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## Agenda

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

9:00 a.m.

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

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#### ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - May 16, 2013 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please SILENCE electronics  
 during the meeting

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



CONSENT ITEMS

6. Credit Agreement Resolution Approve  
Action would approve Resolution No. 13-16 authorizing the Chief Executive Officer (CEO) to execute an amendment(s) to the contract with JP Morgan Chase Bank N.A. (MTS Doc. No. G1413.0-12) and any other ancillary documents necessary to complete the transaction. The amendment would allow MTS to borrow up to \$40 million on its credit line.
7. Fiscal Year 2014 Transportation Development Act Claims Adopt  
Action would adopt Resolution Nos. 13-13, 13-14, and 13-15 approving fiscal year (FY) 2014 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.
8. Investment Report - April 2013 Receive  
Action would receive a report for information.
9. Orange/Green Lines Fiber-Optics Cable Project - Funds Transfer Approve  
Action would approve an amendment to Addendum No. 17 Project Scope of Work No. 11 authorizing the purchase of labor, materials, and supplies to install additional fiber-optic cables between the Grossmont Summit and Arnele Avenue Station on the MTS Trolley's Green Line.
10. Closed-Circuit Television (CCTV) System Project Amendment Approve  
Action would approve an amendment to Addendum 17 Project Scope of Work (MTS Doc. No. G0930.17-04.21.1) for the installation of additional CCTV cameras at Orange Line stations.
11. Work Order for Orange Line Print Verification Project Approve  
Action would authorize the CEO to execute an amendment to Work Order No. 13.01, Task Order 1 of MTS Doc. No. G1494.0-13.01.1 (general engineering contract with Pacific Railway Enterprises, Inc.) for additional services necessary to complete the updating of the existing signal drawings and for the installation of event recorders at crossings and interlockings on the Orange Line.
12. Federal Communications Commission-Mandated 800 MHz Band Reconfiguration - Consulting Services Ratify/  
Approve  
Action would: (1) ratify MTS Doc. No. G1546.0-13 dated June 10, 2013, with Ross & Baruzzini for consulting services related to the Federal Communications Commission- (FCC)-mandated 800 MHz Band Reconfiguration, which was previously executed pursuant to the CEO's authority; and (2) authorize the CEO to execute MTS Doc. No. G1546.1-13 for the balance of funding for proposed consulting services detailed in Ross & Baruzzini's proposal.
13. Mills Building Improvement Project 2013 Approve  
Action would authorize the CEO to authorize the San Diego Regional Building Authority (SDRBA), acting through its Mills Building Property Manager (Colliers International), to act as general contractor for the renovation of the 9th floor pursuant to an amendment to the Mills Building Property Management Agreement (MTS Doc. No. G1233.1-09).
14. Taxicab Maximum Allowable City and Airport Rates of Fare - Stabilization of Rates for 2013 (Sharon Cooney) Approve  
Action would approve Resolution No. 13-17 stabilizing the maximum allowable City of San Diego and airport rates of fare for the year 2013 at current rates.

CLOSED SESSION

24. a. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): Margot Clines vs. MTS (San Diego Superior Court Case No. 37-2013-00031879-CU-PO-CTL) Possible Action
- b. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL Existing Litigation Pursuant to California Government Code Section 54956.9(a): Rodney Maxwell v. Metropolitan Transit System et al. (SDSC Case No. 37-2012-00101898-CU-PA-CTL; MTS Claim No. TS-27411) Possible Action
- c. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8 Property: 1603 Main Street, San Diego, California (Assessor Parcel No. 538-210-25) Agency Negotiators: Paul Jablonski, Chief Executive Officer; Karen Landers, General Counsel; and Tim Allison, Manager of Real Estate Assets Negotiating Parties: Helf Investments, L.P. Under Negotiation: Price and Terms of Payment Possible Action

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. Language Assistance Plan (Denis Desmond) Approve  
Action would approve the draft Language Assistance Plan as submitted to the Federal Transit Administration (FTA) as part of the Title VI Triennial Program Update.
31. Title VI and Environmental Justice Policy No. 42 Updates (Denis Desmond) Approve  
Action would approve the proposed Policy No. 42 amendments, including the Title VI policies and service standards.

REPORT ITEMS

45. Virginia Avenue Intermodal Transportation Center (Sharon Cooney) Receive  
Action would receive a report on regional efforts to establish an intermodal transportation center at a new pedestrian international border crossing to be located at Virginia Avenue and provide comments and direction.
46. Operations Budget Status Report for April 2013 (Mike Thompson) Receive  
Action would receive the MTS operations budget status report for April 2013.
47. Zero Emission Bus Requirements (Sharon Cooney) Receive  
Action would receive a report for information.
48. Pacific Imperial Railroad (PIR) Desert Line Agreement - Status Update (Karen Landers) Receive  
Action would receive a report for information.

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| 60. | <u>Chairman's Report</u>  | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u>  | Information |
| 62. | <u>Chief Executive Officer's Report</u>   | Information |
| 63. | <u>Board Member Communications</u>  |             |
| 64. | <u>Additional Public Comments Not on the Agenda</u><br>If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. |             |
| 65. | <u>Next Meeting Date:</u> July 18, 2013   |             |
| 66. | <u>Adjournment</u>  |             |

MEETING OF THE BOARD OF DIRECTORS FOR THE  
METROPOLITAN TRANSIT SYSTEM (MTS)  
AND  
FINANCE WORKSHOP

1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101

May 16, 2013

MINUTES

**BOARD MEETING**

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:03 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Minto moved to approve the minutes of the April 18, 2013, MTS Board of Directors meeting. Ms. Bragg seconded the motion, and the vote was 11 to 0 in favor with Messrs. Cunningham, Roberts and Misses Emerald and Zapf absent.

3. Public Comments

John L. Wood – Mr. Wood asked when MTS would cycle out the low floor buses in National City and Chula Vista. The crossing gates at Central and Lemon Grove Ave. go down as soon as trolley departs depot which is four blocks away and makes for a long wait and wants to know why MTS hasn't done anything about it. May 2 or 3, 2013 at 9:25pm a bus on Route 916 almost ran into his car. The driver of the bus was pulling into a stop at Massachusetts and Central and Mr. Wood tried to go around him as he was pulling in and then the bus driver pulled out in front of Mr. Wood. On May 15, 2013 the Route 916 bus was going eastbound on Broadway then turned Southbound on Massachusetts he stopped mid-turn. MTS bus drivers need better training.

Valerie Hightower – Ms. Hightower advised there is a lack of security on the bus. There are mentally ill people and those using drugs on the trolley and bus. Compass Card representatives are hard to get a hold of to obtain customer service. 25<sup>th</sup> and Market need a stop sign or a stop light and there is a dip and the cars come too fast. On Euclid more benches are needed and wooden benches. She rides the buses all over San Diego and the bus stop amenities are diminishing especially the Southeast.

**CONSENT ITEMS**

6. San Diego and Arizona Eastern Railway Company (SD&AE) Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its Meeting on April 16, 2013

Action would: (1) receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Pacific Imperial Railroad, Inc. (PIR) quarterly reports for information; (2) ratify actions taken by the SD&AE Board at its quarterly meeting on April 16, 2013; and (3) ratify and appoint J. Brad Ovitt of Genesee & Wyoming as Chairperson replacing Randy Perry and Matthew Domen of SD&IV as Board member/Secretary

replacing Bob Jones.

7. Vending Services - Contract Award

Action would authorize the Chief Executive Officer (CEO) to: (1) execute MTS Doc. No. G1475.0-12 with Coca-Cola Refreshments as a revenue contract for vending services for a five-year base period with 5 one-year option terms (for a total of ten years); and (2) exercise each option year at the CEO's discretion.

8. Investment Report – March 2013

Action would receive a report for information.

9. Fiscal Year 2014 Capital Improvement Plan Amendment

Action would approve the amended fiscal year (FY) 2014 Capital Improvement Plan (CIP).

10. Armored-Transport Services - Contract Award

Action would authorize the CEO to: (1) execute MTS Doc. No. G1497.0-13 with Sectran Security, Inc. for armored-transport services for a five-year base period with 2 one-year option terms (for a total of seven years); and (2) exercise each option year at the CEO's discretion.

11. Purchase and Installation of Cisco Voice-Over Internet Protocol (VoIP) Phone System

Action would authorize the CEO to issue a purchase order to AT&T for the purchase of equipment and installation of an agency wide Cisco Voice-Over Internet Protocol (VoIP) phone system for MTS. This project will retire the existing Toshiba phone system and provide call center management functionality for TeleInfo and the Compass Card 511 Program. This procurement would be under the County of Merced's Contract No. 2009177.

12. Brake Linings and Disc Brake Pads - Contract Award

Action would authorize the CEO to: (1) execute MTS Doc. No. B0593.0-13 with Neopart, LLC for the purchase of brake linings and disc brake pads for a three-year base period with 2 one-year option terms (for a total of five years); and (2) exercise each option year at the CEO's discretion.

13. Light Rail Vehicle Antigrffiti Film - Contract Amendment

Action would authorize the CEO to execute MTS Doc. No. L1025.1-12 with NMS Management, Inc. to increase the amount of the contract due to the increased costs associated with replacing antigrffiti film on S70 Light Rail Vehicles (LRVs).

14. Motorola Regional Transit Management System - Contract Amendments

Action would authorize the CEO to execute: (1) MTS Doc. No. G0867.14-03 with Motorola, Inc. to extend the Regional Transit Management System (RTMS) warranty-support period from July 1, 2013, through June 30, 2014; and (2) MTS Doc. No. G0868.8-03 with North County Transit District (NCTD) for a Funds Transfer Agreement.

15. Hastus Regional Scheduling System Upgrade - Contract Award

Action would authorize the CEO to: (1) execute MTS Doc. No. G1529.0-13 with GIRO for a HASTUS Regional Scheduling System (RSS) upgrade to Version 2013; and (2) exercise additional optional modules, as funding is available, and annual maintenance and support services.

16. Americans with Disabilities Act (ADA) Paratransit Client-Certification Services

Action would authorize the CEO to: (1) execute MTS Doc. No. G1507.0-13 with ADARIDE.com, LLC for Americans with Disabilities Act (ADA) paratransit client-certification services for a five-year base with five option years (for a total of ten years); and (2) exercise option services and terms in year blocks at the CEO's discretion.

17. Security Services Agreement - Contract Amendment

Action would authorize CEO to execute MTS Doc. No. G1299.3-10 with Universal Protection Service (UPS) for security services.

18. Audit Report - Payroll Follow-up Review

Action would receive an internal audit follow-up report on payroll operations.

19. Audit Report - Information Technology Network Access/Security Follow-up Review

Action would receive an internal audit follow-up report on Information Technology (IT) network access/security.

Board Member Comments:

Mr. Alvarez questioned with regard to Consent Item 16 (Americans with Disabilities Act (ADA) Paratransit Client-Certification Services) how many individuals get certified through this contract? Jim Byrne, Director of Transportation advised that it was 3000 per year. Mr. Alvarez asked what the cost was per individual. Mr. Byrne answered it was \$42 to \$43 per year per certification. Mr. Alvarez asked if the 3000 reflected new clients every year. Mr. Byrne advised passengers were recertified every three years.

Mr. Alvarez questioned with regard to Consent Item 17 (Security Services Agreement - Contract Amendment) and said he did not have a chance to discuss at the Public Safety Committee and the recent events prompted increases in the contingency account and asked what recent events this was regarding. Paul Jablonski, Chief Executive Officer advised that MTS brought to the Budget Committee and Board an increase to security on the Orange and Blue Line after 8:00 p.m. in the evening and MTS added an additional officer to every train which costs approximately an additional \$500K per year. He advised MTS also increased the budget to account for additional security with the reorientation of the Green Line. Security is at Santa Fe Depot as it is a high traffic location, as well as additional personnel at San Ysidro to address the wildcatting. In addition there are a couple of things coming up in the next couple years with Mid-City Rapid and BRT that will also require additional security. In general MTS has been running over budget on security trying to keep a handle on security throughout the system, making sure security presence is out there, especially downtown in the afternoon and at schools, etc. Mr.

Alvarez asked Mr. Minto if he had a chance to follow up on the security contract concerns raised at the previous Board meeting. Mr. Minto responded he had not. He asked when a Public Safety Committee would be put together. Mr. Jablonski advised it is generally held in line with the annual and semi-annual security reports are distributed and the next one would likely take place in a few months closer to when the annual report is released. Mr. Alvarez said he does not support Consent Item 17 until there is further discussion on the topic.

Mr. Gastil requested Item 17 be pulled and Ms. Salas expressed her support. Mr. Mathis asked what the specific concerns were with Item 17. Mr. Alvarez stated that he did not receive satisfying answers to questions posed at the previous Board meeting on the topic. He thought there would be a Public Safety Committee meeting to discuss those concerns. Ms. Rios expressed her support to pull the item as well as she had requested a Public Safety Committee meeting sooner than later so those new to the committee could be brought up to speed and she is disappointed that meeting had not been held. Mr. Mathis advised he would pull the item and asked what the Board members would like in regard to Item 17. Mr. Cunningham advised he would amend his motion to approve Consent Items with the exception of Item 17. Mr. Mathis advised there would be a separate vote on Item 17.

Mr. Cunningham advised as he was the Chair of the Public Safety Committee and it had been discussed in the last two Public Safety Committee meetings that there was a need for an increase in personnel including cross border issues and issues on the additional security needs on the Orange and Blue Lines. He stated his recollection at the last Board meeting it had been discussed that MTS's security were not adequately trained and armed and that it was not an economic issue, it was more of an equipment issue and it was asked of William Burke, Director of Security and Chief of Police whether he believed his team was adequately trained and armed for the functions they perform. He did not see any debate from Mr. Minto as to a cost issue so he does not see Consent Item 17 being an impediment to a further discussion about whether or not Chief Burke's team is adequately trained to perform the services they are paid to perform.

Mr. Alvarez asked if it was a contract extension. Mr. Jablonski advised it was additional funding under the existing contract and the contract goes through FY16. Mr. Alvarez stated he sees that as option years. Karen Landers, General Counsel advised the Board approved the contract through the option years and it is her understanding in general when the Board approves the contract it gives the CEO the discretion to exercise the option years.

Ms. Emerald advised she would like to see the contract as the Board has been addressed by previously contracted security personnel with concerns their employer doesn't pay health benefits, sick leave, low wage and lack of training. She would like to see the terms of the contract and she has concerns it is sole source procurement. She believes she would like to hear from additional security companies not just for the best deal to MTS, but the best deal to their employees as a government entity there is a responsibility to the working people who are employed by companies who are making a profit off of taxpayers including MTS. She has issues with the sole sourcing and would like to make sure MTS sets standards for its contractors and advised the City of San Diego has a living wage ordinance and MTS needs to make sure the employees of these companies are taken care of properly and she would like to see further details of the contract. If MTS does not increase compensation on this vote how well funded is MTS going forward. Mr. Jablonski clarified it is not a sole source contract and it is an additional funding to the budget to this contract. Ms. Landers stated the original procurement was not a sole source procurement it was a competitively bid contract through FY16 and the additional funding added to the current contract was treated as a sole source instead of a new procurement since it doesn't make sense to do a separate procurement for this extra added



level of security this additional funding is to provide. Ms. Emerald said she would like to see a copy of the contract. Mr. Jablonski stated he would give copies of the contract to the Board and if the Board did not wish to add the additional funding they would have to remove security personnel from the evening task force on the Orange and Blue line and extra duty posts downtown and others in order to stay within the current contract.

Mr. Cunningham asked Ms. Landers if this was a time sensitive matter if the Board didn't vote today versus bringing it back to the Board for a vote at the next meeting. Ms. Landers responded in general her answer was yes and no. In the way the Board approved the original contract the base period has funding through FY14 so there is additional money the next few months, but technically MTS would be over budget if it continued security at this level through the rest of FY13 and ideally when MTS comes to the Board with a 5 year contract and the total 5 years is X amount and we anticipate spending \$1Mil each year if it's a \$5Mil contract MTS would like to stay as much as possible within that \$1Mil per year versus spending 5 years' worth of authority in three years. MTS staff tries to come to the Board as soon as they know their expenses or needs are exceeding what the budget estimates were on a year by year basis. If this is not approved, MTS technically has 5 years of spending authority and can use some of that 5<sup>th</sup> year to finish out this year, but ideally MTS would like to keep within the budget estimates that were provided to the board on the year by year basis in addition to the 5 year authority the Board gave to MTS. Mr. Mathis advised that MTS can have a security meeting and full discussion with Board members attending, but he emphasized MTS has security that needs to be paid for and the focus needs to be placed on MTS providing the funding for the needed security and it needs to be looked at in this context as it is a benefit to the public. Ms. Emerald asked if the Board could come back to MTS the following month after reviewing the contract to allow the Board to decide if they want to extend it to 2016 and they would not have an issue in providing what was needed to keep security going as is for the next few weeks and a few extra weeks to give the Public Safety Committee an opportunity to share and analyze information and give the rest of the Board the opportunity to learn more. Ms. Landers clarified there are big risks if the Board doesn't approve the additional spending, every month MTS goes more in the hole and leaves MTS significantly over budget where MTS would have to cut back security to make up for those over runs and the Board needs to be aware of that.

Mr. Gastil suggested the Board take advantage of their spending authority for the next month and bring the issue back a month from now and MTS would be better off doing what the best is for the public and vote on it after they have had a full deliberation over the contract specifics. Mr. Mathis emphasized that MTS is at the end of the fiscal year and MTS needs to not pay for the security or they will last minute have to pull the money from another area and MTS has to cover it.

Mr. Jablonski said the extra security measures were previously discussed so this item reflects the amount to take care of the additional security services and has been appropriately aired with the security committee and Budget Development Committee. The questions about the contract are legitimate although the contract has been procured and awarded by the Board and MTS is administering it, notwithstanding the media coverage MTS received which he disputes as statistics show there was a dramatic drop in crime on the system so MTS is doing something right. If the Security Committee would like to look at how MTS is administering the contract that can be scheduled as soon as possible but it is two different issues 1) the contract concerns in the way it is administered and 2) the funding for security services MTS is paying now and that's what this Consent Item is about.

Mr. Cunningham said there is no question there is a need and was well articulated by Chief

Burke and his group. Public security and safety is the main issue for the riders and the main issue is whether or not the Board funds it. Whether the Board wants to drill down on whether or not MTS is getting proper service under the contract that is a good topic for the Public Safety Committee and ask the vendor and head of security come in and give statistical analysis as to whether or not they are doing their job the best way they can, but there is no question there is a need for extra security but that shouldn't stop the Board from voting on Consent Item 17 to make sure MTS's riders are safe and he supports the motion for approval.

Mr. Minto said it is something the Board should approve and the vendors should be in compliance with the contract and to use the remedies within the contract if the vendor is not performing under the contract.

Ms. Emerald advised she supports the motion.

Action on Consent Item 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, and 19

Mr. Cunningham moved to approve Consent Items 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, and 19. Mr. Ovrom seconded the motion, and the vote was 15 to 0 in favor.

Action on Consent Item 17 (TAKEN OUT OF ORDER)

Mr. Cunningham moved to approve Consent Item 17. Mr. Ovrom seconded the motion, and the vote was 14 to 1 in favor with Mr. Alvarez voting no.

CLOSED SESSION

24. a. CLOSED SESSION - INITIATION OF LITIGATION Pursuant to California Government Code Section 54956.9(c) (One Potential Case)
- b. CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code Section 54956.8  
Property: Encanto/62nd Street Trolley Station, San Diego, California (Assessor Parcel Nos. 549-071-18, 21, 38, and 39)  
Agency Negotiators: Karen Landers, General Counsel; Tim Allison, Manager of Real Estate Assets; and Paul Jablonski, Chief Executive Officer  
Negotiating Parties: AMCAL Multi-Housing, Inc.  
Under Negotiation: Price and Terms of Payment

**The Board reconvened to Open Session at 9:56 a.m.**

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board provided direction to staff on a vote of 14 to 0 with Mr. Roberts absent.
- b. The Board received a report.

## DISCUSSION ITEMS

### 30. East County Bus Maintenance Facility CNG Fueling Installation, Operation, and Maintenance - Contract Award

Claire Spielberg, Chief Operating Officer of Transit introduced Frank Doucette the Project Manager for the East County Bus Maintenance Facility and the CNG fueling station. Mr. Doucette discussed a negotiated procurement for CNG station design and installation with the terms being 5 years (plus 3 year option years), comprehensive operation and maintenance services, site layout, the results of the negotiated procurement with the contract being awarded to Trillium and provided a recommendation.

Ms. Emerald asked Ms. Spielberg what MTS's satisfaction was with regard to Trillium and Ms. Spielberg responded her satisfaction level is extremely high.

#### Action Taken

Ms. Emerald moved to authorize the CEO to execute MTS Doc. No. B0594.0-13 with Trillium USA, LLC (doing business as California Trillium Company) for the: (1) design procurement, installation, and start-up of a compressed natural gas (CNG) fuel station for the East County Bus Maintenance Facility. These services would start on July 1, 2013, and be completed on February 28, 2014; and (2) operation and maintenance of a CNG fuel station at the East County Bus Maintenance Facility for a five-year base period beginning February 28, 2014, through March 1, 2019, with up to three option years beginning March 2, 2019, through March 3, 2022. Mr. Ovrom seconded the motion, and the vote was 13 to 0 in favor with Messrs. Cunningham, and Alvarez absent.

## REPORT ITEMS

### 45. Mid-Coast Corridor Transit Project Update

John Haggerty, Director of Rail and Leslie Blanda of SANDAG provided a presentation providing an overview of the project and environmental process including a map of the extension of the trolley Blue Line from Downtown to University City and presented slides on the Mid-Coast transit connections, Draft SEIS/SEIR, environmental status, project features – structures and project features – operations. Mr. Haggerty provided slides and discussed the Tecolote Rd. Station Clairemont Drive Station, Balboa Ave. Station, Nobel Dr. Station, VA Medical Center Station, Pepper Canyon Station, Voigt Dr. Station, Executive Dr. Station, and UTC Terminus Station concept plans. He discussed next steps including project approvals.

Ms. Zapf asked if these stops were set in stone. Mr. Haggerty advised he believed all stations within the document have been funded and is part of the financing plan so unless any significant issues arise these will be the station locations. Ms. Zapf asked regarding Tecolote design since it was very close to the Morena Vista station and is close to the Armstrong Nursery and behind the trolley platform to the West is the train and canyon and to the east is Morena Blvd. and across the way are a few businesses, but there are 280 parking spaces at this station. Ms. Zapf wondered how she would get anywhere. Mr. Haggerty advised it is assumed people will park and ride North and South relieving parking congestion at the Old Town Station. Ms. Zapf asked if it goes through Morena Vista. Mr. Haggerty advised the Morena Vista station is on the Green Line and this is an extension of the Blue Line and it is an origin station more than a destination station.

Ms. Zapf asked about the Clairemont Drive station concept and if SANDAG was looking at alternatives for the vacant parking lot there. The community wants to know what is going on with this parking lot and someone bought it only to find out their land had been planned as a parking lot for the trolley station. Mr. Haggerty advised they are looking at alternatives for that site or joint development of the site, but there is significant demand for parking at that station and SANDAG needed to show the ability to meet that demand and right now the assumption is that if nothing else happened, SANDAG would acquire the property and turn it into a parking lot.

Ms. Zapf asked Mr. Haggerty if he envisioned the project being built all at once or a segment at a time. Mr. Haggerty said he anticipates one contract to construct the entire project, but SANDAG is looking to see if they could have an early opening of the Balboa Station. He said they are several years away from having all of the information.

Mr. Gloria asked regarding the alignment. Mr. Haggerty responded the LPA was approved. Mr. Gloria asked about Genessee and if it was an elevated platform. Mr. Haggerty said Genessee would have to be center columns and there would be slightly more properties impacted, but if they go to straddle bents there would be some substantial impact and visual problems. Mr. Gloria asked about the VA Medical Ctr. Station and Mr. Haggerty said it was an option in the SANDAG environmental document but he doesn't believe the Board considers it an option. Mr. Gloria asked with all the structures being proposed if the parking was free or paid parking. Mr. Haggerty said MTS will ultimately decide but he believes they will be free and SANDAG is proposing to have a system where the Compass Card is possibly used to open a gate and is similar to what is being worked out for Sabre Springs. Mr. Gloria asked with regard to the Nobel Station if SANDAG is walling off the view from the Shopping Center. Mr. Haggerty responded there will be columns, the structure and the station structure is larger and they will need to decide how to get signage out and that is a discussion they are having with representatives from the shopping center and it is an aerial structure. Mr. Gloria asked if signage was discussed in the environmental document. Mr. Haggerty advised he was not aware of any language regarding to signage and there would likely not be major visual impact.

Mr. Ewin asked if any of the stations had restroom facilities and Mr. Haggerty advised they do not.

Mr. Ovrom asked with regard to the VA Medical Ctr. Station in terms of ridership and Mr. Haggerty responded there were a significant amount of riders and they could use the Pepper Canyon Station but this would be a much better option.

#### Action Taken

Mr. Ewin moved to receive a report for information. Ms. Zapf seconded the motion, and the vote was 13 to 0 in favor with Messrs. Roberts and Cunningham absent.

#### NOTICED PUBLIC HEARINGS (TAKEN OUT OF ORDER)

##### 25. Fiscal Year 2014 Budget: Public Hearing and Adoption

Mike Thompson, Budget Manager, Finance provided a presentation on the budget impact and provided a fiscal year 2014 budget recap. He discussed the fiscal year 2014 operating budget, fiscal year 2014 revenues, fiscal year 2014 expenses, fiscal year 2014 other information and a five-year operating forecast.

Mr. Jablonski explained that MTS has been working with SANDAG to officially convert from the formula program to calculate ridership to the use of the APC's MTS invested in a few years ago. The formula was generated years ago based on one way ticket sales and since MTS has moved to a day pass, one way ticket sales are a very small percentage of MTS's sales. MTS's whole ridership is extrapolated from this outdated formula and MTS is hoping to officially move to the new system by the new fiscal year, but it has to be approved by the Federal Transit Association (FTA) so although the ridership formula indicates this may not be the case.

Mr. Minto asked regarding the new system. Mr. Thompson advised it is a very sophisticated system. Mr. Jablonski said the error could be plus or minus 5%.

Mr. Thompson provided a staff recommendation

#### Public Speaker

Abdulrahim Mohamed – Mr. Mohamed said he is from Mid-City CAN working to get a no cost youth bus pass for young people in San Diego and has spoken to MTS staff about the pilot program. He described those who would benefit from the program based on their need and provided a timeline.

Margo Tanquay – Ms. Tanquay discussed APC rider counting system. She stated there is a definite increase in passengers from her observations.

#### Board member comments

Mr. Roberts stated there are positive items in the budget specifically for the reduction in one time use monies and the additional services to people throughout the community.

Ms. Emerald requested MTS find the money to help out with the student passes for Mid-City as students will become lifelong loyal riders and will be a sound investment to MTS and it is important to get young people to school and to their jobs.

Mr. Jablonski said MTS is anxious to discuss the pilot especially with San Diego Unified School District.

#### Action Taken

Mr. Roberts moved to (1) hold a public hearing, receive testimony, and review and comment on the fiscal year 2014 budget information presented in this report; and (2) enact Resolution No. 13-12 adopting the operating and capital budget for MTS and approving the operating budgets for San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, Chula Vista Transit, and the Coronado Ferry. Mr. Gloria seconded the motion, and the vote was 14 to 0 in favor with Mr. Cunningham absent.

#### 46. June 2013 Rock 'n' Roll Marathon Impacts

The report was waived.

Mr. Jablonski advised things are different this year as it is a full and half marathon and a much bigger event than in the past. MTS is not supplying buses and in the past MTS has had fairly big efforts in transportation and because there are two different courses is it much more

disruptive to MTS's service. The marathon is going to compensate MTS due to the routes they are impacting. MTS is going to closely watch this year and report and comment to the City and race committee regarding the impact. The area downtown is going to be very busy by PETCO Park and security is an issue. There is a significant effort at the local, county and Federal level. MTS will report after the fact to the Board.

Action Taken

Ms. Rios moved to receive a report for information. Mr. Ewin seconded the motion, and the vote was 12 to 0 in favor with Messrs. Cunningham, Ovrom and Ms. Emerald absent.

47. Quarterly Service Performance-Monitoring Report (Denis Desmond)

The report was waived.

Action Taken

Ms. Rios moved to receive a report for information. Mr. Ewin seconded the motion, and the vote was 12 to 0 in favor with Messrs. Cunningham, Ovrom and Ms. Emerald absent.

48. Operations Budget Status Report for March 2013

The report was waived.

Action Taken

Mr. Minto moved to receive a report for information. Ms. Bragg seconded the motion, and the vote was 13 to 0 in favor with Mr. Cunningham and Ms. Emerald absent.

60. Chairman's Report

Mr. Mathis advised of the laptop scholarship student event and discussed what the students need to do in order to qualify.

61. Audit Oversight Committee (AOC) Chairman's Report

Mr. Ewin advised the Audit Entrance Letter has been received and work is underway. The Audit Oversight Committee meets June 13, 2013.

62. Chief Executive Officer's Report

Mr. Jablonski introduced Bill Spraul, MTS's new Chief Operating Officer, Transit upon Claire Spielberg's retirement.

He discussed his attendance at the APTA Bus and Paratransit Conference in Indianapolis and his trip to Sacramento for the California Transit Authority Legislative Conference. He spoke with the Governor's staff, the Speaker's staff, the Senate Pro Tem on a number of issues and there was a sense of really trying to do more for transit at the State level. The focus is on SB375 and AB32. There is a real sense transit must be part of that and a lot of people working on getting more funding for transit, not only capital but operating in order to have an impact going forward. He believes the message is getting through and it was a very productive conference.

He discussed new pieces of rail that went on the Blue Line and provided a clip of the trolley on

the new rail which will improve the riding quality and save money in installation.

63. Board Member Communications

There were no Board member communications.

64. Additional Public Comments on Items Not on the Agenda

There were not additional public comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is May 30, 2013.

66. Adjournment

Chairman Mathis adjourned the meeting at 11:08 a.m.



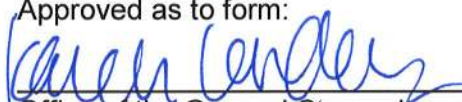
Chairperson  
San Diego Metropolitan Transit System

Filed by:



Office of the Clerk of the Board  
San Diego Metropolitan Transit System

Approved as to form:



Office of the General Counsel  
San Diego Metropolitan Transit System

- Attachments:
1. Roll Call Sheet
  2. Handout – San Diego Trolley Proposed to be extended to UCSD and University City
  3. Mid-City CAN (Community Advocacy Network) Handout – The Youth Opportunity Pass – A Pilot

METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
ROLL CALL

MEETING OF (DATE): May 16, 2013

CALL TO ORDER (TIME): 9:03 a.m.

RECESS: 10:06 a.m.

RECONVENE: 10:10 a.m.

CLOSED SESSION: 9:34 a.m.

RECONVENE: 9:56 a.m.

PUBLIC HEARING: 10:44 a.m.

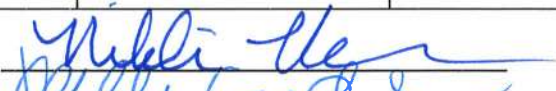
RECONVENE: 11:03 a.m.

ORDINANCES ADOPTED: N/A

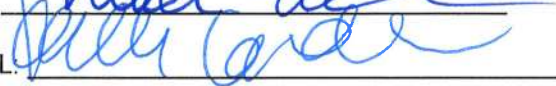
ADJOURN: 11:08 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:01 a.m.	11:08 a.m.
BRAGG	<input checked="" type="checkbox"/> (Bilbray) <input type="checkbox"/>	9:00 a.m.	11:08 a.m.
CUNNINGHAM	<input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/>	9:04 a.m.	9:42 a.m.
EMERALD	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:09 a.m.	11:04 a.m.
EWIN	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:00 a.m.	11:08 a.m.
GASTIL	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>	9:00 a.m.	11:08 a.m.
GLORIA	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:00 a.m.	11:08 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:00 a.m.	11:08 a.m.
MCCLELLAN	<input type="checkbox"/> (Ambrose) <input checked="" type="checkbox"/>	9:00 a.m.	11:08 a.m.
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:00 a.m.	11:08 a.m.
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>	9:00 a.m.	11:08 a.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:00 a.m.	11:08 a.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:09 a.m.	11:08 a.m.
SALAS	<input checked="" type="checkbox"/> (Ramirez) <input type="checkbox"/>	9:03 a.m.	11:08 a.m.
ZAPF	<input checked="" type="checkbox"/> (Faulconer) <input type="checkbox"/>	9:06 a.m.	11:08 a.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:





# SAN DIEGO TROLLEY PROPOSED TO BE EXTENDED TO UCSD AND UNIVERSITY CITY

The Mid-Coast Corridor Transit Project will extend Trolley service (light rail) from the Santa Fe Depot in Downtown San Diego north to the University City community, serving major activity centers such as Old Town, the University of California, San Diego (UCSD), and Westfield UTC. The San Diego Association of Governments (SANDAG)—which will develop the project in partnership with the Federal Transit Administration (FTA)—has prepared a draft environmental document analyzing potential impacts of the project. To learn more and comment, come to one of these five public meetings being held along the route of the proposed extension:

## Tuesday, June 4, 2013

Open House from 4 to 7 p.m.  
Cadman Elementary School, School Auditorium  
4370 Kamloop Avenue, San Diego, CA 92117  
(Bus 105 at Clairemont Mesa Blvd./Moraga Ave.)

## Monday, June 10, 2013

Open House from 3 to 6 p.m.  
University of California, San Diego  
Price Center East, The Forum, Level 4  
9500 Gilman Drive, La Jolla, CA 92093  
(Bus 30, 150, 41, 921, 101 and SuperLoop Bus 201/202 at Gilman Dr./Myers Dr.)

## Wednesday, June 12, 2013

Open House from 4 to 7 p.m.  
La Jolla Country Day School, Community Room  
9490 Genesee Avenue, La Jolla, CA 92037  
(SuperLoop Bus 201/202 at Genesee Ave./Eastgate Mall)

## Tuesday, June 18, 2013

Open House from 4 to 7 p.m.  
Caltrans District 11 Office, Garcia Conference Room  
4050 Taylor Street, San Diego, CA 92110  
(Bus 8, 9, 10, 28, 30, 35, 44, 88, 105, 150 & Green Line Trolley and COASTER at Taylor St./Juan St. Old Town Transit Center)

## Friday, June 21, 2013

Public Hearing at 9 a.m.  
SANDAG Transportation Committee, Board Room (7th Floor)  
401 B Street, San Diego, CA 92101  
(Bus 3, 120 at 4th Ave./B St. & Bus 2, 7, 15, 30, 50, 150, 923, 992 at Broadway/5th Ave. & Blue and Orange Line Trolley at 5th Ave. Trolley Station)



SANDAGRegion

@SANDAG

SANDAGRegion

For more information about the Mid-Coast Corridor Transit Project, please visit [www.sandag.org/midcoast](http://www.sandag.org/midcoast).



In compliance with the Americans with Disabilities Act (ADA), SANDAG will accommodate persons who require assistance in order to participate in the public meetings listed above. If such assistance is required, please contact SANDAG at (619) 595-5620 at least 72 hours in advance of the meeting. To request materials in an alternative format, please call (619) 595-5620 or fax (619) 699-1905.



## The Youth Opportunity Pass – A Pilot

### **Quick Facts**

**Total Project Cost:** \$416,200

#### **Funding:**

SDUSD - \$150,000 (allocation secured and dedicated to purchase) *note: San Diego Unified School District will be the administrator of the pilot project. In this role, they will be spending staff hours for implementation. This additional in kind contribution is not included in the amount above.*

MTS - \$56,430 (expected 15% discount from MTS on passes sold to SDUSD for pilot)

Unknown or Private Source - \$9,770 (depending on who does the pilot analysis, we may be able to negotiate that cost down to close the funding gap.)

#### **Number of passes to be distributed: 1100**

1000 passes distributed through San Diego High, Lincoln, Crawford, and Hoover (250 to each)

100 passes available by request from principals at elementary and middle schools for specific children who move outside the school boundaries, to allow them to stay at their home school.

### **Frequently Asked Questions**

#### **1. How does the Youth Opportunity Pass improve safety for youth in San Diego?**

The Youth Opportunity Pass allows young people to travel to and from school, work, and recreation in a safe and supervised environment.

Every year there are many instances of assault and harassment victimizing young people on their way to and from school, work, and other activities. A *Voice of San Diego* analysis of crime shows that the bulk of crime affecting young people occurs in the pre and after school hours. An independent analysis of police arrest data in City Heights demonstrates that the bulk of violent crime occurs within 1,000 feet of schools; this is consistent with nationwide patterns. In some communities this situation is made more severe by the high concentration of registered sexual offenders in the neighborhood surrounding the high school. The data, as well as countless family testimonials, illustrate the challenges that our young people face in



## The Youth Opportunity Pass – A Pilot

neighborhoods across San Diego. The Youth Opportunity Pass is an important step towards prevention and keeping our young people safe.

### **2. How does the Youth Opportunity Pass support jobs for families?**

The Youth Opportunity Pass allows young people to access job and internship opportunities within and outside their immediate neighborhood. Access to job opportunities early in life help set the stage for a life-long positive career track.

### **3. Will this pilot project become an ongoing drain on the City's finances?**

The one year pilot project is a necessary step to secure a permanent funding solution. Funding opportunities from the State of California (cap-and-trade funds, AB 1002 The Vehicle Registration and Sustainable Communities Strategy, etc) and Federal government (Federal Transportation Administration funds through CalTrans grants, The Moving Ahead for Progress in the 21st Century Act, etc) require local support and data generated by the pilot to prove impact.

### **4. How will students be selected? Who will do the selecting?**

In order to get a pass, young people fill out an application. If the school receives more applications than it has passes, the Community Oversight Committee (made up of school principals, guidance counselors, City Staff, MTS Staff, and community members) will determine which students get the passes.

Criteria for selection may include students who:

- Use/need transit
- Lost SDUSD provided busing during recent cuts (last 5 years)
- Families have a difficult time paying for passes
- Fear for their safety while walking to school
- Have previous community and/or extracurricular involvement
- Are chronically absent
- Have siblings who go to other schools (because these families have more challenges transporting all their children to school)
- Have a part-time job
- Have a caregiver/close family member with a disability

### **5. Are you pursuing private and/or corporate funding for this program?**

Yes, we are in contact with Natasha Collura, Director of Corporate Partnerships at the City of San Diego.



## The Youth Opportunity Pass – A Pilot

**6. Who will do the analysis and what will the analysis dollars be spent on?**

A transportation analyst will be selected by the Community Oversight Committee (which will include representatives from SDUSD, MTS, the City of San Diego, and community members) in order to understand the impact of the Youth Opportunity Pass. This is a necessary step to apply for State and Federal funding opportunities.

**7. Will elementary and middle school children be riding the bus alone?**

The elementary and middle school passes are distributed individually by a child's Principal in conjunction with parents. The Principal works with the child's parents to ensure their safety.

**8. How does the Youth Opportunity Pass encourage the next generation of bus ridership?**

The Youth Opportunity Pass sustains and increases transit ridership among young people. They learn about and how to conveniently utilize the transit system with their pre-loaded Compass Card. The Compass Card is a faster and more convenient way to ride the bus than the cash payments many low-income young people now rely on. This is an investment in a lifetime of transit ridership.

Many of the State funding opportunities prioritize programs that can show an increase in transit ridership and decrease in greenhouse gas emissions. The ridership data collected during the analysis will be critical in making our case for these funds. This is also in line with the City's SMART Growth and Transit Oriented Design city planning models.

**9. How does the Youth Opportunity Pass expand extra-curricular and community involvement?**

The Youth Opportunity Pass provides young people with safe access to enriching extracurricular activities like dance lessons or tutoring classes. If a young person has little access to transportation, they are less likely to attend extracurricular programs after-school, especially when it is dark, or in locations outside their neighborhood. Access and involvement in extracurricular activities keeps kids safe and is a proven crime prevention strategy.



## The Youth Opportunity Pass – A Pilot

A Proposal from the  
Improving Transportation in City Heights Momentum Team  
at Mid-City CAN

### Summary

The Youth Opportunity Pass is designed to provide positive opportunities for transit-dependent youth in San Diego. It will encourage and incentivize regular school attendance, increase safety for kids en route to school, increase access to extracurricular and job opportunities, and invest in future bus ridership for transit-dependent and low-income high school students. The pilot project will be a one-year program involving San Diego Unified School District schools where students are the most transit-dependent: Crawford High School, Hoover High School, Lincoln High School, and San Diego High School. There will also be a smaller-scale program for elementary and/or middle schools to preserve academic stability for students who move within the community but outside the local catchment area.

### Background

School busing has been severely cut in recent years, affecting almost 400 students in the City Heights area alone. Now students are forced to walk long distances or buy bus passes to get to school. The long walks have put kids at risk of being victims of crime and accidents with motor vehicles. The cost of a bus pass severely impacts low-income family budgets. The repercussions for the student are serious, with the potential for increased stress, lack of sleep, spotty attendance, inability to participate in extracurricular activities, and lack of access to job opportunities. **Transit dependant, low-income students experience severe limits on educational, extracurricular, and economic opportunities.**

For the family, the financial strain can be insurmountable and can add another challenge to family stability. A transit-dependent family with three kids attending school will pay \$108 a month for their children to get to school<sup>1</sup>. In City Heights, the median income is \$19,000 a year for a family of five<sup>2</sup>. (The federal poverty line is about \$24,000 for a family of four). This forces many to decide between transportation and other necessities, like food.

For the school, the obvious challenges with student performance and attendance are made greater when children struggle to get to school safely each day. In the area around Hoover High School, there is one of the largest concentrations of convicted sex offenders. This means that girls and boys walking to school, many times at distances of more than a mile, could fall victim to assaults, sexual harassment, and accidents with motor vehicles.

For the broader community, not only do better performing and involved students improve community cohesion, but the investment in long-term bus ridership is critical to the future viability of our public transit system and the quality of our environment.

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<sup>1</sup> <http://www.sdmts.com/fares.asp>

<sup>2</sup> House Meeting Data, by Bill Oswald, Jesse Mills, & Sheila Mitrasarker, 2009



## The Youth Opportunity Pass – A Pilot

A Proposal from the  
Improving Transportation in City Heights Momentum Team  
at Mid-City CAN

A 2012 student survey in Oakland of more than 1,500 students, analyzed by the San Francisco Public Health Department found that:

- One out of three students pays for bus passes and fares out of his/her own pocket.
- About 60 percent of students said they sometimes use their lunch money to ride the bus.
- Nearly 50 percent of low-income students reported that it was harder to get to school, jobs, or after-school programs with the current fare structure.
- More than 75 percent of students surveyed depend on the bus for mobility.

The neighborhoods served by San Diego High, Hoover, Crawford, and Lincoln are some of the most transit-dependent in the county. According to the San Diego Association of Government's Residential Transit Orientation Index, these neighborhoods are at the top of the scale (see attached Exhibit 11).

### **Case studies**

*San Francisco* - In December 2012, the San Francisco Municipal Transit Agency board approved the "Free Muni for Low-Income Youth" Plan. This program builds on a two-year pilot program that enrolled 27,000 low-income students and caused a dramatic increase in participation in after-school programs, effectively keeping youth safe and active.<sup>3</sup> The funding comes from a \$6.7 million Transit Performance Initiative grant from the Metropolitan Transportation Commission (their equivalent of SANDAG) that also puts \$5.1 million into vehicle rehabilitation and maintenance.

*Portland, OR* - High school students in the Portland Public School District can ride the local TriMet transit system for free during the school year by showing their student ID. Unlike other school districts, Portland Public Schools does not provide regular yellow school bus service. The Student Pass program is a partnership between TriMet, the school district and the City of Portland.

*Tempe, AZ* - The Tempe Youth Transit Pass Program allows all eligible Tempe youth ages 6 to 18 (children 6 and younger are already free) to ride regional and local Valley Metro bus routes and the Metro light rail for free. Passes are valid on weekends, holidays, and even during school breaks.

### **Pilot Design**

A thousand Youth Opportunity Passes will be split between San Diego High, Hoover, Crawford, and Lincoln, with 250 passes allotted to each school. Passes will be distributed by the school to students who meet certain criteria. Criteria for selection may include students who:

- Use/need transit
- Lost SDUSD provided busing during recent cuts (last 5 years)

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<sup>3</sup> Urban Habitat, 2012



## The Youth Opportunity Pass – A Pilot

A Proposal from the  
Improving Transportation in City Heights Momentum Team  
at Mid-City CAN

- Families have a difficult time paying for passes
- Live far from school
- Fear for their safety while walking to school
- Have previous community and/or extracurricular involvement
- Are chronically absent
- Have siblings who go to other schools (because these families have more challenges transporting all their children to school)
- Have a part-time job
- Have a caregiver/close family member with a disability

An application will be required of each student receiving a pass and may include a question about his/her future plans for school or asking the student to illustrate his/her need. Selection criteria will be solidified through a series of focus groups with students at each of the four high schools. To encourage extracurricular activities and job opportunities, passes will be valid after school and on weekends. Outreach about the Youth Opportunity Pass will be done in languages appropriate for the population of each school.

A Community Oversight Committee will be formed in an advisory role to SDUSD and MTS staff and committees. If the school receives more applications than it has passes, the Oversight Committee will determine which students get the passes. The Oversight Committee will consist of representatives from the Mid-City CAN Improving Transportation in City Heights Momentum Team with participation from vice-principals and guidance counselors from each school.

In addition, 100 passes will be reserved for distribution by elementary and/or middle school principals to students who move within the community but outside the local catchment area.

### **Measuring Success**

To measure the ways these passes are helping students and their families, the pilot will include performance measures among students receiving the passes including:

- |   |  |
|---|--|
| -Ridership  | -Participation in breakfast at school        |
| -Attitudes towards transit  | -Time saved                                  |
| -Financial burden for families  | -Access to employment                        |
| -School attendance  | -Access to health care                       |
| -Drop-out rate  | -Incidents of assaults/<br>sexual harassment |
| -Participation in recreational/<br>extracurricular/community activities | -Accidents involving motor vehicles          |

Each student receiving the Youth Opportunity Pass will complete an entrance and exit survey to complement empirical data on the above performance measures. The attendance and dropout rates of students receiving the pass will be tracked and reported to the Community Oversight



## The Youth Opportunity Pass – A Pilot

A Proposal from the  
Improving Transportation in City Heights Momentum Team  
at Mid-City CAN

Committee on a quarterly basis. In addition, a series of focus groups with chronically absent students will be conducted to help identify the usefulness of this pass for improving attendance rates among like students.

### **Funding Strategy**

The cost of the Youth Opportunity Pass for school year 2013-2014 will be:

#### High school passes

1000 30-day passes @ \$36 per pass X 9 months	\$324,000
1000 15-day passes @ \$18 per pass	\$18,000

#### Elementary and middle school passes

100 30-day passes @ \$36 per pass X 9 months	\$32,400
100 15-day passes @ \$18 per pass	\$1,800

#### Measuring success

Analysis of performance measures	\$40,000
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**Total cost for one school year of the Youth Opportunity Pass: \$416,200**

This pilot is seen as a down payment on the future of no-cost youth bus ridership in San Diego and all parties involved will actively seek regional, state, and federal funding mechanisms to continue and expand the project.

### **Timeline**

The pilot is planned to roll out for the 2013-2014 school year.

### **Supporters**

Mayor Bob Filner

Council President Todd Gloria

Councilmember Marti Emerald

San Diego Unified School District Trustee Richard Barrera

San Diego Community College District Board of Directors

Candidate for 80<sup>th</sup> Assembly District Lorena Gonzalez

San Diego Unified School District Superintendent Cindy Marten (incoming)

Hoover High School Vice-Principal Andreas Trakas

Amalgamated Transit Union Local 1309 President Joe Gotcher

**More than 850 San Diego residents**





Speaker completed for  
at 8:15 Thurs 6/20  
AGENDA ITEM NO.

3

**REQUEST TO SPEAK FORM**

ORDER REQUEST RECEIVED

1

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

**1. INSTRUCTIONS**

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

(PLEASE PRINT)

DATE	06/20/13		
Name	Warren Lambert		
Address	445 Island Ave #301		
Telephone	619-948-4575		
Organization Represented	Self		
Subject of Your Remarks	Abuse of mat meak@MTS		
Regarding Agenda Item No.	MTS access to First Transit		
Your Comments Present a Position of:	<input type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

**2. TESTIMONY AT NOTICED PUBLIC HEARINGS**

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

**3. DISCUSSION OF AGENDA ITEMS**

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

**4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

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

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



Metropolitan Transit System

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



June 19, 2013

Warren Lambert  
(via email: [Lambertwar@gmail.com](mailto:Lambertwar@gmail.com))

Re: MTS Access Service to Scripps Green Hospital (10666 N. Torrey Pines Road)

Dear Mr. Lambert,

San Diego Metropolitan Transit System (MTS) has received your emails expressing your displeasure with the fact that MTS Access does not provide a direct trip to Scripps Green Hospital on Torrey Pines Road. While I understand your unhappiness that this trip cannot be made without a transfer, the MTS Access trip/route currently provided is compliant with federal regulations for Americans with Disabilities Act (ADA) Paratransit service.

Federal law requires that MTS provide paratransit service that is "comparable" to MTS's fixed route service. (49 CFR § 37.121.) Federal regulations define "comparable" to require that MTS provide paratransit service to all locations that are within 3/4 mile from a fixed route stop. (49 CFR § 37.131.) In addition, the time for travel on paratransit service should also be comparable to the time it takes to travel on a fixed route trip. MTS's fixed route service is concentrated in the areas where demand is highest: urban areas near downtown San Diego, the south bay cities, and the east county corridor to Santee. Service is limited in the north county areas of MTS's jurisdiction. MTS does not currently have any fixed route stops within 3/4 mile of the Scripps Green hospital complex. In addition, the boundary between MTS and North County Transit District (NCTD) jurisdictions along the coast is the San Diego/Del Mar border. NCTD has similar obligations under the ADA Paratransit rules. Because NCTD does have a fixed route bus that stops near Scripps Green hospital, this is a San Diego County destination that can be reached using paratransit services. The trip, however, requires a transfer from MTS Access to NCTD Lift. The designated transfer location for this trip is the Veteran's Administration hospital on La Jolla Village Drive.

We have reviewed the 5 trips you have taken on MTS Access and NCTD Lift to Scripps Green hospital. The average roundtrip travel time for these trips is 3 hours and 12 minutes. While that may be a long travel time, it is comparable to the time it would take to travel between the same locations (Island Avenue and N. Torrey Pines Road) on MTS and NCTD fixed routes – approximately 2 hours and 38 minutes with no delays (traveling from MTS Green Line trolley to MTS Route 150 to NCTD Route 101 plus walking time). Unfortunately, downtown to Scripps Green hospital is not an easy or quick trip using public transit.

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)



Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

Warren Lambert  
June 19, 2013  
Via Email

As MTS staff has previously communicated to you, the Sorrento Valley Coaster Connection service is exempt from the ADA regulation under the commuter bus section (49 CFR §37.3, and 49 CFR §37.121(c)). Therefore, the Sorrento Valley Coaster station is not an MTS fixed route stop that expands MTS's paratransit service area to include Scripps Green.

We understand your frustration with the lengthy travel times and transfers required to travel from your home to Scripps Green. This is a complicated trip for both MTS fixed route and MTS Access operations. Notwithstanding your personal frustration with this circumstance, our review has found no ADA violation. The trips scheduled have fully complied with Department of Transportation regulations and the ADA. It is possible that if the Mid-Coast trolley extension is approved and constructed, MTS may have a market for expanded fixed route operations in the vicinity of Scripps Green hospital and N. Torrey Pines Road. However, until our fixed route operations are expanded, MTS Access service in this area will be similarly limited, requiring a transfer to NCTD Lift.

Sincerely,

---



Paul C. Jablonski  
Chief Executive Officer

cc: Dan McCaslin



AGENDA ITEM NO.

3

**REQUEST TO SPEAK FORM**

ORDER REQUEST RECEIVED

2

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

**1. INSTRUCTIONS**

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

(PLEASE PRINT)

DATE	JUNE 20, 2013		
Name	JOHN L. WOOD		
Address			
Telephone			
Organization Represented			
Subject of Your Remarks			
Regarding Agenda Item No.	3		
Your Comments Present a Position of:		<b>SUPPORT</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <b>OPPOSITION</b>

**2. TESTIMONY AT NOTICED PUBLIC HEARINGS**

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

**3. DISCUSSION OF AGENDA ITEMS**

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

**4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA**

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

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



AGENDA ITEM NO. 3

**REQUEST TO SPEAK FORM**

ORDER REQUEST RECEIVED 3

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

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(PLEASE PRINT)

DATE			
Name	<i>Miguel Aguirre</i>		
Address			
Telephone			
Organization Represented			
Subject of Your Remarks			
Regarding Agenda Item No.			
Your Comments Present a Position of:	<input type="checkbox"/>	<b>SUPPORT</b>	<input type="checkbox"/> <b>OPPOSITION</b>

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

# A better mode of travel

Construction has started on the San Ysidro Intermodal Transportation Center, a project that promises to ease traffic and increase public safety north of the border. The \$18.4 million center should be finished in summer 2003.

## 2003: MTS SYITC PROJECT San Ysidro Intermodal Transit Center

**BTC Instrumental Upper Terminal Design**  
(BTC) Border Transportation Council engaged in planning mtgs.

### Vertical vs Parallel

Loading-Unloading on both sides of bus

### Upper Inter-City Terminal

### 10 vs 4 Spaces

Original Plan:  
4 parallel spaces

Community Supported  
Including Greyhound

Regional & Local Stakeholder Input

Four (4) Year Planning, 1998-2002

MTS SYITC Project designed by Kimley, Horn & Associates in collaboration with Estrada Land Planning, affected property & business owners—end users of facility, BTC, San Ysidro Planning Group, Caltrans, City of San Diego & GSA.

- 🚓 Police kiosk
- 📢 Info booth/tickets

### Intermodal transit center CHANGES AT A GLANCE

- Pedestrian and vehicular traffic flows into and around the trolley station will be improved.
- Station overcrowding will be relieved since more area between trolleys will be created and a plaza will be built.
- Access to buses, taxis, jitneys and the trolley will be consolidated.
- New road will be built to give drivers access to 700 block of East San Ysidro Boulevard and to a proposed intercity bus terminal

a project that  
is public



June 18, 2013

Councilmember David Alvarez  
City Council District 8  
202 West C Street, 10<sup>th</sup> Floor  
San Diego, CA 921

**Re: 2003 San Ysidro SYITC & 2012-13 MTS-SYPS  
Opposition to second SYPS proposal to re-design Inter-City Terminal  
SYPS Plan presented June 11, 2013 at San Ysidro Border Transportation Council**

Dear Councilmember Alvarez,

At the Border Transportation Council meeting last week, a revised terminal reconfiguration plan was presented by SYPS-MTS & Bricehouse-First America (Brad Saunders & Greyhound). The proposed revisions are a complete re-design of their first proposal. However, their 2nd proposal presents the same and new concerns for the use of public space and of those that must conduct their business at these facilities and our Bi-National Pedestrian POE(s).

The proposed changes continue to disregard impacted private property and challenges all visitors that must transit through this area. Speculatively speaking, MTS enforcement citations (an MTS revenue source) in San Ysidro, are most likely, the highest ticket issuance rate in all of San Diego. If these changes are implemented, it will continue to glaringly highlight the social injustice and inequity that persists in our community, a National Gateway into the USA.

**1. Public Health:**

Lack of Sheltered Facilities: Inter-City Terminal operations should not be run like a city bus stop. Weary travelers, laden with luggage, will have to sit/stand outdoors, suffering:

- exposure to poor air quality from idling bus and freight train diesel, as well as Port of Entry vehicle emissions drift containing high levels of ultrafine particulate matter and black carbon;
- exposure to harsh weather conditions, i.e. cold, rain, heat and swirling winds from cul-de-sac location.

**2. Public Safety:**

Two terminals decentralize Inter-City travel services: Inter-city travelers and service providers will be required to:

- increase walking distances (non ADA) and service provider traffic as facility users circulate between terminals;
- cause destination confusion and opportunity for illegal transportation solicitation to flourish;

**3. Lack of environmental, social justice and equity: Proposed changes:**

- removes beautiful mature 20-30' tall Palm Trees;

June 18, 2013

**Re: San Ysidro, MTS-SYPS**

Page two

- installs eight (8) tiny restrooms that will be abused, neglected and present an unpleasant image. These restrooms will become a target for drug use and other illicit activities;
  - removes valuable infrastructure, i.e. inter-city bus and van parking;
  - reconfigures and replaces inter-city parking and passenger platform areas with modular retail buildings.
- 4. 2003 San Ysidro Intermodal Transportation Center (SYITC):** The 2003 City of San Diego-MTDB SYITC project involved 4-5 years of Regional Stakeholder & Community vetted planning. It involved the eminent domain taking of private property for public use. It successfully established “centralized” modes of transit infrastructure. Yet, for 8 years, MTS oversaw unsuccessful management operations of these facilities by ACE Parking Company.

---

Numerous attempts and proposals to improve management by community organizations and other qualified interests were ignored by MTS. The 2012 SYPS Agreement is full of conflicts of interests and represents an improper process disallowing community input and participation in proposed major changes to the vetted 2003 SYITC. MTS-SYPS proposes “de-centralization” and the privatization of public facilities on what was formerly private property, and will now, compete directly with these former property owners.

Councilmember Alvarez, there are numerous other related concerns we would like to discuss with you at your earliest opportunity. I have a call into your office that we may hopefully schedule a convenient time to meet before your next MTS Board meeting, June 20th.

Thank you and we look forward to your prompt response. I can be reached at (619) 917-3167.

Respectfully yours,

Miguel Aguirre

Copy: Mario Lopez, Mayor Bob Filner’s office  
David Flores, Casa Familiar  
Rogelio Gaytan, Tufesa Bus Operations  
Richard Gomez, BTC  
Jason Wells, Smart Border Coalition





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## Agenda Item No. 6

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

**SUBJECT:**

**CREDIT AGREEMENT RESOLUTION**

**RECOMMENDATION:**

That the **Board of Directors** approve Resolution No. 13-16 (Attachment **A**) authorizing the **Chief Executive Officer (CEO)** to execute an amendment(s) to the contract with **JP Morgan Chase Bank N.A.** (MTS Doc. No. G1413.0-12) and any other ancillary documents necessary to complete the transaction. The amendment would allow MTS to borrow up to **\$40 million** on its credit line.

**Budget Impact**

None at this time.

**DISCUSSION:**

MTS had a **\$10 million** credit line in place for FY 2013 as a part of its master contract with **JP Morgan Chase Bank N.A.**

MTS's federal grant payments are currently on hold awaiting certification from the Department of Labor. These grants are being challenged by labor unions at the national level due to California's new pension reform laws. The receipt of this grant funding is important to MTS having significant cash flow to meet its day-to-day expenses. Staff is seeking to have the ability to borrow up to \$40 million from its existing credit line with **JP Morgan Chase Bank** to bridge delays in receiving federal funding.

  
Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. Resolution No. 13-16

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the transit administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, San Marcos, and the County of San Diego.



**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

**Resolution No. 13-16**

A Resolution Approving the Chief Executive Officer to Execute a Credit Agreement

WHEREAS, the San Diego Metropolitan Transit System (MTS) has an existing agreement with JP Morgan Chase Bank N.A. (MTS Doc. No. G1413.0-12) inclusive of a credit line for \$10 million, and MTS staff seeks to amend the contract to increase the credit line up to \$40 million.

WHEREAS, the agreement has been previously approved by the MTS Board of Directors; NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by a vote of two-thirds or more of all of the members of the San Diego Metropolitan Transit System Board of Directors, hereinafter "Board," as follows:

That the Chief Executive Officer is authorized to execute an amendment of the existing contract agreement with JP Morgan Chase Bank N.A. to increase MTS's credit line up to \$40 million.

PASSED AND ADOPTED, by the Board of Directors this \_\_\_\_\_ day of June 2013 by the following votes:

AYES:

NAYS:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

\_\_\_\_\_  
Clerk of the Board  
San Diego Metropolitan Transit System

\_\_\_\_\_  
Office of the General Counsel  
San Diego Metropolitan Transit System



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## Agenda Item No. 7

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

**SUBJECT:**

FISCAL YEAR 2014 TRANSPORTATION DEVELOPMENT ACT CLAIMS

**RECOMMENDATION:**

That the MTS Board of Directors adopt Resolution Nos. 13-13 (Attachment A), 13-14 (Attachment B), and 13-15 (Attachment C) approving fiscal year (FY) 2014 Transportation Development Act (TDA) Article 4.0, 4.5, and 8.0 claims.

Budget Impact

The FY 2014 TDA claims would result in the approval of \$77,929,698 in TDA Article 4.0 funds, \$4,189,922 in Article 4.5 funds, and \$445,390 in Article 8.0 funds for MTS. Article 4.0 provides authority for claiming funds for general transit operations and capital. Article 4.5 funds are set aside by the San Diego Association of Governments (SANDAG) for Americans with Disabilities Act (ADA) Access services. Article 8.0 funds are used for the ferry/commuter express.

**DISCUSSION:**

For fiscal year 2014, SANDAG estimates that a total of \$127,202,841 of TDA funds will be available for the region based on the San Diego County Auditor's sales tax projections. A total of \$81,199,830 is estimated to be allocated to MTS less \$2,824,743 in regional planning/capital project and transferred functions plus \$4,189,922 in total community transit service. As a result, MTS is expected to receive a net amount of \$82,565,009 in TDA for FY 2013; \$65,433,430 of the claim amount would be utilized for operating activities under the Article 4.0, 4.5, and 8.0 guidelines, and \$17,131,579 would be used to fund the Capital Improvement Program.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachments: A. Resolution No. 13-13  
B. Resolution No. 13-14  
C. Resolution No. 13-15

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**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

**RESOLUTION NO. 13-13**

Resolution Approving Fiscal Year 2014 Transportation Development Act, Article 4.0

WHEREAS, effective August 10, 2000, the MTS-area consolidated Transportation Development Act (TDA) claim process provides that MTS will be responsible for submitting a single claim for each article of the TDA for all MTS operators; and

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2014 TDA claim, and

WHEREAS, MTS and SANDAG Boards must approve any alternate use of said balances differing from that for which they were originally claimed; and

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR); NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve the FY 2014 TDA Article 4.0 MTS TDA claim of \$77,929,698; \$60,798,118 of the 4.0 TDA claim will be used for operating activities, and the remaining \$17,131,579 will be used to fund capital.

PASSED AND ADOPTED by the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_,  
by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

---

**Chairperson  
San Diego Metropolitan Transit System**

**Filed by:**

**Approved as to form:**

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**Clerk of the Board  
San Diego Metropolitan Transit System**

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**Office of the General Counsel  
San Diego Metropolitan Transit System**

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

**RESOLUTION NO. 13-14**

Resolution Approving Fiscal Year 2014 Transportation Development Act, Article 4.5

WHEREAS, effective August 10, 2000, the MTS-area consolidated Transportation Development Act (TDA) claim process provides that MTS will be responsible for submitting a single claim for each article of the TDA for all MTS operators; and

WHEREAS, consistent with the intent of consolidating all transit funding for MTS-area operators, the San Diego Association of Governments (SANDAG) approved MTS's FY 2014 TDA claim, and

WHEREAS, MTS and SANDAG Boards must approve any alternate use of said balances differing from that for which they were originally claimed; and

WHEREAS, MTS and SANDAG staffs have analyzed this amendment and found it to be warranted pursuant to Section 6659 of Title 21 of the California Code of Regulations (CCR); NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby approve the FY 2014 TDA Article 4.5 amount of \$4,189,922. The allocation will be used to fund the MTS Access/CTS Paratransit services.

PASSED AND ADOPTED by the Board of Directors this \_\_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

---

**Chairperson**  
**San Diego Metropolitan Transit System**

**Filed by:**

**Approved as to form:**

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**Clerk of the Board**  
**San Diego Metropolitan Transit System**

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**Office of the General Counsel**  
**San Diego Metropolitan Transit System**

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

**RESOLUTION NO. 13-15**

**Resolution Approving Fiscal Year 2014 Transportation Development Act, Article 8.0**

**WHEREAS**, effective August 10, 2000, the MTS-area consolidated Transportation Development Act (TDA) claim process **provides** that MTS will be responsible for submitting a single claim for **each** article of the TDA for all **MTS** operators; and

**WHEREAS**, consistent with the **intent** of consolidating all transit funding for MTS-area operators, **the** San Diego Association of **Governments** (SANDAG) approved MTS' FY 2014 TDA claim, and

**WHEREAS**, MTS and SANDAG **Boards** must approve any alternate use of said balances differing from that for which they were **originally** claimed; and

**WHEREAS**, MTS and SANDAG **staffs** have analyzed this amendment and found it to be warranted pursuant to Section 6659 of **Title** 21 of the California Code of Regulations (CCR); **NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED** that the MTS Board of Directors does hereby approve the FY 2014 TDA **Article** 8.0 of \$445,390. The allocation will be used to fund the ferry/commuter express services.

**PASSED AND ADOPTED** by the **Board** of Directors this \_\_\_\_\_ day of \_\_\_\_\_, 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**

---

**Office of the General Counsel  
San Diego Metropolitan Transit System**



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## Agenda Item No. 8

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

**SUBJECT:**

INVESTMENT REPORT – APRIL 2013

**RECOMMENDATION:**

That the Board of Directors receive a report for information.

Budget Impact

None.

**DISCUSSION:**

Attachment A comprises a report of MTS investments as of April 2013. The combined total of all investments has decreased from \$206.3 million to \$206 million in the current month. This \$300,000 decrease is attributable to a reduction in the retention trust account due to release of \$2 million to the contractor per contractual agreement, partially offset by \$100,000 in quarterly interest and investment earnings, and normal timing differences in payments and receipts.

The first column (Attachment A) provides details about investments restricted for capital improvement projects and debt service, which are related to the 1995 lease and leaseback transactions. The funds restricted for debt service are structured investments with fixed returns that will not vary with market fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities. In addition, in the current month, MTS transferred \$8 million in Proposition 1B funding restricted for the acquisition of capital assets from the San Diego County Investment Pool to fund the acquisition of trolley cars and other assets.

The second column (unrestricted investments) reports the working capital for MTS operations allowing payments for employee payroll and vendors' goods and services.

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513; [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. Investment Report for April 2013

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**San Diego Metropolitan Transit System  
Investment Report  
April 30, 2013**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	<b>Average rate of return</b>
<b>Cash and Cash Equivalents</b>				
Bank of America - concentration account			\$ -	
JP Morgan Chase - concentration account	1,322,629	30,120,143	31,442,772	0.00%
<b>Total Cash and Cash Equivalents</b>	<u>1,322,629</u>	<u>30,120,143</u>	<u>31,442,772</u>	
<b>Cash - Restricted for Capital Support</b>				
US Bank - retention trust account	7,296,235	-	7,296,235	N/A *
San Diego County Investment Pool				
Proposition 1B grant funds	-	88,432	88,432	
Proposition 1B TSGP grant funds	5,101,951	265,551	5,367,501	
<b>Total Cash - Restricted for Capital Support</b>	<u>12,398,185</u>	<u>353,983</u>	<u>12,752,168</u>	
<b>Investments - Working Capital</b>				
Local Agency Investment Fund (LAIF)	-	42,101,485	42,101,485	0.264%
<b>Total Investments - Working Capital</b>	<u>-</u>	<u>42,101,485</u>	<u>42,101,485</u>	
<b>Investments - Restricted for Debt Service</b>				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	39,263,207	-	39,263,207	
Rabobank - Payment Undertaking Agreement	80,435,481	-	80,435,481	7.69%
<b>Total Investments Restricted for Debt Service</b>	<u>119,698,689</u>	<u>-</u>	<u>119,698,689</u>	
<b>Total cash and investments</b>	<u>\$ 133,419,503</u>	<u>\$ 72,575,611</u>	<u>\$ 205,995,114</u>	

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



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## Agenda Item No. 9

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

ORANGE/GREEN LINES FIBER-OPTICS CABLE PROJECT – FUND TRANSFER

#### RECOMMENDATION:

That the Board of Directors approve an amendment to Addendum No. 17 Project Scope of Work No. 11 authorizing the purchase of labor, materials, and supplies to install additional fiber-optic cables between the Grossmont Summit and Arnele Avenue Station on the MTS Trolley's Green Line.

#### Budget Impact

The cost of this additional work would not exceed \$1,317,617 and would be funded with the following budgets:

- SANDAG Pass Thru (MTS CIP-11279) - \$1,069,445
- LRV On-Board CCTV (MTS CIP-11271) - \$204,260
- Security Prop 1B Interest Earned - \$43,912

#### DISCUSSION:

In 2011, the San Diego Association of Governments (SANDAG) launched a project to install fiber-optic communication cables on various segments of the MTS Green and Orange trolley lines. At completion, these cables will carry fare information from ticket vending machines (TVMs), video images from MTS's closed-circuit television (CCTV) network, visual message sign (VMS) information, and Supervisor Control and Data Acquisition (SCADA) to Central Control. This project was funded by MTS and completed by SANDAG.

Because of funding constraints, two remaining segments were not included in the original project. These are the Grossmont Summit to Arnele Avenue Station segment, and the Chemtronics to Santee Station segment—both on the Green Line. The projected cost to complete the two remaining fiber loops is estimated to be \$1.8 million. Currently,

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the total available funding is \$1,317,617 for this project. This will be enough to complete the Grossmont Summit to Arnele Avenue Station segment only. SANDAG expects to release a competitive solicitation for this in September 2013.

When additional funding becomes available, the Chemtronics to Santee Station segment will also be completed. Staff will submit a separate request to the Board for approval of this segment once a funding source is identified.

The funding and authorizations for this project are accomplished through a series of agreements with SANDAG. This action will result in an amended agreement, adding the Grossmont Summit to Arnele Avenue Station segment to the project, and allocating an additional \$1,317,617 of funds for this purpose. The amendment also adds clarifying language identifying the source of funds for earlier stages of the project.

The chart below illustrates the budget allocations for each stage of the project. The shaded portion represents the Grossmont to Arnele segment work.

Funding Source	Funding Year	\$ Amount	Fiber Lines
Security Prop 1B	FY 08-09	\$2,578,655	12 <sup>th</sup> /Imperial – Baltimore Junction (Orange)
TSGP	FY 10	\$3,381,790	Old Town – Baltimore Junction (Green)
Security Prop 1B	FY 09-10	\$900,870	12 <sup>th</sup> /Imperial – Baltimore Junction (Orange)
Federal 5307/TDA	FY 12	\$500,000	12 <sup>th</sup> /Imperial – Baltimore Junction (Orange)
Security Prop 1B	FY 10-11	\$400,000	Old Town – Santa Fe (Green)
Security Prop 1B Interest 8/09	FY 08/09	\$29,515	Grossmont - Arnele (Green)
Security Prop 1B Interest 9/10	FY 09/10	\$14,397	Grossmont - Arnele (Green)
Security Prop 1B 09/10	FY 09/10	\$204,260	Grossmont - Arnele (Green)
Security Prop 1B	FY 11-12	\$1,069,445	Grossmont - Arnele (Green)
<b>TOTAL</b>		<b>\$9,078,932</b>	



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. MTS Doc. No. G0930.17-04.11.1 (SOW 11.1)

**Addendum 17 Project Scope of Work**

MTS File No.	G0930.17-04.11.1	SANDAG Reference No.	5000710 SOW 11.1
CIP Title:	Orange and Green Line Fiber Optic Cable		
CIP No.	1144400	Project Manager:	Andre Tayou
Lead Agency:	SANDAG	Operating Agency:	MTS
Estimated Start Date:	September 2011	Estimated Completion Date:	September 2014
Estimated Budget:	\$9,078,932	Effective Date:	6/11/2013

Intended Source of Funds: (Describe types and amounts of local, state and/or federal funding and attach any unique pass-through requirements):

Current funding as shown in IFAS from MTS Revenues (see MOU No. 5001820/G1367.0-11):

- State Prop. 1B - \$2,578,455
- Federal TSA Grant - \$3,381,790

Additional future funding from MTS:

- LRV On-Board Cameras Project (MTS CIP 11271) - \$900,870
- SANDAG SCADA Project - \$500,000
- Fiber Optic Link Project (MTS CIP 11340) - \$400,000
- Security Prop 1B earned interests - \$43,912
- LRV On-Board CCTV (MTS CIP 11271) - \$204,260
- SANDAG Pass Thru (MTS CIP 11279) - \$1,069,445

Describe Any Necessary Transfers of Project Funds Between the Parties:

SANDAG shall reimburse MTS via purchase order(s) for services described herein.

Project Description:

This project will install a high-speed fiber optic network, which will be used to implement future signaling, communications, closed-circuit television, and traction power upgrades.

Scope of Work to be Performed by MTS:

Flagging services by San Diego Trolley, Inc. (SDTI) personnel in the MTS right-of-way during construction. Any work which involves personnel or equipment within 15 feet of the center line of any active track must have an SDTI supplied flagperson for the duration of the work.

Scope of Work to be Performed by SANDAG:

- |                           |                                      |
|---------------------------|--------------------------------------|
| • Task Order Management   | • Fiber Optic Plans Preparation      |
| • Construction Management | • Network Switches Procurement       |
| • Network Topology Study  | • Fiber Splicing Diagram Development |
| • Job Order Management    | • Oversee Acceptance Testing         |

Any Additional Project-Specific Conditions (Any special conditions will require legal review of this document.):

This project scope of work is amending and restating the originally executed scope of work.

APPROVED BY:

SANDAG

METROPOLITAN TRANSIT SYSTEM

\_\_\_\_\_  
Jim Linthicum  
Director of MMPI

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Date



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

## Agenda Item No. 10

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

CLOSED-CIRCUIT TELEVISION (CCTV) SYSTEM PROJECT AMENDMENT

#### RECOMMENDATION:

That the Board of Directors approve an amendment to Addendum 17 Project Scope of Work (MTS Doc. No. G0930.17-04.21.1 - in substantially the same form as Attachment A) for the installation of additional CCTV cameras at Orange Line stations.

#### Budget Impact

This amendment would not exceed \$150,000 and would be funded by the FY 10/11 Prop 1B allocation of CIP 11324 (CCTV Upgrade). This amendment would increase the total value of the CCTV System Project from the original amount of \$370,131.07 to a new total of \$520,131.07. This project does not result in an increase to the cost of the original CIP.

#### DISCUSSION:

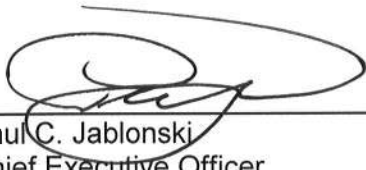
During modifications to the Orange Line platforms, it was determined that certain stations on the MTS Orange Line lacked sufficient video coverage. Staff made an assessment and concluded that the revised station layouts and the relocation of catenary poles where the cameras were once mounted contributed to what is now less-than-ideal video coverage at such stations. After exploring possible options, MTS staff considered that installing additional cameras is the optimal solution and that the best method to accomplish this at minimal incremental cost is through SANDAG. To also reduce the cost of ownership, staff proposes that SANDAG install upgraded cameras that will use less power through Power over Ethernet (PoE) technology, which would present more flexibility and scalability to accommodate future expansions.

The budgetary needs for this additional work are illustrated in the chart below.

**Contractor Cost Proposal and Other Direct Costs**

SANDAG JOC	Change Order	Description	Cost	SANDAG Progen Fee	Total
JOC1337-11	CCO # 1	Additional CCTV work for Orange Line	\$48,428.83	\$944.36	\$49,373.19
	CCO # 2	Additional CCTV at 12th & Imperial bus island	\$68,182.34	\$1,329.56	\$69,511.90
Contingency		10% Contingency			\$11,888.51
			<b>Rate/Hour</b>	<b># of Hours</b>	<b>Total</b>
Flagging Cost		MTS Flagging Request	\$21.56	425	\$9,163.00
Management & Administration		SANDAG and MTS Project Management	LS	LS	\$10,000.00
			<b>TOTAL</b>		<b>\$149,936.60</b>

The amended project scope of work with SANDAG would also recognize that San Diego Trolley, Inc. (SDTI) would provide flagging services for this project. Such services would be reimbursed to MTS by SANDAG.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. MTS Doc. No. G0930.17-04.21.1



### Addendum 17 Project Scope of Work

MTS File No.	G0930.17-04.21.1	SANDAG Reference No.	5000710 SOW 21.1
CIP Title:	System VMS & Network Switches		
CIP No.	1210050	Project Managers:	Thang Nguyen (MTS) and Dale Neuzil (SANDAG)
Lead Agency:	SANDAG	Operating Agency:	MTS
Estimated Start Date:	December 2012	Estimated Completion Date:	7/31/2013
Estimated Project Budget:	\$5,847,131	Effective Date:	6/1/2013
SOW 21.1 Budget:	\$520,131.07		

Intended Source of Funds: (Describe types and amounts of local, state and/or federal funding and attach any unique pass-through requirements):

MTS CIP#11324 (CCTV System Upgrade) is funded from a Security Proposition 1B FY10/12 grant. SANDAG CIP #1210050 includes local TransNet funding only.

Describe Any Necessary Transfers of Project Funds Between the Parties:

MTS shall reimburse SANDAG via purchase order(s) for the cost of new cameras purchased and installed through the SANDAG JOC contractor.

SANDAG shall reimburse MTS for all other expenses listed herein, not including the cost of new cameras.

Project Description:

As part of the Orange Line Platform Modifications Project, SANDAG shall utilize its JOC contractor to remove and store the existing CCTV cameras while construction to upgrade the stations is underway. Following construction, SANDAG shall utilize its JOC contractor to install the stored cameras and to procure and install additional digital CCTV cameras for full station coverage.

Scope of Work to be Performed by MTS:

Schedule and coordinate camera installation with SANDAG JOC contractor. Provide project management for equipment installation, submittal review, on-site testing and commissioning of the equipment, and other support as needed.

Flagging services by San Diego Trolley, Inc. (SDTI) personnel in the MTS right-of-way during construction. Any work which involves personnel or equipment within 15 feet of the center line of any active track must have an SDTI supplied flagperson for the duration of the work.

Scope of Work to be Performed by SANDAG:

Procure and install communications equipment including variable message signs, central control software, fiber optic cable, next train signs at 35 stations, and closed-circuit television through JOC.

Monitor invoices from JOC contractor and request reimbursement for new camera expenses from MTS.

Reimbursement of flagging costs incurred by MTS.

Any Additional Project-Specific Conditions (Any special conditions will require legal review of this document.):

This project scope of work is amending and restating the originally executed scope of work.

APPROVED BY:  
SANDAG

METROPOLITAN TRANSIT SYSTEM

---

Jim Linthicum  
Director of Mobility Management  
and Project Implementation

Date

---

Paul Jablonski  
Chief Executive Officer

Date

# Job Order Contract Detailed Scope of Work



Date: April 19, 2013

To: Tim Corley  
Contractor Project Manager  
Southland Electric Inc.  
4950 Greencraig Lane  
San Diego, CA 92123

From: Thang Nguyen  
Systems Engineer  
San Diego Metropolitan Transit System  
1255 Imperial Ave, Suite 900  
San Diego, CA 92101

Phone: (858) 634-5050  
FAX: (858) 634-5040

Phone: (619) 557-4560  
FAX:

Project: JOC1337-11.01

Project/Cost Center: 1210050

Title: Additional work at Park & Market and 32nd St

Location: Orange Line Stations

Railroad Protective:  Yes  No

Race Conscious:  Yes  No

DBE/UDBE Goal: N/A

## Detailed Scope of Work

The Contractor shall provide all labor, material, and equipment required to accomplish the following scope of work:

- 1) Install UPS for the CCTV systems at 47th St., Euclid, La Mesa and 5th & C stations. Each UPS to include one UPS (1 - APC SMX-3000-RML) and two-battery packs (2 - APC SMX-120-RMBP2U). Connect the CCTV systems at these stations to the UPS.
- 2) Park & Market Station - Install new CAT5e OSP and 14/2 power cable to VMS poles for new cameras in existing communication conduit. At each VMS add two CAT5e OSP and at NW and SE VMS add one 14/2. Terminate the new and existing CAT5e CCTV cables to a new 24 port patch panel in the three-bay cabinet. CCTV contractor will terminate the cables at the cameras.
- 3) 32nd St. Station - Install approximately 400' of 12 Strand SM fiber and two #10 from the three bay cabinet to the speaker pole at the east end of the platform in existing communication conduit. Terminate four of the stands of the fiber at the pole with SC connectors in the camera housing. Terminate the other end of the fiber in a rack mounted termination cabinet in the three-bay cabinet. Provide and install media converters, fiber, jumpers, CAT5e jumpers, etc required to connect the camera to the existing CCTV server.

The contractor is required to submit a flagger request form, as-builts, certified payroll, submittals, proposed modifications to existing facilities for conduit installation, schedule and work plan.

### Safety Training:

The Contractor shall adhere to construction and safety standards required by MTS when working within the right-of-way. MTS Rail Roadway Worker Safety Training (RWST) is required and shall be provided by MTS at no cost to Contractor.

Materials: Reference the above plans for new equipment.

### Existing Utilities:

The Contractor's attention is directed to the existence of overhead trolley wires and existing electrical and communications systems.

### Work Window:

All work shall be performed during normal hours. The Contractor shall coordinate all work with MTS and Station Contractors to assure efficient installation of the work while minimizing interference with Station Platform Modifications project and MTS operations.

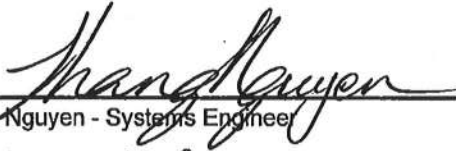
Duration of the work: Coincide with the Station Platform Modifications project schedule

**Detailed Scope of Work Continued**

**Project:** JOC1337-11

**Title:** Additional work at Park & Market and 32nd St

---



Thang Nguyen - Systems Engineer



Tim Corley - Contractor Project Manager

---

Job Order Contract

Contractor's Price Proposal Summary- CSI

This price proposal - all information and data - shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate this price proposal. This price proposal - all information and data - is Confidential and Proprietary.

**Work Order #:** JOC1337-11.01  
**Title:** Station CCTV Camera Upgrade - Downtown and Orange Line  
**Contractor:** Southland Electric Inc.  
**Proposal Value:** \$48,428.83  
**Proposal Name:** Station CCTV Camera Upgrade - Downtown and Orange Line

**To:** Thang Q. Nguyen  
 Systems Engineer  
 Metropolitan Transit System  
 1255 Imperial Avenue, Suite 900  
 San Diego, ca 92101

**From:** Tim Corley  
 Contractor Project Manager  
 Southland Electrical Inc.  
 4950 Greencraig Lane  
 San Diego, CA 92123

	<b>\$31,229.35</b>
<b>01 - General Requirements:</b>	<b>\$2,749.87</b>
<b>05 - Metals:</b>	<b>\$741.88</b>
<b>16 - Electrical:</b>	<b>\$13,707.73</b>
<b>Work Order Proposal Total</b>	<b>\$48,428.83</b>

This work order proposal total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding of the line totals and sub-totals.

The Percent of NPP on this Proposal: 64.49%

  
 Tim Corley, Contractor Project Manager

6/3/2013  
 Da

**Job Order Contract  
Detailed Scope of Work**



**Date:** May 24, 2013

**To:** Tim Corley  
Contractor Project Manager  
Southland Electric Inc.  
4950 Greencraig Lane  
San Diego, CA 92123

**From:** Thang Nguyen  
Systems Engineer  
San Diego Metropolitan Transit System  
1255 Imperial Ave, Suite 900  
San Diego, CA 92101

**Phone:** (858) 634-5050  
**FAX:** (858) 634-5040

**Phone:** (619) 557-4560  
**FAX:**

**Project:** JOC1337-11.02

**Project/Cost Center:** CIP 1210050

**Title:** 12th and Imperial CCTV On Bus Island

**Location:** 12th and Imperial Bus

**Railroad Protective:**  Yes  No

**Race Conscious:**  Yes  No

**DBE/UDBE Goal:** N/A

---

**Detailed Scope of Work**

---

The Contractor shall provide all labor, material, and equipment required to accomplish the following scope of work:

**CONTRACTOR:**

- 1) Provide and install CAT6 and two #10 wires to the new cameras shown on the attached map and re-install wire to four cameras that were removed for construction.
- 2) Run new cable to the existing CCTV equipment enclosure in the building electrical room.

Low voltage conduit paths to all of the camera locations shall be installed by the station contractor prior to Southland pulling cable.

**SUB-CONTRACTOR:**

- 1) Install 3 new 360-domes cameras and 2 new 5-megapixel cameras on existing poles and structures as discussed and update the existing system to be all Avigilon.
- 2) Remove existing Avigilon server to be stored for use as an emergency replacement for Avigilon servers that fail in the future.
- 3) Connect existing analog cameras to the new Avigilon encoders and add them to the new Avigilon server.

The scope includes the removal and re-installation of several cameras for construction activities including the camera on the VMS on the south side of the Mills Bldg. Remove the existing Bosch iSCSI array and encoders and deliver them to MTS for disposal.

**Detailed Scope of Work Continued**

**Project:** JOC1337-11.02

**Title:** 12th and Imperial CCTV On Bus Island

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The contractor is required to submit a flagger request form, as-builts, certified payroll, submittals, proposed modifications to existing facilities for conduit installation, schedule and work plan.

**Safety Training:**

The Contractor shall adhere to construction and safety standards required by MTS when working within the right-of-way. MTS Rail Roadway Worker Safety Training (RWST) is required and shall be provided by MTS at no cost to Contractor.

**Materials:** Reference the above plans for new equipment.

**Existing Utilities:**

The Contractor's attention is directed to the existence of overhead trolley wires and existing electrical and communications systems.

**Work Window:**

All work shall be performed during normal hours. The Contractor shall coordinate all work with MTS and Station Contractors to assure efficient installation of the work while minimizing interference with Station Platform Modifications project and MTS operations.



Thang Nguyen - Systems Engineer



Tim Corley - Contractor Project Manager

**Job Order Contract  
Contractor's Price Proposal Summary- CSI**

This price proposal - all information and data - shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate this price proposal. This price proposal - all information and data - is Confidential and Proprietary.

---

**Work Order #:** JOC1337-11.02  
**Title:** Station CCTV Camera Upgrade - Downtown and Orange Line  
**Contractor:** Southland Electric Inc.  
**Proposal Value:** \$68,182.34  
**Proposal Name:** Station CCTV Camera Upgrade - Downtown and Orange Line

---

**To:** Thang Q. Nguyen  
Systems Engineer  
Metropolitan Transit System  
1255 Imperial Avenue, Suite 900  
San Diego,, ca 92101

**From:** Tim Corley  
Contractor Project Manager  
Southland Electrical Inc.  
4950 Greencraig Lane  
San Diego, CA 92123

---

	<b>\$51,090.01</b>
<b>01 - General Requirements:</b>	<b>\$4,310.83</b>
<b>05 - Metals:</b>	<b>\$112.34</b>
<b>16 - Electrical:</b>	<b>\$12,669.16</b>
<b>Work Order Proposal Total</b>	<b>\$68,182.34</b>

This work order proposal total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding of the line totals and sub-totals.

**The Percent of NPP on this Proposal:** 74.93%

  
Tim Corley, Contractor Project Manager

5/30/2013  
Da





1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7490  
619.231.1466, FAX: 619.234.3407

## Agenda Item No. 11

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

WORK ORDER FOR ORANGE LINE PRINT VERIFICATION PROJECT

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute an amendment to Work Order No. 13.01, Task Order 1 of MTS Doc. No. G1494.0-13.01.1 (general engineering contract with Pacific Railway Enterprises, Inc.) (Attachment A) for additional services necessary to complete the update of existing signal drawings, and for the installation of event recorders at crossings and interlockings on the Orange Line.

#### Budget Impact

The total cost of this amendment would not exceed \$319,170.50 and would be funded through the FY 2014 allocation for CIP 11330. This amendment would increase the total cost of Work Order No. 13.01, Task Order 1 from the original total of \$504,571.28 to a new total of \$823,741.78.

#### DISCUSSION:

In October 2012, MTS awarded a general engineering contract (MTS Doc. No. G1494.0-13) to Pacific Railway Enterprises, Inc. (PRE) for on-call environmental planning, engineering, and architectural services for the San Diego Trolley. The contract is for a not-to exceed amount of \$1,500,000. Also in October of 2012, MTS issued Work Order No. 13.01 for Task Order 1 for the contractor to update signal drawings and install event recorders at crossings and interlockings on the Orange Line. After work began, the contractor reported that the original as-built drawings received from SANDAG were either missing a significant amount of information or were inaccurate. Thus, a time extension for field verification and drafting were added to the contract through Amendment No. 1 issued in September 2012. The time extension also provided an

allowance to either update or augment existing equipment to ensure their connectivity with the event recorders.

### Scope Changes

Task Order 1 included drawing verification on the Orange Line from 32<sup>nd</sup> Street to Santee. This task order also included the installation of 29 event recorders for grade crossings and interlockings on the Orange and Green Lines. Due to the cost increase, the scope has been reduced to installation of only 13 event recorders on the Orange Line (installation of the remaining 16 event recorders may be considered in fiscal year 2015). Task Order 1 provided for circuit verification for the Eighth Avenue interlocking, which is used by MTS trolleys, North County Transit District, and San Diego and Imperial Valley Railroad trains. This amendment increases the hours for reviewing the circuitry for the Eighth Avenue interlocking.

Task Order 2 was approved by the Board at its September 2012 meeting (Board Agenda Item No. 15) and included signal verification on the Green Line from Hazard Center to Mission San Diego, the Old Town interlocking, Orange Line Grade-Crossing Warning Time Review, and assembly of signal engineering and communications standards. The cost for Task Order 2 totaled \$285,000 and was included in the CIP request and approved for fiscal year 2014. Due to the cost increase for Task Order 1, the funding expected to be received in fiscal year 2014 will be diverted and used to cover the shortfall for Task Order 1. With this funding shift and the increased cost to complete Task Order 2, additional funding for Task Order 2 and the remaining 16 event recorders will be deferred for consideration in the fiscal year 2015 budget.

Therefore, staff requests that the Board of Directors authorize the CEO to execute MTS Doc. No. G1494.0-13.01-1 with PRE for additional services to complete the update of existing signal drawings and install 13 event recorders at crossings and interlockings on the Orange Line.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. Draft MTS Doc. No. G1494.0-13.01.1

DRAFT

June 20, 2013

MTS Doc. No. G1494.0-13  
Work Order No 13.01.1

Ms. Cathy Hirsch  
Contract Project Manager  
Pacific Railway Enterprises, Inc.  
501 West Broadway, Suite 2040  
San Diego, CA 92101

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. G1494.0-13, WORK ORDER 13.01 TASK ORDER 1, ON-CALL ENGINEERING SUPPORT SERVICES FOR THE MVE / ORANGE LINE SIGNAL PRINT VERIFICATION PROJECT

Dear Ms. Hirsch:

This letter shall serve as Amendment No. 1 to MTS Document No G1494.0-13, Work Order 13.01, Task Order 1, On-Call Engineering Services. The Agreement is amended as further described below.

SCOPE OF CHANGE

Task Order I

Additional hours necessary for the verification and update of signal drawings, and installation of event recorders at crossings and interlockings on the Orange Line.

The total cost for this Amendment No. 1 is \$319,170.50.

Task Order II

No work on Task Order II has yet been authorized. Task Order II work may only begin after a formal written amendment authorizing the work is issued by the MTS.

SCHEDULE

All work shall be completed by February 1, 2014.

PAYMENT

This Amendment increases the total cost of Work Order No. 13.01, Task Order 1 from the original \$504,571.28 to a new total of \$823,741.78.

All other conditions shall remain unchanged. If you agree with the above, please sign below and return the document marked "Original" to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Cathy Hirsch  
Pacific Railway Enterprises, Inc.

Date: \_\_\_\_\_



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

## Agenda Item No. 12

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

FEDERAL COMMUNICATIONS COMMISSION-MANDATED 800 MHz BAND  
RECONFIGURATION - CONSULTING SERVICES

#### RECOMMENDATION:

That the Board of Directors:

1. ratify MTS Doc. No. G1546.0-13 (Attachment A) dated June 10, 2013, with Ross & Baruzzini for consulting services related to the Federal Communications Commission- (FCC)-mandated 800 MHz Band Reconfiguration, which was previously executed pursuant to the Chief Executive Officer's (CEO's) authority<sup>1</sup>; and
2. authorize the CEO to execute MTS Doc. No. G1546.1-13 (Attachment B) for the balance of funding for proposed consulting services detailed in Ross & Baruzzini's proposal.

#### Budget Impact

The contract amount would increase by \$140,800.00 for the balance of proposed consulting services for a total of \$215,800.00. Funding for the total project is currently provided through IT Outside Services Budget (661-53910). These services are to be fully reimbursed by the 800 MHz Transition Administrator LLC, which has been created by the FCC to administer this transition.

#### DISCUSSION:

On April 1, 2013, the FCC issued Document DA 13-586 (Attachment C) addressing the "New 800 MHz Band Plan for U.S. – Mexico Sharing Zone," which affects the international allocation of communication bands in the 800 MHz spectrum (for radio communications). MTS bus operations utilize these communications bands within its

<sup>1</sup> Board Policy No. 52.2(A)(i) grants the CEO authority to approve all procurements up to \$100,000.

Regional Transit Management System (RTMS), which is the radio network to support communications and location technology for MTS bus operations.

In short, Sprint has negotiated with the FCC to obtain additional bandwidth in the Southern California–Mexican border (referenced as the National Public Safety Planning Advisory Committee [NPSAC] Region 5). The costs to licensees, such as MTS, that hold FCC licenses to operate within the 800 MHz frequency are to be reimbursed by Sprint subject to approval of a Request for Planning Funding (RFPF) submittal.

Within Document DA 13-586, Section III (Discussion) Part A (Post-Rebanding Domestic Channel Plan), paragraph 13:

*"... adoption of a post-rebanding channel plan creates no additional costs for licensees along the US-Mexico border because Sprint is responsible for paying the minimum cost necessary to accomplish rebanding in a reasonable, prudent, and timely manner."*

MTS is required to prepare and submit a Request for Planning Funding form to the Transition Administrator with prospective reimbursement costs by June 24, 2013.

Ross & Baruzzini has: (1) specialized technical expertise in this professional field; (2) a current contractual relationship related to consulting services intended to expand the MTS RTMS network into MTS's southern region of operations; and (3) a time-critical mandate by the FCC to present a proposed scope of work and costs for accomplishing the rebanding mandate. Therefore, Ross & Baruzzini is the most logical, qualified, and efficient contractor to accomplish MTS's technical requirements.

Ross & Baruzzini retains a professional staff experienced in wireless networks, radio frequency, and other projects similar to MTS's current requirements as well as detailed knowledge of MTS's current technical operations. Therefore, in accordance with MTS policies and practices, staff recommends ratifying MTS Doc. No. G1546.0-13 (Attachment A) and authorizing the CEO to execute MTS Doc. No. G1546.1-13 (Attachment B) for the balance of funding for proposed consulting services by Ross & Baruzzini's.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachments: A. MTS Doc. No. G1546.0-13  
B. MTS Doc. No. G1546.1-13  
C. FCC Document DA 13-586  
D. Exhibit A to MTS Doc. No. G1546.0-13

} Board only due to volume

STANDARD SERVICES AGREEMENT

G1546.0-13  
CONTRACT NUMBER  
661-53910  
FILE NUMBER(S)

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2013, 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: Ross & Baruzzini Address: 6 South Old Orchard  
 Form of Business: Corporation St. Louis, MO 63119  
 (Corporation, partnership, sole proprietor, etc.) Telephone: 314-918-8383

Authorized person to sign contracts: David A. Kipp Sr. Vice President  
 Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS the following:

Project consulting and documentation as specified in the Contractor's proposal, the MTS Standard Conditions, Services, the Federal Requirements, MTS Safety Department's SOP (SAF 016-03), and Travel Expense Policy Guidelines applicable to this contract. The total cost for the project shall not exceed \$75,000.00 unless otherwise stipulated in writing by MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	CONTRACTOR AUTHORIZATION
By: _____ Chief Executive Officer	Firm: _____
Approved as to form:	By: _____ Signature
By: _____ Office of General Counsel	Title: _____

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$75,000.00	661-53910	2013

By: \_\_\_\_\_  
 Chief Financial Officer

(\_\_ total pages, each bearing contract number)

# DRAFT

June 23, 2013

MTS Doc. No. G1546.1-13

Mr. David A. Kipp  
Sr. Vice President  
Ross & Baruzzini  
6 South Old Orchard  
St. Louis, MO 63119

**Subject: AMENDMENT NO. 1 TO MTS DOC. NO. G1546.0-13 CONSULTING SERVICES FOR  
800 MHz BAND RECONFIGURATION**

In reference to MTS Doc. No. G1546.0-13, MTS amends the Agreement to incorporate the following changes:

Contract Value

The MTS Board of Directors approved the additional not-to-exceed value of \$140,800.00 to fully fund the proposed scope of services as described in Exhibit A of MTS Doc. No. G1546.0-13. As a result of this amendment, the total not-to-exceed costs shall increase by \$140,800.00 from \$75,000.00 to \$215,800.00.

All other terms and conditions remain unchanged. If you agree with the above, please sign below, and return the document marked "Original" to the Contracts Administrator at MTS. The other copy is for your records.

Sincerely,

Agreed:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
David A. Kipp, Sr. Vice President  
Ross & Baruzzini

Date: \_\_\_\_\_

Before the  
Federal Communications Commission  
WASHINGTON, D.C. 20554

In the Matter of )  
 )  
Improving Public Safety Communications in the ) WT Docket 02-55  
800 MHz Band )  
 )  
New 800 MHz Band Plan for U.S. – Mexico )  
Sharing Zone )  
 )  
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**FIFTH REPORT AND ORDER**

Adopted: April 1, 2013

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By the Chief, Public Safety and Homeland Security Bureau:

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## I. INTRODUCTION

1. On June 8, 2012, the United States and Mexico signed an agreement modifying the international allocation of 800 MHz spectrum in the U.S.-Mexico border region (Amended Protocol),<sup>1</sup> which enables the U.S. to proceed with 800 MHz band reconfiguration along the border. By this *Fifth Report and Order*, the Public Safety and Homeland Security Bureau (Bureau), on delegated authority, adopts a reconfigured channel plan for the 800 MHz band along the U.S.-Mexico border based on the allocation plan in the Amended Protocol. We also establish a 30-month transition period for licensees to complete rebanding in the National Public Safety Planning Advisory Committee (NPSPAC) Regions bordering Mexico.

## II. BACKGROUND

2. Prior to signing the Amended Protocol, the U.S. and Mexico operated along their common border in the 800 MHz band pursuant to a bilateral protocol signed in 1994 (1994 Protocol),<sup>2</sup> which assigns access to spectrum between the two countries in a “Sharing Zone” consisting of the region extending 110 kilometers from the border into both countries.<sup>3</sup> The 1994 Protocol divides access to 800 MHz spectrum in the Sharing Zone evenly, with each country having primary access to 50 percent of the channels in the band.<sup>4</sup> Within the Sharing Zone, licensees may operate freely on channels designated as primary to their own country, subject to certain power and antenna height limits.<sup>5</sup> Licensees may also operate in the Sharing Zone on channels primary to the other country so long as they do not exceed specified signal strength limits at and beyond the border.<sup>6</sup> Because of the limits on signal strength, such licensees are generally only able to operate low-powered systems on the other country’s primary spectrum within the Sharing Zone. Beyond the Sharing Zone, however, licensees in each country operate in the 800 MHz band without restriction.<sup>7</sup>

3. In July 2004, the Commission adopted the *800 MHz Report and Order*, which reconfigured the 800 MHz band in the U.S. to eliminate interference to public safety and other land

<sup>1</sup> See Protocol Between the Department of State of the United States of America and the Secretariat of Communications and Transportation of the United Mexican States Concerning the Allotment, Assignment and Use of the 806-824/851-869 MHz and 896-901/935-940 MHz Bands for Terrestrial Non-Broadcasting Radiocommunication Services Along the Common Border (June 8, 2012) (Amended Protocol).

<sup>2</sup> See Protocol Concerning the Use of the 806-824/851-869 and 896-901/935-940 MHz Band for Land Mobile Services Along the Common Border (June 16, 1994) (1994 Protocol).

<sup>3</sup> 1994 Protocol at Article I, ¶ 1. The Sharing Zone is displayed in Appendix B, *infra*.

<sup>4</sup> 1994 Protocol, Appendix A and B. See also 47 C.F.R. § 90.619(a) (2004).

<sup>5</sup> *Id.* at Article III, ¶ 3. See also 47 C.F.R. § 90.619(a)(2), Table 1C (2004).

<sup>6</sup> *Id.* at Article III, ¶ 4. See also 47 C.F.R. § 90.619(a)(2) (2004).

<sup>7</sup> *Id.* at Article III, ¶ 6.

mobile communication systems operating in the band.<sup>8</sup> The Commission, however, deferred adopting band reconfiguration plans for the border areas, noting that “implementing the band plan in areas of the United States bordering Mexico and Canada will require modifications to international agreements for use of the 800 MHz band in the border areas.”<sup>9</sup> The Commission stated that “[t]he details of the border band plans will be determined in our ongoing discussions with the Mexican and Canadian governments.”<sup>10</sup> The Commission also recognized that these international negotiations could cause rebanding in the border regions to take longer than rebanding in non-border regions.<sup>11</sup>

4. Following adoption of the *800 MHz Report and Order*, U.S. and Mexico representatives initiated negotiations to amend the 1994 Protocol to accommodate 800 MHz band reconfiguration by U.S. licensees in the border region. The negotiations focused on modifying the 1994 Protocol in a manner that would enable NPSPAC licensees in the Sharing Zone to relocate to the 806-809/851-854 MHz band – which the 1994 Protocol allocated on a primary basis to Mexico.<sup>12</sup> In June 2012, these negotiations culminated in the signing of the Amended Protocol, which reapportions spectrum in the Sharing Zone between the U.S. and Mexico as follows:<sup>13</sup>

- The U.S. and Mexico each continue to have primary access to an equal number of channels in the 800 MHz band.<sup>14</sup>
- U.S. licensees have primary access to the lowest 6.25 x 6.25 megahertz paired block of spectrum (806-812.25/851-857.25 MHz).<sup>15</sup>
- Mexican licensees have primary access to the 6.25 x 6.25 megahertz paired block of spectrum immediately above the U.S. primary block (812.25-818.5/857.25-863.5 MHz).<sup>16</sup>
- U.S. and Mexican licensees may operate on channels in the other country’s primary spectrum provided they do not exceed the specified maximum signal strength at any point at or beyond the border.<sup>17</sup>
- U.S. and Mexican licensees share co-primary access to the uppermost 5.5 x 5.5 megahertz paired spectrum block (818.5-824/863.5-869 MHz).<sup>18</sup>

<sup>8</sup> See *Improving Public Safety Communications in the 800 MHz Band, Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) (*800 MHz Report and Order*).

<sup>9</sup> *Id.* at 14985-14986 ¶ 25.

<sup>10</sup> *Id.* at 15063 ¶ 176.

<sup>11</sup> *Id.* at ¶ 176 n.471, 15125 ¶ 332.

<sup>12</sup> See *infra* Appendix C-1 and C-2.

<sup>13</sup> See *infra* Appendix C-3.

<sup>14</sup> Amended Protocol at Article I, ¶ 1.

<sup>15</sup> *Id.* at Appendix II, Tables III and IV.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at Article III, ¶ 4.

- Antenna height limits in the Sharing Zone are based on antenna height above average terrain on standard radials in the direction of the common border while maximum power limits apply only in the direction of the common border.<sup>19</sup>

5. The spectrum reapportionment under the Amended Protocol will require some incumbent operators in the Mexican portion of the Sharing Zone to relocate out of spectrum that is being converted from Mexico primary to U.S. primary status. These Mexican operators will relocate to 800 MHz channels primary to Mexico under the Amended Protocol or to channels outside the 800 MHz band.<sup>20</sup> In some instances, these relocations will need to be coordinated with relocations on the U.S. side to ensure an orderly transition. The Amended Protocol provides for a joint U.S. – Mexico task force to coordinate transition of incumbent licensees on both sides of the border to new channels consistent with the band plan specified in the Amended Protocol.<sup>21</sup> In addition, Sprint and NII Holdings, Inc., the parent company of NII Holdings, Inc., have committed to cover the reasonable relocation costs of Mexican incumbents.<sup>22</sup>

6. On August 17, 2012, the Bureau issued a *Fourth Further Notice of Proposed Rulemaking (Fourth FNPRM)* seeking comment on establishing and implementing a reconfigured 800 MHz channel plan for the NPSPAC regions bordering Mexico.<sup>23</sup> We received seven comments and four reply comments.<sup>24</sup>

### III. DISCUSSION

#### A. Post-Rebanding Domestic Channel Plan

7. With adoption of the Amended Protocol, the Bureau may now implement band reconfiguration (also known as rebanding) in the NPSPAC regions bordering Mexico, *i.e.*, Southern

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<sup>18</sup> U.S. and Mexican licensees operating in the co-primary portion of the band will be permitted to operate up to a signal strength level at the border of  $-107 \text{ dBW/m}^2$  but may exceed this level if all counterpart operators agree to a higher level. *Id.* at Article III, ¶ 6.

<sup>19</sup> *Id.* at Article III, ¶ 3, Table I. Licensees will retune to replacement channels at their existing power and antenna height. Licensees making modifications after rebanding, however, will need to comply with the power and antenna height limits listed in the Amended 800 MHz Protocol which, in most cases, are more flexible than limits in the previous agreement.

<sup>20</sup> Mexico is considering relocating the majority of Mexican incumbents to the 400 MHz band.

<sup>21</sup> Amended Protocol at Article V.

<sup>22</sup> *Id.* (stating "...the Administrations shall ensure that operators or related corporate entities operating in the co-primary allotment cover all such reasonable costs of incumbent operators in Mexico that are associated with the transition to comparable facilities on the replacement channels and that are consistent with understandings agreed to by the Task Force."). *See also* Letter from James B. Goldstein, Director – Spectrum, Sprint Nextel, to Ambassador Philip L. Verveer, Deputy Assistant Secretary of State, United States Coordinator for International Communications and Information Policy, US Department of State (June 8, 2010).

<sup>23</sup> Improving Public Safety Communications in the 800 MHz Band, New 800 MHz Band Plan for U.S. – Mexico Sharing Zone, *Fourth Further Notice of Proposed Rulemaking*, WT Docket No. 02-55, 27 FCC Rcd at 9563 (2012) (*Fourth FNPRM*).

<sup>24</sup> Parties filing comments and reply comments are listed in Appendix E.

California (NPSPAC Region 5), Arizona (NPSPAC Region 3), New Mexico (NPSPAC Region 29), Texas – El Paso (NPSPAC Region 50) and Texas – San Antonio (NPSPAC Region 53).<sup>25</sup>

8. The 800 MHz band in the U.S. consists of channels designated for various pool categories interleaved throughout the band. The pool categories include the General Category,<sup>26</sup> the Public Safety Pool,<sup>27</sup> the NPSPAC band,<sup>28</sup> the Business and Industrial Land Transportation (B/ILT) Pool<sup>29</sup> and the Specialized Mobile Radio (SMR) Pool.<sup>30</sup> In the *800 MHz Report and Order*, the Commission concluded that the underlying cause of the ongoing interference being encountered by public safety and other “high site” licensees was a “fundamentally incompatible mix of two types of communications systems: cellular-architecture multi-cell systems—used by ESMR and cellular telephone licensees—and high-site non-cellular systems—used by public safety, private wireless, and some SMR licensees.”<sup>31</sup> Thus, by reconfiguring the band, the Commission addresses the root cause of the interference by “separating generally incompatible technologies.”<sup>32</sup>

9. With this goal in mind, the Bureau proposed in the *Fourth FNPRM* a post-rebanding channel plan for licensees operating within the Sharing Zone in all the NPSPAC Regions bordering Mexico (*i.e.*, within 110 kilometers of the border with Mexico) based upon the terms of the Amended Protocol.<sup>33</sup> It also proposed a unique post-rebanding channel plan for licensees operating north of the Sharing Zone in NPSPAC Region 5 as well as the standard U.S. domestic post-rebanding channel plan for licensees operating north of the Sharing Zone in the remaining NPSPAC regions bordering Mexico.<sup>34</sup> The Bureau also proposed a universal change to the manner in which channels are assigned in the Sharing Zone—specifically, the *Fourth FNPRM* proposed to use standard channel centers for licensees in the Sharing Zone, rather than continuing to provide that those licensees would operate with offset channel centers.<sup>35</sup>

10. As with channel plans previously adopted for non-border regions and the Canada border region, our goal is to reconfigure licensees within the band in a manner which separates—to the greatest extent possible—public safety and other non-cellular licensees from licensees in the band that employ

<sup>25</sup> The Commission delegated authority to the Bureau in 2007 to propose and adopt border area band plans once the United States reached the required agreements with Canada and Mexico. Improving Public Safety Communications in the 800 MHz Band, *Second Memorandum Opinion and Order*, WT Docket No. 02-55, 22 FCC Rcd 10467, 10494-95 (2007) (*800 MHz Second Memorandum Opinion and Order*).

<sup>26</sup> 47 C.F.R. § 90.615. All entities are eligible for licensing in the General Category. *Id.*

<sup>27</sup> 47 C.F.R. § 90.617(a)(2).

<sup>28</sup> 47 C.F.R. § 90.617(a)(1).

<sup>29</sup> 47 C.F.R. § 90.617(b).

<sup>30</sup> 47 C.F.R. § 90.617(d). SMR licensees who employ an 800 MHz cellular system are considered Enhanced Specialized Mobile Radio (ESMR) licensees. See 47 C.F.R. § 90.7.

<sup>31</sup> *800 MHz Report and Order*, 19 FCC Rcd 14972 ¶ 2 (footnote omitted).

<sup>32</sup> *Id.* at 14973 ¶ 3.

<sup>33</sup> *Fourth FNPRM*, 27 FCC Rcd at 9568-69 ¶¶ 15-18.

<sup>34</sup> *Id.* at 9569-71 ¶¶ 19-24.

<sup>35</sup> *Id.* at 9567-68 ¶¶ 10-14.

cellular technology.<sup>36</sup> Below we address the Bureau's various proposals from the *Fourth FNPRM* and adopt a post-rebanding channel plan for each NPSPAC region bordering Mexico.

11. As it did in the non-border and Canadian border NPSPAC regions, the 800 MHz Transition Administrator (TA) will designate post-rebanding replacement channels for licensees based upon the channel plan we adopt here.<sup>37</sup>

12. Licensees along the U.S.-Mexico border will benefit from the post-rebanding channel plan because it accomplishes the Commission's goal for 800 MHz band reconfiguration, *i.e.* resolving an ongoing interference problem by separating incompatible technologies. Licensees also benefit because we harmonize the channel plan for Mexico border licensees with the channel plan used by licensees throughout the rest of the U.S. and preserve the ability for public safety licensees operating in the Sharing Zone to interoperate with counterpart licensees both inside and outside of the Sharing Zone.

13. Finally, adoption of a post-rebanding channel plan creates no additional costs for licensees along the U.S.-Mexico border because Sprint is responsible for paying the minimum cost necessary to accomplish rebanding in a reasonable, prudent, and timely manner.<sup>38</sup>

#### 1. Standard Channel Centers for Licensees in Sharing Zone

14. *Background.* In the *Fourth FNPRM*, the Bureau proposed a universal change to the manner in which channels are assigned to licensees in the Sharing Zone.<sup>39</sup> The Bureau explained, as illustrated below, that certain licensees in the Sharing Zone operate with channel centers offset 12.5 kilohertz lower in frequency than channel centers used by licensees throughout the rest of the U.S.<sup>40</sup>

<sup>36</sup> *Id.* at 9566 ¶ 7.

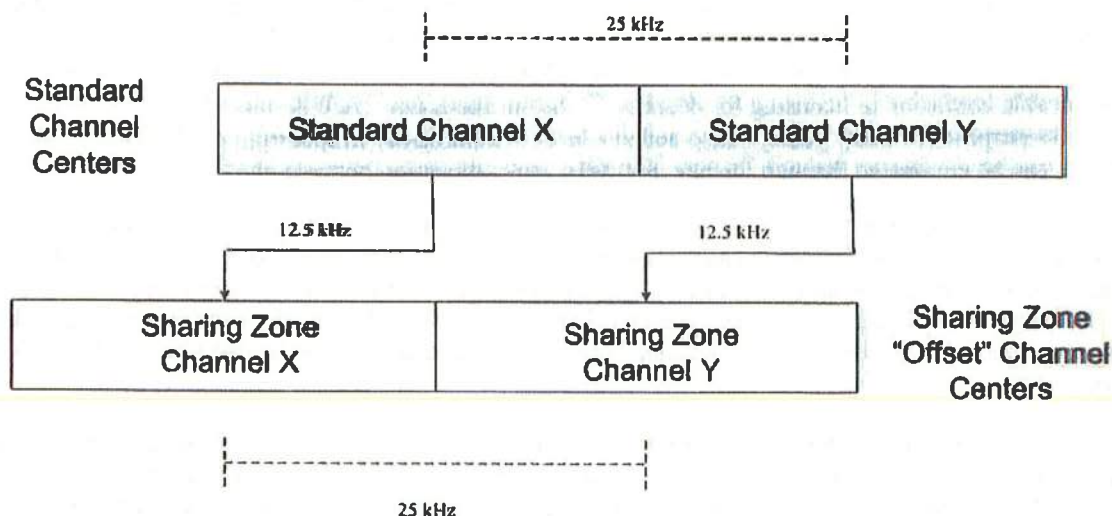
<sup>37</sup> *800 MHz Report and Order*, 19 FCC Rcd 15074 ¶ 198. For the limited purpose of band reconfiguration, inter-category sharing is permitted in order to give the TA maximum flexibility in assigning replacement channels to licensees. See 47 C.F.R. § 90.677.

<sup>38</sup> *Id.* See also *Improving Public Safety Communications in the 800 MHz Band, Memorandum Opinion and Order*, 22 FCC Rcd 9818 (2007).

<sup>39</sup> *Fourth FNPRM*, 27 FCC Rcd at 9567-68 ¶¶ 10-14.

<sup>40</sup> *Id.* at 9567 ¶ 10.

Figure 1 – Offset Channels In Sharing Zone



15. The Bureau explained that the Commission, in 1981, first considered adopting offset channel centers in the Sharing Zone in Southern California to limit co-channel interference between licensees in San Diego County (which operate within the Sharing Zone) and adjacent licensees operating outside the Sharing Zone in Los Angeles and Orange Counties.<sup>41</sup> It noted, however, that, in June of 1982, the United States signed a frequency sharing agreement with Mexico which altered the Commission's original 1981 "Southern California" proposal and required licensees throughout the entire Sharing Zone to operate using offset channel centers.<sup>42</sup> As a result, most U.S. licensees in the Sharing Zone operate on offset channels regardless of where they are located along the border.

16. In the *Fourth FNPRM*, the Bureau revisited that approach and proposed adopting standard channel centers for licensees operating in the Sharing Zone.<sup>43</sup> It noted that changes to the 800

<sup>41</sup> *Id.* at 9567-68 ¶ 11. See also Amendment of Part 90 of the Commission's Rules to Release Spectrum in the 806-866 MHz Bands and Adopt Rules and Regulations Which Govern Their Use, *Further Notice of Proposed Rule Making*, Docket 79-191, 46 F.R. 37927, 37931 ¶ 19 (1981).

<sup>42</sup> *Fourth FNPRM*, 27 FCC Rcd at 9567-68 ¶ 11. The 1982 agreement was a precursor agreement to the 1994 Protocol. See Agreement Between the United States of America Government and the Government of the United Mexican States Concerning Land Mobile Service Along the Common Border (June 18, 1982). See also Amendment of Part 90 of the Commission's Rules to Release Spectrum in the 806-866 MHz Bands and Adopt Rules and Regulations Which Govern Their Use, *Second Report and Order*, 90 FCC 2d 1281, 1318-19 ¶¶ 185-186 (1982).

<sup>43</sup> *Fourth FNPRM*, 27 FCC Rcd at 9568 ¶ 12.

MHz band plan in the Amended Protocol provide new flexibility to eliminate offset channel centers.<sup>44</sup> The Bureau also concluded that inefficiencies created by use of offset channels in the Sharing Zone outweighed their benefit.<sup>45</sup> Finally, the Bureau recognized that some licensees outside the Sharing Zone in the five NPSCAC regions bordering Mexico also operate on offset channels, and the *Fourth FNPRM* proposed to move those licensees to standard channel centers.<sup>46</sup>

17. Commenting parties overwhelmingly support eliminating offset channels.<sup>47</sup> The City of San Diego states “[c]hannel offsets between the Sharing Zone and areas north of this zone have created difficulties to licensing within the region as all frequencies are considered co-channel to two frequencies in the adjacent areas.”<sup>48</sup> The Border Area Licensees state that “use of offsets has been a source of considerable confusion in licensing for decades.”<sup>49</sup> Sprint states that “[w]hile this unique channel plan served its purpose for many years, it also added a layer of complexity to spectrum planning and spectrum use that can be eliminated through the new 800 MHz band allocation between the U.S. and Mexico.”<sup>50</sup>

18. Only one commenting party supports retaining offset channels in the Sharing Zone. Peak Relay states that “[t]he use of offset channels in the Sharing Zone [has] served to minimize at least a major sub-set of the problems at very little cost ... to licensees.”<sup>51</sup> Nonetheless, Peak Relay acknowledges that “the use of the offset channels is not an optimal solution, since for every channel there are (sic) a total of 7 kilohertz of signal overlap between a ‘main channel’ and its two associated offset channels.”<sup>52</sup>

19. *Decision.* We eliminate offset channels in the Sharing Zone and adopt the post-rebanding channel plan for the Sharing Zone described below using standard channel centers as proposed in the *Fourth FNPRM*. We also eliminate offset channels outside the Sharing Zone in the five NPSPAC regions bordering Mexico. Consequently, we instruct the TA to designate post-rebanding replacement channels with standard channel centers for all licensees in the Sharing Zone and outside the Sharing Zone in the five NPSPAC regions bordering Mexico.<sup>53</sup>

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 9568 ¶ 13.

<sup>46</sup> *Id.* at 9568 ¶ 14.

<sup>47</sup> Comments of the City of San Diego, WT Docket 02-55 (filed Sep 27, 2012) at 2-3 (City of San Diego Comments); Comments of Sprint Nextel Corporation, WT Docket 02-55 (filed Oct 1, 2012) at 4 (Sprint Comments); Comments of the 800 MHz Public Safety Border Area Licensees, WT Docket 02-55 (filed Oct 2, 2012) at 7 (Border Area Licensees Comments); Comments of the San Diego County Sheriff’s Department, WT Docket 02-55 (filed Oct 15, 2012) at 3 (San Diego County Sheriff Comments).

<sup>48</sup> City of San Diego Comments at 2.

<sup>49</sup> Border Area Licensees Comments at 7.

<sup>50</sup> Sprint Comments at 4.

<sup>51</sup> Comments of Peak Relay, Inc., WT Docket 02-55 (filed Oct 10, 2012) at 6 (emphasis in original) (Peak Relay Comments).

<sup>52</sup> *Id.* at 8.

<sup>53</sup> There are also a limited number of licensees that operate on channels with standard channel centers within the Sharing Zone. We will retune these licensees if they are ineligible to operate on one or more of their current frequencies under the revised band plan (e.g., if their current channel(s) falls in the ESMR band), if their current (continued....)

20. The Bureau noted in the *Fourth FNPRM* that changes to the spectrum plan in the Amended Protocol provide us with new flexibility to resolve spectrum congestion issues in Southern California without needing to assign licensees to offset channels in the Sharing Zone.<sup>54</sup> As described in more detail below, we make maximum use in Los Angeles and Orange Counties of the 812.25-818.5/857.25-863.5 MHz channels, which are newly established as primary to Mexico in the Sharing Zone under the Amended Protocol. These channels are sparsely used in San Diego County but may be used without restriction north of the Sharing Zone. In this manner, we can assign all licensees in Southern California to channels with standard channel centers without creating co-channel conflicts.

21. Moreover, we agree with commenting parties that describe how operation on offset channels in the Sharing Zone results in inefficient use of spectrum.<sup>55</sup> For example, Figure 1 above depicts visually the bandwidth overlap that exists between an 800 MHz channel with a standard channel center and an 800 MHz channel with a center frequency offset 12.5 kilohertz lower in frequency.<sup>56</sup> Because of this bandwidth overlap, the Bureau has always considered—for licensing purposes—that each “offset” channel in the Sharing Zone has a co-channel relationship to both the upper and lower adjacent-standard channel outside the Sharing Zone.<sup>57</sup>

22. Consequently, each licensee operating today in the Sharing Zone on an offset channel must maintain co-channel separation to (or obtain a concurrence letter from) licensees operating outside the Sharing Zone on the standard channel above and below their offset channel.<sup>58</sup> This scenario works in reverse for licensees operating on standard channels near the edge of (but outside) the Sharing Zone. Thus, licensees along the U.S.-Mexico border will benefit from our decision to eliminate offset channels in the Sharing Zone because it will result in a more efficient harmonized channeling plan whereby licensees need only maintain co-channel separation to incumbent licensees operating on the same standard channel. Licensees also benefit from our decision to eliminate offset channels because they no longer will need to program an additional set of “offset” or “standard” channels into their radios in order to interoperate across the northern edge of the Sharing Zone as described by the Bureau in the *Fourth FNPRM*.<sup>59</sup>

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channel(s) falls in the new Mexico primary allotment and the licensee’s current facilities fail to meet signal strength restrictions at or beyond the border, or if one or more of their frequencies is needed to accommodate another reconfiguring licensee.

<sup>54</sup> *Fourth FNPRM*, 27 FCC Rcd at 9568 ¶ 12. See also Amended Protocol at Appendix II.

<sup>55</sup> See City of San Diego Comments at 2; Border Area Licensees Comments at 7 and Sprint Comments at 4.

<sup>56</sup> The authorized bandwidth for an 800 MHz channel is 20 kHz. See 47 C.F.R. § 90.209(b)(5). Consequently, two channels offset in frequency by 12.5 kHz as depicted in Figure 1 results in 7.5 kHz of authorized bandwidth overlap.

<sup>57</sup> The channel plan in the NPSPAC segment of the band specifies 25 kHz bandwidth channels spaced every 12.5 kHz. See 47 C.F.R. § 90.613. Licensees operating in the NPSPAC segment of the band must, however, use equipment which complies with a stricter emission mask than equipment approved to operate outside the NPSPAC segment of the band. See 47 C.F.R. § 90.210. The stricter emission mask permits NPSPAC licensees to operate adjacent-channels with less geographic separation.

<sup>58</sup> Licensees must generally maintain a geographic separation of 113 kilometers from co-channel stations unless they satisfy the technical criteria specified in the short-spacing separation table. See 47 C.F.R. § 90.621(b). Applicants may seek to operate at distances less than those specified in the short-spacing separation table provided they obtain a concurrence letter from each short-spaced co-channel licensee. See 47 C.F.R. § 90.621(b)(5).

<sup>59</sup> *Fourth FNPRM*, 27 FCC Rcd at 9568 ¶ 13



23. We disagree with Peak Relay's proposal to maintain offset channels in the Sharing Zone to alleviate, at least in part, what it describes as the "seemingly-intractable" deficiency of channels in Southern California.<sup>60</sup> Peak Relay proposes maintaining offset channels in the Sharing Zone but resolving the bandwidth overlap by establishing a schedule for "narrowbanding."<sup>61</sup> Narrowbanding 800 MHz licenses along the U.S.-Mexico border, however, would not only further complicate public safety interoperability, it is an unnecessary measure because the flexibility afforded by the Amended Protocol allows us to assign channels in Southern California in a manner which avoids co-channel conflicts.

24. Finally, our decision to eliminate offset channels in the Sharing Zone and outside the Sharing Zone in the five NPSPAC regions bordering Mexico creates no additional costs for incumbent licensees because, as noted above, Sprint will pay the reasonable costs of retuning licensees from offset channels to comparable facilities on channels with standard channel centers.<sup>62</sup>

## 2. Channel Plan for Sharing Zone

25. *Background.* In the *Fourth FNPRM*, the Bureau proposed a post-rebanding channel plan for the Sharing Zone based upon the terms of the Amended Protocol.<sup>63</sup> The Bureau proposed assigning channels on U.S. primary spectrum in the lower segment of the band (806-812.25/851-857.25 MHz) to the NPSPAC band, Public Safety Pool, and General Category.<sup>64</sup> Channels on Mexico primary spectrum in the middle segment of the band (812.25-818.5/857.25-863.5 MHz) would be assigned to the General Category.<sup>65</sup> Under the Bureau's proposal, an ESMR-dividing line would be established at 818.5/863.5 MHz and U.S.-Mexico co-primary spectrum in the upper segment of the band (818.5-824/863.5-869 MHz) would be assigned to the SMR Pool for use by licensees operating high-density cellular systems.<sup>66</sup>

26. Parties who commented on a channel plan for the Sharing Zone generally support the Bureau's proposal.<sup>67</sup> The City of Laredo states that it supports the proposed channel plan because it "accomplishes the primary goal of 800 MHz band reconfiguration -- eventual separation of public safety and compatible non-cellular licensees from licensees that deploy cellularized technology in and adjacent to the 800 MHz band."<sup>68</sup>

27. Peak Relay, however, expresses concern that no pool channels are allocated for the B/ILT or SMR categories in the Sharing Zone and questions if the Bureau's intent is to relocate licensees in these categories to the 900 MHz band.<sup>69</sup> Sprint suggests that the Bureau lower the ESMR-dividing line in

<sup>60</sup> Peak Relay Comments at 8.

<sup>61</sup> *Id.* at 12.

<sup>62</sup> *See supra* ¶ 13.

<sup>63</sup> *Fourth FNPRM*, 27 FCC Rcd at 9568-69 ¶¶ 15-18.

<sup>64</sup> *Id.* at 9568-69 ¶¶ 15-16.

<sup>65</sup> *Id.* at 9569 ¶¶ 17.

<sup>66</sup> *Id.* at 9569 ¶¶ 18.

<sup>67</sup> San Diego County Sheriff Comments at 3-4; Border Area Licensees Comments at 7; Sprint Comments at 1; Reply Comments of the City of Laredo, Texas, WT Docket 02-55 (filed Oct 10, 2012) at 2 (Laredo Reply Comments).

<sup>68</sup> Laredo Reply Comments at 2.

<sup>69</sup> Peak Relay Comments at 10.

the Sharing Zone to 817/862 MHz to align it with the ESMR-dividing line north of the Sharing Zone.<sup>70</sup> Under Sprint's proposal, the Mexico primary channels above this line would be assigned to the ESMR category rather than to the General Category.<sup>71</sup>

28. *Decision.* For the Sharing Zone, we adopt the channel plan proposed in the *Fourth FNPRM* with the adjustment to the ESMR-dividing line proposed by Sprint as depicted in Appendix C-4 (i.e., we set the ESMR-dividing line at 817/862 MHz).<sup>72</sup> Furthermore, we emphasize that we will not require any licensee in the Sharing Zone to relocate out of the 800 MHz band. All licensees will be provided with comparable facilities on post-rebanding replacement channels within the band.

29. Under the terms of the Amended Protocol, the 806-809/851-854 MHz band segment is primary to licensees in the U.S.<sup>73</sup> We therefore establish post-rebanding NPSPAC channels in this band segment in the Sharing Zone consistent with the post-rebanding NPSPAC band throughout the rest of the U.S.<sup>74</sup> Thus, in the Sharing Zone, the NPSPAC band will consist of 225 channels (with 12.5 kHz spacing) and five mutual aid channels (with 25 kHz spacing).<sup>75</sup> Incumbent NPSPAC licensees in the Sharing Zone will generally relocate to a spectral position 15 megahertz lower in frequency from their current location in the band to the new NPSPAC band.<sup>76</sup>

30. As proposed in the *Fourth FNPRM*,<sup>77</sup> we also assign the 85 U.S. primary channels immediately above the NPSPAC band to the Public Safety Pool.<sup>78</sup> In this manner, the number of pool channels available to public safety eligible entities will remain the same after band reconfiguration as before band reconfiguration.<sup>79</sup> Furthermore, as proposed in the *Fourth FNPRM*,<sup>80</sup> we assign the remaining 45 channels in the U.S. primary band segment at 809-812.25/854-857.25 MHz to the General Category. B/ILT and SMR licensees operating non-cellular systems will generally retune to these channels.<sup>81</sup> We assign these channels to the General Category rather than divide them between the B/ILT and SMR Pool categories because the number of licensees in either category will vary along the border. Therefore, the General Category provides the most flexibility to accommodate incumbent licensees and allows licensees from any of the pool categories to add these channels to their systems for future use. In

<sup>70</sup> Sprint Comments at 5-6.

<sup>71</sup> *Id.*

<sup>72</sup> See *infra* Appendix C-4.

<sup>73</sup> See Amended Protocol at Appendix II.

<sup>74</sup> See § 90.619(a)(5)(i) in Appendix D, *infra*.

<sup>75</sup> *Id.*

<sup>76</sup> Some repacking of NPSPAC licensees may be needed, including relocating certain licensees from pool channels, if necessary, or to Mexico primary channels if the licensee is currently operating on Mexico primary NPSPAC channels.

<sup>77</sup> *Fourth FNPRM*, 27 FCC Red at 9569 ¶ 16.

<sup>78</sup> See § 90.619(a)(5)(ii) in Appendix D, *infra*.

<sup>79</sup> See *infra* Appendix C-4.

<sup>80</sup> *Fourth FNPRM*, 27 FCC Red at 9569 ¶ 16.

<sup>81</sup> See § 90.619(a)(5)(iii) in Appendix D, *infra*.

addition, as requested by Sprint,<sup>82</sup> we clarify that the TA may designate replacement channels for licensees in the Sharing Zone on any of the 130 U.S. primary channels above the NPSPAC band without regard to pool eligibility in order to accommodate individual licensee co-channel separation or combiner channel spacing requirements.<sup>83</sup>

31. We assign the first 190 channels in the Mexican primary segment of the band at 812.25-818.5/857.25-863.5 MHz to the General Category and the remaining 60 channels to the SMR Pool.<sup>84</sup> We deviate from our original proposal to assign all these Mexico primary channels to the General Category<sup>85</sup> in order to adjust the ESMR-dividing line as detailed below. Licensees in the Sharing Zone may operate on these channels subject to the signal strength limits at and beyond the border allowed by the Amended Protocol.<sup>86</sup> Licensees operating today on Mexico primary channels in the Sharing Zone will retune to the first 190 channels if there are no U.S. primary channels available to accommodate them.<sup>87</sup>

32. Finally, we establish the ESMR-dividing line at 817/862 MHz and assign all channels above this line to the SMR Pool for use by licensees operating high-density cellular systems including the 60 Mexico primary channels noted above as well as all the U.S.-Mexico co-primary channels.<sup>88</sup> We deviate from our original proposal, which was to draw the ESMR dividing line at 818.5/863.5 MHz,<sup>89</sup> and align the ESMR-dividing line in the Sharing Zone with the ESMR-dividing line for the majority of the U.S. We make this change because Sprint has made the case that it can operate on Mexico primary channels through "cooperative business agreements"<sup>90</sup> with NII Holdings, Inc. and because we agree with Sprint that only ESMR licensees should operate on the Mexico primary channels in the 817-818.5/862-863.5 MHz band segment due to "the 800 MHz ESMR band channel allocation north of the Sharing Zone."<sup>91</sup>

### A. Channel Plan for NPSPAC Region 5 (Southern California)

33. *Background.* In the *Fourth FNPRM*, the Bureau proposed a unique post-rebanding channel plan for licensees operating north of the Sharing Zone in NPSPAC Region 5.<sup>92</sup> The proposed

<sup>82</sup> Sprint Comments at 5.

<sup>83</sup> See *supra* n. 37. See also *Fourth FNPRM*, 27 FCC Rcd at 9569 n. 33.

<sup>84</sup> See §§ 90.619(a)(5)(iii) and (iv) in Appendix D, *infra*.

<sup>85</sup> *Fourth FNPRM*, 27 FCC Rcd at 9569 ¶ 17.

<sup>86</sup> See Amended Protocol at Article III, ¶ 4. See also *supra* n. 18.

<sup>87</sup> See San Diego County Sheriff Comments at 7.

<sup>88</sup> See § 90.619(a)(5)(iv) in Appendix D, *infra*.

<sup>89</sup> *Fourth FNPRM*, 27 FCC Rcd at 9569 ¶ 18.

<sup>90</sup> Sprint Comments at 7.

<sup>91</sup> Sprint Comments at 5-6.

<sup>92</sup> *Fourth FNPRM*, 27 FCC Rcd at 9569-70 ¶¶ 19-23. NPSPAC Region 5 includes the following counties in California: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura.

Region 5 channel plan is identical to the post-rebanding channel plan used in non-border regions except that there is no Expansion or Guard Band in the 815-817/860-862 MHz segment of the band.<sup>93</sup>

34. The Bureau explained how Region 5 encompasses Southern California with the southern portion of the region—approximately one-third of the region's total geographic area—included in the Sharing Zone while the remaining two-thirds of the region lies outside the Sharing Zone, including most of Los Angeles and Orange Counties.<sup>94</sup> Because Region 5 is the most congested public safety region along the U.S.-Mexico border, the Bureau concluded that the Expansion and Guard Bands should be eliminated to provide spectrum adequate to accommodate the large number of non-ESMR incumbents operating within the region north of the Sharing Zone.<sup>95</sup> The Bureau explained that its proposal maximizes use outside the Sharing Zone in Region 5 of channels that are primary to Mexico inside the Sharing Zone, thus avoiding co-channel conflicts within the region while accommodating all incumbent licensees on post-rebanding replacement channels.<sup>96</sup>

35. Sprint supports the proposed NPSPAC Region 5 channel plan. It states that elimination of the Expansion and Guard Bands in areas north of the Sharing Zone in Region 5 “is necessary to ensure that no U.S. incumbent licensee loses spectrum and to ensure that there is enough 800 MHz replacement spectrum to implement 800 MHz reconfiguration, given the serious spectrum congestion in Southern California.”<sup>97</sup>

36. Several parties, however, oppose eliminating the Guard Band in Region 5.<sup>98</sup> The Border Area Licensees argue that since Sprint is converting to broadband technology “it is inappropriate at this time to place commercial broadband services so close to public safety operations without actual evidence that interference will not occur.”<sup>99</sup> The Orange County Sheriff contends that a guard band is necessary and “that receiving reconfigured channels in the 861-862 MHz segment is contrary to the frequency isolation and spacing objectives of *800 MHz Reconfiguration Report and Order*.”<sup>100</sup> The Orange County

<sup>93</sup> *Fourth FNPRM*, 27 FCC Rcd at 9569-70 ¶ 19. Public Safety licensees are generally retuned to channels below the Expansion Band (815-816/860-861 MHz) unless they willingly chose to remain. See *800 MHz Report and Order*, 19 FCC Rcd 15053 ¶ 154. Furthermore, no licensee may be involuntarily retuned to the Guard Band (816-817/861-862 MHz) and any licensee choosing to relocate to the Guard Band must operate with increased minimum median received power levels in order to be eligible for protection from unacceptable interference. See *800 MHz Report and Order*, 19 FCC Rcd 15054-55 ¶¶ 157-158.

<sup>94</sup> *Fourth FNPRM*, 27 FCC Rcd at 9569-70 ¶ 19. In NPSPAC Region 5, the Sharing Zone encompasses San Diego and Imperial Counties, the southern portions of Orange and Riverside Counties and portions of Santa Catalina Island and all of San Clemente Island, both of which are part of Los Angeles County. The remaining counties and portions of counties in NPSPAC Region 5 are outside of the Sharing Zone.

<sup>95</sup> *Fourth FNPRM*, 27 FCC Rcd at 9569-70 ¶ 19.

<sup>96</sup> *Id.*

<sup>97</sup> Sprint Comments at 2.

<sup>98</sup> Border Area Licensees at 7; Comments of Orange County Sheriff's Department, WT Docket 02-55 (filed Oct 1, 2012) at 3 (Orange County Sheriff's Comments); Reply Comments of Orange County Sheriff's Department, WT Docket 02-55 (filed Oct 15, 2012) at 1 (Orange County Sheriff's Reply Comments).

<sup>99</sup> Border Area Licensees at 11.

<sup>100</sup> Orange County Sheriff's Comments at 3.

Sheriff also suggests that the Bureau consider moving ESMR operations higher in the band to accommodate the large number of non-ESMR incumbents while still providing a guard band.<sup>101</sup>

37. *Decision.* For licensees operating north of the Sharing Zone in NPSPAC Region 5, we adopt the channel plan proposed in the *Fourth FNPRM*, which is depicted in Appendix C-5.<sup>102</sup> We decline to establish an Expansion or Guard Band in Region 5, but remind all ESMR licensees, including Sprint, that the Commission's rules strictly obligate all ESMR licensees to abate interference to non-cellular licensees in the 800 MHz band.<sup>103</sup> This interference abatement obligation applies regardless of whether it restricts use of channels in the lower portion of the ESMR band.

38. Under our channel plan, we establish post-rebanding NPSPAC channels in the 806-809/851-854 MHz segment of the band consistent with the Sharing Zone and all other regions in the U.S.<sup>104</sup> NPSPAC licensees operating north of the Sharing Zone in Region 5 will generally relocate 15 megahertz lower in frequency from their current location in the band to the new NPSPAC band.<sup>105</sup>

39. We assign the 320 channels above the new NPSPAC band in the 809-817/854-862 MHz band segment to the General Category, Public Safety, B/ILT and SMR Pools consistent with the post-rebanding channel plan for the rest of the U.S as we proposed in the *Fourth FNPRM*.<sup>106</sup> All licensees from these categories operating north of the Sharing Zone in Region 5 will relocate to these replacement channels. Furthermore, we establish an ESMR dividing line at 817/862 MHz and assign the remaining 280 channels to the SMR Pool for use by licensees operating high-density cellular systems.<sup>107</sup>

40. Because the 130 channels immediately above the NPSPAC band (809-812.25/854.0-857.25 MHz) will likely be unavailable in the portion of Region 5 outside the Sharing Zone due to co-channel spacing requirements necessary to accommodate intensive use by incumbent licensees inside the Sharing Zone, we eliminate the Expansion and Guard Bands for licensees operating north of the Sharing Zone in Region 5. As explained in the *Fourth FNPRM*,<sup>108</sup> Region 5 licensees operating outside the Sharing Zone have unrestricted access to channels designated as primary to Mexico in the Sharing Zone (812.25-817/857.25-862 MHz).<sup>109</sup> Consequently, by lifting restrictions on the TA's ability to assign

<sup>101</sup> Orange County Sheriff's Reply Comments at 1-2.

<sup>102</sup> See *infra* Appendix C-5.

<sup>103</sup> See 47 C.F.R. § 90.673(a) ("Any licensee who, knowingly or unknowingly, directly or indirectly, causes or contributes to causing unacceptable interference to a non-cellular licensee in the 800 MHz band, as defined in this chapter, shall be strictly accountable to abate the interference, with full cooperation and utmost diligence, in the shortest time practicable.").

<sup>104</sup> *Fourth FNPRM*, 27 FCC Rcd at 9570 ¶ 20. See also 47 C.F.R. § 90.617(a)(1) (specifying channels available in the NPSPAC band).

<sup>105</sup> *Fourth FNPRM*, 27 FCC Rcd at 9570 ¶ 20.

<sup>106</sup> *Id.* at 9569 ¶ 19 and 9592, Appendix C-5. See also 47 C.F.R. §§ 90.615, 90.617(a), (b) and (d) (specifying channels available in the General Category, Public Safety, B/ILT and SMR Pools).

<sup>107</sup> *Fourth FNPRM*, 27 FCC Rcd at 9569 ¶ 19 and 9592, Appendix C-5. See also 47 C.F.R. § 90.617(e) (specifying channels available in the SMR Pool for licensees operating high-density cellular systems).

<sup>108</sup> *Fourth FNPRM*, 27 FCC Rcd at 9570 ¶ 20.

<sup>109</sup> *Fourth FNPRM*, 27 FCC Rcd at 9570 ¶ 20. The minimum separation between co-channel systems is typically 113 kilometers unless licensees satisfy the requirements of a short-spacing table, in which case, co-channel systems (continued....)

licensees to replacement channels in the 815-817/860-862 MHz band segment we make additional channel capacity available below the ESMR dividing line to compensate for the 130 channels that likely will be unavailable.<sup>110</sup>

41. Thus, under our decision, Region 5 public safety, B/ILT and non-cellular SMR licensees north of the Sharing Zone will re-tune to replacement channels in the interleaved segment of the band including channels in the 815-817/860-862 MHz segment of the band (Expansion and Guard Bands in non-border regions). Furthermore, Region 5 public safety licensees currently operating in the 815-816/860-861 MHz band segment (Expansion Band for non-border) will generally remain on these channels rather than re-tune to channels lower in the band.

42. Nonetheless, as explained in the *Fourth FNPRM*, Region 5 licensees assigned to replacement channels in the 815-817/860-862 MHz band segment will receive full protection against unacceptable interference from licensees operating cellular systems above 817/862 MHz.<sup>111</sup> In addition, licensees assigned channels in the 816-817/861-862 MHz band segment (the Guard Band in non-border regions) will not be required to operate with increased median received power levels in order to qualify for protection from unacceptable interference.<sup>112</sup> Furthermore, we instruct the TA to designate replacement channels in Region 5 in a manner which maximizes to the extent possible the spectral separation between public safety licensees and the ESMR segment of the band.

43. We acknowledge the concern expressed by some commenting parties about eliminating the Guard Band in Region 5.<sup>113</sup> We note, however, the Commission and the Bureau have consistently taken similar action when establishing a post-rebanding channel plan for areas of the country where spectrum congestion is an issue. For instance, the Commission eliminated the Guard Band and reduced the Expansion Band to 0.5 MHz in the Atlanta, Georgia market in order to accommodate both Southern LINC and Sprint in an expanded ESMR band.<sup>114</sup> Furthermore, the Bureau eliminated both the Expansion and Guard Bands along the entire Canada border stating “[b]ecause of the limited amount of U.S. primary spectrum available in the Canadian border regions, we do not create an Expansion Band or Guard Band in Regions 1-6.”<sup>115</sup>

44. The same approach we took along the Canada border is essential here if we are to accommodate all licensees in Region 5 with comparable spectrum within the band. As noted above, we will only be able to provide all non-ESMR licensees in the region with comparable facilities on

(Continued from previous page)

may be spaced as close as 88 kilometers. Furthermore, some mountain top sites in Southern California require a greater co-channel separation than 113 kilometers. See 47 C.F.R. § 90.621(b).

<sup>110</sup> We note that certain licensees operating north of the Sharing Zone in NPSPAC Region 5, which would otherwise not need to reband under the standard non-border Band Plan, will be required to retune to channels higher in the band in order to clear channels for licensees located in the Sharing Zone.

<sup>111</sup> *Fourth FNPRM*, 27 FCC Rcd at 9570 ¶ 22. See also 47 C.F.R. § 90.672.

<sup>112</sup> *Fourth FNPRM*, 27 FCC Rcd at 9570 ¶ 22. See also 47 C.F.R. § 90.617(k).

<sup>113</sup> Border Area Licensees at 7; Orange County Sheriff’s Comments at 3; Orange County Sheriff’s Reply Comments at 1.

<sup>114</sup> See *Improving Public Safety Communications in the 800 MHz Band, Memorandum Opinion and Order*, WT Docket No. 02-55, 20 FCC Rcd 16035-36 ¶¶ 46-48 (WTB 2005).

<sup>115</sup> See *Improving Public Safety Communications in the 800 MHz Band, Second Report and Order*, WT Docket 02-55, 23 FCC Rcd 7605, 7613 ¶18 (PSHSB 2008).

replacement channels below the ESMR line at 817/862 MHz by lifting restrictions on the TA's ability to designate replacement channels for licensees in the 815-817/860-862 MHz band segment (the Expansion and Guard Bands in the non-border areas). Absent the lifting of these restrictions, we would be unable to accommodate all Region 5 non-ESMR incumbent licensees below the ESMR line.

45. Finally, we continue to place strict responsibility on Sprint to manage its network in a manner that avoids causing unacceptable interference to licensees operating below the ESMR line in Region 5 despite the absence of an Expansion and Guard Band.<sup>116</sup> Sprint may have to avoid using spectrum at the lower end of the ESMR band in Region 5 in order to fulfill its network management responsibility, thus creating a *de facto* guard band.<sup>117</sup> We decline, however, to move the ESMR line higher in the band to create a Guard Band above 817/862 MHz as suggested by the Orange County Sheriff.<sup>118</sup> When presented with a similar proposal for the Canada border, the Bureau stated that "mandating a *de lege* guard band [] by moving the ESMR line ... would run contrary to the 800 MHz *Second Report and Order* and would represent an unnecessary and inefficient use of spectrum in an area in which U.S. spectrum is scarce."<sup>119</sup> We come to the same conclusion here.

#### 4. Channel Plan for Remaining Border-Area NPSPAC Regions

46. *Background.* For the four remaining NPSPAC regions bordering Mexico other than Region 5, the *Fourth FNPRM* proposed the standard post-rebanding channel plan for licensees operating north of the Sharing Zone.<sup>120</sup> The proposed channel plan would be identical to the channel plan used by licensees in all non-border regions and would include both an Expansion Band and Guard Band.<sup>121</sup> The Bureau stated that the standard channel plan could accommodate all licensees north of the Sharing Zone in these four regions because, unlike Region 5, these regions are not as heavily congested.<sup>122</sup>

47. No commenting party opposes adoption of the standard post-rebanding channel plan for licensees operating north of the Sharing Zone in the remaining NPSPAC regions. Sprint states that for these regions it "does not oppose retention of the 800 MHz Expansion Band and 800 MHz Guard Band in the non-Sharing Zone."<sup>123</sup> Nonetheless, Sprint suggests that public safety licensees no longer be presumptively relocated from the Expansion Band and, instead, would require each such licensee to make an "affirmative election" if it chooses to be returned out of the Expansion Band.<sup>124</sup>

48. The Border Area Licensees, however, oppose Sprint's proposal because they believe band reconfiguration could be complicated in these regions if the TA "assumes that such licensees are not

<sup>116</sup> See 47 C.F.R. § 90.672.

<sup>117</sup> See e.g. County of Genesee, New York and Sprint Nextel Corp., *Memorandum Opinion and Order*, WT Docket No. 02-55, 26 FCC Rcd 12772, 12781 ¶ 31 (PSHSB 2011) (*Genesee County MO&O*).

<sup>118</sup> Orange County Sheriff's Reply Comments at 1-2.

<sup>119</sup> *Genesee County MO&O*, 26 FCC Rcd 12781 ¶ 31.

<sup>120</sup> *Fourth FNPRM*, 27 FCC Rcd at 9571 ¶ 24.

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> Sprint Comments at 3.

<sup>124</sup> *Id.*

moving” and makes no accommodation in frequency assignments for public safety licensees who chose to relocate from the Expansion Band.<sup>125</sup>

49. *Decision.* We adopt the standard post-rebanding channel plan for licensees operating north of the Sharing Zone in NPSPAC Regions 3 (Arizona), 29 (New Mexico), 50 (Texas – El Paso) and 53 (Texas – San Antonio) as depicted in Appendix C-6.<sup>126</sup> We decline to adopt Sprint’s suggestion for the Expansion Band and will continue to presume that public safety licensees will relocate out of the Expansion Band unless they affirmatively choose to remain.

50. We establish post-rebanding NPSPAC channels in the 806-809/851-854 MHz segment of the band.<sup>127</sup> NPSPAC licensees operating north of the Sharing Zone in these regions will generally relocate 15 megahertz lower in frequency from their current location in the band to the new NPSPAC band.

51. As with all non-border regions, and as proposed in the *Fourth NPRM*, we assign the 320 channels above the new NPSPAC band in the 809-817/854-862 MHz band segment to the General Category, Public Safety, B/ILT and SMR Pools.<sup>128</sup> All non-ESMR licensees from these categories operating north of the Sharing Zone will relocate to these replacement channels.<sup>129</sup> We establish the Expansion Band in the 815-816/860-861 MHz band segment. As noted above, public safety licensees operating in the Expansion Band will re-tune to channels lower in the band unless they affirmatively choose to remain. We see no reason to change our policy regarding Expansion Band elections as suggested by Sprint and believe such a change as this stage of the band reconfiguration program would only create confusion for licensees who occupy the Expansion Band. Furthermore, we find Sprint’s proposal an untimely petition for reconsideration of the *800 MHz Report and Order*, which established the policy of relocating public safety licensees out of the Expansion Band unless they affirmatively elect to remain.<sup>130</sup>

52. As proposed, we establish the Guard Band in the 816-817/861-862 MHz band segment. As with all non-border regions, no licensee will be involuntarily returned to the Guard Band and any licensee choosing to relocate to the Guard Band must operate with increased minimum median received power levels in order to be eligible for protection from unacceptable interference.<sup>131</sup> Finally, as proposed, we establish the ESMR dividing line at 817//862 MHz and assign the remaining 280 channels to the SMR Pool for use by licensees operating high-density cellular systems.<sup>132</sup>

<sup>125</sup> Border Area Licensees Reply Comments at 2.

<sup>126</sup> See *infra* Appendix C-6.

<sup>127</sup> See 47 C.F.R. § 90.617(a)(1).

<sup>128</sup> *Fourth FNPRM*, 27 FCC Rcd at 9571 ¶ 24 and 9593, Appendix C-6. See also 47 C.F.R. §§ 90.615, 90.617(a), (b) and (d) (specifying channels available in the General Category, Public Safety, B/ILT and SMR Pools).

<sup>129</sup> As with NPSPAC Region 5, certain licensees in these regions operating north of the Sharing Zone, which would otherwise not need to reband, will be required to return to channels higher in the band in order to clear channels for licensees located in the Sharing Zone. See *supra* n. 110.

<sup>130</sup> *800 MHz Report and Order*, 19 FCC Rcd 15053 ¶ 154.

<sup>131</sup> See 47 C.F.R. § 90.617(k).

<sup>132</sup> See 47 C.F.R. § 90.617(e).



## B. Implementation Issues

53. We now turn to the sequencing and timing of rebanding activity along the U.S.-Mexico border. The TA will designate replacement channels for licensees that must retune their systems according to the channel plans we adopt here.<sup>133</sup> As proposed, the transition period for rebanding along the U.S.-Mexico border will begin 60 days after the effective date of this *Fifth Report and Order*.<sup>134</sup> During the transition period, licensees will develop their reconfiguration plans, negotiate Frequency Reconfiguration Agreements (FRAs) with Sprint, and complete the rebanding process.

54. Rebanding in the NPSPAC regions bordering Mexico will proceed in stages and require close coordination with Mexican operators that must relocate under the Amended Protocol. In the *Fourth FNPRM*, the Bureau proposed a 30-month transition period for licensees along the border with Mexico to complete the rebanding process.<sup>135</sup> While Sprint supports this proposal, other commenters disagree and suggest that a longer transition period is needed due to particular challenges associated with rebanding in the border region.<sup>136</sup> As discussed in more detail below, we believe that these challenges can be addressed within a 30-month transition period, but we will also evaluate progress as of the 18<sup>th</sup> month of the transition period to determine whether additional time is needed based upon circumstances beyond licensees' control.

55. We direct the TA to develop and submit, within 60 days of the effective date of this *Fifth Report and Order*, a detailed reconfiguration timetable with milestones for completion of each stage of the reconfiguration process. This timetable should take into account variations in licensee characteristics, band plans, and other relevant factors. The timetable should enumerate the specific steps required in each NPSPAC region to implement both Stage 1 relocation of non-NPSPAC licensees and Stage 2 relocation of NPSPAC licensees.

## I. Planning, Negotiation and Mediation

56. *Background.* The Bureau proposed an expedited timeline in the *Fourth FNPRM* for licensees to complete planning, negotiation, and, if necessary, mediation.<sup>137</sup> The Bureau stated that the experience gained in rebanding non-border regions and the Canada border region has enabled it and the TA to develop more efficient procedures for licensees to obtain planning funding, conduct planning,

<sup>133</sup> The TA will also provide replacement frequency assignments to those licensees adjacent to the Sharing Zone that have not previously been assigned frequencies due to their proximity to the Sharing Zone. For purposes of planning, negotiation, and implementation, these licensees are subject to the same rebanding deadlines set forth in this order that apply to licensees within the Sharing Zone.

<sup>134</sup> The Bureau will release a public notice announcing the official kick-off date. Furthermore, the filing freeze on new applications along the U.S.-Mexico border will remain in effect until the Bureau establishes a timeline for band reconfiguration and announces a date by which it can again begin accepting new applications. See Public Safety and Homeland Security Bureau Extends Voluntary 800 MHz Rebanding Negotiation Period for Wave 4 Border Area NPSPAC and Non-NPSPAC Licensees Along the U.S.-Mexico Border Pending Establishment of Negotiation Timetable, *Public Notice*, 27 FCC Rcd 7312 (2012).

<sup>135</sup> *Fourth FNPRM*, 27 FCC Rcd at 9571 ¶ 25.

<sup>136</sup> See Comments of Raymond L. Grimes, Telecommunications Consultant, WT Docket 02-55 (filed Sep 26, 2012) at 4 (Raymond Grimes Comments); Border Area Licensees Comments at 12-13; San Diego County Sheriff Comments at 5-6; Laredo Reply Comments at 2-3; Orange County Sheriff's Reply Comments at 2.

<sup>137</sup> *Fourth FNPRM*, 27 FCC Rcd at 9571 ¶ 26.

prepare cost estimates, and negotiate an FRA.<sup>138</sup> Consequently, the Bureau proposed requiring licensees to complete planning and submit a cost estimate to Sprint within 90 to 110 days<sup>139</sup> after which the parties would have 30 days to negotiate an FRA.<sup>140</sup>

57. Several commenting parties express concern over the expedited timeline for planning, negotiation and mediation proposed by the Bureau.<sup>141</sup> The City of San Diego states that “[t]he change from offset to non-offset frequencies and the possibility of multiple frequency exchanges due to the multi-step approach brings additional challenges to the City’s planning.”<sup>142</sup> Therefore, the City of San Diego proposes “a period of at least 150 days” for planning and negotiating.<sup>143</sup> The Border Area Licensees opine that “the need for multiple retunes by some licensees” and “the size and complexity of 800 MHz systems in the Southwest” warrant “extending the planning deadlines by two months.”<sup>144</sup> Sprint, however, supports the Bureau’s proposal for rapid planning and negotiating.<sup>145</sup> Sprint argues that “[a]n up-front blanket adjustment for additional time to perform basic aspects of reconfiguration ... should not be granted prior to even starting band reconfiguration.”<sup>146</sup>

58. *Decision.* We adopt the expedited timeline proposed in the *Fourth FNPRM* for planning, negotiation, and mediation periods. We believe many of the activities required for planning, such as equipment inventory, are not affected by the need for licensees to transition from offset to standard channels or to perform multi-step retunes and can, therefore, be accomplished within the expedited timeframe proposed in the *Fourth FNPRM*. Thus, we agree with Sprint that it is more appropriate to adopt the expedited timeline for planning, negotiation and mediation rather than extend deadlines for all licensees including those who need no additional time. As discussed in more detail below, licensees such as the City of San Diego and the Border Area Licensees that operate complex systems may seek an extension of planning time from the Bureau if the need arises and good cause is shown.<sup>147</sup> The Bureau, through the TA, will monitor each licensee’s progress during the planning, negotiation and mediation phases. Furthermore, licensees should promptly respond to TA communications and requests for information throughout the reconfiguration process.

59. Consequently, as discussed in the *Fourth FNPRM*,<sup>148</sup> within 60 days of the effective date of this *Fifth Report and Order* each border area licensee that intends to negotiate a Planning Funding Agreement (PFA) with Sprint must submit a Request for Planning Funding (RFPF) to Sprint, after which

<sup>138</sup> *Id.*

<sup>139</sup> The time by which licensees must complete planning and submit a cost estimate to Sprint varies from 90-110 days as a function of the number of radios in the licensee’s system. *See infra* ¶ 61.

<sup>140</sup> *Fourth FNPRM*, 27 FCC Rcd at 9571-72 ¶¶ 29-30.

<sup>141</sup> City of San Diego Comments at 4; Border Area Licensees Comments at 13; San Diego County Sheriff Comments at 4-5; Orange County Sheriff’s Reply Comments at 2.

<sup>142</sup> City of San Diego Comments at 4.

<sup>143</sup> *Id.*

<sup>144</sup> Border Area Licensees Comments at 12-13.

<sup>145</sup> Sprint Comments at 6.

<sup>146</sup> Sprint Reply Comments at 6.

<sup>147</sup> *See* 47 C.F.R. § 1.3.

<sup>148</sup> *Fourth FNPRM*, 27 FCC Rcd at 9571 ¶ 27.

the parties will have 30 days from the date of submittal of the RFPF to negotiate a PFA.<sup>149</sup> Some licensees with already-negotiated PFAs may need to amend them to complete the planning process after the channel plan for the U.S.-Mexico border becomes effective. In this instance, licensees must submit a Change Notice within 60 days of the effective date of this *Fifth Report and Order*, after which the parties will have 30 days from the date of submittal of the Change Notice to negotiate a PFA Amendment.

60. PFA and PFA Amendment negotiations will be monitored by a TA mediator, but without instituting mediation. If, however, parties are unable to negotiate a PFA or PFA Amendment within the 30 days noted above, the parties must participate in mediation for 20 working days.<sup>150</sup> If mediation is unsuccessful, at the end of the 20-day mediation period the TA mediator will refer disputed issues to the Bureau for *de novo* review within 10 days after the close of the mediation period.

61. Upon TA approval of a PFA or PFA Amendment (or an equivalent starting date designated by the TA in its reconfiguration timetable for licensees without a PFA), the licensee must complete planning and submit a cost estimate to Sprint within 90 to 110 days, depending on the number of mobile/portable radio units in the licensee's system. Licensees with up to 5,000 units will have 90 days to complete planning and submit a cost estimate. Licensees with 5,001-10,000 units will have 100 days to complete planning and submit a cost estimate. Finally, licensees with more than 10,000 units will have 110 days to complete planning and submit a cost estimate. If the TA has not designated replacement channels for a licensee by the date the TA approves its PFA or PFA Amendment (or the planning starting date designated by the TA for licensees without a PFA), the 90 to 110 day planning period will run from the date the licensee receives its replacement channel assignments. A licensee may petition the Bureau for additional time for planning, but any such petition must (a) explain why more time is necessary, (b) demonstrate that the licensee has exercised diligence in the time already allotted (*e.g.*, commencing planning promptly after TA approval of its PFA, promptly reviewing statements of work prepared by its vendors, and completing planning tasks on schedule), and (c) set a firm schedule for planning completion.

62. Following the completion of planning and a licensee's submission of a cost estimate to Sprint, parties will have 30 days to negotiate an FRA. A TA mediator will monitor the negotiations but mediation will not begin. If, however, parties are unable to negotiate an FRA within 30 days, they must participate in mediation for 20 working days.<sup>151</sup> If mediation is unsuccessful, at the end of the 20-day mediation period, the TA mediator will refer disputed issues to the Bureau for *de novo* review within 10 days after the close of the mediation period.<sup>152</sup>

<sup>149</sup> Licensees are encouraged to begin preparing for reconfiguration prior to the start of the transition period and need not wait until the deadline to submit an RFPF. Licensees can undertake the following activities prior to receiving proposed replacement frequencies from the TA: submitting a Point of Contact Form to the TA, reviewing and updating their license information in the Universal Licensing System (ULS) database, identifying and contacting vendors to assist with reconfiguration, conducting subscriber unit inventory, conducting infrastructure inventory, engaging in non-frequency-specific engineering and implementation planning, and defining their interoperability environment. If licensees require funding to conduct early planning activities, they should submit an RFPF and negotiate a PFA with Sprint. Licensees may submit an RFPF prior to receiving proposed replacement frequencies from the TA. Additional information about these activities is available on the TA's website (<http://www.800TA.org>) and in the TA's Reconfiguration Handbook, which is available at [http://www.800ta.org/content/resources/Reconfiguration\\_Handbook.pdf](http://www.800ta.org/content/resources/Reconfiguration_Handbook.pdf).

<sup>150</sup> The TA will specify the beginning of the 20-day mediation period.

<sup>151</sup> *Id.*

<sup>152</sup> We note that even with this expedited timeline, a licensee with more than 10,000 mobile/portable units will have 110 days to complete planning and an additional 30 days to negotiate an FRA with Sprint. Therefore, the total time (continued....)

63. As proposed in the *Fourth FNPRM*,<sup>153</sup> any licensee along the U.S.-Mexico border seeking a system upgrade (whereby the licensee upgrades its system, Sprint pays the licensee the lesser of the amount that it otherwise would have paid for rebanding to comparable facilities or the cost of the upgrade, and the licensee pays the additional cost of the upgraded system from its own funds) should notify the TA and Sprint, in writing, no later than the due date for submission of the licensee's cost estimate. The notice must describe the nature of the proposed upgrade, the cost, the source of funds, and the implementation schedule. If a licensee negotiates with Sprint for an upgrade, the TA will review the upgrade proposal pursuant to its upgrade policy, giving it close scrutiny to determine, *inter alia*, that the upgrade will not lengthen the licensee's rebanding schedule and that any incremental funding needed to accomplish the upgrade is demonstrably available. The upgrade proposal is subject to TA approval. Licensees contemplating an upgrade should consult the TA's upgrade policy.<sup>154</sup>

## 2. Rebanding Implementation Timetable

64. *Background.* The Bureau noted in the *Fourth FNPRM* that—after planning, negotiation, and, if necessary, mediation—licensees along the U.S.-Mexico border would have approximately 22 to 23 months to implement retuning of their systems to replacement channels designated by the TA within the 30-month transition timetable the Bureau proposed.<sup>155</sup> The Bureau sought comment on its proposed implementation timetable and requested any commenting party proposing a longer period of time to specify the particular circumstances along the U.S.-Mexico border that warrant a longer period of time for implementation.<sup>156</sup>

65. The majority of commenting parties believe a 30-month transition timetable is overly optimistic.<sup>157</sup> The Border Area Licensees suggest the relocation deadline should be extended six months due to “the additional difficulties” facing licensees in the Sharing Zone including “the need for coordination amongst Southwest licensees (who goes first?) as well as the need to wait for Mexican licensees to reconfigure.”<sup>158</sup> The San Diego County Sheriff foresees delays caused by the requirement that some licensees “amend leases for radio sites that are not owned by the licensee in order to revise the frequencies listed” and notes that sites belonging to the Department of Defense require a “lengthy frequency study process.”<sup>159</sup> Raymond Grimes posits there may be significant delay in either lining up qualified service providers to perform work or obtaining replacement equipment due to the large number of incumbent licensees who will be “suddenly competing for available services and products.”<sup>160</sup>

(Continued from previous page)

for a licensee of this size to complete planning and negotiate an FRA is 140 days which is only 10 days less than the 150 day time period suggested by the City of San Diego. See City of San Diego Comments at 4.

<sup>153</sup> *Fourth FNPRM*, 27 FCC Red at 9572 ¶ 31.

<sup>154</sup> The TA's upgrade policy is available in the TA's Reconfiguration Handbook. See Reconfiguration Handbook release 4.0 (Jan. 19, 2011), at 81-84, available at [http://www.800ta.org/content/resources/Reconfiguration\\_Handbook.pdf](http://www.800ta.org/content/resources/Reconfiguration_Handbook.pdf).

<sup>155</sup> *Fourth FNPRM*, 27 FCC Red at 9572 ¶ 32.

<sup>156</sup> *Id.*

<sup>157</sup> Raymond Grimes Comments at 4; Border Area Licensees Comments at 12-13; San Diego County Sheriff Comments at 5-6; Laredo Reply Comments at 2-3; Orange County Sheriff's Reply Comments at 2.

<sup>158</sup> Border Area Licensees Comments at 12-13.

<sup>159</sup> San Diego County Sheriff Comments at 5-6.

<sup>160</sup> Raymond Grimes Comments at 4.

66. Sprint, however, supports the Bureau's 30-month timeline, arguing that any licensee needing additional time to complete a given activity has "the opportunity to demonstrate to the Bureau on a specific case-by-case basis why additional time is warranted, why the baseline time was not enough to accomplish the task required and, most importantly, what steps the licensee has taken in the time it had and would take to reach completion if any extension is granted."<sup>161</sup>

67. *Decision.* We adopt our proposed 30-month implementation timetable for licensees to complete band reconfiguration along the border with Mexico, but modify our proposal to allow for future re-evaluation of the timetable as rebanding progresses. We believe that a 30-month timetable strikes the proper balance between providing licensees with sufficient time to implement rebanding while establishing a baseline deadline for timely completion of the program. However, as noted above, rebanding on the U.S. side of the border will need to be coordinated with relocations by Mexican licensees to ensure an orderly transition.<sup>162</sup> It is our expectation that Mexican licensees will relocate in a timely manner, in light of U.S.-Mexico agreement in the Amended Protocol and the commitments made by Sprint and NII to pay the reasonable costs of such relocations. Nonetheless, because we cannot be certain of the timing of Mexican relocations, we will analyze the progress of rebanding no later than the 18th month of the transition to determine whether additional time is needed. In addition, as we have in the non-border regions and the Canadian Border Region, we will entertain requests for waiver from licensees that are unable to complete rebanding within the transition period based on the particulars of their individual situation.

### 3. Stages and Steps for Completing Rebanding

68. *Background.* The Bureau proposed a two-stage approach to rebanding along the U.S.-Mexico border in the *Fourth FNPRM*.<sup>163</sup> The Bureau explained that the two-stage approach would entail B/ILT, non-cellular SMR, and public safety licenses on pool channels retuning during Stage 1 while NPSPAC licensees would retune during Stage 2.<sup>164</sup> In proposing a staged approach, the Bureau noted that some U.S. licensees along the U.S.-Mexico border may have to retune their frequencies twice in order to complete the rebanding process because of the need to coordinate frequency re-tunes with incumbents in Mexico and to clear the 130 pool channels immediately above the new NPSPAC band within the Sharing Zone.<sup>165</sup>

69. No commenting party specifically addressed the steps detailed by the Bureau in the *Fourth FNPRM* for completing rebanding in NPSPAC regions bordering Mexico. Raymond Grimes, however, notes that some U.S. licensees could experience delays in implementation if licensees in Mexico fail to vacate channels in a timely manner.<sup>166</sup>

70. *Decision.* We adopt the two-stage approach to rebanding proposed in the *Fourth FNPRM*.<sup>167</sup> Below we detail the steps which will take place in each stage for licensees in the Sharing

<sup>161</sup> Sprint Reply Comments at 6.

<sup>162</sup> See *supra* ¶ 5.

<sup>163</sup> *Fourth FNPRM*, 27 FCC Rcd at 9573 ¶ 33.

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*

<sup>166</sup> Raymond Grimes Comments at 5-6.

<sup>167</sup> *Fourth FNPRM*, 27 FCC Rcd at 9573 ¶ 33.

Zone as well as licensees operating north of the Sharing Zone in each NPSAC region.<sup>168</sup> The Bureau will monitor the progress of frequency retunes in Mexico through the 800 MHz Task Force to ensure that, when necessary, incumbent operators in Mexico vacate channels before U.S. licensees in the Sharing Zone retune to channels currently occupied in Mexico. Furthermore, the Bureau will work with the TA to minimize disruption to all licensees who reband. Nonetheless, as noted in the *Fourth FNPRM*,<sup>169</sup> some licensees may need to re-tune their frequencies twice during the rebanding process.<sup>170</sup> Sprint is obligated to pay the reasonable cost of any licensee undergoing multiple retunes.

71. Licensees are expected to participate in meetings held by the TA regarding reconfiguration in their region, including attending an Implementation Planning Session (IPS).

**a. Sharing Zone**

72. Transition to the post-rebanding channel plan in the Sharing Zone will require close coordination with licensees in Mexico and among U.S. licensees. When U.S. licensees in non-border regions implement rebanding, they typically retune to replacement channels vacated by Sprint. In the Sharing Zone, however, some licensees will be able to retune to replacement channels only after one or more Mexican licensees have vacated channels on the Mexican side of the border. Also, licensees converting from offset to standard channels may have to wait for clearing by more than one licensee on the U.S. side of the border.<sup>171</sup> In many cases, the vacating licensee will be Sprint or Sprint's roaming partner in Mexico—NII Holdings, Inc. Below we detail the steps we envision will need to occur in Stages 1 and 2 within the Sharing Zone in order to transition to our proposed channel plan.<sup>172</sup> The band segments we refer to in our description are depicted below in Figure 2.

<sup>168</sup> The process in the description is divided into geographical regions, however, in practice the processes will have to be coordinated across the noted regions. For instance, certain licensees in the Los Angeles and Orange County area will have to clear frequencies in the 854.0 to 857.25 MHz range before licensees in the San Diego area can move onto replacement frequencies in the Sharing Zone in that range. Certain steps will also be concurrent across NPSAC regions. For instance Step 1A in the Sharing Zone should be done at the same time as Steps 1A, 1B and 1C in areas north of the Sharing Zone across all NPSAC regions.

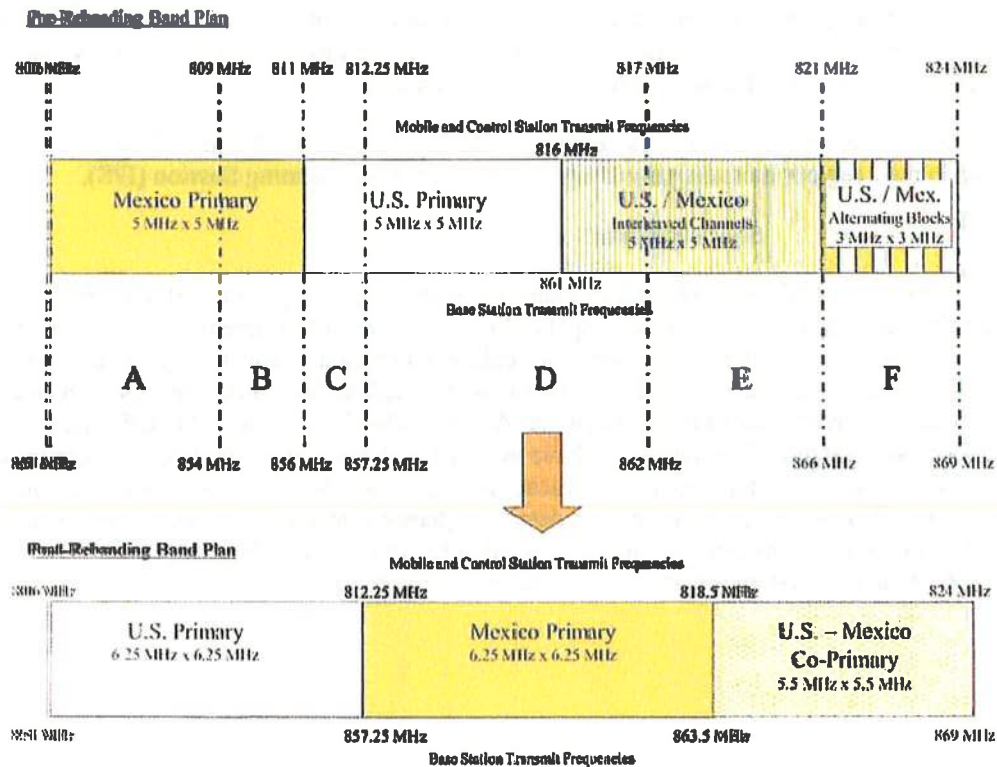
<sup>169</sup> *Fourth FNPRM*, 27 FCC Rcd at 9573 ¶ 33.

<sup>170</sup> This would be similar to Public Safety licensees in other regions that had to first clear channels 1-120 and then clear NPSAC frequencies in a subsequent move.

<sup>171</sup> To make available one replacement standard channel in the Sharing Zone, two offset channels must be cleared. For instance, for 856.1125 MHz to become available, it may be necessary to first clear offset channels 856.1000 MHz and 856.1250 MHz.

<sup>172</sup> See *infra* Appendix C-4.

Figure 2 - Band Plan for Sharing Zone



### Stage 1 – Non-NPSPAC Licensees in Sharing Zone

- Step 1A:** Mexican licensees (other than NII Holdings, Inc.) in band segments A and B, above, retune to replacement channels in band segment D vacated by Sprint and NII Holdings, Inc.<sup>173</sup> Sprint and NII Holdings, Inc. may temporarily backfill the channels vacated in band segments A and B until they are needed for Step 1B.<sup>174</sup>
- Step 1B:** B/ILT, non-cellular SMR, and public safety licensees in band segment C retune from offset channels to replacement channels with standard channel centers in

<sup>173</sup> As noted above, some Mexican licensees may relocate out of the 800 MHz band rather than to replacement channels in the 800 MHz band. See *supra* n.20.

<sup>174</sup> By backfill, we mean Sprint or Nextel Mexico will temporarily operate on a channel vacated by a licensee retuning to a replacement channel. Backfilling is necessary in order for Sprint and Nextel Mexico to maintain capacity during the transition.

band segments B and C vacated by Sprint, NII Holdings, Inc., and other Mexican licensees relocated as part of Step 1A.<sup>175</sup>

- **Step 1C:** B/ILT, non-cellular SMR, and public safety licensees in band segments D and E retune to replacement channels in band segments B and C vacated by Sprint, NII Holdings, Inc., and licensees retuning under Step 1B.<sup>176</sup> Licensees retune from offset channels to replacement channels with standard channel centers. Sprint and NII Holdings, Inc. may backfill the channels vacated in band segments D and E.
- **Step 2A:** Additional Mexican licensees (other than NII Holdings, Inc.) in band segments A and B retune to replacement channels in band segment D vacated by U.S. licensees in Step 1C.
- **Step 2B:** Additional B/ILT, non-cellular SMR, and public safety licensees in band segment C retune from "offset" channels to replacement channels with standard channel centers in band segments B and C vacated by Sprint, NII Holdings, Inc., and other Mexican licensees relocated as part of Step 2A.
- **Step 2C:** Additional B/ILT, non-cellular SMR, and public safety licensees in band segments D and E retune to replacement channels in band segments B and C vacated by Sprint, NII Holdings, Inc., and licensees retuning under Step 2B. Licensees retune from offset channels to replacement channels with standard channel centers.<sup>177</sup> Sprint and NII Holdings, Inc. may backfill the channels vacated in band segments D and E.

#### Stage 2 — NPSPAC Licensees in Sharing Zone

- **Step 1:** NPSPAC licensees in band segment F retune 15 megahertz lower in frequency to replacement channels in band segment A vacated by Sprint and NII Holdings, Inc. Sprint and NII Holdings, Inc. backfill the channels vacated in band segment F. Some repacking of NPSPAC licensees in band segment A may be necessary, including relocating certain licensees to pool frequencies in segments B and C, if necessary, or to Mexico primary channels if the licensee is currently operating on Mexico primary channels.
- **Step 2:** Any remaining Sprint and NII Holdings, Inc. stations in band segments A, B, C or D retune to replacement channels in band segments E and F.

<sup>175</sup> It will also be necessary to clear any blocking U.S. licensees north of the Sharing Zone currently occupying one of the 130 pool channels in segments B and C prior to undertaking Steps 1B and 1C. To the extent a licensee with frequencies in segment C also has frequencies in segments D and E, all their frequencies may be reconfigured at the same time if the replacement frequencies for the segments D and E frequencies are cleared and available.

<sup>176</sup> Many Sharing Zone licensees will have frequencies involved in both Steps 1B and 1C, as well as 2A and 2B. Some licensees with frequencies in band segment C, which must retune as part of Step 1B, may have to move to an intermediate offset channel in another band segment temporarily in order to clear segment C, and then retune to their final non-offset channel as part of Step 1C.

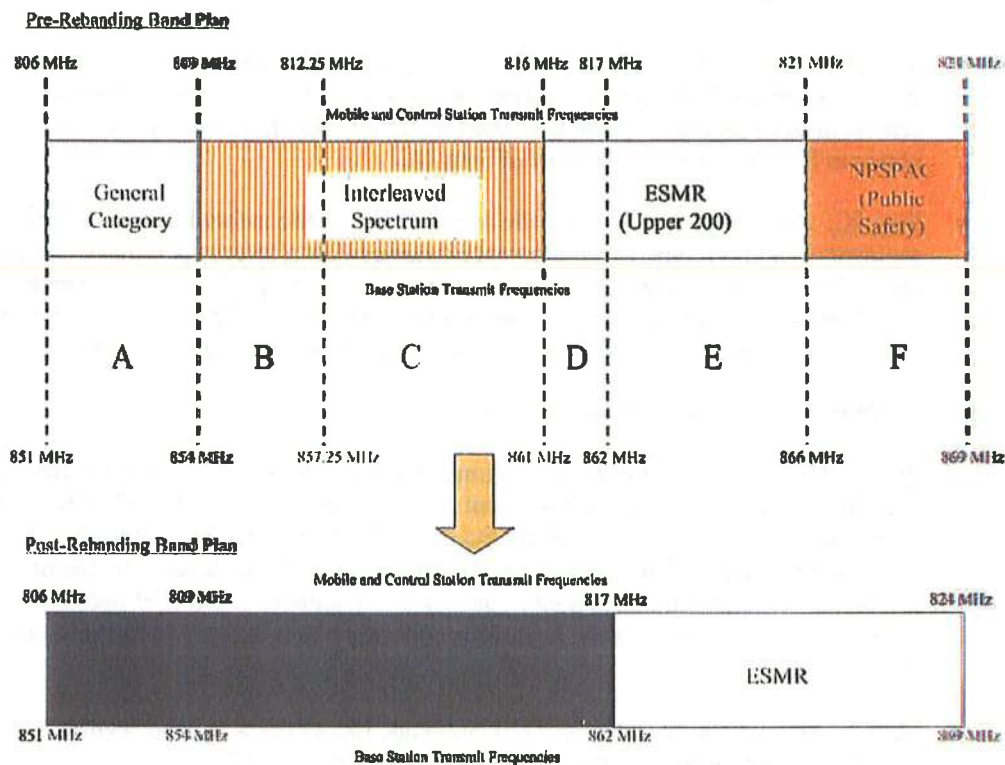
<sup>177</sup> We anticipate that this will have to be a closely coordinated implementation process that may require licensee-by-licensee, and possibly frequency-by-frequency, implementation management. To the extent Steps 2A through 2C do not fully clear Sharing Zone band segments C and D, additional cycles may be necessary.



**b. NPSPAC Region 5 (Outside the Sharing Zone)**

73. As proposed in the *Fourth FNPRM*, below we detail the steps during Stages 1 and 2 for transition of Region 5 licensees operating outside the Sharing Zone.<sup>178</sup> The band segments we refer to in our description are depicted below in Figure 3.

**Figure 3 – Band Plan for NPSPAC Region 5 North of Sharing Zone**



**Stage 1 – Non-NPSPAC Licensees in Region 5 Outside the Sharing Zone<sup>179</sup>**

- **Step 1A:** B/ILT, non-cellular SMR, and Public Safety licensees in band segment B return to replacement channels in band segments C and D vacated by Sprint. Band segment D will only be used for Public Safety licensees if there are no available replacement frequencies in band segment C. The number of licensees that relocate in

<sup>178</sup> See *infra* Appendix C-5.

<sup>179</sup> Licensees in Region 5 outside the Sharing Zone will perform Steps 1A, 1B, and 1C concurrently to the extent feasible, depending on the availability of replacement channels and completion of FRA negotiations. We may also request licensees to voluntarily concur with temporary co-channel short spacing pursuant to Section 90.621(b)(5) of our rules in order to expedite implementation.

this step will be determined by the need for segment B channels in the Sharing Zone. Sprint may temporarily backfill the channels vacated in band segment B.

- **Step 1B:** B/ILT and non-cellular SMR licensees in band segment A retune to replacement channels in band segments C and D vacated by Sprint. Sprint may temporarily backfill the channels vacated in band segment A.
- **Step 1C:** Public safety licensees in band segment A generally retune to replacement channels in band segment C. Sprint may temporarily backfill the channels vacated in band segment A.<sup>180</sup>

#### Stage 2 – NPSPAC Licensees in Region 5 Outside the Sharing Zone

- **Step 1:** NPSPAC licensees in band segment F retune 15 megahertz lower in frequency to replacement channels in band segment A vacated by Sprint. Sprint backfills channels vacated in band segment F.
- **Step 2:** Any remaining Sprint stations in band segments A, B, C or D retune to replacement channels in band segment F.

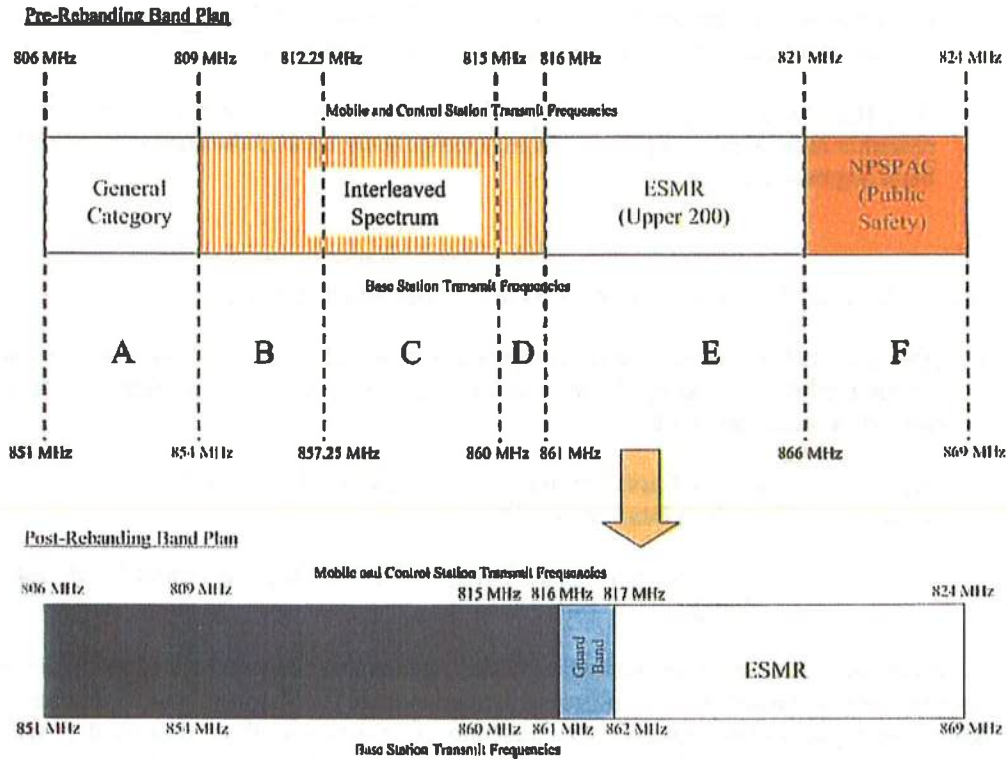
#### c. Remaining Mexican Border NPSPAC Regions (Outside the Sharing Zone)

74. As we proposed, in the remaining NPSPAC regions that border Mexico, we implement the standard post-rebanding channel plan for licensees located outside the Sharing Zone.<sup>181</sup> In these regions, the rebanding implementation steps will be generally consistent with those described above for Region 5 outside the Sharing Zone. In these regions, however, Mexico stations will not be a factor, and licensees will retune to replacement channels vacated by Sprint or that are otherwise unoccupied. Below we detail the proposed steps during Stages 1 and 2 for transition of these licensees. The band segments we refer to in our description are depicted below in Figure 4.

<sup>180</sup> Licensees in the northernmost parts of Region 5, such as those in Kern or San Louis Obispo Counties, may also be reconfigured into band segment B.

<sup>181</sup> See *infra* Appendix C-6.

Figure 4 – Band Plan for NPSPAC Regions 3, 29, 50 and 53 North of Sharing Zone



### Stage 1 – Non-NPSPAC Licensees in Regions 3, 29, 50 and 53 Outside the Sharing Zone<sup>182</sup>

- **Step 1A:** Some B/ILT and non-cellular SMR licensees in band segment B will retune to replacement frequencies in band segments C and D vacated by Sprint. Some Public Safety licensees in band segment B may retune to replacement channels in band segments C vacated by Sprint. The number of licensees that relocate in this step will be determined by the need for band segment B channels in the Sharing Zone.
- **Step 1B:** B/ILT and non-cellular SMR licensees in band segment A retune to replacement channels in band segments C and D vacated by Sprint. Sprint may temporarily backfill the channels vacated in band segment A.<sup>183</sup>
- **Step 1C:** Public safety licensees in band segment A retune to replacement channels in band segment C vacated by Sprint. Sprint may temporarily backfill the channels vacated in band segment A.<sup>184</sup>

<sup>182</sup> Licensees in Regions 3, 29, 50 and 53 outside the Sharing Zone will perform Steps 1A, 1B and 1C concurrently to the extent feasible, depending on the availability of replacement channels and completion of FRA negotiations.

<sup>183</sup> *Id.*

## Stage 2 – NPSPAC Licensees in Regions 3, 29, 50 and 53 Outside the Sharing Zone

- **Step 1:** NPSPAC licensees in band segment F retune 15 megahertz lower in frequency to replacement channels in band segment A vacated by Sprint. Sprint backfills channels vacated in band segment F.
- **Step 2:** Any remaining Sprint stations in band segments A, B, C or D retune to replacement channels in band segment F.

### C. Additional Issues

#### 1. Special Coordination Procedure Channels.

75. *Background.* Sprint currently operates on certain Mexico primary channels in the Sharing Zone pursuant to a Special Coordination Procedure (SCP).<sup>185</sup> Sprint's operation on these channels facilitates cross-border roaming with NII Holdings, Inc. The Bureau noted in the *Fourth FNPRM* that under the channel plan it proposed for the Sharing Zone, all Mexico primary channels would be below the proposed ESMR dividing line at 818.5/863.5 MHz.<sup>186</sup> Consequently, the Bureau sought comment on whether to require Sprint to vacate Mexican primary channels in the Sharing Zone.<sup>187</sup>

76. The City of San Diego argues that "Sprint should not be given the ability to utilize Mexico primary spectrum lower than the spectrum allocated to it in the non border region."<sup>188</sup> Sprint states that it intends to continue its cooperative agreement with its roaming partner in Mexico and operate on Mexico primary spectrum below 818.5/863.5 MHz.<sup>189</sup>

77. *Decision.* Our decision to amend our original channel plan proposal for the Sharing Zone and align the ESMR dividing line in the Sharing Zone with the ESMR dividing line in non-border regions at 817/862 MHz effectively moots this issue. Under the channel plan we adopt for the Sharing Zone, Sprint will be permitted to operate on Mexico primary channels above the ESMR dividing line at 817/862 MHz. Sprint states that it "does not object to this approach" provided that channels in the 817-818.5/862-863.5 MHz band segment are made exclusively available to Sprint.<sup>190</sup> This will be the case under our amended channel plan because channels in this band segment will be assigned to the SMR pool for use by licensees operating high-density cellular systems.<sup>191</sup>

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<sup>184</sup> Licensees in the northern parts of these NPSPAC regions more than 113 km from the Sharing Zone may also be reconfigured into band segment B.

<sup>185</sup> See Special Coordination Procedure for the Use of Certain Frequencies in the Bands 806-824 MHz and 851-869 MHz for Land Mobile Services (Nov. 2000). See also Letter from Donald Abelson, Chief, International Bureau, Federal Communications Commission, to Sr. Fernando Carrillo, Coordinator General, Comission Federal de Comunicaciones (Aug. 20, 2004).

<sup>186</sup> *Fourth FNPRM*, 27 FCC Rcd at 9579 ¶ 37.

<sup>187</sup> *Id.*

<sup>188</sup> City of San Diego Comments at 4-5.

<sup>189</sup> Sprint Reply Comments at 7.

<sup>190</sup> *Id.*

<sup>191</sup> See *infra* Appendix C-4.

## 2. Vehicular Repeaters.

78. *Background.* Many licensees in the 800 MHz band use vehicular repeater stations (VRS) to extend radio coverage. VRS units, which typically are mounted inside public safety vehicles, extend or improve radio coverage from hand-held units to distant base station repeaters and are most frequently used to provide in-building coverage. For example, when a public safety official exits a vehicle to enter a building, he or she tunes a hand-held unit to transmit on the input frequency of the VRS unit, which then relays the signal to a distant repeater on a separate mobile frequency. VRS operations, however, require a relatively large spectral separation between their input and output frequencies. The Bureau sought comment in the *Fourth FNPRM* on whether or not the channel plan it proposed for the Mexico border region would provide licensees operating VRS units with the spectral separation necessary to continue VRS operations.<sup>192</sup>

79. Raymond Grimes states that VRS units can effectively operate in the 700 MHz band, thus creating the necessary separation to channels in the 800 MHz band.<sup>193</sup> Raymond Grimes also notes that most “quality” public safety portable subscriber radios include 700 MHz frequencies making it “quite simple” to obtain portable radios capable of operating with VRS units.<sup>194</sup>

80. *Decision.* Our experience in rebanding non-border 800 MHz systems has demonstrated that accommodating VRS systems has not been a frequent problem, and that problems that have arisen have successfully been handled on a case-by-case basis. Accordingly, we determine that we need make no adjustments to the channel plans we adopt here to accommodate VRS units.

## 3. Power Loss in Combiners.

81. *Background.* Due to the limited availability of channels in some areas under the Amended Protocol, it may be difficult to spectrally separate the replacement channels designated to some licensees. This reduced spectral separation could cause licensees that use combiners in their current systems to experience power loss in their combiners.<sup>195</sup> In the *Fourth FNPRM*, the Bureau proposed allowing such licensees to recover from Sprint the reasonable costs associated with mitigating the impact of reduced spectral separation on combiner power loss.<sup>196</sup> The Bureau noted that mitigation steps could include new combiners, related antenna system changes, tower work, and other associated costs, converting operations from standard pool channels to NPSPAC channels, or vice versa.<sup>197</sup>

82. The City of San Diego suggests we consider specific licensee combiner requirements when assigning licensees to post-rebanding replacement channels, *e.g.*, if the frequencies designated by the TA result in excessive signal loss in the combiner.<sup>198</sup>

<sup>192</sup> *Fourth FNPRM*, 27 FCC 9579 ¶ 38.

<sup>193</sup> Raymond Grimes Comments at 7.

<sup>194</sup> *Id.*

<sup>195</sup> A combiner, as the name implies, feeds multiple transmitters into a single antenna. See *800 MHz Report and Order*, Appendix D, 19 FCC Rcd 15203 at ¶ 6.

<sup>196</sup> *Fourth FNPRM*, 27 FCC Rcd at 9579-80 ¶ 39.

<sup>197</sup> *Id.*

<sup>198</sup> City of San Diego Comments at 3.

83. *Decision.* Licensees should analyze the replacement channels designated for them by the TA and identify any combiner issues created by a reduced spectral separation between channels as an early and integral part of their planning process. In such situations, licensees may request a different replacement channel, or if necessary, a lower-loss combiner. Sprint will be responsible for covering the reasonable costs associated with mitigating the impact of reduced spectral separation including new combiners, related antenna system changes, tower work, and other associated costs.

#### 4. Licensees on Mexico Primary Channels.

84. *Background.* Some U.S. licensees currently operate in the Sharing Zone on channels primary to Mexico under the 1994 Protocol. In the *Fourth FNPRM*, the Bureau proposed instructing the TA to designate replacement channels for such licensees in the U.S. primary segment of the band under the Amended Protocol if such channels are available, or otherwise to designate Mexico primary channels.<sup>199</sup>

85. The San Diego County Sheriff states that it successfully operates sites on Mexico primary channels where the signal level at the border does not exceed the limits listed in the Amended Protocol.<sup>200</sup> Therefore, the San Diego County Sheriff suggests that continued use of Mexico primary channels at these locations may assist the TA in making channel designations for licensees in the Sharing Zone.<sup>201</sup>

86. *Decision.* We adopt our proposal from the *Fourth FNPRM* and direct the TA to designate U.S. primary replacement channels, if such channels are available, for licensees currently operating on Mexico primary channels. Otherwise, the TA may designate Mexico primary channels for such licensees. We agree with the San Diego County Sheriff that providing the TA with this flexibility is important for preserving U.S. primary channels for licensees in the Sharing Zone that would otherwise be unable to meet the power limits at the border required for operation on channels primary to Mexico.

87. Finally, we note that any licensees operating on channels primary to Mexico are secondary to operations in Mexico<sup>202</sup> but will be eligible for protection from unacceptable interference from U.S. licensees as defined in Section 90.672 in the same manner as all other licensees in the band.<sup>203</sup>

#### D. Cost Benefit Analysis

88. We find that the benefits of our establishing and implementing a reconfigured 800 MHz channel plan along the U.S.-Mexico border outweigh any potential costs. This *Fifth Report and Order* is part of the FCC's rebanding effort to eliminate interference to public safety and other land mobile communication systems operating in the band by addressing its root cause and separating generally incompatible technologies.<sup>204</sup> The homeland security obligations of the Nation's public safety agencies make it imperative that their communications systems are robust and highly reliable.<sup>205</sup> The changes

<sup>199</sup> *Fourth FNPRM*, 27 FCC Rcd at 9579-80 ¶ 39.

<sup>200</sup> San Diego County Sheriff Comments at 7.

<sup>201</sup> *Id.*

<sup>202</sup> Amended Protocol at Article III, ¶ 4d.

<sup>203</sup> 47 C.F.R. § 90.672.

<sup>204</sup> See *800 MHz Report and Order*, 19 FCC Rcd at 14971-73 ¶¶ 1-3.

<sup>205</sup> *Id.* at 14971 ¶ 1.

adopted herein will further that goal by separating—to the greatest extent possible—public safety and other non-cellular licensees from licensees in the band that employ cellular technology. Furthermore, Sprint, the major commercial provider in the band, will benefit from the changes proposed herein by obtaining contiguous spectrum at the end of the program on which it will be able to transition to advanced wireless technologies.<sup>206</sup> Moreover, the relocation costs are further justified in this case because, with respect to the relocating incumbents, Sprint will be responsible for paying the minimum cost necessary to accomplish rebanding in a reasonable, prudent, and timely manner, and, with respect to Sprint itself, Sprint has received equitable compensation for the costs it will incur in the form of spectrum rights to the 1.9 GHz band.<sup>207</sup> We therefore conclude that the benefits of the rule changes adopted herein significantly outweigh the costs of reconfiguring the 800 MHz band.

#### IV. PROCEDURAL MATTERS

##### A. Regulatory Flexibility Analysis

89. Pursuant to the Regulatory Flexibility Act of 1980,<sup>208</sup> as amended, the Bureau's Final Regulatory Flexibility Analysis in this Order is attached as Appendix A.

##### B. Paperwork Reduction Act of 1995 Analysis

90. *Paperwork Reduction Act of 1995.* This document contains no new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13.<sup>209</sup>

##### C. Materials in Accessible Formats

91. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

#### V. ORDERING CLAUSES

92. Accordingly, IT IS ORDERED, pursuant to Sections 4(i), 303(b), 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(b), 316, 332, that this *Fifth Report and Order* IS ADOPTED.

93. IT IS FURTHER ORDERED that the amendments of the Commission's Rules set forth in Appendix D ARE ADOPTED, effective sixty days from the date of publication in the Federal Register.

94. IT IS FURTHER ORDERED that the Final Regulatory Flexibility required by Section 604 of the Regulatory Flexibility Act, 5 U.S.C. § 604, and as set forth in Appendix A herein is ADOPTED.

<sup>206</sup> See *Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees*, Report and Order, 27 FCC Rcd 6489 (2012).

<sup>207</sup> See *800 MHz Report and Order*, 19 FCC Rcd 15080-15125 ¶¶ 210-332.

<sup>208</sup> See 5 U.S.C. § 604.

<sup>209</sup> See OMB Control No. 3060-1080 for *Improving Public Safety Communications in the 800 MHz Band* (exp. September 30, 2014).

95. IT IS FURTHER ORDERED that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL SEND a copy of this *Fifth Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

96. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392 and pursuant to the *Second Memorandum Opinion and Order* in this proceeding, delegating authority to the chief of the Public Safety and Homeland Security Bureau to adopt band plans as necessary to conform to international agreements.<sup>210</sup>

FEDERAL COMMUNICATIONS COMMISSION

David S. Turetsky  
Chief, Public Safety and Homeland Security Bureau

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<sup>210</sup> Improving Public Safety Communications in the 800 MHz Band, *Second Memorandum Opinion and Order*, 22 FCC Red 10467, 10494 (2007).



## APPENDIX A

## Final Regulatory Flexibility Analysis

97. As required by the Regulatory Flexibility Act (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated into the *Fourth Further Notice of Proposed Rule Making (Fourth FNPRM)* of this proceeding. The Bureau sought written public comment on the IRFA. The RFA<sup>211</sup> requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”<sup>212</sup> The RFA generally defines “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”<sup>213</sup> In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.<sup>214</sup> A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).<sup>215</sup> The present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

#### A. Need for, and Objectives of, the Proposed Rules

98. In the *Fifth Report and Order*, we adopt a channel plan for reconfiguring the 800 MHz band along the U.S.-Mexico border. The channel plan we adopt in the *Fifth Report and Order* will be incorporated into the Commission’s rules and is needed to implement and complete the Commission’s band reconfiguration program along the U.S.-Mexico border. The Commission ordered reconfiguration of the 800 MHz band to address an ongoing nationwide problem of interference created by a fundamentally incompatible mix of technologies in the band.<sup>216</sup> The Commission determined to resolve the interference by reconfiguring the band to spectrally separate incompatible technologies.<sup>217</sup> The Commission delegated authority to the Bureau in May 2007 to propose and adopt a channel plan for implementing band reconfiguration along the U.S.-Mexico border.<sup>218</sup> The band plan we adopt in the *Fifth*

<sup>211</sup> See 5 U.S.C. § 603. The RFA, see 5 U.S.C. § 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

<sup>212</sup> See 5 U.S.C. § 605(b).

<sup>213</sup> 5 U.S.C. § 601(6).

<sup>214</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of “small business concern” in Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

<sup>215</sup> 15 U.S.C. § 632.

<sup>216</sup> See *Improving Public Safety Communications in the 800 MHz Band, Report and Order*, WT Docket No. 02-55, 19 FCC Rcd 14969 (2004) (*800 MHz Report and Order*).

<sup>217</sup> *Id.* at 14872-73 ¶¶ 2-3.

<sup>218</sup> *Improving Public Safety Communications in the 800 MHz Band, Second Memorandum Opinion and Order*, WT Docket No. 02-55, 22 FCC Rcd 10467, 10494-95 (2007) (*800 MHz Second Memorandum Opinion and Order*).

*Report and Order* will separate incompatible technologies along the U.S.-Mexico border and thus resolve the ongoing interference problem in that region.

**B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA**

99. There were no comments filed that specifically addressed the rules and policies proposed in the IRFA.

**C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply**

100. The RFA directs agencies to provide a description of and an estimate of the number of small entities to which the rules will apply.<sup>219</sup> The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."<sup>220</sup> In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.<sup>221</sup> A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.<sup>222</sup> Below, we provide an estimate of the number of small entities to which the rules the adopted in this *Fifth Report and Order* will apply.

101. *Private Land Mobile Radio Licensees (PLMR)*. PLMR systems serve an essential role in a range of industrial, business, land transportation, and public safety activities. These radios are used by entities of all sizes operating in all U.S. business and public sector categories, and are often used in support of the licensee's primary (non-telecommunications) operations. For the purpose of determining whether a licensee of a PLMR system is a small entity as defined by the SBA, we use the broad census category, Wireless Telecommunications Carriers (except Satellite). This definition provides that a small entity is any such entity employing no more than 1,500 persons.<sup>223</sup> The Commission does not require PLMR licensees to disclose information about number of employees, so the Commission does not have information that could be used to determine how many PLMR licensees constitute small entities under this definition. We note that PLMR licensees generally use the licensed facilities in support of other business and governmental activities, and therefore, it would also be helpful to assess PLMR licensees under the standards applied to the particular industry subsector to which the licensee belongs.<sup>224</sup>

<sup>219</sup> 5 U.S.C. § 604(a)(4).

<sup>220</sup> 5 U.S.C. § 601(6).

<sup>221</sup> 5 U.S.C. § 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. § 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register." 5 U.S.C. § 601(3).

<sup>222</sup> Small Business Act, 15 U.S.C. § 632 (1996).

<sup>223</sup> See 13 C.F.R. §121.201, NAICS code 517210.

<sup>224</sup> See generally 13 C.F.R. §121.201.

102. As of March 2013, there were approximately 250 PLMR licensees operating in the PLMR band between 806-824/851-869 MHz along the U.S. - Mexico border.<sup>225</sup>

**D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements**

103. The *Fifth Report and Order* does not adopt a rule that will entail additional reporting, recordkeeping, and/or third-party consultation or other compliance efforts beyond those already approved for this proceeding.<sup>226</sup>

**E. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered**

104. The RFA requires an agency to describe the steps it has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including the agency's reasoning for not adopting significant alternatives to the rules adopted.<sup>227</sup>

105. The *Fifth Report and Order* creates no significant economic impact on small entities because Sprint Nextel Corporation will pay all reasonable costs associated with retuning incumbent licensees to the post-reconfiguration channel plan adopted by the Bureau. Further, once the channel plan adopted in the *Fifth Report and Order* is implemented, PLMR licensees will no longer be subject to on-going interference in the band and will therefore save costs that would otherwise be associated with resolving interference.

**B. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules**

106. None.

<sup>225</sup> This estimate was provided by the 800 MHz Transition Administrator (TA). The TA is an independent party charged with overseeing reconfiguration of the 800 MHz band. See Wireless Telecommunications Bureau Concur with Search Committee Selection of a Transition Administrator, *Public Notice*, WT Docket No. 02-55, 19 FCC Rcd 21923 (2004). See also <http://www.800ta.org/>.

<sup>226</sup> See OMB Control No. 3060-1080 for Improving Public Safety Communications in the 800 MHz Band (exp. September 30, 2014).

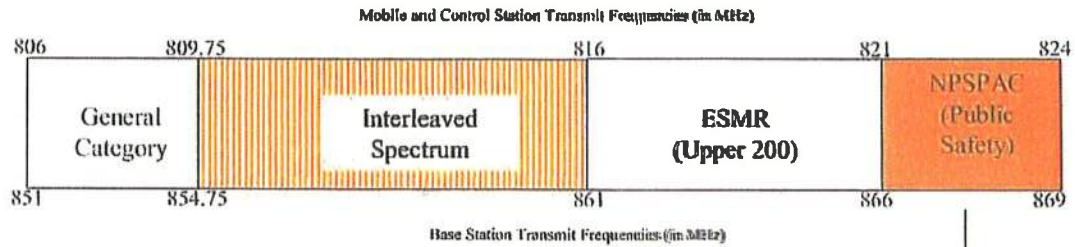
<sup>227</sup> 5 U.S.C. § 604(a)(6).

**APPENDIX B**

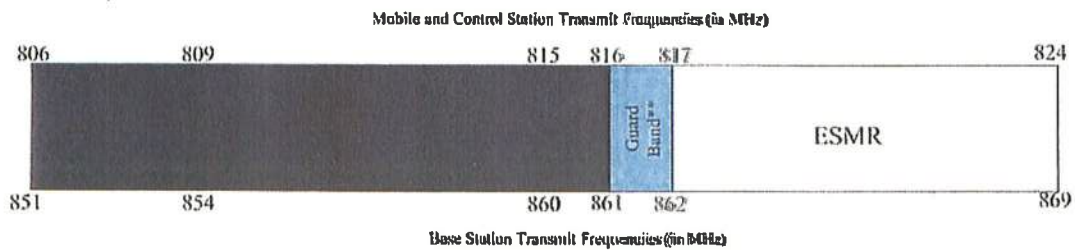
**U.S. – Mexico Sharing Zone**

APPENDIX C-1

Pre-Rebanding Channel Plan



Post-Rebanding Channel Plan

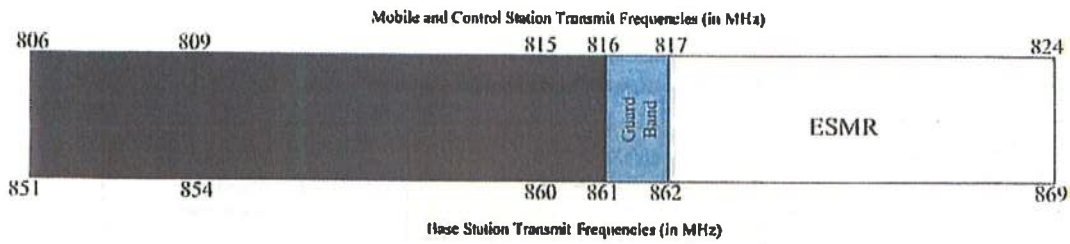


\* No public safety licensee will be required to remain in or relocate to the Expansion Band; although it may do so if it so chooses.

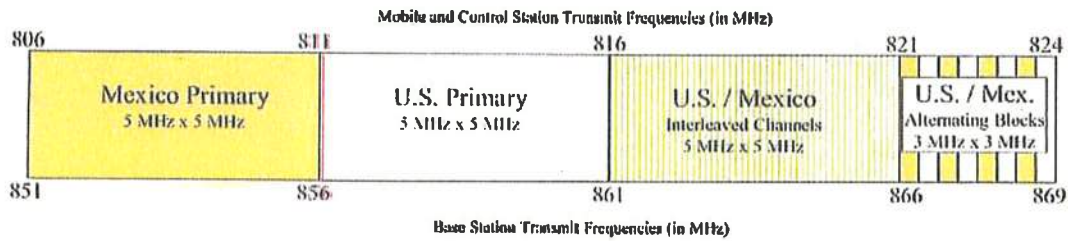
\*\* No public safety or CII licensee may be involuntary relocated to the Guard Band.

APPENDIX C-2

**Post-Rebanding Channel Plan  
(non-border)**



**Previous Distribution of Primary Spectrum in Sharing Zone  
(Based on 800 MHz Protocol)**



- Mexico Primary
- U.S. Primary

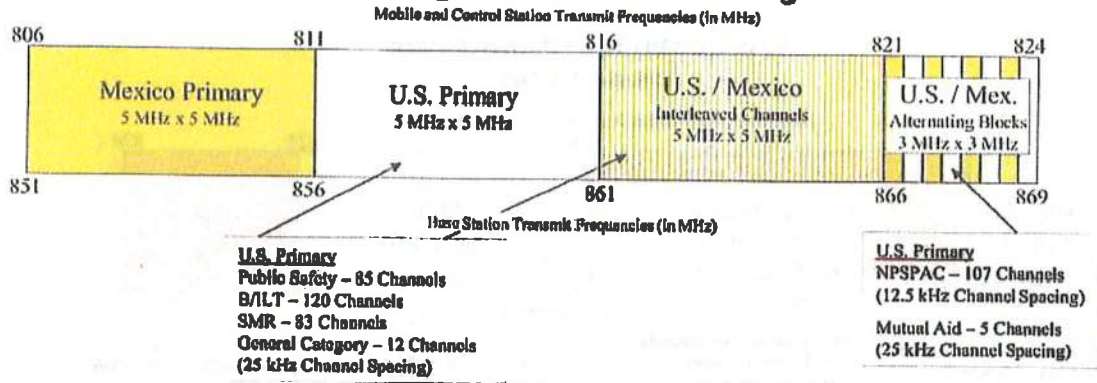
APPENDIX C-3

**Updated Distribution of Primary Spectrum in Sharing Zone  
(Based on Updated 800 MHz Protocol)**

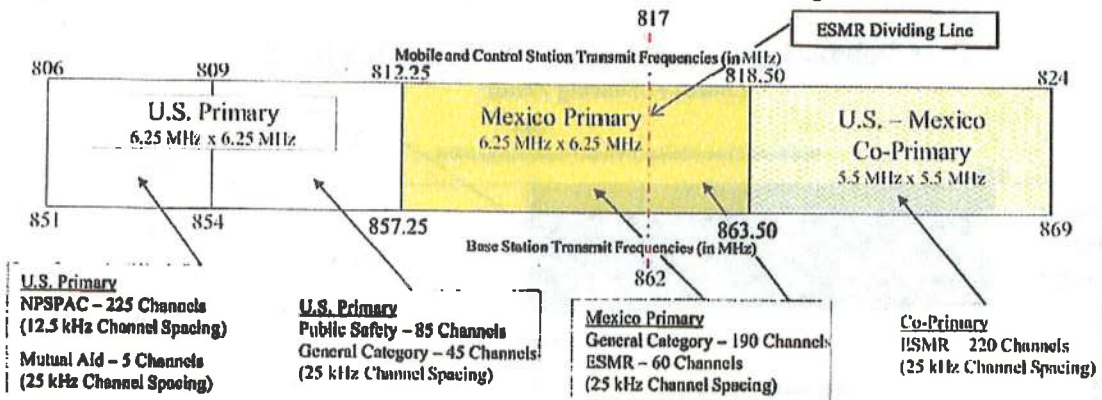


APPENDIX C-4

**Pre-Rebanding Channel Plan in Sharing Zone**



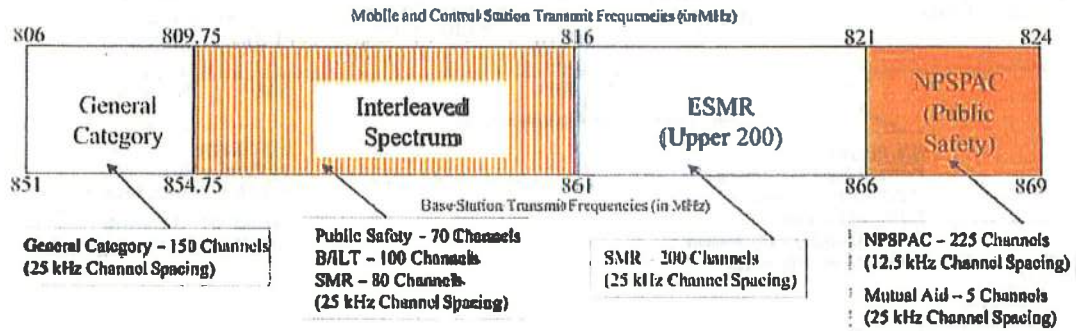
**Post-Rebanding Channel Plan in Sharing Zone**



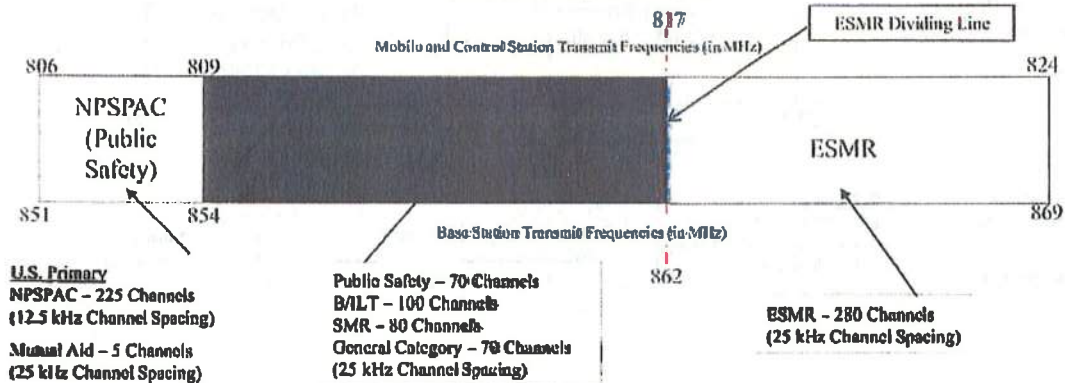


APPENDIX C-5

**Pre-Rebanding Channel Plan  
(Non - Border)**

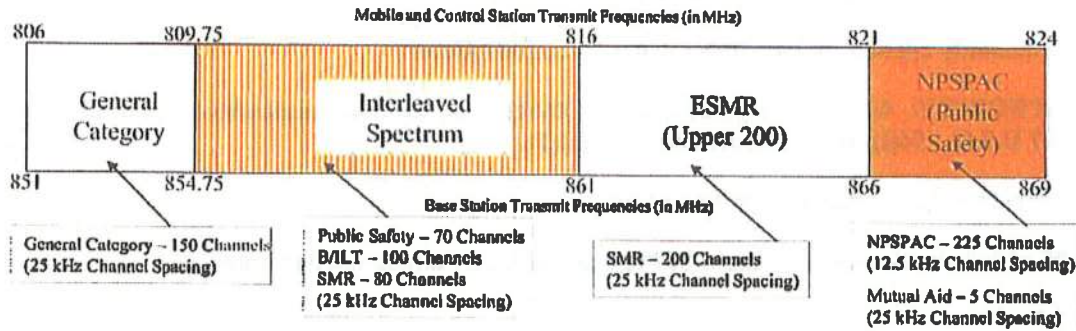


**Post-Rebanding Channel Plan - NPSPAC Region 5  
(North of Sharing Zone)**

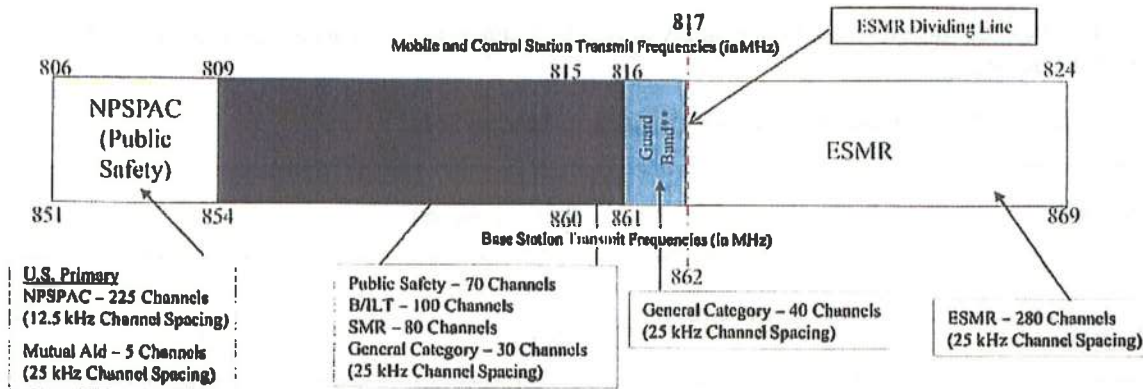


APPENDIX C-6

**Pre-Rebanding Channel Plan  
(Non - Border)**



**Post-Rebanding Channel Plan - NPSPAC Region 3, 29, 50 and 53  
(North of Sharing Zone)**



\* No public safety licensee will be required to remain in or relocate to the Expansion Band; although it may do so if it so chooses.

\*\* No public safety or CII licensee may be involuntary relocated to the Guard Band.

## APPENDIX D

## Final Rules

**PART 90 – PRIVATE LAND MOBILE RADIO SERVICES**

The authority citation for Part 90 continues to read as follows:

**AUTHORITY:** 4(i), 11, 303(g), 303(r), and 302(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

Section 90.619(a) is modified to read as follows:

**§ 90.619 Operations within the U.S./Mexico and U.S./Canada border areas.**

\* \* \* \* \*

(a) *Use of frequencies in 800 MHz band in Mexico border region.* All operations in the 806–824/851–869 MHz band within 110 km (68.35 miles) of the U.S./Mexico border (“Sharing Zone”) shall be in accordance with international agreements between the U.S. and Mexico.

(1) The U.S. and Mexico divide primary access to channels in the Sharing Zone as indicated in Table A1 below.

Table A1 – U.S. and Mexico Primary Channels in Sharing Zone

Channels	Primary Access
1-360	U.S.
361-610	Mexico
611-830	U.S.-Mexico Co-Primary

(2) Stations authorized on U.S. primary channels in the Sharing Zone are subject to the effective radiated power (ERP) and antenna height limits listed below in Table A2.

Table A2 – Limits on Effective Radiated Power (ERP) and Antenna Height

Average of the Antenna Height Above Average Terrain on Standard Radials in the Direction of the Common Border (Meters) <sup>1</sup>	Maximum ERP in Any Direction Toward the Common Border per 25 kHz (Watts)
0 to 503	500
Above 503 to 609	350
Above 609 to 762	200
Above 762 to 914	140
Above 914 to 1066	100
Above 1066 to 1219	75
Above 1219 to 1371	70
Above 1371 to 1523	65
Above 1523	5

<sup>1</sup> Standard radials are 0°, 45°, 90°, 135°, 180°, 225°, 270° and 315° to True North. The height above average terrain on any standard radial is based upon the average terrain elevation above mean sea level.

(3) Stations may be authorized on channels primary to Mexico in the Sharing Zone provided the maximum power flux density (PFD) at any point at or beyond the border does not exceed -107 db(W/m<sup>2</sup>) per 25 kHz of bandwidth. Licensees may exceed this value only if all potentially affected counterpart operators in the other country agree to a higher PFD level.

(4) Stations authorized on U.S.-Mexico co-primary channels in the Sharing Zone are permitted to exceed a maximum power flux density (PFD) of -107 db(W/m<sup>2</sup>) per 25 kHz of bandwidth at any point at or beyond the border only if all potentially affected counterpart operators of 800 MHz high density cellular systems, as defined in § 90.7, agree.

(5) Channels in the Sharing Zone are available for licensing as indicated in Table A3 below.

Table A3 – Eligibility Requirements for Channels in Sharing Zone

Channels	Eligibility Requirements
1-230	Report and Order of Gen. Docket No. 87-112
231-315	Public Safety Pool

316-550	General Category
551-830	Special Mobilized Radio for 800 MHz High Density Cellular

(i) Channels 1-230 are available to applicants eligible in the Public Safety Category. The assignment of these channels will be done in accordance with the policies defined in the Report and Order of Gen. Docket No. 87-112 (See § 90.16). The following channels are available only for mutual aid purposes as defined in Gen. Docket No. 87-112: channels 1, 39, 77, 115, 153. 800 MHz high density cellular systems as defined in § 90.7 are prohibited on these channels.

(ii) Channels 231-315 are available to applicants eligible in the Public Safety Category which consists of licensees eligible in the Public Safety Pool of subpart B of this part. 800 MHz high density cellular systems as defined in § 90.7 are prohibited on these channels.

(iii) Channels 316-550 are available in the General Category. All entities are eligible for licensing on these channels. 800 MHz high density cellular systems as defined in § 90.7 are prohibited on these channels.

(iv) Channels 551-830 are available to applicants eligible in the SMR category—which consists of Specialized Mobile Radio (SMR) stations and eligible end users. ESMR licensees who employ 800 MHz high density cellular systems, as defined in § 90.7, are permitted to operate on these channels.

(6) Stations located outside the Sharing Zone (i.e. greater than 110 km from the border) are subject to the channel eligibility requirements and provisions listed in §§ 90.615 and 90.617 except that stations in the following counties are exempt from the requirements of paragraph (k) of § 90.617:

*California:* San Luis Obispo, Kern, San Bernardino, Santa Barbara, Ventura, Los Angeles, Orange and Riverside.

**APPENDIX E**

**List of Commenting Parties**

**Comments**

San Diego County Sheriff's Department  
Orange County Sheriff's Department  
800 MHz Public Safety Border Licensees  
Sprint Nextel Corporation  
Peak Relay Inc.  
City of San Diego  
Raymond L. Grimes

**Reply Comments**

The 800 MHz Public Safety Border Area Licensees  
Sprint Nextel Corporation  
Orange County Sheriff's Department  
City of Laredo, Texas



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO**

### PROJECT INTRODUCTION

The FCC ordered the reconfiguration of the 800 MHz band to improve public safety communications and to minimize increasing levels of interference caused by having both commercial wireless cellular systems and critical public safety communications systems operating in the same band. As part of the 800 MHz reconfiguration effort, most if not all of the existing San Diego Metropolitan Transportation System (MTS) and North County Transit District (NCTD) licensed frequencies will be relocated to other frequencies, likely lower in the 800 MHz frequency band. As such, MTS and NCTD need to develop the requisite plans on how this movement in radio spectrum is to be accomplished as well as cost for this movement.

NCTD and MTS have agreed that MTS will represent both agencies with regard to the 800 MHz rebanding effort due to the sharing of RTMS and MTS's overall RTMS management responsibility.

Sprint Nextel will fund all required relocations.

Macro has developed the attached work plan as per MTS direction in order to accommodate the required 800 MHz rebanding requirements brought about by several recent FCC documents that include:

- FCC Fourth Further Notice of Proposed Rule Making, DA 12-1343 – August 17, 2012
- FCC 5<sup>th</sup> Report & Order (R&O), DA 13-586 – effective date August 24, 2013

As per the 5<sup>th</sup> R&O, remaining Mexican border area licensees have 60 days following the effective date of the R&O to submit a request for planning funding (RFPF) to the 800 MHz transition administrator (TA) for subsequent negotiations with Sprint. These licensees have licensed repeater locations within the FCC-defined Mexico border region, defined as the area within 110 km (68.4 miles) of the U.S.-Mexico border. The FCC established the TA as an independent party to oversee the administrative and financial aspects of the band reconfiguration process. The 800 MHz Transition Administrator, LLC (TA) serves as the administrator for the reconfiguration of the 800 MHz Band mandated by the FCC. The TA has contracted with several companies to perform its duties. Among its duties, the TA establishes reconfiguration guidelines, specifies replacement channels, reviews reconfiguration cost estimates, monitors payment of reconfiguration costs, manages the relocation schedule, facilitates issue resolution, and administers the dispute resolution processes.

With the RFPF complete, Sprint and MTS will negotiate a planning funding agreement (PFA). MTS will then develop the plans and costs for how the frequency-dependent equipment (base stations, combiners, receive multicouplers, control stations and antennas, mobile radios and



# Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** →

antennas, portable radios, intelligent vehicle units, and cabling) will be retuned, reconfigured, or replaced. Once these plans are established and costs estimated, MTS and Sprint will enter into a Frequency Reconfiguration Agreement (FRA).

MTS will use the engineering consultant, Macro Corporation (Macro) for the radio frequency engineering, project management, RFPF development, PFA negotiations and formulation, and development of the FRA SOW and cost estimate. For the RFPF and PFA, Macro will perform the analyses and services described below, and will provide written documentation to MTS and the TA of the findings. Findings will be included as part of our planning and the subsequent FRA scope of work and cost estimate inputs.

## 1.0 SYSTEM DESCRIPTION

MTS operates and manages a conventional simulcast voice and data radio system consisting primarily of Motorola radio equipment and Xerox data equipment (referred to as the Regional Transit Management System, or RTMS). The RTMS provides messaging capability between the MTS fixed-route buses, field supervisor vehicles, maintenance vehicles, and the MTS dispatch center. MTS is licensed to operate five 800 MHz channels over seven radio sites under FCC license call signs KTL687 and WQCS924.

NCTD also uses the RTMS via conventional simulcast voice and data radio system consisting primarily of Motorola radio equipment and Xerox data equipment. The RTMS provides messaging capability between the NCTD fixed-route buses, field supervisor vehicles, maintenance vehicles, and the NCTD dispatch center. NCTD is licensed to operate two 800 MHz channels over five radio sites under FCC license call sign WNJQ275.

The following table summarizes the three existing FCC licenses, provides the current fixed site radio transmit frequencies, and shows the usage of each frequency:

Frequency (MHz)	Agency	Usage	License Call Sign
856.3250000	MTS	Data	KTL687
857.3250000	MTS	Voice	KTL687
858.3250000	MTS	Voice	KTL687
859.3250000	MTS	Voice	KTL687
860.3250000	MTS	Voice	KTL687/WQCS924
859.2750000	NCTD	Voice	WNJQ275
860.3500000	NCTD	Data	WNJQ275

The RTMS radio system is configured as a two zone simulcast system with a five site southern zone providing mobile radio coverage predominantly for MTS and the three site northern zones





**Macro Proposal for Support  
of the 800 MHz Rebanding Project**

**MACRO** →

providing mobile radio coverage predominantly for NCTD. There is an area of mobile radio coverage overlap which is common to both simulcast zones. The prime site for the radio system is located at the MTS headquarters building. Of the seven radio channels used by the RTMS, one of the channels functions as a shared resource between MTS and NCTD. Two of the fixed radio sites are common to both agencies and incorporate all seven of the licensed channels. One channel is common to six of the seven MTS licensed sites. Both agencies operate their own independent control rooms and monitor the fielded operation of their respective vehicle fleets.

Along with other spare equipment, MTS also has all of the equipment necessary for a new, three channel radio site. During the initial RTMS project, this equipment was to be installed at the Buffalo Bump radio site for use by North County. However this equipment was never installed and MTS uses this equipment as spare radio site equipment.

All fixed radio sites are equipped with base stations, combiners, receiver multicouplers, separate receive and transmit antennas, filters, comparators, and cabling. All fixed radio sites are interconnected with microwave backhauls or commercial T1 lines. There are four sites that have control stations, control station antennas, and desk sets installed.

The RTMS onboard vehicle equipment includes mobile radios, mobile radio antenna, radio cabling, and intelligent vehicle units (IVU, the onboard computer). These IVUs are used to control the mobile radio and as such, have programming specific to the RTMS available frequencies. Therefore, the IVUs will require some level of retuning or reprogramming under this rebanding work.

The approximate number of mobile, portable, and control station radio equipment and intelligent vehicle units (IVUs) that will need to be retuned and/or reprogrammed for MTS and NCTD are as follows:

	<b>MTS</b>	<b>NCTD</b>
<b>Mobile Radios</b>	<b>308</b>	<b>198</b>
<b>Portable Radios</b>	<b>10</b>	<b>0</b>
<b>Control Station Radios</b>	<b>3</b>	<b>3</b>
<b>IVUs</b>	<b>308</b>	<b>198</b>
<b>Totals</b>	<b>629</b>	<b>399</b>

The above numbers are approximate as the system inventory has yet to be accomplished and do not include spares which exist for most of the above equipment types as well.



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** →

MTS is in the process of a major RTMS upgrade and as part of this upgrade, up to 289 additional MTS subscriber units may be added. Due to the timing of this RTMS upgrade, it is uncertain if these new subscriber units will need to be retuned under the 800 MHz rebanding effort.

MTS and NCTD are governmental agencies that provide oversight to the various public transit service providers within San Diego County. Several transportation-related contractors operate on the RTMS radio voice and data system. The system was installed in 2005. MTS services a 716 square mile area and a population of 1.96 million people and NCTD services a 403 square mile area and a population of 850,000 people.

Below is our proposed work plan that maps directly to the RFPF document structure. As such, some of the RFPF tasks (2.4, 4.1, 6.2, and 7.0), while represented in the work plan, do not require any work and are simply included for RFPF mapping. Some of the text used herein will be reused in the generation of the RFPF in order to minimize costs.

### 2.0 FREQUENCY ANALYSIS

#### 2.1 Co-Channel/Adjacent Channel Analysis

Macro will verify the co-channel spacing environment for the new non-NPSPAC channel assignments, as proposed by the TA under the frequency planning report (FPR) expected to be available in mid-June 2013. Macro will prepare an initial report consisting of site-to-site spacing tables and FCC contour maps (if short spacing is indicated) showing the comparability of the new TA proposed frequencies to the existing MTS frequencies relative to other licensees located less than 113 km from each of the eight MTS and NCTD transmitter sites. For subsequent reports, the existing frequencies analysis will not have to be rerun.

As suggested by the 800 MHz Band Reconfiguration Handbook (Release 4.0, page 62), Macro will evaluate the proposed frequencies and location information four times to ascertain that no co-channel licensees and locations exist that are not in compliance with FCC short-spacing rules. These co-channel environment evaluations will occur:

- Prior to execution of the FRA (initial)
- Prior to actual reconfiguration
- *While assessing unresolved issues after reconfiguration (during the implementation phase, not proposed at this time)*
- *Prior to closing the FRA (during the closing phase, not proposed at this time)*

***Deliverables – Co-channel Spacing Table & FCC Contour Map Reports***



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** →

### 2.2 Combiner & Receiver Multi-Coupler Suitability

Macro will assess the performance of the proposed replacement frequencies relative to the existing MTS and NCTD transmit combiners, receiver multi-coupler systems, filters (preselectors), and antenna systems. This assessment will determine the suitability of these existing devices and cabling which have frequency dependent performance characteristics. The objective of this task is to determine if the existing components and cabling can be reused and retuned for operation on the proposed replacement frequencies without performance degradation. The compatibility of all transmitter combiners, receiver multicouplers and antenna systems will be identified and necessary replacements noted in the suitability report.

***Deliverable – Combiner & Multicoupler Suitability Report***

### 2.3 Intermodulation Study

Using the new frequencies as proposed in the FPR, Macro will perform an intermodulation (IM) study for each base station radio site where multiband transmitters of other wireless operators are co-located or located within close proximity. Based on our initial surveys, seven of the eight sites will require IM studies. The IM studies will identify specific forms of harmful interference affecting base station receivers as produced by other nearby base station transmitters that may degrade system performance on the post-reconfiguration channel assignments. The study results will identify potential IM product frequencies which could substantially impair the reconfigured MTS and NCTD fixed, co-located receivers. The IM study will include recommendations (e.g., filtering and channel replacement) necessary to remedy potential IM interference.

***Deliverable – Per Site IM Analysis Report***

### 2.4 Other Frequency and Interference Analysis

*Not applicable.*

## 3.0 SYSTEM INVENTORY

Macro personnel will perform these inventories in conjunction with Day Wireless personnel. Infrastructure inventories will largely be conducted by site visits to all eight radio sites and the four control station sites and recording the necessary information for any equipment that may be affected by the 800 MHz rebanding project change of operating frequencies. Macro will also inventory any known available spare equipment such as the Buffalo Bump radio site equipment that is to be used at the San Ysidro radio site. The subscriber inventory will largely consist of Macro acquiring and validating lists of RTMS outfitted vehicles and reviewing spares of mobile



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** >>>

radios, antennas, and IVUs. All vehicles will not be visited. Where possible for the subscriber inventories, Macro will collect and record serial numbers, model numbers, version numbers, software release information, etc. Pictures of radio site equipment will be collected as appropriate. For fixed-site antennas, Macro will rely on the information recorded from previous work on the system or installation information from the original project.

### 3.1 Infrastructure Inventory

Macro will develop an inventory for all affected MTS and NCTD 800 MHz infrastructure equipment and software for reconfiguration. The devices included in the inventories will be limited to frequency dependent devices such as radio base stations, control stations, desk sets, combiners, receive multicouplers, RF filters, antennas, and cabling. These inventories will span all eight transmitter sites as well as two control points, and satellite facilities where RTMS radio equipment exists. The inventories will include manufacturer information, model numbers, software versions, system platform release versions, and hardware configuration.

*Deliverable – MTS Infrastructure Inventories*

*Deliverable – NCTD Infrastructure Inventories*

### 3.2 Subscriber Equipment Inventory

Macro will develop an inventory all affected MTS and NCTD 800 MHz onboard subscriber mobile radio and data equipment to be used as a basis for the PFA and FRA. The devices included in the inventories will be limited to frequency dependent devices such as mobile radios, antennas, cabling, and IVUs. These inventories will span all outfitted vehicle fleets at the time of the reconfiguration and will include information such as unit family name, model number, and software version number.

*Deliverable – MTS Subscriber Equipment Inventory*

*Deliverable – NCTD Subscriber Equipment Inventory*

## 4.0 ENGINEERING/IMPLEMENTATION PLANNING

MTS and Macro will each have assigned tasks in the planning, reconfiguration methodology, transition plan, vendor's statement of work and cost estimates, testing plan, and evaluation of the final outcome for comparability. Macro will present to the MTS project manager (PM) the proposed transition methodology, testing plan, and the scope of work envisioned for the involved vendors.



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** >>>

### 4.1 Interoperability Planning

*Not applicable.*

### 4.2 Site Reconfiguration Planning

Macro will generate a reconfiguration design which will consist of at a minimum method of procedure document, cutover plans, and system test plans.

#### 4.21 Method of Procedure

Macro will develop a planning document entitled Method of Procedure which details the high level process steps, timeline, measurable deliverables, resources needed, and cutover steps. Where applicable, contingency planning required to effectively reband the RTMS will be provided in the least disruptive manner.

***Deliverable – Method of Procedure***

#### 4.22 Cutover & Fallback Plan

Macro will develop and define a high level cut-over plan and fallback plan to ensure consistent operation of all system functionality throughout the rebanding process. This will include meetings to review plans with MTS and NCTD and will also involve Xerox and Day Wireless contract personnel.

***Deliverable – Cutover & Fallback Plan***

#### 4.23 Baseline & Acceptance Test Plans

Macro will direct the vendor development of the baseline and acceptance test plans to demonstrate comparable facility of the new radio system frequencies to that of the existing radio system. This will largely be accomplished via the vendor contracts,

The baseline test plan will be developed to measure the existing system performance based on the existing system and its inherent functionality prior to the start of the rebanding process. This document shall be submitted to for review by MTS and Macro. Reviews based on several revisions of this plan are included in the proposed hours.

***Deliverable – Baseline Test Plan***



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** →

The acceptance test plan will be developed to measure the rebanded system performance based on the rebanded RTMS after the rebanding process is complete. This testing will largely be a duplication of baseline test plan and may include additional functional testing MTS requires after rebanding.

### *Deliverable – Acceptance Test Plan*

#### **4.24 Vendor SOW Development, Proposal Review, & Contract Negotiation**

Macro will develop separate draft Contractor SOW for Xerox and Day Wireless as illustrated below. A request for proposal to Xerox and Day Wireless will be issued that consists of the SOW and MTS-developed terms and conditions. Each vendor will respond with a proposal that Macro will review. Following this review, a contract for each vendor will be negotiated.

Xerox SOW – This SOW will be targeted for the changes and cutover approaches for the Xerox onboard vehicle equipment INI changes necessary as well as the fixed-end RTMS changes and cutover approaches necessary to the communications processors and workstation software. This effort is expected to include the following areas of effort for Xerox to support:

- Software development and factory test of RTMS configuration changes
- Perform initial and final RTMS configuration change
- Provide updated service hardware, software, and documentation.

Day Wireless SOW – This SOW will be used to complete the changes and cutover approaches for the fixed-site and onboard radio system retuning necessary for the rebanding efforts including the development of new radio code blocks (plugs) and updating each mobile and fixed-site radio with the new frequencies at the appropriate time.

- Reconfigure all subscriber equipment including control stations.
- Order and install new pre-tuned combiners or, retune existing combiners
- Reprogram base stations for voice fallback channel
- Reconfigure base stations at MTS sites
- Reconfigure base stations at NCTD sites
- Provide updated service hardware, software & docs

For both MTS will develop separate sets of contract terms and conditions for both SOWs. Macro will review these terms and conditions and recommend any changes as appropriate.

Following MTS's review and comment of the SOWs, Macro will incorporate MTS's requested changes and issue to MTS a final SOW version in electronic form.



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** >>>

Macro will review the commercial, technical, and cost content of the two vendor proposals. We will provide to MTS written comments concerning the compliance to the SOW, cost, and other notable aspects of the proposals. After our initial review, we will draft and submit to MTS a set of written questions on the proposal to be issued to the vendors. We will review the received responses to these questions, followed immediately by our team generating and submitting to MTS a final set of comments and notes on each proposal.

### *Deliverables: Vendor SOWs*

### *Deliverables: Comments on the Vendor Proposals*

#### **4.25 Develop FRA SOW & Cost Estimate**

Based on the work included in this work plan, Macro will develop the final FRA SOW and cost estimates. The FRA SOW will include such items as the previously developed vendor SOWs, vendor proposals, Macro's planning SOW, and Macro's implementation SOW.

#### **4.3 Retune/Reprogram/Replace Determination**

Suitability Assessment – Based on the detailed system inventories of the MTS and NCTD infrastructure and subscriber equipment included in this work, Macro will assess the suitability of the equipment for rebanding. This evaluation of the subscriber equipment will provide a retune, reprogram, upgrade or replace decision for each piece of equipment in the system that is affected by rebanding. Activities will include:

- Formatting MTS's inventory data for assessment.
- Engineering analysis of equipment.
- Equipment list generation of required kits, software, or upgrades required by each piece of equipment to be reconfigured.

### *Deliverable – Suitability Assessment Report*

#### **5.0 LEGAL COSTS**

##### **5.1 PFA Negotiations**

MTS will utilize the services of in-house legal counsel for the purposes of negotiations with the TA and Sprint Nextel. Macro will provide some technical support should MTS require such during PFA negotiations.



## **Macro Proposal for Support of the 800 MHz Rebanding Project**

**MACRO** →

### **5.2 PFA Contract Review**

MTS and Macro will review the agreed-to PFA prior to final approval.

### **5.3 FRA Negotiations**

MTS will utilize the services of in-house legal counsel for the purposes of FRA negotiations with the TA and Sprint Nextel. Macro will provide technical support as requested by MTS during FRA negotiations.

### **5.4 FRA Contract Review**

Macro will review the agreed-to FRA prior to final approval as requested by MTS.

## **6.0 PROJECT MANAGEMENT**

Macro has been assigned the PM duties for this project. Macro's PM will report to MTS PM, Mr. Stevan White, on all activities.

### **6.1 Planning Support**

Macro will provide overall project oversight for MTS and will provide the initial planning documents necessary to apply for planning funding. By MTS direction, Macro's estimate for implementation phase funding is not included herein.

#### **6.11 General Support**

The Macro PM will oversee the project plan for the rebanding effort to ensure a smooth execution of all deliverables and that the requirements of MTS and NCTD are fully met. The Macro PM will participate in all major activities associated with the reconfiguration planning activities described in this SOW and in the RFPF.

Where needed, Macro will review the details of the rebanding plan and assist with clarifications which may be required from Sprint Nextel or the Transition Administrator.

#### **6.12 Request for Planning Funding Development**

Macro will develop the initial RFPF document for MTS and NCTD. This effort includes all work associated with the generation of this document including:

- Review of 5<sup>th</sup> Report & Order DA 12-586
- Planning meetings





## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** →

- MTS/NCTD coordination meetings
- Establishing RFPF requirements via 800 MHz Rebanding Handbook and other TA resource documents
- TA discussions
- Review of previous Macro 800 MHz rebanding work efforts
- Obtaining the RFPF form and development of requisite minimum text necessary to satisfy 800 MHz rebanding requirements

Once completed and submitted to the TA, Macro will provide for updating this document one time based on TA comments.

***Deliverables: Initial RFPF document and one update***

### 6.13 Biweekly telecons

Macro will participate and lead bi-weekly teleconference discussions for the coordination of the 800 MHz rebanding project. Macro will prepare an agenda for each call based on the current status of the project, ongoing and outstanding activities, and the overall schedule. Macro will issue a brief set of notes following each telecon.

***Deliverables: Biweekly Teleconference Agenda & Notes***

### 6.14 Meetings

The MTS and Macro PMs will set up and coordinate three planning meetings during the project. The first of these meetings will be a kickoff meeting at which the following topics will be discussed and initiated:

- Overall project tasks
- Project roles
- Schedule
- MOP
- Cut over and fallback planning
- Test planning

The subsequent meeting will be held to determine the status of the schedule, activities, planning effort, action item status. Macro will prepare meeting agendas and provide these agendas to all participants. After the conclusion of the meetings, Macro will develop and send meeting notes.

***Deliverables: Meeting Agenda & Notes***



## Macro Proposal for Support of the 800 MHz Rebanding Project

**MACRO** →

### 6.15 Project Schedule Development & Updates

Macro will develop and maintain an 800 MHz rebanding project schedule over the course of the project. This schedule will show sufficient minimum detail necessary to support the satisfactory completion of the work, coordinate with NCTD and any engaged contractors, show major project milestones, and project deliverables.

*Deliverables: Periodic Schedule of Activities*

### 6.16 Action Item Management

Using an MS Excel spreadsheet, Macro will develop, maintain, and periodically distribute an 800 MHz rebanding project action items. This list will include action item short name, description, opened and closed dates, due date, assigned party and activities for each action item. Macro will track all project action items and will manage the completion of each action item.

*Deliverables: Master Project Action Item List*

### 6.17 MTS & NCTD Agency Coordination

As the 800 MHz rebanding PM, Macro will coordinate all activities between MTS and NCTD, ensuring that the requirements of both parties are being established and attended to as necessary.

### 6.2 Negotiations Support

*Not applicable.*

### 7.0 Other

*Not applicable.*

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
800 MHz REBANDING PROJECT - PLANNING & NEGOTIATION PHASE  
ESTIMATED HOURS / TASK**

WBS Task	Task/Subtask Description	PM Hours	Radio Engr 1 Hours	Radio Engr 2 Hours	Travel	
					Trips	Work days
<b>2.0</b>	<b>Frequency Analysis</b>					
2.1	Co-Channel/Adjacent Channel Analysis (2x)	2		20		
2.2	Combiner & RX Multicoupler Suitability	2		16		
2.3	Intermodulation Study	2		40		
2.4	Other Frequency & Interference Analysis - <i>Not applicable</i>					
<b>3.0</b>	<b>System Inventory</b>					
3.1	Infrastructure Inventories - MTS & NCTD	2		64	1	6
3.2	Subscriber Equipment Inventories - MTS & NCTD	2		12		
<b>4.0</b>	<b>Engineering &amp; Implementation Planning</b>					
4.1	Interoperability Planning - <i>Not applicable</i>					
4.2	Site Reconfiguration Planning					
4.21	Method of Procedures	16	8	16		
4.22	Cutover & Fallback Plan	40		32		
4.23	Baseline & Acceptance Test Plan	24		40		
4.24	Vendor SOW Development, Proposal Review, Negotiations	56		16		
4.3	Retune, Reprogram, Replace Determination	4		16		
<b>5.0</b>	<b>Legal Costs</b>					
5.1	PFA Negotiations (three sessions, one onsite, two via telecon)	34	4	12	1	3
5.2	PFA Contract Review (one review)	4		2		
5.3	FRA Negotiations	8		2		
5.4	FRA Contract Review	4				
<b>6.0</b>	<b>Project Management</b>					
6.1	Planning Support					
6.11	General PM Support (Level of Effort at 3 hrs/wk for 10 months)	120				
6.12	Request for Planning Funding Development	40		32		
6.13	Biweekly Telecons (1.5 hours per call)	30		8		
6.14	Meetings	81		24	3	9
6.15	Project Schedule Development & Updates	24				
6.16	Action Item Management (1 hours/week)	40				
6.17	MTS & NCTD Agency Coordination	24				
6.2	Negotiation Support - <i>Not applicable</i>					
7.0	Other - <i>Not applicable</i>					
	<b>TOTAL</b>	<b>559</b>	<b>12</b>	<b>352</b>	<b>5</b>	<b>18</b>

<b>SAN DIEGO METROPOLITAN TRANSIT SYSTEM 800 MHz REBANDING PROJECT - PLANNING &amp; NEGOTIATION PHASE ENGINEERING &amp; CONSULTING SERVICES</b>				
<b>Item</b>	<b>Services/Expenses</b>	<b>Estimated Workhours</b>	<b>Average Per-Hour Rate *</b>	<b>Total</b>
1	ITS Engineering & Consulting Services Project Manager Radio Engineer 1 Radio Engineer 2  <b>Total Services Costs</b>	 559 12 352  <b>923</b>	 \$208 \$230 \$160  <b></b>	 \$116,272 \$2,760 \$56,320  <b>\$175,352</b>
2	Travel and Living Expenses R/T Airfare On-Site Days (hotel & per diem) Car Rental, Tolls, Fuel  <b>Total Travel Costs:</b>	 5 18 18  <b></b>	 \$1,200 \$200 \$150  <b></b>	 \$6,000 \$3,600 \$2,700  <b>\$12,300</b>
3	<b>Total Estimated Costs (Not-to-Exceed)</b>			<b>\$187,652</b>
4	<b>Contingency</b>	<b>15%</b>		<b>\$28,148</b>
5	<b>Total Contract Costs</b>			<b>\$215,800</b>

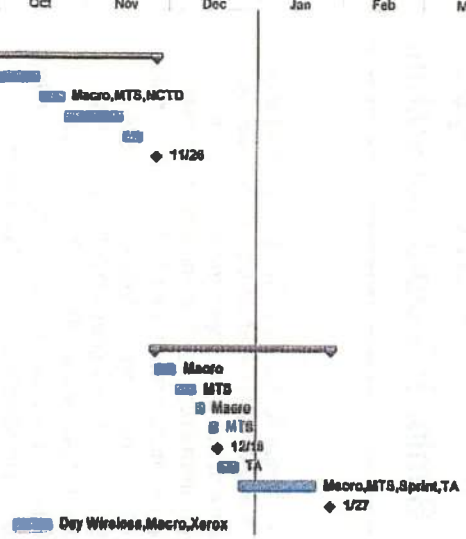
ID	Task Name	Duration	% Complete	Start	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
1	800 MHz Rebanding Project	66 days	10%	Mon 4/1/13													
2	Sh R&O - Published	0 days	0%	Mon 4/1/13													
3	Macro Notice to Proceed	0 days	100%	Thu 4/11/13													
4	Sh R&O - Effective Date	0 days	0%	Wed 4/24/13													
5	Discussion with NCTD/Decision to Include	0 days	100%	Thu 4/25/13													
6	NCTD Submission of POC Form	5 days	100%	Fri 4/26/13													
7	MTS Contact TA/Verifies POC	5 days	0%	Fri 4/26/13													
8	Macro Proposal	35 days	23%	Thu 4/25/13													
9	Submission to MTS	11 days	74%	Thu 4/25/13													
10	MTS Review	3 days	0%	Fri 5/10/13													
11	Macro Proposal Updates	2 days	0%	Wed 5/15/13													
12	Macro Contract Award	20 days	0%	Fri 5/17/13													
13	NCTD/MTS MOU	24 days	0%	Thu 4/25/13													
14	Draft NCTD/MTS MOU	15 days	0%	Thu 4/25/13													
15	NCTD MOU Review	5 days	0%	Thu 5/16/13													
16	MOU Update	3 days	0%	Thu 5/23/13													
17	MOU Signing	0 days	0%	Tue 5/28/13													
18	RFPF Completion	42 days	31%	Thu 4/25/13													
19	Draft RFPF	15 days	47%	Thu 4/25/13													
20	MTS review	5 days	0%	Thu 5/16/13													
21	Macro Update of RFPF	3 days	0%	Thu 5/23/13													
22	Submission of RFPF to 800MHz TA	0 days	0%	Mon 5/27/13													
23	RFPF Required Completion Date	0 days	0%	Mon 5/24/13													
24	RFPF Negotiations	25 days	0%	Mon 5/27/13													
25	RFPF Negotiations w/Sprint	30 days	0%	Mon 5/27/13													
26	MTS Legal Review of Sprint Contract	10 days	0%	Tue 5/11/13													
27	Funding Planning Agreement	0 days	0%	Mon 7/1/13													
28																	
29	Generate FRA & Cost Estimate	216 days	0%	Mon 4/1/13													
30	Submission of FPR	0 days	0%	Mon 5/24/13													
31	Meetings	99 days	0%	Tue 7/9/13													
32	Kick-Off Meeting	1 day	0%	Tue 7/9/13													
33	Coordination Meeting #1	1 day	0%	Tue 9/17/13													
34	Coordination Meeting #2	1 day	0%	Fri 11/22/13													
35	Frequency Analysis	163 days	0%	Mon 4/1/13													
36	Co-Channel/Adjacent Channel Analysis	103 days	0%	Mon 5/24/13													
37	Initial Co-Channel Analysis	5 days	0%	Mon 5/24/13													
38	Co-Channel Analysis #2	3 days	0%	Mon 11/11/13													
39	Combiner & Receiver Multicoupler Suitability	5 days	0%	Mon 4/1/13													
40	IM Study	5 days	0%	Mon 4/8/13													
41	System Inventory	14 days	0%	Tue 7/2/13													
42	Infrastructure Inventory - MTS	4 days	0%	Tue 7/2/13													
43	Infrastructure Inventory - NCTD	3 days	0%	Mon 7/8/13													
44	Subscriber Inventory - MTS	1 day	0%	Thu 7/11/13													
45	Subscriber Inventory - NSTB	1 day	0%	Fri 7/12/13													
46	Inventory Deliverables	5 days	0%	Mon 7/15/13													
47	System Inventories Complete	9 days	0%	Fri 7/19/13													
48	Engineering/Implementation Plan	150 days	0%	Tue 7/2/13													
49	Site Reconfiguration Planning	160 days	0%	Tue 7/2/13													
50	MOP	47 days	0%	Tue 7/2/13													
51	Draft MOP	20 days	0%	Tue 7/2/13													
52	Review of Draft Cut Over Plan	7 days	0%	Tue 7/30/13													
53	Final Cut Over Plan	15 days	0%	Thu 8/8/13													

<b>MTS / NCTD 800 MHz Rebanding Project</b> Thu 5/8/13 *** DRAFT ***	Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Progress	
	Split		External Tasks		Inactive Summary		Manual Summary		SpR	
	Milestone		External MileTest		Manual Task		Start-only		C	
	Summary		Inactive Task		Duration-only		Finish-only		J	

D-15

Att. D, AI 12, 8/20/13

ID	Task Name	Duration	% Complete	Start	2013
54	Review of Final Cut Over Plan	5 days	0%	Thu 8/29/13	Mar Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb Mar
55	Cut Over & Fallback Plan Complete	0 days	0%	Wed 9/4/13	
56	Cut Over & Fallback Planning	60 days	0%	Wed 9/18/13	
57	Draft Cut Over Plan	20 days	0%	Wed 9/18/13	
58	Review of Draft Cut Over Plan	7 days	0%	Wed 10/16/13	
59	Final Cut Over Plan	15 days	0%	Fri 10/25/13	
60	Review of Final Cut Over Plan	5 days	0%	Fri 11/15/13	
61	Cut Over & Fallback Plan Complete	0 days	0%	Tue 11/26/13	
62	Baseline & Acceptance Test Plan	47 days	0%	Tue 7/2/13	
63	Draft Cut Over Plan	20 days	0%	Tue 7/2/13	
64	Review of Draft Cut Over Plan	7 days	0%	Tue 7/30/13	
65	Final Cut Over Plan	15 days	0%	Thu 8/8/13	
66	Review of Final Cut Over Plan	5 days	0%	Thu 8/29/13	
67	Cut Over Plan Complete	0 days	0%	Wed 9/4/13	
68	Vendor SOW Development	60 days	0%	Tue 7/2/13	
69	Xerox SOW	60 days	0%	Tue 7/2/13	
76	Day Wireless SOW	40 days	0%	Tue 7/2/13	
83	Develop FRA SOW & Cost Estimate	44 days	0%	Wed 11/27/13	
84	Draft FRA SOW & Cost Estimate	6 days	0%	Wed 11/27/13	
85	Review Draft FRA SOW & Cost Estimate	5 days	0%	Wed 12/4/13	
86	Final FRA SOW & Cost Estimate	3 days	0%	Wed 12/11/13	
87	Review Draft Final FRA SOW & Cost Estimate	3 days	0%	Mon 12/16/13	
88	Final FRA SOW & Cost Estimate to TA	0 days	0%	Wed 12/18/13	
89	Final FRA SOW & Cost Estimate to Sprint	5 days	0%	Thu 12/19/13	
90	Final FRA SOW & Cost Estimate Negotiations	20 days	0%	Thu 12/26/13	
91	FRA Complete	0 days	0%	Mon 1/27/14	
92	Return/Reprogram/Replace Determination	10 days	0%	Tue 1/6/14	



MTS / NCTD 800 MHz Rebanding Project  
 Thu 8/9/13  
 \*\*\* DRAFT \*\*\*

Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Progress	
Split		External Task		Inactive Summary		Manual Summary		Split	
Milestone		External MileTask		Manual Task		Start-only			
Summary		Inactive Task		Duration-only		Finish-only			

D-16

Att D, A112, 6/20/13



Ivan G. Pagacik  
Senior Principal Consultant

**Education:**

- B.S.E.E., Merrimack College
- B.S.E.T., Wentworth Institute

**Specialized Skills:**

- Communication center design
- Wireless system design (both wide area and in structures)
- Microwave and fiber optic systems
- Mobile data networks

**Years of Experience:**

- 25 years

**Affiliations:**

- APCO
- IEEE

**References:**

- Provided upon request

**Executive Summary**

Ivan Pagacik has more than 27 years of experience providing engineering and consulting services for public safety, transportation, and private sector clients, with tasks ranging from needs assessment through project implementation support, including large statewide radio infrastructure. For transportation clients he contributes expertise for needs assessment through detailed design of multi-phased Intelligent Transportation Systems, including Automated Customer Information Systems, Automatic Vehicle Location, Schedule Adherence and various telecom and data communication system upgrades. The services involve supporting areas such as communication center design, wireless system design (both wide area above ground and in-structure distribution systems), microwave and fiber optic systems and mobile data networks. He often coordinates regulatory issues resolution for clients as they relate to the licensing of wireless systems geographic or capacity expansion. Ivan has extensive knowledge related to in-building and underground radio propagation and coverage design on large high profile systems across the United States.

**Selected Project Experience****Maine Office of Information Technology**

Designed a 45 site statewide digital, conventional, narrowband, VHF land mobile radio network with associated high speed digital microwave interconnect. Six different departments within the state will utilize the network for day to day and interoperability communications. Served as Macro's project manager assisting the State's architect with the design of a new 911 Consolidated Communications Center.

**Louisville Gas and Electric**

Design of a new UHF digital radio system to support Electric and Gas operations. System is comprised of a simulcast network for Jefferson County and several conventional systems for the surrounding area. Provided a frequency plan that involved the acquisition of several Part 22 and Part 90 channels.

**New York City Transit**

Designed underground radio communications systems to support Police and Fire departments while in tunnels and on platforms. Systems comprised the use of UHF bi-directional repeater systems and associated radiating and distributed antenna cable systems. The system utilized in excess of one hundred and forty miles of cabling.

**Ivan Pagacik**  
**Senior Principal Consultant, page 2**

**MACRO**

***Selected Project Experience (continued)***

**Port Authority of New York & New Jersey**

Designed several underground and in-building wireless systems to support Port Authority Police, Maintenance, and Operations staff. Prepared design documents for a new Operations Center, which included multiple dispatch positions and situation rooms.

**Southeastern Transportation Authority**  
***DCS Radlax Replacement Project***

Needing to improve its operational radio coverage within the underground portions of its system, SEPTA directed Macro to provide engineering and testing of underground/in-structure radio frequency distribution systems. Work includes preliminary cable distribution design, costing, specification (CSI format) and procurement drawings, procurement support, and implementation oversight. The project is divided into multiple phases that encompass the Commuter Rail, Market and Broad Street Lines and interoperability with the City of Philadelphia Police Department.

***Narrowbanding Impact Study***

SEPTA's C&S Division currently oversees the operation of all land mobile radio communications systems. The Federal Communications Commission has enacted regulations that require radio users below 512 MHz to modify their system bandwidth from wideband to narrowband. Beyond the regulatory changes that will be required for each of the SEPTA callsigns affected there will be potential impacts to the systems with respect to coverage. Transition plans also need to be developed with associated costs for the reconfiguration. This assignment gathers data regarding existing licensing, system inventory, existing performance and plans for reconfiguration and testing. A report will provide an overview of the regulatory history surrounding narrowbanding and its impact to SEPTA from a technical and cost standpoint. The solution design effort is to the 60% Final Design.

***220 MHz Frequency Acquisition***

As part of the work involved with implementing Positive Train Control, Macro is identifying 220 MHz frequency spectrum to be used for the new system. Along with the identification of frequencies, Macro is assisting SEPTA with negotiations and the development of contract language to secure these channels from a private license holder.

***Microwave System Upgrade***

Design of a new digital microwave system to support their wide area radio system and future video and data applications. Work included facility inspections, path analysis and design alternatives with costing. Developed bid specifications conforming to CSI standards and test criteria for acceptance.

***UHF Radio System***

Designed a new UHF mobile radio system to support data applications for Paratransit operations. Included was the frequency engineering to support the acquisition of new UHF radio channels and successful coordination through the FCC. Provided oversight of system testing and acceptance.

***New Payment Technologies***

The New Payment Technology (NPT) Program requires design and construction of a new NPT infrastructure. This infrastructure will rely heavily on fiber optic assets owned by SEPTA as well as wireless networking technologies that must be procured as part of the program. Macro was asked to



**Ivan Pagacik**  
**Senior Principal Consultant, page 3**

**MACRO** →

contribute to the procurement package in a quality assurance role for communications related requirements and to provide wireless communications system content for the System Requirements Specification, along with requirements for testing, training, and documentation. Macro's services will continue for in support of the NPT Program through and including contract negotiations.

**State of Rhode Island / Rhode Island Public Transit Authority**

Worked with a multi-agency task force that included State Police, Department of Transportation, Environmental Management and Rhode Island Transit in the development of a needs assessment for a shared statewide wireless infrastructure. Developed conceptual designs with associated cost estimates and presented findings to directors of each of the agencies. Provided needs assessment through detailed design of a multi-phased Intelligent Transportation System. The system includes statewide 800 MHz radio infrastructure, Automated Customer Information Systems, Automatic Vehicle Location, Schedule Adherence and various telecom and datacom upgrades.



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## Agenda Item No. 13

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

MILLS BUILDING IMPROVEMENT PROJECT 2013

#### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to authorize the San Diego Regional Building Authority (SDRBA), acting through its Mills Building Property Manager (Colliers International), to act as general contractor for the renovation of the 9th floor pursuant to an amendment to the Mills Building Property Management Agreement (Attachment A - MTS Doc. No. G1233.1-09).

#### Budget Impact

The amount of \$135,000 would be budgeted for 9<sup>th</sup> floor renovation construction and construction management. MTS would reimburse the SDRBA Mills Building Operating Account for all project invoices within 15 days. These costs would be paid with Miscellaneous Capital funds included in the FY 13 Capital Improvement Program (CIP).

#### DISCUSSION:

#### Background

MTS's Executive Offices are located in the Mills Building at 1255 Imperial Avenue, San Diego, California. The Mills Building is owned by SDRBA, which is a joint powers authority made up of MTS and the County of San Diego. The Mills Building was opened in 1991. Under a series of financing leases, MTS occupies the 9<sup>th</sup> and 10<sup>th</sup> floors and has the right to lease out the retail space on the 1<sup>st</sup> floor. The County occupies the 2<sup>nd</sup> through 8<sup>th</sup> floors. MTS and the County fund the Mills Building expenses based on various cost-sharing formulas. SDRBA contracts with Colliers International to manage the Mills Building property. This includes providing security, janitorial, and maintenance employees and also overseeing all construction projects on the property. Under the SDRBA/Colliers contract, additional building tenant-related projects may be assigned to



Colliers for management on a case-by case basis. At the SDRBA's May 9, 2013 meeting, the SDRBA approved an amendment to the SDRBA/Colliers contract that authorized Colliers to manage MTS's proposed renovate of a portion of the Mills Building 9<sup>th</sup> floor, subject to all costs being paid for by MTS.

#### Proposed 9<sup>th</sup> Floor Renovation

In 2007, MTS renovated three quarters of its office space on the 9<sup>th</sup> and 10<sup>th</sup> floors of the Mills Building to expand staffing capacity and improve operational efficiency. The Trolley side of the 9<sup>th</sup> Floor was not renovated at that time because its configuration satisfied MTS's existing requirements. However, as operational needs have since changed, MTS now must make more efficient use of the space.

Beginning July 2013, MTS will be responsible for administering the region's "smart card fare-collection system." Therefore, approximately 10 call center and administrative staff will be moving from the San Diego Association of Governments (SANDAG) to the Trolley side of the 9<sup>th</sup> Floor. The existing work space does not currently support the addition of this many employees.

The original plan to demolish five walled offices and replace them with high-occupancy modular furniture was not fiscally viable nor did it provide the required number of new work spaces. Consequently, staff decided to scale the project back and intend to add modular furniture into the existing walled offices. For example, approximately five (5) call center staff will share one office. The scope of the project also includes replacing the old carpet, painting and installing new millwork in the break rooms.

Colliers International has proven effective at overseeing work in the Mills Building and MTS staff recommends relying on Colliers' expertise to manage this project. Assigning this work to Colliers would also ensure that the work would be completed consistent with the requirements of the SDRBA and the Building Engineer. Pursuant to the terms of the SDRBA/Colliers contract, they have obtained three bids from reputable companies and estimate the project cost at \$135,000 (roughly \$14.61 per square foot).



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachments: A. Amendment No. 1 to Property Management Agreement  
B. Summary of three construction bids dated May 30, 2013

## AMENDMENT NO. 1

TO

## PROPERTY MANAGEMENT AGREEMENT FOR THE JAMES R. MILLS BUILDING

This Amendment No. 1 to the Property Management Agreement is made and entered into as of this 9<sup>th</sup> day of May, 2013, by and between the San Diego Regional Building Authority, a joint exercise of powers agency (the "JPA"), and Colliers International ("Colliers").

### RECITALS

- A. Pursuant to the Property Management Agreement (MTS Doc. No. G1233.0-09), Colliers acts as an independent manager of the ten-story office building known as the James R. Mills Building ("Mills Building").
- B. In order to accommodate additional business and operational needs, MTS has prepared architectural plans to make minor tenant improvements to a portion of the Mills Building 9<sup>th</sup> Floor (the "Project").
- C. MTS has requested that the JPA authorize Colliers to oversee the Project as part of the Property Management Agreement, with the Project costs paid for by MTS.
- D. Pursuant to Section 3.1(o) of the Property Management Agreement, the JPA desires to authorize Colliers to provide the services described herein, in accordance with the terms and conditions stated in this Amendment No. 1.

### AGREEMENT

- 1. Notwithstanding any other provision in the Property Management Agreement, the JPA authorizes Colliers to perform the work described herein:
  - a. Arrange for and supervise the 9<sup>th</sup> Floor renovations described in Exhibit A.
  - b. For all work performed by an independent contractor pursuant to Section 3.1. (l) of the Property Management Agreement, Colliers shall obtain a minimum of three bids for the work.
  - c. Provide for the payment of prevailing wages, indemnification and insurance for all work performed as part of this special project. The terms and conditions for any contract related to the work described in this Amendment No. 1 shall be reviewed and approved by MTS General Counsel.

- 2. Colliers shall be compensated pursuant to Section 4.1(c) of the Property Management Agreement for the work described in Section 1(a) above.
- 3. Because this project is for the benefit of MTS, as the sole tenant on the 9<sup>th</sup> Floor, MTS shall pay all costs associated with this Amendment No. 1 as follows:
  - a. Colliers is authorized to pay all expenses related to this Amendment No. 1 from the Mills Building Operating Account pursuant to Section 3.1(a) of the Property Management Agreement;
  - b. Colliers, on behalf of the JPA, shall invoice MTS directly for such expenses, including a copy of the invoice paid and the check copy;
  - c. MTS shall submit payment for such expenses within fifteen (15) days of invoicing, payable to the "James R. Mills Building".
- 4. All other terms and conditions of the Property Management Agreement shall remain the same.

IN WITNESS WHEREOF, the JPA and Colliers have executed this Amendment No. 1 on the date first written above.

SAN DIEGO REGIONAL BUILDING  
AUTHORITY

COLLIERS INTERNATIONAL

BY: \_\_\_\_\_  
 April F. Heinze, P.E.  
 SDRBA Executive Officer and  
 County of San Diego Director of General  
 Services

BY: \_\_\_\_\_

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
 Paul C. Jablonski  
 Chief Executive Officer  
 San Diego Metropolitan Transit System

BY: \_\_\_\_\_  
 Karen Landers, General Counsel  
 San Diego Metropolitan Transit System

Exhibit A

Plans Prepared by Facility Solutions

5/24/13

PROPERTY NAME: James R. Mills Building  
 Square Footage: MTS - Revised 9th floor TI - 9080 sq  
 PREPARED BY: Jimmy Wilson  
 DATE: 05.30.2013

Square feet	SF Allowance	Total Allowance
9,080		

CSI Codes	TASK DESCRIPTION	Original Base Contract			Comments
<b>Soft Costs</b>					
	<b>AE Services</b>				
	Arch Fee	\$0.00			Not in Scope
	Construction Administration				Not in Scope
	Structural	\$0.00			Not in Scope
	Electrical	\$0.00			Not in Scope
	Mechanical/Plumbing	\$0.00			Not in Scope
	Total of above		\$0.00	\$0.00	subtotal/psf of Arch/MEP Fees
	Plan Check Fees				Not in Scope
	Permits				Not in Scope
	Reimbursable Expenses				Not in Scope
	<b>Soft Cost Total</b>		\$0.00		
	<b>Cost per usf</b>		\$0.00		
<b>Hard Costs</b>					
	<b>General Contractor</b>	<b>Crew</b>	<b>Bingham</b>	<b>Bycor</b>	
01100	Permits & Fees				
700	GC - Project Management		\$1,704	\$1,632	
01020	GC - Full Time Supervision	\$10,248	\$6,594	\$4,896	
01510	GC - Construction Facilities				
01540	GC - Rough and General Clean-up	\$5,890	\$520	\$4,946	
01700	GC - Final Clean-up	\$1,150	\$3,200	\$2,479	
1901	GC-General Conditons				
02110	Demolition	\$5,055	\$4,219	\$6,095	
02700	Asphalt				
03360	Concrete				
05500	Misc. Steel				
06100	Rough Carpentry				
06400	Millwork	\$9,577	\$6,200	\$6,275	
06400	FRP Wainscot				
07200	Insulation				
07300	Roof Patch				
08200	Doors & Frames & Hardware				
08800	Glazing				
9200	Plaster/Sttucco				
09250	Drywall/Framing	\$8,668	\$15,763	\$6,770	
09300	Ceramic Tile				
09500	T-Bar/Acoustic Ceiling Tile				
09680	Flooring	\$41,178	\$38,975	\$41,129	
09803	Blinds				
09900	Painting	\$22,498	\$27,598	\$17,889	
15400	Plumbing	\$2,525	\$2,351	\$3,470	
10800	Bathroom Fixtures				
13900	Fire Protection				
15600	Fire Extinguisher Cabinets				
15500	Heating, Ventilation, Air Conditioning				
16100	Electrical Distribution				
	<b>Subtotal of Construction Budget</b>	<b>\$106,789.00</b>	<b>\$107,124.00</b>	<b>\$95,580.61</b>	
	Contractor Fee	\$4,805.51	\$4,327.00	\$8,860.32	
	Contractor Contingency @ 3%	\$3,203.67	\$3,213.72	\$2,867.42	
	Liability Insurance	\$1,601.84	\$1,061.00	\$984.48	
	<b>Hard Cost Total</b>	<b>116,400.02</b>	<b>\$115,725.72</b>	<b>\$108,292.83</b>	
	<b>Cost per Square Foot</b>	<b>\$12.82</b>	<b>\$12.75</b>	<b>\$11.93</b>	
<b>TOTAL PROJECT COSTS</b>		<b>\$116,400.02</b>	<b>\$115,725.72</b>	<b>\$108,292.83</b>	
Cost per Square Foot		\$12.82	\$12.75	\$11.93	

PROPERTY NAME: James R. Mills Building  
 Square Footage: MTS - Revised 9th floor TI - 9080 sqft  
 PREPARED BY: Jimmy Wilson  
 DATE: 05.30.2013

Square feet	SF Allowance	Total Allowance
9,080		

CSI Codes	TASK DESCRIPTION	Original Base Contract			Comments
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**ALTERNATES:**

	RM 915 Demo Millwork and Replace	\$6,250	\$8,477	\$9,795	
	RM 915 Plumbing	\$2,525	\$2,351	\$3,855	
	<b>Subtotal of Alternate Budget</b>	<b>\$8,775.00</b>	<b>\$10,828.00</b>	<b>\$13,649.85</b>	
	Contractor Fee	\$789.75	\$869.45	\$1,815.43	
	Contractor Contingency @ 3%	\$263.25	\$324.84	\$409.50	
	Liability Insurance	\$131.63	\$107.20	\$136.50	
	<b>Alternate Cost Total</b>	<b>\$9,959.63</b>	<b>\$12,129.49</b>	<b>\$16,011.27</b>	
	<b>Cost per Square Foot</b>	<b>\$1.10</b>	<b>\$1.34</b>	<b>\$1.76</b>	

<b>Total Cost including Alternates</b>	<b>\$126,359.65</b>	<b>\$127,855.21</b>	<b>\$124,304.10</b>
<b>Cost per Square Foot</b>	<b>\$13.92</b>	<b>\$14.08</b>	<b>\$13.69</b>

<b>Total Cost not including Alternates + CM Fee @ 5%</b>	<b>\$122,220.02</b>	<b>\$121,512.01</b>	<b>\$113,707.47</b>
<b>Total Cost including Alternates + CM Fee @ 5%</b>	<b>\$132,677.63</b>	<b>\$134,247.97</b>	<b>\$130,519.31</b>

<b>Cost per Square Foot</b>	<b>\$13.46</b>	<b>\$13.38</b>	<b>\$12.52</b>
<b>Cost per Square Foot</b>	<b>\$14.61</b>	<b>\$14.79</b>	<b>\$14.37</b>





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## Agenda Item No. 14

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

TAXICAB MAXIMUM ALLOWABLE CITY AND AIRPORT RATES OF FARE -  
STABILIZATION OF RATES FOR 2013

#### RECOMMENDATION:

That the Board of Directors approve Resolution No. 13-17 (Attachment A) stabilizing the maximum allowable City of San Diego and airport rates of fare for the year 2013 at current rates.

#### Taxicab Advisory Committee Recommendation

That the Board of Directors approve stabilizing the maximum allowable City of San Diego and airport rates of fare for the year 2013 at current rates.

#### Budget Impact

None.

#### DISCUSSION:

The Chief Executive Officer is required by Board Policy No. 34 (Attachment B) to set maximum rates of fare for city taxicabs and for taxicabs originating at the San Diego County Regional Airport. MTS Ordinance No. 11 and Policy No. 34 provide that airport rates will be uniform and based on the *Annual All Urban Western Transportation Consumer San Diego Price Index*. For rates of fare for taxicab trips that do not originate at the San Diego County Regional Airport, MTS Ordinance No. 11 and Policy No. 34 allow for variable rates of fare with a maximum set by MTS. The maximum rate cannot exceed 20 percent over the average rates on file for all taxicab vehicles.



Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and the owner of the San Diego and Arizona Eastern Railway Company. MTS member agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

Both airport and non-airport rates of fare are calculated annually. Current rates, as well as results of staff's calculations of the rates of fare for 2013 for the airport, are as follows:

<u>Current Rates</u>	<u>Proposed 2013 Rates</u>
\$ 2.80 flag drop 1/10 of a mile	\$ 2.90 flag drop 1/31 of a mile
\$ 3.00 per mile	\$ 3.10 per mile
\$24.00 per-hour waiting time	\$25.00 per-hour waiting time

Maximum allowable City rates of fare are as follows:

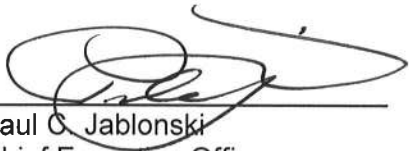
<u>Current Rates</u>	<u>Proposed 2013 Rates</u>
\$ 3.10 flag drop 1/11 of a mile	\$ 3.40 flag drop 1/12 of a mile
\$ 3.30 per mile	\$ 3.60 per mile
\$27.00 per-hour waiting time	\$29.00 per-hour waiting time

Based on staff calculations, taxicab rates for the airport would only increase \$0.10, but would increase \$0.30 for the maximum allowable City rate, and the flag drop for the airport would be 1/31 of a mile, a number that would speed the rate at which the meter turns considerably.

The Taxicab Advisory Committee held a public hearing at its April meeting but decided to table setting the rates of fare until the June meeting.

At the June 14 meeting, the Taxicab Advisory Committee unanimously recommended that MTS stabilize both the airport rates of fare and maximum allowable City rates of fare at the 2012 level pending the outcome of the *Taxicab Rates Standardization Study*, scheduled to be completed by MTS in March 2014. Staff sees the benefits of the Committee request to the public since it would help maintain lower rates. In addition, excessive meter speed such as would be required for the 1/31 of a mile Airport rate can cause customers to become wary of fraud or a broken meter. In the past, the Taxicab Advisory Committee and the MTS Board have agreed to stabilize taxicab rates of fare, as they did for the Republican National Convention in 1996, for Super Bowls in 1988 and 1997, and again in 2010.

MTS staff is in the procurement process for the *Rates of Fare Standardization* and will return to the Board with the study's recommendation.



Paul G. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [sharon.cooney@sdmts.com](mailto:sharon.cooney@sdmts.com)

Attachments: A. Resolution No. 13-17  
B. MTS Policy No. 34

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 13-17

A Resolution Approving Stabilizing the Rates of Fare for the San Diego International Airport and the Maximum Allowable Rates of Fare for the City of San Diego at the Amounts Presently in Effect Until Approximately March 2014

WHEREAS, current policy, process, and general taxicab rates of fare are regulated by the MTS Board of Directors in accordance with MTS Ordinance No. 11 and Policy No 34; and

WHEREAS, the 2013 calculation of rates of fare for the San Diego International Airport (airport) have determined that taxicab rates for the airport will increase; and

WHEREAS, the 2013 calculation of rates of fare for the City of San Diego (City) have determined that taxicab rates for the City will increase; and

WHEREAS, the MTS Taxicab Advisory Committee has requested that MTS freeze the rates of fare for taxicabs operating at the airport and the maximum allowable City rates of fare;

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board of Directors does hereby freeze the taxicab rates of fare for the airport and the maximum allowable rates of fare for the City at the amounts currently in effect until approximately March 2014.

PASSED AND ADOPTED by the Board of Directors this 20<sup>th</sup> day of June 2013 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

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**Chairperson  
San Diego Metropolitan Transit System**

**Filed by:**

**Approved as to form:**

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**Clerk of the Board  
San Diego Metropolitan Transit System**

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**Office of the General Counsel  
San Diego Metropolitan Transit System**



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## Policies and Procedures

No. 34

**SUBJECT:**

**Board Approval:** 04/19/12

**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 El Cajon, Imperial Beach, La Mesa, Lemon Grove, 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**

- 34.1.1 MTS will periodically establish the maximum number of taxicab permits to be issued for the City of San Diego.
- 34.1.2 New City of San Diego permits will be issued in accordance with amended City Council Policy No. 500-2, "Taxicab Permits," adopted on August 6, 2001.

**34.2 City of San Diego Entry Policy Implementation**

The following guidelines should be observed with respect to the issuance of taxicab permits when the formula yields an increase of at least 40 permits.



Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and the owner of the San Diego and Arizona Eastern Railway Company. MTS member agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

34.2.1 The percentage of growth in population divided by 2 plus the percentage of growth in hotel room nights occupied times the current number of permits. All changes are to be calculated on a two-year rolling average.

34.2.2 The process through which permits are issued will limit the concentration of permits. No permit will be issued or transferred to any person, partnership, corporation, association, or other entity if such issuance or transfer would result in any permit holder having an interest in more than 40 percent of the existing permits. New permits shall not be transferred for a period of five years after issuance.

34.2.3 No single permit will be issued or transferred to any person, company, business, corporation, or other entity if such issuance or transfer would result in single permit holders in aggregate having interest in more than 40 percent of the existing permits.

### 34.3 City of San Diego Entry Policy Exclusions

This policy is not intended to govern the issuance of limited permits as authorized by Section 1.7 of MTS Ordinance No. 11.

### 34.4 Maximum Fare Policy

Pursuant to MTS Ordinance No. 11, Section 2.2(a) and after a duly noticed and open public hearing, MTS determined that the maximum rate of fare for exclusive ride and group ride hire of taxicabs shall be that fare that does not exceed twenty percent (20%) more than the weighted average of fares as established in accordance with this policy.

#### 34.4.1 Maximum Fare Determination

The weighted average of fares shall be computed by the Chief Executive Officer and duly promulgated in writing upon the passage of this policy and thereafter each year by averaging each segment of the fare structure of all MTS taxicab permit holders. The fare structure shall consist of the dollar amounts charged by said permit holders for the flag drop, the per-mile charge, waiting-time charge, first zone, and each additional zone charge. The weighted average of these charges shall be arrived at by adding each segment of each respective charge and dividing it by the total number of taxicabs holding effective permits.

34.4.2 The Chief Executive Officer will use his discretion when the maximum rates of fare and the uniform rates of fare for trips from Lindbergh Field airport are incompatible. The Chief Executive Officer may adjust the maximum rates of fare so that the uniform rates of fare, based on the change in the Annual All Urban Western Transportation Consumer Price Index, do not exceed the maximum rates allowed in accordance with Section 34.4.1.

### 34.5 Airport Taxicab Fare Policy

Rates of fare for trips from Lindbergh Field Airport shall be uniform.

In the event an owner chooses a different rate for nonairport trips for taxicabs authorized to service the airport, two meters or a multirate meter shall be installed and identified. The meter(s) shall be activated according to the proper rate for the trip's origin, and it shall be clearly visible to the passenger which rate is being charged.

34.5.1 The uniform rates of fare for taxicab trips from Lindbergh Field Airport are initially established at \$1.40 flag drop, \$1.50 per mile, and \$12.00 per hour, effective June 1, 1990.

The airport rates shall be reviewed annually, beginning in January 2009, by the Chief Executive Officer. Airport rates shall be adjusted based on the 1990 amounts, in accordance with the change in the Annual All Urban Western Transportation Consumer Price Index/ San Diego. Adjustments shall be rounded up or down, as appropriate, to the nearest even \$0.10 increment.

In addition to the airport uniform rate of fare, 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.

#### 34.6 Regulatory Fee Review

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

34.6.1 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(b), and (d), 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.

34.6.2 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).

34.6.3 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.





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## Agenda Item No. 30

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

LANGUAGE ASSISTANCE PLAN (DENIS DESMOND)

#### RECOMMENDATION:

That the Board of Directors approve the draft Language Assistance Plan (Attachment A) as submitted to the Federal Transit Administration (FTA) as part of the Title VI Triennial Program Update (Attachment B).

#### Budget Impact:

None at this time.

#### DISCUSSION:

MTS routinely provides language assistance to Limited English Proficient (LEP) populations with both services and materials. To ensure compliance with Title VI regulations, the Federal Transit Administration (FTA) is requiring that agencies formalize their language-assistance efforts by creating, approving, and submitting a Language Assistance Plan (LAP) that guides communications efforts to LEP populations. While the San Diego Association of Governments (SANDAG) coordinated a regional LAP for itself, MTS, and NCTD as part of its Title VI Triennial Program Update last summer, MTS was recently asked to submit and approve its own individual LAP.

Currently, MTS provides a variety of language-assistance services, including the translation of all critical rider information. Public-outreach components that MTS currently has in place that have an LEP component include public meetings, transit-planning efforts, printed rider-information materials, customer surveys, call centers, fare-collection points, and community-outreach events. The draft LAP proposes enhanced assistance to LEP populations, including: automated Web site translation where feasible; increased usage of multilanguage advertising; more notification of the availability of language assistance distributed through MTS's community partners; notice of availability of language assistance added to existing materials; and signs posted specifying language-assistance availability.

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



The MTS 2013 LAP has been provided to the FTA in draft form for compliance with requirements of MTS's overall 2012 Title VI audit. Upon approval by the MTS Board of Directors, MTS will notify the FTA of the Board's adoption of the final LAP as a step in the closeout of the Title VI Triennial Program Update.



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- Attachments: A. MTS 2013 Language Assistance Plan **(BOARD ONLY DUE TO VOLUME)**  
B. MTS Title VI Triennial Program Update (as submitted to FTA)  
Available at <http://www.sdmts.com/MTS/ProposedMTSTitleVIPolicies.asp>  
(Click on link at bottom of page) **(ELECTRONIC COPY TO BOARD)**



# LANGUAGE ASSISTANCE PLAN • 2013



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

# **MTS Language Assistance Plan**

## **May 2013**

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## **I. Executive Summary**

The following Language Assistance Plan (LAP) is based on a collaborative effort between the Metropolitan Transit System (MTS), the North County Transit District (NCTD), and the San Diego Association of Governments (SANDAG). That effort, conducted in early 2012, included the development of the Four Factor Analysis.

Factor 1: The number or proportion of Limited English Proficiency (LEP) persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;

Factor 2: The frequency with which LEP individuals come in contact with the program;

Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people's lives; and

Factor 4: The resources available to the recipient and costs.

### **Identification of LEP individuals**

Following Department of Transportation guidance on Factor 1, multiple sources were used to determine the number of LEP individuals in San Diego County. These sources included the U.S. Census, the American Community Survey (ACS), U.S. Department of Labor, California Department of Education, and the San Diego County Department of Mental Health. According to these findings, over 230,000 people over the age of five in San Diego County speak English less than well. This accounts for 8 percent of the county's population.

For the purpose of this LAP, MTS refined the data to include only those areas within the MTS jurisdiction. These findings show that there are 156,731 people over the age of five who speak English less than well within the MTS jurisdiction, or 7.5 percent of the population living within the MTS service area.

## **Language Assistance Measures**

Both current and future language assistance measures are presented. Current language assistance measures were compiled by interviewing key staff and reviewing relevant material. Future language assistance measures were compiled through an extensive process involving staff interviews, community based organization (CBO) interviews, focus groups held with LEP persons, and intercept surveys conducted with LEP transit riders. These efforts took place throughout the county with the assistance of NCTD and SANDAG.

## **Training Staff**

Following DOT guidance, staff training will be implemented as a result of the Four Factor Analysis and this LAP. Specific training elements are discussed in this report.

## **Providing notice to LEP persons**

This LAP describes the ways that MTS provides notice to LEP persons. Additionally, this process generated new methods that will supplement current practices.

## **Plan Monitoring and Updating**

Lastly, to ensure compliance and practical implementation by all agency staff, this plan details how monitoring and updating will occur.

## **II. INTRODUCTION**

### **ABOUT MTS**

The Metropolitan Transit Development Board (MTDB) was created in 1975 by the passage of California Senate Bill 101 and came into existence on January 1, 1976. In 1984, the Governor signed Senate Bill 1736, which expanded the MTD Board of Directors from 8 to 15 members. 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 the Metropolitan Transit System (MTS).

### **Board of Directors**

The 15-member Board of Directors generally meets once a month. Members are selected as follows:

- Four appointed from the San Diego City Council
- One appointed from each city council of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway and Santee
- One appointed from the San Diego County Board of Supervisors
- One San Diego County resident elected by other Board members to serve as Chairman

## **Subsidiary Corporations**

MTS owns assets of: San Diego Trolley, Inc. (SDTI); San Diego Transit Corporation (SDTC); and the San Diego & Arizona Eastern (SD&AE) Railway Company, which owns 108 miles of track and right-of-way. In addition, MTS provides administrative and support services to San Diego Vintage Trolley, Inc., a non-profit corporation established to restore historic Trolley vehicles.

## **Areas of Jurisdiction**

The MTS area of jurisdiction is approximately 3,240 total square miles, with a population of over two million San Diego County residents. The MTS service area includes 716 square miles of the urbanized portion of its jurisdiction and the rural parts of East County, serving 1.96 million people.

## **Operations**

MTS provides bus and rail services either directly or by contract with private operators. MTS coordinates all its services and determines the routing, stops, frequencies and hours of operation.

## **Light Rail**

Light rail service is operated by SDTI on four lines (Blue, Orange, Green, and Silver Lines) with a total of 53 stations and 102.6 miles of rail.

## **Bus**

MTS bus service includes 93 fixed-routes, four demand response routes, and Americans with Disabilities Act (ADA) complementary paratransit service (branded as MTS Access). Fixed-route bus service modes are Urban Frequent, Urban Standard, Express, Premium Express, Rapid, Circulator, and Rural.



## **Operating Budget**

MTS' annual operating budget is approximately \$250 million. Annual fare revenue is \$105 million (FY 2012), making MTS' 42% farebox recovery ratio one of the highest among similar transit systems.

## **Ridership**

MTS generates 90 million annual passenger trips, or 300,000 trips each weekday. MTS provides approximately 1.9 million hours of service across 24 million miles each year (FY12).

## **Planning and Scheduling**

MTS is responsible for the service planning, scheduling, and performance monitoring of all MTS transit services. Service adjustments occur three times per year and as needed to improve efficiency and customer service.

## **Funding**

MTS receives funding from various federal, state, and local sources. The primary sources are the California Transportation Development Act (TDA), Federal Transit Administration (sections 5307, 5337 and 5339), TransNet funds (local sales tax), and fares.

## **Taxicab Administration**

MTS licenses and regulates taxicabs, jitneys, and other private for-hire passenger transportation services by contract with the cities of San Diego, El Cajon, Imperial Beach, La Mesa, Lemon Grove, Poway, and Santee.

## **Coordination between SANDAG, MTS and NCTD**

The roles and responsibilities of SANDAG, MTS, and NCTD are outlined in a master memorandum of understanding executed on April 23, 2004. SANDAG is responsible for

transit planning, development, and construction while MTS and NCTD are responsible for transit operations. MTS and NCTD also manage small construction projects with SANDAG assistance. SANDAG is responsible for establishing the regional fare policy.

## **Title VI of the Civil Rights Act of 1964**

### **Background**

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) states that: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance.” In the 1974 case of *Lau v. Nichols* (414 U.S. 563), the Supreme Court interpreted Title VI to hold that it also prohibits conduct that has a disproportionate impact on Limited English Proficient (LEP) persons.

On August 11, 2000, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” was signed by President Clinton. It directs federal agencies to examine the services they provide and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI.

The U.S. Department of Transportation (DOT) published updated guidance for its recipients on December 14, 2005 in the “Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons” (US DOT, Volume 70, Number 239). The guidance states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP). The guidance also suggests that recipients use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

The Federal Transit Administration (FTA) references the DOT LEP guidance in Circular 4702.1A, "Title VI and Title VI-Dependent Guidelines for FTA Recipients," which was finalized on April 13, 2007. Chapter IV Part 4 of this Circular reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and sub-recipients develop a language implementation plan consistent with the provisions of Section VII of the DOT LEP Guidance. The FTA Office of Civil Rights also released a handbook in 2007 for transit providers ("Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons" [FTA 2007]) to give technical assistance for the implementation of the DOT LEP guidance.

MTS supports the DOT guidance to provide meaningful assistance to LEP speakers. Each of the mentioned resources was used to guide the Four Factor Analysis and this LAP.

MTS, in association with SANDAG, has developed this implementation plan to address the needs of the LEP populations in San Diego County. Following DOT LEP Guidance, included in this report are the following five sections:

1. Identifying LEP individuals who need language assistance
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the plan

Further included is a summation of the Four Factor Analysis. The LAP was shaped by the Four Factor Analysis findings conducted by SANDAG in close association with MTS and NCTD.

## Four Factor Analysis

**Factor 1:** The number or proportion of LEP persons eligible to be served or likely to be encountered by the transit service.

Factor 1 Analysis findings indicate that 7.5 percent of the population within the MTS jurisdiction speaks English less than well. The top four languages spoken other than English are Spanish (5.28 percent of the MTS jurisdiction's total population), Vietnamese (0.55%), Tagalog (0.31%) and Chinese (0.19). Combined, these four languages include 84.4% of the LEP population in San Diego.

**Factor 2:** The frequency with which LEP individuals come in contact with the transit service.

Based on Community-Based Organization (CBO) interviews, focus groups with LEP individuals, staff interviews, and intercept surveys with LEP transit riders, it was determined that LEP individuals are regularly coming into contact with MTS services.

**Factor 3:** The nature and importance of the program, activity, or service provided by the recipient to people's lives.

Using the information gathered in the Factor 2 Analysis, Factor 3 findings suggest that access to public transportation is highly important for LEP persons. Because public transit reaches such a large number of LEP individuals, results are largely focused around the need for, and access to, public transit.

**Factor 4:** The resources available to the recipient and costs.

The Factor 4 Analysis provided suggestions for LEP outreach measures, as well as consideration of the resources available for these efforts. Several key measures will be implemented based on these findings.

### III. IDENTIFYING LEP INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

There were several key findings revealed in the analysis of the data:

- 38 percent of persons in the MTS jurisdiction speak a language other than English at home. This is in-line with countywide numbers, which show that 17 percent of the population speaks English less than “very well” (includes those that speak English “well”, “not well” and “not at all);”
- Eight percent speak English less than “well” (includes those that speak English “not well” and “not at all”);
- Spanish is the second most predominant language, other than English, spoken in the MTS jurisdiction;
- Of the languages spoken in the region, Table 1 shows the languages with over 1,000 LEP speakers;

**Table 1: LEP Speakers by Language in MTS Jurisdiction**

Language	LEP Population	Percent of All LEP Speakers	Percent of Total Population (Age 5+)
Spanish	110,356	70.41	5.28
Vietnamese	11,406	7.28	0.55
Tagalog	6,515	4.16	0.31
Chinese	4,064	2.59	0.19
Syriac	3,513	2.24	0.17
Arabic	2,553	1.63	0.12
Persian	2,307	1.47	0.11
Korean	1,976	1.26	0.09
Laotian	1,842	1.18	0.09
Japanese	1,573	1.00	0.08
Russian	1,258	0.80	0.06
Mandarin	1,180	0.5	0.04
Cambodian	1,018	0.4	0.04

Source: U.S. Census Bureau, 2008-2010 American Community Survey PUMS data

## LEP POPULATION SOURCES

Regional (MTS jurisdiction) analysis was performed using Public Use Microdata Sample (PUMS) data, which is available at the Public Use Microdata Area (PUMA) geography. San Diego County is composed of 22 PUMAs, each with a minimum population of 100,000 persons. PUMS data is composed of untabulated records from the American Community Survey (ACS). This allows for the creation of custom variables by cross-tabulating selected combination of characteristics from the records (i.e. population over 5 years old that speaks Spanish and speaks English “not well” or “not at all”).

A more detailed geographic analysis was performed using ACS language data at the Census Tract level. ACS data is available as 5 year estimates in pre-tabulated categories for at the tract level (5 year estimates are necessary in order to achieve a sufficient sample size).

Census 2000 data on language is also available at the tract level (Census 2000 tracts). Census 2000 used a longer form survey than 2010, and offers a more detailed language proficiency breakdown without margin of error issues.

### **PUMS/PUMAs USED AS LEP POULATION SOURCE**

For the purposes of the MTS Language Assistance Plan, PUMS/PUMAs were selected as the source for LEP population for the following reasons:

- Allow for the creation of custom variables
- Provide more detailed population characteristics (population that speaks a language other than English (total or for a specific language) and speaks English “very well”, “well”, “not well”, or “not at all”).
- Has a low margin of error due to large sample sizes

Other population sources – ACS Census Tracts and Census 2000/Census Tracts – have limitations, including fewer language categories, smaller sample sizes and larger margins of error, and data that does not capture shifts in population and immigration.



## LEP POPULATION ANALYSIS

### *PUMS/PUMA*

The DOT describes limited English proficiency as having a limited ability to read, write, speak or understand English. The DOT and FTA (in both the LEP guidance and Title VI Circular), define this population as people who reported that they speak English “not well” or “not at all.” Table 2 shows this analysis for San Diego County. The table shows that the overall LEP population in the County is 8.0 percent of persons age five years and older.

**Table 2: Community Survey 2010, 1-year estimates, Age by Language Spoken**

County	Total Population Age 5 and Over	Speaks English Only	Speaks English		Percentage Less than “Well”
			“Well” or “Very Well”	Less Than “Well”	
San Diego	2,089,927	1,287,143	645,723	156,731	7.5%

Source: U.S. Census Bureau, 2010 American Community Survey, Table B16004

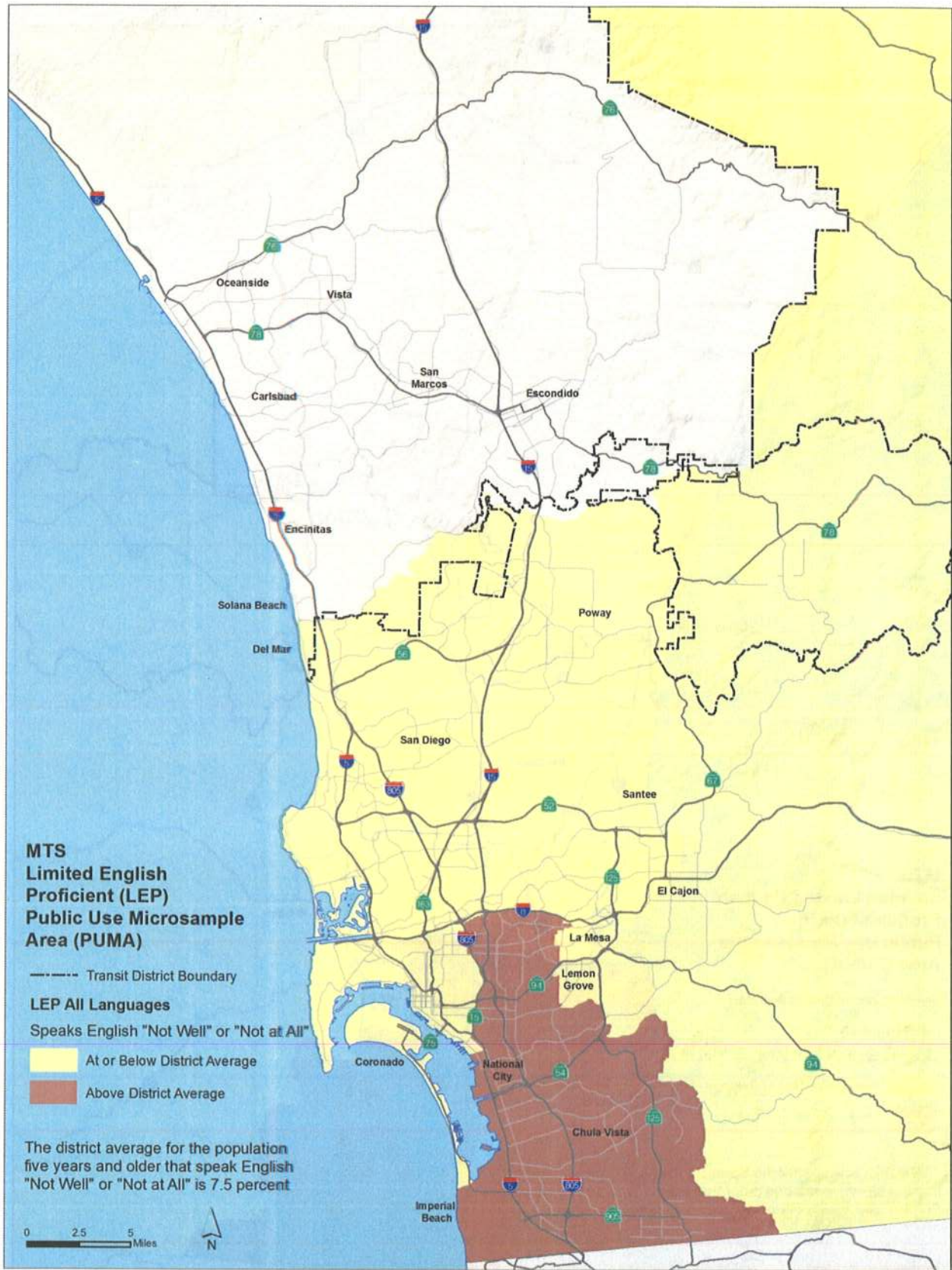
The ACS data also includes information on languages spoken for 39 different language groups (but not by ability to speak English as is available in the ACS data). Table 2 shows the top five non-English languages spoken at home in the San Diego region in 2010 among the total population ages five and older (including both LEP and non-LEP populations). While there were respondents from all 39 language groups, Spanish, Tagalog, Chinese, Vietnamese, and German were the primary languages.

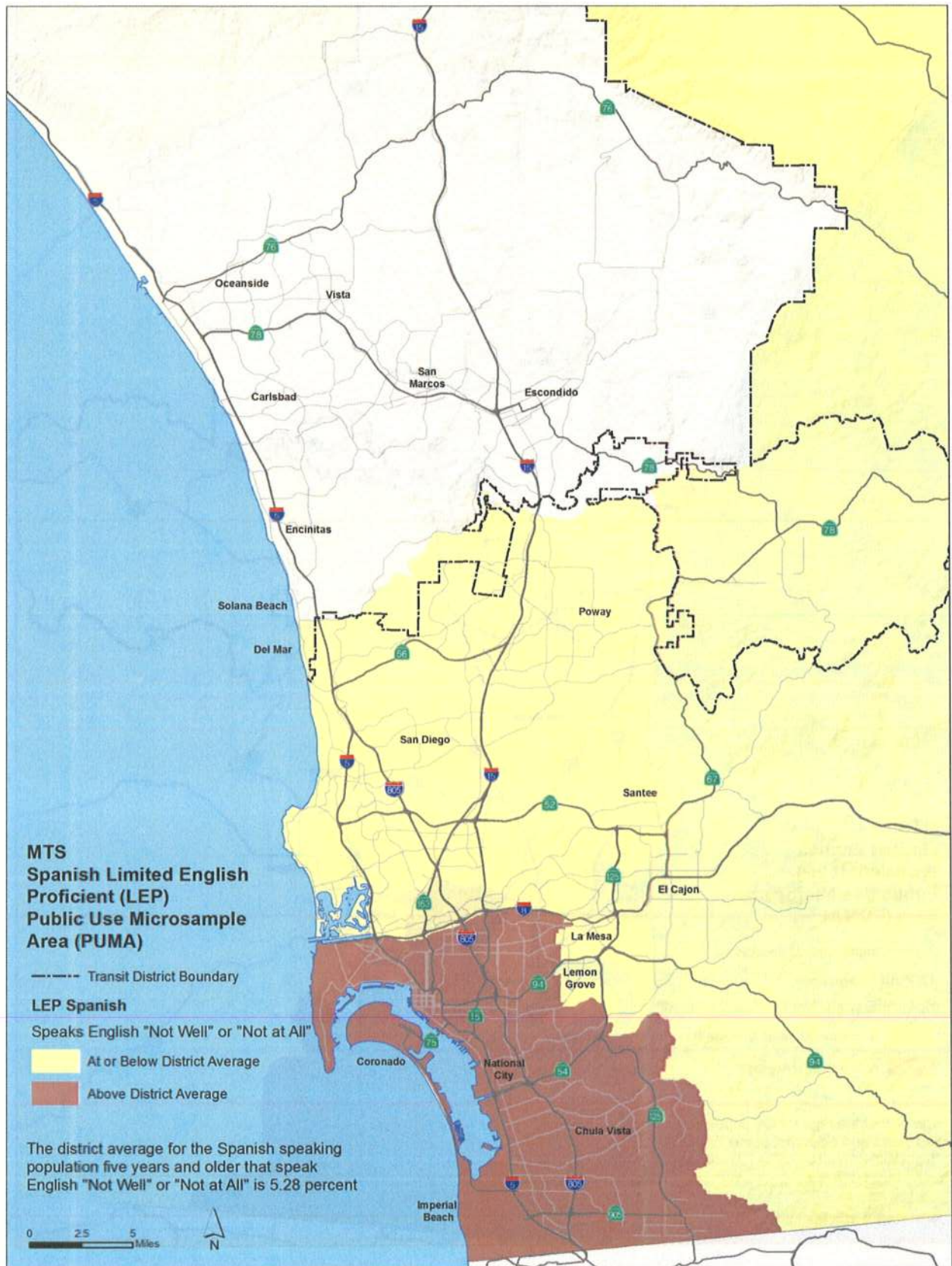
**Table 3: Languages Spoken at Home in the MTS Jurisdiction**

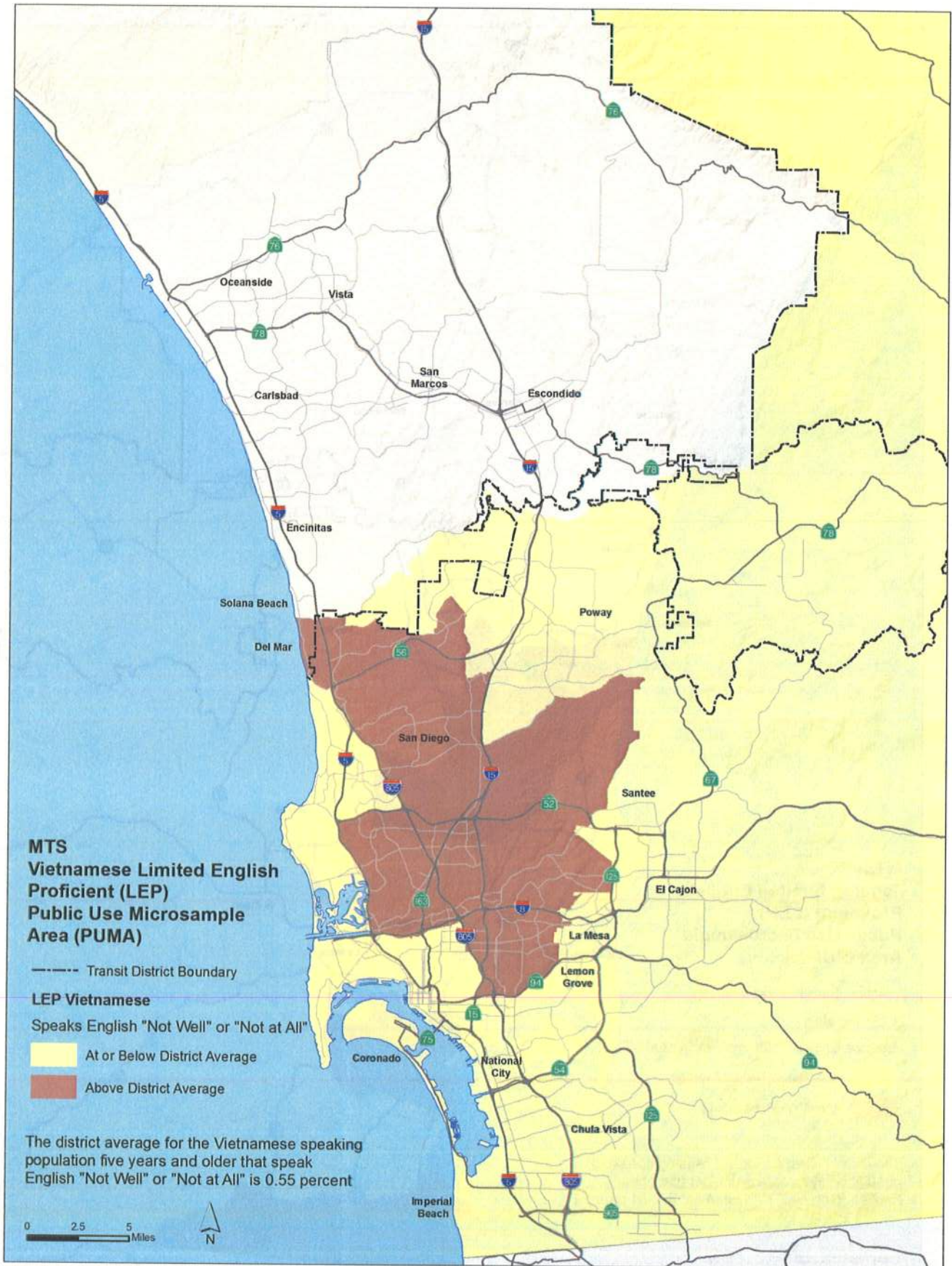
Language	Language Spoken at Home for the Population 5 and Over	Percent of Total Population
Spanish	504,760	24.15%
Tagalog	81,954	3.92%
Vietnamese	33,386	1.59%
Chinese	20,611	0.99%
Arabic	12,915	0.62%
All Other	148,928	7.13%

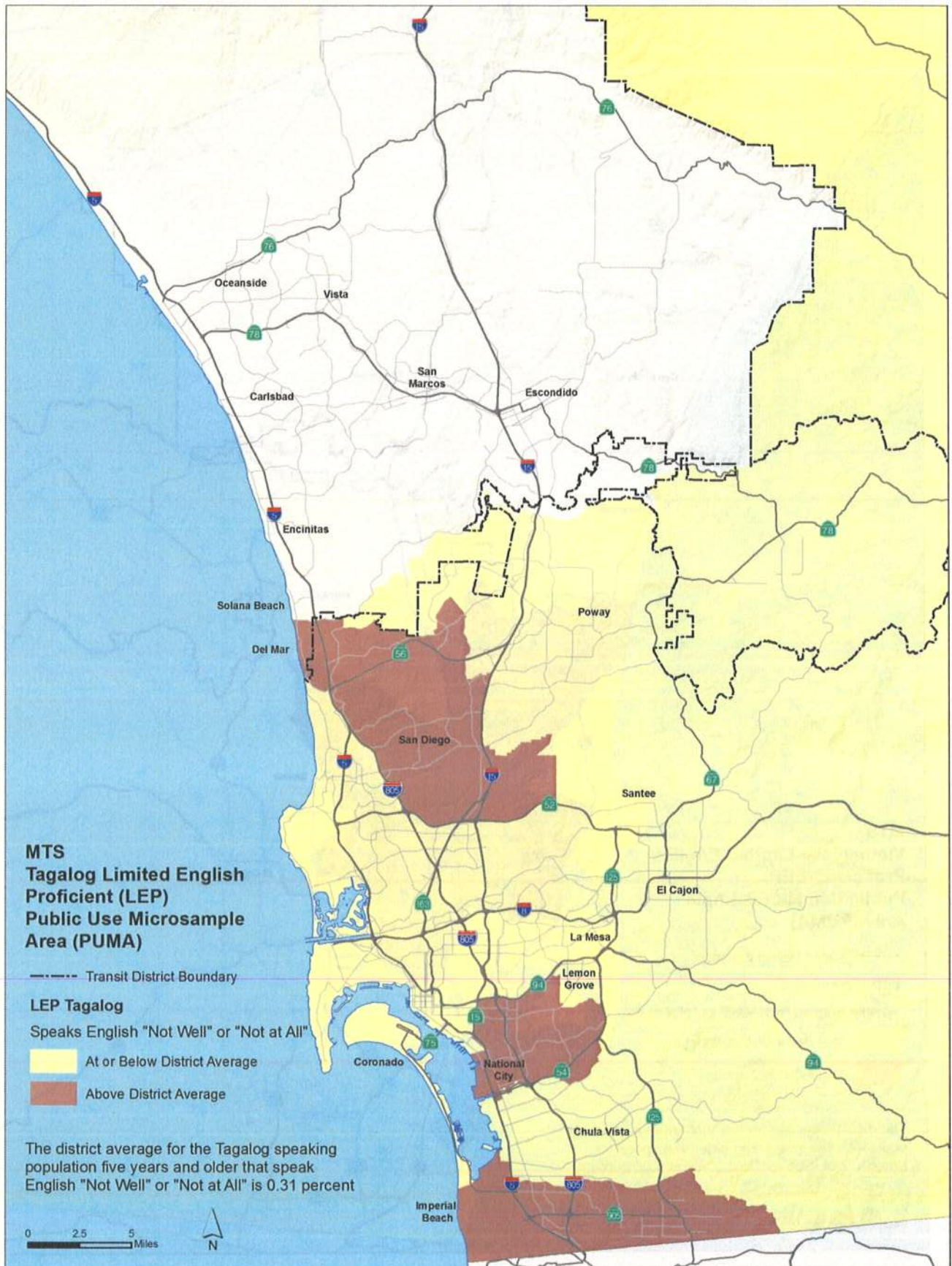
Source: U.S. Census Bureau, American Community Survey, Table C16001

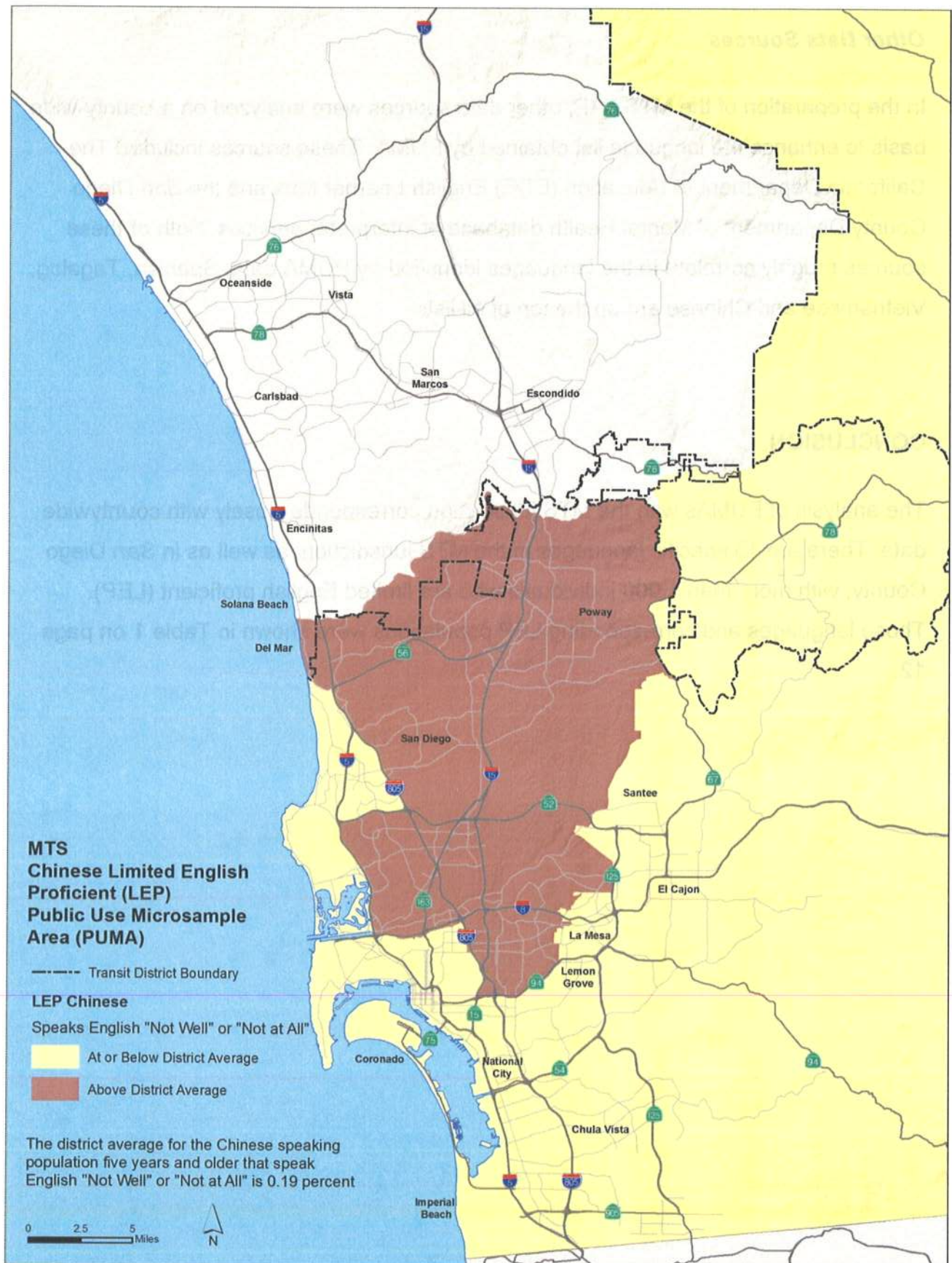
The Figure 1 below shows the LEP Census Tracts using PUMA data. The map illustrates the Census Tracts where the proportion of the population speaking English “less than well” is greater than 7.5 percent, the service area average. Figure 2 shows the Census Tracts where the proportion of LEP Spanish speaking population is greater than 5.7 percent, the service area average; Figure 3 where the proportion of LEP Vietnamese speaking population is greater than 0.55 percent; Figure 4 for Tagalog where the proportion is greater than 0.31 percent, and Figure 5 for Chinese where the proportion is greater than 0.19 percent.











### ***Other Data Sources***

In the preparation of the MTS LAP, other data sources were analyzed on a county-wide basis to enhance the language list obtained by PUMA. These sources included The California Department of Education (CDE) English Learner data and the San Diego County Department of Mental Health database of interpreter services. Both of these sources roughly correlate to the languages identified by PUMA data. Spanish, Tagalog, Vietnamese and Chinese are on the top of all lists.

### **CONCLUSION**

The analysis of PUMAs with the MTS jurisdiction corresponds closely with countywide data. There are 13 specific languages in the MTS jurisdiction, as well as in San Diego County, with more than 1,000 individuals who are limited English proficient (LEP). Those languages and corresponding LEP populations were shown in Table 1 on page 12.



#### **IV. LANGUAGE ASSISTANCE MEASURES**

Current and future language assistance measures are outlined in this section of the LAP.

To gather all the current language assistance measures, staff who regularly work on outreach efforts and in customer service or customer facing capacities were interviewed.

To gain insight for potential future language assistance measures, interviews of community based organizations (CBOs) serving LEP populations and focus groups with LEP residents were conducted in areas in the MTS service territory that were identified as having high proportions of LEP persons. Additionally, intercept surveys were conducted at transit centers known to have high concentrations of LEP riders.

##### **Current Language Assistance Measures**

Currently, MTS provides a variety of language assistance services including the translation of all critical rider information. To date, translation has been primarily in Spanish due to the high concentration of Spanish LEP individuals who utilize MTS services.

MTS utilizes a combination of agency and certified translation companies for translation services. All materials are reviewed by internal native Spanish-speaking staff review documents for accuracy, relevancy, and consistency. MTS also has internal staff with Tagalog and Chinese fluency to review materials translated into those languages.

The following chart details the LEP public outreach components MTS currently has in place.

## CURRENT LEP OUTREACH MEASURES

<b>Program, Activity, Service</b>	<b>LEP Component</b>
MTS Public Meetings	<ul style="list-style-type: none"> <li>• Periodic English/Spanish translation service provided</li> </ul>
Transit Planning Efforts	<ul style="list-style-type: none"> <li>• Public meetings/workshops</li> <li>• Bilingual English/Spanish staff attend public meetings and workshops where public comment is requested</li> <li>• Fact sheets and comment cards produced in English/Spanish</li> <li>• Community-based outreach program to secure participation from underrepresented groups</li> <li>• Conduct periodic system-wide public opinion surveys in English/Spanish</li> </ul>
Rider Information Materials (printed)	<ul style="list-style-type: none"> <li>• Public meetings/workshops</li> <li>• On-board communications, including Take One notices for service announcements and quarterly rider newsletter</li> <li>• All fare information printed in English and Spanish</li> <li>• All MTS service advertising printed in English and Spanish</li> <li>• All “How to Ride” information on board vehicles and on station platforms printed in English/Spanish</li> <li>• Timetables printed in English/Spanish</li> <li>• All collateral printed in English/Spanish</li> <li>• Critical Web information available in Spanish</li> <li>• MTS will translate any materials into any language upon request.</li> </ul>

Customer Satisfaction Survey	<ul style="list-style-type: none"> <li>• Written customer survey produced in English/Spanish</li> <li>• On-Line customer survey available in Tagalog, Vietnamese, and Chinese</li> </ul>
Rider Information at Call Centers (511 and Telephone Information)	<ul style="list-style-type: none"> <li>• Bilingual English/Spanish IVR (Interactive Voice Recognition) phone system</li> <li>• Bilingual English/Spanish operators</li> <li>• Printed materials (brochures, application forms) produced in English/Spanish</li> </ul>
Telephone Information and Customer Service Call Centers	<ul style="list-style-type: none"> <li>• Bilingual English/Spanish IVR (Interactive Voice Recognition) phone system</li> <li>• Bilingual English/Spanish operators</li> </ul>
Fare Collection Services (Bus Farebox, Trolley Ticket Machines)	<ul style="list-style-type: none"> <li>• Bilingual English/Spanish IVR (Interactive Voice Recognition) phone system</li> <li>• Bilingual English/Spanish operators at Regional Transit and Roadside Assistance service centers</li> </ul>
General MTS	<ul style="list-style-type: none"> <li>• Bilingual English/Spanish receptionists on staff to provide assistance on the phone and in person</li> <li>• Bilingual Bus operators</li> <li>• Bilingual Rail Ambassadors (to provide rider assistance)</li> <li>• Access to language line</li> <li>• Established contracts for document translation</li> <li>• Internal translation review by native Spanish and other language speakers</li> </ul>

<p>Transit Fares</p>	<ul style="list-style-type: none"> <li>• Public notices printed in English/Spanish when fare changes are being considered</li> <li>• Public comment period, public meeting dates, printed in English/Spanish in regional and local newspapers</li> <li>• Fare Facts document printed in English/Spanish</li> <li>• Fare information on board all vehicles and on rail platforms printed in both English/Spanish</li> <li>• Title VI complaint materials provided in English/Spanish</li> </ul>
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The list below provides a more detailed review of all the tools utilized by MTS to communicate with its LEP riders.

**Written Language Assistance**

- Bilingual or multilingual versions of:
  - "How to ride" brochures
  - Spanish language fare payment instructions
  - Spanish language system maps and timetables
  - Printed Spanish language service change announcements
  - Spanish language notices pertaining to upcoming events
- As resources become available and materials are updated, more and more Pictographs in stations and in vehicles are being implemented
- Ticket vending machines with Spanish language functions

**Oral language Assistance**

- Bilingual staff
- Contracting for interpreters on an "as needed" basis

- Utilizing community volunteers to interpret information
- Using bilingual staff to interpret information on an “as needed” basis
- Driver training to ask other riders for assistance when language services are required

### **Community Outreach**

- Spanish language TV advertisements
- Spanish language radio advertisements
- Spanish language newspaper advertisements
- Advertisements in ethnic media, including Tagalog, Vietnamese and Chinese

### **Stations**

- Visible Spanish instructions on how to make fare payments
- Visible Spanish schedules, route maps and information on how to use the system
- Staff awareness regarding availability of translated materials
- Bilingual Ambassador staff

### **Vehicles**

- Visible Spanish instructions on how to make fare payments
- Visible Spanish schedules, route maps and information on how to use the system
- Operator awareness that translated information is available
- Bilingual bus operators

### **Customer Service**

- Bilingual customer service representatives
- Ability to provide information in other languages through third-party interpretation services

### **Community Outreach**

- Translators present at community meetings as needed

- Opportunity for both oral as well as written comments

### **Press/Public Relations**

- Working relationships with ethnic media who translate press release content
- Select translated information on website

### **Future Language Assistance Measures**

Interviews with LEP individuals and community based organizations (CBOs) that serve these populations brought to light a number of measures LEP communities would like to see implemented. Many of the suggestions were repeated in the different language LEP focus groups, making the case that the issue of access to information is fairly consistent throughout different speaking LEP communities.

Efforts to include as many realistic suggestions as possible in this report have been made. Available resources helped to determine the feasibility of the suggestions received. Of the many suggested ideas, the condensed list below provides direction for MTS staff when planning future LEP outreach efforts.

- Thoroughly analyze LEP populations for specific areas and provide staff and written materials specific to the LEP needs of each community.
- Establish a self-monitoring mechanism for project managers to document LEP participation at all community meetings through sign-in sheets
- Create community specific guidelines and key partner contacts for MTS project managers to use when working in neighborhoods with high concentrations of LEP residents
- Maintain a CBO database to spread information through those networks
- Increase usage of Spanish language radio and TV announcements when possible
- Incorporate language into all grant agreements for federal sourced funds to ensure that LEP requirements are met by grantees

- For new transit construction, ensure that vital transit signage is translated or incorporates design pictograms
  - Provide any necessary telephone interpretation for 511 (through SANDAG), FasTrak, Compass, iCommute, Service Patrol, Planning questions in different languages. Use the Language Line for additional languages
- Place multi-language information and notices in publications serving LEP populations to demonstrate MTS's commitment to all stakeholders, to share service-related announcements; and to increase comfort levels regarding access to information in a native language
- Provide Notice of Availability of language assistance for LEP populations
- Update Public Participation Plan
- Work with LEP serving CBOs to provide information/training on how to ride for LEP populations
- Define MTS "vital documents" and a system for ensuring on-going translation or oral interpretation for these
- Create staff Language Assistance Guidelines for how to interact and provide services to LEP populations

Transit specific suggestions received through the public interaction process are included below. The suggestions below will be implemented as budget allows.

- Increase access to telephone interpreter services
- Translate complaint/commendation forms
- Increase usage of pictographs for information and instructions
- Explore use of interactive electronic customer information signs at major transit centers
- Provide more robust translation on agency website
- Translated electronic signs
- Upcoming stop announcements in vehicles
- Provide more translated information at bus stops in high LEP neighborhoods

- Train drivers to provide loud and clear announcements, even in English, as any sort of stop recognition is helpful
- Provide LEP serving CBOs, community centers, temples, churches, etc. bus guides and other transit information
- Have transit information printed in ethnic newspapers and publicized on ethnic radio
- Partner with CBOs to conduct more trainings on how to use public transit for LEP populations, allowing for greater comfort levels and encouraging use of public transit
- Provide drivers with customer service training on how to interact with LEP communities
- Publicize the availability and instructions for accessing information in languages other than English



## V. TRAINING STAFF

MTS has three internal training functions: Bus Operator Training, Trolley Operator Training and Administrative Staff Training, which includes all customer service representatives, management and administrative staff.

All three departments will integrate LEP modules into their overall training procedures. The following will be implemented to ensure adequate training for all MTS employees who interact with customers:

- Revising required annual training to incorporate LEP training
- Providing an initial Language Assistance Plan training to all staff
- Conducting follow-up front line staff to ensure that they are utilizing LEP interaction procedures covered in the training
- Conducting periodic reviews to assess the effectiveness of LEP training video or other LEP training material and update as necessary
- Create LEP Language Assistance Guidelines for all staff to reference

The initial staff training on the Language Assistance Plan and how to work with LEP individuals will be conducted by MTS training professionals. Training will include:

- A summary of MTS responsibilities under the DOT LEP Guidance
- A summary of MTS' Language Assistance Plan
- A summary of the Four Factor Analysis
- A description of the type of language assistance MTS currently provides and instructions on how staff can access these products and services
- How to respond to calls from LEP persons
- How to respond to correspondence from LEP persons
- How to respond to LEP persons in person
- How to document the needs of LEP persons
- How to respond to civil rights Title VI complaints

Subsequent follow up with staff that interact with LEP individuals the most will be

conducted to ensure all necessary efforts are being made. This staff will include reception, customer service and project manager positions. After the initial training, LEP training will be incorporated into existing required annual Title VI training.

## VI. PROVIDING NOTICE TO LEP PERSONS

As more thoroughly discussed in earlier sections of this report, MTS currently provides notice to LEP individuals in a number of ways. These include:

- Translated information for fare changes and other important notices
- Translated project fact sheets documents
- Access to multiple language customer service telephone line
- Press release distribution to ethnic media, who regularly translate material for their audiences
- Interpreters at community meetings
- Presence at community events with LEP attendees
- Some web translations
- Leveraging community partners to help disseminate notice of availability of language assistance to LEP populations
- Including notices in local newspapers in languages other than English

Moving forward, several other methods will be implemented to provide notice to LEP persons, including:

- Google translate on MTS website
- Increased usage of multi-language newspaper, radio, and television advertisements
- Creation of documents to notify people of the availability of language assistance to be taken to MTS outreach meetings and distributed through CBO partners
- Language regarding availability of language assistance to be added to existing materials
- Posting signs in MTS reception area specifying language assistance availability

## **VII. MONITORING/UPDATING THE PLAN**

The Four Factor Analysis and LAP, upon implementation, will be monitored and scheduled for review every four years.

The plan will be monitored using the following measures:

- Assigning a staff person to provide day-to-day administration of the LAP to ensure compliance and correct implementation
- Seeking feedback from LEP communities and CBOs regarding the effectiveness of the plan when possible
- Seeking staff feedback to determine the effectiveness and usefulness of the LAP
- Utilizing LEP Language Assistance Guidelines for all staff

The following is a list of the elements to be reviewed regularly:

- Assessment of the number of LEP persons in the region
- The frequency of encounters with LEP language groups
- Nature and importance of activities to LEP persons
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed
- Assessment of the language needs of LEP individuals in order to determine whether interpreters and/or translated materials are needed
- Assessment of whether existing language assistance services are meeting the needs of LEP individuals
- Assessment of whether staff members understand LEP policies, procedures, and how to access and carry them out
- Assessment of whether language assistance resources and arrangements for those resources are current
- Feedback from LEP communities and community organizations about the LAP

Changes to the LAP will be made based on the input provided from staff, CBOs and LEP persons.



# LANGUAGE ASSISTANCE PLAN

MTS Board of Directors  
June 20, 2013



①

## LANGUAGE ASSISTANCE PLAN

- Required by Title VI to provide access for 'Limited English Proficient' populations and prevent discrimination on the basis of national origin
- SANDAG led Four Factor Analysis effort for region (SANDAG, MTS, NCTD)
- Information gathered in Four Factor Analysis used to develop MTS-specific LAP



## LANGUAGE ASSISTANCE PLAN

### Four Factor Analysis:

- 1) Identify the number or proportion of LEP persons likely to be use MTS services
- 2) Establish the frequency with which LEP persons come into contact with MTS
- 3) The importance of MTS services to people's lives
- 4) The resources available to MTS for LEP outreach, and the costs associated with the outreach



### LEP Speakers by Language in MTS Jurisdiction:

Language	LEP Population	Percent of All LEP Speakers	% of Total Population (Age 5+)
Spanish	110,356	70.4%	5.28%
Vietnamese	11,406	7.3%	0.55%
Tagalog	6,515	4.2%	0.31%
Chinese	4,064	2.6%	0.19%
Syriac	3,513	2.2%	0.17%
Arabic	2,553	1.6%	0.12%
Persian	2,307	1.5%	0.11%
Korean	1,976	1.3%	0.09%
Laotian	1,842	1.2%	0.09%
Japanese	1,573	1.0%	0.08%
Russian	1,258	0.8%	0.06%
Mandarin	1,180	0.5%	0.04%
Cambodian	1,018	0.4%	0.04%

Source: U.S. Census Bureau, 2008-2010 American Community Survey



## LANGUAGE ASSISTANCE PLAN

LAP includes five components, as required:

- 1) Results of four-factor analysis and a description of the LEP populations served
- 2) Description of how MTS provides language assistance
- 3) Describes how MTS provides notice of availability of language assistance
- 4) Description of how MTS monitors, evaluates, & updates its LAP
- 5) Description of how MTS trains employees to provide language assistance



## CURRENT LEP OUTREACH MEASURES

- Printed materials in English/Spanish: timetables, Take Ones, MTS News, How-to-Ride brochures, application forms, fact sheets, comment cards, and all other collateral
- Signage in English/Spanish: fare payment info., "how to ride" signage, etc.
- Pictographs used in stations and in vehicles.
- Bilingual staff, including vehicle operators, call center staff, and ambassadors
- Translation of any printed materials into any language upon request
- Rider surveys in Spanish, Vietnamese, Tagalog, and Chinese
- Bilingual English/Spanish voice recognition phone system
- Routine English/Spanish translation provided; other languages upon request
- Bilingual staff at public meetings
- TVMs with Spanish language functions
- Internal translation review by native Spanish and other language speakers
- Established contracts for document translation, and access to language line as-needed; Community volunteers utilized as interpreters
- Media advertisements in Spanish, Vietnamese, Tagalog, Chinese, and others
- Community-specific language assistance for special projects and meetings



## POTENTIAL FUTURE MEASURES

Based on interviews with LEP individuals and CBOs:

- Provide written materials specific to the LEP needs of each community.
- Establish a mechanism for documenting LEP participation at meetings
- Create community-specific guidelines and key partner contacts for to use when working in neighborhoods with high concentrations of LEP residents
- Distribute information through CBO networks
- Increase usage of Spanish language radio and TV announcements
- Incorporate language into agreements to ensure LEP requirements are met
- Ensure that vital signage is translated or incorporates pictograms
- Use the Language Line for additional languages
- Multi-language information/notices in publications serving LEP populations
- More notice of availability of language assistance for LEP populations
- Staff guidelines for how to interact and provide services to LEP populations



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KUMUHA NG ISA  
Pagtitipon ng komunidad

TOME UNO  
Toma un paso komunidad

## LANGUAGE ASSISTANCE PLAN

Recommendation:

**That the Board of Directors approve the  
MTS 2013 Language Assistance Plan**



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## Agenda Item No. 31

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

TITLE VI AND ENVIRONMENTAL JUSTICE POLICY NO. 42 UPDATES  
(DENIS DESMOND)

#### RECOMMENDATION:

That the Board approve the proposed Policy No. 42 amendments, including the Title VI policies and service standards.

#### Budget Impact:

None at this time.

#### DISCUSSION:

The Federal Transit Administration (FTA) issues guidelines for agencies to comply with Title VI of the Civil Rights Act of 1964 to ensure that “no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin.” In summer 2012, the FTA conducted its triennial audit of MTS’s compliance with its directives on Title VI. Auditor recommendations were incorporated into an update of MTS Board Policy No. 42 in September of last year.

FTA issued a new Title VI Circular (Circular 4702.1B) and Environmental Justice Circular (Circular 4703.1) in fall 2012 with provisions regarding potential impacts on low-income and minority (LIM) populations from service changes that will require MTS to update Board Policy No. 42 (Transit Service Evaluation and Adjustment). Further, the new federal guidance requires Board-adopted standards for the provision of services with a periodic evaluation of conformance to those standards. The Executive Committee was presented with proposed Policy No. 42 changes last month and provided direction to staff for further review.



The new federal guidance mandates that any major service changes after April 1, 2013, comply with the updated Circular requirements. The recommended changes to Policy No. 42 are updates to ensure conformance with the new requirements in the FTA circulars and are summarized below.

#### Disparate Impact and Disproportionate Burden Policies

FTA has introduced new requirements for analyzing the impacts of service changes on minorities and low-income populations. The circulars now require MTS to identify and consistently use a threshold of significance (over/under the service area average) for determining disparate impacts on minorities and disproportionate burdens on low-income populations. The Title VI circular uses a 10 percent threshold as an example. The circulars do not mandate a 10 percent threshold, but it is recommended for use by MTS staff for several reasons:

1. In the past, service changes have been analyzed by MTS consistently with the approaches described in federal guidance.
2. The U.S. Supreme Court has held that differences of less than 20 percent, when conducting a disparity analysis, are within the range of differences that can occur by mere chance.
3. A peer analysis of other agencies shows that a majority of other agencies nationwide have set a threshold of significance that is higher than 10 percent and that most are within the range of 5 to 20 percent.
4. The FTA Title VI Circular provides only one example for agencies as guidance in selecting a threshold of significance, and that example is 10 percent.
5. The FTA requires agencies to report data with 10 percent precision at the 95 percent confidence level. As long as the data reported is within that threshold, the data is assumed to be valid.
6. A 10 percent threshold provides flexibility to make determinations based on actual impacts to affected populations rather than strict adherence to a percentage.
7. A 10 percent threshold will allow MTS to differentiate between those communities with an extremely high LIM percentage and those that are only slightly above the MTS average.

The draft policy language with the recommended 10 percent thresholds is as follows:

1. Disparate Impact Policy: A disparate impact is found when there is a difference in adverse effects between minority and non-minority populations such that: the adversely affected population is 10 percent or greater minority (by percentage of total MTS service area population) than the total MTS service area average; or, the benefitting population is 10 percent or more non-minority by percentage of total population than the total MTS service area average. If MTS chooses to implement a proposed major service change despite a finding of a disparate impact, MTS may only do so if there is a substantial justification for the change,

and there are no alternatives that would have a less disparate impact and still accomplish the goals of the change.

*For example, if the total MTS service area average is 55% minority, then a proposed service change that adversely affects a population that is 65% minority or greater would be defined as a disparate impact.*

2. Disproportionate Burden Policy: A disproportionate burden is found when there is a difference in adverse effects between low-income and non-low-income populations such that: the adversely affected population is 10 percent or more “low-income” (by percentage of total MTS service area population) than the total MTS service area average; or, the benefitting population is 10 percent or greater “non-low-income” by percentage of total population than the total MTS service area average. If MTS chooses to implement a proposed change despite a finding of disproportionate burden, MTS may only do so if steps are taken to avoid or minimize impacts where practicable, and MTS provides a description of alternatives available to affected low-income populations.

*For example, if the total MTS service area average is 20% “low-income,” then a proposed service change that benefits a population that is 90% or greater “non-low-income” would be defined as a disproportionate burden.*

### Major Service Change Policy

The Title VI guidance also requires a Major Service Change Policy defining a “major service change” for purposes of service equity analyses. MTS already has such a policy in place, as part of Policy No. 42. Staff is not proposing any changes to that policy, as it was just updated last September based on recommendations from MTS’s Title VI audit.

### Service Standards

The new Title VI guidance requires that agencies adopt service standards for On-time Performance, Route Headway, Service Availability, and Vehicle Loads. Policy No. 42 already includes a number of performance standards that are measured and reported quarterly and/or annually.

1. The current Policy No. 42 standard for on-time performance is 85 percent for Urban Frequent routes and 90 percent for all other modes. Staff is recommending continuing this standard and using the Urban Frequent standard for the new Rapid mode.
2. Existing Policy No. 42 standards for route headways are 15 minutes for light rail and Urban Frequent bus routes, 30 minutes for Urban Standard, Express, and Premium Express routes, and 60 minutes for Circulator routes. Staff is recommending continuing this standard and using the Urban Frequent standard for the new Rapid mode.
3. Service Availability is a measure of access to transit service for residents within the MTS service area. This standard can be presented to encourage transit resources in the areas of highest productivity or to direct a more sparse distribution of service over a wider coverage area. Since the Comprehensive

Operational Analysis, two of the major tenets of Policy No. 42 have been that the MTS system be competitive and sustainable. After a review of all of the goals listed in SANDAG's 2012-2016 Coordinated Plan, staff is recommending three that encourage a productivity-based standard for service availability be included in Policy No. 42:

- 80% of residents or jobs within ½ mile of a bus stop or rail station in urban areas
- 100% of suburban residences within 5 miles of a bus stop or rail station
- One return trip at least 2 days/week to destinations from rural villages

These would replace the current "Transfer Opportunities" standard that is difficult to objectively measure and has no current benefit for Title VI compliance.

4. A vehicle load standard is already incorporated into Policy No. 42. In 2012, MTS's Title VI auditors recommended changing the measure to a more typical standard: a load factor as a ratio of passengers-to-vehicle seats. To reach a recommendation, staff reviewed the Transportation Cooperative Research Board's (TCRB) Transit Capacity and Quality of Service Manual, vehicle load ratings and characteristics, and current MTS experience. The staff recommendation for a Policy No. 42 vehicle load standard is that ***no more than 20 percent of the trips within a mode exceed the specified load factor.***

For most bus services, the recommended load factor would be 1.5 (150% of seated capacity). Any routes operated with minibuses and the Premium Express mode would have a load factor of 1.0 because the vehicles have a single-door, narrow aisle, and wheelchair access through the middle or rear of the bus. Due to the light rail vehicles' much higher standing capacities, the trolley lines would have a load factors set at 3.0 (300% of seated capacity).

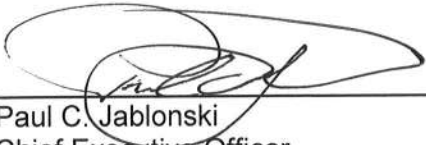
5. With the implementation of new TransNet-funded Rapid services, staff is recommending the addition of a new "Rapid" mode to Policy No. 42. This mode would include the existing SuperLoop (Route 201/202/204), and the future Mid-City Rapid, Interstate 15 Bus Rapid Transit (BRT), and South Bay BRT routes. The on-time performance standard for the Rapid mode would be 85 percent and the headway standard 15 minutes.

#### Public Outreach

FTA guidance requires public involvement in the development of the Major Service Change Policy, Disproportionate Burden Policy, and Disparate Impact Policy. MTS' public engagement included:

- Informational materials sent to over 30 community and social service organizations
- Advertising in various community media outlets
- Public Meeting held on June 17, 2013
- Comments accepted via e-mail, mail, and telephone hotline

- Information page on [www.sdmts.com](http://www.sdmts.com)
- Presentation to MTS's Accessible Services Advisory Committee on June 13, 2013
- Publicly noticed Executive Committee meeting on May 23, and today's Board meeting



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. Proposed Revised Policy No. 42

## Policies and Procedures

No. 42

**SUBJECT:**

**Board Approval:** 6/20/13

**TRANSIT SERVICE EVALUATION AND ADJUSTMENT**

**PURPOSE:**

To establish:

- (1) a process for evaluating and adjusting existing transit services to improve performance; and
- (2) procedures for implementing service changes.

**BACKGROUND:**

On June 23, 2005, the MTS Board of Directors approved the following vision for MTS services.

### A Vision for MTS Services

- Develop a **Customer-Focused** System: Provide services that reflect the travel needs and priorities of our customers.
- Develop a **Competitive** System: Provide services that are competitive with other travel options by meeting market segment expectations.
- Develop an **Integrated** System: Develop transit services as part of an integrated network rather than a collection of individual routes.
- Develop a **Sustainable** System: Provide appropriate types and levels of service that are consistent with market demands and are maintainable under current financial conditions.



This policy establishes a process for evaluating existing transit services based on these vision statements. In addition, the policy outlines procedures for implementing minor and major service adjustments.

POLICY:

42.1 Categories of Transit Service

To ensure that transit services are evaluated against other similar services, routes are designated into eight service categories based on route characteristics. These categories include: Premium Express, Express, Light Rail, Urban Frequent, Urban Standard, Circulator, Rural, and Demand-Responsive, as defined below. These categories also ensure that fares are consistent with the type and characteristics of the service. Attachment A specifies the services within each category.

***Fixed-Route Services***

Premium Express – High-speed, point-to-point service geared towards commute markets. Service provided during weekday peak periods only and scheduled to meet primary work shift times. May use over-the-road coaches for maximum comfort and highway operations.

Express – High-speed service geared toward linking major subregional residential, employment, and activity centers. Service is generally provided throughout the weekday and possibly on weekends. Operates primarily on highways and major arterials.

Light Rail – High-frequency service (15 minutes or better during the base weekday) operating on exclusive railroad right-of-way. Serves multiple trip purposes and generally experiences high turnover along the line.

Rapid – High-frequency bus service (15 minutes or better during the base weekday) operating in a combination of HOV lanes, mixed-traffic lanes, and/or exclusive right-of-way. Serves multiple trip purposes and generally experiences high turnover along the line. Offers Traffic Signal Priority, enhanced station stops, and “Rapid” or other distinct branding. Service is subsidized by TransNet.

Urban Frequent – High-frequency service (15 minutes or better during the base weekday) primarily operated along major arterials in denser urban areas. Serves multiple trip purposes and generally experiences high turnover along the route. May be operated as regular (all stops) or limited (stopping only at major transfer points and activity centers).

Urban Standard – Basic transit service with base weekday frequencies generally between 30 and 60 minutes. Operates in less dense urban and suburban areas. Serves multiple trip purposes and provides access to all stops.



Circulator – Neighborhood feeder/distributor to transfer stations or shuttle service to local destinations. Operates on arterials and local streets to provide access to residences, businesses, activity, and transfer centers.

**Figure 1**  
**Characteristics of Fixed-Route Services**

	Trip Distance	Speed	Stop Spacing	Streamlined Routing	Fares
	<i>Longer</i>	<i>Faster</i>	<i>Greater</i>	<i>More</i>	<i>Higher</i>
Premium Express	↑	↑	↑	↑	↑
Express	↑	↑	↑	↑	↑
Light Rail	↑	↑	↑	↑	↑
<u>Rapid Bus</u>	↑	↑	↑	↑	↑
Urban Frequent	↓	↓	↓	↓	↓
Urban Standard	↓	↓	↓	↓	↓
Circulator	↓	↓	↓	↓	↓
	<i>Shorter</i>	<i>Slower</i>	<i>Lesser</i>	<i>Less</i>	<i>Lower</i>

**Specialized Services**

Rural – Lifeline service that provides a link between rural communities and the San Diego urban core. Very limited service levels; generally a few round-trips operating a few days per week given limited demand.

Demand-Responsive - Paratransit services that complement fixed-route services in accordance with the Americans with Disabilities Act (ADA), as well as services that provide transit access to areas difficult to serve by conventional fixed-routes (e.g., due to terrain, discontinuous street patterns, and extremely low densities).

42.2 Performance Indicators

The following performance indicators, summarized in Figure 2, ensure that the service evaluation is consistent with the vision statements established for MTS services.

**Figure 2  
Transit Service Performance Indicators**

	CUSTOMER FOCUSED / COMPETITIVE	INTEGRATED	RESOURCES	SUSTAINABLE
	PRODUCTIVITY	QUALITY	CONNECTIVITY	EFFICIENCY
Total Passengers				
Average Weekday Passengers				
Passengers/Revenue Hour				
<b>Passengers/In Service Hour</b>				
Passenger Load Factor				
On-Time Performance				
Mean Distance between Failures				
Accidents/100,000 Miles				
Comments/100,000 Passengers				
Route Headway				
Span of Service Consistency				
<u>Service Availability Standard</u> Transfer Opportunities				
In-Service Miles				
In-Service Hours				
Peak Vehicle Requirement				
In-Service Speeds				
In-Service/Total Miles				
In-Service/Total Hours				
Farebox Recovery Ratio				
<b>Subsidy/Passenger</b>				

**Bold** – Key indicators used for ranking route performance.

**Total Passengers** – Total number of unlinked boardings.

**Average Weekday Passengers** – Average of weekday unlinked boardings excluding abnormal weekday boardings due to unusual circumstances, such as inclement weather, special events, and other unusual impacts to daily ridership levels.

**Passengers per Revenue Hour** – Total number of unlinked boardings divided by the sum of in-service and layover (including recovery) hours. Does not include pull and deadhead hours. Consistent with National Transit Database (NTD) definitions, this indicator is generally used to compare the productivity of MTS services with other agencies.

**Passengers per In Service Hour** – Total number of unlinked boardings divided by in-service hours. Does not include layover, recovery, pull, and deadhead hours. This indicator is a more accurate measure of service performance because it only includes scheduled hours available for loading, unloading, and transporting passengers.

**Passenger Load Factor** – Percent of trips exceeding the passenger load target.

**On-Time Performance** – Percent of service that is within zero minutes zero seconds (00m:00s) early and four minutes fifty nine seconds (04m:59s) late.

**Mean Distance between Failures** – Average distance (measured in total miles) between major mechanical failures.

**Accidents per 100,000 Miles** – Average number of collision accidents (preventable and nonpreventable) for every 100,000 miles operated (measured in total miles).

**Comments per 100,000 Passengers** – Average number of passenger comments for every 100,000 unlinked boardings.

**Route Headway** – Base weekday frequency of route.

**Span of Service Consistency** – Indication of consistency in service span for route groups that experience high levels of transfers between the services.

~~**Transfer Opportunities** – Indication of the destinations served within one transfer at major transfer locations.~~

**Service Availability Standard** – A general measure of the geographic distribution of service within the MTS service area.

**In Service Miles** – Scheduled miles of service available for loading, unloading, and transporting passengers (measured as scheduled miles between departure from the first stop and arrival to the last stop of a trip).

**In-Service Hours** – Scheduled hours of service available for loading, unloading, and transporting passengers (measured as scheduled hours between departure from the first stop and arrival to the last stop of a trip).

**Peak Vehicle Requirement** – Maximum number of vehicles available to provide scheduled service during the heaviest service period of the week.

**In-Service Speed** – Average scheduled speed of transit service between departure from the first stop and arrival to the last stop of a trip.

**In-Service Miles/Total Miles** – Percent of total miles operated that are attributed to service available for loading, unloading, and transporting passengers.

**In-Service Hours/Total Hours** – Percent of total hours operated that are attributed to service available for loading, unloading, and transporting passengers.

**Farebox Recovery Ratio** – Percent of total operating cost recovered through fare revenue.

**Subsidy/Passenger** – The amount of public subsidy required to provide service for each unlinked boarding (measured as total operating cost minus fare revenue divided by total passengers).

### 42.3 Performance Targets

Performance targets represent aggressive yet realistic service expectations based on service design, route characteristics, and operating environments. In addition to setting service expectations, targets are also used to flag and evaluate negative impacts that may occur when balancing an improvement in one aspect of performance at the expense of another aspect. Therefore, using targets ensures that service is designed to achieve the overall goals of the system through a balanced approach.

To ensure that targets are stable, yet reflect changes to market and operating conditions, they will be reviewed and adjusted, if needed, on a three-year basis. In addition to evaluating performance indicators against their targets, tracking the performance trend of each indicator will help ensure that no aspect of performance is unduly impacted over time as a result of overemphasizing other performance priorities. Attachment B presents the performance targets for each indicator.

### 42.4 Performance-Monitoring Process

**Annual Service Evaluation** - The MTS operating budget is adopted annually by the Board of Directors prior to the start of the fiscal year (July 1). This budget is developed around initial assumptions of service levels to be provided in the upcoming year, including anticipated service changes as well as expected performance in achieving the vision for MTS services.

The annual service evaluation will be conducted at the conclusion of each fiscal year to compare actual performance of the system with the targets outlined in Attachment B and to identify opportunities for adjustments and improvements based on this analysis.

Key indicators for flagging low-performing routes are passengers per in service hour and subsidy per passenger. Routes on the bottom quartile of each route group for both of these indicators will be identified for further analysis on a segment basis (temporal and geographic) as well as closer look at other aspects of the route's performance.

**Service Change Evaluation** – The triannual service evaluation will be conducted at the conclusion of each regularly scheduled service change period. This evaluation will present initial results of service changes and provide an early indication of significant trends. The analysis also provides a basis for tracking the progress of performance throughout the year.

Attachment B identifies the key performance indicators that will be used for analysis during the triannual and annual service evaluations.

## 42.5 Service Changes

Changes to MTS bus and trolley services are implemented three times a year in the fall, winter, and summer. These regularly scheduled service changes provide an opportunity to: (1) improve the routing, operation, and schedules of the transit system consistent with service evaluation and customer comments, (2) implement changes as a result of service plans, including the implementation of new services, (3) optimize service according to the MTS service vision, and (4) adjust service levels according to budget constraints. Service changes can be classified into minor and major changes.

42.5a Minor Service Changes. Minor service changes generally include schedule adjustments for routes that are chronically late or to improve scheduling efficiencies or trip-level adjustments to address overcrowding and productivity improvements. Minor service changes can also include slight routing adjustments to serve a new trip generator, eliminate unproductive segments, or to streamline and optimize service.

Since minor service changes address service maintenance issues, it is important that they are implemented expeditiously. To streamline the process, these changes should not result in a significant impact to ridership. To ensure that impacts are minimized, minor service changes will not represent more than a 25 percent change in a route's weekly in-service miles or hours. Therefore, no action will be required of the MTS Board for approval and implementation of these changes, unless a Title VI report requires Board action as specified in Section 42.6.

42.5b Major Service Changes. Major service changes represent a change that is greater than 25 percent of a route's weekly in-service miles or hours. These changes are generally a result of in-depth research and analyses to address a significant change in a route's demand, operating environment, or performance. Changes may include significant route realignment, changes in scheduled headways, or subarea restructuring.

Although these changes are strategically designed to maximize public benefit and minimize negative impacts, they often result in tradeoffs or reduction in benefits for some riders. Due to the significance and potential negative impacts, approval of these changes is contingent on a properly noticed public hearing.

42.5c New Service Implementation. All new services will be implemented on a trial basis for one year. New service can include new routes, increased frequency during a significant part of the service day, new days of operation, or a significant route extension. These services should perform to equal or better than the system average for passenger per in-service hour and subsidy per passenger within the first year of operation. ~~After the first year, the MTS Board of Directors~~

must take action to approve the new service as regular service. For a new service to be continued beyond 12 months, a Title VI analysis must be completed and presented to the MTS Board of Directors, which must take action to approve the new service as regular service.

#### 42.6 Title VI

MTS is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964, as amended. This includes the planning and scheduling of routes and services.

42.6a Analysis: Except as provided in Section 42.5c, any of the following changes would require that a Title VI analysis be presented to the MTS Board of Directors before a final implementation decision is made:

- A change that is greater than 25 percent of a route's weekly in-service miles or hours.
- An increase or reduction in the average weekly span-of service of more than 25 percent.
- The implementation of a new route or the discontinuation of an existing route.
- A routing change that affects more than 25% of a route's Directional Route Miles and more than 25 % of the route's bus stops.

42.6b Disparate Impacts and Disproportionate Burdens: MTS' Title VI analysis for a Major Service Change will include a determination of whether or not disparate impacts to minority populations or disproportionate burdens to low-income populations would result from the change.

- A disparate impact is found when there is a difference in adverse effects between minority and non-minority populations such that: the adversely affected population is 10 percent or greater minority by percentage of total population than the total MTS service area average; or, the benefitting population is 10 percent or more non-minority (by percentage of total MTS service area population) than the total MTS service area average. For example, if the total MTS service area average is 55% minority, then a proposed service change that adversely affects a population that is 65% minority or greater would be defined as a disparate impact. If MTS chooses to implement a proposed major service change despite a finding of a disparate impact, MTS may only do so if there is a substantial justification for the change, and there are no alternatives that would have a less disparate impact and still accomplish the goals of the change.

- A disproportionate burden is found when there is a difference in adverse effects between low-income and non-low-income populations such that: the adversely affected population is 10 percent or more “low-income” (by percentage of total MTS service area population) than the total MTS service area average; or, the benefitting population is 10 percent or greater “non-low-income” by percentage of total population than the total MTS service area average. For example, if the total MTS service area average is 20% “low-income,” then a proposed service change that benefits a population that is 90% or greater “non-low-income” would be defined as a disproportionate burden. If MTS chooses to implement a proposed change despite a finding of disproportionate burden, MTS may only do so if steps are taken to avoid or minimize impacts where practicable, and MTS provides a description of alternatives available to affected low-income populations.

42.6c Complaints: Persons alleging violations of Title VI by MTS would follow the procedures outlined in MTS Policy No. 48.

Attachments: A. Service Categories  
B. FY 2012 – FY 2015 Performance Targets

Original Policy Accepted on 4/8/93.  
Policy Revised on 12/8/94.  
Policy Repealed and Readopted on 1/13/00.  
Policy Revised on 10/26/00.  
Policy Revised on 12/14/00.  
Policy Revised on 4/25/02.  
Policy Revised on 4/29/04.  
Policy Revised on 6/14/07.  
Policy Revised on 9/20/12.  
Policy Revised on 6/20/13.

**Attachment A**  
**Service Categories/Modes & Service Standards**

<b>Category/Mode</b>	<b>Routes</b> (subject to change)	<b>On-Time Performance Standard</b>	<b>Headway Standard</b> (base wkdy)	<b>Vehicle Load Factor Standard</b>
<b>Premium Express</b> – High-speed, point-to-point service geared toward commute markets. Service provided during weekday peak periods only and scheduled to meet primary work shift times. May use over-the-road coaches for maximum comfort and highway operations.	810, 820, 850, 860, 880	90%	<u>30 min.</u>	<u>1.0</u>
<b>Express</b> – High-speed service geared toward linking major subregional residential, employment, and activity centers. Service is generally provided throughout the weekday and possibly on weekends. Operates primarily on highways and major arterials.	20, 50, 150, 210, 870, 960	90%	<u>30 min.</u>	<u>1.5*</u>
<b>Light Rail</b> – High-frequency service (15 minutes or better during the base weekday) operating on exclusive railroad right-of-way. Serves multiple-trip purposes and generally experiences high turnover along the line.	Blue Line, Orange Line, Green Line	90%	<u>15 min.</u>	<u>3.0</u>
<b>Rapid</b> – High-frequency service primarily operated along major arterials in denser urban areas. Serves multiple-trip purposes and generally experiences high turnover along the route. May be operated as regular (all stops) or limited (stopping only at major transfer points and activity centers).	201/202/204, Mid City Rapid (# TBD), I-15 BRT (#s TBD), South Bay BRT (#s TBD)	85%	<u>15 min.</u>	<u>1.5*</u>
<b>Urban Frequent</b> – High-frequency service (15 minutes or better during the base weekday) primarily operated along major arterials in denser urban areas. Serves multiple-trip purposes and generally experiences high turnover along the route. May be operated as regular (all stops) or limited (stopping only at major transfer	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 15, 30, 41, 44, 120, 701, 709, 712, 901, 906/907, 929, 932, 933/934, 955, 961, 992	85%	<u>15 min.</u>	<u>1.5*</u>



points and activity centers).				
<b>Urban Standard</b> – Basic transit service with base weekday frequencies generally between 30 and 60 minutes. Basic transit service along major arterials throughout the MTS service area. Operates in less dense urban and suburban areas. Serves multiple-trip purposes and provides access to all stops.	4, 14, 27, 28, 31, 35, 105, 115, 703, 704, 705, 707, 815, 816, 832, 833, 834, 844, 845, 848, 854, 855, 856, 864, 871/872, 874/875, 904, 905, 916/917, 921, 923, 928, 936, 962, 963, 967, 968	90%	<u>30 min.</u>	<u>1.5*</u>
<b>Circulator</b> – Neighborhood feeder/distributor to transfer stations or shuttle service to local destinations. Operates on arterials and local streets to provide access to residences, businesses, activity, and transfer centers.	18, 25, 83, 84, 88, 851, 964, 965, 972, 973, 978, 979	90%	<u>60 min.</u>	<u>1.5*</u>
<b>Rural</b> – Lifeline service that provides a link between rural communities and the San Diego urban core. Very limited service levels; generally a few round-trips operating a few days per week given limited demand.	888, 891, 892, 894	No specific goal	<u>No specific goal</u>	<u>No specific goal</u>
<b>Demand-Responsive</b> - Paratransit services that complement fixed-route services in accordance with the Americans with Disabilities Act (ADA) as well as services that provide transit access to areas difficult to serve by conventional fixed-routes (e.g., due to terrain, discontinuous street patterns, and extremely low densities).	MTS Access (ADA Paratransit)	No specific goal	<u>n/a</u>	<u>No specific goal</u>

\*Load standard is 1.0 at all times for routes operated with a minibus

**Attachment B  
FY 2012 – FY 2015 Performance Targets**

		<b>Performance Indicator</b>	<b>Level of Analysis</b>	<b>Freq</b>	<b>Target</b>
<b>CUSTOMER FOCUSED/COMPETITIVE</b>	<b>PRODUCTIVITY</b>	Total Passengers	<b>Sys, Cat, Rt</b>	A, Q	<ul style="list-style-type: none"> <li>Year-over-year improvement by route, category, and system</li> </ul>
		Average Weekday Passengers	<b>Sys, Cat, Rt</b>	A, Q	<ul style="list-style-type: none"> <li>Year-over-year improvement by route, category, and system</li> </ul>
		Passengers/Revenue Hour	Sys, <b>Cat, Rt</b>	A, Q	<ul style="list-style-type: none"> <li>Improve route category average</li> </ul>
		Passengers/In-Service Hour	Sys, <b>Cat, Rt</b>	A, Q	<ul style="list-style-type: none"> <li>Improve route category average</li> </ul>
	<b>QUALITY</b>	Passenger Load Factor	<b>Rt</b>	A	<ul style="list-style-type: none"> <li>No more than 20% of trips exceeding one standee per 4 ft<sup>2</sup> on local street operation (55 passengers on a standard bus, and 90 passengers on an articulated bus), and seated capacity on freeway operations and minibus service</li> <li>Not to exceed standard</li> </ul>
		On-Time Performance	Sys, <b>Cat, Rt</b>	A, Q	<ul style="list-style-type: none"> <li>85% for Urban Frequent and Rapid, and 90% for all other route categories</li> </ul>
		Mean Distance between Failures	<b>Op</b>	A	<ul style="list-style-type: none"> <li>Improve operator average</li> </ul>
Accidents/100,000 Miles		<b>Op</b>	A	<ul style="list-style-type: none"> <li>Improve operator average</li> </ul>	
		Comments/100,000 Passengers	<b>Op</b>	A	<ul style="list-style-type: none"> <li>Improve operator average</li> </ul>
<b>INTEGRATED</b>	<b>CONNECTIVITY</b>	Route Headway	<b>Rt</b>	A, Q	<ul style="list-style-type: none"> <li>Meet the target headway in each route's classification.</li> </ul>
		Span of Service Consistency	<b>Sys</b>	Q+	<ul style="list-style-type: none"> <li>Improve for routes that share common transfers</li> </ul>
		<u>Transfer Opportunities Service Availability</u>	<b>Sys</b>	Q+	<ul style="list-style-type: none"> <li>Improve number of routes at major transfer points</li> <li>80% of residents or jobs within ½ mile of a bus stop or rail station in urban areas.</li> <li>100% of suburban residences within 5 miles of a bus stop or rail station.</li> <li>One return trip at least 2 days/week to destinations from rural villages</li> </ul>
<b>SUSTAINABLE</b>	<b>RESOURCES</b>	In-Service Miles	<b>Op</b>	Q, A	<ul style="list-style-type: none"> <li>Not to exceed budget</li> </ul>
		In-Service Hours	<b>Op</b>	Q, A	<ul style="list-style-type: none"> <li>Not to exceed budget</li> </ul>
		Peak Vehicle Requirement	<b>Op</b>	Q, A	<ul style="list-style-type: none"> <li>Not to exceed budget</li> </ul>
	<b>EFFICIENCY</b>	In-Service Speeds	<b>Op</b>	Q, A	<ul style="list-style-type: none"> <li>Improve operator average</li> </ul>
		In-Service/Total Miles	<b>Op</b>	Q, A	<ul style="list-style-type: none"> <li>Improve operator average</li> </ul>
		In-Service/Total Hours	<b>Op</b>	Q, A	<ul style="list-style-type: none"> <li>Improve operator average</li> </ul>
		Farebox Recovery Ratio	Sys, <b>Cat, Rt</b>	A	<ul style="list-style-type: none"> <li>TDA requirement of 31.9 percent system wide for fixed-route (excluding regional routes that have a 20 percent requirement)</li> </ul>
		Subsidy/Passenger	Sys, <b>Cat, Rt</b>	A	<ul style="list-style-type: none"> <li>Improve route category average</li> </ul>

Level of Analysis: Sys=System, Op=Operator, Cat=Route Category Rt=Route; Frequency: A=Annually, Q=Quarterly/Triannually  
+ Staff analysis/Not included in Board report. **BOLD** indicates analysis level for the target.



## TITLE VI/POLICY 42 UPDATE

MTS Board of Directors  
June 20, 2013



(1)

## TITLE VI/ENVIRONMENTAL JUSTICE

- Title VI of the Federal Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin
- FTA announces requirements for Title VI/EJ compliance through “circulars”
- New 2012 FTA Circulars C 4702.1B and C 4703.1 include new requirements of transit agencies to comply with Title VI and E.O. 12898



### TITLE VI/ENVIRONMENTAL JUSTICE

Requires Board-adopted policies on:

- Major service change definition
- Disproportionate burdens
- Disparate impacts

Requires standards on:

- Vehicle loads for each mode
- Vehicle headways for each mode
- On-time performance for each mode
- Service availability for each mode



### POLICY 42 UPDATE

- Policy 42 is the MTS Board policy that:
  - guides evaluation and adjustments of existing service
  - establishes procedures for implementing service changes
- Revised last year to update performance indicators and incorporate Title VI audit recommendations
- Needs to be updated to meet new Federal Title VI requirements



## POLICIES

- **Major Service Change**

*Already included in Policy 42 (revised in 2012 with Title VI audit recommendations).*

*Though no changes are proposed at this time, the Major Service Change policy needs Board approval again following our period of public engagement.*

- **Disparate Impact** (minority populations)
- **Disproportionate Burden** (low-income populations)  
*Requires Board to adopt thresholds at which the percentage of affected 'LIMs' over/under the service area average becomes an "impact"*



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## DISPARATE IMPACT/DISPROPORTIONATE BURDEN

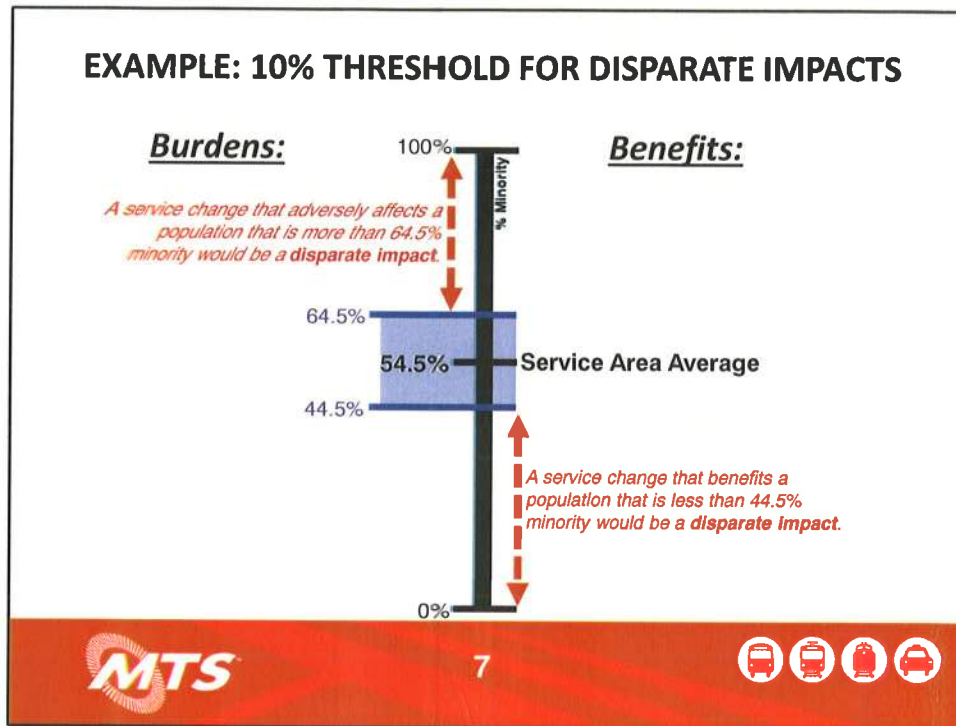
Current staff recommendation is 10% thresholds for both policies:

- Past MTS changes analyzed with approaches described in FTA guidance: any disparities found in impacts to LIM populations compared to non-LIM have been <10%
- **Supreme Court has held that differences in a disparity analysis under 20% can occur by chance**
- **The FTA requires agencies to report data with 10% precision at 95% confidence level; data assumed valid**
- Peer analysis: most agencies nationwide have set a threshold of significance of 5 to 20%
- FTA example threshold in circular is 10%
- SANDAG approved a 10% threshold for their projects



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- ### DISPARATE IMPACT/DISPROPORTIONATE BURDEN
- Staff recommendation and draft policy is 10% thresholds for disparate impact and disproportionate burden
  - After approval, disparate impact threshold cannot be changed until next program submittal
  - Other agencies have selected thresholds up to 20%
  - Public feedback received to date has not addressed the specific threshold percentage
  - Executive Committee expressed concern about lack of flexibility
  - Board can adjust threshold at today's meeting before final approval
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## OUTREACH PROGRAM

FTA guidance requires that the public is involved in the development of the Major Service Change Policy, Disproportionate Burden Policy, and Disparate Impact Policy. MTS public engagement included:

- Advertising in various printed media
- Public Meeting held on June 17, 2013
- Social media: Facebook & Twitter
- Information provided to over 30 community and social service organizations
- Comments accepted by e-mail, mail, and telephone hotline
- Information page on [www.sdmts.com](http://www.sdmts.com)
- Presentation to MTS' ASAC Committee on June 13, 2013
- Executive Committee meeting on May 23, Board meeting today



The collage displays several outreach materials:

- Spanish Brochures:**
  - MTS PAGITIPON PUBLIKO SA PLANONG PAGBABAGO NANG MGA REGULASYONES** (Public Meeting for the Planning of Regulatory Changes)
  - MTS Junta Pública referente a la propuesta de cambios de políticas** (Public Meeting regarding the proposal of policy changes)
- English Brochures:**
  - Public Meeting** for Monday, June 17, 8:30 am through 6:30 pm at MTS Board Room, 1255 Imperial Avenue, Suite 1000, San Diego, CA 92101.
  - Public Meeting** for Monday, June 17, 8:30 pm through 6:30 pm at MTS Board Room, 10th Floor, 1255 Imperial Avenue, Suite 1000, San Diego, CA 92101.
- Posters:**
  - MTS Public Meeting on Proposed Changes Title VI and Planning for Trolley and Bus Services**
  - MTS 召開公開會議討論提案 Trolley 與 Bus 服務的六項議案計劃**
- Social Media:**
  - Facebook posts from **San Diego MTS** and **San Diego MTS** regarding the public meeting.
  - A screenshot of the **MTS sdmts.com** website showing the "About Us" page.

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### STANDARDS

Requires standards on:

- **Vehicle headway for each mode**  
*Policy 42 already includes a standard for each mode (ranges from 15-60+ minutes)*
- **On-time performance for each mode**  
*Policy 42 already includes a standard for each mode (85% or 90%, depending on mode)*
- **Vehicle load for each mode**  
*Policy 42 has a load standard, but Title VI audit suggested changes*
- **Service availability for each mode**  
*Would be a new standard in Policy 42*



### STANDARDS

- **Headway Standard**
- **On-Time Performance Standard**

**Current:**

MODE	HEADWAY	OTP
	Base Weekday Standard	Overall
<b>BUS</b>		
Premium Express	30 min.	90%
Express	30 min.	90%
<i>Rapid</i>	<i>15 min.</i>	<i>85%</i>
Urban Frequent	15 min.	85%
Urban Standard	30 min.	90%
Circulator	60 min.	90%
<b>RAIL</b>		
Trolley	15 min.	90%

**Recommendation:** maintain current Policy 42 standards.





## STANDARDS

### Vehicle Load Standard

**Current:** No more than 20% of trips exceeding one standee per 4 ft<sup>2</sup> on local street operation (55 passengers on a standard bus, and 90 passengers on an articulated bus), and seated capacity on freeway operations and minibus service

Title VI auditors recommended changing format to a ratio of seats-to-passengers.



## STANDARDS

### Vehicle Load Standard

**Proposed:** Standard by mode, expressed as a ratio of passengers to seats:

**Standard:** No more than 20% of trips exceed the specified load factor.

MODE	LOAD FACTOR
<b>BUS</b>	
Premium Express	1.0
Rapid	1.5
Express	1.5
Urban Frequent	1.5
Urban Standard	1.5
Circulator	1.5
Minibus (any mode)	1.0
<b>RAIL</b>	
Trolley	3.0



**STANDARDS**

**Service Availability Standard**

**No Current Standard in Policy 42.** SANDAG's 2012-2016 Coordinated Plan has a number of related, relevant guidelines:

- 80% of residents or jobs within ½ mile of a bus stop or rail station in urban areas.
- 100% of suburban residences within 5 miles of a transit stop.
- 70% of residents and 75% of jobs within 1 mile of a bus stop or rail station in suburban areas.
- One return trip at least 2 days/week to destinations from rural villages.
- Transit service should be designed to support smart growth areas.
- Frequency appropriate for spontaneous travel on major corridors and convenient travel to all parts of the urban core.
- Percentage of stops that have transit service by area, day, and time at or above specified thresholds.



**STANDARDS**

**Service Availability Standard**

**Standard can encourage productivity or promote coverage.** With MTS emphasis on productivity measures since COA, staff recommends simpler standards that support service efficiency:

- 80% of residents or jobs within ½ mile of a bus stop or rail station in urban areas
- 100% of suburban residences within 5 miles of a bus stop or rail station
- One return trip at least 2 days/week to destinations from rural villages

*Recommended to replace "Transfer Opportunities" standard*



## POLICY 42 UPDATE

### Recommendations:

That the Board of Directors approve the changes to Policy 42 as recommended, including:

- 1) *Major Service Change Policy*  
*(ratify existing policy following this public outreach effort)*
- 2) *Disparate Impact Policy (NEW)*
- 3) *Disproportionate Burden Policy (NEW)*
- 4) *Addition of new **Rapid** mode (NEW)*
- 5) *Standards for Vehicle Load, Service Availability, On-Time Performance, and Route Headways*



### STANDARDS Urban/Suburban Map





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

## Agenda Item No. 45

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

**SUBJECT:**

VIRGINIA AVENUE INTERMODAL TRANSPORTATION CENTER (SHARON COONEY)

**RECOMMENDATION:**

That the Board of Directors receive a report on regional efforts to establish an intermodal transportation center at a new pedestrian international border crossing to be located at Virginia Avenue and provide comments and direction.

Budget Impact

None.

**DISCUSSION:**

Currently the San Ysidro Port of Entry (POE) is undergoing a major expansion project, which will increase the number of northbound automobile-inspection booths. As part of this project, the southbound pedestrian crossing was relocated to the eastern side of the POE, and the southbound pedestrian crossing at Camiones Way was closed, resulting in one bidirectional pedestrian crossing at the San Ysidro POE (near the trolley station).

The U.S. General Services Administration (GSA) has plans to develop a new additional bidirectional pedestrian crossing facility at Virginia Avenue (on the west side of the POE). SANDAG, the GSA, the City of San Diego, Caltrans, and MTS staffs have been collaborating on a new Intermodal Transportation Center (ITC) that would be located at Virginia Avenue. Staff will provide a report on the planning and financing efforts and request direction from the Board on future MTS participation in the project.

A handwritten signature in black ink, appearing to read 'Paul C. Jablonski', written over a horizontal line.

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • [www.sdmts.com](http://www.sdmts.com)

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transil. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

# VIRGINIA AVENUE INTERMODAL TRANSIT CENTER

June 20, 2013

San Diego Metropolitan Transit System



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## San Ysidro Land Port of Entry Reconfiguration

- San Ysidro Land Port of Entry (LPOE) undergoing a major expansion project
- Increase northbound inspection booths to 63 spread over 34 lanes
- Relocate the pedestrian crossing to the east side of the port.
- The U.S. project consists of three phases.
  - Phase 1: major expansion of northbound inspection lanes for privately owned vehicles
  - Phases 2 and 3: improvements to northbound pedestrian processing, and realignment of Interstate 5 to El Chaparral (Mexico)
- Operation of southbound crossing at Puerta Mexico ceased with new southbound pedestrian crossing east of trolley tracks.



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## Funding Identified

- Land held by City of San Diego (part Virginia Avenue right of way, part mitigation for expansion of Shamrock property)
- Caltrans/FHWA: \$3.2 million; GSA \$4 million funding
- \$8 million preliminary cost
- GSA to acquire Camiones Way at no cost from City
- GSA to construct through design build
- Regional partners in design: City, Caltrans, SANDAG, MTS
- Who will maintain? To be determined
- No funding identified for operation of the transit facility
- GSA requires an MOU with a responsible agency



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SAN DIEGO  
VIRGINIA AVENUE TRANSIT STATION

Proposed Site Layout



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## Aggressive Timeline

- City to take possession of property from Shamrock (irrevocable offer of dedication)
- MOU to be signed between GSA and regional partners this month (will MTS be a party?)
- Design with community input/outreach
- NEPA with Record of Decision to be completed by end of year
- Award of design/construction contract by GSA
- Determination of who will take possession from GSA
- Identification of funding source for operations/maintenance
- June 2015 completion date



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# VIRGINIA AVENUE INTERMODAL TRANSIT CENTER

June 20, 2013

San Diego Metropolitan Transit System



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1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7490  
619.231.1466 FAX 619.234.3407

## Agenda Item No. 46

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

**SUBJECT:**

OPERATIONS BUDGET STATUS REPORT FOR APRIL 2013 (MIKE THOMPSON)

**RECOMMENDATION:**

That the Board of Directors receive the MTS operations budget status report for April 2013.

Budget Impact

None at this time.

**DISCUSSION:**

This report summarizes MTS's operating results for April 2013 compared to the amended fiscal year 2013 budget. Attachment A-1 combines the operations, administration, and other activities results for April 2013. Attachment A-2 details the April 2013 combined operations results, and Attachments A-3 to A-8 present budget comparisons for each MTS operation. Attachment A-9 details budget comparisons for MTS Administration, and A-10 provides April 2013 results for MTS's other activities (Taxicab/San Diego and Arizona Eastern Railway Company).

#### MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1 for the year-to-date period ending April 2013, the MTS net-operating income favorable variance totaled \$656,000 (0.6%). Operations produced a \$636,000 (0.6%) favorable variance, and the administrative/other activities areas were favorable by \$20,000.

#### MTS COMBINED RESULTS

Revenues

Year-to-date combined revenues through April 2013 were \$82,669,000 compared to the year-to-date budget of \$82,674,000 representing a \$5,000 (0.0%) negative variance.



## Expenses

Year-to-date combined expenses through April 2013 were \$196,684,000 compared to the budget of \$197,345,000, resulting in a \$661,000 (0.3%) favorable variance.

Personnel Costs. Year-to-date personnel-related costs totaled \$103,575,000 compared to a budgetary figure of \$103,639,000, producing a favorable variance of \$64,000 (0.1%).

Outside Services and Purchased Transportation. Total outside services for the first ten months of the fiscal year totaled \$60,639,000 compared to a budget of \$61,300,000, resulting in a favorable variance of \$662,000 (1.1%). This is primarily due to a favorable experience with repairs/maintenance costs within operations and a favorable variance with security costs within administration.

Materials and Supplies. Total year-to-date materials and supplies expenses were \$7,348,000 compared to a budgetary figure of \$6,958,000, resulting in an unfavorable expense variance of \$390,000 (-5.6%). This unfavorable variance is primarily due to revenue parts costs within rail operations.

Energy. Total year-to-date energy costs were \$19,263,000 compared to the budget of \$19,577,000 resulting in a favorable variance of \$314,000 (1.6%). Energy rates for the fiscal year are as follows:

- Diesel: cost per gallon was \$3.43 versus the amended rate of \$3.53
- Gasoline: cost per gallon was \$3.50 versus the amended rate of \$3.50
- CNG: cost per therm was \$0.74 versus the amended rate of \$0.75
- Electricity: cost per kWh was \$0.153 versus the amended rate of \$0.154

Risk Management. Total year-to-date expenses for risk management were \$3,163,000, compared to the budget of \$3,207,000, resulting in a favorable variance totaling \$45,000 (1.4%).

General and Administrative. The year-to-date general and administrative costs, including vehicle and facilities leases, were \$34,000 (-1.3%) unfavorable to budget, totaling \$2,696,000 through April 2013, compared to a budget of \$2,662,000.

## YEAR-TO-DATE SUMMARY

The April 2013 year-to-date net-operating income totaled a favorable variance of \$656,000 (0.6%). These factors include favorable variances in other operating revenue, personnel costs, outside services, and energy and risk management costs partially offset by unfavorable variances in passenger revenue, materials costs, and general and administrative expenses.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

Attachment: A. Comparison to Budget

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**MTS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 77,523	\$ 77,645	\$ (122)	-0.2%
Other Revenue	5,146	5,029	117	2.3%
<b>Total Operating Revenue</b>	<b>\$ 82,669</b>	<b>\$ 82,674</b>	<b>\$ (5)</b>	<b>0.0%</b>
Personnel costs	\$ 103,575	\$ 103,639	\$ 64	0.1%
Outside services	60,639	61,300	662	1.1%
Transit operations funding	-	-	-	-
Materials and supplies	7,348	6,958	(390)	-5.6%
Energy	19,263	19,577	314	1.6%
Risk management	3,163	3,207	45	1.4%
General & administrative	1,683	1,643	(40)	-2.4%
Vehicle/facility leases	1,013	1,019	6	0.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(0)	(0)	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 196,684</b>	<b>\$ 197,345</b>	<b>\$ 661</b>	<b>0.3%</b>
<b>Operating income (loss)</b>	<b>\$ (114,015)</b>	<b>\$ (114,671)</b>	<b>\$ 656</b>	<b>0.6%</b>
<b>Total public support and nonoperating revenues</b>	<b>1,859</b>	<b>1,831</b>	<b>28</b>	<b>1.5%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (112,156)</b>	<b>\$ (112,839)</b>	<b>\$ 684</b>	<b>-0.6%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 77,523	\$ 77,645	\$ (122)	-0.2%
Other Revenue	516	554	(38)	-6.9%
<b>Total Operating Revenue</b>	<b>\$ 78,039</b>	<b>\$ 78,199</b>	<b>\$ (160)</b>	<b>-0.2%</b>
Personnel costs	\$ 89,308	\$ 89,800	\$ 492	0.5%
Outside services	52,109	52,417	308	0.6%
Transit operations funding	-	-	-	-
Materials and supplies	7,319	6,930	(389)	-5.6%
Energy	18,675	19,033	358	1.9%
Risk management	2,891	2,918	26	0.9%
General & administrative	285	281	(4)	-1.4%
Vehicle/facility leases	798	803	5	0.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	20,844	20,844	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 192,230</b>	<b>\$ 193,026</b>	<b>\$ 796</b>	<b>0.4%</b>
<b>Operating income (loss)</b>	<b>\$ (114,191)</b>	<b>\$ (114,827)</b>	<b>\$ 636</b>	<b>0.6%</b>
<b>Total public support and nonoperating revenues</b>	<b>2,497</b>	<b>2,487</b>	<b>10</b>	<b>0.4%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (111,694)</b>	<b>\$ (112,340)</b>	<b>\$ 646</b>	<b>-0.6%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 23,654	\$ 23,744	\$ (90)	-0.4%
Other Revenue	5	5	0	4.6%
<b>Total Operating Revenue</b>	<b>\$ 23,659</b>	<b>\$ 23,749</b>	<b>\$ (90)</b>	<b>-0.4%</b>
Personnel costs	\$ 62,091	\$ 62,546	\$ 455	0.7%
Outside services	1,529	1,447	(82)	-5.7%
Transit operations funding	-	-	-	-
Materials and supplies	3,777	3,762	(16)	-0.4%
Energy	4,424	4,375	(50)	-1.1%
Risk management	1,396	1,359	(37)	-2.7%
General & administrative	110	107	(3)	-2.8%
Vehicle/facility leases	231	233	2	0.8%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	7,836	7,836	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 81,395</b>	<b>\$ 81,664</b>	<b>\$ 269</b>	<b>0.3%</b>
<b>Operating income (loss)</b>	<b>\$ (57,736)</b>	<b>\$ (57,915)</b>	<b>\$ 179</b>	<b>0.3%</b>
<b>Total public support and nonoperating revenues</b>	<b>(1,287)</b>	<b>(1,285)</b>	<b>(2)</b>	<b>0.2%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (59,024)</b>	<b>\$ (59,200)</b>	<b>\$ 177</b>	<b>-0.3%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 29,810	\$ 30,013	\$ (203)	-0.7%
Other Revenue	510	549	(39)	-7.0%
<b>Total Operating Revenue</b>	<b>\$ 30,321</b>	<b>\$ 30,562</b>	<b>\$ (241)</b>	<b>-0.8%</b>
Personnel costs	\$ 26,286	\$ 26,341	\$ 56	0.2%
Outside services	2,667	2,825	157	5.6%
Transit operations funding	-	-	-	-
Materials and supplies	3,536	3,164	(372)	-11.7%
Energy	7,412	7,414	2	0.0%
Risk management	1,483	1,546	63	4.1%
General & administrative	170	168	(2)	-1.1%
Vehicle/facility leases	274	275	1	0.4%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	11,727	11,727	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 53,555</b>	<b>\$ 53,461</b>	<b>\$ (94)</b>	<b>-0.2%</b>
<b>Operating income (loss)</b>	<b>\$ (23,234)</b>	<b>\$ (22,899)</b>	<b>\$ (335)</b>	<b>-1.5%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (23,234)</b>	<b>\$ (22,899)</b>	<b>\$ (335)</b>	<b>1.5%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 20,157	\$ 19,967	\$ 190	1.0%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 20,157</b>	<b>\$ 19,967</b>	<b>\$ 190</b>	<b>1.0%</b>
Personnel costs	\$ 365	\$ 348	\$ (17)	-4.8%
Outside services	33,765	33,940	175	0.5%
Transit operations funding	-	-	-	-
Materials and supplies	2	2	0	17.3%
Energy	4,834	4,914	80	1.6%
Risk management	-	-	-	-
General & administrative	1	1	0	14.5%
Vehicle/facility leases	13	14	2	11.7%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	883	883	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 39,862</b>	<b>\$ 40,102</b>	<b>\$ 241</b>	<b>0.6%</b>
<b>Operating income (loss)</b>	<b>\$ (19,705)</b>	<b>\$ (20,136)</b>	<b>\$ 431</b>	<b>2.1%</b>
<b>Total public support and nonoperating revenues</b>	<b>116</b>	<b>116</b>	<b>-</b>	<b>0.0%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (19,589)</b>	<b>\$ (20,020)</b>	<b>\$ 431</b>	<b>-2.2%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 1,605	\$ 1,672	\$ (67)	-4.0%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 1,605</b>	<b>\$ 1,672</b>	<b>\$ (67)</b>	<b>-4.0%</b>
Personnel costs	\$ 115	\$ 111	\$ (4)	-3.8%
Outside services	9,364	9,426	63	0.7%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	1,982	1,990	8	0.4%
Risk management	13	13	-	0.0%
General & administrative	4	4	0	6.6%
Vehicle/facility leases	280	280	-	0.0%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	295	295	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 12,052</b>	<b>\$ 12,119</b>	<b>\$ 67</b>	<b>0.6%</b>
<b>Operating income (loss)</b>	<b>\$ (10,447)</b>	<b>\$ (10,447)</b>	<b>\$ 0</b>	<b>0.0%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (10,447)</b>	<b>\$ (10,447)</b>	<b>\$ 0</b>	<b>0.0%</b>



**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 2,297	\$ 2,250	\$ 47	2.1%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 2,297</b>	<b>\$ 2,250</b>	<b>\$ 47</b>	<b>2.1%</b>
Personnel costs	\$ 262	\$ 265	\$ 3	1.2%
Outside services	4,489	4,484	(5)	-0.1%
Transit operations funding	-	-	-	-
Materials and supplies	4	1	(3)	-222.9%
Energy	23	340	318	93.3%
Risk management	-	-	-	-
General & administrative	2	2	0	19.2%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	102	102	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 4,881</b>	<b>\$ 5,195</b>	<b>\$ 314</b>	<b>6.0%</b>
<b>Operating income (loss)</b>	<b>\$ (2,585)</b>	<b>\$ (2,945)</b>	<b>\$ 361</b>	<b>12.3%</b>
<b>Total public support and nonoperating revenues</b>	<b>3,516</b>	<b>3,516</b>	<b>(0)</b>	<b>0.0%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 932</b>	<b>\$ 571</b>	<b>\$ 361</b>	<b>63.2%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
Personnel costs	\$ -	\$ -	\$ -	-
Outside services	140	140	-	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	-	-	-	-
Risk management	-	-	-	-
General & administrative	-	-	-	-
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	-	-	-	-
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 140</b>	<b>\$ 140</b>	<b>\$ -</b>	<b>0.0%</b>
<b>Operating income (loss)</b>	<b>\$ (140)</b>	<b>\$ (140)</b>	<b>\$ -</b>	<b>0.0%</b>
<b>Total public support and nonoperating revenues</b>	<b>152</b>	<b>174</b>	<b>(22)</b>	<b>-12.5%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 12</b>	<b>\$ 34</b>	<b>\$ (22)</b>	<b>-64.3%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**ADMINISTRATION**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	3,691	3,555	136	3.8%
<b>Total Operating Revenue</b>	<b>\$ 3,691</b>	<b>\$ 3,555</b>	<b>\$ 136</b>	<b>3.8%</b>
Personnel costs	\$ 13,684	\$ 13,265	\$ (419)	-3.2%
Outside services	8,379	8,742	363	4.2%
Transit operations funding	-	-	-	-
Materials and supplies	10	11	1	11.2%
Energy	580	536	(44)	-8.2%
Risk management	255	271	16	5.7%
General & administrative	1,310	1,273	(37)	-2.9%
Vehicle/facility leases	215	216	1	0.5%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(20,928)	(20,928)	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 3,505</b>	<b>\$ 3,386</b>	<b>\$ (119)</b>	<b>-3.5%</b>
<b>Operating income (loss)</b>	<b>\$ 186</b>	<b>\$ 169</b>	<b>\$ 17</b>	<b>-10.2%</b>
<b>Total public support and nonoperating revenues</b>	<b>(638)</b>	<b>(656)</b>	<b>18</b>	<b>-2.7%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (452)</b>	<b>\$ (487)</b>	<b>\$ 35</b>	<b>-7.2%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OTHER ACTIVITIES**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	939	921	19	2.0%
<b>Total Operating Revenue</b>	<b>\$ 939</b>	<b>\$ 921</b>	<b>\$ 19</b>	<b>2.0%</b>
Personnel costs	\$ 584	\$ 574	\$ (10)	-1.7%
Outside services	151	141	(10)	-6.8%
Transit operations funding	-	-	-	-
Materials and supplies	19	17	(2)	-9.7%
Energy	8	8	0	2.0%
Risk management	16	19	3	14.4%
General & administrative	87	89	2	2.0%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	84	84	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 949</b>	<b>\$ 933</b>	<b>\$ (16)</b>	<b>-1.7%</b>
<b>Operating income (loss)</b>	<b>\$ (10)</b>	<b>\$ (12)</b>	<b>\$ 3</b>	<b>21.6%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (10)</b>	<b>\$ (12)</b>	<b>\$ 3</b>	<b>-21.6%</b>

## SAN DIEGO METROPOLITAN TRANSIT SYSTEM

MTS  
CONSOLIDATED

## COMPARISON TO BUDGET - FISCAL YEAR 2013

APRIL 30, 2013

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 77,523	\$ 77,645	\$ (122)	-0.2%
Other Revenue	5,146	5,029	117	2.3%
<b>Total Operating Revenue</b>	<b>\$ 82,669</b>	<b>\$ 82,674</b>	<b>\$ (5)</b>	<b>0.0%</b>
Personnel costs	\$ 103,575	\$ 103,639	\$ 64	0.1%
Outside services	60,639	61,300	662	1.1%
Transit operations funding	-	-	-	-
Materials and supplies	7,348	6,958	(390)	-5.6%
Energy	19,263	19,577	314	1.6%
Risk management	3,163	3,207	45	1.4%
General & administrative	1,683	1,643	(40)	-2.4%
Vehicle/facility leases	1,013	1,019	6	0.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(0)	(0)	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 196,684</b>	<b>\$ 197,345</b>	<b>\$ 661</b>	<b>0.3%</b>
<b>Operating income (loss)</b>	<b>\$ (114,015)</b>	<b>\$ (114,671)</b>	<b>\$ 656</b>	<b>0.6%</b>
<b>Total public support and nonoperating revenues</b>	<b>1,859</b>	<b>1,831</b>	<b>28</b>	<b>1.5%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (112,156)</b>	<b>\$ (112,839)</b>	<b>\$ 684</b>	<b>-0.6%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**CONSOLIDATED OPERATIONS**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 77,523	\$ 77,645	\$ (122)	-0.2%
Other Revenue	516	554	(38)	-6.9%
<b>Total Operating Revenue</b>	<b>\$ 78,039</b>	<b>\$ 78,199</b>	<b>\$ (160)</b>	<b>-0.2%</b>
Personnel costs	\$ 89,308	\$ 89,800	\$ 492	0.5%
Outside services	52,109	52,417	308	0.6%
Transit operations funding	-	-	-	-
Materials and supplies	7,319	6,930	(389)	-5.6%
Energy	18,675	19,033	358	1.9%
Risk management	2,891	2,918	26	0.9%
General & administrative	285	281	(4)	-1.4%
Vehicle/facility leases	798	803	5	0.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	20,844	20,844	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 192,230</b>	<b>\$ 193,026</b>	<b>\$ 796</b>	<b>0.4%</b>
<b>Operating income (loss)</b>	<b>\$ (114,191)</b>	<b>\$ (114,827)</b>	<b>\$ 636</b>	<b>0.6%</b>
<b>Total public support and nonoperating revenues</b>	<b>2,497</b>	<b>2,487</b>	<b>10</b>	<b>0.4%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (111,694)</b>	<b>\$ (112,340)</b>	<b>\$ 646</b>	<b>-0.6%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
OPERATIONS  
TRANSIT SERVICES (SAN DIEGO TRANSIT CORPORATION)  
COMPARISON TO BUDGET - FISCAL YEAR 2013  
APRIL 30, 2013  
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 23,654	\$ 23,744	\$ (90)	-0.4%
Other Revenue	5	5	0	4.6%
<b>Total Operating Revenue</b>	<b>\$ 23,659</b>	<b>\$ 23,749</b>	<b>\$ (90)</b>	<b>-0.4%</b>
Personnel costs	\$ 62,091	\$ 62,546	\$ 455	0.7%
Outside services	1,529	1,447	(82)	-5.7%
Transit operations funding	-	-	-	-
Materials and supplies	3,777	3,762	(16)	-0.4%
Energy	4,424	4,375	(50)	-1.1%
Risk management	1,396	1,359	(37)	-2.7%
General & administrative	110	107	(3)	-2.8%
Vehicle/facility leases	231	233	2	0.8%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	7,836	7,836	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 81,395</b>	<b>\$ 81,664</b>	<b>\$ 269</b>	<b>0.3%</b>
<b>Operating income (loss)</b>	<b>\$ (57,736)</b>	<b>\$ (57,915)</b>	<b>\$ 179</b>	<b>0.3%</b>
<b>Total public support and nonoperating revenues</b>	<b>(1,287)</b>	<b>(1,285)</b>	<b>(2)</b>	<b>0.2%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (59,024)</b>	<b>\$ (59,200)</b>	<b>\$ 177</b>	<b>-0.3%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
OPERATIONS  
RAIL OPERATIONS (SAN DIEGO TROLLEY, INCORPORATED)  
COMPARISON TO BUDGET - FISCAL YEAR 2013  
APRIL 30, 2013  
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 29,810	\$ 30,013	\$ (203)	-0.7%
Other Revenue	510	549	(39)	-7.0%
<b>Total Operating Revenue</b>	<b>\$ 30,321</b>	<b>\$ 30,562</b>	<b>\$ (241)</b>	<b>-0.8%</b>
Personnel costs	\$ 26,286	\$ 26,341	\$ 56	0.2%
Outside services	2,667	2,825	157	5.6%
Transit operations funding	-	-	-	-
Materials and supplies	3,536	3,164	(372)	-11.7%
Energy	7,412	7,414	2	0.0%
Risk management	1,483	1,546	63	4.1%
General & administrative	170	168	(2)	-1.1%
Vehicle/facility leases	274	275	1	0.4%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	11,727	11,727	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 53,555</b>	<b>\$ 53,461</b>	<b>\$ (94)</b>	<b>-0.2%</b>
<b>Operating income (loss)</b>	<b>\$ (23,234)</b>	<b>\$ (22,899)</b>	<b>\$ (335)</b>	<b>-1.5%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (23,234)</b>	<b>\$ (22,899)</b>	<b>\$ (335)</b>	<b>1.5%</b>



**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS**  
**MULTIMODAL OPERATIONS (FIXED ROUTE)**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 20,157	\$ 19,967	\$ 190	1.0%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 20,157</b>	<b>\$ 19,967</b>	<b>\$ 190</b>	<b>1.0%</b>
Personnel costs	\$ 365	\$ 348	\$ (17)	-4.8%
Outside services	33,765	33,940	175	0.5%
Transit operations funding	-	-	-	-
Materials and supplies	2	2	0	17.3%
Energy	4,834	4,914	80	1.6%
Risk management	-	-	-	-
General & administrative	1	1	0	14.5%
Vehicle/facility leases	13	14	2	11.7%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	883	883	0	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 39,862</b>	<b>\$ 40,102</b>	<b>\$ 241</b>	<b>0.6%</b>
<b>Operating income (loss)</b>	<b>\$ (19,705)</b>	<b>\$ (20,136)</b>	<b>\$ 431</b>	<b>2.1%</b>
<b>Total public support and nonoperating revenues</b>	<b>116</b>	<b>116</b>	<b>-</b>	<b>0.0%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (19,589)</b>	<b>\$ (20,020)</b>	<b>\$ 431</b>	<b>-2.2%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
OPERATIONS  
MULTIMODAL OPERATIONS (PARATRANSIT)  
COMPARISON TO BUDGET - FISCAL YEAR 2013  
APRIL 30, 2013  
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 1,605	\$ 1,672	\$ (67)	-4.0%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 1,605</b>	<b>\$ 1,672</b>	<b>\$ (67)</b>	<b>-4.0%</b>
Personnel costs	\$ 115	\$ 111	\$ (4)	-3.8%
Outside services	9,364	9,426	63	0.7%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	1,982	1,990	8	0.4%
Risk management	13	13	-	0.0%
General & administrative	4	4	0	6.6%
Vehicle/facility leases	280	280	-	0.0%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	295	295	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 12,052</b>	<b>\$ 12,119</b>	<b>\$ 67</b>	<b>0.6%</b>
<b>Operating income (loss)</b>	<b>\$ (10,447)</b>	<b>\$ (10,447)</b>	<b>\$ 0</b>	<b>0.0%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (10,447)</b>	<b>\$ (10,447)</b>	<b>\$ 0</b>	<b>0.0%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
OPERATIONS  
CONSOLIDATED CHULA VISTA TRANSIT OPERATIONS  
COMPARISON TO BUDGET - FISCAL YEAR 2013  
APRIL 30, 2013  
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 2,297	\$ 2,250	\$ 47	2.1%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 2,297</b>	<b>\$ 2,250</b>	<b>\$ 47</b>	<b>2.1%</b>
Personnel costs	\$ 262	\$ 265	\$ 3	1.2%
Outside services	4,489	4,484	(5)	-0.1%
Transit operations funding	-	-	-	-
Materials and supplies	4	1	(3)	-222.9%
Energy	23	340	318	93.3%
Risk management	-	-	-	-
General & administrative	2	2	0	19.2%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	102	102	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 4,881</b>	<b>\$ 5,195</b>	<b>\$ 314</b>	<b>6.0%</b>
<b>Operating income (loss)</b>	<b>\$ (2,585)</b>	<b>\$ (2,945)</b>	<b>\$ 361</b>	<b>12.3%</b>
<b>Total public support and nonoperating revenues</b>	<b>3,516</b>	<b>3,516</b>	<b>(0)</b>	<b>0.0%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 932</b>	<b>\$ 571</b>	<b>\$ 361</b>	<b>63.2%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
OPERATIONS  
CORONADO FERRY  
COMPARISON TO BUDGET - FISCAL YEAR 2013  
APRIL 30, 2013  
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
Personnel costs	\$ -	\$ -	\$ -	-
Outside services	140	140	-	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	-	-	-	-
Risk management	-	-	-	-
General & administrative	-	-	-	-
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	-	-	-	-
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 140</b>	<b>\$ 140</b>	<b>\$ -</b>	<b>0.0%</b>
<b>Operating income (loss)</b>	<b>\$ (140)</b>	<b>\$ (140)</b>	<b>\$ -</b>	<b>0.0%</b>
<b>Total public support and nonoperating revenues</b>	<b>152</b>	<b>174</b>	<b>(22)</b>	<b>-12.5%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ 12</b>	<b>\$ 34</b>	<b>\$ (22)</b>	<b>-64.3%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**ADMINISTRATION**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	3,691	3,555	136	3.8%
<b>Total Operating Revenue</b>	<b>\$ 3,691</b>	<b>\$ 3,555</b>	<b>\$ 136</b>	<b>3.8%</b>
Personnel costs	\$ 13,684	\$ 13,265	\$ (419)	-3.2%
Outside services	8,379	8,742	363	4.2%
Transit operations funding	-	-	-	-
Materials and supplies	10	11	1	11.2%
Energy	580	536	(44)	-8.2%
Risk management	255	271	16	5.7%
General & administrative	1,310	1,273	(37)	-2.9%
Vehicle/facility leases	215	216	1	0.5%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(20,928)	(20,928)	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 3,505</b>	<b>\$ 3,386</b>	<b>\$ (119)</b>	<b>-3.5%</b>
<b>Operating income (loss)</b>	<b>\$ 186</b>	<b>\$ 169</b>	<b>\$ 17</b>	<b>-10.2%</b>
<b>Total public support and nonoperating revenues</b>	<b>(638)</b>	<b>(656)</b>	<b>18</b>	<b>-2.7%</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (452)</b>	<b>\$ (487)</b>	<b>\$ 35</b>	<b>-7.2%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OTHER ACTIVITIES**  
**CONSOLIDATED**  
**COMPARISON TO BUDGET - FISCAL YEAR 2013**  
**APRIL 30, 2013**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	939	921	19	2.0%
<b>Total Operating Revenue</b>	<b>\$ 939</b>	<b>\$ 921</b>	<b>\$ 19</b>	<b>2.0%</b>
Personnel costs	\$ 584	\$ 574	\$ (10)	-1.7%
Outside services	151	141	(10)	-6.8%
Transit operations funding	-	-	-	-
Materials and supplies	19	17	(2)	-9.7%
Energy	8	8	0	2.0%
Risk management	16	19	3	14.4%
General & administrative	87	89	2	2.0%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	84	84	-	0.0%
Depreciation	-	-	-	-
<b>Total Operating Expenses</b>	<b>\$ 949</b>	<b>\$ 933</b>	<b>\$ (16)</b>	<b>-1.7%</b>
<b>Operating income (loss)</b>	<b>\$ (10)</b>	<b>\$ (12)</b>	<b>\$ 3</b>	<b>21.6%</b>
<b>Total public support and nonoperating revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (loss) before capital contributions</b>	<b>\$ (10)</b>	<b>\$ (12)</b>	<b>\$ 3</b>	<b>-21.6%</b>

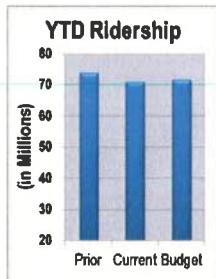
# Metropolitan Transit System FY 2013 - April 2013 Financial Review

MTS Board of Directors Meeting  
June 20, 2013



**COMBINED MTS TRANSIT OPERATORS  
COMPARISON TO BUDGET - APRIL 30, 2013 - FY 2013  
(in \$000's)**

	ACTUAL	BUDGET	VARIANCE	VAR %
Fare Revenue	\$ 77,523	\$ 77,645	(\$122)	-0.2%
Other Revenue	516	554	(38)	-6.9%
<b>Total Operating Revenue</b>	<b>\$78,039</b>	<b>\$78,199</b>	<b>(\$160)</b>	<b>-0.2%</b>

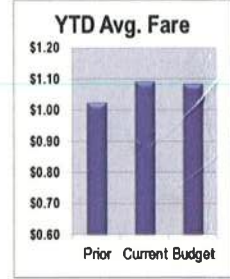


**Ridership Comparison**

- Amended Budget: -0.9% lower
- \$707K negative variance
- Prior Year: -4.0% lower

**Average Fare Comparison**

- Amended Budget: 0.8% higher
- \$585K positive variance
- \$1.093 versus \$1.085 budgeted
- Prior Year: 6.6% higher
- \$1.093 versus \$1.025



COMBINED MTS TRANSIT OPERATORS COMPARISON TO BUDGET - APRIL 30, 2013 - FY 2013 (in \$000's)				
	ACTUAL	BUDGET	VARIANCE	VAR %
Personnel Costs	\$ 89,308	\$ 89,800	\$492	0.5%
Purchased Transportation	46,683	46,750	66	0.1%
Other Outside Services	5,426	5,667	242	4.3%
Energy	18,675	19,033	358	1.9%
Other Expenses	32,138	31,776	(362)	-1.1%
<b>Total Expenses</b>	<b>\$192,230</b>	<b>\$193,026</b>	<b>\$796</b>	<b>0.4%</b>

Personnel Costs

- Transit Operations: \$455K favorable variance
- Rail Operations: \$56K favorable variance

Other Expenses

- Materials and Supplies: \$389K unfavorable variance

METROPOLITAN TRANSIT SYSTEM COMPARISON TO BUDGET - APRIL 30, 2013 - FY 2013 TOTAL OPERATING REVENUE LESS EXPENSES (\$000's)			
Combined Net Operating Variance			
MTS Operating Revenue		\$ (160)	
MTS Operating Expenses		<u>796</u>	
Combined MTS Operators			\$ 636
MTS Administration / Other Activities			<u>20</u>
<b>Total Combined Net Operating Variance</b>			<b>\$ 656</b>
Variance Percentage			0.6%



**METROPOLITAN TRANSIT SYSTEM**  
**COMPARISON TO BUDGET - APRIL 30, 2013 - FY 2013**  
**ON-GOING CONCERNS**

	FY13			Status
	Amended Budget	YTD Actual	Projection	
<b>Sales Tax Subsidy Revenue</b>	5.0%	5.8%	5.0%	<b>G</b>
<b>Energy Prices</b>				
CNG	\$ 0.75	\$ 0.74	\$ 0.76	
Diesel	\$ 3.53	\$ 3.43	\$ 3.44	<b>Y</b>
Gas	\$ 3.50	\$ 3.50	\$ 3.50	
Electricity	\$0.154	\$0.153	\$ 0.154	
<b>Passenger Levels</b>	86.0 M	70.9 M	85.0 M	<b>Y</b>
<b>State of California Budget</b>	\$22.2M	\$14.5 M	\$20.0M	<b>Y</b>

**G** Positive
**Y** Holding
**R** Negative





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## Agenda Item No. 47

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

#### SUBJECT:

ZERO EMISSION BUS REQUIREMENTS (SHARON COONEY)

#### RECOMMENDATION:

That the Board of Directors receive a report for information.

#### Budget Impact

None.

#### DISCUSSION:

Zero Emission Buses (ZEBs) are urban buses that produce zero-exhaust emissions of any pollutant. The types of vehicles that qualify under this definition include hydrogen fuel-cell buses, electric trolley buses with overhead twin-wire power supply, and battery-electric buses.

As part of the Fleet Rule for Transit Agencies, the California Air Resources Board (CARB) included a requirement that transit operators with fleets larger than 200 buses fulfill the ZEB Requirements as described in Title 13, Section 2023.3 of the California Code of Regulations. Transit operators on the diesel path were originally required to begin making 15% of all new bus purchases zero emissions beginning in 2009, and transit operators on the alternative fuel path were to begin in 2010.

Initial Demonstration Projects, as mandated by the ZEB Requirements, have been in operation for several years. Those pilot programs demonstrated that ZEB technology continued to be expensive and did not have the reliability or durability needed for revenue service operations. MTS staff worked with CARB, the California Transit Association, and other interested groups to delay implementation since it would result in a burdensome, unfunded mandate for the agency. The regulations were changed in October 2007 to

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Leron Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

extend the implementation date to 2011 for diesel-path agencies and 2012 for alternative fuel-path agencies like MTS.

CARB staff has opened another review of the ZEB Requirements and plans to host workshops with stakeholders beginning this summer. The goal of the workshops is to assist CARB staff in formulating a plan of action for implementation of the ZEB Requirements. CARB staff plans to bring a recommendation to CARB before the close of 2013.



---

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, [Sharon.Cooney@sdmts.com](mailto:Sharon.Cooney@sdmts.com)

# ZERO EMISSION BUS PROGRAM

June 20, 2013

San Diego Metropolitan Transit System



1



## Zero Emission Bus Regulation

- Zero Emission Bus (ZEB) Regulation was part of the Fleet Rule for Transit Agencies (2000)
  - Fleet Rule mandated choice of diesel or alternative fuel path
- Requires that 15% of all new bus purchases for operators of 200+ buses be ZEB
- Rule defines ZEB vehicles as:
  - Hydrogen fuel cell bus
  - Electric trolley with twin-wire overhead power
  - Battery electric bus
- 2007: regulation amended to postpone purchase until 2011 for diesel path, 2012 for alt path
- ZEB Demonstrations required in the rule
  - Required only for diesel path agencies
  - Initial: 2005-2007(2 demos, 2 transit agencies each, 3 buses)
  - Advanced: (1 demo, 5 transit agencies, 12 buses 2 fueling stations)



2



## Challenges of Implementation

- Technology availability
- Durability: need 12 years and 500,000 miles
- Range: Range of 300 miles/day, operations 20 hours/day, 7 days a week
- Cost of vehicles and power plant, maintenance
- Need for commercial scale production runs
- Coordinating infrastructure installation and bus delivery



3



## California Air Resources Board and Implementation

- CARB is attempting to push implementation this year
- Scheduling stakeholder meetings and workshops this summer to develop a proposal
- Transit agencies, manufacturers, environmental groups, public, enforcement staff
- Board hearing in late 2013



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# ZERO EMISSION BUS PROGRAM

June 20, 2013

San Diego Metropolitan Transit System





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## Agenda Item No. 48

### MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

June 20, 2013

**SUBJECT:**

PACIFIC IMPERIAL RAILROAD (PIR) DESERT LINE AGREEMENT – STATUS  
UPDATE (KAREN LANDERS)

**RECOMMENDATION:**

That the Board of Directors receive a report for information.

Budget Impact

None.

**DISCUSSION:**

Staff will give a status update on the PIR Desert Line agreement.

A handwritten signature in black ink, appearing to read "Paul C. Jablonski", is written over a horizontal line.

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Karen Landers, 619.557.4512, [Karen.Landers@sdmts.com](mailto:Karen.Landers@sdmts.com)

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# ***Pacific Imperial Railroad (PIR) Desert Line Agreement***

## ***Status Update***

***June 20, 2013***

***Item No. 48***



①

## ***SD&AE Property***



②



**Goat Canyon Trestle Looking South**



3

## **Amended and Restated Desert Line Operating Agreement**

- Pacific Imperial Railroad (PIR)
- Approved by Board on December 13, 2012
- Executed on December 20, 2012



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## Agreement Terms

- Upto 99 year term
- Estimated \$50-100 million investment
- Performance Milestones for first 5 years:
  - Business Plan (30 days) - **January 2013**
  - Reconstruction Plan (90 days) - **March 2013**
  - Initial Repairs (12 months)/Test Train Op (13 months) - **December 2013 & January 2014**
  - Limited Operations (36 months) - **December 2015**
  - Full Scale Repairs (60 months)/Full Scale Op (61 months) - **December 2017 & January 2018**



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## Agreement Terms

- Agreement provides detailed specifications for repairs and maintenance, with MTS review and approval rights
- Compensation:
  - Minimum \$1,000,000 per year (first \$500K payment due July 1, 2013) or
  - 15% of gross freight revenues



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## Milestones Achieved

- Business Plan submitted - January 21, 2013
  - (not a public document - contains proprietary information)
- Desert Line Reconstruction Plan submitted March 20, 2013
  - (not a public document - contains risk assessment for Desert Line infrastructure)
- \$500,000 Lease Payment submitted - June 11, 2013 (due July 1, 2013)



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## Work in Progress

- Marketing Efforts
  - PIR continues to engage with the Maquiladora region of Mexico
  - Interest is strong
- Locomotives
  - In May 2013, PIR finalized purchase of 2 locomotives and is making arrangements to transport them to the Desert Line
- Clearing of Non-PIR property from the Line



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## Work in Progress

- Agreement with JL Patterson & Associates, Inc. for:
  - Bridge inspection
  - Bridge Management Program
  - Track inspection & tunnel inspection
  - Oversee Initial Repairs
- Watkins Environmental, Inc.
  - Developing Railroad Division with assistance from JL Patterson
  - Will perform repairs - work to commence in July



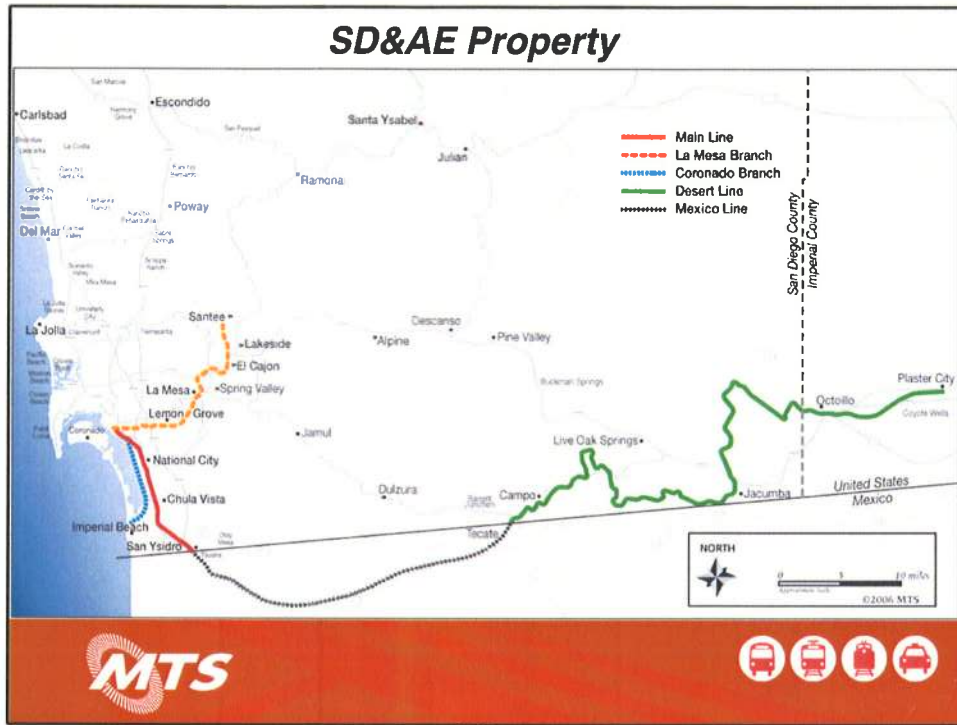
9

## Upcoming Milestones

- Initial Repairs (12 months)/Test Train Op (13 months) - December 2013 & January 2014
- Limited Operations (36 months) - December 2015
- Full Scale Repairs (60 months)/Full Scale Op (61 months) - December 2017 & January 2018



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(11)



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## Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

June 20, 2013

In accordance with Board Policy No. 52, Procurement of Goods and Services, attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period May 14, 2013, through June 17, 2013.



**EXPENSE CONTRACTS**

Doc #	Organization	Subject	Amount	Day
B0545.2-11	AXLE TECH	AMEND TO GROUP A	\$5,994.81	5/14/2013
G1430.1-12	PAUL, PELVIN, SULLIVAN & CONNA	AMEND 1 TO LEGAL SERVICES	\$20,000.00	5/20/2013
B0599.0-13	AMERITRAN SERVICES	IN-PLANT AND DELIVERY INSPECTIONS	\$9,770.00	5/22/2013
L1092.1-13	PROGRESS RAIL SERVICES	AMEND FOR SALES TAX CHANGE	\$13,500.00	5/31/2013
L1032.6-12	SIEMENS INDUSTRY, INC.	TAX ADJUSTMENT	\$29,445.69	6/5/2013
S200-13-578	SAN DIEGO BICYCLE COALITION	ROE-BIKE THE BAY	\$750.00	6/6/2013
G1133.2-08	SECTRAN SECURITY	AMEND 2 ARMORED TRANSPORTATION	\$22,000.00	6/7/2013
G1546.0-13	ROSS & BARUZZINI	CONSULTING SERVICES	\$75,000.00	6/12/2013

**REVENUE OR NO - VALUE CONTRACTS**

Doc #	Organization	Subject	Amount	Day
G1537.0-13	UCSD	EXCLUSIVE NEGOTIATING AGMT	\$0.00	5/15/2013
G1537.1-13	UCSD	EXCLUSIVE NEGOTIATING AGMT	\$0.00	5/15/2013
S200-13-574	SDG&E	EASEMENT AGMT FOR HIGH ST TPSS	\$0.00	5/16/2013
G1541.0-13	NAVY	CORONADO BRIDGE RUN 2013	(\$1,550.00)	5/17/2013
G1530.0-13	HEALY NEWSPAPER, INC.	IN-KIND TRADE	\$0.00	5/20/2013
G1532.0-13	COMPETITOR GROUP	REIMBURSEMENT FROM ROCK AND ROLL MARATHO	(\$46,974.00)	5/20/2013
G1535.0-13	HOTEL DEL CORONADO	ECO PASS	(\$94,482.00)	5/20/2013
L1141.0-13	DAVEY TREE EXPERT	DURABLE ROE TREE & LANDSCAPEING	(\$1,000.00)	5/22/2013
L1150.0-13	COMPETITOR GROUP	ROE FOR ROCK AND ROLL MARATHON	(\$750.00)	5/22/2013
L5262.0-13	SDG&E	EASEMENT AGMT FOR CNG FUEL STATION	\$0.00	5/22/2013
S200-13-563	SDG&E	EASEMENT AGMT FOR SEAWARD AVE SUBSTATION	\$0.00	5/22/2013
S200-13-564	SDG&E	EASEMENT AGMT FOR SUBSTATION 27TH ST	\$0.00	5/22/2013
S200-13-565	SDG&E	EASEMENT AGMT FOR MARKET ST SUBSTATION	\$0.00	5/22/2013
S200-13-567	SDG&E	EASEMENT AGMT FOR TPSS 13TH AND NEWTON	\$0.00	5/22/2013
S200-13-571	SDG&E	EASEMENT AGMT FOR SUBSTATION PALM & HOLL	\$0.00	5/22/2013
G1540.0-13	EVANS HOTELS	ECO PASS	(\$70,013.20)	5/23/2013

**REVENUE OR NO - VALUE CONTRACTS**

<b>Doc #</b>	<b>Organization</b>	<b>Subject</b>	<b>Amount</b>	<b>Day</b>
S200-13-576	KIMLEY HORN	ROE SANDAG ON CALL CONTRACT	\$0.00	5/23/2013
B0589.1-13	GILLIG	TECHNICAL CHANGES TO CONTRACT	\$0.00	5/28/2013
G0078.5-91	CITY OF POWAY	REGULATE FOR-HIRE VEHICLES	\$0.00	5/28/2013
G0225.8-95	CITY OF SAN DIEGO	REGULATE FOR-HIRE VEHICLES	\$0.00	5/28/2013
G0501.3-99	CITY OF LA MESA	REGULATE FOR-HIRE VEHICLES	\$0.00	5/28/2013
G1432.1-12	RYAN MERCALDO LLP	NAME CHANGE	\$0.00	5/28/2013
G1538.0-13	SD MARRIOT	ECO PASS	(\$80,020.00)	5/28/2013
T0047.5-90	CITY OF SANTEE	REGULATE FOR-HIRE VEHICLES	\$0.00	5/28/2013
T0048.5-90	CITY OF IMPERIAL BEACH	REGULATE FOR-HIRE VEHICLES	\$0.00	5/28/2013
T0049.6-90	CITY OF LEMON GROVE	REGULATE FOR-HIRE VEHICLES	\$0.00	5/28/2013
G1435.2-12	ROSS & BARUZZINI	ASSIGNMENT OF CONTRACT	\$0.00	6/5/2013
M6702.0-13	HP COMMUNICATIONS	ROE COX COMM OVERHEAD FIBER 70TH ST	(\$1,850.00)	6/5/2013
S200-13-577	AGUIRRE ENGINEERING	ROE GENERAL LAND SURVEYING	\$0.00	6/5/2013
B0601.0-13	WHITING TURNER CONTRACTING	ROE-SB BUS MAINT FACILITY	\$0.00	6/6/2013
L1151.0-13	COLOR ME RAD	ROE PERMIT FOR 5K RUN	(\$836.90)	6/6/2013
M6704.0-13	CONNECT ENGLISH LANGUAGE INSTI	LEASE AGMT 20 PARKING SPACES AT GRANTVIL	(\$400.00)	6/6/2013
L6696.0-13	DOKKEN ENGINEERING	JROE VARIOUS CIPS ENGINEERING	\$0.00	6/7/2013
S200-13-572	FLATIRON WEST	ROE FOR BLUE LINE STATION IMPROVEMENTS	\$0.00	6/7/2013
L7051.0-13	MCCARTHY BUILDING COMPANIES	ROE PERMIT	\$0.00	6/12/2013
S200-13-542	HENKELS & MCCOY INC	ROE PERMIT	(\$3,200.00)	6/12/2013
S200-13-570	COMM22 FAMILY HOUSING LP	ROE CONSTRUCTION COMMERCIAL ST	(\$5,750.00)	6/13/2013
G1415.1-12	NMS MANAGEMENT	CORRECTION OF PERFORMANCE DATES	\$0.00	6/17/2013
S200-13-579	SDG&E	ROE PERMIT	(\$2,400.00)	6/17/2013
T0053.5-90	CITY OF EL CAJON	REGULATE FOR-HIRE VEHICLES	\$0.00	6/17/2013



**PURCHASE ORDERS**

<b>DATE</b>	<b>Organization</b>	<b>Subject</b>	<b>AMOUNT</b>
5/16/2013	INDUSTRIAL DISTRIBUTION GROUP	PAD LOCKS	\$4,957.21
5/17/2013	UNITED RENTALS NORTHWEST	LIGHT TOWER RENTAL FOR 10 WEEKS	\$1,468.54
5/21/2013	HIGHER POWER SUPPLIES INC	AIR CURTAIN FPM MODEL	\$830.52
5/21/2013	CDW GOVERNMENT INC	ADOBE PROFESSIONAL	\$1,704.00
5/21/2013	CDW GOVERNMENT INC	CRUCIAL 4 GB DIMM AND WD BLUE 250GB	\$820.51
5/22/2013	SAN DIEGO READER	24 FULL PAGE COLOR ADS 52 WEEKS	\$19,008.00
5/22/2013	PIXEL PRODUCTIONS	VIDEO PROJECT PROPOSAL	\$2,140.00
5/23/2013	TRAFFIC MANAGEMENT INC	SIGNS, BANDING, BRACKETS, & CLIPS	\$3,131.31
5/28/2013	CDW GOVERNMENT INC.	APC 17IN RACK AND NETSHELTER	\$2,987.24
5/28/2013	CDW GOVERNMENT INC.	CISCO SMARTNET	\$1,904.06
5/28/2013	HERSHEY TECHNOLOGIES	ANNUAL SUPPORT SUBSCRIPTION	\$2,440.00
5/28/2013	REDFIELD'S LOCK & KEY	RIM CYLINDERS AND REKEY LOCKS	\$2,174.16
5/29/2013	HEAVILANG ENTERPRISES	CONSULTING SERVICES	\$1,440.00
5/29/2013	CUMMINS	CURRENCY/BILL COUNTER MODEL	\$668.00
5/30/2013	NTH GENERATION COMPUTING	HP 8GB LW B-SERIES AND CABLES	\$198.60
5/31/2013	WEST COAST SIGNS	QUALCOMM SINAGE IMPROVEMENTS	\$14,729.54
5/31/2013	ADVERTISING CONCEPTS INC	.05 HAND SANITIZER	\$6,489.00
6/3/2013	CALHOUN TECHNOLOGIES	BLC 10GB SR SFP+OPTIONS	\$1,120.00
6/3/2013	CALHOUN TECHNOLOGIES	LRM SFP FACTORY SEALED	\$6,653.44
6/4/2013	DELL COMPUTER CORP	OPTIPLEX 9010	\$15,975.06
6/5/2013	SAN DIEGO ELECTRIC WORKS	ELECTRICAL EVALUATION	\$700.00
6/6/2013	GOODYEAR	TIRES	\$70,477.92
6/7/2013	CDW GOVERNMENT INC	HEADSET AND CABLE	\$3,121.20
6/7/2013	MONOPRICE INC	TV WALL MOUNT	\$100.16
6/7/2013	CDW GOVERNMENT INC	SHARP LC, 60 INCH LED	\$1,344.24
6/11/2013	ESRI	ENTERPRISE STD SOFTWARE & LICENSE	\$25,920.00
6/12/2013	CITY ELECTRIC WORKS	INSTALL 3 JUNCTION BOXES	\$790.00

**WORK ORDERS**

<b>Organization</b>	<b>Subject</b>	<b>Amount</b>	<b>Status</b>	<b>Day</b>
HERZOG CONSTRUCTION, INC.	PAVING REPLACEMENT	\$53,118.60	EXEC	6/5/2013
SOUTHLAND ELECTRIC. INC.	SDSU FIBER OPTIC CABEL INSTALL	\$8,078.96	EXEC	6/7/2013
PGH WONG ENGINEERING	AMENDMENT 1	\$50,000.00	OUT	6/12/2013
PGH WONG ENGINEERING	AMENDMENT 1	\$75,000.00	OUT	6/12/2013
PGH WONG ENGINEERING	AMENDMENT 1	\$50,000.00	OUT	6/12/2013