documented by the Contractor and as approved by MTS. Payment shall at no time be made if documentation does not accurately support the cost of services at time of performance.

1.5 INVOICES

Invoices must be sent to the MTS Accounting Department, via email, at ap@sdmts.com. All invoices must have the Purchase Order and contract number clearly displayed to ensure timely payment. MTS will not pay on packing slips, receiving documents, delivery documents, or other similar documents. Invoices must be submitted for payment.

Payment terms shall be net 30 days from invoice date.

Contractors must also indicate if any of the invoiced amount(s) is for service or work provided by a subcontractor and indicate the amount that will be paid to the subcontractor. Contractors must also comply with the prompt payment requirements in the *Prompt Progress Payments* section of the Standard Conditions.

1.6 SAFETY DATA SHEETS (SDS)

MTS retains the safety data sheets on an electronic database (currently CloudSDS). Upon award, Contractors shall email the SDS for chemicals that any individuals may be exposed to, attention Ngan Nguyen, MTS Environmental Health and Safety Specialist at Ngan.Nguyen@sdmts.com to upload into the database. The Contractor shall notify the MTS Environmental Health and Safety Specialist if there are changes or updates to the MSDS during the term of the contract to ensure the MTS database is kept updated throughout the contract.

1.7 NO RIGHT TO POST SIGNS

The Contractor shall not post or otherwise affix signs, decals or other media on MTS property or equipment, except as required to maintain safety during the course of repair or maintenance work. No permanent signs, decals, or other media may be installed without MTS’s express written permission.

1.8 TRANSITION

In the event there is a need to transition from the current Contractor to a new Contractor, the process will be as shown below:

- a. Current Agreement terminates on April 30, 2024

- b. On or about March 1, 2024 current Contractor shall start a transition of the services to new Contractor, without any interruption of or adverse impact on services (at a minimum, 60 days prior to termination of current agreement).
- c. The current and new Contractor shall select a time that has the least impact to client services.
- d. Under MTS direction and guidance, new Contractor and current Contractor shall be required to provide full cooperation and transition all the services on an expedited basis. The transition period shall be complete and detailed and allow for a smooth transition with no interruption of services. The entire conversion shall be completed by on or about May 1, 2024.

1.9 LIQUIDATED DAMAGES

a. General

Liquidated damage requirements are appropriate if the parties to a contract may reasonably expect to incur damages in the form of increased Project costs resulting from the late completion of the contract, and if the extent or amount of such damages would be difficult or impossible to determine after the delay has occurred. Accordingly, any liquidated damages for this contract shall be at a specific rate per day for each day of overrun in contract time; and the rate will be specified in the third-party contract, and will comply with any other special liquidated damages restrictions FTA might impose. Any liquidated damages recovered shall be credited to the Project account involved unless the Federal Government permits otherwise.

b. Rates

MTS has established a liquidated damage rate of \$27.38 per Minibus Vehicle, per hour for each non-operational minibus.

MTS has established a liquidated damage of \$129.20 per Paratransit Vehicle, per hour for each non-operational paratransit vehicle.

c. Appeal Process

If the Contractor feels liquidated damages are being imposed unjustly, the Contractor can file an appeal with the Contract Officer within twenty-four (24) hours of the notification of impending liquidated damages. The letter must provide details of the situation and why the Contractor feels the liquidated damages are unjust. The Contract Officer shall review the situation, and if necessary, meet with the Contractor to provide an opportunity to state their reasons why liquidated damages should not be assessed. The Contract Officer shall render a decision.

If the Contractor feels the decision is not acceptable and the situation warrants further consideration, appeal reconsideration may be filed with the Manager of Procurement. The Manager of Procurement shall review the reconsideration, and a final determination shall be made. The decision of the Manager of Procurement shall be final. No other appeals shall be heard for this particular incident.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

COST PROPOSAL FORMS

FOR: PROPANE FUELING SERVICES RFP **Revised Propos MTS DOC. NO. B0760.0-24**
DUE DATE: 1/18/2024

GROUP A - WET HOSE						
TERM	BUS UNITS	ANNUAL GALLONS	PRICE PER GALLON OVER SPOT	Multiplied by: Monthly Average*	Multiplied by: No. of Months	TOTAL COST
YEAR 1 (5/1/24-4/30/25)	158	750,000	\$0.37	62,500	12	\$277,500
YEAR 2 (5/1/25-4/30/26)	158	787,500	\$0.37	65,625	12	\$291,375
YEAR 3 (5/1/26-4/30/27)	158	826,875	\$0.37	68,906	12	\$305,943.75
YEAR 4 (5/1/27-4/30/28)	158	868,219	\$0.37	72,352	12	\$321,241.03
YEAR 5 (5/1/28-4/30/29)	158	911,630	\$0.37	75,969	12	\$337,303.10
OPTION YR 1 (5/1/29-4/30/30)	158	957,211	\$0.37	79,768	12	\$354,168.07
OPTION YR 2 (5/1/30 - 4/30/31)	158	1,005,072	\$0.37	83,756	12	\$371,876.64
Subtotal						\$2,259,407.59
CA Sales Tax or Use Tax (7.75%)						\$175,104.09
TOTAL						\$2,434,511.68

Spot price based on current market price (BPN) TARGA Los Angeles
 California Department of General Services, Procurement Division
 Liquefied Petroleum Gas (LPG)
 Market Base, Butane Propane Newsletter (BPN)

GROUP B - 2,000 GALLON BULK TANK FILL						
TERM	BUS UNITS	ANNUAL GALLONS	PRICE PER GALLON OVER SPOT	Multiplied by: Monthly Average*	Multiplied by: No. of Months	TOTAL COST
YEAR 1 (5/1/24-4/30/25)	158	750,000	\$0.37	62,500	12	\$277,500
YEAR 2 (5/1/25-4/30/26)	158	787,500	\$0.37	65,625	12	\$291,375
YEAR 3 (5/1/26-4/30/27)	158	826,875	\$0.37	68,906	12	\$305,943.75
YEAR 4 (5/1/27-4/30/28)	158	868,219	\$0.37	72,352	12	\$321,241.03
YEAR 5 (5/1/28-4/30/29)	158	911,630	\$0.37	75,969	12	\$337,303.10
OPTION YR 1 (5/1/29-4/30/30)	158	957,211	\$0.37	79,768	12	\$354,168.07
OPTION YR 2 (5/1/30 - 4/30/31)	158	1,005,072	\$0.37	83,756	12	\$371,876.64
Subtotal						\$2,259,407.59
CA Sales Tax or Use Tax (7.75%)						\$175,104.09
TOTAL						\$2,434,511.68

GRAND TOTAL	
GROUP A: WET HOSE	\$2,434,511.68
GROUP B: 2,000 GALLON BULK TANK FILL	\$2,434,511.68
GRAND TOTAL	\$4,869,023.36



**Metropolitan
Transit
System**

DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 15

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

SAP Support Services – Contract Award

RECOMMENDATION:

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

- 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2782.0-24 (in substantially the same format as Attachment A) with Sage Group Technologies, Inc. (Sage) to provide SAP support services in the amount of \$600,000.00 for a contract period of thirty-two (32) months with one (1) option year.
- 2) Authorize the CEO to execute MTS Doc. No. G2783.0-24 (in substantially the same format as Attachment B) with Sierra Digital, Inc. (Sierra), a Disadvantaged Business Enterprise (DBE), to provide SAP support services in the amount of \$600,000.00 for a contract period of thirty-two (32) months with one (1) option year.
- 3) Exercise the option year of each agreement at the CEO's discretion.

Budget Impact

The total cost of these two (2) contracts are estimated to be \$1,200,000.00. These projects will be funded by Information Technology (IT) Operating Budget account 661010-571250.

DISCUSSION:

Since its implementation in 2015, SAP has been one of the agency's most critical enterprise resource planning (ERP) business systems. It is used throughout the organization to provide financial, budgetary, inventory and asset management, customer relationship management, and reporting business functions.

Currently, MTS is supported by two (2) full-time staff specializing in different areas of SAP system management and one (1) additional tier 3 support vendor. Due to the system's size, criticality and required enhancements, additional support is required from specialized SAP-affiliated vendors to ensure timely resolution of system issues and provide a wider breadth of talent to deliver assistance. Historically, MTS engaged a roster of three (3) vendors to meet this need.



On September 21, 2023, MTS issued a Request for Proposals (RFP) for SAP Support Services. A total of thirteen (13) proposals were received on the due date of November 7, 2023, from the following firms:

#	Proposer Name	DBE, Minority Business Enterprise (MBE), Small Business (SB)
1	Bhrigus Solutions, Inc.	None
2	Clovy, Inc.	MBE & SB
3	Effervescent Consulting LLC	None
4	Genius Business Solutions, Inc.	None
5	Grey Matter Solutions LLC	None
6	Kastech Solutions LLC	None
7	The Peloton Alliance	None
8	Phoenix Business Consulting	None
9	Sage Group Technologies, Inc.	None
10	Sierra Digital, Inc.	DBE & MBE
11	Smart IT Pros, Inc.	None
12	Tri-Force Consulting Services, Inc.	None
13	Vastek Inc.	DBE

All proposals were deemed responsive and responsible and were evaluated by a committee consisting of representatives from IT, Finance, Bus, and Procurement departments. The proposals were scored based on the following evaluation criteria:

The following table illustrates the initial scores and ranking of each firm:

1. Qualifications of the Firm or Individual	35%
2. Staffing, Organization, and Management Plan	15%
3. Work Plan	20%
4. Cost and Price	30%
Total	100%

The following table illustrates the initial scores and ranking of each firm:

Proposer Name	Technical Score	Cost Score	Total Score (Maximum 100)	Ranking
Phoenix Business Consulting	49.8	25.4	75.2	1
The Peloton Alliance	52.7	18.2	70.9	2
Sierra Digital, Inc.	44.7	24.4	69.1	3
Sage Group Technologies, Inc.	42	25	67	4
Grey Matter Solutions LLC	41.8	22.2	64	5
Kastech Solutions LLC	36.2	25.4	61.6	6
Genius Business Solutions, Inc.	38.4	23	64.4	7
Bhrigus Solutions, Inc.	36.2	23.6	59.8	8
Effervescent Consulting LLC	35.2	21.2	56.4	9
Clovy, Inc.	32.1	23	55.1	10
Vastek, Inc.	20.4	24.6	45	11
Tri-Force Consulting Services, Inc.	20.3	24	44.3	12
Smart IT Pros, Inc.	14.1	25.2	39.3	13

The evaluation committee invited the four (4) proposers who were within the competitive range for oral presentations and interviews: The Peloton Alliance, Phoenix Business Consulting, Sage Group Technologies, and Sierra Digital. Interviews were held January 24 and 29, 2024, wherein the proposers were asked to make presentations on their firm's services and provide clarifications on their proposal to MTS. After the presentations, the committee requested revised proposals from all four (4) top-ranked proposers. Before revised proposals were due The Peloton Alliance withdrew its proposal from any further consideration or negotiations.

After receipt of revised proposals, the evaluation committee rescored the remaining firms as follows:

Proposer Name	Technical Score	Cost Score	Total Score (Maximum 100)	Ranking
Sierra Digital, Inc.	50.4	25.8	76.2	1
Sage Group Technologies, Inc.	49.3	23.6	72.9	2
Phoenix Business Consulting	41.1	18.2	59.3	3

Based on the objectives of this procurement, consideration of the evaluation criteria and both Sage and Sierra's technical and cost proposals, the evaluation committee determined that Sage and Sierra presented the best overall value to MTS. Both firms specialize in SAP Support services and awarding contracts to two firms gives staff flexibility on deciding which to use based on each firm's staff expertise and specialty and the unique issue/ticket involved.

Therefore, staff recommends that the Board of Directors authorize the CEO to:

- 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2782.0-24 (in substantially the same format as Attachment A) with Sage to provide SAP support services in the amount \$600,000.00 for a contract period of thirty-two (32) months and with (1) option year.
- 2) Authorize the CEO to execute MTS Doc. No. G2783.0-24 (in substantially the same format as Attachment B) with Sierra, a DBE, to provide SAP support services in the amount \$600,000.00 for a contract period of thirty-two (32) months and one (1) option year.
- 3) Exercise the option year of each agreement at the CEO's discretion.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Draft Agreement MTS Doc. No. G2872.0-24
B. Draft Agreement MTS Doc. No. G2873.0-24
C. Sage Group Technologies, Inc. Cost Form
D. Sierra Digital, Inc. Cost Form



Metropolitan Transit System

**STANDARD AGREEMENT
FOR
MTS DOC. NO. G2872.0-24
SAP SUPPORT SERVICES**

THIS AGREEMENT is entered into this _____ day of _____, 2024 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: Sage Group Technologies, Inc. Address: 3400 Rt. 35, Suite # 9A
 Form of Business: Corporation Hazlet NJ 07730
 (Corporation, Partnership, Sole Proprietor, etc.) City State Zip
 Telephone: (732) 994-3322 Email: ksharma@sagegroupinc.com

Authorized person to sign contracts Kiran Sharma Director
 Name Title

The Contractor agrees to provide services as specified in the conformed Scope of Work/Technical Specification (Exhibit A), Contractor’s Cost/Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), Forms (Exhibit D), Policy 44C Travel Guidelines for Contractors (Exhibit F), and Network Access Memorandum of Understanding (Exhibit G).

The contract term is for up to 32 base months with 1 option year, exercisable at MTS’s sole discretion, for a total of 45 months. Base period shall be effective April 1, 2024 through November 30, 2026 and option years shall be effective December 1, 2026 through November 30, 2027, if exercised by MTS.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$450,000.00 for the base years and \$150,000.00 for the option year, for a contract total not to exceed \$600,000.00 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	SAGE GROUP TECHNOLOGIES, INC.
By: <u>Sharon Cooney, Chief Executive Officer</u>	By _____
Approved as to form:	Title: _____
By: <u>Karen Landers, General Counsel</u>	



**STANDARD AGREEMENT
FOR
MTS DOC. NO. G2873.0-24
SAP SUPPORT SERVICES**

THIS AGREEMENT is entered into this _____ day of _____, 2024 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: Sierra Digital, Inc. Address: 6001 Savoy Drive, Suite #210
Houston TX 77036
City State Zip
 Form of Business: Corporation
 (Corporation, Partnership, Sole Proprietor, etc.) Email: senthil.k@sierradigitalinc.com
 Telephone: (713) 747-9693

Authorized person to sign contracts Raghunathan S. Kumar Vice President
Name Title

The Contractor agrees to provide services as specified in the conformed Scope of Work/Technical Specification (Exhibit A), Contractor's Cost/Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), Forms (Exhibit D), Policy 44C Travel Guidelines for Contractors (Exhibit F), and Network Access Memorandum of Understanding (Exhibit G).

The contract term is for up to 32 base months with 1 option year, exercisable at MTS's sole discretion, for a total of 45 months. Base period shall be effective April 1, 2024 through November 30, 2026 and option years shall be effective December 1, 2026 through November 30, 2027, if exercised by MTS.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$450,000.00 for the base years and \$150,000.00 for the option year, for a contract total not to exceed \$600,000.00 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	SIERRA DIGITAL, INC.
By: _____ Sharon Cooney, Chief Executive Officer Approved as to form: By: _____ Karen Landers, General Counsel	By _____ Title: _____

Sage Group Technologies, Inc.

Proposers will propose fixed blended rates (includes labor, travel, and expenses) for any or all of the Job Titles/Task Descriptions below. Additional Job Titles/Task Descriptions may be included under 'Other' or on a separate sheet if necessary.

OFFSITE FIXED HOURLY RATE					
#	Job Title/Task Description	4/1/24 - 11/30/24	12/1/24-11/30/25	12/1/25-11/30/26	12/1/26-11/30/27
		Base Term YR1	Base Term YR2	Base Term YR3	1 YR Option Term YR4
1	BASIS Administrators	\$ 110.00	\$ 110.00	\$ 120.00	\$ 120.00
2	ABAP Developers	\$ 50.00	\$ 50.00	\$ 55.00	\$ 55.00
3	NetWeaver Developers	\$ 100.00	\$ 100.00	\$ 105.00	\$ 105.00
4	BOBJ Developers	\$ 100.00	\$ 100.00	\$ 105.00	\$ 105.00
5	Workflow Developers	\$ 100.00	\$ 100.00	\$ 105.00	\$ 105.00
6	Configuration Specialists	\$ 125.00	\$ 125.00	\$ 130.00	\$ 130.00
7	Solution Architect/S4 HANA	\$ 135.00	\$ 135.00	\$ 140.00	\$ 140.00
8	Finance	\$ 125.00	\$ 125.00	\$ 130.00	\$ 135.00
9	Junior SAP Consultant Fin.	\$ 90.00	\$ 90.00	\$ 100.00	\$ 100.00
10	MM/Procurement	\$ 125.00	\$ 125.00	\$ 130.00	\$ 135.00
11	EAM/PM	\$ 125.00	\$ 125.00	\$ 130.00	\$ 135.00
12	CRM	\$ 135.00	\$ 135.00	\$ 140.00	\$ 140.00
13	Junior SAP EAM Consultant	\$ 90.00	\$ 90.00	\$ 100.00	\$ 100.00
14	Mobility	\$ 125.00	\$ 125.00	\$ 130.00	\$ 130.00
15	Fiori/Personas	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
16	Project Management	\$ 140.00	\$ 140.00	\$ 145.00	\$ 145.00
17	Security	\$ 110.00	\$ 110.00	\$ 120.00	\$ 120.00
18	GIS Developer/Functional	\$ 110.00	\$ 110.00	\$ 120.00	\$ 120.00
19	BI/BW	\$ 100.00	\$ 100.00	\$ 110.00	\$ 110.00
20	Training/Change Management	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00
21	Support Staff	\$ 50.00	\$ 50.00	\$ 55.00	\$ 55.00
22	Others (Please specify in additional line)	\$	\$	\$	\$

ONSITE FIXED HOURLY RATE					
#	Job Title/Task Description	4/1/24 - 11/30/24	12/1/24-11/30/25	12/1/25-11/30/26	12/1/26-11/30/27
		Base Term YR1	Base Term YR2	Base Term YR3	1 YR Option Term YR4
1	BASIS Administrators	\$ 130.00	\$ 130.00	\$ 135.00	\$ 135.00
2	ABAP Developers	\$ 110.00	\$ 115.00	\$ 115.00	\$ 115.00
3	NetWeaver Developers	\$ 120.00	\$ 120.00	\$ 125.00	\$ 125.00
4	BOBJ Developers	\$ 120.00	\$ 120.00	\$ 125.00	\$ 125.00
5	Workflow Developers	\$ 125.00	\$ 125.00	\$ 130.00	\$ 130.00
6	Configuration Specialists	\$ 140.00	\$ 140.00	\$ 145.00	\$ 145.00
7	Solution Architect/S4 HANA	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00
8	Finance	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00
9	Junior SAP Consultant Fin.	\$ 100.00	\$ 100.00	\$ 110.00	\$ 110.00
10	MM/Procurement	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00
11	EAM/PM	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00
12	CRM	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00
13	Junior SAP EAM Consultant	\$ 100.00	\$ 100.00	\$ 110.00	\$ 110.00
14	Mobility	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00
15	Fiori/Personas	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00
16	Project Management	\$ 155.00	\$ 155.00	\$ 160.00	\$ 160.00
17	Security	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
18	GIS Developer/Functional	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
19	BI/BW	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
20	Training/Change Management	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00
21	Support Staff	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
22	Others (Please specify in additional line)	\$	\$	\$	\$

Sierra Digital, Inc.

Proposers will propose fixed blended rates (includes labor, travel, and expenses) for any or all of the Job Titles/Task Descriptions below. Additional Job Titles/Task Descriptions may be included under 'Other' or on a separate sheet if necessary.

OFFSITE FIXED HOURLY RATE					
#	Job Title/Task Description	4/1/24 - 11/30/24	12/1/24-11/30/25	12/1/25-11/30/26	12/1/26-11/30/27
		Base Term YR1	Base Term YR2	Base Term YR3	1 YR Option Term YR4
1	BASIS Administrators	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00
2	ABAP Developers	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00
3	NetWeaver Developers	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
4	BOBJ Developers	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00
5	Workflow Developers	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00
6	Configuration Specialists	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00
7	Solution Architect/S4 HANA	\$ 80.00	\$ 80.00	\$ 80.00	\$ 80.00
8	Finance	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00
9	Junior SAP Consultant Fin.	\$ 45.00	\$ 45.00	\$ 45.00	\$ 45.00
10	MM/Procurement	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
11	EAM/PM	\$ 80.00	\$ 80.00	\$ 80.00	\$ 80.00
12	CRM	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
13	Junior SAP EAM Consultant	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00
14	Mobility	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00
15	Fiori/Personas	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00
16	Project Management	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
17	Security	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
18	GIS Developer/Functional	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
19	BI/BW	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
20	Training/Change Management	\$ 70.00	\$ 70.00	\$ 70.00	\$ 70.00
21	Support Staff	\$ 55.00	\$ 55.00	\$ 55.00	\$ 55.00
22	Others (Please specify in additional line)	\$	\$	\$	\$

ONSITE FIXED HOURLY RATE					
#	Job Title/Task Description	4/1/24 - 11/30/24	12/1/24-11/30/25	12/1/25-11/30/26	12/1/26-11/30/27
		Base Term YR1	Base Term YR2	Base Term YR3	1 YR Option Term YR4
1	BASIS Administrators	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00
2	ABAP Developers	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
3	NetWeaver Developers	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
4	BOBJ Developers	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
5	Workflow Developers	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00
6	Configuration Specialists	\$ 140.00	\$ 140.00	\$ 140.00	\$ 140.00
7	Solution Architect/S4 HANA	\$ 175.00	\$ 175.00	\$ 175.00	\$ 175.00
8	Finance	\$ 145.00	\$ 145.00	\$ 145.00	\$ 145.00
9	Junior SAP Consultant Fin.	\$ 110.00	\$ 110.00	\$ 110.00	\$ 110.00
10	MM/Procurement	\$ 140.00	\$ 140.00	\$ 140.00	\$ 140.00
11	EAM/PM	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00
12	CRM	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00
13	Junior SAP EAM Consultant	\$ 115.00	\$ 115.00	\$ 115.00	\$ 115.00
14	Mobility	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00
15	Fiori/Personas	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
16	Project Management	\$ 140.00	\$ 140.00	\$ 140.00	\$ 140.00
17	Security	\$ 135.00	\$ 135.00	\$ 135.00	\$ 135.00
18	GIS Developer/Functional	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
19	BI/BW	\$ 125.00	\$ 125.00	\$ 125.00	\$ 125.00
20	Training/Change Management	\$ 140.00	\$ 140.00	\$ 140.00	\$ 140.00
21	Support Staff	\$ 130.00	\$ 130.00	\$ 130.00	\$ 130.00
22	Others (Please specify in additional line)	\$	\$	\$	\$



**Metropolitan
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DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/24

Agenda Item No. 16

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

Light Rail Vehicle (LRV) Pantograph Carbon Strips - 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. L1660.0-24 (in substantially the same format as Attachment A) with Schunk Carbon Technology (Schunk) for the purchase of LRV Pantograph Carbon Strips for a five (5) year base period in the amount of \$687,536.59.

Budget Impact

The total contract cost of materials is estimated to be \$687,536.59 (inclusive of CA sale tax). This will be funded by the San Diego Trolley (SDTI) LRV maintenance Operating Budget account 350016-545100.

DISCUSSION:

MTS requires a regular supply of pantograph carbon strips that are essential in maintaining the functionality of its LRVs. A pantograph is a device for collecting an electrical current to power an LRV. The electrical current is collected through the metalized carbon strips, located at the head of the pantograph, which then contacts the catenary wire. MTS estimates that it will need approximately 3,500 pantograph carbon strips for its LRVs over a five (5) year period.

MTS released a solicitation request across ninety-seven (97) prospective suppliers and received bids from two (2) suppliers – Schunk and Siemens. Siemens included additional part numbers and prices on their bid form that were not requested in the solicitation. Therefore, Siemen’s bid was deemed non-responsive.

BIDDER	BID AMOUNT	FIRM CERTIFICATION
Schunk - <i>Lowest responsive and responsible Bidder</i>	\$687,536.59	N/A
Siemens – <i>Nonresponsive Bid</i>	\$770,843.50	N/A



MTS has deemed Schunk to be the lowest responsive and responsible bidder. Based on the bids received, and in comparison, with MTS' Independent Cost Estimate (\$624,561.00), Schunk's price was determined to be fair and reasonable.

This contract will be firm-fixed pricing with set lead times. This will enable MTS to realize savings from an aggregation of volume and mitigate excessive price increases due to overseas freight fluctuations. Predetermined delivery dates will allow our warehouse to maintain lean inventory levels based on consumption levels for the duration of the contract.

Protest Period: Staff's usual practice is to issue a Notice of Intent to Award (NIA) and bring the item to the Board for approval only after the full 15-day protest period has elapsed. However, in this case, there is a need for expediency in executing this contract due to long standard lead time, which is approximately 27-32 weeks from purchase order issuance date and to ensure MTS does not run out of stock. The NIA was issued on February 26, 2024 and the 15-day protest period ends on March 12, 2024 for this procurement. If a protest is received within this time frame, staff will review promptly and determine whether this agenda item may need to be pulled at that time.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. L1660.0-24 (in substantially the same format as Attachments A) with Schunk for the purchase of LRV Pantograph Carbon Strips for a five (5) year base period in the amount of \$687,536.59.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Draft Agreement, MTS Doc. No. L1660.0-24
B. Scope of Work
C. Bid Form



Metropolitan Transit System

STANDARD AGREEMENT FOR

MTS DOC. NO. L1660.0-24

PANTOGRAPH CARBON STRIPS

THIS AGREEMENT is entered into this 1st day of April, 2024 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: Schunk Carbon Technology, LLC Address: W146 N9300 Held Dr

Menomonee Falls, WI 53051

Form of Business: LLC
(Corporation, Partnership, Sole Proprietor, etc.)

Email: julie.leitner-audoui@us.schunk-group.com

Telephone: (262) 250-4814

Authorized person to sign contracts	<u>Julie Leitner-Audoui</u>	<u>Controller</u>
	Name	Title

The Contractor agrees to provide goods as specified in the conformed Scope of Work/Minimum Technical Specification (Exhibit A), Contractor's Bid/Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), Federal Requirements (Exhibit D), and Forms (Exhibit E),

The contract term is for a five (5) year base period effective April 1, 2024 through March 31, 2029.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$687,536.59 (inclusive of 7.75 % CA Sales tax) without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	SCHUNK CARBON TECHNOLOGY, LLC
By: <u>Sharon Cooney, Chief Executive Officer</u>	By _____
Approved as to form: By: <u>Karen Landers, General Counsel</u>	Title: _____



SCOPE OF WORK/TECHNICAL SPECIFICATIONS

4.1. BUY AMERICA

This scope of work may trigger Buy America and/or Build America Buy America requirements, which apply to construction materials, manufactured products, rolling stock, iron and steel. The below list of definitions and examples is not exhaustive and is only to be used as illustrative and a guidance tool for Contractor compliance.

4.1.1. MANUFACTURED PRODUCT

Per IIJA Section 70912 (2)(B), all manufactured products used in the project must be produced in the United States. Examples for manufactured products provided per Appendix A to 49 CFR 661.3 include: Infrastructure projects not made primarily of steel or iron, including structures (terminals, depots, garages, and bus shelters), ties and ballast; contact rail not made primarily of steel or iron; fare collection systems; computers; information systems; security systems; data processing systems; and mobile lifts, hoists, and elevators.

4.1.2. IRON OR STEEL

Per IIJA Section 70912 (2)(A), all iron and steel used in the project must be produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States. Examples of iron and steel provided per Appendix A to 49 CFR 661.3 include: Items made primarily of steel or iron such as structures, bridges, and track work, including running rail, contact rail, and turnouts.

4.2. GENERAL OVERVIEW

San Diego Metropolitan Transit System (MTS) is looking for a capable Contracted Supplier (CS) that is able to provide up to 3,500 LRV Pantograph Carbon Strips. The proposed LRV Pantograph Carbon Strips must be in active use on at least three (3) light rail properties of comparable size or larger than MTS for a minimum of three (3) years since calendar year 2021.

The minimum technical description provided for all items, under this solicitation, represent MTS's exact requirements. Nothing less than parts described will be accepted, whilst MTS will do its best to provide the most accurate quantity forecast for the duration of this contract. MTS reserves the right to purchase more or less quantities across each item at its sole discretion, depending on actual usage and pricing.

4.3. CONTRACT TERMS

The period of performance under the resultant agreement shall be for a (5) year base period effective approximately April 1, 2024 – March 31, 2029.

4.4. DESCRIPTION AND MINIMUM SPECIFICATION OF MATERIALS

- The carbon strip shall be of one (1) piece, one thousand eighty to one thousand eighty-one millimeters (1,080 - 1,081mm) long, sixty millimeters (60mm) wide by

twenty-one to twenty-two millimeters (21 - 22mm) deep, mounted onto and adhesively bonded to an aluminum carrier that is one thousand seventy-two to one thousand seventy-three millimeters (1,072 - 1073mm) long, sixty-six millimeters (66mm) wide by seventeen millimeters (17mm) deep.

- The carbon carrier shall be able to mount directly to the pantograph without the use of adapters or inserts.
- The carbon strip shall have a one millimeter (1mm) wide, full length, manufacturers specified carbon strip wear line indicator located five millimeters (5mm) from the base of the carbon strip.
- Total carbon weight with mounting hardware shall be two thousand nine hundred fifty to three thousand fifty grams (2950 – 3050g).
- The carbon strip shall be rated for five (5) to seven (7) amp/mm contact width for standard operating load, and ten (10) to twelve (12) amp/mm contact width for peak load.
- The carbon strip material shall be Carbon.
- Carbon Strip mounting hardware studs shall be M8 x 25, grade 8.8, located thirty millimeters (30mm) from ends of carbon strip.
- Shunt mounting hardware studs shall be M8 x 20, grade 8.8, located seven hundred forty millimeters (740mm) plus/minus two millimeters (± 2 mm) from each other.
- All hardware shall be equipped with M8 lock washers and hex nuts.
- The physical characteristic of the carbon strip shall be equal to or better than the following:
 - Bending Strength: 30 N/mm²
 - Rockwell Hardness HR 5/40: 105
 - Bulk Density: 1.60 g/cm³
 - Resistivity: 351.Qm

4.5. CERTIFICATION AND TESTS

In all cases, materials must be furnished as specified in the technical specifications with part numbers permanently stamped or etched onto each part. They shall be provided with OEM material certifications and marked in accordance to OEM details and requirements. Production tests, ultrasonic and Rockwell Hardness Tests, shall be conducted on one-hundred (100%) percent of the strips. Each strip shall be stamped with the Rockwell Hardness Tests stamp. All inspections, certifications, and test results, shall be furnished to the MTS Project Manager for approval prior to shipment of carbon strips.

4.6. PACKAGING

Carbon Strips will be packaged stacked with a liner between each row in hardwood boxes.

Each shipped box will contain two hundred (200) matched Carbon Strips, and provided with material certifications and marked in accordance with OEM requirements.

4.7. FEDERAL REQUIREMENTS AND REFERENCES

MTS requires all items under this contract to be fully compliant with all Federal Rail Administration (FRA) and California Public Utilities Commission's rail requirements.

The Bidder's attention is directed to the "Buy America" requirements set forth in Section 165 of the Federal Surface Transportation Act of 1982, and the FTA requirements implementing Section 165 (49 C.F.R., part 661).

4.8. DAMAGED OR DEFECTIVE ITEMS

All items delivered damaged or with a defect in packaging or manufacturing shall be returned to the CS. The CS shall provide a replacement in full within fifteen (15) business days of the receipt of the defective material. All cost incurred as a result of the return of the defective material and redelivery of the replacement material including but not limited to freight, insurance, re-stocking, and packaging arising from the defective item shall be borne by the CS.

4.9. BID PRICING

Bidders shall use the Bid Forms provided herein. Bidders shall provide pricing for all line items on the bid form, failure to do so may deem your bid non-responsive. All bids shall include all materials, delivery fees, and all applicable taxes required to complete the items as described on the bid forms.

4.10. INVOICES

Invoices must be sent to the MTS Accounting Department, via email, at ap@sdmts.com. All invoices must have the Purchase Order and contract number clearly displayed to ensure timely payment. MTS will not pay on packing slips, receiving documents, delivery documents, or other similar documents. Invoices must be submitted for payment.

Payment terms shall be net 30 days from invoice date.

Contractors must also indicate if any of the invoiced amount(s) is for service or work provided by a subcontractor and indicate the amount that will be paid to the subcontractor. Contractors must also comply with the prompt payment requirements in the *Prompt Progress Payments* section of the Standard Conditions.

4.11. SAFETY DATA SHEETS (SDS)

MTS retains the safety data sheets on an electronic database (currently CloudSDS). Upon award, Contractors shall email the SDS for chemicals that any individuals may be exposed to, attention Ngan Nguyen, MTS Environmental Health and Safety Specialist at Ngan.Nguyen@sdmts.com to upload into the database. The Contractor shall notify the MTS Environmental Health and Safety Specialist if there are changes or updates to the SDS during the term of the contract to ensure the MTS database is kept updated throughout the contract

4.12. WARRANTY

CS warrants all items delivered under this contract will be in factory new condition, free from liens and defects in design, materials, workmanship and title and shall conform in all respects to the terms of this Agreement and to the drawings issued for manufacture by the CS, and shall be of the best quality, if no quality is specified. Unless the warranty period is otherwise extended, the following minimum warranty shall apply.

If within one (1) year from the date of commercial operation for the purpose for which the goods are purchased, or within eighteen (18) months from the date of receipt by MTS, whichever comes first, it appears that goods, or any part thereof, do not conform to these warranties, and MTS so notifies the CS within thirty (30) days after discovery, CS shall thereupon promptly correct such non-conformity to the satisfaction of MTS at the CS's sole expense.

MTS may reject and cover the discrepancy if it is not satisfied with the CS's attempt to remedy the discrepancy by purchasing substitute goods or make corrections or accomplish the CS's performance by the most expeditious means available where all costs related to the correction shall be charged to the CS.

CS's liability hereunder shall extend to all damages such as demand inspection, cost of return or warehousing. CS shall not be liable for any consequential damages, such as loss of revenue or profit, loss of use or production or costs of capital. NO IMPLIED WARRANTY OF MERCHANTABILITY OR OF FITNESS FOR PURPOSE SHALL APPLY.

4.13. DELIVERY AND ACCEPTANCE

The first order of Carbon Strips shall be delivered ninety (90) calendar days after first Purchase Order. All subsequent orders shall be due at MTS within a maximum of thirty (30) calendar days after contractor's receipt of MTS' purchase order. Changes to the delivery schedule shall require prior notification and approval by the Project Manager. Questions, comments or concerns, on this matter will be submitted to the MTS during the solicitation question and answer period.

Equipment or any deliverable provided under this contract shall be delivered F.O.B. to SDTI, 1341 Commercial Street, San Diego, California 92113 unless otherwise specified, in first class condition, complete and ready for operation, and the Contractor shall assume all responsibility and risk of loss incident to said delivery.

Contractor shall indicate delivery date on the Bid Form unless already specified, in which case, shall be made within the time set forth. Delivery is part of the consideration and must be adhered to as specified.

Contractor will not be held liable for failure to make delivery because of strikes, construction of property, governmental regulations, acts of God or any other causes beyond his control, provided a written extension of time is obtained from MTS.

Upon delivery, MTS will acknowledge receipt of said items or products. Delivery shall not constitute acceptance. Upon inspection and testing (if necessary) by MTS, a determination will be made whether said items or products are in conformance with contract requirements. If found in conformance, MTS shall approve the Contractor's invoice for payment; thereby constituting acceptance. Payment terms begin from this point. If the

delivered items or products are found not in compliance, MTS will immediately notify the Contractor, and furnish all details of deficiencies. Contractor shall correct the deficiencies or supply new items or products (at the discretion of MTS), and resubmit for inspection and testing (if necessary).

4.14. LIQUIDATED DAMAGES

4.15. KEY PERFORMANCE INDICATORS (KPI)

The CS performance shall be measured by a set of Key Performance Indicators (KPI). Each KPI shall be produced and reviewed monthly between MTS and the CS to assess the status of service level achievements and areas of improvement. The initial KPI shall be created at 2 months after the conclusion of any ramp up period where required. The review shall be conducted through a conference call between the parties and may be changed to quarterly once the service levels reach a rolling 3 months of reaching the expected target.

1. Purchase Order On-Time Delivery:

- a. Purchase Order On-Time Delivery measures the lapsed period for the actual delivery time for all Purchase orders and Line Items in full from the date of the order placement to the MTS receipt.
- b. The target service level for on time delivery shall be 60 days which is aligned to the contract delivery time.
- c. The measurement shall be for an order quantity not to exceed 125% of the average monthly estimated forecast quantity and may be aggregated to a higher monthly quantity if orders are not placed in previous months.
- d. The success target will be set at 98% across the volume of orders and line items that meet these criteria.

2. Purchase Order Recovery

- a. Purchase Order Recovery measures the delivery time of Purchase Orders and Line Items that failed the Purchase Order On-Time Delivery. Where an On-Time Delivery has failed, the CS shall have an additional 10 days to ship the items to fully fulfil the failed order. Similarly, the target service level will be consistent at 98%.

MTS BID FORM
 PURCHASE OF PAMTOGRAPH CARBON STRIPS IFB
 MTS DOC. NO. L1660.0-24

BIDDER NAME: SCHUNK CARBON TECHNOLOGY

MTS Material #	Manufacturer Part #	Item Description	Annual Usage	Year 1 Bid	Year 1 Total	Year 2 Bid	Year 2 Total	Year 3 Bid	Year 3 Total	Year 4 Bid	Year 4 Total	Year 5 Bid	Year 5 Total
70093377	68000104; 188128	Carbon Strips	700	\$ 170.60	\$ 119,420.00	\$ 176.23	\$ 123,361.00	\$ 182.08	\$ 127,456.00	\$ 188.16	\$ 131,712.00	\$ 194.48	\$ 136,136.00
Subtotals Per Year					\$ 119,420.00		\$ 123,361.00		\$ 127,456.00		\$ 131,712.00		\$ 136,136.00
Annual Sales Tax @ 7.75%					\$ 9,255.05		\$ 9,560.48		\$ 9,877.84		\$ 10,207.68		\$ 10,550.54
Subtotals Per Year w/Sales Tax					\$ 128,675.05		\$ 132,921.48		\$ 137,333.84		\$ 141,919.68		\$ 146,686.54
Grand Total (Basis of Award)					\$ 687,536.59								

Bid prices will be firm-fixed, all inclusive.



**Metropolitan
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DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 17

**MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS**

March 14, 2024

SUBJECT:

Property Insurance Renewal

**AGENDA ITEM WILL
BE PROVIDED
BEFORE BOARD
MEETING**

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**Metropolitan
Transit
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DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 3/7/2024

Agenda Item No. 18

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS

March 14, 2024

SUBJECT:

MTS Excess Liability and Workers' Compensation Insurance Renewals

**AGENDA ITEM WILL
BE PROVIDED
BEFORE BOARD
MEETING**

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