AGENDA HIGHLIGHTS

- REGIONAL COMPREHENSIVE PLAN: 2008 PERFORMANCE MONITORING REPORT
- 2009 LEGISLATIVE PROGRAM
- SAN DIEGO REGION ECONOMIC STIMULUS PROPOSAL

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The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus, makes strategic plans, obtains and allocates resources, plans, engineers, and builds public transit, and provides information on a broad range of topics pertinent to the region's quality of life.
Welcome to SANDAG. Members of the public may speak to the Board of Directors on any item at the time the Board is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to the Clerk of the Board seated at the front table. Also, members of the public are invited to address the Board on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Board of Directors may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under Meetings on the SANDAG Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than 12 noon, two working days prior to the Board of Directors meeting.

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**+1. APPROVAL OF NOVEMBER 21, 2008, MEETING MINUTES**

**+2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS**

Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG. Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk of the Board prior to speaking. Public speakers should notify the Clerk of the Board if they have a handout for distribution to Board members. Speakers are limited to three minutes. Board members also may provide information and announcements under this agenda item.

**+3. ACTIONS FROM POLICY ADVISORY COMMITTEES**

This item summarizes the actions taken by the Borders Committee on November 21, the Executive, Regional Planning, and Transportation Committees on December 5, and the Transportation and Public Safety Committees on December 12, 2008.

**CONSENT ITEMS (4 through 7)**

**+4. PROPOSED RESOLUTIONS TO CONFIRM EMPLOYER PAID MEMBER CONTRIBUTIONS TO CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (Laura Coté)**

Internal Revenue Code (IRC) Section 414(h)(2) allows public agencies to designate employee contributions to the California Public Employees Retirement System (CalPERS) as being funded by the employer and treated as employer contributions for tax purposes. CalPERS has advised SANDAG that the agency is required to execute a resolution by December 31, 2008, which documents our practice of funding the employee contribution. The Board of Directors is asked to approve and adopt Resolution Nos. 2009-11 and 2009-12 confirming employer paid member contributions to CalPERS and the tax treatment thereof.

**+5. FEDERAL TRANSIT ADMINISTRATION SECTION 5311 PROGRAM OF PROJECTS (Susan Brown)**

The Federal Transit Administration (FTA) provides funding for capital and operating assistance to agencies providing rural transportation through the Section 5311 Non-Urbanized Area Formula Program. Staff proposes apportioning the FY 2009 Section 5311 funds to Metropolitan Transit System and the North County Transit District by formula based on rural population within each agency’s service area. The Transportation Committee recommends that the Board of Directors approve the programming of a total of $626,205 in FTA Section 5311 funds.
In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director since the last Board meeting.

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

The Nominating Committee unanimously recommends the following slate of candidates for SANDAG Board officers for calendar year 2009: Escondido Mayor Lori Holt Pfeiler for Chair, Encinitas Mayor Jerome Stocks for First Vice Chair, and Santee Councilmember Jack Dale for Second Vice Chair. Additional nominations for any officer may be made by Board members at the December meeting. The Board of Directors is asked to elect SANDAG Board Officers for the upcoming year.

Monitoring progress in implementing the Regional Comprehensive Plan (RCP) occurs on an annual basis. In 2006, SANDAG released the Regional Comprehensive Plan: Establishing a Baseline for Performance Monitoring (Baseline Report). The 2008 Annual Performance Monitoring Report represents the second annual RCP monitoring report since the Baseline Report was accepted by the SANDAG Board of Directors in October 2006. The Regional Planning Committee recommends that the Board of Directors accept the Regional Comprehensive Plan 2008 Annual Performance Monitoring Report.

The United States Navy, as one of the largest employers in the San Diego region, has partnered with RideLink to provide an analysis of commuter travel activity between the major naval housing areas and naval bases/facilities in the San Diego metropolitan area. Staff will provide an overview of the studies currently underway.
+11. PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS
   (Escondido Mayor Lori Pfeiler, SANDAG First Vice Chair; Julie Wiley)*

   The proposed amendments to Board Policies and Bylaws were reviewed by
   the Executive Committee at its December meeting. The Executive Committee
   recommends that the Board of Directors approve the proposed amendments
   to the Board Policies and Bylaws.

+12. AMENDMENTS TO REGIONAL COMPREHENSIVE FARE ORDINANCE
   (Dave Schumacher)

   SECOND READING,
   APPROVE

   On December 12, 2008, the Transportation Committee conducted the first
   reading of amendments to the Regional Comprehensive Fare Ordinance. The
   amendments delay introduction of the Compass Card and Rolling Passes until
   March 1, 2009, and clarify the timing of validation of Rolling Passes sold at
   ticket vending machines, the MTS Transit Store, NCTD Customer Service
   Outlets, or other outlets designated by SANDAG. The Board of Directors is
   asked to conduct the second reading and approve of amendments to the
   Regional Comprehensive Fare Ordinance.

+13. 2009 LEGISLATIVE PROGRAM (Escondido Mayor Lori Pfeiler,
    SANDAG First Vice Chair; Genevieve Morelos)

   APPROVE

   Consistent with past programs, the proposed legislative program for calendar
   year 2009 includes policies and proposals for possible federal and state
   legislation and local activities. The Executive Committee recommends that the
   Board of Directors approve the 2009 SANDAG Legislative Program.

14. FINANCIAL MARKET STATUS (Renée Wasmund and Marney Cox)

   INFORMATION

   This monthly briefing is designed to keep the Board of Directors informed
   about the latest developments in the financial markets, the economy, and
   revenue forecasts, and the strategies we are exploring and implementing to
   minimize possible impacts to SANDAG.

+15. SAN DIEGO REGION ECONOMIC STIMULUS PROPOSAL (Dan Martin)

   INFORMATION

   Recent actions by the federal government have focused on initiating
   programs to stimulate the nation’s economy. There have been ongoing
   discussions at the federal level of a possible economic stimulus package that
   would create jobs and deliver needed infrastructure to nation. SANDAG staff
   has been working with agencies within the San Diego region to develop an
   economic stimulus proposal that includes both transportation and public
   works projects that could be implemented over the short-term. Staff will
   report on development and outreach efforts to date.
16. MID-COAST CORRIDOR TRANSIT PROJECT UPDATE (Santee Councilmember Jack Dale, Transportation Committee Vice Chair; Leslie Blanda)*

Staff will provide a report on the status of the Mid-Coast Corridor Transit Project. The report will provide an overview of the project, describe the scope and schedule of the current phase of project development, and describe the upcoming project development phases.

17. UPCOMING MEETINGS

The next Board Policy meeting is scheduled for Friday, January 9, 2009, at 10 a.m. The next Board Business meeting of the SANDAG Board of Directors is scheduled for Friday, January 23, 2009, at 9 a.m.

18. ADJOURNMENT

+ next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego Regional Transportation Commission item
Board of Directors Discussion and Actions
November 21, 2008

Chair Mary Sessom (Lemon Grove) called the meeting of the SANDAG Board of Directors to order at 9:08 a.m. The attendance sheet for the meeting is attached.

1. Approval of October 24, 2008, Meeting Minutes (Approve)

Action: Upon a motion by Mayor Mark Lewis (El Cajon), and a second by Mayor Jim Desmond (San Marcos), the SANDAG Board of Directors approved the minutes from the October 24, 2008, Business meeting.

2. Public Comments/Communications/Member Comments

Chuck Lungerhausen, a member of the public, said that last week he made a comment that the high-speed rail project could put many people back to work. General Atomic, a local company, has a patent on a direct drive device that could work well with high-speed rail; however, he understands that the plans for that project are for steel wheel on rail.

Clive Richard, a member of the public, thanked those Board members who have given attention to issues that concern him. He also expressed appreciation for the efforts of the state and US Senate representatives, who are concerned with the reauthorization of the federal surface transportation act. He was very impressed with recent testimony before Congress by local representatives indicating that if transportation slows down nothing moves, including goods and people.

Chair Sessom recognized three individuals who will be leaving the Board: Coronado Councilmember Phil Monroe, Escondido Councilmember Ed Gallo, and San Diego City Council President Pro Tem Jim Madaffer. She expressed her appreciation for their service on the Board and said that they will be missed.

Councilmember Monroe said that it has been great working with the SANDAG Board. After 30 years in the Navy, there are two words he didn’t know about and they mean a lot to him; they are “elected official.” He had no concept how much fun it would be as an elected official. All around this county are great elected officials.

Councilmember Gallo thanked the staff from the Executive Director and all the way down. He also recognized Chair Sessom, who he said has done a super job. He has formed a lot of relationships here. The task ahead for this Board is incredible given the times we are in; however, he was sure that the obstacles will be overcome.

Council President Pro Tem Madaffer mentioned that the first time he had the opportunity to come to SANDAG was as a San Diego staff member to one of the council members.
Fifteen years of involvement with SANDAG comes to an end, eight of them since 2001 as an elected official. First and foremost is his appreciation for the staff led by Gary Gallegos and Diane Eidam. There are so many wonderful professionals who make this organization strong and successful. It is no accident that Gary Gallegos was invited to speak in between two governors in Washington, D.C., on infrastructure because of the incredible job that SANDAG does, and because the elected officials in this region get it. You don’t have this kind of camaraderie in other places. It is good to reflect on that and not take it for granted. It has been an honor and a pleasure to serve on this Board.

3. ACTIONS FROM POLICY ADVISORY COMMITTEES (APPROVE)

This item summarizes the actions taken by the Borders Committee on October 24, the Transportation and Regional Planning Committees on November 7, and the Executive Committee on November 14, 2008.

Action: Upon a motion by First Vice Chair Lori Holt Pfeiler (Escondido) and second by Second Vice Chair Jerome Stocks (Encinitas), the SANDAG Board of Directors approved the actions taken by the Policy Advisory Committees at the meetings noted above. Yes – 18 (weighted vote, 100%). No –0 (weighted vote, 0%). Abstain –0 (weighted vote, 0%). Absent – Poway.

CONSENT ITEMS (4 through 11)

Councilmember Tony Young (City of San Diego) asked for a staff report on Item No. 4.

4. SANDAG FY 2009 DISADVANTAGED BUSINESS ENTERPRISE GOALS (APPROVE)

Elaine Richardson, Contracts and Procurement Manager, stated that it is a requirement from the federal government to develop Disadvantaged Business Enterprise (DBE) goals each year, and this year the proposed DBE goal is 6 percent. We review the SANDAG program budget, and look at all of the projects that have federal dollars. From there we establish a base figure utilizing quantifiable evidence to determine the relative availability of DBEs within specified industries. SANDAG uses the California United Certification Program Directory of Certified DBE firms and the United States Census Bureau data to establish the DBE figure. Step 2 of the process requires SANDAG to survey and assess other known relevant evidence to determine what additional adjustments, if any, were needed to narrowly tailor the base figure to the SANDAG market area. A public notice regarding the proposed Overall Annual DBE goals was published in several general circulation, minority, and trade association publications. This notice also was posted on the SANDAG Web site and made available to community-based organizations.

We are now in a race neutral program and cannot set goals. For SANDAG, it is important that we outreach to small businesses. We recently had a construction management on-call event and used that as a networking effort. We ask all of the participants what type of business and certification they are, if they are a prime or subcontractor, and then we provide time at the end of the meeting for networking and team-building purposes.

Ms. Richardson stated that last week SANDAG was given an award for the best sustained small business program by the San Diego Supplier Development Council. This Council tries to
help small businesses in the region. We have a CalMentor program and had over 30 pairings. It is the largest program in Caltrans' history in the state.

Ms. Richardson said that one program that will benefit SANDAG is a new online registration for contractors and vendors that want to do business with us. We have 3-4 procurements online. We just advertised the Quality of Life Public Outreach/Education Program Consultant Services procurement. We've already received about 50 responses. Of that number, 30 percent were small businesses, and 20 percent were DBEs. We will meet the DBE goals through these race neutral measures.

She noted that Caltrans commissioned a disparity study to determine whether discrimination exists in the conduct of Caltrans' transportation program. The study was completed and accepted by Caltrans in July 2007. Results of the study found disparity in four of six groups: African American, Asian Pacific, Native American, and Women, which the study considered as underutilized disadvantaged business enterprise (UDBE) firms. Based on this study outcome, Caltrans has taken steps to transition from a race neutral DBE program to a new race conscious one. The race conscious measures of the DBE program will only be applied to the UDBEs. Caltrans requested a waiver from the US Department of Transportation to implement a race conscious DBE program with limited application. Caltrans is currently awaiting this approval. As a subrecipient of federal funds, Caltrans has advised that SANDAG should continue with the race neutral DBE program until further notice. Upon Federal Highway Administration (FHWA) approval, a 60-90 day period will be provided by Caltrans to allow agencies time to reinstate a race-conscious component of the DBE program, including establishing contract-specific DBE goals and good faith efforts requirements limited to UDBEs.

Councilmember Young asked about outreach efforts. Ms. Richardson reviewed a number of efforts that SANDAG is involved in to encourage DBE/small business participation.

Councilmember Young asked if SANDAG uses community-based newspapers for advertisements. Ms. Richardson replied that we advertise in the Asian Journal, Voice and Viewpoint, and La Prensa. We also send notices through our database and the Contracting Opportunity Center.

Councilmember Young acknowledged that it appears SANDAG is finding ways to focus on veteran and local businesses. He asked if we reached our goals last year and if the goals this year are higher. Ms. Richardson answered that last year the goal for FHWA was 7 percent, and we are still tabulating some of the data from last year. Right now we are at 5 percent. For the Federal Transit Administration (FTA), our goal was 5 percent, and we are at 5.5 percent.

Councilmember Young commented that it also should be based on the efforts to improve our outreach.

Ms. Richardson noted that our last on-call contract totaled $178 million and had no DBE goals set. However, of the seven subcontracts in this contract we had stated participation ranging from 6.5 percent to 18 percent. It appears that our race neutral efforts are working.
Councilmember Young congratulated Mr. Gallegos for staff’s effort on this issue. He said it is one of the most comprehensive approaches toward addressing this issue, and SANDAG should be commended.

Councilmember Luis Natividad (National City) stated that National City has access to a lot of small businesses. He asked if it is possible to let us know how to contact SANDAG. Ms. Richardson said she would be glad to talk with Councilmember Natividad and National City staff. We just launched our database in June of this year and would be able to share it with the city.

Marilyn Dailey, San Diego County Water Authority, stated that ten years ago when she joined the Water Authority, it had a DBE program and now it has SCOOP (Small Contractor Outreach and Opportunities Program). We have all kinds of information we can share. Most all of our contracts have a specified DBE percentage, if the contractors are available and can do the work. We have broken our contracts down so there are more places where DBEs and small businesses can participate.

5. RESOLUTION REGARDING KUMeyaay MAP (APPROVE)

The Executive Committee recommends that the Board of Directors approve Resolution No. 2009-03, regarding the aboriginal lands of the Kumeyaay Nation.

6. CALIFORNIA REGIONAL BLUEPRINT PLANNING PROGRAM GRANT RENEWAL APPLICATION (ADOPT)

The California Business, Transportation, and Housing Agency is awarding $4.25 million in California Regional Blueprint Grant Program funding during FY 2009 to current Metropolitan Planning Organization grantees to complete or enhance the implementation of regional comprehensive plans in the state. The Board of Directors is asked to adopt Resolution No. 2009-09, authorizing the submittal of the SANDAG grant renewal application to the California Regional Blueprint Planning Program.

7. UTC TRANSIT CENTER FUNDING (APPROVE)

SANDAG staff has worked with Westfield, City of San Diego, and Metropolitan Transit System staff to ensure that the new transit center, approved as part of the redevelopment plans for the Westfield Shoppingtown University Towne Centre (UTC), meets the needs of existing and future transit services in the Mid-Coast corridor. The Transportation Committee recommends that the Board of Directors direct staff to take the necessary programming actions, including obtaining approval from the Federal Transit Administration, to utilize approximately $5.7 million in Section 5309 New Starts funds currently programmed for the Nobel Drive COASTER Station as a contribution towards construction of the new UTC bus transit center.
8. QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING SEPTEMBER 30, 2008 (INFORMATION)

The SANDAG Investment Policy requires that the Board be provided a quarterly report of investments held by SANDAG. This report includes all money under the direction or care of SANDAG as of September 30, 2008.

9. QUARTERLY PROGRESS REPORT ON TRANSPORTATION PROJECTS – JULY TO SEPTEMBER 2008 (INFORMATION)

This quarterly report summarizes the current status of major highway, transit, arterial, traffic management, and transportation demand management projects in SANDAG’s five-year Regional Transportation Improvement Program for the period July to September 2008.

10. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (INFORMATION)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director since the last Board meeting.

11. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (INFORMATION)

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

Action: Upon a motion by First Vice Chair Pfeiler, and a second by Mayor Jim Woods (Oceanside), the SANDAG Board approved Consent Items Nos. 4 through 11, including Resolution Nos. 2009-03 and 2009-09. Yes - 19. No - 0. Abstain - 0. Absent - 0.

12. DESTINATION LINDBERGH AD HOC AIRPORT REGIONAL POLICY COMMITTEE UPDATE (INFORMATION)

Chair Sessom stated that a diagram showing Destination Lindbergh Development Alternatives Summary was distributed. Destination Lindbergh is a cooperative planning effort of the City of San Diego, the Airport Authority, and SANDAG. The study effort began in March of this year in an attempt to address three issues: what is the ultimate build-out of the airport, what is the best option for integration of a ground access Intermodal Transportation Center, and how can traffic on local streets surrounding the airport be mitigated. Guiding this process has been an ad hoc policy committee, which has met about every three weeks. To date, work has included forecasting future air travel demand; reviewing the constraints and opportunities of adjacent rail, freeway, and local streets and roads as well as airside passenger options; and development of a series of airport-intermodal alternatives. The committee has screened down the alternatives to four basic concepts: B1 (North check-in with North gates), A2 (North check-in with South gates, possibly connected by a people mover), A3 (dual check-in North and South), and A8 (all
gates on South accessed by an on-airport road). All of these alternatives utilize an Intermodal Transportation Center (ITC), which would straddle the rail lines just south of Washington Avenue and Pacific Coast Highway. The ITC would have direct access from Interstate 5. Early analysis concluded that development of an ITC would create significant opportunities for reducing auto trips to the airport and increasing transit usage in the region. The next steps will be to develop options for a phased development, and reviewing the financial feasibility and revenue sources. We are looking at a February 2009 deadline to get this to the Airport Authority as it is the approving agency in accordance with the Memorandum of Understanding between the Authority, SANDAG, and the City of San Diego. We still have a lot of work to do.

Action: This item was presented for information only.

Chair Sessom stated that we would take Item No. 14 out of order.

14. RECOGNITION OF WORKPLACE EXCELLENCE AWARD TO SANDAG (INFORMATION)

First Vice Chair Pfeiler announced that SANDAG recently received an award acknowledging the agency as a great place to work. This award was presented by the Society of Human Resource Managers (SHRM) and recognizes exemplary human resources practices that drive business performance and organizational effectiveness. SANDAG was recognized in the mid-size company category for our “relational onboarding program” in which new hires are oriented and integrated into our workforce. This program is designed to promote retention and reduce turnover costs, and quickly turns new employees into productive members of the team. She congratulated all the staff at SANDAG and particularly the Human Resources team.

Action: This item was presented for information only.

13. REPORT FROM NOMINATING COMMITTEE ON SLATE OF BOARD OFFICERS FOR 2009 (INFORMATION)

Council President Pro Tem Madaffer reported that the Nominating Committee met and is unanimously recommending the following slate of officers for 2009: for Chair: Escondido Mayor Lori Holt Pfeiler; for First Vice Chair: Encinitas Mayor Jerome Stocks; and for Second Vice Chair: Santee Councilmember Jack Dale. He reminded Board members that nominations can be made from the floor at the December 19 Board meeting. He stated that the Board will be well served by a group of great leaders in 2009.

Chair Sessom thanked Nominating Chair Madaffer and the committee members for their efforts to develop this slate of candidates for 2009 Board leadership.

Action: This item was presented for information only.
REPORTS (15 through 21)

15. THIRD ANNUAL REPORT FROM THE TransNet INDEPENDENT TAXPAYERS OVERSIGHT COMMITTEE (INFORMATION)

John Meyer, Chair of the Independent Taxpayers Oversight Committee (ITOC), provided the third annual report. He expressed appreciation and thanks for the Board for recognizing ITOC. As mandated by the TransNet Ordinance, ITOC provided a level of accountability, and guidance and oversight on development on the TransNet Early Action Program (EAP) and other key components of the TransNet Extension approved by the voters in 2004.

He noted that a copy of the Annual Report was included in the agenda package. It is marked “draft.” The final report will be printed after this meeting in case there are further recommendations or suggestions. It briefly summarizes actions during the past year and for the first full year of the TransNet Extension, including collection of the new development impact fees. Progress on the EAP has been substantial. We have participated in the Plan of Finance for the TransNet EAP, including a proposed financial strategy, and ITOC recommended that we stay committed to the schedules of all projects. We continued to receive regular updates on the SPRINT project through opening of service, and will continue to do so until the contract is completely closed out. We started implementation of the TransNet Extension requirements including the Regional Transportation Congestion Improvement Program’s (RTCIP) residential fee. All jurisdictions submitted programs to us on time.

One of the largest efforts was the application process for the annual performance audit. This was a first in California. The audit is now underway and the findings will be presented in spring 2009. A $600 million bond financing was issued last spring and we continue to receive regular updates on the fiscal crisis and its potential impacts on the TransNet program. The difficult financial crisis is a great concern to our committee. Failing sales tax revenues certainly emphasize the need for the next Plan of Finance update as we move forward. We look forward to moving past the projects in the EAP that are more oriented to highway development to see more development for the needs of the transit agencies. ITOC will assume one major responsibility this year, which is the annual fiscal audit. We will prepare for this substantial effort over the next couple of months.

He stated that ITOC continues to be amazed at the close cooperation between Caltrans and SANDAG staff. He noted that there is a real benefit to the region in this cooperation and in the competence of the Caltrans District 11 staff. He expressed concern regarding the recruitment for new members for ITOC. Last year we went through a difficult period losing several members due to conflicts of interest. That left us with a bare minimum of members for a quorum. Given the fact that most of the committee members have to make a living, it is hard to schedule a meeting and then not have a quorum. The source of this problem goes back to the TransNet Ordinance requirements. The strength of the committee lies in the skills and backgrounds of the various committee members bringing a variety of disciplines to the table. However, the conflict of interest issue is troublesome. He discussed this concern with the San Diego County Taxpayers Association, and the issue is that we cannot offer or solicit a position on ITOC if there is any connection to any program that they might be connected or where members’ companies might be connected. This issue could be resolved by modifying certain ITOC rules. At a city, if you have one person on the council who has a conflict, that person can be excused. This should happen with ITOC. The selection committee
had a real problem getting together in the summer months. We should get a couple of dates on the calendar now for next summer so that we can have a smooth selection process. He brought this up because 3 of the 7 members are reaching the end of their term. He wouldn’t want to see the committee being hamstrung by barely having a sufficient number for a quorum.

Mr. Meyer said that the former SANDAG staff member who worked for us, Craig Scott, was the first staff person to ITOC, and the transition to Charles “Muggs” Stoll has been great. The ITOC benefits greatly from SANDAG staff support.

Chair Sessom asked for Board member comments.

Councilmember Monroe expressed his appreciation for the report and ITOC’s service. He noted that a level of confidence whenever we received a recommendation from ITOC. We recently had a case where the vote at ITOC on a recommendation related to the SPRINT project was a 3-3 tie. This raised a red flag for him, and this goes to the committee’s credibility and recognition of the talents of its members.

Mr. Meyer stated that we had two days before a Transportation Committee meeting and one week before the Board met, and the issue did raise flags with some of our members. The biggest issue was the involvement of the State Legislature and whether they would release the state Proposition 1B bond funding. On the positive side, by us not making a direct recommendation in this case, your staff came up with much more detailed information for the Transportation Committee and Board. One of ITOC’s functions is to raise that kind of concern. It’s to the benefit of the Board that we do that.

Deputy Mayor Crystal Crawford (Del Mar) thanked ITOC Chair Meyers for this report and bringing our attention to the fact that three ITOC members’ terms are expiring in May 2009. When staff reports back on issues brought up today, she asked that the schedule typically used for recruitment be included. She didn’t recall if there are restrictions from members serving another term. She was sensitive to the concern about having a bare quorum after next May. She suggested starting the recruitment process earlier and building in additional time in case we don’t get sufficient applications.

**Action**: This item was presented for information only.

16. **ANNUAL REVIEW OF AND PROPOSED AMENDMENTS TO BOARD POLICY NO. 033: IMPLEMENTATION GUIDELINES FOR SANDAG REGIONAL HOUSING NEEDS ASSESSMENT MEMORANDUM (APPROVE)**

First Vice Chair Pfeiler stated that the Regional Planning Committee (RPC) and Executive Committee recommend that the Board approve amendments to Board Policy No. 033. We started this discussed when we were trying to get our Regional Housing Needs Assessment (RHNA) process finalized last cycle. When we voted on that issue, we realized there would be some problems allocating all our housing needs, and recognized some smaller cities would have a reduced affordable housing goal. Other cities that did not have an approved housing element in place could produce a recommended amount of affordable housing but would not get points under the original policy. This policy was developed to implement the memorandum that several Board members authored in association with the adoption of the 2005-2010 RHNA. The purpose of the memorandum was to provide incentives to the
jurisdictions that are taking steps to address the region’s affordable housing need. The amendments proposed maintain the spirit of the original memorandum and will be used in the evaluation of the TransNet Smart Growth Incentive Program (SGIP), which is the next item on the agenda. She hoped the Board will support these amendments. She introduced Susan Baldwin to provide the staff report.

Ms. Baldwin, Senior Planner, reported that Policy No. 033 was developed to implement the 2005-2010 RHNA memorandum. The memorandum was proposed to gain consensus on the RHNA affordable housing allocation. The financial incentives for projects applying for SANDAG discretionary funds are based on housing element status and affordable housing production. An ad hoc working group was formed to develop amendments to this Board policy to implement the memorandum.

Ms. Baldwin stated that the proposed amendments are organized into two categories: policy issues and technical issues. There are several policy issues: award of incentive points, housing element compliance, and progress toward rezoning actions. The technical issues relate to changes in reporting, an update of the SANDAG funding sources affected by Board Policy No. 033, and the time period for evaluation of lower-income housing production.

Ms. Baldwin explained that instead of calculating lower-income housing production on only one factor (affordable housing production), it is proposed that affordable housing performance be assessed using five factors. Each factor would be worth one-fifth of the total points: housing element compliance, greater RHNA share taken, regional share of cumulative total of lower-income units produced, percent of cumulative Alternative 3 lower-income RHNA goal met, and percent of lower-income households. These factors consider the variety of ways that jurisdictions can address their affordable housing needs. We will be evaluating planning, production, and what is actually on the ground now. For the SGIP capital projects that means each of the five factors would be worth 15 points (75 points out of 300 total points).

Councilmember Monroe asked about the share for housing element compliance. Ms. Baldwin said that refers to each jurisdiction’s preparation of their housing element. Each jurisdiction must submit a housing element to the state in compliance with state law.

Councilmember Monroe stated that with these changes, a jurisdiction doesn’t have to have an approved housing element to compete for discretionary funding. Ms. Baldwin responded that the current policy requires a jurisdiction to have an approved housing element before it can apply for SANDAG discretionary funds.

Councilmember Monroe said that only 11 out of 18 cities have approved housing elements. He asked if this means we don’t want jurisdictions to complete housing elements. Ms. Baldwin agreed that we do want jurisdictions to complete housing elements; however, we recommended that points associated with the housing element be fairly significant. If a jurisdiction doesn’t have an approved housing element, it would receive fewer points for this factor, and its competitiveness for the discretionary monies would be reduced.

Coleen Clementson, Principal Planner, added that there were some jurisdictions that are producing affordable housing, but don’t have an approved housing element and were running into problems getting that approval at the state level. The working group discussed this and agreed with awarding significant amount of points for those with approved
housing elements, but also allowing jurisdictions to still compete in the program and receive points for the housing production component. This will place all jurisdictions on an equal playing field.

Mayor Wood asked about the rehabilitation of apartments. Ms. Baldwin said that we are proposing that jurisdictions can count units that have been acquired and rehabilitated at 50 percent of a new unit.

Deputy Mayor Crawford expressed appreciation that the proposed amendments are attempting to work within the existing realities of the relationship between the cities and the state in getting our housing elements approved. She noted that Del Mar has had an update to its housing element pending for a couple of years. Now, instead of not being able to compete, this process creates a system for partial points for other efforts that are relevant to the RHNA process. She asked if there was consensus from the Regional Planning Technical Working Group and the other groups that considered this issue.

Ms. Baldwin responded there was general consensus among the groups that reviewed this. There was a unanimous vote from the Executive Committee in favor of the recommendation. The various groups were very instrumental in developing these five factors, and this proposal was discussed several times. She clarified that all jurisdictions have submitted housing elements to the state.

Councilmember Natividad commented that a lot of the cities don’t want to build affordable housing units and make excuses for not having them. Every jurisdiction should submit a housing element to show an effort toward providing affordable housing.

Councilmember Lesa Heebner (Solana Beach) asked about granny flats. The City of Solana Beach will offer amnesty for these units. She asked if these units would be covered if they are structured to an affordable level. Ms. Baldwin replied that these types of units are not covered in this policy. If units are made legal and were restructured it could be agreed to include them.

Councilmember Heebner asked a technical question on item No. 4 on page 14, regarding timing for the calculation. Ms. Baldwin answered that the RNHA baseline is January 2003, so we are collecting additional data for those 2.5 years before the 2005-2010 RHNA cycle started. However, we are allowing some flexibility in the date for which jurisdictions want to count units. For the SGIP annual report, we have gotten information through calendar year 2007, but some jurisdictions have provided housing during 2008, so we are allowing the flexibility in the time frame until the call for projects.

Councilmember Heebner asked if staff is looking to combine very low and low income housing units together. Baldwin replied affirmatively.

Supervisor Greg Cox (County of San Diego) commented that this policy is important to all of the jurisdictions as there is discretionary money coming available from SANDAG. The changes being made to the policy are going in the right direction; however, there was far from consensus on several issues. We have not reached full consensus of all the 18 cities and the County of San Diego. The result is inequitability in some areas of the policy. The state awards production of affordable housing; however, some jurisdictions that are not producing affordable housing are rated higher than those that are. The County still has
some concerns, and the concerns of all jurisdictions should be addressed. He encouraged staff to monitor this effort with a focus toward improvements. Despite his concerns he agreed to support the proposed amendments.

Chair Sessom agreed that this program will be monitored on an annual basis.

Deputy Mayor Crawford asked if staff would report back on how this program has performed after the first round of applications and funding, and make any necessary adjustments. Chair Sessom replied affirmatively.

Mayor Mickey Cafagna (Poway) agreed with the direction we are going and that we have a plan in place. However, the policy is inefficient where you have a city that has an allocation based on this criteria, but does not have land zoned properly to accommodate it. An alternative is if a city does have land and desires to build affordable units, but has not allocated enough money. There is nothing that provides for that, and it is an area we still need to work on. The allocation of housing unit numbers doesn’t ensure that jurisdictions are supplying housing. We need to supply housing and should analyze this policy from that standpoint. We tell the State Housing and Community Development Department that we have room for affordable housing, but in reality not much of us have built it. He discussed this with the cities of National City and San Diego. They have village projects that qualify, but do not have the funds to build it. Poway might have the funds to build affordable housing, but no land is available. If we have money, land, and interest we could provide more affordable housing.

First Vice Chair Pfeiler commented that this is the introduction to our next RHNA discussion.

Councilmember Matt Hall (Carlsbad) said he appreciated Mayor Cafagna’s comments. Carlsbad has built some affordable housing since 1990, but it doesn’t have an approved housing element. It comes down to political will to make it happen.

Mayor Cafagna responded that Poway doesn't have any land to put affordable housing.

Chair Sessom asked about the granny flat question.

Mr. Gallegos said that he, General Counsel, and staff discussed the granny flat question while the Board discussion was going on. The Board could include that amendment to the policy. Staff suggests that if the Board wants to keep granny flats consistent with rehabilitated units, granny flats would get counted as 50 percent of the points for a new unit.

Mayor Cheryl Cox (Chula Vista) moved approval of the staff recommendation, including the granny flat amendment at points granted at 50 percent that of new units.

Council President Pro Tem Madaffer supported this item as it is a step in the right direction. He noted that 60 percent of future growth in the region will come from people who are already here. It is important to keep that in mind and plan for it. With regard to RHNA, one item under discussion at the League of California Cities meeting is the possibility of eliminating RHNA on a statewide basis. It would be replaced with what we are doing here. We have self-certification and are the only agency in the state with that process.
Action: Upon a motion by Mayor Cox and second by Council President Pro Tem Madaffer, the SANDAG Board of Directors approved the proposed amendments to Board Policy No. 033, with the inclusion of granny flats with points awarded at 50 percent that of new affordable units. Yes – 18 (weighted vote, 98%). No – National City (weighted vote, 2%). Abstain – 0 (weighted vote, %). Absent - None.

17. TransNet SMART GROWTH INCENTIVE PROGRAM (APPROVE)

Mayor Jim Janney (Imperial Beach) stated that the Regional Planning Committee (RPC) has been very engaged in this process and we are happy to bring this recommendation forward to the Board. He introduced Stephan Vance, Senior Planner, to make the staff presentation.

Mr. Vance reported that this program was initiated by the TransNet Extension and its purpose is to help fund capital and planning projects by local agencies. Staff worked on this process through the RPC. We took a lot of input from the Regional Planning Technical Working Group (RPTWG) and Cities/County Transportation Advisory Committee (CTAC). About $24 million in federal Transportation Enhancement funds were programmed for 14 projects in the region several years ago as part of a pilot smart growth incentive program. We also wanted to make sure the program responded to the concerns in the SOFAR (Save Our Forests and Ranchlands) settlement agreement related to the Regional Comprehensive Plan.

Mr. Vance stated that this process has been overseen by the RPC and was started by developing objectives for the program. He reviewed those objectives, the funding allocation, funding levels, eligibility criteria, and the project selection process. Program oversight includes a program grant agreement, periodic reporting and review, and a “use-it-or-lose-it” policy. Following Board approval, staff will issue a call for projects. SANDAG staff will then hold an application workshop in early December. Applications would be due in January 2009. Review of the applications by the project evaluation panel would take place in February and March 2009. A candidate list of recommended projects would be presented to the RPC in April, with a recommendation from the RPC to the Board at the end of April. He added that this will be a biannual program to keep down the administrative costs.

The program is for both planning and capital infrastructure projects. The planning projects are important as they will move infrastructure projects along. The recommendation from the RPC is to award at least 80 percent of the funding for capital projects and 20 percent for planning projects. Capital grants would be capped at $2 million, and planning grants would be capped at $400,000. He reviewed the project eligibility and evaluation criteria. He noted that one key lesson learned from the pilot program was to establish criteria in advance and then have an independent evaluation panel review applications based on those criteria. He said that there are separate criteria for capital and planning projects, and each is designed to address the program objectives. Both sets of criteria include 25 percent of the points dedicated to affordable housing per Board Policy No. 033. The list from the evaluation panel would be reviewed by the RPTWG and CTAC then go to RPC for a recommendation to the Board. The Board would have final approval authority for the projects.

Mr. Vance stated that RPC does not have authority to make recommendations on TransNet funds. Staff will be proposing an amendment to Policy No. 001 that would give the RPC that
delegated authority. That amendment would be included next month as part of the review of SANDAG Board policies.

Mr. Vance reviewed program oversight responsibilities. A grant agreement has been developed to delineate agency responsibilities. The program includes periodic review by SANDAG staff. He referred to the proposed “use-it-or-lose-it” policy, included as Attachment 4 to the agenda report. The purpose of this policy is to specify when it would be appropriate to grant schedule extensions and under what circumstances a grant should be rescinded and funding returned to the program.

Chair Sessom noted there were two requests to speak on this item: Roxanne Carter and Duncan McFetridge. Ms. Carter has transferred her time to Mr. McFetridge.

Mr. McFetridge stated that SANDAG was to be congratulated for bringing housing and transportation together. You can't have affordable housing without a transit-based foundation. This item is very important but there is something missing in it--measurable mode share goals. He asked how projects can be evaluated when they don't actually contribute to a transit-based future. This issue is important because it brings up our settlement agreement with SANDAG and the comments of the California Attorney General that stated the last Regional Transportation Plan (RTP) was fatally flawed. We entered into an agreement to correct that flaw, which is unsustainable growth. What is the answer? Transit-based communities. We are going to have three times the population in downtown San Diego not because there is land, but because we have available transportation infrastructure. It is amazing that what the people want and need is transit, and they are not getting it. What people don't want and don't need (roads) we are building. We cut transit routes and increase fares. He mentioned certain programs in Portland, Oregon, as examples for us to follow.

Chair Sessom thanked Mr. McFetridge and Ms. Carter.

Council President Pro Tem Madaffer expressed support for the staff recommendation. He said that Mr. Vance made reference to funding authority given to the Regional Planning Committee. Where is that in the report? Mr. Vance answered that the RPC does not have authority to make funding recommendations. That would need to be changed in Board Policy No. 001.

Council President Pro Tem Madaffer said that the Transportation Committee has some issues with respect to both roads and transit. We want to make sure there is no disconnect between the policy committees. Perhaps this could be dealt with at the staff level. Mr. Vance replied that we did take this item to the Transportation Committee. However, the thought was to take this program through the RPC as the primary oversight body, as this is mostly a land use-based program. The technical difficulty lay with two separate bodies possibly making separate, independent recommendations.

Council President Pro Tem Madaffer offered a couple of observations. He was reading an article in the San Diego Union-Tribune newspaper that talked about growth of transit in October and November this year, yet at the same time there have been cuts in transit funding. We don't know what the state's going to do with funding for transit. He raises this issue because it is important when you look at the SGIP. This program has to have a high degree of transit included. Cities should think twice about parking requirements along rail
and transit corridors where they could build housing units instead. We spend too much money to park cars when cities should turn that land into affordable housing units. It is important to observe that the Quality of Life measure for 2010 is very important. Receiving $8-10 billion for transit funding will be huge for this region. We now have a half-cent sales tax, but only one-sixth of a cent goes to transit. Los Angeles was at a full penny for transit and voters just approved an additional half-cent for transit. He encouraged the Board and Mr. McFetridge to support the Quality of Life measure. These are great plans, but they won’t work if there isn’t good transit service.

Councilmember Monroe said that we could see a 25 percent decrease of maintenance staff cut as a result of what will happen with the state budget. As we look for transit-oriented development opportunities, the level of state funding for transit is decreasing. Perhaps the public needs to tell their state representatives not to cut money from transit. SANDAG sent him on a trip to Portland where he spent three days. That is a city and county that knows what they are and where they are going. There is a 0.6 percent payroll tax for transit. There is a free downtown shuttle loop. He suggested that SANDAG Board members take the opportunity to visit Portland to see what they have done there with regard to transit and transit-oriented development.

Mayor Wood agreed with the importance of transit. Our smart growth plan has to be reviewed for transit impacts. Some of the smart growth plans impact adjacent cities. He expressed concern about the parking aspect. There is a lot of mixed-use property being used for parking along the SPRINTER line. He suggested that some of that property along mass transit lines could be used for mixed-use purposes. The parking component is important.

Councilmember Gallo asked if the project criteria will remove the design authority from local jurisdictions. Mr. Vance responded that a group of land architects and designers will provide comment on land uses around the region. However, the design authority remains with the jurisdictions.

Councilmember Gallo commented that we want to do smart growth, but do not want to slow things down with another approval process. Ms. Clementson replied that the staff recommendation does not change the process. The whole idea is how to create great places. We would bring some of that outside design expertise in to review the applications to have the benefit of that expertise.

Councilmember Jack Dale suggested that staff look at adding Lindbergh Field as an intermodal transit center.

**Action:** Upon a motion by First Vice Chair Pfeiler and second by Mayor Desmond, the SANDAG Board of Directors approved the project selection criteria for capital and planning grants for use in the first two-year funding cycle of the TransNet Smart Growth Incentive Program, and authorized a call for projects for the program based upon the recommended eligibility and project selection criteria. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.
18. **REVISION TO FY 2009 TRANSPORTATION DEVELOPMENT ACT AND TransNet REVENUE ESTIMATES AND FINANCIAL MARKET STATUS (APPROVE)**

Chair Sessom noted that due to timing, the report on the financial market status will be postponed to the next meeting.

Sookyung Kim, Financial Programming Manager, reported that transit operators within the San Diego region receive various federal, state, and local revenues to support both ongoing operations and capital projects. The Transportation Development Act (TDA) and TransNet are two of the major sources of funding for the Metropolitan Transit System (MTS) and the North County Transit District (NCTD). The San Diego region continues to experience a downturn in sales tax revenues from these two vital sources of revenues. As a result of this decline, a revision is proposed to reduce the FY 2009 revenue estimates for TDA and TransNet from the amount approved by the Board in February 2008. Attachment 1 of the report is a breakdown of different programs that are affected by reduced TDA funds. Attachment 2 shows the impacts to the SANDAG work program and TransNet Major Corridor program. Approval of this recommendation would provide the transit operators with sufficient time to review their budgets.

**Action:** Upon a motion by Mayor Wood and second by Supervisor Cox, the SANDAG Board of Directors: (1) approved the revised FY 2009 Transportation Development Act allocation of $113.8 million and (2) approved the revised FY 2009 TransNet allocation of $234.63 million. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

19. **RECOMMENDATIONS FROM THE 2008 BINATIONAL SEMINAR “SMART GROWTH AND SUSTAINABILITY ON THE BORDER: OPPORTUNITIES FOR COLLABORATION AMONG STRATEGIC PARTNERS” (APPROVE)**

Deputy Mayor Crawford stated that the 2008 Binational Seminar, “Smart Growth and Sustainability on the Borders: Opportunities for Collaboration with Strategic Partners,” was held in June of this year. The Seminar was hosted by Caltrans, District 11, and about 120 people attended. Details of this event are included in the staff report. There were a number of recommendations resulting from this Seminar. They have been reviewed by the Committee on Binational Regional Opportunities (COBRO) and the Borders Committee. She asked for the Board’s approval of the recommendations outlined in Attachment 1. In addition, she asked for direction to staff to explore the resources that we might have in the FY 2010 Budget and Overall Work Program in order to implement these recommendations. There was a discussion at the Borders Committee meeting to identify resources. One other outcome of the Seminar was an invitation from Tijuana Mayor Jorge Ramos for SANDAG to become an advisory member of IMPLAN. We would like the Board’s approval to accept that invitation and devise a way to work with them.

Councilmember Hall expressed concern about the safety of Board members across the border.

**Action:** Upon a motion by Deputy Mayor Crawford and second by Council President Pro Tem Madaffer, the SANDAG Board of Directors approved the recommendations from the 2008 Binational Seminar, with the direction for staff to explore resources in the FY 2010
Budget and Overall Work Program for their possible implementation. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.

20. PLAN TO END CHRONIC HOMELESSNESS (DISCUSSION/POSSIBLE ACTION)

Council President Pro Tem Madaffer stated that the San Diego Regional Task Force on Homelessness said there are 9,600 homeless people in the region. This is not a City of San Diego problem. Each of us knows we have homeless folks in our cities. Each city should be ready and able to act productively on this issue. He introduced Douglas F. Sawyer, President & Chief Executive Officer, United Way of San Diego County, for a presentation.

Mr. Sawyer provided a brief history of PTECH (Plan to End Chronic Homelessness), leading up to the City of San Diego endorsing the Plan in 2008. The focus of this Plan is on unaccompanied homeless individuals with a disabling condition, and who have experienced long periods of homelessness. This group includes veterans and seniors. A long period of homelessness is defined to mean a year or more, or four episodes of homelessness in a three-year period. The reason for this program is that it costs too much in human and economic terms not to do it. There are nearly 10,000 homeless in the San Diego region, and approximately 1,400 of that number are chronic homeless. Although this group makes up a small percent of the region, they use 50 percent of the available funds in the community for homeless purposes.

Mr. Sawyer stated that one research project, the Serial Inebriate Program, tracked 15 chronically homeless persons and found out that $1.5 million was spent over 1.5 years, which results in $100,000 per person. A model that has proved to work across the country for chronically homeless is permanent supportive housing. The Housing First model provides housing first then the support services needed by the chronically homeless. Until this group of people feels they have improved living conditions they won’t seek out services to help with their other issues. This is an evidenced-based practice. Permanent support of housing is a key element in plans nationwide. We have seen reduction in chronic homelessness only a few years into the plan. People participate at high rates when services are voluntary. Cost reductions can nearly offset the entire cost of housing over time. It changes people's lives. It has shown to have a positive impact on health, employment, income, mental health, and recovery. About 75-80 percent of people remain in the program one year later. He reviewed the organizational structure.

Mr. Sawyer reviewed the current status of PTECH, which indicated that this program was implemented in fall 2007 and a steering committee, known as the Leadership Council, was formed and met during the 2007-2008 time period. In July 2008 the first phase goals were developed. These goals include the development of a 200-person pilot program, educating the community, enhancing partnerships with cities, joining forces with the County, and advocating for a permanent homeless facility. The 200-person pilot program is slated for this winter. He reminded members that this is a regional issue, and needs to be addressed on a regional level.

First Vice Chair Pfeiler indicated there was one request to speak on this item.

Simone Ruff, Director of the Corporation for Supportive Housing, urged Board members to take advantage of the opportunity being presented to provide permanent supportive housing. There is $1 million available for this project. Those funds will assist in meeting the
goal of PTECH. The creation of supportive housing has another benefit in that regional resources can be used more effectively, particularly as they relate to jails. There is a significant source of funds in the federal Mental Health Services Act. It is a tax that is not subject to appropriation. Over the next 20 years this will be a suitable source of funding. About 60 percent of clients served under this Act meet the chronic homeless definition. We know about factors that will help us to succeed and create awareness, and these funds are only available for a short period of time (through 2009-2010). We have a lot of work to do to bring our fair share to the San Diego region. We need to work with policy makers and the San Diego community to ensure there are services available for those who don’t meet the criteria. Partnerships are key, and the United Way has been a great partner. She looked forward to working with the United Way.

First Vice Chair Pfeiler suggested that this be referred to the Regional Planning Committee. She asked if there was anything specific that was needed from SANDAG. Mr. Sawyer said it would be helpful if the Board endorsed the Plan.

Council President Pro Tem Madaffer asked if there was anything we could do to ensure that SANDAG is at the table.

Councilmember Young commented that the person who helped to raise awareness of this subject is San Diego Councilmember Toni Atkins. She has been an advocate for this issue on the San Diego City Council. He encouraged other city councils to support this plan. He thanked the United Way for the work it is doing. He expressed the City of San Diego’s support for these efforts.

Mr. Sawyer agreed that Councilmember Atkins has spearheaded this subject in a lot of ways. He thanked all of the San Diego City Council.

Councilmember Natividad asked if alcoholism is included in the definition of substance abuse. Mr. Sawyer replied that it depends where it is used; however, alcoholism has been interchangeable with substance abuse.

Deputy Mayor Crawford was pleased to hear about this program. She commented on the success of the North County winter shelter effort. She would support finding a way to incorporate a more regional philosophy toward this program and others. We found in the North County winter shelter effort that community was key. We have moved into the second year of providing the winter shelter, and there hasn't been any negative press coverage. We should see what can come out of a coordinated approach to providing services. Providing support to those who need it and reducing the cost to taxpayers show that there is no downside to supporting this program.

Mr. Sawyer noted that November 20 was the kick off for the North County winter shelter program. The United Way was a major gap fund provider from last year and this year. The United Way also is working with the service providers, and many people coming to the North County winter shelter are referred to more permanent housing approaches.

Mayor Lewis suggested this be referred to the Public Safety Committee as it deals with crime and jails, etc. That would be an ideal committee to look at this issue.
Council President Pro Tem Madaffier announced that the City of San Diego winter shelter would be opened on Monday, November 24, at 8 a.m. If anyone is interested, the shelter also is serving a Thanksgiving dinner at 5 p.m. It is a heartwarming event to go to.

**Action**: Upon a motion by First Vice Chair Pfeiler and second by Councilmember Tony Young, the SANDAG Board of Directors endorsed the Plan to End Chronic Homelessness. Yes – 19 (weighted vote, 100%). No – 0 (weighted vote, 0%). Abstain – 0 (weighted vote, 0%). Absent - None.


Chair Sessom convened the meeting into a closed session at 11:28 a.m., and reconvened the meeting into open session at 11:41 a.m.

General Counsel Julie Wiley reported that there was nothing to report out of the closed session.

22. **UPCOMING MEETINGS**

*Please note that the December Board meetings will be held respectively on the first and third Fridays of the month due to the holiday schedule.*

The next Board of Directors Policy meeting is scheduled for Friday, December 5, 2008, at 10 a.m. at the Caltrans, District 11 office.

The next Board of Directors Business meeting is scheduled for Friday, December 19, 2008, at 9 a.m.

Bill Figge, Deputy District Director, Caltrans, District 11, stated that we heard from the state that the federal Presidential Permit has been signed, and we don’t expect any problems with its issuance.

23. **ADJOURNMENT**

The meeting was adjourned at 11:42 a.m.

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<th>JURISDICTION/ ORGANIZATION</th>
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<tr>
<td>City of Carlsbad</td>
<td>Matt Hall (Member)</td>
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<td>Crystal Crawford (Member)</td>
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<td>Mark Lewis (Member)</td>
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<td>Jerome Stocks, 2nd Vice Chair (Member)</td>
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<td>Mark Arapostathis (2nd Alternate)</td>
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<td>Luis Natividad (Alternate)</td>
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<td>James Wood (Member)</td>
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<td>City of Poway</td>
<td>Mickey Cafagna (Member)</td>
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<td>Jim Madaffer (Member B)</td>
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<td>CAPT Steve Wirshing (Member)</td>
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<td>Marilyn Dailey (Member)</td>
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<td>Southern California Tribal Chairmen’s Association</td>
<td>Robert H. Smith (Member)</td>
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ACTIONS FROM POLICY ADVISORY COMMITTEES

The following actions were taken by the Policy Advisory Committees since the last Board of Directors meeting.

BORDERS COMMITTEE MEETING (November 21, 2008)

The Borders Committee took the following actions or recommended the following approvals:

- Approved including several tribal agenda items in the Borders Committee meeting schedule for FY 2009, including coordination with the Southern California Tribal Chairmen's Association and SANDAG staff on various technical follow up issues.
- Recommended that SANDAG consider holding a Tribal Summit during FY 2010.

EXECUTIVE COMMITTEE MEETING (December 5, 2008)

The Executive Committee took the following actions or recommended the following approvals:

- Recommended that the Board of Directors approve the proposed amendments to the Board Policies and Bylaws.
- Approved the draft Board agenda for the December 19, 2008, meeting, as amended.

SPECIAL TRANSPORTATION COMMITTEE MEETING (December 5, 2008)

The Transportation Committee took the following actions or recommended the following approvals:

- Approved changes to the Compass Card deployment (Option 2B) to delay the launch of the 30-Day and 14-Day Rolling Passes and Compass Card until March 1, 2009. Option 2B also allows the region to offer customers the option of purchasing either a 30-Day Rolling Pass or a Monthly Pass on the Compass Card.

REGIONAL PLANNING COMMITTEE MEETING (December 5, 2008)

The Regional Planning Committee took the following actions or recommended the following approvals:

- Recommended that the Board of Directors accept the 2008 Regional Comprehensive Plan Monitoring Report.
TRANSPORTATION COMMITTEE MEETING (December 12, 2008)

The Transportation Committee took the following actions or recommended the following approvals:

- Adopted Resolution No. 2009-11, approving the State Transit Assistance claim amendment for the North County Transit District (NCTD).

- Approved Transportation Development Act audit extension requests for the cities of Chula Vista and San Diego until March 27, 2009, as permitted by the Public Utilities Code and the California Code of Regulations.

- Recommended that the Board of Directors approve the programming of a total of $626,205 in Federal Transit Administration Section 5311 funds to the two transit operators.

- Held a first reading of proposed amendments to the Regional Comprehensive Fare Ordinance to delay the introduction of the Compass Card and Rolling Passes until March 1, 2009. (The second reading of the Ordinance is scheduled for the December 19, 2008, Board meeting.)

- Accepted the draft revised regional bicycle network for planning purposes in the Regional Bicycle Plan.

- Approved a fund transfer of $430,000 from the Del Mar Bluffs Stabilization Project II to the Santa Margarita River Bridge and Second Track project, and approve the revised capital budgets for these projects.

- Amended the SPRINTER Assistance Project budget (CIP 1115200) by $325,000 in order to loan back former NCTD construction management staff to continue their work closing out the project.

- Recommended that the Board of Directors approve the proposed programming of Proposition 1B State-Local Partnership Program funds for several transportation projects in the San Diego region.

PUBLIC SAFETY COMMITTEE MEETING (December 12, 2008)

The Public Safety Committee is scheduled to take the following actions or recommend the following approvals:

- Recommend that the Board of Directors include proposed public-safety related goals in the SANDAG 2009 Legislative Program.

- Approve ARJIS (Automated Regional Justice Information System) membership in NLETS (National Law Enforcement Telecommunication System).

Staff will update the Board if the actual actions taken by the Public Safety Committee on December 12, 2008, differ from those described in this report.

GARY L. GALLEGOS
Executive Director
PROPOSED RESOLUTIONS TO CONFIRM EMPLOYER PAID MEMBER CONTRIBUTIONS TO CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

Introduction

Internal Revenue Code (IRC) Section 414(h)(2) allows public agencies to designate employee contributions to the California Public Employees Retirement System (CalPERS) as being funded by the employer and treated as employer contributions for tax purposes. CalPERS has advised SANDAG that the agency is required to execute a resolution by December 31, 2008, which documents our practice of funding the employee contribution.

Recommendation

The Board of Directors is asked to approve and adopt Resolution Nos. 2009-11 and 2009-12 (Attachments 1 and 2) confirming employer paid member contributions to the California Public Employees Retirement System and the tax treatment thereof.

Discussion

SANDAG began participating in the CalPERS system in 1972 and pays the employee contributions, also known as Employer Paid Member Contributions (EPMC). The effect of SANDAG paying the employee contributions is to defer tax on employee contribution amounts until the employee retires and receives retirement benefits, or separates from employment and takes a refund of contributions. The Internal Revenue Service has advised CalPERS that all member agencies must have a resolution in place confirming this practice by December 31, 2008, in order to protect the tax deferred treatment of employer paid contributions.

The resolutions will not change any of SANDAG’s practices or contribution amounts with regard to CalPERS. The purpose of Resolution No. 2009-11 is to document SANDAG’s election to authorize employer paid member contributions on behalf of its regular employees. The purpose of Resolution No. 2009-12 is to document SANDAG’s intent to pay the employee contributions in order to allow employees to defer taxation on the contributed amounts as permitted by the Internal Revenue Code.

GARY L. GALLEGOS
Executive Director

Attachments: 1. Resolution No. 2009-11
              2. Resolution No. 2009-12

Key Staff Contact: Laura Coté, (619) 699-6947, lco@sandag.org
RESOLUTION
NO. 2009-11

APPROVING THE RESOLUTION TO CONFIRM THE ELECTION OF
EMPLOYER PAID MEMBER CONTRIBUTIONS BY SANDAG
TO CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the governing body of the San Diego Association of Governments (SANDAG) has the authority to implement Government Code Section 20691; and

WHEREAS, the governing body of SANDAG has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of SANDAG of a resolution to authorize said Employer Paid Member Contributions (EPMC); and

WHEREAS, the governing body of SANDAG has identified the following conditions for the purpose of its election to pay EPMC:

- this benefit shall apply to all regular employees of SANDAG;
- this benefit shall consist of paying 100 percent of the normal member contributions as EPMC; and
- the effective date of this Resolution shall be December 19, 2008.

NOW THEREFORE

BE IT RESOLVED that the governing body of SANDAG elects to pay EPMC as set forth above.

PASSED AND ADOPTED this 19th day of December 2008.

________________________________________           ATTEST: ________________________________________
CHAIRPERSON                   SECRETARY

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista, and County of San Diego.

ADVISORY MEMBERS: California Department of Transportation, Metropolitan Transit System, North County Transit District, Imperial County, U.S. Department of Defense, San Diego Unified Port District, San Diego County Water Authority, Southern California Tribal Chairmen's Association, and Mexico.
RESOLUTION NO. 2009-12

APPROVING THE RESOLUTION TO CONFIRM EMPLOYER PAID MEMBER CONTRIBUTIONS
BY SANDAG TO CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the San Diego Association of Governments (SANDAG) has the authority to
implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, the Board of Administration of the California Public Employees Retirement
System (CalPERS) adopted its resolution regarding section 414(h)(2) IRC on September 18, 1985; and

WHEREAS, the Internal Revenue Service has stated in December 1985, that the
implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Board
of Administration would satisfy the legal requirements of section 414(h)(2) IRC; and

WHEREAS, SANDAG has determined that even though the implementation of the
provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section
414(h)(2) IRC should be provided to its employees who are members of CalPERS;

NOW THEREFORE, BE IT RESOLVED:

I. That SANDAG will implement the provisions of section 414(h)(2) IRC by making
employee contributions pursuant to California Government Code section 20691
to CalPERS on behalf of its employees who are members of CalPERS. “Employee
contributions” shall mean those contributions to CalPERS, which are deducted
from the salary of employees and are credited to individual employee's accounts
pursuant to California Government Code section 20691;

II. That the contributions made by SANDAG to CalPERS, although designated as
employee contributions, are being paid by SANDAG in lieu of contributions by
the employees who are members of CalPERS;

III. That employees shall not have the option of choosing to receive the contributed
amounts directly instead of having them paid by SANDAG to CalPERS;

IV. That SANDAG shall pay to CalPERS the contributions designated as employee
contributions from the same source of funds as used in paying salary;

V. That the amount of the contributions designated as employee contributions and
paid by SANDAG to CalPERS on behalf of an employee shall be the entire
contribution required by the employee by the Public Employees Retirement Law
(California Government Code sections 20000, et seq.)
VI. That the contributions designated as employee contributions made by SANDAG to CalPERS shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by CalPERS.

PASSED AND ADOPTED this 19th day of December 2008.
FEDERAL TRANSIT ADMINISTRATION SECTION 5311
PROGRAM OF PROJECTS

Introduction

The Federal Transit Administration (FTA) provides funding for capital and operating assistance to agencies providing rural transportation through the Section 5311 Non-Urbanized Area Formula Program. Staff proposes apportioning the FY 2009 Section 5311 funds to the Metropolitan Transit System (MTS) and the North County Transit District (NCTD) by formula based on rural population within each agency’s service area. This is consistent with past practice.

Recommendation

The Transportation Committee recommends that the Board of Directors approve the programming of a total of $626,205 in FTA Section 5311 funds.

Discussion

FTA Section 5311 funds do not come directly to the region, but instead are apportioned initially to the states. The state, in turn, reapportions the funds to the regions solely based on the regional rural population as a share of the total state rural population. Beginning in FY 2007, based on agreement with the transit agencies, and approved by the Board of Directors, SANDAG has allocated these federal funds based on service area rural population: 59 percent for NCTD and 41 percent for MTS. SANDAG must prepare and submit to Caltrans a Section 5311 Program of Projects (POP) by December 31, 2008.

The proposed draft POP reflects a total Section 5311 apportionment for the region of $626,205. Of this amount NCTD would receive $369,461, which it plans to use for the procurement of paratransit vehicles along with the required 20 percent non-federal match. The MTS share of $256,744 would be used for FY 2009 operations, requiring an equal amount of non-federal matching funds. The 2008 Regional Transportation Improvement Plan would be amended accordingly with the next quarterly amendment scheduled in January 2009.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Susan Brown, (619) 699-1913, sbr@sandag.org
REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR

Introduction

Board Policy Nos. 003, 017, and 024 require the Executive Director to report certain actions to the Board of Directors on a monthly basis.

Discussion

Board Policy No. 003

Board Policy No. 003, “Investment Policy,” requires the submittal of a monthly report of investment transactions to the Board. Attachment 1 contains the report of investment transactions for October 2008.

Board Policy No. 017

Board Policy No. 017, “Delegation of Authority,” requires the Executive Director to report to the Board certain actions taken at the next regular meeting. Section 4.1 of the policy authorizes the Executive Director to enter into agreements not currently incorporated in the budget and make other modifications to the budget in an amount up to $100,000 per transaction so long as the overall budget remains in balance. Attachment 2 contains the reportable actions since the report made at the last meeting.

Board Policy No. 024

Board Policy No. 024, “Procurement and Contracting-Construction,” requires the Executive Director to report to the Board the granting of (1) Relief from Maintenance and Responsibility and (2) Acceptance of Work for construction contracts. On October 24, 2008, Flat Iron Corporation, doing business as FCI Constructors, Inc., was granted partial Relief from Maintenance and Responsibility (effective September 22, 2008) for the Sabre Springs Station portion of the Interstate 15 Bus Rapid Transit project.

GARY L. GALLEGOS
Executive Director

Attachments:
1. Investment Transactions – Monthly Activity for Investment Transactions for October 2008
2. Budget Amendments and Transfers

Key Staff Contact: Renée Wasmund, (619) 699-1940, rwa@sandag.org
### MONTHLY ACTIVITY FOR INVESTMENT SECURITIES TRANSACTIONS FOR OCTOBER 1 THROUGH OCTOBER 31, 2008

<table>
<thead>
<tr>
<th>Transaction Date</th>
<th>Maturity Date</th>
<th>Security</th>
<th>Par Value</th>
<th>Amount (Cost)</th>
<th>Yield on Cost</th>
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<tr>
<td>10/08/2008</td>
<td>04/30/2010</td>
<td>FEDERAL HOME LOAN BANK GLOBAL UNSECURED</td>
<td>$6,000,000,00</td>
<td>$5,948,866,00</td>
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<td>06/18/2010</td>
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<td>10/08/2008</td>
<td>06/15/2011</td>
<td>FEDERAL HOME LOAN MTG CORP GLOBAL REFERENCE NOTES</td>
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<td>16,787,463,00</td>
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<tr>
<td>10/08/2008</td>
<td>01/15/2010</td>
<td>FEDERAL NATIONAL MTG ASSN GLOBAL BENCHMARK NOTES</td>
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<td>6,203,400,60</td>
<td>2.50%</td>
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<tr>
<td>10/08/2008</td>
<td>01/15/2011</td>
<td>FEDERAL NATIONAL MTG ASSN GLOBAL BENCHMARK NOTES</td>
<td>24,775,000,00</td>
<td>26,240,310,75</td>
<td>2.76%</td>
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<tr>
<td>10/08/2008</td>
<td>02/09/2010</td>
<td>FEDERAL HOME LOAN MTG CORP GLOBAL BONDS</td>
<td>5,965,000,00</td>
<td>6,180,469,99</td>
<td>2.51%</td>
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<td>10/08/2008</td>
<td>08/23/2010</td>
<td>FEDERAL HOME LOAN MTG CORP GLOBAL NOTES</td>
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<td>10/08/2008</td>
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<td>FEDERAL NATIONAL MTG ASSN GLOBAL NOTES</td>
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**TOTAL SOLD:**

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<th>Amount (Cost)</th>
<th>Yield on Cost</th>
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<td>$70,115,000,00</td>
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## BUDGET TRANSFERS AND AMENDMENTS

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<tr>
<th>PROJECT NUMBER</th>
<th>PROJECT NAME</th>
<th>CURRENT BUDGET (in 000s)</th>
<th>NEW BUDGET (in 000s)</th>
<th>CHANGE (in 000s)</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>7500000</td>
<td>Service Bureau - Main Project</td>
<td>$269.0</td>
<td>$256.5</td>
<td>($12.5)</td>
<td>Transferred funds from Main Service Bureau project (#7500000) to establish budget for 7507600</td>
</tr>
<tr>
<td>7507600</td>
<td>South Bay Transportation Modeling</td>
<td>$0.0</td>
<td>$12.5</td>
<td>$12.5</td>
<td>This change is to establish a new Service Bureau project</td>
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<tr>
<td>1094000</td>
<td>Regional Transit Management System</td>
<td>$16,774.0</td>
<td>$16,675.0</td>
<td>($99.0)</td>
<td>Transferred funds to 1145700 for installation of validators.</td>
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<tr>
<td>1145700</td>
<td>Automated Fare Collection</td>
<td>$48,025.9</td>
<td>$48,124.9</td>
<td>$99.0</td>
<td>Funding received from 1094000 for installation of validators.</td>
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<td>1128500</td>
<td>SDTC Site Hardening/Security</td>
<td>$100.0</td>
<td>$2.0</td>
<td>($98.0)</td>
<td>MTS Funds transferred back to MTS for MTS to implement project</td>
</tr>
<tr>
<td>3000200</td>
<td>Regional Comprehensive Plan Planning and Implementation</td>
<td>$1,098.9</td>
<td>$1,128.9</td>
<td>$30.0</td>
<td>TDA Funding carried forward from FY 2008</td>
</tr>
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REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG

Since the last Board of Directors meeting, Board members participated in the following meetings and events on behalf of SANDAG. Key topics of discussion also are summarized.

October 21-24, 2008: San Diego Regional Economic Development Corporation Leadership Trip
Orlando, FL

• First Vice Chair Lori Holt Pfeiler attended this meeting. She reported that Orlando is aggressively investing in infrastructure to support economic development with strong collaboration between cities, county, and state governments. It is impressive how well the agencies work together. They are using a process called “my region.”

November 12, 2008: Full Access & Coordinated Transportation Board of Directors Meeting
Oceanside, CA

• Former Coronado Councilmember Phil Monroe attended this meeting on behalf of SANDAG. At the meeting, the Full Access & Coordinated Transportation (FACT) Board of Directors approved the appointment of Duke Bushong as the Interim Executive Director. FACT received four applications for the position, and the remaining applications will be provided to the selection committee for the permanent Executive Director position. The FACT Board also reviewed the independent auditor's report on FACT; no issues were raised. In addition, the FACT Board reviewed the agency's financial reports. FACT is working to provide ten rides to qualified people each weekend, using a grant to fund this effort. Flyers are being distributed and people are being contacted. Next month's report will show the results of this effort. Invitations are being sent to fill the two open FACT Board Member positions. Mr. Monroe committed to stay on as a Public Board Member for at least six months.

November 12, 2008: Los Angeles-San Diego-San Luis Obispo Board of Directors Meeting
Los Angeles, CA

• Solana Beach Councilmember Joe Kellejian, SANDAG representative to the LOSSAN (Los Angeles-San Diego-San Luis Obispo Rail Agency) Board of Directors, presented an agenda item and won approval from the LOSSAN Board to transfer federal funds from the recently completed Del Mar Bluffs II project to another San Diego County project, the Santa Margarita Bridge Replacement and Second Track project.
November 19, 2008: San Diego Regional Chamber of Commerce Interamerican Business Awards Luncheon
San Diego, CA

- Chair Mary Sessom attended this meeting. The focus was to strengthen cross-border business relations and continue to network with Mexican elected officials.

GARY L. GALLEGOS
Executive Director
ELECTION OF SANDAG BOARD OFFICERS FOR 2009

Introduction

Consistent with SANDAG Bylaws, in September 2008, Chair Mary Sessom appointed the following Nominating Committee for SANDAG Board Officers: former San Diego Council President Pro Tem Jim Madaffer (Nominating Committee Chair), former Coronado Councilmember Phil Monroe (South County), El Cajon Mayor Mark Lewis (East County), Oceanside Mayor Jim Wood (North County Coastal), Supervisor Dianne Jacob (County of San Diego), and San Marcos Mayor Jim Desmond (North County Inland).

Recommendation

The Nominating Committee unanimously recommends that the Board of Directors approve the following slate for 2009 SANDAG Board officers:

- Chair--Escondido Mayor Lori Holt Pfeiler
- First Vice Chair--Encinitas Mayor Jerome Stocks
- Second Vice Chair--Santee Councilmember Jack Dale

The Nominating Committee met on October 24, 2008, to review and discuss the applications for SANDAG Board Officers. At the November 21 Board meeting, the six-member Committee unanimously recommended a slate of Board officers for 2009. Per the SANDAG Bylaws, Board members may make additional nominations for any office during the December 19, 2008, Board meeting.

Discussion

Annual Nomination and Election Process

The SANDAG Bylaws set forth the annual nomination and election process for SANDAG Board Officers. The process calls for an application form for the Chair, First Vice Chair, and Second Vice Chair positions to be made available on the SANDAG Web site in or around July. To be considered for one of the Officer positions, prospective applicants must provide information about their current status and term of office, SANDAG experience, and other public agency experience. Applicants also must answer the following questions:

- Why do you want to serve as a SANDAG Board Officer?
- What is your vision for SANDAG next year and in five years?
- Describe how you believe that you are in touch with your constituents and give examples of why you have represented them well in the past.
- For First and Second Vice Chair positions only. Is your interest to serve only as a Vice Chair, or do you see yourself wanting to serve as Chair in the future?
The applications received included Mayor Pfeiler for Chair, Mayor Stocks for First Vice Chair, and Councilmember Dale for Second Vice Chair. In its discussion, the Nominating Committee recognized that the candidates were individuals who would be very dedicated to the positions, even with the extra time commitment involved. The Committee also felt that the slate provided a good representation of the subregions.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Kim Kawada, (619) 699-6994, kka@sandag.org
REGIONAL COMPREHENSIVE PLAN:
2008 ANNUAL PERFORMANCE MONITORING REPORT

File Number 3000200

Introduction

Chapter 8 of the Regional Comprehensive Plan (RCP) calls for the use of performance indicators as a tool to track progress in implementing the plan. In 2006, SANDAG released The Regional Comprehensive Plan: Establishing a Baseline for Performance Monitoring (Baseline Report). The Baseline Report discusses the significance of each of the 39 indicators that were established in the RCP, provides preliminary findings for each indicator where data were available, and includes a discussion of SANDAG work efforts underway that could influence performance over time. The Baseline Report also serves as a reference and benchmark for all future monitoring reports.

Monitoring the progress in implementing the RCP occurs on an annual basis. The Regional Comprehensive Plan 2008 Annual Performance Monitoring Report (2008 Monitoring Report) represents the second annual RCP monitoring report since the Baseline Report was accepted by the Board in October 2006.

Discussion

2008 Monitoring Report Highlights

There are areas where the region appears to be moving in the right direction and others where improvement is needed.

Moving in the Right Direction

• The share of new housing units built in Smart Growth Opportunity Areas increased.
• Annual hours of traffic delay per traveler have decreased.
• Transit ridership continued to increase.
• The regional crime rate continued to decrease.

Recommendation

The Regional Planning Committee recommends that the Board of Directors accept the Regional Comprehensive Plan 2008 Annual Performance Monitoring Report.
• The percent of solid waste that was recycled was close to achieving the state-mandated target.\(^1\)

• Recycled water use continued to increase substantially.

Areas for Improvement

• Housing production in the very low-, low-, and moderate-income categories did not keep pace with above-moderate housing production: 58 percent of the above-moderate income housing goal identified in the Regional Housing Needs Assessment (RHNA) has been met, while less than 10 percent of the very low-, low-, and moderate-income housing goal has been met. Overall, only 27 percent of the RHNA housing production goal has been met during the first half of the housing element cycle.

• Regionwide, the share of commutes made by transit, walking, bicycling, and carpool/vanpool have not increased substantially.

• Following beach width increases at all beaches in 2006, beach widths declined in 2007; for multiple beaches, widths are even smaller in 2007 than they were in 2005.

• Unemployment increased for the first time in three years.

• Per capita energy usage in the region continued to increase, moving further away from the target established in the Regional Energy Strategy.

• Plans estimate that the region will reach physical landfill capacity in 2016, but unless proposed permit changes are implemented, permitted capacity could be reached prior to 2016.

Public Review and Data Updates

The 2008 Monitoring Report was presented to the Regional Planning Committee (RPC) in October 2008, at which time it was authorized for release for a 30-day public comment period. The RPC provided comments and suggested changes to the report, requesting that additional data be provided for the commute mode share indicator. This change was incorporated into the final report. The public review draft report was posted on the SANDAG Web site and presented to the Regional Planning Technical Working Group in October for review and comment. Additionally, SANDAG received updated data for two indicators, Share of New Housing Units by Income Category and Air Quality Index, since the draft was released in October. The new data have been incorporated into the report, on pages 17 and 22, respectively. A complete list of the comments provided by the RPC and the public, and details regarding the data updates, are included in Attachment 1.

At its meeting on December 5, the RPC recommended that the Board of Directors accept the final report.

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\(^1\) The percent of solid waste that was recycled in 2006 is based on a preliminary estimate; it is anticipated that when this estimate is revised, it will be higher than originally estimated and show that the region actually has achieved or exceeded the state-mandated target.
Conclusion

Many of the policy objectives and actions contained in the Regional Comprehensive Plan may take years to develop, fund, and implement. If progress is not made over time, SANDAG, through its Policy Advisory Committees and Board of Directors, may wish to re-evaluate the strategies and actions recommended in the RCP. The 2008 Monitoring Report (Attachment 2) and future monitoring reports can help determine if progress is being made or if further action is required to achieve the goals of the RCP.

GARY L. GALLEGOS
Executive Director

Attachments: 1. Summary of Comments and Data Updates Regarding the 2008 RCP Performance Monitoring Report
2. The Regional Comprehensive Plan 2008 Annual Performance Monitoring Report

Key Staff Contact: Christine Eary, (619) 699-6928, cea@sandag.org
Summary of Comments and Data Updates
Regarding the Regional Comprehensive Plan
2008 Performance Monitoring Report

Regional Planning Committee Member Comment

Commute Mode Share

• The mode share for transit seems low, relative to walk/bike/other. This data does not reflect
the fact the transit mode share is much higher in specific commute corridors.

  Response: Staff currently is developing the T-PeMS\(^1\) application, which will provide mode
share data along specific corridors, and will be able to report this information in
future years. Text regarding the increased transit mode share in communities,
such as downtown San Diego, was added to the report.

Public Comment

Percent of Households with Housing Costs Greater than 35 Percent of Income

• Please report the number and percentage of households paying more than 50 percent of
income on housing, by income band, to show the real need for homes for affordable to
low-income households.

  Response: Unless data is unavailable for an indicator, all requests for changing or adding to
indicators will be addressed when the Regional Comprehensive Plan is next
updated.

Data Updates

Additionally, SANDAG has received updated data for two indicators since the draft was released in
October. Those indicators are listed below. The updated data have been incorporated into the text
of the revised 2008 Monitoring Report.

Share of New Housing Units by Income Category

• Several jurisdictions have provided SANDAG with updated data regarding Regional Housing
Needs Assessment (RHNA) performance. This data may be updated further based on
additional information local jurisdictions are providing to SANDAG in association with the
annual review of Board Policy No. 033, “Implementation Guidelines for SANDAG RHNA
Memorandum.”

Air Quality Index

• San Diego Air Pollution Control District revised its Air Quality Index reporting to reflect new
federal standards for ozone and particulate matter. Data for previous years also have been
revised to reflect the new standards.

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\(^1\) T-PeMS = Transit Performance Measurement System
BOARD OF DIRECTORS

The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus, plans, engineers, and builds public transit; makes strategic plans; obtains and allocates resources; and provides information on a broad range of topics pertinent to the region’s quality of life.

CHAIR
Hon. Mary Teresa Sessoms

FIRST VICE CHAIR
Hon. Lon Holt-Peller

SECOND VICE CHAIR
Hon. Jerome Starks

EXECUTIVE DIRECTOR
Gary L. Gallegos

CITY OF CARLSBAD
Hon. Matt Hall, Councilmember
(A) Hon. Bud Lewis, Mayor
(A) Hon. Ann Kulchin, Mayor Pro Tem

CITY OF CHULA VISTA
Hon. Cheryl Coe, Mayor
(A) Vacant
(A) Hon. John McCann, Councilmember

CITY OF CORONADO
Hon. Carrie Downey, Councilmember
(A) Hon. Al Qarean, Councilmember
(A) Hon. Michael Wexler, Councilmember

CITY OF DEL MAR
Hon. Crystal Crawford, Mayor
(A) Vacant
(A) Hon. Richard Samash, Deputy Mayor

CITY OF EL CAJON
Hon. Mark Lewis, Mayor
(A) Hon. Jillian Hanson-Cox, Councilmember

CITY OF ENCINITAS
Hon. Jerome Starks, Mayor
(A) Hon. Teresa Barth, Councilmember

CITY OF ESCONDIDO
Hon. Lori Holt Peller, Mayor
(A) Vacant
(A) Hon. Sam Abed, Mayor Pro Tem

CITY OF IMPERIAL BEACH
Hon. Jim Janney, Mayor
(A) Hon. Patricia McCoy, Mayor Pro Tem
(A) Vacant

CITY OF LA MESA
Hon. Art Madrid, Mayor
(A) Hon. Mark Acosta, Councilmember
(A) Hon. David Allan, Councilmember

CITY OF LEMON GROVE
Hon. Mary Teresa Sessoms, Mayor
(A) Hon. Jerry Jones, Councilmember
(A) Hon. Jerry Sayly, Mayor Pro Tem

CITY OF NATIONAL CITY
Hon. Ron Messina, Mayor
(A) Hon. Frank Parra, Vice Mayor
(A) Hon. Louie Natividad, Councilmember

CITY OF OCEANSIDE
Hon. Jim Wood, Mayor
(A) Hon. Jerry kim, Councilmember
(A) Hon. Jack Nappier, Councilmember

CITY OF POWAY
Hon. Michael Catania, Mayor
(A) Hon. Robert Smiley, Deputy Mayor
(A) Hon. Don Higgins, Councilmember

CITY OF SAN DIEGO
Hon. Jerry Sanders, Mayor
Hon. Vacant
(A) Hon. Anthony Young, Councilmember
(A) Vacant
(A) Hon. Ben Huaso, Councilmember

CITY OF SAN MARCOS
Hon. Jim Desmond, Mayor
(A) Hon. Hal Martin, Vice Mayor
(A) Hon. Rebecca Jones, Councilmember

CITY OF SANTEE
Hon. Jack Dale, Councilmember
(A) Hon. Hal Ryan, Councilmember
(A) Hon. John Minto, Councilmember

CITY OF SOLANA BEACH
Hon. Lisa Heebner, Councilmember
(A) Hon. Dave Roberts, Mayor
(A) Hon. Mike Nichols, Deputy Mayor

CITY OF VISTA
Hon. Judy Pitts, Councilmember
(A) Hon. Bob Campbell, Councilmember
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Consul General of Mexico

As of December 8, 2008
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Introduction

The Regional Comprehensive Plan (RCP), adopted by the SANDAG Board of Directors in 2004, is the long-term planning framework for the San Diego region. It defines a vision and lays out goals, key issues, and needed actions in areas ranging from urban form and transportation to public facilities and borders. It summarizes where we were in 2004, where we want to be by 2030, and what we need to do to get there. The RCP also calls for ongoing monitoring to track progress toward meeting the goals outlined in the Plan.

In 2006, SANDAG released the Regional Comprehensive Plan: Establishing a Baseline for Monitoring Performance (Baseline Report), to be used to benchmark progress on an annual basis. The 2008 Regional Comprehensive Plan Annual Performance Monitoring Report (2008 Monitoring Report) is the second since the Baseline Report was accepted by the Board in October 2006.

The 2008 Monitoring Report includes the most recent data available for each indicator, typically from 2007. For some indicators, there is a one year delay in reporting; in these cases, data from 2006 are included. For all indicators, the most recent data are provided and related to the Baseline Report.

Based on the data collected for the 2008 Monitoring Report, the indicators illustrate those areas in which the region appears to be moving in the right direction and those in which improvement is needed.

Moving in the Right Direction

- The share of new housing units built in Smart Growth Opportunity Areas increased.
- Annual hours of traffic delay per traveler have decreased.
- Transit ridership continued to increase.
- The regional crime rate continued to decrease.
- The percent of solid waste that was recycled was close to achieving the state-mandated target.\(^1\)
- Recycled water use continued to increase substantially.

Areas for Improvement

- Housing production in the very low-, low-, and moderate-income categories did not keep pace with above-moderate housing production: 58 percent of the above-moderate income housing goal identified in the Regional Housing Needs Assessment (RHNA) has been met, while less than 10 percent of the very low-, low-, and moderate-income housing goal has been met. Overall, only 27 percent of the RHNA housing production goal has been met during the first half of the housing element cycle.
- Regionwide, the share of commutes made by transit, walking, bicycling, and carpool/vanpool have not increased substantially.
- Following beach width increases at all beaches in 2006, beach widths declined in 2007; for multiple beaches, widths are even smaller in 2007 than they were in 2005.
- Unemployment increased for the first time in three years.

\(^1\) The percent of solid waste that was recycled in 2006 is based on a preliminary estimate; it is anticipated that when this estimate is revised, it will be higher than originally estimated and show that the region actually has achieved or exceeded the state-mandated target.
• Per capita energy usage in the region continued to increase, moving further away from the target established in the Regional Energy Strategy.

• Plans estimate that the region will reach physical landfill capacity in 2016, but unless proposed permit changes are implemented, permitted capacity could be reached prior to 2016.

Throughout the 2008 Monitoring Report, indicator data are in certain cases related to growth in population, housing, or jobs, as shown in Table 1. Between 2006 and 2007, the region grew by 34,156 people, and added 13,466 housing units, and 6,500 jobs.

### Table 1
Population, Housing Units, and Job Growth in the San Diego Region, 2000 to 2007

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>2,813,833</td>
<td>3,064,113</td>
<td>3,098,269</td>
<td>10%</td>
<td>1%</td>
</tr>
<tr>
<td>Housing Units</td>
<td>1,040,149</td>
<td>1,118,283</td>
<td>1,131,749</td>
<td>9%</td>
<td>1%</td>
</tr>
<tr>
<td>Jobs</td>
<td>1,205,200</td>
<td>1,312,500</td>
<td>1,319,000</td>
<td>9%</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

Sources: SANDAG Annual Population and Housing Estimates; California Department of Finance; California Employment Development Department; Bureau of Labor Statistics

Many of the indicators included in this report use the American Community Survey (ACS) as their data source. ACS is the United States (U.S.) Census Bureau’s new program for collecting and disseminating demographic, socio-economic, and housing data on an annual basis. Approximately one out of 40 addresses (2.5 percent of the population) is surveyed each year, which equals about three million addresses a year. In San Diego County, one out of 40 equates to about 28,800 addresses each year.

Please note that ACS is not designed to count the population, but rather to collect person and household characteristic information. The official Census (short form), which counts the entire population, still will be conducted every ten years, with the next Census taking place in 2010.
## Annual Indicators for Monitoring the Regional Comprehensive Plan

<table>
<thead>
<tr>
<th>Category</th>
<th>Indicators</th>
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</thead>
<tbody>
<tr>
<td><strong>Urban Form and Transportation</strong></td>
<td>1. Share of new housing units and jobs located in Smart Growth Opportunity Areas</td>
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<td>2. Share of new housing units within County Water Authority water service boundary</td>
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<td></td>
<td>3. Annual transit ridership</td>
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<td>4. Commute mode shares</td>
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<tr>
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<td>5. Travel times and volumes for key transportation corridors</td>
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<td></td>
<td>6. Miles of deficient roads on Congestion Management Program network</td>
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<td>10. Percent of households with housing costs greater than 35 percent of income</td>
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<td>11. Ratio of new jobs to new housing units</td>
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<td>15. Number of households on the waiting list for Section 8 vouchers</td>
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<tr>
<td><strong>Healthy Environment</strong></td>
<td>16. Habitat conserved within designated preserve areas</td>
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<td>17. Percent of preserve areas actively maintained</td>
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<td>18. Number of beach mile closure days</td>
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<td>19. Impaired waterbodies</td>
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<td>20. Beach widths</td>
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<td>21. Lagoon health</td>
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<td>22. Air Quality Index</td>
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<td><strong>Economic Prosperity</strong></td>
<td>23. Labor force educational attainment</td>
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<td>26. Real per capita income compared to California and the United States</td>
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<td></td>
<td>27. Regional poverty rate compared to California and the United States</td>
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<td>28. Water consumption</td>
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<td></td>
<td>29. Diversity of water supply</td>
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<td></td>
<td>30. Recycled water use</td>
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<td>31. Per capita electricity consumption and peak demand</td>
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<td>33. Share of energy produced from renewable resources</td>
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<tr>
<td></td>
<td>34. Percent of solid waste that is recycled</td>
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<td></td>
<td>35. Landfill space available</td>
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<tr>
<td><strong>Borders</strong></td>
<td>36. Interregional traffic volumes into San Diego from surrounding counties and Baja California</td>
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<td></td>
<td>37. Border wait times</td>
</tr>
<tr>
<td></td>
<td>38. Participation in SENTRI Lanes, Pedestrian Commuter Program, Free and Secure Trade (FAST) Program</td>
</tr>
</tbody>
</table>
Urban Form and Transportation

Our land use and urban design decisions determine how well our communities serve us in our daily lives, including the quality of our travel choices and our personal safety. The Regional Comprehensive Plan (RCP) encourages urban development with an appropriate mix of uses designed to create safe and healthy communities. In addition, the relationship between regional transportation plans and local land use plans and policies is crucial to ensuring that the region’s transportation system efficiently connects our communities. The Urban Form and Transportation indicators track progress toward achieving these goals.

Share of New Housing Units and Jobs Located Within Smart Growth Opportunity Areas

In 2006, 19,000 new housing units were built in the region. Of these, almost 6,000, or 31 percent, were built in Smart Growth Opportunity Areas, as shown in Figure 1. This represents an increase in the share of new housing units built in Smart Growth Opportunity Areas, from 13 percent in 2005.

At the time of publication, new data regarding job growth in Smart Growth Opportunity Areas are unavailable. The Smart Growth Opportunity Areas experienced a net loss of 2,394 jobs, representing a 5 percent decrease between 2004 and 2005, while the region as a whole experienced an increase of 21,500 jobs during the same time period. As of 2005, 33 percent of the region’s jobs were located in Smart Growth Opportunity Areas.

With only three years of data for this indicator, it is unclear how many new housing units and jobs can be anticipated annually in Smart Growth Opportunity Areas, and which factors may be influencing growth in these areas. Continued monitoring is required to identify trends.

Figure 1
Share of New Housing Units in Smart Growth Opportunity Areas, 2004 to 2006

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2 SANDAG, working closely with the local jurisdictions, developed a Smart Growth Concept Map in 2006, that includes approximately 200 existing, planned, and potential locations for smart growth development based upon land use density and associated transportation service targets in the RCP. The Smart Growth Concept Map was used in the development of the 2007 Regional Transportation Plan, and to determine eligibility for participation in the TransNet Smart Growth Incentive Program.

Source: SANDAG Current Estimates Program
Share of New Housing Units Within County Water Authority Water Service Boundary

In 2007, the share of new housing units built within the San Diego County Water Authority service boundary increased slightly, to 97.3 percent, as shown in Figure 2. These data signify progress toward the RCP goal of focusing population and job growth away from rural areas and closer to existing and planned job centers and public facilities.

Figure 2
New Housing Units in the County Water Authority Service Area, 2006 to 2007

Annual Transit Ridership

Regional transit ridership continued to increase, continuing an upward trend since 2003; ridership grew 2 percent between 2006 and 2007. There were 97 million transit riders in the San Diego region in 2007, as shown in Figure 3.

This upward trend over the past three years is expected to continue in the near future with the opening of the SPRINTER rail line this year and increasing gas prices.

Figure 3
San Diego Regional Annual Transit Boardings, 2000 to 2007

Commute Mode Shares

As shown in Figure 4, the regional mode split remains stable. The share of commuters driving alone to work has not significantly changed. Year-to-year fluctuations in the data may be the result of sample differences and may not reflect true year-to-year changes.
The data suggest that the proportion of workers driving alone has dropped, and that working at home and bicycle or walk commutes have increased. However, these trends may be as much a result of new data collection methods in the American Community Survey (ACS) as they are of actual trends. Beginning in 2006, the ACS includes data on residents of group quarters facilities, whose commute patterns may differ from those of the household population. Therefore, data from prior years are not directly comparable. Trends may be better analyzed in next year’s report.

In future years, this data will be reported at a corridor level. Corridor-level reporting in future years will likely demonstrate substantial transit mode share in specific corridors that are well-served by transit. For example, the 2000 Census found that Downtown San Diego and City Heights had transit commute mode shares of 20 percent and 11 percent, respectively.

Figure 4
Regional Commute Mode Shares, 2000 to 2006

Travel Times and Volumes for Key Transportation Corridors

The RCP includes the goals of reducing traffic congestion on freeways and arterials and developing a network of fast, convenient, high-quality transit services that are competitive with drive-alone travel times during peak periods. Progress toward these goals can be measured by evaluating travel times and volumes for key auto and transit corridors.

Travel time and volume data on freeways are provided by the Performance Measurement System (PeMS), a Web-based tool used for reporting and monitoring the performance of the freeway system. Freeway detector stations collect volume and lane occupancy information every 30 seconds.

The data presented in Map 1 and Table 2 do not represent “door-to-door” commute times, but rather, trip time once on the freeway. Travel times are representative only of a freeway trip; average travel times are computed from an aggregation of freeway loop detector data. Accordingly, travel time monitoring currently is limited to freeway segments and the availability of freeway loop detector stations; thus, all segments shown in Map 1 and Table 2 are confined to each respective freeway.

Improvement of PeMS has been ongoing since its initial development and the release of the first PeMS system version in the late 1990s. Key PeMS enhancements generally have focused on assessing and improving the quality of the data and performance measures that PeMS provides. Specific enhancements
currently being developed for the San Diego region under the PeMS multimodal project will allow PeMS to incorporate real-time transit and arterial data. Through this effort, PeMS will have the ability to measure usage and travel time data for both transit and arterials, including the estimation of on-ramp wait times. This additional data will better approximate “door-to-door” travel times. PeMS analysis of key performance measures also will be enhanced by reporting an estimated travel time reliability factor. Once these PeMS enhancements are completed, they will be incorporated in future monitoring reports.

Travel times shown in Table 2 differ from those presented in the 2007 Regional Transportation Plan (RTP) for two reasons:

- RTP travel times are model-based, whereas the reported travel times represent actual observed data. The San Diego Regional Transportation Model estimates travel time on each arterial or freeway link, taking into account the configuration of the road, volume of traffic assigned, and any intersection controls. The modeled travel times are not observed data, as they are derived from a series of programs designed to forecast travel demand on the transportation system.

- RTP travel times represent “door-to-door” commute times that include trip time on arterial streets, whereas the travel times listed below only include trip time once on the freeway. However, as indicated above, PeMS will have the ability to measure arterial travel times, to approximate RTP door-to-door travel times for future reports.

Travel times have not increased nor decreased substantially in most corridors. The Interstate 15 (I-15) southbound a.m. and I-805 southbound p.m. commutes experienced the greatest decrease in travel time, dropping seven minutes, respectively from 2006 to 2007. Between 2006 and 2007, commute times in most corridors either decreased slightly or remained the same.

Table 2
Travel Times in Key Auto Corridors, 2005 to 2007

<table>
<thead>
<tr>
<th>No.</th>
<th>Corridor</th>
<th>Direction</th>
<th>A.M. Peak Period</th>
<th>P.M. Peak Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I-5</td>
<td>Oceanside to Downtown SD</td>
<td>55</td>
<td>54</td>
</tr>
<tr>
<td>2</td>
<td>I-15</td>
<td>Escondido to Downtown SD</td>
<td>49</td>
<td>49</td>
</tr>
<tr>
<td>3</td>
<td>SR 78</td>
<td>Escondido to Carlsbad</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>4</td>
<td>SR 94</td>
<td>El Cajon to Downtown SD</td>
<td>16</td>
<td>17</td>
</tr>
<tr>
<td>5</td>
<td>I-8</td>
<td>El Cajon to Downtown SD</td>
<td>19</td>
<td>20</td>
</tr>
<tr>
<td>6</td>
<td>SR 52</td>
<td>Santee to Sorrento Valley</td>
<td>11</td>
<td>13</td>
</tr>
<tr>
<td>7</td>
<td>I-805</td>
<td>Mid-City to Sorrento Valley</td>
<td>15</td>
<td>16</td>
</tr>
<tr>
<td>8</td>
<td>I-805</td>
<td>Chula Vista to Sorrento Valley</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>9</td>
<td>I-805</td>
<td>Chula Vista to Downtown SD</td>
<td>26</td>
<td>24</td>
</tr>
<tr>
<td>10</td>
<td>I-5</td>
<td>San Ysidro to Downtown SD</td>
<td>14</td>
<td>17</td>
</tr>
<tr>
<td>11</td>
<td>I-8</td>
<td>El Cajon to Sorrento Valley</td>
<td>29</td>
<td>31</td>
</tr>
</tbody>
</table>

Source: Freeway Performance Measurement System (PeMS Version 9.0), Caltrans

Notes: (a) The a.m. peak period is based on a departure time of 7:30 a.m., and the p.m. peak period is based on a departure time of 4:00 p.m. (b) The a.m. direction is listed; the p.m. is the reverse direction of travel. (c) Corridor limits are listed for the a.m. direction and are approximately the same for the p.m. direction. (d) Data are reported for commutes on Tuesdays, Wednesdays, and Thursdays.

Additionally, travel times and volumes reported for previous years in the 2008 Monitoring Report may differ from those reported in last year’s report, as recent enhancements to PeMS include improved travel time calculations that more accurately reflect the start and end points of the designated freeway segments. Travel volumes for specific corridors may reflect different monitoring stations from previous reports in order to better reflect the travel characteristics or modal services within that corridor. Also, a different monitoring station may be used for a given report if a station is unavailable or unreliable due to highway construction, maintenance, or roadway incidents that might otherwise skew the data.
Map 1
Key Auto Corridor Travel Times, San Diego County, 2007

1. I-5 Oceanside to Downtown SD
   North Bound: 44 minutes
   South Bound: 55 minutes

2. I-15 Escondido to Downtown SD
   North Bound: 34 minutes
   South Bound: 42 minutes

3. SR 78 Escondido to Carlsbad
   East Bound: 25 minutes
   West Bound: 16 minutes

4. SR 94 El Cajon to Downtown SD
   East Bound: 12 minutes
   West Bound: 16 minutes

5. SR 52 Santee to Kearny Mesa
   East Bound: 15 minutes
   West Bound: 13 minutes

6. 1-8 El Cajon to Downtown SD
   East Bound: 15 minutes
   West Bound: 16 minutes

7. I-8 Mid-City to Sorrento Valley
   North Bound: 13 minutes
   South Bound: 16 minutes

8. I-805 Chula Vista to Sorrento Valley
   North Bound: 39 minutes
   South Bound: 32 minutes

9. I-805 Chula Vista to Downtown SD
   North Bound: 22 minutes
   South Bound: 17 minutes

10. I-5 San Ysidro to Downtown SD
    North Bound: 19 minutes
    South Bound: 15 minutes
As shown in Table 3, travel volumes decreased slightly in most corridors in 2007. Observed decreases in travel times, and travel volumes in particular in 2007, may likely be attributed to the increase in gas prices and the state of the economy. However, a number of freeway improvements have been completed since 2005, which also may account for subsequent increases in mobility. For example, declining traffic on northbound I-5 may be the result of the opening of the northbound I-5/I-805 bypass lanes in spring 2005. These new bypass lanes divert traffic from the general purpose lanes, decreasing delay, and improving overall corridor travel times. It is anticipated that southbound traffic on I-5 also will decrease with the opening of the southbound bypass lanes in summer 2007; this anticipated decrease may be reflected in next year’s monitoring report. More detailed analysis relative to these improvements and specific corridor monitoring will be provided in the SANDAG State of the Commute Report, to be published in spring 2009.

Table 3
Travel Volumes in Key Auto Corridors, 2005 to 2007

<table>
<thead>
<tr>
<th>No.</th>
<th>Corridor</th>
<th>Source: Freeway Performance Measurement System (PeMS Version 9.0), Caltrans</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Direction</td>
<td>Notes: (a) Data are reported for commutes on Tuesdays, Wednesdays, and Thursdays. (b) Traffic data obtained from monitoring stations may be subject to atypical operating conditions due to active highway construction. Volumes for I-805 Mid-City to Sorrento Valley and I-805 Chula Vista to Sorrento Valley are the same as those for Chula Vista to Downtown San Diego because they share the same screenline.</td>
</tr>
<tr>
<td>1</td>
<td>Oceanside to Downtown SD</td>
<td>Northbound: 2005 108,000 2006 98,100 2007 93,300 Southbound: 2005 84,900 2006 85,600 2007 84,700</td>
</tr>
<tr>
<td>4</td>
<td>El Cajon to Downtown SD</td>
<td>Northbound: 2005 75,500 2006 81,600 2007 81,000 Southbound: 2005 77,200 2006 77,600 2007 77,000</td>
</tr>
</tbody>
</table>

As PeMS continues to be developed and refined, it will eventually incorporate real-time transit data. In the meantime, the 2008 Monitoring Report includes transit volume information from FY 2005 through FY 2007 based on SANDAG Passenger Counting Program data. Transit passenger volumes are measured at key locations (screenlines) selected within each corridor. For each corridor, transit passenger volumes are listed by screenline in Table 4.

Transit volumes largely have remained consistent since 2005 along most corridors. The largest increase, in the I-8 El Cajon to Downtown San Diego corridor, is associated with the opening of the Green Line Trolley in 2005. The Green Line Trolley opening resulted in the addition of more than 4,000 passengers each way along the corridor, on an average weekday. A similar increase is expected along the SR 78 Escondido to Carlsbad corridor in FY 2008 due to the SPRINTER line opening in March 2008.
Table 4
Transit Passenger Volumes in Key Transit Corridors at Specific Screenline Locations, 2005 to 2007

<table>
<thead>
<tr>
<th>No.</th>
<th>Corridor</th>
<th>Screenline(s) and Corresponding Transit Service</th>
<th>Northbound/Eastbound</th>
<th>Southbound/Westbound</th>
<th>Total – Both Directions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I-5 (Oceanside to Downtown SD)</td>
<td>Sorrento Valley</td>
<td>2,852</td>
<td>2,945</td>
<td>2,762</td>
</tr>
<tr>
<td></td>
<td></td>
<td>COASTER</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 101</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>I-15 (Escondido to Downtown SD)</td>
<td>Poway</td>
<td>647</td>
<td>701</td>
<td>547</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 20, 810, 820, 850, 860</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Miramar</td>
<td>943</td>
<td>958</td>
<td>797</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 20, 210, 810, 820, 850, 860</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>SR 78 (Escondido to Carlsbad)</td>
<td>Vista</td>
<td>420</td>
<td>460</td>
<td>468</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 320</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>San Marcos</td>
<td>354</td>
<td>393</td>
<td>377</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 320</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>SR 94 (El Cajon to Downtown SD)</td>
<td>Euclid Trolley Station</td>
<td>4,888</td>
<td>4,780</td>
<td>4,703</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Orange Line Trolley</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>I-8 (El Cajon to Downtown SD)</td>
<td>Fashion Valley Trolley Station</td>
<td>1,224</td>
<td>5,396</td>
<td>6,372</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Green Line Trolley</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 11, 14, 44</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>SDSU</td>
<td>162</td>
<td>3,043</td>
<td>3,737</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Green Line Trolley</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 11, 14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>SR 52 (Santee to Kearny Mesa)</td>
<td>Santee</td>
<td>6</td>
<td>16</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 870</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>I-805 (Mid-City to Sorrento Valley)</td>
<td>University City</td>
<td>663</td>
<td>776</td>
<td>1,318</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 50, 105, 150, 960</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>I-805 (Chula Vista to Sorrento Valley)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>9</td>
<td>I-805 (Chula Vista to Downtown SD)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>10</td>
<td>I-5 (San Ysidro to Downtown SD)</td>
<td>San Ysidro/Tijuana Trolley Station</td>
<td>13,234</td>
<td>13,835</td>
<td>13,941</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blue Line Trolley</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 929 and 932</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>12th and Imperial Trolley Station</td>
<td>10,904</td>
<td>10,654</td>
<td>10,820</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Blue Line Trolley</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rout(s): 929</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>I-8 (El Cajon to Sorrento Valley)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Source: SANDAG Passenger Counting Program
It is anticipated that systemwide transit travel volumes likely will continue to increase, while freeway travel times and volumes likely will continue to decrease in 2008. These predictions are made in light of multiple factors, such as the economic slowdown, further increases in gas prices, as well as infrastructure improvements, such as the opening of the SPRINTER light rail service along the SR 78 corridor and freeway improvements that should improve mobility within specific segments.

**Miles of Deficient Roads on Congestion Management Program Network**

Between 2005 and 2007, the miles of Congestion Management Program (CMP) deficient arterials, highways, and freeways decreased. Improvement was most pronounced among the region’s arterials: only 8 percent of the CMP network arterials were considered deficient in 2007, as compared to 22 percent in 2005. The miles of deficient freeways on the CMP network also decreased, from 36 percent in 2005 to 23 percent in 2007, as shown in Figure 5.

**Figure 5**

![Bar chart showing percent of CMP network deficient by type and year (2001, 2003, 2005, 2007)]


**Annual Hours of Traffic Delay per Traveler**

Annual hours of traffic delay per traveler increased in 2004, and then decreased slightly in 2005, as shown in Figure 6. Delay is defined as the extra travel time it takes travelers to complete a trip during peak periods (6 to 9 a.m. and 4 to 7 p.m.) as a result of congestion.

**Figure 6**
Annual Hours of Traffic Delay per Traveler During Peak Periods, 2000 to 2005

![Line chart showing annual hours of delay per traveler by year (2000 to 2005)]

Source: Annual Urban Mobility Report, Texas Transportation Institute
Regional Crime Rate

As shown in Figure 7, the rate of crime in the region continues to decline, and in 2007 reached its lowest rate since 2000.

Figure 7
FBI Index Crimes per 1,000 People, 2000 to 2007

Conclusion

As of 2007, the region made progress toward achieving some of the urban form and transportation goals listed in the RCP, but not others. The continued increase in annual transit ridership is an encouraging sign that the region’s residents increasingly are traveling by public transit. It is anticipated that this trend likely will continue in light of increasing gas prices and with the opening of the SPRINTER rail line. Future monitoring is required to fully understand our progress toward improving mobility. When examining travel times and volumes in key auto and transit corridors, this indicator suggests that the region is reasonably managing congestion, as freeway travel times and volumes mostly have decreased between 2006 and 2007.
Despite the sharp fall in housing prices during the last year, the lack of affordable housing continues to be one of the major issues facing the San Diego region today. The Regional Comprehensive Plan (RCP) calls for more housing choices—more apartments, condominiums, and single family homes in all price ranges. How much housing we build, what type of housing we build, and where we build it are some of the most important decisions we can make in shaping our region’s future. The Smart Growth Opportunity Areas located on the Smart Growth Concept Map identify 200 sites throughout the region where new housing can be located near jobs and transit—thus providing more housing and transportation choices.

**Housing Opportunity Index**

Data from 2007 indicates that the downward trend in housing affordability since 2000 finally may be reversing. During 2007, there was a doubling (from 5% in 2005 and 2006 to 10% in 2007) in the percentage of homes sold that are affordable to a household earning the regional median income, as shown in Figure 8. This change is likely the result of the mortgage lending crisis and increase in foreclosures that have affected the region, as well as the country as a whole. Housing, however, is still out of reach for many households in the region. The median price of all homes (resale houses, resale condominiums, and new houses/condominiums and condominium conversions) dropped by 25 percent from $495,500 in June 2007, to $370,000 in June 2008 (DataQuick Information Systems). The current median home price is almost six times the regional median household income of $68,388. Historically, the median price of a home has been three to four times the median income.

**Figure 8**

Housing Opportunity Index, 2000 to 2007

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**Percent of Households with Housing Costs Greater than 35 Percent of Income**

Since 2000, an increasing percentage of households in the region have been paying more than 35 percent of their income toward housing costs. This trend may be stabilizing, because the change between 2005 and 2006 is not statistically significant, as shown in Figure 9. Year-to-year fluctuations in the data may be the result of sample differences and may not reflect true year-to-year changes.
Another indicator of affordability problems in the region is the income a household must earn to afford the rent for an apartment at the Department of Housing and Urban Development’s Fair Market Rent of $1,355 for a two-bedroom unit. In 2007/2008 that amount was $54,200 annually or $26 per hour (assuming that no more than 30 percent of its income is spent on housing), as shown in Figure 10.

In California, the minimum wage in 2008 is $8.00 per hour; the average wage earned by renters in the San Diego region is $15.64 per hour. Therefore, a household must include over three minimum wage earners working forty hours per week year-round, to make a two-bedroom fair market rent affordable.

The ratio of new jobs to new housing units has fluctuated since 2001, and in 2007 experienced a threefold decline compared to 2006. In 2007, there were 0.5 new jobs for every new housing unit in the region, indicative of the economic slowdown and associated decline in job growth, as shown in Figure 11.
A total of 28,861 building permits for new housing units were issued in the region between July 2005 and December 2007 (2.5 years of the five-year housing element cycle), including 689 very low-income, 1,282 low-income, 1,176 moderate-income, and 2,5714 above moderate-income housing units, as shown in Table 5. Based on the 2005 – 2010 Regional Housing Needs Assessment (RHNA) adopted by SANDAG in February 2005, the region achieved 3 percent of the very low-income, 7 percent of the low-income, 6 percent of the moderate-income, and 58 percent of the above moderate-income housing needs established in the RHNA. The data show that the above moderate-income housing needs established in the RHNA are closer to being met, while the housing needs for very low-, low-, and moderate-income households are not. The subsidies needed to build very low-and low-income housing in the region are inadequate to meet the region’s lower income RHNA goals despite the approval of the statewide affordable housing bonds in 2002 and 2006. Few moderate income units were built because of the high costs associated with land and construction materials and the requirement to use most financial resources to build lower income units. Building permit issuance has dropped off during the past year, so the construction of above moderate-income units may slow over the next two years.

Overall, the region has met only 27 percent of its RHNA housing goal of 107,301 units during the first half of the housing element cycle.

Table 5
Share of New Housing Units by Income Category, July 1, 2005 – December 31, 2007

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Very Low</th>
<th>Low</th>
<th>Moderate</th>
<th>Above Moderate</th>
<th>Total for All Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Housing Units Permitted</td>
<td>689</td>
<td>1,282</td>
<td>1,176</td>
<td>25,714</td>
<td>28,861</td>
</tr>
<tr>
<td>RHNA Goal</td>
<td>24,143</td>
<td>18,348</td>
<td>20,280</td>
<td>44,530</td>
<td>107,301</td>
</tr>
<tr>
<td>Percent of Goal Permitted</td>
<td>3%</td>
<td>7%</td>
<td>6%</td>
<td>58%</td>
<td>27%</td>
</tr>
<tr>
<td>Units Left to Permit</td>
<td>23,454</td>
<td>17,066</td>
<td>19,104</td>
<td>18,816</td>
<td>78,440</td>
</tr>
</tbody>
</table>

Source: Data compiled from building permits issued by local jurisdictions in the San Diego region

**Vacancy Rates**

Vacancy rates have remained relatively stable since 2000, at approximately 4.5 percent as shown in Figure 12. Year-to-year fluctuations in the data may be the result of sample differences and may not reflect true year-to-year changes.
Figure 12
Vacancy Rates, 2000 to 2007

Source: American Community Survey, U.S. Census Bureau

Percent of Households Living in Overcrowded Conditions

As shown in Figure 13, the percentage of households living in overcrowded conditions in the region continues to decline. Fluctuations in the data between 2005 and 2006 may be the result of sample differences and may not reflect true year-to-year changes.

Figure 13
Overcrowding in the Region, 2000 to 2006

Source: American Community Survey, U.S. Census Bureau

Number of Households on the Waiting List for Section 8 Vouchers

In 2008, there are approximately 49,700 households on the Section 8 waiting list, down from approximately 65,600 households in 2007 and 73,500 households in 2006. The reduction is likely the result of the periodic purging of the lists undertaken by the Section 8 jurisdictions. The jurisdictions that issue Section 8 vouchers are Carlsbad, Encinitas, National City, Oceanside, the City of San Diego, and the County of San Diego.

Conclusion

Housing affordability continues to be a problem for the region; however, the above data indicate that the rapid decline in affordability (i.e., increase in housing costs) may have slowed for the time being. Much of this change has been due to the decline in housing prices, resulting from the large number of foreclosures experienced both in the region and nationwide. Nevertheless, progress toward meeting RHNA goals has been slow, particularly in the lower and moderate income categories.
Healthy Environment

To ensure a healthy environment, the region must protect its key open spaces and sensitive habitat areas, ensure that the air and water are clean, and restore the eroding beaches. Viable natural habitats, water quality, a well-managed shoreline, and air quality are critical components to the health and well-being of residents, as well as to the overall economic prosperity of the region.

Habitat Conserved Within Designated Preserve Areas

Of the jurisdictions with approved conservation plans and signed implementing agreements, 58 percent of land has been conserved within the habitat preserve system, as shown in Figure 14. This includes 6,090 acres preserved to date within the City of Carlsbad.

Additionally, the City of San Diego and County of San Diego have indicated that an additional 15,400 acres and 12,200 acres, respectively, have been obligated for habitat conservation under approved discretionary development entitlements or conservation banks, but have not yet been conserved through formal legal mechanisms (e.g., easement, dedication in fee title to jurisdictions).

Figure 14
MSCP South County and MHCP Land Conservation by Year, 1997 to 2031

The region is engaging in the implementation or development of four subregional habitat conservation plans: the Multiple Species Conservation Program (MSCP) South, finalized in 1998; the Multiple Habitat Conservation Program (MHCP), finalized in 2003; the North County MSCP, anticipated for completion in 2009; and the East County MSCP, anticipated for completion in 2010. Map 2 shows the location and boundaries of these plans.
Six jurisdictions, including a portion of the unincorporated area of the County, have approved habitat conservation plans and signed implementing agreements (covering 20% of the region). Seven jurisdictions are working on approval of their implementing agreements, (covering 73% of the region), and seven jurisdictions are not pursuing implementing agreements due to limited habitat in their jurisdictions (covering 1% of the region). The remaining area (covering 6% of the region) consists of land owned by the U.S. military.

**Percent of Preserve Area Actively Maintained**

Based upon the estimates of land conserved in the region described in the previous section, over one million acres in the region are managed as open space with dedicated land managers. This includes land in North and East County MSCP that are federal, state, and locally owned and conserved for open space and habitat. There is currently no regional database that tracks the lands under active management or the activities that have been conducted on these lands. As part of SANDAG participation in regional habitat conservation planning, a conserved lands database is being developed to serve as a baseline to for tracking this information. SANDAG currently is working to provide the draft data to local jurisdictions and federal and state land managers for verification. Updated data should be available within six to nine months.

**Number of Beach Mile Closure Days**

The number of beach mile closure days fluctuated between 2000 and 2004, but has been relatively stable since 2004, as shown in Figure 15. The number of beach mile closure days increased slightly from 2006 to 2007.

Despite the slight increase, the Beach Report Card 2007-2008, published by Heal the Bay, reported that 96 percent of San Diego county beaches attain grades of “A” or “B” during dry weather, compared to 87 percent of beaches statewide. Heal the Bay’s findings regarding wet weather trends in 2006 and 2007 for San Diego beaches appear consistent with the beach closure data reported above—during wet weather, 70 percent of San Diego beaches received grades of “A” or “B” in 2006, and in 2007 this number dropped to 67 percent.
Despite all beaches having more sand in 2006 than they did in 2005, likely due to wave conditions, all beaches lost sand in 2007, as shown in Table 6. Wave conditions in the summer of 2006 were more conducive to the onshore transport of sand than those in the summers of 2005 and 2007. As predicted in last year’s report, the unanticipated increase in beach width that occurred between 2005 and 2006 quickly was reversed by less favorable wave conditions. At the time of the 2005 survey, three consecutive years of shoreline retreat had diminished the beach widths at most locations to such an extent that they were equal to or less than pre-Regional Beach Sand Project values (prior to 2001). The area-wide shoreline advance that occurred in 2006 was sufficient to restore the beach widths to levels not observed since the first two years following the Regional Beach Sand Project (RBSP). In 2007, some beaches exceeded their target widths.

Table 6
Beach Widths and Targets of Shoreline Segments San Diego Region (in feet), 2000 to 2007

<table>
<thead>
<tr>
<th>Fall Averages</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2010 Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silver Strand Littoral Cell</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imperial Beach</td>
<td>300.0</td>
<td>218.0</td>
<td>218.0</td>
<td>308.0</td>
<td>218.0</td>
<td>217.0</td>
<td>221.0</td>
<td>229.0</td>
<td>307.0</td>
<td>234.0</td>
<td>238.0</td>
</tr>
<tr>
<td>Silver Strand State Beach</td>
<td>427.0</td>
<td>461.0</td>
<td>448.0</td>
<td>451.5</td>
<td>451.0</td>
<td>449.0</td>
<td>434.5</td>
<td>438.5</td>
<td>486.0</td>
<td>453.5</td>
<td>210.0</td>
</tr>
<tr>
<td>Coronado</td>
<td>759.0</td>
<td>758.0</td>
<td>767.0</td>
<td>784.0</td>
<td>767.0</td>
<td>768.0</td>
<td>764.0</td>
<td>737.0</td>
<td>750.0</td>
<td>784.0</td>
<td>232.0</td>
</tr>
<tr>
<td>Mission Beach Littoral Cell</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ocean Beach</td>
<td>278.0</td>
<td>282.0</td>
<td>274.0</td>
<td>283.0</td>
<td>295.0</td>
<td>259.0</td>
<td>264.0</td>
<td>260.0</td>
<td>305.0</td>
<td>284.0</td>
<td>220.0</td>
</tr>
<tr>
<td>Pacific and Mission Beaches</td>
<td>238.5</td>
<td>273.0</td>
<td>286.0</td>
<td>277.7</td>
<td>279.3</td>
<td>282.3</td>
<td>283.7</td>
<td>268.3</td>
<td>301.7</td>
<td>254.0</td>
<td>200.0</td>
</tr>
<tr>
<td>La Jolla</td>
<td>182.0</td>
<td>141.0</td>
<td>192.0</td>
<td>213.0</td>
<td>183.0</td>
<td>229.0</td>
<td>219.0</td>
<td>224.0</td>
<td>223.0</td>
<td>183.0</td>
<td>N/A</td>
</tr>
<tr>
<td>San Diego</td>
<td>194.3</td>
<td>192.0</td>
<td>226.0</td>
<td>265.5</td>
<td>250.5</td>
<td>209.3</td>
<td>217.8</td>
<td>216.0</td>
<td>236.0</td>
<td>182.5</td>
<td>228.0</td>
</tr>
<tr>
<td>Del Mar</td>
<td>185.5</td>
<td>227.0</td>
<td>166.0</td>
<td>133.3</td>
<td>167.3</td>
<td>157.3</td>
<td>120.7</td>
<td>102.3</td>
<td>158.0</td>
<td>106.0</td>
<td>232.0</td>
</tr>
<tr>
<td>Solana Beach</td>
<td>134.0</td>
<td>123.0</td>
<td>108.0</td>
<td>171.0</td>
<td>141.0</td>
<td>138.0</td>
<td>133.0</td>
<td>130.0</td>
<td>157.0</td>
<td>116.0</td>
<td>232.0</td>
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* The SANDAG Regional Beach Sand Project nourished 12 of the region’s beaches in 2001.
Source: SANDAG Regional Beach Monitoring Program, Annual Report 2008

4 In 2001, the RBSP nourished twelve of the region’s beaches. Since the completion of the RBSP, little to no sand has been placed on area beaches.
**Lagoon Health**

Data are unavailable for this indicator.\(^5\)

**Impaired Waterbodies**

There are no new data for this indicator. Between 2002 and 2006, impaired waterbodies in the region increased, as shown in Figure 16. Impaired waterbodies are those that do not meet Clean Water Act standards. This list is prepared every four years by the San Diego Regional Water Quality Control Board.

As noted in last year’s report, the region as a whole greatly has enhanced its monitoring efforts in recent years; as a result, a greater percentage of waterbodies were found to be impaired in 2006 than in 2002. Therefore, the extent to which the region’s impaired waterbodies has increased cannot conclusively be determined, as data from 2002 and 2006 are not comparable. Data collected in future years should indicate whether the dramatic increase in impaired waterbodies between 2002 and 2006 signifies a valid trend.

*Figure 16*

**Impaired Waterbodies, 2002 and 2006**

![Graph showing Impaired Waterbodies, 2002 and 2006](source: San Diego Regional Water Quality Control Board)

**Air Quality Index**

The Air Quality Index (AQI) can be used for reporting daily air quality. It tells us how clean or polluted the air is, and what associated health effects might be a concern. The United States Environmental Protection Agency (EPA) calculates the AQI for five major air pollutants regulated by the Clean Air Act: ground-level ozone, particle pollution (also known as particulate matter), carbon monoxide, sulfur dioxide, and nitrogen dioxide. For each of these pollutants, the EPA has established national air quality standards to protect public health. In the San Diego region, ground-level ozone and particulate matter pollutant levels are responsible for the majority of days during which the region experiences an AQI over 100.

An AQI value of 100 generally corresponds to the national air quality standard for the pollutant, which is the level EPA has set to protect public health. AQI values below 100 are generally thought of as satisfactory. When AQI values are above 100, air quality is considered to be unhealthy – first for certain sensitive groups of people, then for everyone as AQI values get higher. Sensitive groups are defined as

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\(^5\) The City of Encinitas is charged with overseeing the collection of data regarding bacterial levels in the region’s lagoons. Its data methodology is being finalized. Once this data is available, SANDAG may utilize it to report on this indicator.
those “at greater risk than the general population from the toxic effects of a specific air pollutant,” such as older adults, children, or those with heart or lung disease.

The AQI data presented in this report reflect EPA revised standards for PM$_{2.5}$ (fine particles). The EPA enacted a stricter standard for PM$_{2.5}$ in 2006; data shown reports on performance relative to the revised standard from 1999 to 2007. It also should be noted that the data exclude days during the 2003 and 2007 wildfires, when PM$_{2.5}$ and carbon monoxide exceeded their respective standards.

The AQI data suggest that air quality has largely been improving in the San Diego region since 1999. Despite a slight increase in the number of days during which air quality was considered unhealthy in 2006, air quality appears to have improved in 2007 over the previous year. The increase in 2006 likely was due to a number of days during which the region experienced record-high temperatures. Data in future years should help determine if the 2006 increase in unhealthy air quality days represents a weather-related anomaly in the region’s trend toward improving air quality.

Figure 17
Number of Days AQI >100

![Graph showing number of days with AQI >100 from 1999 to 2007.](source: San Diego Air Pollution Control District)

**Conclusion**

The region continues to make progress on habitat conservation, and further progress is anticipated as the North and East County MSCPs are adopted. As of 2007, the region has been experiencing mixed results with regard to water quality. The number of beach mile closure days has stabilized in recent years, but has not decreased overall. In addition, pollution in our region’s lakes, streams, rivers, bays, and lagoons has gotten worse. Mixed results also are observed with regard to shoreline preservation and air quality. In large part, beach widths have decreased since the region’s beach sand replenishment project in 2001; an increase in 2006 was followed by further decreases in 2007. In FY 2009, SANDAG is evaluating strategies to fund improvements to water quality, habitat preservation, and beach nourishment.
Economic Prosperity

The Regional Economic Prosperity Strategy (REPS), originally developed in 1998, was updated this year. REPS identifies strategic goals and recommends actions that call for infrastructure investment and public policy support in order to strengthen the region’s economic foundation. REPS is based upon the premise that investments in human and physical infrastructure will lead to stronger businesses and a well-trained workforce, ultimately leading to improvements in the regional standard of living.

Labor Force Educational Attainment

Labor force educational attainment remains stable, as shown in Figure 17. Year-to-year fluctuations in the data may be the result of sample differences and may not reflect true year-to-year changes.

Figure 18
Labor Force Educational Attainment, 2000 to 2006

![Graph showing labor force educational attainment from 2000 to 2006.]

Source: American Community Survey, U.S. Census Bureau

Employment Growth in High-Wage Economic Clusters

There are no new data available for this indicator. In 2005, there was a slight increase in employment in high-wage economic clusters over 2002 and 2003, as shown in Figure 18.

Figure 19

![Bar graph showing employment in high-wage clusters from 2002 to 2005.]

Source: SANDAG Cluster Inventory
Regional Unemployment Rate Compared to California and the United States

After three years of improvement, San Diego’s unemployment rate increased in 2007, and matched that of the United States for the first time in seven years, as shown in Figure 19.

Figure 20
Unemployment in San Diego, California, and the United States, 2000 to 2007

Real Per Capita Income Compared to California and the United States

In 2006, San Diego’s real per capita income increased. It remains above that of California and the United States, though it is not increasing as quickly in San Diego as it is in California and the United States, as shown in Figure 20.

Figure 21
Real Per Capita Income in San Diego, California, and the United States in Inflation-Adjusted 2007 Dollars, 2000 to 2007

Regional Poverty Rate Compared to California and the United States

The San Diego region’s poverty rate remains stable and below that of California and the United States, as shown in Figure 21. Year-to-year fluctuations in the data may be the result of sample differences and may not reflect true year-to-year changes.
Conclusion

Unemployment increased in 2007 in the San Diego region, paralleling California’s increase in unemployment. However, the region continues to experience a rising standard of living, as measured by real per capita income, though it is not keeping pace with California or the United States as a whole. Other indicators of economic prosperity in the region appear to be stable. San Diego’s REPS contains strategic goals and recommended actions to help improve the condition of the local economy. It calls for infrastructure investment and public policy support to strengthen the region’s economic foundation and make it more competitive. These policy efforts and infrastructure investments will ensure that the region reinforces its status as one of the most desirable places in the nation to work and live. Above all, the strategic goals and recommended actions are designed to expand and create high- and middle-income jobs, which will ensure a rising standard of living for the region’s residents. Future monitoring reports will measure the success of these strategies.
Water Consumption

As reported previously, water consumption continues to fluctuate, but increased in 2006, as shown in Figure 22.

Figure 23
Water Consumption, 2000 to 2006

Diversity of Water Supply

The diversity of the region’s water supply has been increasing in recent years, but reliance on the Metropolitan Water District of Southern California as a source increased slightly in 2007. However, the share of water that is recycled has shown a slight increase, as shown in Figure 23.

Figure 24

IID Transfer refers to water conveyed to the region from the Imperial Irrigation District. Canal Lining Transfer refers to water conserved as a result of the concrete lining of the All-American and Coachella canals in the Imperial Valley.

Source: San Diego County Water Authority Annual Reports (fiscal year Water Supply by Source)
Recycled Water Use

As predicted in last year’s report, the amount of recycled water used continues to increase as the region continues to invest in infrastructure and consumer awareness, as shown in Figure 24. Recycled water use has fluctuated since 2000, but increased 29 percent in 2007, following an 18 percent increase in 2006. These increases may be due to a few new larger water recycling facilities that have begun serving new customers in the region. In addition, agencies have been providing recycled water retrofit assistance to existing customers in order to expedite hook-ups to their recycled water systems. It is anticipated that the amount of recycled water used will continue to increase as the region continues to invest in infrastructure and consumer awareness.

Figure 25
Amount of Recycled Water Used, 2000 to 2007

Per Capita Electricity Consumption and Peak Demand

Per capita electricity consumption continues to increase and move further away from the target established in the 2003 Regional Energy Strategy (RES), as shown in Figure 25. Figure 26 illustrates that peak demand is increasing as well.

Figure 26
San Diego Annual Per Capita Electricity Consumption, 2000 to 2007

Source: San Diego County Water Authority Annual Reports (fiscal year Water Supply by Source)

Source: San Diego Gas & Electric
Share of Energy Produced in the Region Versus Imported

In 2006, the region reached the target established in the 2003 RES for share of energy produced in the region versus imported, but this share declined slightly in 2007, as shown in Figure 27.

Share of Energy Produced from Renewable Resources

Five percent of the region’s electricity comes from renewable resources. In 2003, the RES called for 15 percent from renewable resources\(^6\) by 2010. Subsequently, state law was enacted requiring 20 percent renewable energy resources by 2010. An Executive Order calls for 33 percent renewable resources by 2020. Thus far, the region’s primary electric utility, San Diego Gas & Electric (SDG&E), has slowly increased the percentage of renewable resources in its overall portfolio. Additional renewable resources will be needed to meet the 20 percent by 2010 requirement, as shown in Figure 28.

\(^6\) The RES will be updated in FY 2009, and the regional targets will be reevaluated at that time.
As shown in Figure 29, natural gas supplies more than half of the fuel to generate electricity for the San Diego region. Natural gas is the most environmentally benign fossil fuel and the only fossil fuel that the state permits to power electricity. The renewable resources percentage must increase significantly to meet state minimum requirements. Purchased power refers to power that is sold to SDG&E but the energy source is unknown. This unknown percentage should shrink over time as California Department of Water Resources contracts entered into during the energy crisis are phased out.

Figure 30
Energy Sources in the San Diego Region, 2008

Percent of Solid Waste that is Recycled

The percent of solid waste that is recycled in the region increased in 2006, moving closer to the state-mandated target, as shown in Figure 30. The target calls for a 50 percent solid waste diversion rate; in 2006, 48 percent of solid waste was diverted from landfills.

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7 These values are based on the California Public Utility Commission’s Renewable Portfolio Standard Rules, and thus, do not include customer-owned Photovoltaic.

8 The percent of solid waste that was recycled in 2006 is based on a preliminary estimate; it is anticipated that when this estimate is revised, it will be higher than originally was estimated and will show that the region actually has achieved or exceeded the state-mandated target.
For the regional landfill system as a whole, there appears to be an adequate supply of physical landfill capacity in terms of land area and air space until approximately 2016, but there is a significant limiting factor because present permitted daily tonnages at the landfills will not accommodate projected tonnages in the near future. Permitted daily tonnages for each landfill are determined by environmental concerns such as traffic, noise, water quality, and odors. Based on these limitations, estimates from the San Diego County Integrated Waste Management Plan Countywide Siting Element indicate that the region actually will reach capacity in terms of permitted daily tonnage prior to 2016, unless other changes are made, such as reducing the amount of trash generated in the region, and extending the hours of operation for trash collecting and hauling. This estimate is based on existing permitted regional capacity, excluding the San Onofre and Las Pulgas landfills located in Camp Pendleton.

The estimate also was based on assumptions such as reaching a regionwide solid waste diversion rate of 50 percent by 2005, and slight increases in total disposal and exported solid waste. According to the California Integrated Waste Management Board preliminary estimates, the region reached a 48 percent solid waste diversion rate in 2006, and progress continues to be made.

The County and City of San Diego are working actively on a number of options to expand physical landfill capacity. There are current efforts underway at both Sycamore Canyon and Miramar landfills to expand the landfill area. A new landfill at Gregory Canyon also is proposed but has not received final permits.

Every year there has been some solid waste exported from San Diego County. Export tonnage has fluctuated from year to year. In 1995, the region exported 14 percent of its waste compared to 4 percent in 2001.

According to the 2005 Countywide Siting Element, if the Sycamore Canyon landfill expansion and proposed Gregory Canyon landfill are approved with proposed increases in daily permitted disposal tonnages, the region may need to export 7.2 percent of its waste in 2017 to meet the region’s disposal need of 6.1 million tons. If neither landfill proposal is approved without using other strategies, the region may export significantly more of its waste in 2017.

**Conclusion**

Regional water consumption continues to fluctuate, as consumption increased slightly in 2007 following declining consumption in 2006. It is particularly important to note that there continues to be a significant increase in the amount of recycled water used. Our per capita usage and the share of energy produced within the region are moving away from the targets set in the RES, and after six years of increasing our share of energy produced from renewable resources, this share declined in 2007.
Regarding solid waste management, the region almost has reached its state-mandated recycling target, but must continue moving in this direction in order to avoid running out of landfill space. Unless proposed permit changes are implemented, the region will reach permitted landfill capacity prior to 2016.
The region’s distinct characteristics present a variety of opportunities and challenges for planning and coordinating along our interregional and binational borders. Access to jobs and housing continues to be an important issue. As people move farther away from their places of employment, increased pressure is placed upon our interregional transportation systems.

**Interregional Traffic Volumes into San Diego from Surrounding Counties and Baja California**

After years of steady increases, the number of interregional trips into San Diego from Baja California, Orange County, Riverside County, and Imperial County appears to be stabilizing. The number of trips into San Diego from Riverside County continued to increase in 2006, but to a lesser extent than in previous years. In addition, the annual number of pedestrian trips into San Diego from Baja California continues to decline, as shown in Figures 31 and 32.

**Figure 32**
San Diego Region Average Weekday Traffic Volumes to and from Orange, Imperial, and Riverside Counties and Tijuana, Baja California, 2000 to 2006

![Graph](source: Caltrans Traffic Census)

**Figure 33**
Pedestrian Border Crossings from Tijuana into San Diego, 1997 to 2007

![Graph](source: SANDAG)
Border Wait Times

There are no new data for this indicator in 2007, as the data source used in previous years has been eliminated. SANDAG is pursuing a new source of border wait times data and hopes to be able to continue reporting on this indicator in future years. As of 2006, border wait times were increasing, as shown in Figure 33.

Figure 34
Average Border Wait Times – Northbound into San Diego from Tijuana, 2004 to 2006

![Chart showing average border wait times from 2004 to 2006 for different types of travelers.]


Participation in SENTRI Lanes, Pedestrian Commuter Program, Free and Secure Trade Program

There are a total of 115,000 Secure Electronic Network for Travelers Rapid Inspection (SENTRI) participants as of 2008, which represents 18,000 more participants than were reported in 2007, as shown in Figure 34. There are no new data for the Pedestrian Commuter Program and the Free and Secure Trade Program.

Figure 35
SENTRI Participants, 2006 to 2008

![Chart showing the increase in SENTRI participants from 2006 to 2008.]

Source: SANDAG Border Crossing Data

Conclusion

The volume of commutes into San Diego from surrounding counties and Baja California appears to have stabilized. Finally, there are 18,000 new participants in the SENTRI program.
Summary and Conclusions

The results of the 2008 Regional Comprehensive Plan (RCP) Annual Performance Monitoring Report highlight those areas in which the region appears to be moving in the right direction and those in which improvement is needed:

Moving in the Right Direction

- The share of new housing units built in Smart Growth Opportunity Areas increased.
- Annual hours of traffic delay per traveler have decreased.
- Transit ridership continued to increase.
- The regional crime rate continued to decrease.
- The percent of solid waste that was recycled was close to achieving the state-mandated target.\(^9\)
- Recycled water use continued to increase substantially.

Areas for Improvement

- Housing production in the very low-, low-, and moderate-income categories did not keep pace with above-moderate housing production: 58 percent of the above moderate-income housing goal identified in the RHNA has been met, while less than 10 percent of the very low-, low-, and moderate-income housing goal has been met. Overall, only 27 percent of the RHNA housing production goal has been met during the first half of the housing element cycle.
- Regionwide, the share of commutes made by transit, walking, bicycling, and carpool/vanpool have not increased substantially.
- Following beach width increases at all beaches in 2006, beach widths declined in 2007; for multiple beaches, widths are even smaller in 2007 than they were in 2005.
- Unemployment increased for the first time in three years.
- Per capita energy usage in the region continued to increase, moving further away from the target established in the Regional Energy Strategy.
- Plans estimate that the region will reach physical landfill capacity in 2016, but unless proposed permit changes are implemented, permitted capacity could be reached prior to 2016.

The region would expect to experience improvements in the areas listed above as the initiatives recommended in the RCP are developed and implemented. SANDAG is involved in a number of efforts that ideally will result in improvements to the region’s quality of life and reflect progress in future monitoring reports such as:

- TransNet Early Action Program projects;
- Transit improvements, such as Bus Rapid Transit on Interstate 15;

\(^9\) The percent of solid waste that was recycled in 2006 is based on a preliminary estimate; it is anticipated that when this estimate is revised, it will be higher than originally estimated and show that the region actually has achieved or exceeded the state-mandated target.
DRAFT

- Funding for smart growth through the TransNet Smart Growth Incentive Program and the Transportation Act/TransNet Bicycle and Pedestrian Funding Program;
- Strategies recommended in the Regional Economic Prosperity Strategy update earlier this year; and
NAVY METRO TRANSPORTATION DEMAND MANAGEMENT Initiative

Introduction

SANDAG administers the San Diego Regional Commuting Assistance Program, known as RideLink. The United States Navy, as one of the largest employers in the San Diego region, has partnered with RideLink to provide an analysis of commuter travel activity of naval personnel between the major naval housing areas and the naval bases/facilities in the San Diego metropolitan area. A range of Transportation Demand Management (TDM) strategies are being developed for the Navy to consider for improving commutes to the naval facilities.

Discussion

Transportation Demand Management is one of the four major components identified in the 2030 Regional Transportation Plan for increasing mobility in the San Diego region. The Navy and SANDAG have recognized the need to improve the quality of life for commuters accessing the naval bases in the San Diego area. This partnership will generate results that will positively impact the region for years to come.

A modeling analysis based on data supplied by the Navy was conducted to determine levels of commuters from various areas in the San Diego region to the naval facilities. The analysis identified three housing areas with high concentrations of Navy commuters. These housing areas include Murphy Canyon/Tierrasanta, Otay Mesa, and Chula Vista East. The naval facilities include: Navy Broadway Complex, Naval Air Station North Island and Naval Amphibious Base Coronado, Naval Base San Diego, and Naval Base Point Loma and Point Loma SPAWAR. A travel time study was prepared from the housing areas to each of the facilities as well.

The study showed that the average travel times from the three housing areas to each of the bases averaged an hour for a one-way transit trip and 25 minutes for a one-way driving trip. In some cases, such as the Otay Mesa to Point Loma commute, the transit trip could take 1 hour 30 minutes, while the average drive trip was 45 minutes.

The development of short-, mid- and long-range TDM options for each of the origin and destinations has begun. The Murphy Canyon/Tierrasanta housing area to the Naval Base San Diego has the highest commute levels, and this corridor is recommended for a possible pilot project. Along with the traditional TDM offerings such as vanpooling and carpooling, the following three options also will be further studied:

- Point-to-Point Buspool with paid driver
- Point-to-Point Buspool with volunteer driver
Flexible vanpool service riders select various departure times based on multiple vans and eligible for SANDAG Guaranteed Ride Home Program.

Next Steps

The pilot area study will continue with data refinement for the Murphy Canyon/Tierrasanta housing area to Naval Base San Diego corridor. A survey of commuters will be conducted in cooperation with the Navy through the Service Bureau, and the results will be folded into an updated implementation plan. Discussions with the Navy and Metropolitan Transit Service will continue to determine if there are viable transit options.

Staff will develop possible alternatives for each naval commute corridor, along with first and last mile alternatives, park and ride solutions, and funding options. Staff is scheduled to return in spring 2009 to update the Board of Directors on the pilot area study.

GARY L. GALLEGOS
Executive Director

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PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS

File Number 8000100

Introduction

Each year the Office of General Counsel solicits requests from staff for any suggested changes to Board Policies and Bylaws and reviews these documents to determine if updates or changes should be recommended to the Board of Directors. These proposed amendments are attached and were brought to the Executive Committee for discussion and a recommendation on December 5, 2008.

Discussion

The significant changes for each of the Board Policies proposed for amendment are discussed below. The actual language changes are tracked in the attached draft versions of the Board Policies and Bylaws.

Board Policy No. 001 – Operations Policy (Attachment 1)

The Transportation Committee (TC) would have its authority to review “use it or lose it” project funding policies and funding allocations narrowed so that the Regional Planning Committee (RPC) would instead have purview over such policies and funding allocations if they pertain to the TransNet Smart Growth Incentive Program. The authority of the TC would be extended for approving the Coordinated Human Service and Public Transit Transportation Plan. The TC would make recommendations regarding changes to Board Policy No. 018 and the Regional Comprehensive Fare Ordinance, but would no longer conduct hearings or have approval authority for Fare Ordinance changes. The RPC would be given authority to approve fund distributions from the Beach Sand Mitigation Fund, and to recommend funding and use or lose it policies for the Smart Growth Incentive Program. Finally a new section is proposed at the end of the policy concerning Board approval for requests for staff to perform more than four hours of work on a project that is not in the Overall Work Program or Budget.

Recommendation

The Executive Committee recommends that the Board of Directors approve the proposed amendments to the Board Policies and Bylaws (Attachments 1 to 16).
Board Policy No. 004 – Rules of Procedure for Board Of Directors, Policy Advisory Committees and Other Legislative Bodies (Attachment 2)

A set of new concepts is proposed to be added to Section 3 to set up alternate procedures for public hearings. These procedures would make it easier for the public to attend public hearings as the hearings could take place outside of a regular meeting of the Board or a Policy Advisory Committee. This means the hearings could be held in the evenings, on weekends, and in geographic locations more accessible to the public than downtown San Diego. The procedures authorize the Chair to appoint a member of the Board to serve as a Hearing Officer. A written report will be provided to the legislative body at SANDAG making the recommendation or final decision regarding what occurred at the public hearing(s). If a Board member is unavailable, the Chair may appoint the Executive Director or his delegate to serve as the Hearing Officer. The changes in Section 3 of this policy are tied to the changes proposed for Board Policy No. 025. A new Section 4.15 also is proposed, which would incorporate regulatory changes made by the Fair Political Practices Commission this year concerning record keeping and distribution requirements for gifts to the agency, its employees, and Board members. Section 6.4 has a proposed modification that would clarify that the Board can delegate final actions to other legislative bodies when the authority is given by Board action.

Board Policy No. 007 – Equal Employment Opportunity Program (Attachment 3)

The substantive proposed changes to this policy are in Sections 2.3 and 2.8. These changes would broaden the types of publication used for employee recruitments and the types of records kept regarding employees.

Board Policy No. 008 – Legal Matters (Attachment 4)

The substantive proposed changes to this policy begin in Section 1.7. Language in this section would be modified so that it more consistent with terminology used in state statute concerning tort claims and to clarify the timeline for receipt of claims. Additionally, a section is proposed for removal that is no longer relevant concerning the retroactive effect of this policy (Section 1.8).

Board Policy No. 011 – Travel Expenses (Attachment 5)

A sentence is proposed for removal from Section 1.2 of this policy to make it consistent with employee practices. Rather than the department directors providing an annual list to the Executive Director of proposed employee travel, the department directors would make requests for travel approval to the Executive Director on an as-needed basis.

Board Policy No. 016 – Procurement of Services (Attachment 6)

Most of the proposed changes to this policy relate to changes in federal guidance that were released in Circular 4220.1F in October 2008. When using federal funds the agency is now permitted to use the micro purchase method for procurements that do not exceed $3,000. New language is proposed in Section 3.2 to clarify that the agency may use “best value” determination to select a vendor. Additionally, the Circular expanded upon the types of situations when a sole source or limited competition procurement may be used. Changes proposed in Section 5 of this policy would allow staff the latitude to utilize additional justifications for these types of procurements if warranted.
Board Policy No. 017 – Delegation of Authority (Attachment 7)

A word change is proposed in Section 4.3 to make it clear that the Executive Director can execute all real property transfer documents not just those concerning right-of-way property transfers. Sections 4.11 and 4.12 are proposed as additions to this policy in order to authorize the Executive Director to execute tolling agreements to extend statutes of limitations for pending litigation in order to allow time for settlement discussions; and to authorize fund transfers in the SANDAG capital improvement program budget for the transit operators if the relevant transit operator board has already approved of the transfer.

Board Policy No. 018 – Regional Transit Service Planning and Implementation (Attachment 8)

Proposed changes to this policy include the addition of SANDAG’s responsibility to prepare corridor studies (1.1.1), and a Coordinated Public Transit and Human Services Transportation Plan (1.1.2). The obligation to prepare the Regional Short Range Transit Plan would be reduced from an annual to biannual commitment (1.1.2). Also, language at the end of Section 1.1.2 regarding service reductions being made based on maintaining “lifeline” services would be removed in favor of service reductions based on equity.

Board Policy No. 019 – Project Plans, Specifications and Estimates (Attachment 9)

The changes proposed to this policy are mostly nonsubstantive cleanup or clarification to existing language. The only substantive change is the addition of the Americans with Disabilities Act as a design standard in Section 3.8.

Board Policy No. 021 – Acquisition of Real Property Interests and Relocation Assistance (Attachment 10)

The addition of one sentence is proposed in Section 2.1 to make it consistent with state law changes in the last year that require the agency to pay up to $5,000 of the costs for a property owner to have an independent appraisal property the agency wishes to acquire by eminent domain.

Board Policy No. 022 – Utility Agreements and Relocation (Attachment 11)

Franchise utilities granted easements or licenses on publicly owned property are sometimes required by the terms of an agreement to pay some portion of the costs associated with relocating their improvements due to a project being constructed by SANDAG. Language is proposed for this policy that would clarify that in some instances SANDAG may cause the utility to pay some or all of the costs associated with the relocation of the improvements.

Board Policy No. 023 – Procurement & Contracting – Equipment & Supplies (Attachment 12)

As with Board Policy No. 016, this policy needs to be updated for consistency with federal Circular 4220.1F. Changes in Sections 1.1 and 4 of this policy are intended to accomplish the same revisions described above for Board Policy No. 016. Section 1.6.7 contains a change that would clarify the difference in performance bonding requirements for federally funded procurements.
As with Board Policy No. 016, this policy needs to be updated for consistency with federal Circular 4220.1F. Changes in Sections 2 and 3 of this policy are intended to accomplish the same revisions described above for Board Policy No. 016. Additionally, a new Section 8 is proposed that describes SANDAG authority to use design build for transit projects in accordance with state law.

Changes are proposed to Section E of this policy to allow for greater public outreach and accommodation through innovative public hearing forums, rather than solely holding public hearings in the Board’s chambers, to obtain public input concerning proposed fare changes. Staff has determined that the public is more likely to attend meetings that are close to where they live or work and held at different times of the day. Staff obtained public comments from more people on the proposed fare changes during the spring and summer of 2008 during public outreach meetings that were held throughout the community and in some cases during nonwork hours than what was obtained during the SANDAG TC and Board meetings. SANDAG has had complaints from the public regarding the difficulty they have attending a public hearing in downtown San Diego during traditional work hours. Federal law allows SANDAG to utilize “town hall” type meetings rather than formal public hearings to gather public comments concerning proposed fare changes. Public comment would still be permitted at the regular SANDAG Board meetings during which the fare ordinance changes are being considered and all comments obtained from the public at the prior public meetings would be provided to the Board before it rendered a decision. SANDAG believes the changes proposed in this Section E would be beneficial to the public and the agency. A new Section F, concerning short range transit planning, also is proposed to clarify agency responsibilities for this type of planning.

The substantive proposed changes to this policy begin in Section 2.3. Verbiage added to this section would make it clear that SANDAG will consider impacts under Title VI of the Civil Rights Act before making fare changes. A language change in Section 3.2 calls for a unified policy on transfers for the transit operators. Additional language in Section 3.3 would clarify that fare discounts apply to youth as well as senior patrons. The reference to tokens would be removed from Section 4.5 and language regarding stored value passes would be added. Changes proposed for Section 5 are either intended to cleanup outdated language or make the language of this policy consistent with changes proposed in Board Policy Nos. 018 and 025.

Only three substantive changes are proposed for the Bylaws. The first is in the definitions section. Staff proposes that the definition of “Regional Board” be removed since it is unnecessary now that SANDAG prepares the Regional Comprehensive Plan instead of functioning as the Regional Planning and Growth Management Review Board. The second proposed change is in Article IV, Section 3(b). This section concerns the duties of the nominating committee for the election of officers. Currently the language requires the committee to interview all candidates for office. Sometimes, however, there is only one candidate for an office and that candidate may be graduating from a lower office. In this situation the committee may feel it is unnecessary to
interview the candidate. The language change would remove the mandatory language and allow the committee to decide whether to interview a candidate. Finally, changes are proposed in Article IV, Section 4 to make a broader reference to “administrative manuals and policies” rather than the narrow title “Administrative Rules and Regulations” since this title is no longer used by staff.

GARY L. GALLEGOS
Executive Director

Attachments:
1. Board Policy No. 001 - Operations Policy
2. Board Policy No. 004 - Rules of Procedure for Board of Directors, Policy Advisory Committees and Other Legislative Bodies
3. Board Policy No. 007 - Equal Employment Opportunity Program
4. Board Policy No. 008 - Legal Matters
5. Board Policy No. 011 - Travel Expenses
6. Board Policy No. 016 - Procurement of Services
7. Board Policy No. 017 - Delegation of Authority
8. Board Policy No. 018 - Regional Transit Service Planning and Implementation
9. Board Policy No. 019 - Project Plans, Specifications and Estimates
10. Board Policy No. 021 - Acquisition of Real Property Interests and Relocation Assistance
11. Board Policy No. 022 - Utility Agreements and Relocation
12. Board Policy No. 023 - Procurement & Contracting – Equipment & Supplies
13. Board Policy No. 024 - Procurement & Contracting – Construction
14. Board Policy No. 025 - Public Participation/Involvement Policy
15. Board Policy No. 029 - Regional Fare Policy and Comprehensive Fare Ordinance
16. Bylaws

Key Staff Contact: Julie D. Wiley, (619) 699-6966, jwi@sandag.org

No Budget Impact
BOARD POLICY NO. 001

OPERATIONS POLICY
Board and Policy Advisory Committees Responsibilities

Shown below are responsibilities for the Board of Directors and each of the five Policy Advisory Committees (Executive, Transportation, Regional Planning, Borders, Public Safety) of the new Agency. Selected responsibilities are delegated by the Board to the Policy Committees to allow the Agency to effectively address key public policy and funding responsibilities. All items delegated to the Policy Advisory Committees are subject to Board action upon request of any member.

All functions not specifically delegated by the Board to a Policy Advisory Committee may be delegated to a Policy Advisory Committee on a one-time basis upon request by the Executive Director and approval by the Chair. Such actions shall be reported to the Board at its next regular meeting.

A. **Board Responsibilities**

1. Approve Regional Comprehensive Plan (RCP) and plan components and other regional plans (e.g. Regional Energy Plan, MHCP, etc.)
2. Approve Regional Transportation Plan (RTP), Regional Transportation Improvement Program (RTIP) and corridor studies
3. Fulfill responsibilities of SB 1703 as consolidated agency
4. Fulfill the responsibilities of the San Diego Regional Transportation Commission (RTC)
5. Approve programming of funds (TDA, CMAQ, STIP, etc.)
6. Approve project environmental reports
7. Approve Overall Work Program and Program Budget
8. Approve amendments to the Budget and Work Program and authorize contracts with consultants for amounts equal to or greater than the amounts to be determined for administrative and policy committee authorization.
9. Approve the annual legislative agenda
10. Provide policy direction through Policy Development Board meetings
11. Appoint Committees and Board officers
12. Delegate responsibilities to Policy Advisory Committees and approve Committee actions. All items delegated to the five Policy Advisory Committees are subject to direct Board action upon request of any members.
13. Delegate responsibilities to Board Chair consistent with Board criteria. Conference sponsorships and proclamations are hereby delegated subject to current or subsequently approved criteria.

B. **Executive Committee Membership and Responsibilities**

The Executive Committee shall consist of six voting members with board members representing East County, North County Coastal, North County Inland, South County, and the representative, or the representative’s alternate in their absence, from the City of San Diego and the County. The Chairperson of the consolidated agency shall be one of the six voting members. The First and
Second Vice Chairpersons of the consolidated agency shall serve as voting members if one or both of the Vice Chairpersons represent an area of the region that is different from the area of the region represented by the Chairperson or the other Vice Chairperson.

1. Set agenda for Board
2. Review and recommend annual work program and program budget
3. Approve amendments to the Budget and Overall Work Program and authorize contracts up to amount approved by the Board
4. Review and act on state and federal legislation
5. Comment on project EIR/EIS
6. Act upon and evaluate dispute resolution
7. Advise on personnel actions
8. Act on behalf of Board when timing requires
9. Make policy recommendations to the Board
10. Perform other duties as assigned by the Board
11. Approve financial/contracting transactions, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment up to $500,000, subject to increase by Board action.
12. Annually review a list of all the SANDAG lower-level committees and working groups to determine the need to maintain the committee or working group and approve any revisions in functions or membership.
13. Review all proposed amendments to the Bylaws or Board Policies and make recommendations to the Board regarding those amendments.
14. Conduct expedited reviews and approvals of Energy Working Group actions on an as-needed basis.

C. Transportation Committee Membership and Responsibilities

The Transportation Committee shall consist of nine voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, a member of the Board of the MTS appointed by the Board of the MTS, a member of the Board of the NCTD appointed by the Board of the NCTD, and a member of the San Diego County Regional Airport Authority appointed by the airport authority.

1. Provide oversight for consolidated transit responsibilities
2. Provide policy oversight for transportation plans and corridor and systems studies
3. Establish/approve transportation prioritization criteria
4. Establish/approve policies and monitor “use it or lose it” project funding, except for the TransNet Smart Growth Incentive Program
5. Approve TDA and STA claim amendments and RTIP and STIP amendments
6. Recommend transportation funding allocations to the Board, except for TransNet Smart Growth Incentive Program
7. Approve transit operator budgets for funding
8. Approve Regional Short Range Transit Plan and Coordinated Human Service and Public Transit Transportation Plan
9. Make recommendations regarding changes to the Regional Comprehensive Fare Ordinance Consistent with the transition plans, approve regional fare policy*

*To ensure seamless transit service for the transit users of the region the consolidated agency, in consultation with the transit agencies, will be responsible for the development of a Regional Fare Policy. The Regional Fare Policy will incorporate...
10. Conduct public hearings as delegated by Board
11. Approve contracts for transit up to amount approved by the Board
12. Advise Board on other transportation policy-level issues
13. Recommend legislative program for transportation and transit
14. Approve financial/contracting transactions, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment up to $500,000 for transportation items, subject to increase by Board action
15. To convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation.
16. Approve the Congestion Management Program (CMP) and any updates to the CMP
17. Conduct hearings regarding fare setting and approve comprehensive fare ordinance amendments
18. Accept for distribution, hold public hearings regarding, and adopt/certify environmental documents where items can be approved through actions of the policy committee
19. Approve loans of TransNet funds when such loans are incorporated into an RTIP amendment requiring an exchange of TransNet funds for funds from another source
20. Provide oversight and approvals for Coordinated Transportation Services Agency (CTSA) matters and appoint Transportation Committee representative to the CTSA board

D. Regional Planning Committee Membership and Responsibilities

The Regional Planning Committee shall consist of six voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County, and the mayor or a council member from the City of San Diego, and a supervisor from the County of San Diego.

1. Provide oversight for preparation and implementation of the RCP and its components
2. Recommend regional infrastructure financing strategies to the Board
3. Represent the Board for outreach and public information on the RCP and its components
4. Advise Board on regional planning policy issues
5. Approve distribution of funds from the California Coastal Commission Beach Sand Mitigation Fund
6. Recommend funding allocations to the Board for the TransNet Smart Growth Incentive Program
7. Establish, approve, implement, and monitor “use it or lose it” project funding requirements for the TransNet Smart Growth Incentive Program

A uniform fare structure, a transfer policy, and agreement for revenue sharing of regional tickets, tokens, and passes, while also allowing the consolidated agency to adopt specialized fare procedures for travel within each operator’s service area. Additionally, the consolidated agency will adopt a Comprehensive Fare Ordinance setting forth all fares for all operators, including their special fares.
E. **Borders Committee Membership and Responsibilities**

The Borders Committee shall consist of seven voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, and a mayor, council member, or supervisor from the County of Imperial.

1. Provide oversight for planning activities that impact the borders
2. Provide oversight for the preparation of binational and interregional planning programs
3. Recommend border infrastructure financing strategies to the Board
4. Establish closer SANDAG working relations with surrounding counties and Mexico
5. Advise Board on binational and interregional policy-level issues
6. Review and comment on regionally significant projects in adjoining counties

F. **Public Safety Committee Membership and Responsibilities**

The membership, authority and responsibilities for this committee are set forth in Board Policy No. 026.

G. **Distribution of Meeting Materials**

1. All agendas for meetings of the Board of Directors, Policy Advisory Committees, and all other SANDAG legislative bodies covered by the Brown Act (Government Code § 54950 et seq.) shall be posted on the SANDAG Web site and copies of such agendas will be available for viewing by the public in the SANDAG business office reception area.

2. All closed session items shall be provided to appropriate Board and/or Policy Advisory Committee members prior to the closed session. Closed session meeting materials will be sent in sealed envelopes and clearly labeled as confidential. If a representative will not be able to attend a meeting he/she should ensure the closed session materials are given to the appropriate alternate to review prior to the meeting. All closed session meeting materials must be returned to the Office of General Counsel at the end of the closed session.

H. **Work Assigned to Staff**

Requests for staff to perform work on a project that is not specified in the Overall Work Program or Budget shall only be conducted following approval by the Board if the work is estimated to exceed four hours of staff time.

Adopted January 2003
Amended November 2004
Amended January 2006
Amended December 2006
**Amended December 2008**
RULES OF PROCEDURE FOR BOARD OF DIRECTORS, POLICY ADVISORY COMMITTEES AND OTHER LEGISLATIVE BODIES

This policy is intended to define and clarify Rules of Procedure for the Board and incorporate them in Board policy.

From time to time over the last 30 years the Board has utilized and amended rules of procedure. It is desirable to have these rules contained in Board Policy for ease of reference.

Procedures for the Board and Policy Advisory Committees

1. Ordinances

1.1 Every ordinance shall be signed by the Chair of the Board, or for the comprehensive fare ordinance the Chair of the Transportation Committee, and attested by the Clerk of the Board.

1.2 Upon the passage of an ordinance, the votes of the Board members or Transportation Committee members, as appropriate, shall be entered in the minutes.

1.3 Ordinances shall not be passed within five days of their introduction, nor at any meeting other than a regular meeting. An urgency ordinance may, however, be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board or Transportation Committee members present, all ordinances shall be read in full at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

1.4 The Clerk of the Board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the Board or Transportation Committee to be published at least once in a newspaper of general circulation in the SANDAG area of jurisdiction.

1.5 The publication of an ordinance as required by this policy, may be satisfied by either of the following actions:

1.5.1 Publication of a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by the Clerk of the Board and the Office of General Counsel. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the Clerk of the Board at least
five days prior to the meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, the Clerk of the Board shall publish a summary of the ordinance or amendment with the names of the Board or Transportation Committee members voting for and against the ordinance or amendment and the Clerk of the Board shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those members voting for and against the ordinance or amendment; or

1.5.2 If the person designated by the Board determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the Board or Transportation Committee so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the SANDAG area of jurisdiction shall be published at least five (5) days prior to the meeting at which the proposed ordinance or amendment is to be adopted. Within fifteen (15) days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and prove information regarding, the adopted ordinance or amendment including information sufficient to enable the public to obtain copy of the complete text of the ordinance or amendment, and the name of those members voting for and against the ordinance amendment.

1.6 Ordinances and amendments shall take effect thirty (30) days after their final passage. Exceptions to this effective date are: 1. When the ordinance is for the immediate preservation of the public peace, health or safety, and contains a declaration of facts constituting urgency, and is passed by a two-thirds vote of the Board or Transportation Committee, the ordinance or amendment will take effect immediately; and 2. If otherwise provided by law.

2. **Board Policies**

2.1 Board policies shall be reviewed to determine if updates are needed no less often than every three years.

2.2 Once updated, policies shall contain a footer identifying the last date they were modified by the Board.

3. **Public Comment & Public Hearings**

3.1 Persons wishing to provide comment or testimony shall be permitted to address the Board or Policy Advisory Committee after submitting a written request to speak, identifying themselves and the agenda item on which they want to be heard. Ordinarily, each speaker will be allowed no more than three minutes. The Chair, however, may extend or limit the time for each presentation or may permit additional time to speakers representing a group of individuals or organizations to avoid duplicative testimony or for other reasons that are in the best interest of the Board or committee in the Chair’s discretion. Testimony must be limited to issues relevant to the agenda item.
3.2 Public comment on matters not on the agenda will be permitted on items of interest to the public that are within the subject matter jurisdiction of the Board or committee. Persons wishing to comment during the general public comment period must submit a written request in advance identifying themselves and the subject matter on which they wish to speak. The Chair may limit the time for each speaker. Ordinarily, each speaker will be allowed no more than three minutes.

3.3 The Board delegates authority to the Chair to appoint a member of the Board to act as the Hearing Officer at SANDAG public hearings that are not held during a meeting of a SANDAG legislative body. If no Board member is available to serve as the Hearing Officer, the Chair may appoint the Executive Director or his/her delegate to serve as the Hearing Officer. When a public hearing occurs before a Hearing Officer, the Hearing Officer shall ensure that all comments and information gathered from the public regarding the subject matter of the public hearing are accurately summarized into the written records for the hearing, and ensure those written records are forwarded to the Board of Directors or other appropriate legislative body for review prior to the time designated for the relevant legislative body to render its recommendation or final decision.

3.4 The Hearing Officer’s written records regarding the public hearing must include, at least, the following elements:

3.4.1 An objective description of the subject matter of the public hearing.

3.4.2 A summary of public comments received by proponents and opponents of the hearing’s subject matter. The summary of public comments shall indicate the hour and minute when the public hearing was opened and closed.

3.4.3 A list of the notices that were published, mailed, or World Wide Web-posted, including the date of mailing or publication, the name of any newspaper, address or website, and a list of addresses and entities to which the notice was delivered. If multiple public hearings regarding the same subject matter are held throughout San Diego County, information regarding the notices and agendas for each public hearing shall be included in the Hearing Officer’s summary.

3.4.4 A copy of the agenda for the public hearing, including the time period during which public comment was heard. The agenda shall also list contact information for the transcriber attending the public hearing.

3.4.5 A reference to the location where an audio and/or video recording, or transcript of the public hearing is archived, and where all original written comments submitted to the Hearing Officer are available for viewing.

3.5 Before the Board of Directors or relevant legislative body takes action on the item that was the subject of a public hearing conducted by a Hearing Officer, it must properly notice a public meeting and allow additional public comment at the meeting.
3.6 **By voting at the meeting, each voting member of the legislative body will be affirming that he or she has:**

3.6.1 Thoroughly reviewed the Hearing Officer’s summary of, any minutes or transcript from, or listened to an audio or watched a sound video recording of, the public hearing(s); and

3.6.2 Given due consideration to any letters, e-mails, voicemails, or other comments submitted by the public that are part of the public hearing record.

3.7 If a voting member of a legislative body cannot attest that he or she has met the criteria listed in Section 3.6, he or she may participate in the discussion regarding the subject matter of the public hearing, and need not leave the Board’s chambers, but should not vote on the matter.

4. **Standards of Conduct & Ethics Applicable to All of SANDAG Legislative Bodies**

4.1 This policy shall be supplemental to the SANDAG Conflict of Interest Code and is not intended to supersede such Code or any provisions thereof. All Board and Policy Advisory Committee members, and all other members of committees or working groups covered by the Brown Act, including alternates, shall file a Statement of Economic Interests with SANDAG upon request by the SANDAG Office of General Counsel.

4.2 Each Board member and alternate occupies a position of public trust that demands the highest moral and ethical standards of conduct. All references to “Board members” in Section 4 of this Policy shall be read to include all Board and Policy Advisory Committee members, and all other members of committees or working groups covered by the Brown Act, including ex officio members and alternates.

4.3 Board members shall not engage in any business or transaction or have a financial or other personal interest, actual, potential, or apparent that is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of such duties. Such business, transaction, or interest shall constitute a conflict of interest.

4.4 Generally, no Board member shall engage in any enterprise or activity that will result in any of the following:

4.4.1 Using the prestige or influence of the Board office for private gain or advantage of the member or another person.

4.4.2 Using time, facilities, equipment, or supplies of the Board for the private gain or advantage of the member or another person.

4.4.3 Receiving or accepting money or other consideration from anyone other than the Board or another government agency for the performance of acts done in the regular course of duty.
4.4.4 Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with the Board under circumstances from which it could reasonably be inferred that such was intended to influence such person in their duties or as a reward for official action.

4.4.5 Soliciting any gift or favor in the member's official capacity, either directly or indirectly, when such solicitation might reasonably be inferred as to have a potential effect on the member's duties or decisions, or when the individual's position as a Board member would in any way influence the decision of the person being solicited.

4.5 Prohibited Interests

4.5.1 It is unlawful for any current SANDAG Board member to render a decision where a party to the decision has given the SANDAG Board member, promised to give the SANDAG Board member, or acted as an intermediary for the SANDAG Board member to have, an opportunity for compensation. For purposes of this section, opportunities for compensation provided to a SANDAG Board member include opportunities for compensation provided to the SANDAG Board member's immediate family. When such an opportunity for compensation is provided to a member of the SANDAG Board member's immediate family, the SANDAG Board member shall not participate in a decision involving a party to the decision unless the SANDAG Board member had no knowledge or involvement in securing the opportunity for compensation.

4.5.2 It is unlawful for any current SANDAG Board member to make, participate in making, or use his or her Board member position to influence a decision involving the interests of a person with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.

4.5.3 It is unlawful for any current SANDAG Board Member to be financially interested in any contract made by them in their Board member capacity. It is also unlawful for any contract to be made by SANDAG or any board or commission established by SANDAG if any individual member of the body has a financial interest in the contract.

4.5.4 Definitions

4.5.4.1 For purposes of the prohibitions set forth in this section, the term "financial interest" means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a noninterest prescribed in California Government Code section 1091.5, that would prevent SANDAG Board members involved from exercising absolute loyalty and undivided allegiance to the best interests of SANDAG.

4.5.4.2 For purposes of this section, "material financial effect" has the same meaning as that term is used in title 2, sections 18705 through 18705.5 of the California Code of Regulations.
4.5.4.3 For purposes of this section, "render a decision" means to take part personally and substantially in the project by rendering a decision, approval, or disapproval; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

4.5.4.4 For purposes of this section, "project" means any matter where a private business has made an application to SANDAG for discretionary funding or discretionary entitlements, or where SANDAG exercises discretion to enter into a lease, agreement, or contract with a private business.

4.5.5 Any SANDAG Board Member with a remote financial interest in a prospective contract of SANDAG must disclose the existence of the remote interest to the body of the board in which the SANDAG Board member is a member if that board has any role in creating, negotiating, reviewing, or approving the contract; and the SANDAG Board member must abstain from influencing or participating in the creation, negotiation, review, or approval of the contract.

4.5.6 It is unlawful for any SANDAG Board member to knowingly influence a decision of the SANDAG Board if it is reasonably foreseeable that the decision will have a material financial effect on:

4.5.6.1 the SANDAG Board member or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or any of the following economic interests:

4.5.6.1.1 any business entity in which SANDAG Board member or a member of SANDAG Board member’s immediate family has invested $2,000 or more; and

4.5.6.1.2 any business entity for which a SANDAG Board member or a member of the SANDAG Board member’s immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and

4.5.6.1.3 any real property which SANDAG Board member or a member of SANDAG Board member’s immediate family has invested $2,000 or more; and

4.5.6.1.4 any person from whom a SANDAG Board member or a member of the SANDAG Board member’s immediate family has received (or by whom you have been promised) $500 or more in income within twelve months prior to the decision; and
4.5.6.1.5 any person from whom a SANDAG Board member or a member of the SANDAG Board member's immediate family has received gifts that total $300 or more within twelve months prior to the decision;

4.5.6.1.6 the personal expenses, income, assets, or liabilities of a SANDAG Board member or a member of SANDAG Board member's immediate family.

4.5.7 Prohibitions Applicable to Former Board Members

4.5.7.1 It is unlawful for any former SANDAG Board Member who received compensation from SANDAG to render a decision on a particular project during his or her SANDAG service to engage in direct communication with SANDAG, for compensation, with regard to any pending application for discretionary funding or discretionary entitlements before SANDAG relating to that particular project on behalf of any person other than a public agency for a one year period immediately following the last payment from SANDAG to the Board Member.

4.5.7.2 It is unlawful for any former SANDAG Board member, for compensation, to knowingly counsel or assist any person other than a public agency in connection with an appearance or communication in which the former SANDAG Board Member is prohibited from engaging pursuant to subsection 4.5.7.1 for a one year period immediately following termination of service with SANDAG.

4.6 Lobbying and Campaign-Related Activities

4.6.1 It is unlawful for any SANDAG Board Member to engage in campaign-related activities, such as fund-raising, the development of electronic or written materials, or research, for a campaign for any elective office using SANDAG facilities, equipment, supplies, or other SANDAG resources. Nothing in this section, however, shall prohibit the use of SANDAG resources to provide information to the public about the possible effects of any bond issue or other ballot measure relating to SANDAG activities, operations, or policies, provided that:

4.6.1.1 the use of public resources is otherwise legally authorized; and

4.6.1.2 the information provided constitutes a fair and impartial presentation of relevant facts to aid the electorate in reaching an informed judgment regarding the bond issue or ballot measure.

4.6.2 It is unlawful for any former SANDAG Board Member to engage in direct communication for the purpose of lobbying SANDAG if all of the following circumstances apply:
4.6.2.1 the former SANDAG Board Member served as a SANDAG Board Member within the previous twelve months; and

4.6.2.2 the former SANDAG Board Member received compensation from SANDAG for his or her service as a SANDAG Board Member; and

4.6.2.3 the former SANDAG Board Member is receiving compensation from a private business to engage in the direct communication with SANDAG.

4.6.3 The prohibitions contained in 4.6.2 shall not apply:

4.6.3.1 to prevent a former SANDAG Board Member from making or providing a statement, based on the former SANDAG Board Member's own special knowledge in the particular area that is the subject of the statement, provided that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses;

4.6.3.2 to prevent any former SANDAG Board Member from representing himself or herself, or any member of his or her immediate family, in their individual capacities, in connection with any matter pending before SANDAG;

4.6.3.3 to the activities of any former SANDAG Board Member who is an elected or appointed officer or employee of any public agency, or a consultant of any public agency, when that former SANDAG Board Member is solely representing that agency in his or her Board Member capacity as an officer, employee, or consultant of the agency;

4.6.3.4 to any ministerial action. A ministerial action is one that does not require a SANDAG Board Member to exercise discretion concerning any outcome or course of action; or

4.6.3.5 to any individual who terminated status as a SANDAG Board Member prior to July 1, 2003, except that any such individual who returns to service as a SANDAG Board Member on or after July 1, 2003, shall thereafter be subject to the provisions of this section.

4.7 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item, and the Board will be making a decision regarding the agenda item during an open session meeting, the Board member must recuse himself or herself or, in the case of uncertainty, request a binding determination from the Board’s legal counsel. If the Board member has a conflict, he or she may observe, but not participate, in the decision-making process.

4.8 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item to be discussed during a closed session meeting, the Board member must state that he or she has a conflict of interest and shall be
disqualified and shall leave the room during such discussion so as not to make, participate in making, or in any way attempt to use his or her official position to influence the decision or discussion. In the case of uncertainty, the Board member must request a binding determination from the Board’s legal counsel. In accordance with the Brown Act, any Board member who is disqualified shall be entitled to any information that is publicly reported. The Board member will not, however, be privy to any confidential or privileged information or communications pertaining to the closed session agenda item.

4.9 No Board member shall disclose to any person, other than members of the Board and other Board staff designated to handle such confidential matters, the content or substance of any information presented or discussed during a closed session meeting unless the Board authorizes such disclosure by the affirmative vote of a majority of the Board.

4.10 No Board member may disclose confidential or privileged information or communication to any person other than a Board member, counsel to the Board, or other Board staff designated to handle such matters, unless disclosure is mandated by law or the Board authorizes such disclosure by the affirmative vote of a majority of the Board.

4.11 Confidential or privileged information concerning threatened, anticipated, or actual litigation or claims will not be disclosed to a Board member if he or she has an actual, potential, or apparent conflict of interest. In the case of uncertainty as whether a conflict of interest exists, the Board’s legal counsel will issue a binding determination.

4.12 No Board member shall represent a position on an issue to be the Board’s position unless the Board has formally adopted such position at a public meeting.

4.13 Any violation of this policy shall constitute official misconduct if determined as such by an affirmative vote of the majority of the Board in an open and public meeting. The Board may elect to censure the Board member and the violation may be subject to criminal and/or civil penalties as provided for by applicable law.

4.14 All SANDAG Board or committee members (including alternates) who may receive any type of stipend, compensation, salary, or reimbursement for travel expenses from SANDAG must attend at least two hours of ethics training every two years. All such persons who hold office with SANDAG as of January 1, 2006, must complete their first course no later than January 1, 2007. The ethics training course materials must be approved by the Fair Political Practices Commission and Attorney General’s Office in compliance with the requirements of Government Code § 53234 et seq. Proof of attendance may be issued by SANDAG or any other local government agency providing an ethics training course that complies with these requirements.

4.15 Pursuant to Section 18944.1 and 18944.2 of Title 2 of the California Code of Regulations, the procedures below must be followed in order for a payment or gift (travel, tickets, seats at an event, food, etc.) to be considered a gift to SANDAG instead of to an individual SANDAG public official or designated employee. If this procedure is not followed, the public official or employee must disclose the gift or
payment on his/her individual disclosure of financial interests (Form 700) on an annual basis.

4.15.1 The payment or gift (vouchers, tickets, check, etc.) must be given to the SANDAG’s Chief Deputy Executive Director. The Chief Deputy Executive Director or designee has the authority to determine and control the use of gifts to SANDAG. The Chief Deputy Executive Director or his/her designee cannot select himself or herself as the gift recipient.

4.15.2 The donor of the payment or gift may identify a purpose for the payment or gift, but the donor must not designate by name, title, class, or otherwise, the individual who will use the payment or gift.

4.15.3 The payment or gift must be used for official agency business.

4.15.4 SANDAG must report the payment or gift on a Form 801, post the form on the SANDAG Web site, and provide a copy of the form to the County of San Diego for filing with the California Fair Political Practices Commission within 30 days after use of the payment or gift.

4.15.5 The Clerk of the Board shall keep a log and copy of all Form 801s for a period of at least four years.

5. Additional Advisory Membership on Board

5.1 From time to time, the Board may determine it is in best interest of SANDAG to supplement the Board with additional members that can provide beneficial advice and information to the Board on matters of interest to the region.

5.2 The criteria for selection of additional advisory members shall be as follows:

5.2.1 Agency/group has land use or eminent domain authority;

5.2.2 Agency/group has regional authorities and responsibilities important to the SANDAG mission;

5.2.3 Membership by the agency/group would enhance SANDAG regional decision-making;

5.2.4 Agency/group desires representation, submits a written request, and commits to participation; and

5.2.5 Agency/group is able to agree on the form of representation and who will represent it.

6. Procedures Applicable to SANDAG Legislative Bodies Other Than the Board and Policy Advisory Committees

The Brown Act is a state law which governs open meetings for local governmental bodies. The Brown Act (also “Act”) is contained in the Government Code at § 54950 et seq., and establishes
rules designed to ensure that actions and deliberations of public bodies of local agencies are taken openly and with public access and input. The Brown Act governs the meetings of all local “legislative bodies,” that is, all multi-member committees and the like, of a local governmental agency such as SANDAG. Bodies created by ordinance, resolution, or formal action of the SANDAG Board or one of the Policy Advisory Committees are covered by the Act.

6.1 All of the SANDAG legislative bodies are required to comply with the requirements of the Act, including but not limited to the following:

6.1.1 Agendas for all regular meetings must be posted at least 72 hours in advance of the meeting and all meetings must be open to the public.

6.1.2 The Act applies whenever a majority of the voting members of the legislative body meet to discuss, deliberate or acquire information about a matter within the subject matter of the body.

6.1.3 A public comment period must be provided at each meeting.

6.1.3 The Act prohibits “serial meetings.” Serial meetings are a series of in-person meetings, phone calls, emails, or other types of communication that ultimately involve a majority of the legislative body to develop a consensus as to action to be taken on a matter coming before the body. This prohibition is based on the Act’s goal to ensure that the public’s business is in fact conducted in public. In addition, a third party cannot be used to communicate among the members to obtain a consensus; an intermediary cannot be used to accomplish the actions directly prohibited by the Act.

6.1.4 Secret ballots and anonymous voting are prohibited.

6.1.5 An attendance, registration, or sign-in sheet may be used at public meetings to document the presence of persons other than the members of the legislative body, however, the sheet must clearly state that its completion is voluntary and not a precondition for attendance.

6.1.6 Meetings may not be held in facilities that are inaccessible to disabled persons or in facilities that prohibit the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry or sex.

6.1.7 Meetings must be held within the County of San Diego, unless some exception under the Act applies. Questions regarding the applicability of the Act should be directed to the SANDAG Office of General Counsel.

6.1.8 The agenda must list all items that will be discussed or acted upon by the legislative body. That listing should be described in an informative way so that members of the body as well as members of the public understand the general nature of the agenda item and can make an informed decision whether to attend the meeting or not. The Act provides that this description need not exceed 20 words, but as many words as necessary to give adequate notice should be used.
6.1.9 Members may take action to add an item to the agenda of a regular meeting if, by two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, the body determines that there is a need to act immediately, that the body’s consideration of the matter cannot await the next meeting and that the need for immediate action arose after the posting of the agenda. This should only occur in very rare occasions, and the SANDAG Office of General Counsel should be consulted before relying on this exception.

6.2 In addition to the requirements of the Act, SANDAG legislative bodies must also comply with the following requirements:

6.2.1 Only the regular members, or in their absence, a designated alternate, may vote on action items. Seating or placards at meetings should be arranged so that it is clear which persons in the room are voting members, as compared to nonvoting members, alternates, speakers, or members of the public. Nonvoting members and alternates in attendance may participate in the body’s discussion, but may not vote.

6.2.2 The members of a legislative body may only designate an alternate if their service on the legislative body is based on their capacity as a representative of another group; members selected for their individual qualifications do not act as a representative of another group and may not designate an alternate.

6.2.3 A quorum shall be a majority of the voting members of a legislative body. A majority of the quorum must approve all actions taken by the legislative body.

6.2.4 Roberts Rules of Order should be used by legislative bodies for guidance on procedural matters such as the making of motions and voting.

6.2.5 The chair of a legislative body may direct that comments from the public shall be limited to no more than three minutes per person. Comments from the public should be requested following introduction of each agenda item. Efforts should be made to make it clear to the members of the legislative body and audience when a comment is being made by a member of the public versus a member of the legislative body.

6.2.6 In the event a legislative body is having difficulty taking action on items due to lack of attendance to create a quorum, the legislative body may make a recommendation regarding changes to membership and seek approval of these recommendations from the Board or Policy Advisory Committee that created the legislative body.
6.3 The scope of topics within the jurisdiction of the legislative body shall be limited to those issues delegated to the legislative body by the Board or relevant Policy Advisory Committee.

6.4 Legislative bodies created by the Board or a Policy Advisory Committee do not have authority to take action on behalf of SANDAG, make a final determination on behalf of SANDAG, and/or take a position on behalf of SANDAG, unless that authority has been specifically delegated by an action of the Board.

6.5 The SANDAG Committee and Working Group Guidelines should be used for additional guidance.

6.6 New committees shall not be created by SANDAG staff without approval of either (1) the Board, (2) a Policy Advisory Committee, or (3) the Executive Director with the concurrence of the Chair of the Board. A Policy Advisory Committee or the Board must approve all charter or membership changes for committees that are created by ordinance, resolution, or formal action of the Board or one of the Policy Advisory Committees. An informational report shall be provided to the Board on an annual basis concerning the status of all standing and ad hoc committees and working groups.

6.7 Upon assuming office, the Chair of Board shall be provided with a list of all of the SANDAG legislative bodies that are not Policy Advisory Committees and the Chairs and Vice Chairs of those bodies. The Chair shall determine if a new Chair and/or Vice Chair should be appointed for these bodies and shall report any changes he/she wishes to make at a Board meeting. When making decisions concerning the Chair and Vice Chair appointments to legislative bodies, the potential appointee's participation at the Policy Advisory Committee reported to by the legislative body shall be taken into consideration.

Adopted June 2003
Amended November 2004
Amended January 2006
Amended December 2006
Amended December 2007
Amended December 2008
BOARD POLICY NO. 007

EQUAL EMPLOYMENT OPPORTUNITY (EEO) PROGRAM

The purpose of this policy is to establish an equal employment opportunity program for employees and contractors.

Federal regulations require the adoption of an Equal Employment Opportunity (EEO) Program as a condition of receipt of federal funds. The SANDAG administrative manuals, policies, and procedures mandate equal employment opportunities in recruitment, hiring, and employment for applicants to, and employees of, SANDAG. SANDAG also has separate written policies which forbid discrimination and provide grievance procedures for employees and visitors to SANDAG who believe they have been a victim of discrimination. In addition, SANDAG incorporates an EEO requirement in its contracts with third parties.

Procedures

1. EEO Program

1.1 It is the policy of SANDAG to recruit, hire, train, and promote all applicants and employees in accordance with Title VII of the Civil Rights Act of 1964, as amended. SANDAG will ensure that recruiting, selecting, hiring, and promoting procedures do not adversely affect the employment of persons protected by Title VII and, in addition, that all SANDAG hiring and promoting criteria, requirements, and tests are job-related. Unless impracticable, SANDAG will adhere to the affirmative action provisions of Executive Order 11246, the Equal Employment Opportunity Guidelines, and all other applicable standards for affirmative action, taking into account its present size and expected growth.

1.2 It is SANDAG policy to assure that discrimination based on race, color, religion, ancestry, national origin, gender, age (over 40 years), marital status, medical condition, sexual orientation, or disability does not occur in relationships that may exist between SANDAG and any employee or applicant for employment. Such relationships include, but are not limited to, recruitment, hiring, promotion, compensation, benefits, terminations, transfers, layoffs, recalls, or SANDAG-sponsored training, education, or social and recreational programs.

1.3 It is SANDAG policy to require the contractors and consultants that it contracts with to have EEO policies in place that forbid discrimination in violation of Title VII.
1.4 SANDAG maintains a Disadvantaged Business Enterprises (DBE) Program that is approved annually by the California Department of Transportation. The DBE Program sets forth annual goals for participation by DBE businesses.

1.5 Responsibility for implementation of the EEO Program is assigned to the Director of Administration. All management personnel within SANDAG are expected to support and implement this EEO Program in performance of their job duties and responsibilities. Any employee or applicant who feels they have been discriminated against, has a right to file a complaint under SANDAG policies.

1.6 When developing and implementing its employment and contracting policies, SANDAG will base its decisions solely on the individual's qualifications and merit, the evaluation criteria in the solicitation, and the feasibility of any necessary accommodations.

2. Procedures

2.1 The Director of Administration will review employment statistics annually to determine whether there is a need to set goals for any under-represented groups and then recommend goals to the Executive Director if necessary.

2.2 The Executive Director will approve or disapprove the Director of Administration's recommendation(s) at his/her discretion.

2.3 The Director of Administration will update and maintain current contact lists of women's and minority media, community resource organizations, community leaders, media sources, and colleges/vocational schools minority placement offices as needed, for the use of SANDAG staff in recruiting for employees, interns, consultants, and contractors.

2.4 The Director of Administration will communicate this EEO Program to all employees.

2.5 SANDAG staff will solicit community involvement by under-represented groups on issues of importance to the region that fall within its jurisdiction.

2.6 All of SANDAG requests for proposals, requests for qualifications, and invitations for bids will contain language encouraging participation by DBE consultants, contractors, and subcontractors.

2.7 Consultants and contractors awarded contracts with DBE Program goals will be required to submit Employment Utilization Reports with their invoices and/or a DBE Final Utilization Report with their final invoice.

2.8 The Director of Administration will maintain records on each job applicant recruitment efforts, new employees, each promotional opportunity, and employee termination data separations, which
documents whether the affected individuals are in a class protected by Title VII.

2.9 In January of each year, the Board of Directors will review an EEO report prepared by the Director of Administration, which covers the preceding year. The report will include employment results, DBE Program results, and a review of EEO Program goals for the upcoming year.

2.10 This EEO Program will be posted in the employee lounge and will be incorporated into the SANDAG employee Web site.

2.11 All employment ads and job postings will contain a reference that contain the following language: “SANDAG is an equal employment opportunity employer.”

2.12 Required federal and state posters concerning EEO will be displayed in the employee lounge.

2.13 All successful consultants and contractors will be notified of their obligations under the EEO Program in their contracts with SANDAG.

Adopted June 2003
Amended November 2004
Amended December 2005
Amended December 2006
Amended December 2008
LEGAL MATTERS

To establish procedures for the filing of claims and institution of claims and lawsuits, for obtaining the review and concurrence or comment from the Office of General Counsel on all requests to the Board for authority to file lawsuits in court, and for handling process servers or individuals serving other legal documents.

Under Public Utilities Code section 132354(a), SANDAG can sue or be sued. All claims for money or damages against SANDAG are governed by Part 3 (commencing with section 900) and Part 4 (commencing with section 940) of the Government Code (the Tort Claims Act). Government Code section 935 authorizes SANDAG to adopt local claims procedures for claims that are not governed by any other statutes or regulations. From time to time it may be necessary for SANDAG to initiate litigation in order to resolve issues of significant concern to SANDAG. The Board desires to have the concurrence or written review from the Office of General Counsel relative to the merits of such lawsuits prior to their consideration by the Board. For these reasons, it is necessary to establish these procedures.

Procedures

1. Claims and Actions Against SANDAG

Any and all claims for money or damages against SANDAG must be presented to, and acted upon, in accordance with the following procedures. Compliance with these procedures is a prerequisite to any court action, unless the claim is governed by statutes or regulations which expressly free the claimant from the obligation to comply with this policy and the claims procedures set forth in Government Code 900 et seq.

1.1 Form of Claims

All claims must be presented to SANDAG using the form entitled “Claim Against SANDAG” available on the SANDAG’s Web site as an attachment to this Policy or upon request to the SANDAG Office of General Counsel.

1.2 Time Limitations

1.2.1 Claims for money or damages relating to a cause of action for death, injury to person or personal property, or growing crops, shall be presented to the Board not later than six (6) months after the accrual of the cause of action (Government Codes 905 and 911.2).

1.2.2 Claims for money or damages as authorized in Government Code 905 that are not included in Paragraph 1 above shall be filed not later than one year from the date the cause of action accrues (Government Codes 905 and 911.2).
1.2.3 Claims for money or damages specifically excepted from Government Code 905 shall be filed not later than six (6) months after the accrual of the cause of action (Government Codes 905, 911.2, and 935).

1.3 Late Claims

1.3.1 Claims under "Time Limitations" Paragraphs 1.2.1 and 1.2.3 above, which are filed outside the specified time limitations, must be accompanied by an application to file a late claim. Such claim and application to file a late claim must be filed not later than one year after the accrual of the cause of action. If a claim is filed later than the specified time limitation and is not accompanied by an application to file a late claim, the Board or Executive Director may, within forty-five (45) days, give written notice that the claim was not filed timely and that it is being returned without further action.

1.3.2 The application shall state the reason for the delay in presenting the claim. The Board or Executive Director shall grant or deny the application within forty-five (45) days after it is presented. By mutual agreement of the claimant and the Board, such forty-five (45) day period may be extended by written agreement made before the expiration of such period. If the Board does not take action on the application within forty-five (45) days, it shall be deemed to have been denied on the forty-fifth (45th) day unless such time period has been extended, in which case it shall be deemed to have been denied on the last day of the period specified in the extension agreement.

1.3.3 If the application to present a late claim is denied, the claimant shall be given notice as required by Government Code section 911.8 (Government Codes 911.3, 911.4, 911.6, 911.8, 912.2, and 935).

1.4 Delivery and Form of Claim

1.4.1 A claim, any amendment thereto, or an application for leave to present a late claim shall be deemed presented when delivered to the office of the Executive Director or deposited in a post office, sub-post office, substation, or mail chute or other like facility maintained by the U.S. Government in a sealed envelope properly addressed to SANDAG’s offices with postage paid (Government Codes 911.4, 915 and 915.2).

1.4.2 Claims must contain the information set forth in Section 910 and 910.2 of the Government Code (Government Codes 910, 910.2, and 910.4).

1.5 Notice of Claim Insufficiency

The Executive Director shall cause all claims to be reviewed for sufficiency of information. The Executive Director or designee may, within twenty (20) days of receipt of claim, either personally deliver or mail to claimant a notice stating deficiencies in the claim presented. If such notice is delivered or sent to claimant, the Board shall not act upon the claim until at least fifteen (15) days after such notice is sent (Government Codes 910.8, and 915.4).
1.6 Amendments to Claim

Claims may be amended within the above time limits or prior to final action by the Board, whichever is later, if the claim, as amended, relates to the same transaction or occurrence which gave rise to the original claim.

1.7 Action on Claim

1.7.1 If the Board acts properly to reject the claim, the claimant has only six (6) months from such rejection to institute a lawsuit. If the Board takes no action, the claim is deemed rejected after forty-five (45) days from SANDAG’s receipt of the claim, but the claimant has two (2) years to institute a suit against the SANDAG. The notice of rejection must comply with requirements of Government Code 913 unless the claim has no address on it.

1.7.2 If the claim is filed late and not accompanied by an application for leave to file a late claim, then the Board or its agent must notify the claimant that no action was taken due to the claim being filed late.

1.7.3 Within forty-five (45) days after the presentation or amendment of a claim, or upon such further time as may be allowed pursuant to Government Code 915.2, the Board shall take action on the claim. This time limit may be extended by written agreement before the expiration of the forty-five (45) day period or before legal action is commenced or barred by legal limitations. The Executive Director or designee shall transmit to the claimant a notice of action taken. If no action is taken by the Board, the claim shall be deemed to have been rejected (Government Code 945.6).

1.7.4 The Board delegates to the Executive Director the authority to take action on claims under one hundred thousand dollars ($100,000) (Government Code 935.4).

1.8 Retroactivity of This Policy

This policy is intended to apply retroactively to any existing causes of action and/or claims for money and/or damages. Any claim filed later than twelve (12) months following accrual of the cause of action is barred, regardless of whether the cause of action accrued before the effective date of this policy. (First Adopted by Board Resolution March 22, 2002.)

2. Claims & Actions Initiated by SANDAG

It is the policy of the Board that except as may be otherwise determined by the Board, prior to Board authorization and direction to the Office of General Counsel to file a lawsuit in court, the Office of General Counsel shall be consulted as to the merits of such a lawsuit. Any request or recommendation for authorization and direction from the Board to the Office of General Counsel to file a lawsuit in court shall be accompanied by written views of the Office of General Counsel with regard to the merits of the case, provided however, that the Office of General Counsel may, in lieu of such written concurrence or written views, request that the matter be discussed with the Board in Closed Session. As part of this
attorney-client review, all requests or recommendations on potential lawsuits will be reviewed for comment by the Executive Director prior to being submitted to the Office of General Counsel.

3. **Legal Counsel for SourcePoint and ARJIS**

SANDAG shall provide legal counsel to SourcePoint and the Automated Regional Justice Information System Joint Powers Agency (ARJIS) to the extent time allows, and as long as no potential conflict of interest exists. In general, SANDAG’s Office of General Counsel should ensure consistent legal treatment of all matters. In areas involving a need for special expertise, substantial time commitments, or separate counsel, SANDAG, on behalf of SourcePoint or ARJIS, may contract with an outside firm and SourcePoint or ARJIS will pay for those services out of its own funds. Such contracts shall be reported to the SANDAG Board.

4. **Acceptance of Garnishments, Wage Attachments, Summons & Complaints**

4.1 The SANDAG Office of General Counsel will accept service of a summons and complaint upon SANDAG and/or any Board members being sued in his or her official capacity as a member of SANDAG’s Board of Directors.

4.2 In compliance with California Civil Code of Procedure 415.20, SANDAG will also accept service of a summons and complaint upon one of its employees at its offices under the substituted services of process method provided for in that statute.

4.3 Whenever SANDAG, as employer, is served with a garnishment and wage attachment, the server should be instructed to present such document to SANDAG’s Office of General Counsel.

5. **Execution of Litigation or Alternative Dispute Resolution Documents**

5.1 All pleadings, discovery, and other documents that are filed with a court, arbitrator, or other alternative dispute resolution authority on behalf of SANDAG shall be signed by the Office of General Counsel and/or the Executive Director or his/her designee.

Adopted June 2003
Amended November 2004
Amended December 2006
Amended December 2008
CLAIM AGAINST SANDAG

TO THE HONORABLE BOARD OF DIRECTORS OF THE SAN DIEGO ASSOCIATION OF GOVERNMENTS:

The undersigned respectfully submits the following claim and information relative to damage to persons and/or personal property:

1. NAME OF CLAIMANT: ________________________________
   ADDRESS OF CLAIMANT: ________________________________
   PHONE NO.: HOME ____________________ WORK ____________

2. Name, telephone and post office address to which claimant desires notices to be sent if other than above:

3. Occurrence or event from which the claim arises:
   a. DATE: ____________________
   b. TIME: ____________________
   c. PLACE (exact and specific location):

   d. Specify the circumstances of the occurrence, event, act or omission which you claim caused the injury, damage or loss (use additional paper if necessary):

   e. State how or in what manner SANDAG or its employees were at fault:

4. Give a description of the injury, property damage or loss incurred so far as is known at the time of this claim. If there were no injuries, state "no injuries." (If your claim involves a vehicle, include license, year, make and model.)
5. Give the name(s) of the SANDAG employee(s) causing the injury, damage or loss, if known:

6. Name and address of any other person injured:

7. Name and address of the owner of any damaged property:

8. Damages claimed:
   a. Amount claimed as of this date: $ ____________________
   b. Estimated amount of any future costs: $ ____________________
   c. Total amount claimed: $ ____________________
   d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.):

9. Names and addresses of all witnesses, hospitals, doctors, etc.

10. Any additional information that might be helpful in considering claim:

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM**  
(Penal Code § 72; Insurance Code § 556.1)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this _____ day of _________________ 20__
at______________________________________________________

Claimant’s Signature:_________________________________________________________________________
TRAVEL EXPENSES

This policy is intended to establish a basis for budgeting Board member and employee attendance at conferences, training, seminars, or other meetings and provide guidelines for Board members and employees who have been approved to travel on behalf of SANDAG.

It is desirable and beneficial to SANDAG and its constituents to have Board members and employees participate in state and national activities, training, and conferences related to SANDAG’s subject matter jurisdiction.

Procedures

1. **Budgeting**

   1.1 Each year the Executive Director will survey the Board and committee (Board) members to ascertain their interest in attending upcoming conferences and meetings. These conferences may include legislative and annual meetings for the California Transit Association, the American Public Transit Association, and the National Association of Regional Councils, as well as California Transportation Commission meetings and legislative hearings. The Chair of the Board will make the final decision regarding who should attend all conferences and meetings. Upon return, Board members will be asked to present their experiences to the Board in order to share the knowledge obtained from their attendance.

   1.2 Employees also may attend conferences related to their respective disciplines. Each year, the department directors will submit a list of desired conferences and other meetings to be attended to the Executive Director. The Executive Director will make the final decision regarding which employees should attend conferences and meetings within the adopted budget. Upon return, employees will submit a report to their director in order to share the knowledge obtained from their attendance.

   1.3 Board member and employee attendance will be funded in the annual budget subject to the availability of funds and based on the results reported by previous attendees. As part of the budgeting process, the Executive Director or his/her designee will set objectives to ensure minimum representation at key conferences, and to make sure that cumulative attendance by Board members and employees at any one conference is not excessive.

   1.4 The number of Board members or committee members attending any conference or meeting should not exceed a quorum unless this provision is specifically waived by the Board after seeking advice from legal counsel.

   1.5 Basic travel arrangements for flights, hotels, and rental cars will be made by the Clerk of the Board or other designated staff. Board members and employees are
responsible for contacting the Clerk of the Board or the designated staff if itinerary changes are needed. Board members or employees desiring different travel arrangements will contact the Clerk of the Board or other designated staff to place her/him on notice and will be financially responsible for any costs over and above those determined by SANDAG’s travel agent for the basic trip.

1.6 If a Board member or employee initiates a change in travel plans that is not due to a medical/death emergency by the Board member or employee, or his/her immediate family, then the Board member or employee will be responsible for the cost impacts of those changes.

1.7 Employees must fill out a travel request form prior to traveling out of San Diego County on SANDAG business. The project code, purpose of travel, and trip budget must be filled in on the form. The form must be approved by a department director prior to the time of travel, unless a department director is the traveler, in which case the Chief Deputy Executive Director must approve the travel. The Clerk of the Board or Executive Assistant will fill out the top portion of the travel request form for Board members. The expense report must document that expenses meet existing SANDAG policy. All documents related to reimbursable expenditures are public records subject to disclosure under state and federal law.

1.8 Penalties for falsifying expense reports include, but are not limited to the following:

   1.8.1 Loss of reimbursement privileges
   1.8.2 Restitution to SANDAG
   1.8.3 Civil penalties for misuse of public resources
   1.8.4 Prosecution for misuse of public funds
   1.8.5 Disciplinary action for employees

2. **Out-of-Town Travel Expense Reimbursement**

2.1 The lower portion of the travel request form must be used by Board members and employees to record actual trip expenses. The report must be completed within one week from the return date. For employees, the actual expenses must be approved by a department director unless a department director is the traveler, in which case the Chief Deputy Executive Director must approve the expenses. For Board members, the actual expenses must be approved by the Chief Deputy Executive Director. The form should then be forwarded to the Finance Department for processing, with a personal check attached for any funds due to SANDAG. Failure to submit expense reports within the required time frame may result in the traveler not being reimbursed or collection action being taken if money is owed to SANDAG. Late expense reports must be approved by the Chief Deputy Executive Director.

2.2 All expenses should be itemized, including items SANDAG may have paid for in advance so that the report provides a complete record of expenses. It is the traveler’s responsibility to submit a completed report in order to receive prompt reimbursement.
2.3 Receipts for expenditures must be attached to the expense report for all expenses where a receipt is practicably attainable. A receipt is mandatory for all expenses in excess of $10 unless a written satisfactory explanation is provided. Such written explanations are subject to approval by the Finance Department.

2.4 Travel advances may be requested. Any travel advance shall not exceed the total estimated amount of the trip, minus any items prepaid by SANDAG, such as airfare and registration.

2.5 Board members and employees will be reimbursed for reasonable travel expenses up to the reimbursement amounts stated in IRS Publication 1542, as updated by the IRS. The expenditure guidelines in IRS Publication 1542 should be observed as upper limits unless the circumstances dictate otherwise and the expense is approved by a department director or the Chief Deputy Executive Director. Notwithstanding the foregoing, travel to Sacramento, California and Washington, D.C. will be reimbursed up to a maximum daily rate of $300 per day for lodging and food expenses instead of the amounts listed in IRS Publication 1542.

2.5.1 Air Travel – Air travel is to be coach class for the most direct route. Travelers are encouraged to book at least 21 to 14 days in advance to qualify for the lowest airfares. SANDAG will cover the cost if it is more cost-effective (i.e., difference in airfare as compared to the additional cost for hotel and meals) to include a Saturday stay. Travelers should consider this option, when practical.

2.5.2 Personal Auto Use – In the event that a private auto is used for the trip, mileage shall be paid at the currently established Internal Revenue Service rate. Maximum reimbursement shall not exceed the cost of using a rental car, train, or commercial airline to reach the same destination.

2.5.3 Ground Transportation – In using surface transportation, the least expensive alternative must be utilized where practical. For example, an airport shuttle should be used instead of a taxi. Such transportation should be used for travel to and from the airport and for reasonable business-related trips at the location.

2.5.4 Parking – SANDAG will reimburse the lesser of the parking cost for a personal auto left at the airport or the cost of a shuttle service or cab to and from the airport.

2.5.5 Personal Travel – If a traveler wishes to combine SANDAG travel with personal travel, or to travel with family members, the traveler may do so, provided that it does not exceed the cost equivalent of a single-person trip.

2.5.6 Rental Car – Use of rental cars must be pre-approved. SANDAG will only reimburse for the cost of renting the least expensive size vehicle necessary for the number of people traveling. SANDAG will not reimburse for rental car insurance coverage because employee are included under SANDAG general automobile insurance coverage.
2.5.7 Meals – SANDAG will pay for meals while the traveler is in travel status.

2.5.8 Business Meals – Reasonable business meals involving outside persons or when necessary to conduct SANDAG-related business are permitted. All such meals must be itemized with justification on the Expense Report to determine if eligible for reimbursement.

2.5.9 Hotel – Travelers will be reimbursed for the cost of a moderate and reasonably priced single occupancy hotel room. Travelers should request the “government rate” when making hotel reservations. If a hotel stay is needed in connection with a conference or other education activity, lodging costs shall not exceed the maximum group rate published for the conference. If the group rate is not available, the traveler must use comparable lodging.

2.5.10 Other Business-Related Expenses – Other business-related expenses that arise when traveling such as supplies, equipment rental, reprographics, facsimiles, and other documented business-related expenses may be reimbursed when traveling on SANDAG business and used for SANDAG purposes.

2.5.11 Travel Outside of the U.S. – Reimbursement for travel to a foreign country will be calculated at the average exchange rate during the trip as posted by the Federal Reserve. All reimbursement for any Value Added Taxes (VAT) charged for hotel accommodations must be reimbursed to SANDAG.

2.5.12 Telephone Calls – Reimbursement for telephone calls made while traveling are permitted, provided that such calls are directly related to SANDAG business. Personal calls are permitted to a maximum of $10 per day. Calls charged to personal calling cards or wireless phone accounts may be submitted for reimbursement no later than thirty days for the time that the expense report is submitted.

2.5.13 Registration – Travelers requesting to attend a conference or training that requires registration should do so in sufficient time to take advantage of any discounts.

2.5.14 Cancellation Penalties – In the event that registration, airfare, hotel deposit, or similar items that require prepayment are paid and nonrefundable and the traveler is unable to attend, then the traveler will be responsible for reimbursing SANDAG for all prepaid amounts, unless the inability to attend is for valid medical reasons or personal emergencies, as approved by the Executive Director for employees or the Executive Committee for Board members.

2.5.15 Nonallowable Expenses – SANDAG will not provide any reimbursement for personal entertainment expenses, travel expense for family members, movies in hotels, personal items, charitable contributions, alcohol, air travel insurance, or any other expenses not deemed necessary for business purposes. SANDAG also will not provide reimbursement for the purpose of
attending political events or for expenses incurred with any private club that discriminates on the basis of race, gender, religion, sexual orientation, disability, or any other discriminatory criteria in its membership policy.

3. **Local Expense Reimbursement**

3.1 Expense reports must be submitted that record any potentially eligible expenses. The form must be submitted together with all receipts and should be submitted within thirty days of the expense being incurred. The report must describe the item or the destination (if mileage reimbursement is requested) and the purpose. The traveler should indicate which project number each item should be charged to.

3.2 Expenses are eligible for reimbursement if they are related to and necessary to carrying out SANDAG business. They may include, but are not limited to: phone calls, business meals or meetings, mileage, parking, and miscellaneous out-of-pocket expenses. The Director of Finance or Executive Director may disallow any extraordinary or inappropriate expense. Whenever possible, travel should be by public transportation.

3.3 All necessary approvals must be obtained in advance and the form must be submitted to the Finance Department for processing. Reimbursement will ordinarily occur within thirty days.

*Adopted June 2003
Amended January 2006
Amended December 2006
*Amended December 2008*
PROCUREMENT OF SERVICES

Pursuant to Public Utilities Code section 132352.4, the following statutory requirements apply to procurements of services. If the estimated total cost of required services exceeds one hundred thousand dollars ($100,000), the services will not be performed by another government entity, and the services are not within the category of services defined in Section 4525 of the Government Code, SANDAG must solicit bids in writing and award the work in a competitive procurement process that is in the best interest of SANDAG. Services defined in Section 4525 include: architectural, landscape architectural, engineering, environmental, land surveying services, and construction project management services, as those terms are defined in Government Code section 4525 (hereinafter "Section 4525 Services"). If Section 4525 Services with a contract value in excess of $50,000 must be procured or the contract will be funded with federal money SANDAG will make the procurement pursuant to the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code. SANDAG must use the procedures of the Brooks Act if federal funds are used and the services are architectural or engineering in nature (hereinafter "A&E Services"). Contracts that do not exceed these statutory limitations may be procured using simplified procedures. All references to the Executive Director in this policy also apply to the Executive Director’s designee.

Procedures

1. Micro Purchase Agreements ($3,000 - $100,000 or less). These procedures apply to the procurement of all services.

   1.1 For purchases below $3,000 a micro purchase procurement method may be used. A micro purchase is a noncompetitive purchase technique; however, the price of the item must still be fair and reasonable.

   1.2 There should be equitable distribution among qualified service providers in the local area and no splitting of procurements to avoid competition.

   1.3 A bid is only required from the vendor of choice and a purchase order, invoice, or simple letter agreement may be used instead of the standard services agreements.

2. Small Purchase Agreements ($3,001 - $100,000). These procedures apply to the procurement of all services excluding Section 4525 Services.

   2.1 If the estimated value of the contract is $100,000 or less, staff may select a qualified proposer whose proposal is most advantageous to the Board, price and all other factors considered, with the approval of their division director or department director.

   2.2 The Executive Director shall determine the selection procedure for contracts valued between $3,002 and $100,000 to distribute work in a fair and equitable manner. Prior approval of the selection procedure shall be obtained from the applicable level
3. Major Service Agreements ($100,001 and greater). These procedures apply to the procurement of all services, except Section 4525 Services, of $100,001 or more and procurement of Section 4525 Services in excess of $3,025,001.

3.1 Normally, a "one-step" selection procedure will be used for service contracts in excess of $100,000. The "one-step" competitive process is as follows:

3.1.1 Firms shall submit a response to a SANDAG Request for Proposals (RFP) or Request for Qualifications (RFQ). The RFP/RFQ shall include:

3.1.1.1 Pass/fail criteria to be used as an initial screening of responses. Such criteria shall include, but not be limited to, insurance requirements, licensing, and any other consideration which would make the proposer ineligible to perform the work.

3.1.1.2 All evaluation factors and their relative importance.

3.1.1.3 The standard contract language that the successful proposer will be required to comply with, including applicable federal clauses and certifications.

3.1.2 Notice of the professional services required shall be published at least once in a newspaper of general circulation in San Diego County and in one or more Disadvantaged Business Enterprises (DBE)/Small business directed newspapers and in such other minority or community newspapers as appropriate in San Diego County, at least three weeks before the proposal due date. The notice shall state that SANDAG is interested in receiving responses from qualified firms, and indicate how additional information can be obtained, and the time and place for receiving responses.

3.1.3 Notice shall also be sent to firms or individuals previously known to be interested in providing the required services, including small and emerging businesses on SANDAG various interested party lists, and to appropriate DBE firms or individuals listed in the SANDAG vendor database and the California Unified Certification Program (CUCP) Database.

3.1.4 Responses to an RFP/RFQ shall list all proposed subconsultants and subcontractors, their area of the work, and identify which of them are certified DBEs.

3.1.5 Responses to an RFP/RFQ shall include a detailed cost estimate.

3.1.5.1 For Section 4525 Services, separately bound or sealed cost proposals shall be submitted as part of the process and shall not be opened
until after the evaluation committee has ranked the proposers. Cost proposals shall be excluded as an evaluation factor and will only be used by the Executive Director, when negotiating within the prescribed budget, except as provided in 3.1.5.2 below.

3.1.5.2 For all other services, the cost proposal shall be submitted along with the technical proposal and will be used as an evaluation factor by the evaluation committee.

3.1.6 The responses shall be evaluated by an evaluation committee. The evaluation committee should consist of SANDAG staff and at least one person from outside the agency.

3.2 The top-ranked firm(s) shall then be interviewed, if deemed necessary. The final list of qualified firms shall be based on the response to the RFP/RFO, references, the interview, and other relevant factors. Selection may be based on a best value determination. “Best value” means a value determined by objective criteria and may include, but is not limited to, price, features, functions, life-cycle costs, and other criteria deemed appropriate by SANDAG. The project manager will summarize the findings of the evaluation committee in a recommendation memo to the Executive Director. The memo shall include the evaluation committee's recommendation for negotiations with one or more firms in the competitive range.

3.2.1 The Executive Director will approve or reject the recommendation based upon information provided by the evaluation committee, and other factors as deemed appropriate, including, but not limited to, qualifications, ability to meet schedule and budget, cost of work, meeting insurance requirements, and DBE participation for federally funded projects. The Executive Director may also interview one or more of the firms prior to making a selection.

3.2.2 Approval by the Executive Director of the recommendation shall be deemed approval to enter into negotiations with one or more firms in the competitive range.

3.2.2.1 For contracts for Section 4525 Services, the separately submitted cost proposal shall be used as a basis for negotiation. Negotiations will be conducted by the Executive Director, and can include factors other than cost, such as staffing levels, project schedule, etc. Should negotiations fail, the Executive Director, will enter into negotiations with the next ranked firm. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the Executive Director. Only the cost proposal of the firm in negotiations shall be opened. At the end of the process, all unopened cost proposals shall be disposed of or returned unopened to the respective companies via certified mail. Alternatively, companies may, at their option, arrange to pick up their sealed cost proposals in person by contacting the SANDAG Contract Administrator.
3.2.2.2 For all other service contracts, the cost proposals from the firm(s) in the competitive range shall be used as a basis for negotiation. Negotiations will be conducted by the Executive Director, and can include factors other than cost, such as staffing levels, project schedule, etc. If negotiations are only conducted with one firm and those negotiations fail, staff will enter into negotiations with the next ranked firm. If negotiations are conducted with more than one firm in the competitive range, then staff may attempt to obtain the most favorable terms by negotiating with all of the firms. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the Executive Director.

3.3 For those services that are able to be defined with a very explicit scope of work containing detailed, straight-forward specifications that will allow consistent responses (i.e., freeway service patrol services contracts), proposers will be considered qualified or not qualified based on predetermined criteria. Cost proposals will then be opened for those proposers considered qualified and the consultant with the lowest bid will be awarded the contract. The department directors will determine whether the nature of any of the services within their purview lend themselves to using this low bid procedure.

3.4 If desired, a “two-step” selection process may be followed, as follows:

3.4.1 Letters of Interest/Statements of Qualifications (LOIs/SOQs) shall be solicited from the current SANDAG consultant list for the particular services specialty.

3.4.2 Notice of the professional services required shall be published at least once in a newspaper of general circulation in San Diego County and in one or more DBE/Small business directed newspapers and in such other minority or community newspapers as appropriate in San Diego County, at least three weeks before the proposal due date. The notice shall state that SANDAG is interested in receiving LOIs/SOQs from qualified firms, and indicate how additional information can be obtained, and the time and place for receiving responses.

3.4.3 Requests for LOIs/SOQs may be sent to firms or individuals previously known to be interested in or capable of providing the required services. Reasonable effort shall be made to send requests to minority firms known to be capable of providing the required services.

“Pass/fail” criteria will be established by staff and clearly stated in the LOI/SOQ to be used as a screening of responses. Such criteria shall include, but not be limited to: adherence to project budget, insurance requirements, and DBE participation.

3.4.4 An evaluation committee will be formed, which should consist of SANDAG staff and at least one person from outside the agency.

3.4.5 The evaluation committee will evaluate the SOQs and the project manager will prepare a memo to the Executive Director summarizing the evaluation
committee’s findings and recommending one or more qualified firms to be invited to receive an RFP. Following approval by the Executive Director, staff shall then issue an RFP to the qualified firm(s). The RFP shall include all evaluation factors and their relative importance and the contract that the successful proposer will be expected to execute (including all applicable federal clauses and certifications).

3.4.6 From this point, the steps above for a one-step procurement should be followed.

4. Compliance with Brooks Act Provisions for Federally Funded Contracts. If federal funds are used and the services are A&E in nature, SANDAG shall comply with the provisions of the Brooks Act.

5. Other Than Full and Open Competition - Non-Competitive Procurements - Sole Source (More than $2,500)

Normally, SANDAG will utilize a full and open competition when soliciting bids or proposals for procurements in excess of $100,000. Under certain circumstances, however, a procurement may be justified that does not utilize full and open competition. These procurements are known as limited competition procurements. When less than full and open competition is used, SANDAG shall solicit offers from as many potential sources as is practicable under the circumstances. Noncompetitive procurement is known as sole source procurement. Noncompetitive and limited competition procurements shall only be permitted when the conditions below are met.

5.1 When the project will be paid for in whole or in part by federal funds one of the conditions set forth below must be met:

5.1.1. Unique Capability or Availability. The services are only available from one source. Services are only available from one source if one of the conditions described below is present:

5.1.1.1 Unique or Innovative Concept. Staff can demonstrate that the service consists of a unique or innovative concept or capability not available from another source. Unique or innovative concept means either a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to SANDAG only from one source and has not in the past been available to the recipient from another source; or

5.1.1.2 Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.

5.1.2 Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
5.1.3 Unacceptable Delay. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling SANDAG’s needs.

5.1.4 Single Bid or Proposal. Upon receiving a single bid or proposal in response to a solicitation, if staff determines that competition was adequate based on a review of the specifications for undue restrictiveness and/or a survey of potential sources that chose not to submit a bid or proposal.

5.1.5 Unusual and Compelling Urgency. SANDAG may limit the number of sources from which it solicits bids or proposals if staff documents that such an unusual and urgent need for the services exists that SANDAG would be seriously injured unless it were permitted to limit the solicitation. SANDAG also may limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the services.

5.1.6 Contractual Agreement. With some exceptions, when an agency awards a grant agreement or enters into a cooperative agreement with SANDAG for a project in which the funding agency has approved the participation of a particular firm or combination of firms in the project work, the grant agreement or cooperative agreement constitutes approval of those arrangements.

5.1.7 Circumstances authorized by Federal Acquisition Regulation Part 6.3 or the federal Common Grant Rules. Examples include a statutory authorization or requirement, compliance with Department of Transportation (DOT) appropriations laws that include specific statutory requirements, with the result that only a single contractor can perform certain project work.

5.1.8 National Emergency. To maintain a facility, producer, manufacturer, or other supplier available to provide supplies or services in the event of a national emergency or to achieve industrial mobilization.

5.1.9 Research. To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.

5.1.10 Protests, Disputes, Claims, Litigation. To acquire the services of an expert or neutral person for any current or anticipated protest, dispute, claim, or litigation.

5.1.11 International Arrangements. When precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or when prohibited by the written directions of a foreign government reimbursing the recipient for the cost of the acquisition of the supplies or services for that government.
5.1.12 **National Security.** When the disclosure of SANDAG’s needs would compromise the national security.

5.1.13 **Public Interest.** When SANDAG staff documents that full and open competition in connection with a particular acquisition is not in the public interest.

5.1.14 **When Prohibited.** Less than full and open competition is not justified under any circumstance based on:

5.1.14.1 Failure to Plan. Lack of advance planning.
5.1.14.2 Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, expiration of Federal assistance previously available for award).

5.1 Also known as sole source acquisitions, these shall only be permitted when the conditions below are met.

5.2 When the acquisition will be paid for in whole or in part by federal funds, one of the following conditions must be met:

5.2.1 There is an urgent need for the service due to an emergency or some other exigency that will not permit a delay resulting from competitive solicitation. Examples of such need include a danger to the public or loss of use of a transportation facility used by the public.

5.2.2 Staff solicited competitive bids and was unable to obtain a responsive bid from a responsible bidder.

5.2.3 The grantor agency providing funds for the project has approved sole source acquisition.

5.2.4 The service is only available from a single source.

5.3.2 When there are no federal funds involved one of the following additional factors may be utilized to justify a limited competition or sole source procurement:

5.3.15.2.1 There is only one consultant capable of providing the services because the services are unique or highly specialized.

5.3.25.2.2 The services should be purchased from a particular consultant in the interest of economy or efficiency as a logical follow-on to services already in progress under a competitively awarded contract.

5.3.35.2.3 The cost to prepare for a competitive procurement exceeds the cost of the services.

5.3.45.2.4 The services are essential to maintain research or operational continuity.
The service is one with which staff members who will use the deliverables have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.

**General Conditions**

6.1 In the event that circumstances dictate other than the processes indicated above for procurements that will exceed $100,000, prior Board concurrence shall be obtained following submittal of a written statement by staff setting forth the reasons for not pursuing all or part of any of the processes.

6.2 Where proposals received are deemed inadequate by the Executive Director, the Board may authorize a negotiated contract with a recommended firm based on a newly approved scope of services, performance schedule, and/or instructions and conditions.

6.3 The Executive Director is not required to make a contract award if he/she determines that the proposals received or contract terms negotiated by SANDAG staff are not in the best interests of SANDAG.

6.4 The Executive Director may approve contract amendments that exceed the project budget totaling up to $100,000 that are necessary to complete services originally contemplated subject to the limitations set forth in Section 12.2 of this policy. The Board will be notified of all such amendments. Contract amendments that will cause the project budget to be exceeded by more than $100,000 or those contemplating a significant change in the original scope of services must be processed in accordance with the SANDAG procurement manual and policies.

6.5 For purchases in excess of $2,500 involving federal funds, all applicable federal requirements and certifications must be attached to the purchase order or contract. For purchases that exceed $50,000, a contract may be used in order to ensure provisions are included to protect the interests of SANDAG.

6.6 The Board’s Equal Employment Opportunity Program will be incorporated by reference in all services contracts. The Board’s Disadvantaged Business Enterprise (DBE) Program shall be incorporated by reference in all services contracts that are federally funded. DBEs shall have every possible opportunity to participate in the procurement of services as set forth in the Board’s DBE program.

**Conflicts of Interest**

7.1 A consultant is eligible for award of service contracts by SANDAG so long as the contract in question does not create an actual, potential, or apparent conflict of interest. A prohibited conflict of interest exists when a firm is or may be unable to render impartial, objective assistance or advice to SANDAG or where a firm would receive an unfair competitive advantage. Prohibited conflicts of interest include, but are not limited to, the following situations:
7.1.1 Any firm that provides design services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract to construct the improvements, which are the subject of the design services.

7.1.2 Any firm, except for General design/Engineering Consultants, for a design-bid-build project that provides design services to SANDAG will be ineligible for award of any contract to provide construction management services resulting from the specific project for which design services were provided.

7.1.3 Any General design/Engineering Consultant for a project is eligible for award of a contract to provide the following general construction management services for that project so long as a SANDAG employee will oversee the project and make all final decisions and approvals: Office Engineer, Assistant Resident Engineer, Inspector, and Administrative/Clerical Assistant. General design/engineering consultants for a project are not eligible for award of a contract to provide the following construction management services for that project: Project Manager and Resident Engineer.

7.1.4 Any firm that provides construction management services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract for which construction management services were or will be provided.

7.1.5 SANDAG shall not contract with, and will reject any bid or proposal submitted by, the following persons or entities, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:

7.1.5.1 Persons employed by SANDAG;

7.1.5.2 Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners or major shareholders;

7.1.5.3 Persons who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; or

7.1.5.4 Profit-making firms or businesses in which the former employees described in subsection 7.1.5.3 serve as officers, principals, partners or major shareholders.

7.2 General consultants or subconsultant firms may provide services on other SANDAG projects. A consultant shall not, however, participate in the review and analysis of, or render opinions regarding, its work performed on other SANDAG projects or as limited in this section. Unless otherwise defined by the Executive Director, a general consultant is a consultant whose procurement is typically for a two-year period with an option for one or more one-year option extensions to provide services as needed for
various assigned projects from time to time on a work order or task order basis, rather than for one specific predefined project. General consultants support SANDAG staff in managing other SANDAG consultants. General consultants are prime consultants to SANDAG. Subconsultants to general consultants are not classified as general consultants. General consultant procurements are identified as such during the RFP process.

7.3 A Notice of Potential for Conflict of Interest shall be included within any RFP for services issued by SANDAG. The Notice shall be the policy of the Board as listed herein. Any major service agreement issued in accordance with this policy shall include or make reference to the policy listed herein.

7.4 A “firm” shall be defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company, construction management company, and the construction company.

7.5 “Ineligible” firms shall include the prime consultant for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.

7.6 If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will, upon written request, provide a written ruling. This procedure is encouraged prior to submittal of proposals or bids. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the Executive Director within five calendar days of notice from SANDAG the conflict. The Executive Director shall determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.

7.7 The Executive Committee shall review and, if appropriate, waive any actual or apparent conflict of interest that may exist or arise as a result of concurrent legal representation of SANDAG and parties whose interests may conflict.

7.8 SANDAG staff and third parties with whom SANDAG does business shall comply with SANDAG administrative policies concerning Standard of Conduct and all relevant Board Policies.

8.8 Protests to Solicitation, Bid, or Award

8.1 SANDAG shall include in all contracts a procedure to be followed by interested parties who wish to protest a specification or procedure. The procedure shall include the following:

8.1.1 A requirement that protest submittals shall be in writing, be specific to the specification being protested, state the grounds for protest, and include all documentation needed to enable SANDAG to reach a decision.
8.1.2 A statement that the protest shall be submitted within clearly defined time limits prior to receiving proposals or opening bids or prior to award of contracts.

8.1.3 A statement specifying the review and determination process by SANDAG, including time limits for response.

8.1.4 Requirements for submittal of protest reconsideration.

8.1.5 A statement that the initial protest will be reviewed by a protest review committee and that protest reconsiderations will be reviewed by the Executive Director.

9. Procedure for Consultants with Claims Against SANDAG on Service Contracts

9.1 On all SANDAG services contracts estimated to cost more than $50,000, a section shall be included in the contract provisions that specifies how a consultant should file a "Notice of Potential Claim" and the procedures for review and disposition thereof.

9.2 Written notice of the potential claim must be given to the project manager prior to the time the consultant shall have performed the work giving rise to the potential claim, if based upon an act or failure to act of the project manager; or in all other cases, within 15 calendar days of the happening of the event, thing or occurrence giving rise to the potential claim.

9.3 It is the intention of this requirement that differences between the parties arising under and by virtue of the contract be brought to the attention of the project manager at the earliest possible time in order that such matters may be settled, if possible, or other appropriate action promptly taken. The consultant shall agree to have no right to additional compensation for any claim that may be based on any such act, failure to act, event, thing or occurrence for which no written notice of potential claim as herein required was filed. A claim must be presented and acted upon as a prerequisite to suit thereon.

9.4 If a consultant files an appropriate "Notice of Potential Claim," the administrative procedure shall be as follows:

9.4.1 SANDAG staff shall respond in writing within 25 calendar days with an appropriate decision. It is expected that SANDAG staff shall investigate the area of claim thoroughly and shall issue a decision that is fair to all parties. It is further expected that every effort will be made to resolve the claim at the job level.

9.4.2 If it appears to staff that the claim cannot be settled, the project manager and contracts staff shall, as soon as practicable, forward the details of the claim to the Executive Director and shall notify the consultant of the action.

9.4.3 The Executive Director shall direct the appropriate department director to obtain all pertinent information, including any oral or written presentation,
concerning the claim the consultant might wish to present. The department
director shall provide all information to the Executive Director, including any
recommendations.

9.4.4 The Executive Director shall report a final decision in writing to the
consultant. The written decision shall notify the consultant that this action
completes the consultant’s administrative remedies and any further dispute
would have to be resolved by either a nonbinding Dispute Resolution Board
or binding arbitration if provided for in the provisions of the contract and
agreed to by both parties, or litigation.

9.4.5 The final recommendation of the Dispute Resolution Board or arbitration
shall be presented to the Executive Director for approval before going to the
Board for action.

9.4.6 Any claim disputes not resolved by the Executive Director shall be reported
to the Board at one of the Board’s regular meetings.

9.5 If a contract amendment proposed for the settlement of a claim causes a budget
impact over $100,000, the amendment must be sent to the Board for approval.

9.6 Federal Transit Administration review and concurrence may be required for claim
settlements that exceed $100,000 if federal funds are involved.

9.7 A list of all outstanding claims exceeding $100,000 which involve the use of federal
funds shall be included in the federal grants quarterly report.

10.10 Debarment Procedures for Service Contracts

10.1 In addition to all other remedies permitted by law, SANDAG may, upon advice of the
Executive Director and Office of General Counsel, by resolution declare a proposer or
consultant ineligible to bid on SANDAG contracts for a period not to exceed three
years for any of the following grounds:

10.1.1 unjustified failure or refusal to timely provide or properly execute contract
documents;

10.1.2 unsatisfactory performance of contract;

10.1.3 excessive and/or unreasonable claims while performing work for SANDAG;

10.1.4 two or more occasions within a two year period of failure to submit bond or
insurance documents acceptable to SANDAG in the time periods required;

10.1.5 unjustified refusal to properly perform or complete contract work or
warranty performance;

10.1.6 unjustified failure to honor or observe contractual obligations or legal
requirements pertaining to the contract;
10.1.7 conviction under a state or federal statute or municipal ordinance for fraud, bribery, theft, falsification or destruction of records, receiving stolen property or of any other similar crime;

10.1.8 any offense or action which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the consultant on future contracts with SANDAG;

10.1.9 any debarment of the consultant by another governmental agency; and

10.1.10 two or more claims of computational, clerical, or other error in cost proposal submission within a two-year period.

10.2 SANDAG may permanently debar a firm for a conviction under federal or state antitrust statutes involving public contracts or the submission of bid proposals, for any corrupt practices involving the administration or award of a contract with SANDAG, or permanent debarment of the bidder or consultant by another governmental agency, as permitted by law.

10.3 The proposer or consultant shall be provided notice and an opportunity to present evidence and show cause before the Board why such ineligibility should not be declared after the Executive Director has established a factual basis for debarment.

10.4 A consultant’s debarment shall be effective amongst SANDAG and any of its subsidiary entities. Debarment prohibits SANDAG and subsidiary entities from executing contracts with the debarred consultant.

10.5 Debarment constitutes debarment of all divisions or other organizational elements of the consultant, unless the development decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarment decision may be extended to include any affiliate of the consultant if the affiliate is (1) specifically named, and (2) given written notice of the proposed debarment and an opportunity to respond.

10.6 Notwithstanding the debarment of the consultant, the Board may continue contracts in existence at the time the consultant is debarred, unless the Board directs otherwise, after receiving advice from the Executive Director as to the effects of termination of an existing agreement.

11. Contract Administration and Consultant Assurances

11.1 SANDAG consultants must meet all applicable laws concerning labor law, labor rates, EEO and licenses.

11.2 SANDAG shall ensure that all services requiring a licensed consultant shall be performed by licensed consultants.

11.3 Consultants will be responsible for complying with the provisions of the Fair Labor Standards Act of 1938 as amended.
11.4 Consultants must provide the minimum scope of insurance as stipulated in the contract.

11.5 Consultants shall be required to provide Workers' Compensation Insurance to their employees in accordance with the provisions of Section 3700 of the Labor Code. Prior to commencement of work, the consultant shall be required to provide a certificate of compliance to SANDAG.

11.6 The SANDAG requirements for consultant labor compliance shall be guided by the California Labor Code and the “Labor Compliance” section of the California Department of Transportation's Construction Manual.

11.7 Consultants shall comply with the EEO requirements set forth by Title VI of the 1964 Civil Rights Act on any project where federal funds are included, and any other requirements established by the Federal Transit Administration.

11.8 Consultants shall comply with Sections 1431 and 1735 of the Labor Code and Sections 300 and 317 through 323 of Title 8 of the California Administrative Code, which prohibits labor discrimination and requires the consultant to submit an Equal Opportunity Program and certification fee to the Fair Employment Practice Commission for contracts over $200,000.

12.12 Amendments to Service Contracts

12.1 All contracts may be amended by a suitable amendment processed in accordance with SANDAG procurements manual and policies.

12.2 The Executive Committee or Transportation Committee or, if not practical, the Chairperson of the Board or either Vice Chairperson in the absence of the Chairperson, are hereby authorized to approve amendments that will cause the project budget to be changed in an amount exceeding $100,000 when waiting for Board approval could potentially delay a project or increase the cost of the change. Approval of such items by the Chairperson or a Vice Chairperson is not the preferred practice and should only be used if a regular or special meeting of an authorized legislative body is infeasible or impractical. In such an instance, the Executive Director shall notify the Board of the Committee's action or Chairperson/Vice Chairperson's action at the next regular Board meeting.

12.3 All amendments that impact or potentially impact Board-adopted policies shall be brought before the Board for decision.

12.4 All amendments which utilize federal funds shall conform to the Code of Federal Regulations, Volume 49, Part 18 and Federal Transit Administration Circular 4220.1 E and any successors thereof that are applicable by law.
DELEGATION OF AUTHORITY

The purpose of this policy is to establish the authority granted by the Board of Directors to the Executive Director. It also provides the Executive Director with the authority to delegate functions he or she has been delegated by the Board to SANDAG staff.

Definitions

The following words shall have the meanings indicated when used in this policy:

“Agreement” shall be interpreted to include contracts, memorandums of understanding, agreement amendments, purchase orders, invoices, money transfers, or any other document that could be enforced against SANDAG in a court of law.

“Budget” shall be interpreted to include the SANDAG annual budget, revisions and amendments thereto, and the Overall Work Program.

“Emergency or Urgent Need” for purposes of this policy shall mean a situation in which, in the Executive Director's or his/her designee's opinion, injury to persons, or significant injury to property or interruption of a public service will occur if immediate action is not taken.

Procedures

1. Adoption of a budget by the Board shall automatically authorize the Executive Director to enter into any agreements or take any other actions necessary to implement the budget items or other actions approved by the Board.

2. Any authority delegated to the Executive Director shall automatically vest with a Chief Deputy Executive Director when business must be conducted in the absence of the Executive Director.

3. In the event of emergency or an urgent need, the Executive Director is authorized to take all necessary actions to prevent significant unnecessary loss to SANDAG, a shut-down of public services, or to address a situation threatening the health or safety of persons or property, including, but not limited to, authorization to contract with a contractor or consultant on a sole source basis, consistent with applicable state or federal law without prior approval from the Board. In the event such an emergency or urgent need occurs, the Executive Director will consult with the Chair of the Board, promptly communicate all actions taken to the Board members, and submit a report to the Board at its next regular meeting in order to obtain ratification for those actions.

4. The Executive Director is hereby authorized to carry out the actions set forth below. In the event any of the authorities in this paragraph are exercised, the Executive Director will report actions taken to the Board in summary written form at the next regular meeting of the Board.
4.1 Enter into agreements not currently incorporated in the budget and make other modifications to the budget in an amount up to $100,000 per transaction so long as the overall budget remains in balance. This provision may not, however, be used multiple times on the same budget line item or contract in order to circumvent the $100,000 limit.

4.2 Approve all design plans, specifications and estimates for capital improvement projects.

4.3 Execute all right-of-way real property transfer documents, including but not limited to, rights of entry, licenses, leases, deeds, easements, escrow instructions, and certificates of acceptance.

4.4 Direct payment to persons for right-of-way property so long as the payment amount does not exceed 110 percent of the appraised value or $100,000 above the appraised value, whichever is greater.

4.5 Reject all bids and/or suspend the competitive procurement process.

4.6 Provide the final determination to persons or firms filing a protest regarding SANDAG procurement or contracting processes or procedures.

4.7 File administrative claims and to initiate and maintain lawsuits on behalf of the Board to recover for damage to or destruction of SANDAG property, or interruption of a public service.

4.8 Settle all lawsuits initiated under paragraph 4.7.

4.9 Settle all lawsuits, alternative dispute matters, and claims that SANDAG must defend when the settlement amount does not exceed $100,000. In the event the Executive Director exercises this authority he/she shall send a memo to the members of the Board as soon as possible in order to notify them of any action taken.

4.10 Accept reimbursement from member agencies for use of SANDAG on-call contracts.

4.11 Execute tolling agreements to extend the statute of limitations for litigation involving SANDAG as a potential plaintiff or defendant when deemed in the best interest of SANDAG by the Executive Director and Office of General Counsel.

4.12 Authorize transfers of funds in the SANDAG budget for capital improvement projects following approval of such a transfer by the affected transit operator's board of directors or designated governing body.

5. The Executive Director shall act as the appointing authority for SANDAG with the authority to appoint, promote, transfer, discipline, and terminate all employees of SANDAG subject to the provisions of SANDAG administrative manuals, policies, and procedures.
6. Pursuant to Article V, Section 4, paragraph c of the Bylaws, the Executive Director shall promulgate an administrative policy governing the procedures for delegating his/her authority to other SANDAG staff.

Adopted October 2003
Amended November 2004
Amended December 2006
Amended December 2008
REGIONAL TRANSIT SERVICE PLANNING AND IMPLEMENTATION

This policy specifies the transit service planning and transit development project planning responsibilities of SANDAG (the consolidated agency) and the transit agencies (Metropolitan Transit System and North San Diego County Transit Development Board), and outlines a framework for transit service planning and roles and responsibilities for project development planning. Figure 1.1 includes a flow chart, based on the framework that documents the processes for transit service planning and implementation, for new services and adjustments to existing services. Figure 1.2 identifies the lead and support (active participant) agency responsibilities for both long and short-range transit service planning and development project planning.

This policy will allow the transit system to quickly and efficiently respond to changes in travel demand and operating/fiscal environment, while ensuring that the system is adjusted and developed consistent with longer range regional transportation and land use goals as incorporated into the Regional Comprehensive Plan (RCP), the Regional Transportation Plan (RTP), and the Regional Short Range Transit Plan (RSRTP). As a result, transit service changes that relate directly to implementation of regional policies, goals, and objectives (service changes with regional significance) are generally those that:

- Serve regional travel demand corridors that cross transit agency jurisdictional boundaries;
- Significantly affect passenger trip making (as defined by the guidelines contained in the RSRTP; for example, would be found to potentially have a detrimental impact on geographic connections, timed transfers, and the frequency/service span consistency of such services);
- Require additional regional operating funds above the overall transit agency-adopted budget and projected budget capacity; and
- Affect the policies, projects, services and facilities included in the RTP, RCP, and TransNet Ordinance.

1. **Agency Responsibilities** - SANDAG and transit agency responsibilities are described below and further specified in Figure 1.2. There is an inherent overlap of responsibilities between SANDAG and the transit agencies in conducting transit service planning and development project planning, as exhibited in Figure 1.2. Therefore, all planning responsibilities shall be conducted with coordination and consultation between SANDAG and the transit agencies.

   1. **SANDAG Responsibilities** - carried out in collaboration with the transit agencies:

      1.1 Prepare long-range transit plans and corridor studies as part of the Regional Transportation Plan (RTP).
1.1.2 Prepare, **no less often than every two years** an annual basis, the five-year **RSRTP and Coordinated Public Transit and Human Services Transportation Plan** that: (1) establishes the goals and objectives for short-range transit services and human services transportation; (2) defines the existing transit and human services transportation system; (3) sets the framework for a transit operations performance monitoring program as required by the Transportation Development Act and a monitoring program for human services transportation as defined by the Federal Transit Administration (FTA); (4) identifies transit and human service gaps and deficiencies; (5) evaluates existing transit and human services transportation services and programs; (6) establishes parameters for short-range (0-5 years) new and revised service development, as well as regionally significant and all other service adjustments; (7) defines a methodology for evaluating proposals for new and revised service; (8) identifies and prioritizes regional and subarea transit planning studies; and (9) evaluates and prioritizes new and revised services for implementation, including the adoption of an annual Regional Service Implementation Plan. SANDAG will initially maintain the existing service concepts upon which the service is based in order to preserve and improve mobility. FY 2003 budgeted revenue hours/miles will be considered as minimum levels of service for each transit agency and will assume net service levels to be added upon completion of the Oceanside to Escondido SPRINTER and Mission Valley East rail projects. If future funding shortfalls occur, necessitating cutbacks in service, then there will be a regionwide process of examination of service levels in order to ensure that service reductions are equitably distributed, protecting a “lifeline” system of services.

1.1.3 Conduct regional and subarea planning studies as prioritized in the RSRTP, RTP, and RCP.

1.1.4 Develop proposals and service plans for new services or for service adjustments with regional significance, with active participation from the transit agencies, in response to changes in regional travel demand, to address regional service gaps and deficiencies, and to implement plans and programs identified in RTP, RCP, RSRTP, and the TransNet Ordinance.

1.1.5 Plan, locate, and design transit infrastructure and facilities (stations, priority treatments, supporting facilities, etc.) for regionally significant transit projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance, with active participation from the transit agencies.

1.1.6 Develop proposals for new and revised services to be included in the Regional Service Implementation Plan.

1.1.7 Ensure that all new and revised services and service adjustments of regional significance are consistent with the goals and objectives of the RSRTP.
1.1.8 Coordinate with transit agencies to provide community outreach and conduct market research.

1.1.9 Conduct regional performance monitoring to provide input into the RSRTP and other short-range transit studies. The regional performance monitoring will be based on the type of service and type of service area. Any net service reduction in a specific transit agency area resulting from the service evaluation process that takes that transit agency below its FY 03 service level (pursuant to Section 1.1.2) will be reprogrammed to that transit agency service area for other improvements up to the FY 03 base level of service.

1.1.10 Provide technical assistance to transit operators for local route planning.

1.1.11 Prepare Environmental Justice or Title VI reports as required by federal regulations covering requirements for Metropolitan Planning Organizations (MPOs) and transit agencies at least once every three years or when a new federal census is available.

1.1.12 Develop and update, as required, with input from the transit agencies, the Coordinated Transportation Plan for San Diego County as required by SAFETEA-LU legislation. SANDAG also will manage the competitive process for granting Federal Transit Administration (FTA) funds available as a result of production of a Coordinated Transportation Plan.

1.1.13 Participate in development of transit vehicle specifications for vehicles acquired for regionally significant projects and services that are funded through projects identified in the RTP and the TransNet Ordinance.

1.1.14 Collaborate with the transit agencies on a branding framework, compatible with the transit agencies’ individual branding programs, that incorporates regionally significant projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance. The transit agencies and SANDAG will undertake a study to develop a mutually agreed upon branding framework for the region.

1.2 **Transit Agency Responsibilities** – carried out in collaboration with SANDAG:

1.2.1 Develop service and schedule adjustments to ensure system optimization and to respond to immediate operational issues (e.g., detours, overcrowding, on-time performance, and minor out-of-direction routing changes).

1.2.2 Conduct local transit studies and analyses within the transit agency’s service area in response to changes in local travel demand, to address service gaps and deficiencies, to develop service reductions/efficiencies, to address operating budget deficits, and to address goals and implement plans developed in the RSRTP.
1.2.3 Develop proposals for new and revised services to be included in the Regional Service Implementation Plan.

1.2.4 Develop proposals to reallocate unproductive resources to implement unfunded services identified as high priority in the Regional Service Implementation Plan or consistent with the RSRTP.

1.2.5 Develop a public input process and hold required public hearings for service changes. The transit agencies should ensure that the public input process for public hearings on service changes would be conducted in a manner to facilitate public input from the affected area.

1.2.6 Develop marketing and branding programs for the transit services within its jurisdiction and collaborate with SANDAG on a compatible branding framework that incorporates regionally significant projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance. The transit agencies and SANDAG will undertake a study to develop a mutually agreed upon branding framework for the region.

1.2.7 Provide community outreach and conduct market research, in coordination with SANDAG.

1.2.8 Develop operating plans for special event transit service and service contingencies.

1.2.9 Monitor existing operations and services to provide input into service analyses and short-range transit studies.

1.2.10 Conduct bus stop location planning.

1.2.11 Implement service, including scheduling, run-cutting, operations, contract services, service management, and labor contract administration.

1.2.12 Provide input on long- and short-range transit plans, and regional performance monitoring.

1.2.13 Prepare interim Environmental Justice or Title VI reports for transit system changes that affect over 25% of the transit service hours as required by federal regulations for transit agencies, and provide the reports to SANDAG and the federal government.

1.2.14 Actively participate in the development of service plans for service adjustments with regional significance, in response to changes in regional travel demand, to address regional service gaps and deficiencies and to implement plans and programs identified in RTP, RCP, RSRTP, and the TransNet Ordinance.
1.2.15 Actively participate in the planning, location and design of transit infrastructure and facilities (stations, priority treatments, supporting facilities, etc.) for regionally significant transit projects and services identified in the RTP, RCP, RSRTP, and the TransNet Ordinance.

1.2.16 Develop transit vehicle specifications, with active participation from SANDAG, for vehicles for all service types, including local bus, shuttles, bus rapid transit, rail, and others.

2. **Transit Service Planning Framework** - This framework allows the transit system to quickly and efficiently respond to changes in travel demand and operating/fiscal environment, while ensuring that the system is adjusted and developed consistent with longer range regional transportation and land use goals.

**Step 1: Guidance**

A RSRTP, consistent with SANDAG’s Regional Transportation Plan (RTP) and Regional Comprehensive Plan (RCP), will be drafted annually by SANDAG, with active participation from the transit agencies. The RSRTP will establish goals and objectives and provide guidance for service planning during the upcoming year and will balance the immediate needs of optimizing the transit system in response to operational and financial constraints, with the mid- and long-range system development goals established in the long-range plans.

**Step 2: Develop Service Adjustments**

Throughout the year, transit agency and SANDAG staff develop proposals, in accordance with the RSRTP, to adjust existing services and develop new services. These service adjustments help to optimize existing services, reflect changes to the operating and fiscal environment, respond to customer comments and requests, and begin to implement and support services envisioned in the long-range plans. Service adjustments can be a result of such things as schedule analysis, trip and route level evaluation, and subregional and regional transit studies. Service adjustments with regional significance should be developed as collaborative efforts between SANDAG and transit agency staff.

**Step 3: Evaluation and Approval**

Prior to approval for implementation, all service adjustments should be:

- Consistent with the RSRTP;

- Presented for public hearing in the impacted service area if required by SANDAG, the appropriate transit agency, or by Federal Transit Administration (FTA) policies and regulations; and

- Fully funded either through a reallocation of resources or as part of the budget process.
Service adjustments with regional significance should be endorsed by the appropriate transit agency and determined to be consistent with regional policies, goals and objectives by SANDAG prior to public hearing and implementation, while local and minor service adjustments may be approved for implementation by the transit agencies after advising SANDAG of the proposed changes.

**Step 4: Implementation**

As a general practice, service changes should be implemented during a regularly scheduled service change date (scheduled for winter, fall, and summer). Implementation should be preceded by community outreach, a marketing campaign, and public notices, as appropriate. Service implementation is the responsibility of the transit agencies.

**Step 5: Monitoring**

Performance monitoring will be conducted on an ongoing basis to evaluate new and existing services and service adjustments. SANDAG will monitor the transit system performance on a systemwide and transit agency level on an annual and quarterly basis. Transit agencies will monitor their operations performance on an annual, quarterly, and monthly basis, as appropriate. Performance measures will evaluate productivity, cost-effectiveness, and quality of service. Performance results will be used as a basis for developing the RSRTP, and other planning studies and analysis.

3. Policy Review – This policy was reviewed and revised by SANDAG, in collaboration with the transit agencies in May 2006. It shall be reviewed again by SANDAG, in collaboration with the transit agencies, in fall 2007.

Attachments:  Figure 1.1 – Regional Transit Service Planning and Implementation Process
               Figure 1.2 – Roles and Responsibilities for Service Planning Activities

Adopted June 2003
Amended September 2004
Amended March 2005
Amended August 2006
Amended December 2008
FIGURE 1.2
ROLES AND RESPONSIBILITIES FOR SERVICE PLANNING ACTIVITIES

Step 1: Establish Policy Framework
SANDAG
Transit Agencies

Step 2: Develop Service Proposals & Plan
SANDAG
Transit Agencies

Step 3: Develop Budgets
Transit Agencies

Step 4: Implement Service
SANDAG
Transit Agencies

May-Jul
Regional Short Range Transit Plan
Service Planning Framework & Guidelines
- Goals and Objectives
- Needs and Deficiencies
- Parameters and Performance Standards
- Regional Consistency Checklist

Aug-Jan
Service Proposals
-New and Revised

RSRTP Adoption
- Consistency & Priority Determination
- Plan & Program Public Hearing

Regionally Significant Changes
Local & Minor Changes

Jan-Apr
Transit Operating Budget Development

SANDAG Approves Transit Agency Budgets for Funding
- Budget Public Hearing

Transit Operating Budget Development

SANDAG Approves Transit Agency Budgets for Funding
- Budget Public Hearing

Administrative Review of Service Consistency or Finding of Overriding Considerations
(Refer to Transportation Committee, if necessary)

Public Hearings
- At Transit Agencies

Service Changes Occur Three Times a Year:
Feb-Aug/Sep
Nov-May/Jun
May-Jan/Feb

Locally Significant

Administrative Re-Review of Service Consistency or Finding of Overriding Considerations
- If public hearing results in a new service proposal
(Refer to Transportation Committee, if necessary)

Implement Service
- Driver assignments
- Bus stop preparation
- Timetable printing

Advise SANDAG
SANDAG

Transit Agencies
# FIGURE 1.2
## ROLES AND RESPONSIBILITIES FOR TRANSIT PLANNING AND IMPLEMENTATION ACTIVITIES

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* Includes Mid-Coast LRT/BRT, Super Loop, I-15 BRT, South Bay BRT, El Cajon Blvd BRT, Escondido Blvd. BRT, South Bay to Sorrento Mesa BRT

Revised July 2006

- Primary or Lead Function
- Active Participation and Support
PROJECT PLANS, SPECIFICATIONS AND ESTIMATES

This policy provides direction concerning the design of major transit projects and for preparing and approving contract plans, specifications, and cost estimates.

Section 14085 et seq. of the State Government Code states that whenever any public entity is to receive state or federal funds for the purposes of project planning, design, rights-of-way, construction, acquisition, or improvement of exclusive public mass transit guideways (and their related fixed facilities, power systems, passenger facilities, vehicles, and equipment), it shall prepare plans for the complete project that are applicable to the type of project, and transmit them to the Department of Transportation for its review and approval of policies, procedures, and performance standards, prior to the implementation of the project or the project phases affected. This policy is intended to cover the following components of Section 14085: preliminary engineering investigations; plans, specifications, and cost estimates.

Procedures

1. Plans, specifications, and estimates (PS&Es) for SANDAG projects shall be prepared in the most functional and timely manner possible, by competent engineers in any combination of public agency staff, consultants, or SANDAG staff as appropriate.

2. PS&Es shall generally be prepared in accordance with SANDAG's practices and standards and/or accepted practices as defined by major project administrators, such as Caltrans, North County Transit District (NCTD), and/or Metropolitan Transit System (MTS).

3. Design criteria shall be as adopted by the Board of Directors and in compliance with other accepted engineering standards, laws, and practices applicable to transportation systems. In the case of projects to be constructed on the NCTD/MTS DB-owned railroad right-of-way, such design standards shall include, but not be limited to:

   3.1 NCTD’s/MTS’s adopted System Safety Program Plan
   3.2 49 CFR Part 213: Track Safety Standards
   3.3 49 CFR Part 236: Installation, Inspection Maintenance and Repair of Signal and Train Control Systems, Devices, and Appliances
   3.4 Amtrak MW 1000 Limits and Specifications for the Safety, Maintenance, and Construction of Track
   3.5 SDNR Bridge Inspection and SDNR Signal Maintenance, Inspection, and Testing Manuals
3.6 American Railway Engineering and Maintenance-of-Way Association (AREMA) standards

3.7 California Public Utilities Commission (CPUC) general orders and standards as applicable

3.8 Americans with Disabilities Act statutes and regulations

4. As a guideline, PS&E packages should generally contain the following:

4.1 Plans -- The official project plans and Standard Plans and Profiles, typical cross sections, general cross sections, working drawings and supplemental drawings, or reproductions thereof, approved by the responsible Engineer licensed in California, which show the location, character, dimensions and details of the work to be performed.

4.2 Specifications -- Special provisions shall contain specific clauses setting forth conditions or requirements peculiar to the work and supplementary to the standard specifications. Standard Specifications shall provide the directions, provisions and requirements contained in published documents setting forth conditions and requirements that are reoccurring in like work.

4.3 Estimate -- The engineer’s estimate shall list the estimated quantities of work to be performed and estimated costs of each item and for the total project construction.

Adopted November 2003
Amended December 2008
ACQUISITION OF REAL PROPERTY INTERESTS AND RELOCATION ASSISTANCE

The purpose of this policy is to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition programs carried out by SANDAG. This policy also covers relocation assistance provided by SANDAG to individuals, families, businesses, farm operations, and nonprofit organizations that are required to relocate as a result of projects constructed by SANDAG for the benefit of the public.

Section 14085 et seq. of the California Government Code states that whenever any public entity is to receive state or federal funds for the purposes of project planning, design, rights-of-way, construction, acquisition, or improvement of exclusive public mass transit guideways (and their related fixed facilities, power systems, passenger facilities, vehicles, and equipment), it shall prepare plans for the complete project that are applicable to the type of project, and transmit them to the Department of Transportation for its review and approval of policies, procedures, and performance standards, prior to the implementation of the project or the project phases affected. This policy is intended to cover the following components of Section 14085: acquisition of rights-of-way and other related real properties; and relocation assistance.

Additionally, Government Code sections 7260-7276, require public entities such as SANDAG to provide relocation assistance to displaced persons and to implement a relocation assistance program.

Procedures

1. Acquisition of rights-of-way and other related real properties will be prosecuted within the following policy parameters:

   1.2 All property owners will be dealt with fairly and equitably in the acquisition of lands or interests therein required by SANDAG.

   1.3 Settlements will be based on estimates of fair market value as supported by current appraisal practices.

   1.4 SANDAG shall pay for expenses which the owner(s) must incur for title and escrow fees incidental to conveying real property to SANDAG.

   1.5 SANDAG shall make reasonable efforts to acquire expeditiously by negotiation the required property interests.
1.6 Condemnation will be utilized where negotiations have reached an impasse or there is a requirement to meet time restraints imposed by funding sources or construction schedules.

1.7 The Relocation Assistance Program will be fairly administered to ensure that all owners receive any and all benefits to which they are legally entitled.

2. The following guidelines shall be utilized by SANDAG or its agents to ensure fair and equitable treatment of all property owners affected by SANDAG acquisitions as set out in Government Code Section 7267 et seq., as it may be amended from time to time:

2.1 The real property interests to be acquired shall be appraised and the fair market value established before the initiation of negotiations and the property owner shall be given the opportunity to accompany the appraiser during his inspection on the property. **The property owner may request an independent appraisal to be conducted at SANDAG expense for an amount not to exceed $5,000.** (Government Code Section 7267.1 and 7267.2)

2.2 SANDAG or its agents shall make a prompt offer to the property owner for the full estimate of market value established by the Board. SANDAG or its agents shall also provide the property owner with a written statement of, and summary of the basis for, the amount established as just compensation. The summary shall contain the following elements:

- 2.2.1 The owner’s name and address.
- 2.2.2 Zoning and present use of the property.
- 2.2.3 Highest and best use of the property.
- 2.2.4 Consideration to be paid by SANDAG.
- 2.2.5 Total property area and amount to be acquired.
- 2.2.6 Market value of the property to be acquired and a statement as to how the value was established, i.e., market data approach, income approach, or cost approach.
- 2.2.7 Amount of damages or a statement indicating that there are no compensable damages. (Government Code Section 7267.2)

2.3 SANDAG shall make reasonable efforts to acquire by negotiation the real property interests required so as to reduce the need for litigation. SANDAG shall strive at all times to assure consistent treatment of property owners involved in public improvement projects and to promote public confidence in SANDAG’s acquisition practices. (Government Code Sections 7267 and 7267.1a)
2.4 SANDAG shall schedule the construction or development of a public improvement, insofar as it is practicable, so that no person lawfully occupying real property shall be required to move from a dwelling or business, assuming a replacement dwelling is available, without at least 90 days written notice from the SANDAG. (Government Code Section 7267.3)

2.5 Should rental property become vacant, SANDAG may rent the vacated premises prior to acquisition.

2.6 The threat of condemnation shall not be used to coerce a property owner into agreement. (Government Code Section 7267.5 and 7267.6)

2.7 SANDAG will offer to acquire the entire property if the owner so desires where the acquisition of a portion of the property would leave the remaining portion in such shape or condition as to constitute an uneconomic remnant. (Government Code Section 7267.7)

3. Relocation assistance is a program that has been established by federal and state law to provide help to individuals, families, businesses, farm operations, and nonprofit organizations required to relocate as a result of a public improvement project. Its primary objective is to assist all project displacees to the end that they do not suffer disproportionate injury as a result of projects constructed for the benefit of the public as a whole.

3.1 Relocation assistance shall be in accordance with Section 7260-7276 of the State Government Code, as it may be amended from time to time.

3.2 No person will be required to relocate due to a proposed construction project until a replacement facility has been made available which meets the following standards:

3.2.1 Decent, safe, and sanitary.

3.2.2 Fair housing.

3.2.3 In areas not generally less desirable than the property to be acquired in regard to public utilities or public and commercial facilities.

3.2.4 Within the financial means of the displacee.

3.2.5 Reasonably accessible to the displacee's place of employment, public services, and commercial facilities.

3.2.6 Adequate to accommodate the displacee.

3.2.7 In an equal or better neighborhood.

3.2.8 Available on the market to the displacee.
3.3 In lieu of a replacement facility, the eligible owner or occupant may agree to accept a cash settlement as provided by state law.

3.4 Moving and related payments will be paid as provided by state law.

3.7.1 Individuals, businesses, and nonprofit organizations occupying the property to be acquired at the time of the first written offer to purchase and move as a result of SANDAG's acquisition, will be eligible for reimbursement of moving expenses.

3.7.2 Residential occupants will receive either the actual reasonable costs involved in moving family and personal property up to a maximum of 50 miles, or a payment based on a schedule relating to the size of their present dwelling, not to exceed $500.

3.7.3 Businesses, farms, and nonprofit organizations will be entitled to reimbursement for (1) actual reasonable costs involved in moving the operation and personal property up to a maximum of 50 miles, (2) actual reasonable expenses incurred in searching for a replacement property, and (3) actual direct losses of tangible property.

3.5 Instead of accepting an actual moving expense payment, a business owner may be paid an amount equal to the average annual net earnings of the farm or business for the last two years prior to relocation. The payment may not be less than $2,500 or more than $10,000. A business may qualify for an In Lieu Payment if the agency determines that the business cannot be relocated without a substantial loss of the existing dollar volume of business and it is not a part of a business having an additional establishment. A part-time individual or family occupation in the home that does not contribute materially to the income of the displaced owner is ineligible for an In Lieu Payment.

3.6 The Board hereby adopts the Department of Housing and Community Development relocation assistance regulations set forth in Title 25, Division 1, Chapter 6, Subchapter 1 of the California Administrative Code, except as supplemented herein, as SANDAG's Relocation Assistance Program for all projects that must have such regulations apply pursuant to Government Code section 7267.8.

3.7 Pursuant to section 6152 of Title 25 of the California Administrative Code, the provisions for review commencing with section 6150 shall be supplemented as follows:

3.7.1 In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, SANDAG shall furnish a written statement to the complainant stating the reason for the dismissal of the claim as soon as possible but no later than two (2) weeks from receipt of the last material submitted by the complainant or the date of the hearing, whichever is later.
3.7.2 Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, the Board shall permit the complainant to inspect all files and records bearing upon his claim or the prosecution of the complainant's grievance. If a complainant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

3.7.3 The principles established in all determinations by SANDAG shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

3.7.4 Any aggrieved party has a right to representation by legal or other counsel at his expense at any and all stages of the proceedings set forth in these sections.

3.7.5 If a complainant, other than the owner of a displaced advertising sign, seeks to prevent displacement, SANDAG shall not require the complainant to move until at least twenty (20) days after it has made a determination and the complainant has had an opportunity to seek judicial review. In all cases, SANDAG shall notify the complainant in writing twenty (20) days prior to the proposed new date of displacement.

3.7.6 Where more than one person is aggrieved by the failure of SANDAG to refer them to comparable permanent or adequate temporary replacement housing, the complainants may join in filing a single written request for review. A determination shall be made by SANDAG for each of the complainants.

3.8 Before any project may be undertaken which involves the displacement of people, SANDAG or its agents shall complete a Replacement Housing Study to determine the needs of the relocatees and the availability of replacement housing. The SANDAG studies shall serve to assure that orderly relocation can be accomplished and that realistic and adequate plans are developed for relocating all displaced persons.

3.9 Comparable replacement dwellings will be available or provided for each displaced person within a reasonable amount of time. Such assurance is a part of the SANDAG Relocation Assistance Program study process and must be specifically given on every project requiring displacement.

3.10 Relocation advisory services will be provided to assist persons in relocating into safe, decent, and sanitary housing that meets their needs and is within their financial means. The same will be provided for displaced business and farm operators to aid them in finding suitable replacement locations to continue operations. Assistance is required throughout the acquisition phase of the project and starts at the time SANDAG begins acquiring properties on a project.
3.11 No person lawfully occupying real property shall be required to move from a
dwelling, assuming a decent, safe, and sanitary replacement dwelling is available, or
to move a business or farm operation, without at least 90 days written notice from
SANDAG, prior to the date the move is required.

3.12 SANDAG shall follow generally the procedures outlined in the following Caltrans
guides: Right-of-Way; Relocation Assistance Handbook; and How to Make
Relocation Studies and Plans

3.13 All cash payments to owners or occupants for any purpose shall be formally reported
to the Board as to amount, rationale, and applicable code or statute.

Adopted November 2003
Amended December 2008
UTILITY AGREEMENTS AND RELOCATION

The purpose of this policy is to define and clarify matters relating to utility agreements and utility relocations. Relocations or adjustments and placement of public and privately owned utilities, for which SANDAG is legally obligated, may be made necessary by proposed construction of a SANDAG project. These utility placements and relocations may take place within SANDAG right-of-way or in other public agencies' rights-of-way.

Procedures

1. For the purpose of this policy, the term “utility” shall include water systems, gas lines, electrical systems, and other public facilities, as well as those normally used to deliver, or dispose of, products utilized by the general public.

2. Utility agreements will be negotiated with each major utility owner affected, or likely to be affected, by a SANDAG project. These agreements shall establish the general basis for determining costs, salvage and betterment credits, liabilities, methods of payment, encroachments and easements, and procedures for effecting specific and discrete elements of work. Utilities that must be replaced or rearranged shall be replaced or rearranged in-kind to the current code or standard. Board approval is required to improve utilities beyond the code or standard of the utilities being replaced.

3. Design and construction relative to SANDAG-required utility relocations shall generally be performed by, or under contract to, the utility owner. Where the utility agrees to have such work performed by a SANDAG contractor, however, the utility should be assigned final responsibility for accepting that portion of the contractor's work. Where applicable, SANDAG may cause franchise utilities to pay for expenses related to relocation.

4. SANDAG shall exercise reasonable discretion in acting on applications of utilities for permits to occupy SANDAG's right-of-way. SANDAG may, however, refuse to grant any applications for any crossings which would be inconsistent with public safety or the continued unobstructed use of the right-of-way for freight or transit purposes.

5. With the necessary modifications for the type of right-of-way and ownership thereof, SANDAG shall be guided by the California Streets and Highway Code, Section 680 and on any applicable case law, in carrying out this policy.

6. Nothing in this policy is intended to apply to relocations or adjustments and placement of public and privately owned utilities within North County Transit District (NCTD) or Metropolitan Transit System (MTS) MTDDB-owned right-of-way. Any such relocations or adjustments and placements shall be governed by the policies of NCTD or MTDDBMTS, or governed by separate agreements established on a case-by-case basis.

Adopted November 2003
Amended December 2008
PROCUREMENT AND CONTRACTING – EQUIPMENT & SUPPLIES

Purpose
To establish procedures for acquiring supplies, equipment, and materials.

Background
When purchasing equipment, supplies, and materials, SANDAG staff is required to use a competitive procurement process. Pursuant to Public Utilities Code section 132352.4(5), SANDAG is required to select the lowest responsible bidder meeting specifications for awards of $50,000 or more, not including sales tax. This section also states two exceptions to this requirement. First, if an article of a specified brand or trade name is the only article that will properly meet the needs of SANDAG, competitive procurement is not required. Second, the Board may approve a purchase of equipment, supplies, or materials that exceeds $50,000 without utilizing competitive procurement methods if it is in the best interest of SANDAG to do so. All references to the Executive Director in this policy also apply to the Executive Director’s designee.

Policy
1. Supplies, equipment, and materials not otherwise provided for in a contract for construction or services, and estimated to cost more than $50,000, shall be listed separately in the budget or otherwise provided for by Board action or Executive Director approval before suppliers are asked to submit any binding offers.

2. For purchases in excess of $3,000 involving federal funds, all applicable federal requirements and certifications must be attached to the purchase order or contract. For purchases that exceed $50,000, a purchase order or a contract must be used in order to ensure provisions are included to protect the interests of SANDAG.

3. Sole source acquisition shall only be permitted when the conditions below are met.

   3.1 When the acquisition will be paid for in whole or in part by federal funds one of the following conditions must be met:

       3.1.1 There is an urgent need for the articles due to an emergency or some other exigency that will not permit a delay resulting from competitive solicitation. Examples of such need include a danger to the public or loss of use of a transportation facility used by the public.

       3.1.2 Staff solicited competitive bids and was unable to obtain a responsive bid from a responsible bidder.

       3.1.3 The grantor agency providing funds for the project has approved sole source acquisition.

       3.1.4 The item is only available from a single source.
3.1.5 The item is an associated capital maintenance item as defined in 49 U.S.C. §5307(a)(1) that is procured directly from the original manufacturer or supplier of the item to be replaced. Written certification must first be provided to the federal funding agency stating that such manufacturer or supplier is the only source for such item, and that the price of such item is no higher than the price paid for such item by like customers. A cost analysis verifying the proposed cost data, the projections of the data, and evaluation of the specific elements of costs and profit, is required.

3. Normally, SANDAG will utilize a full and open competition when soliciting bids or proposals for procurements in excess of $50,000. Under certain circumstances, however, a procurement may be justified that does not utilize full and open competition. These procurements are known as limited competition procurements. When less than full and open competition is used, SANDAG shall solicit offers from as many potential sources as is practicable under the circumstances. Noncompetitive procurement is known as sole source procurement. Noncompetitive and limited competition procurements shall only be permitted when the conditions below are met.

3.21 When there are no federal funds involved the following additional factors may make limited competition or sole source acquisition procurement within the best interest of SANDAG. Therefore, a limited competition or sole source for these types of procurements may be permitted when one of the conditions in this section (3.21) or section 3.1 is met:

3.21.1 There is only one vendor capable of providing the item because the item is unique or highly specialized.

3.21.2 The item should be purchased from a particular vendor in the interest of economy or efficiency as a logical follow-on to an order already issued under a competitively awarded contract.

3.21.3 The cost to prepare for a competitive procurement exceeds the cost of the item.

3.21.4 The item is an integral repair part or accessory compatible with existing equipment.

3.21.5 The item is essential in maintaining research or operational continuity.

3.21.6 The item is one with which staff members who will use the item have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.

3.21.7 The procurement is of the type that may be made as a sole source procurement pursuant to the Public Contracts Code.

3.2 When the project will be paid for in whole or in part by federal funds one of the conditions set forth below must be met:
3.2.1. Unique Capability or Availability. The equipment or services are only available from one source. Services are only available from one source if one of the conditions described below is present:

3.2.1.1 Unique or Innovative Concept. Staff can demonstrate that the equipment is a unique or innovative concept or capability not available from another source. Unique or innovative concept means either a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to SANDAG only from one source and has not in the past been available to the recipient from another source; or

3.2.1.2 Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.

3.2.2. Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.

3.2.3. Unacceptable Delay. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling SANDAG’s needs.

3.2.4. Single Bid or Proposal. Upon receiving a single bid or proposal in response to a solicitation, if staff determines that competition was adequate based on a review of the specifications for undue restrictiveness and/or a survey of potential sources that chose not to submit a bid or proposal.

3.2.5. Unusual and Compelling Urgency. SANDAG may limit the number of sources from which it solicits bids or proposals if staff documents that such an unusual and urgent need for the services exists that SANDAG would be seriously injured unless it were permitted to limit the solicitation. SANDAG may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the services.

3.2.6. Contractual Agreement. With some exceptions, when an agency awards a grant agreement or enters into a cooperative agreement with SANDAG for a project in which the funding agency has approved the participation of a particular firm or combination of firms in the project work, the grant agreement or cooperative agreement constitutes approval of those arrangements.

3.2.7. Circumstances authorized by Federal Acquisition Regulation Part 6.3 or the federal Common Grant Rules. Examples include a statutory authorization or requirement, compliance with Department of Transportation (DOT) appropriations laws that include specific statutory requirements, with the result that only a single contractor can perform certain project work.
3.2.8. National Emergency. To maintain a facility, producer, manufacturer, or other supplier available to provide supplies or services in the event of a national emergency or to achieve industrial mobilization.

3.2.9. Research. To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.

3.2.10. Protests, Disputes, Claims, Litigation. To acquire the services of an expert or neutral person for any current or anticipated protest, dispute, claim, or litigation.

3.2.11. International Arrangements. When precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or when prohibited by the written directions of a foreign government reimbursing the recipient for the cost of the acquisition of the supplies or services for that government.

3.2.12. National Security. When the disclosure of SANDAG’s needs would compromise the national security.

3.2.13. Public Interest. When SANDAG staff documents that full and open competition in connection with a particular acquisition is not in the public interest.

3.2.14. When Prohibited. Less than full and open competition is not justified under any circumstance based on:

3.2.14.1 Failure to Plan. Lack of advance planning.
3.2.14.2 Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, expiration of Federal assistance previously available for award).

4. For purchases below $23,050 a micro purchase procurement method may be used. A micro purchase is a noncompetitive purchase technique, however, the price of the item must still be fair and reasonable. There should be equitable distribution among qualified suppliers in the local area and no splitting of procurements to avoid competition. A bid is only required from the vendor of choice and no contract is required.

5. For purchases between $32,500 and $50,000, a simplified competitive procurement method may be used:

5.1. Staff shall obtain written bids or document oral bids from at least three suppliers in a manner that permits prices and other terms to be compared.

5.2. Staff shall recommend the supplier that will provide the best value to SANDAG, taking into account the possible range of competing product and materials available, fitness of purpose, manufacturer’s warranty, and other similar factors in addition to price.
5.3 Staff shall obtain approval as required in the administrative delegation of authority policy and the small procurement procedures for use of the recommended supplier.

6. For purchases of $50,000 or more, an invitation for bids (IFB) shall be issued and the award will be made to lowest responsible bidder submitting a responsive bid:

6.1 The IFB will be posted on the SANDAG Web site. In addition, notice of the IFB will be sent to suppliers previously known to be interested in providing the needed article(s).

6.2 Notice of the IFB will be published in at least one newspaper of general circulation in San Diego County. The IFB may also be published in one or more Disadvantaged Business Enterprise (DBE)/Small business directed newspapers and in such other minority or community newspapers and trade publications as appropriate at least two weeks before the bid opening date. The notice shall state that SANDAG is interested in receiving bids from qualified firms, and indicate how additional information can be obtained, the date, location and time for receiving and opening the sealed bids. For federally funded projects, the IFB must also be published in one or more Disadvantaged Business Enterprise-certified publications.

7. For purchases of $50,000 or more that are better suited for a Request for Proposals (RFP) (negotiated purchase) or purchase on the open market, instead of an IFB (low bidder), approval may be sought from the Contracts Manager to utilize a different procurement process. An alternate procurement process to the IFB may be in the best interest of SANDAG in the following example situations:

7.1 The purchase may be made at a lower price on the open market.

7.2 Competitive bidding is an inadequate method of procurement because it is necessary to purchase prototype equipment or modifications in order to conduct and evaluate operational testing.

7.3 The article(s) to be procured is undergoing rapid technological changes and it is in the public’s interest to issue an RFP so that the broadest possible range of competing product and materials available, fitness of purpose, manufacturer’s warranty, and other similar factors in addition to price, can be taken into consideration.

8. If staff seeks authorization to utilize an alternate procurement process under section 7, documentation setting forth the reasons a deviation from the typical competitive bidding process is warranted, and a technical evaluation of the articles, prices, and suppliers shall be submitted in the requisition packet.

9. Conflicts of Interest

9.1 SANDAG shall not contract with, and will reject any bid or proposal submitted by, the following persons or entities, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:

9.1.1 Persons employed by SANDAG;
9.1.2 Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners or major shareholders;

9.1.3 Persons who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; or

9.1.4 Profit-making firms or businesses in which the former employees described in subsection 9.1.3 serve as officers, principals, partners or major shareholders.

9.2 SANDAG staff and third parties with whom SANDAG does business shall comply with SANDAG administrative policies concerning Standard of Conduct and all relevant Board Policies.

9.3 A Notice of Potential for Conflict of Interest shall be included when relevant in any procurement issued by SANDAG. The Notice shall be the policy of the Board as listed herein. Any agreement issued in accordance with this policy shall include or make reference to the policy listed herein.

9.4 A “firm” shall be defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company, construction management company, and the construction company.

9.5 “Ineligible” firms shall include the prime consultant for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.

9.6 If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will, upon written request, provide a written ruling. This procedure is encouraged prior to submittal of proposals or bids. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the Executive Director within five calendar days of notice from SANDAG the conflict. The Executive Director shall determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.

Adopted November 2003
Amended December 2006
Amended December 2007
Amended December 2008
PROCUREMENT AND CONTRACTING – CONSTRUCTION

Purpose

To establish a method for administering SANDAG construction contracts.

Background

Public Utilities Code section 132352.4 states that if the estimated total cost of any construction project or public works project will exceed fifty thousand dollars ($50,000), SANDAG must solicit bids in writing and award the work to the lowest responsible bidder or reject all bids. Section 132352.4 further mandates that SANDAG establish rules for procurement of construction of public works projects. Additionally, Government Code section 14085 et seq. requires that any public entity receiving state funds for a guideway project adopt policies and procedures for contract administration. Code of Federal Regulations, Volume 49, Part 18, and Federal Transit Administration Circular 4220.1E also establish procedures which SANDAG must be follow when administering contracts using federal funds. All references to the Executive Director in this policy also apply to the Executive Director’s designee.

Policy

1. Bidding Process

A competitive bidding process shall be utilized to the greatest extent possible for all construction contracts.

1.1. Bid Procedure for Small Contracts

1.1.1 For construction contracts estimated to cost $32,050 or less, the work may be awarded without competition so long as the price is determined to be fair and reasonable. Otherwise, staff shall seek a minimum of three bids which may be either written or oral to permit prices and other terms to be compared.

1.1.2 For construction contracts estimated to cost more than $3,000 but not more than $50,000, the following procedures shall be followed:

1.1.2.1 Written Notices Inviting Bids (NIBs) will be sent to a minimum of three qualified bidders by mail or facsimile on the same date. The bid period will be a minimum of three calendar days. When possible, NIBs should be sent to at least two certified Disadvantaged Business Enterprise (DBE) firms. The NIB will contain the time and location for receiving and opening bids.
1.1.2.2 The contract will be awarded to the lowest responsive and responsible bidder after a Notice of Intent to Award has been issued to all bidders and a protest period of five working days has expired.

1.1.2.3 Bid bonds will only be required on bids that are $50,000 or less when requested by the Director of Mobility Management & Project Implementation or his or her designee.

1.2. Bid Procedure for Contracts in Excess of $50,000

1.2.1 Public notice of a construction contract estimated to cost more than $50,000 shall be given by publication once a week for at least two consecutive weeks, at least three weeks before the day set for receiving bids, as follows:

1.2.1.1 In a newspaper of general circulation, published in San Diego County;

1.2.1.2 In a trade paper of general circulation published in Southern California devoted primarily to the dissemination of contract and building news among contractors and building materials supply firms (optional for projects estimated to cost less than $100,000); and

1.2.1.3 In at least one DBE/Small business directed newspaper or trade publication and in such other minority or community newspapers as appropriate.

1.2.2 Advertisements may also be placed in other minority and community newspapers, as appropriate. Appropriate DBEs listed in the current SANDAG vendor database will be notified of any work advertised under this policy.

1.2.3 The notice shall state the time and place for receiving and opening sealed bids and shall describe, in general terms, the work to be done.

1.3. Contractor's Qualifications

1.3.1 SANDAG may, for prospective contractors whose bid could exceed $500,000, adopt and apply a uniform prequalification system for rating bidders, on the basis of a standard experience questionnaire and financial statement verified under oath in respect to the contracts upon which each bidder is qualified to bid. A contractor may request to be prequalified for a predetermined contract amount prior to bidding.

1.3.2 In no event shall any bidder be awarded a contract if such contract award would result in the bidder having under contract(s), work cumulatively in excess of that authorized by its qualification rating.
1.4. Form of Bids

1.4.1 SANDAG shall furnish each bidder with a standard proposal form, to be filled out, executed, and submitted as its bid.

1.4.2 All bids shall be submitted in a sealed envelope accompanied by one of the following forms of bidder's security: cash, a cashier's check, certified check, or a bidder's bond executed by an admitted surety insurer and made payable to SANDAG. A bid shall not be considered unless accompanied by one of the forms of bidder's security. Bidder's security shall be at least 10 percent of the amount bid. Bidder's bonds must be issued by bonding companies registered in the State of California.

1.4.3 Late bids shall not be accepted after the time and date designated in the notice.

1.4.4 Any bid may be withdrawn any time prior to the time fixed in the notice for bid opening only by written request to the SANDAG Executive Director. The request shall be executed by the bidder or its designated representative. Bids shall not be withdrawn after the time fixed for public opening.

1.4.5 On the day specified in the notice, staff shall publicly open sealed bids and announce the apparent lowest bidder(s).

1.5. Review of Bids

1.5.1 After the bids are publicly opened, the Director of Mobility Management & Project Implementation or his or her designee (hereinafter "Director"), shall review all bids in order to determine which bidder is the lowest responsive and responsible bidder. The term "lowest responsive and responsible bidder" shall mean the lowest monetary bidder (excluding taxes) whose bid is responsive and who is responsible to perform the work required by the solicitation and contract documents.

1.5.2 SANDAG may investigate the responsibility and qualifications of all bidders to whom the award is contemplated for a period not to exceed 90 days after the bid opening. The 90-day review period may be extended upon the written request by the Director and written approval by the affected bidders.

1.5.3 SANDAG reserves the right to reject any or all bids and to waive any immaterial irregularity. No bid shall be binding upon SANDAG until after the contract is signed by both the contractor and SANDAG.

1.5.4 The lowest monetary bidder's bid will be evaluated by the Director in order to determine whether or not that bid is responsive. The term "responsive" is not defined by California law, but generally means that the bid has been
prepared and submitted in accordance with the requirements of the solicitation and bid documents. These requirements shall generally include, but will not be limited to, the following:

1.5.4.1 Proposal and Cost Proposal - with bid amounts filled in.
1.5.4.2 Designation of Subcontractors - including dollar amounts.
1.5.4.3 Designation of Suppliers and Subcontractors - including dollar amounts.
1.5.4.4 Acknowledgment of Addenda.
1.5.4.5 Contractor's License Requirements.
1.5.4.6 Ability to Meet Minimum Insurance Requirements.
1.5.4.7 Public Contract Code 10162 Questionnaire.
1.5.4.8 Bidder's Bond.
1.5.4.9 Noncollusion Affidavit.
1.5.4.10 Certification of Restrictions on Lobbying.
1.5.4.11 Disclosure of Lobbying Activities.
1.5.4.12 Certification Regarding Debarment

1.5.5 If the lowest monetary bidder's bid is responsive, then the bidder's qualifications will be evaluated by the Director to determine whether or not the bidder is responsible to perform the work required by the contract documents. The term "responsible" is defined by California law, but generally means that the bidder is able to demonstrate that it possess:
(1) the capacity to perform the work required by the contract documents with respect to financial strength, resources available, and experience; and
(2) the integrity and trustworthiness to complete performance of the work in accordance with the contract documents. The Director shall review "responsibility" of bidders based upon factors set forth below.

1.5.6 For all contracts in excess of $500,000, the following uniform system of determining whether or not a bidder is "responsible" shall be applied. The Director will consider the following non-exclusive list of factors in relation to the work to be performed for this project:

1.5.6.1 Financial Requirements:

1.5.6.1.1 Contractors shall have evidence of the availability of sufficient working capital that, times a factor of ten, must exceed the contract bid price;

1.5.6.2 The largest value of all work any bidding contractor has had under contract over a previous similar time frame as the subject contract shall meet or exceed the total amount of the bid;

1.5.6.3 The dollar value of at least one of the previous individual contracts listed shall be at least 50 percent of the dollar value bid on the SANDAG contract; and
1.5.6.1.4 The contractor shall have successfully completed contracts during the previous five years that together exceed five times the annual value of the SANDAG contract.

1.5.6.2 Experience Requirements:

1.5.6.2.1 The contractor must demonstrate organization experience on work similar to the SANDAG contract by submitting a list, covering at least the previous five years, of all projects of any type that have been completed or are under construction. The list shall contain a name, title, address, and phone number for staff to contact to verify the contract details;

1.5.6.2.2 The contractor shall demonstrate individual experience by submitting a list of all officers, superintendents, and engineers who will be involved in the SANDAG contract. These key personnel shall have at least three years experience on contracts where the work is similar to the SANDAG contract. The individuals listed shall have been involved at the same level of responsibility on successfully completed contracts during the previous five years that together exceeds the value of the SANDAG contract. A resume for each individual listed shall include the name, title, address, and phone number of an individual or organization who can verify the individual's experience;

1.5.6.2.3 The contractor shall submit a summary of all claims made in the last five years arising out of previous contracts listed (this summary shall include all claims by owner against bidder or bidder against owner, and the final status of each claim);

1.5.6.2.4 The contractor shall state whether or not it has defaulted on a construction project within the last two years;

1.5.6.2.5 The contractor shall list any violation of the Apprenticeship Requirements under a State Business and Professions Code of Labor Code found by an appropriate authority within the last two years;

1.5.6.2.6 The contractor shall state whether they have been found guilty of failure to pay required prevailing wages on a public contract within the last two years;
1.5.6.2.7 The contractor shall state whether they have been formally found to be a nonresponsible bidder, for reason other than being nonresponsive, by a public agency within the last two years;

1.5.6.2.8 The contractor shall list how many construction projects the bidder will be working on concurrently with the SANDAG project;

1.5.6.2.9 The contractor shall state whether they have ever been terminated by an owner or client, or rejected from bidding in a public works project in the last five years;

1.5.6.2.10 The contractor shall state whether a surety ever completed any portion of the work of the bidder's project within the last five years;

1.5.6.2.11 The contractor shall state whether the bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder, has ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of a law or safety regulation, and if so, explain the circumstances; and

1.5.6.2.12 For all items identified under 1.5.6.2.1 through 1.5.6.2.11 above, the contractor shall provide name of owner, title of project, contract amount, location of project, date of contract, and name of bonding company.

1.5.6.3 Reporting Forms: In order to demonstrate that the SANDAG financial and experience requirements are met, the contractor shall submit, when requested by SANDAG, a standard experience questionnaire and financial statement verified under oath that shall meet the requirements adopted herein.

1.5.6.4 Failure to provide accurate information relative to its financial status or experience may result in the debarment of the contractor from future SANDAG work.

1.5.6.5 Questionnaires and financial statements shall not be considered public records nor open for public inspection.

1.5.7 SANDAG will make its determination of responsibility based upon information submitted by bidders, and, if necessary, interviews with previous owners, clients, design professionals, or subcontractors with whom the bidder has worked. If a nonresponsible bidder submits
additional evidence, then that additional evidence shall be considered by the Director in making the recommendation to the Executive Director regarding determination of the lowest responsive and responsible bidder and award of the contract.

1.6 Award or Rejection of Bids

1.6.1 If the Director finds that the lowest monetary bidder submitted a responsive bid and that the bidder is responsible, then that bidder shall be deemed the apparent lowest responsive and responsible bidder, and the Director shall report the findings as recommendation to the Executive Director.

1.6.2 If the Director finds that the lowest monetary bidder’s bid is not responsive or that the lowest monetary bidder is not responsible, then the Director may review the responsiveness and responsibility of the next low monetary bidder. If the Director finds that the next low monetary bidder is responsive and responsible, then that next low bidder shall be deemed the apparent lowest responsive and responsible bidder, and the Director shall report the findings as recommendations to the Executive Director. The Director may continue to review the responsiveness and responsibility of the next low monetary bidders until he/she finds the lowest monetary bidder that is also responsive and responsible, and deemed lowest responsive and responsible bidder. In the event that one or more low monetary bidders are found by the Director to be nonresponsive or nonresponsible, those bidders will be given notice and a reasonable opportunity to present additional evidence to the Director within five working days after the bidder receives the notice.

1.6.3 The Executive Director may authorize a Limited Notice to Proceed (LNTP) to the apparent lowest responsive and responsible bidder for an amount not to exceed $250,000 prior to the award of the construction contract if the Executive Director determines that the award of an LNTP is justified.

1.6.4 If it is for the best interest of SANDAG, the Executive Director may, on refusal or failure of the successful bidder to execute the contract, award it to the second-lowest responsive and responsible bidder.

1.6.5 If the second-lowest responsive and responsible bidder fails to execute the contract, the Executive Director may likewise award it to the third-lowest responsible bidder.

1.6.6 On the failure or refusal of any bidder to execute the contract, its bidder’s security shall be forfeited to SANDAG.

1.6.7 For all contract awards in excess of $25,000, the successful bidder must furnish a performance bond equal to at least one-half of the contract price and a payment bond equal to at least one hundred percent of the contract price. Federally funded contract awards shall require a performance bond.
equal to one hundred percent of the contract price. Notwithstanding the foregoing, depending upon authorization from the funding source(s), the performance and payment bond requirements may be modified within the Invitation for Bids with prior approval of the Director.

1.6.8 Failure to furnish the required bonds shall constitute failure to execute the contract.

1.7 Return of Bidder's Security

1.7.1 SANDAG may withhold the bidder's security of the second- and third-lowest responsive and responsible bidders until the contract has been finally executed. SANDAG shall, upon request, return cash, cashier's checks, and certified checks submitted by all other unsuccessful bidders within 30 days after the bid opening, and the bidder's bonds shall be of no further effect.

1.8 Protests to Solicitation, Bid, or Award

1.8.1 SANDAG shall include in all contracts a procedure to be followed by interested parties who wish to protest a specification or procedure. The procedure shall include the following:

1.8.1.1 A requirement that protest submittals shall be in writing, be specific to the specification or procedure being protested, state the grounds for protest, and include all documentation needed to enable SANDAG to reach a decision.

1.8.1.2 A statement that the protest shall be submitted within clearly defined time limits prior to receiving proposals or opening bids or prior to award of contracts.

1.8.1.3 A statement specifying the review and determination process by SANDAG, including time limits for response.

1.8.1.4 Requirements for submittal of a protest reconsideration.

1.8.1.5 A statement that the initial protest will be reviewed by a protest review committee and that protest reconsiderations will be reviewed by the Executive Director.

1.8.1.6 A statement that protests will be rejected if they are not complete.
1.9 Procedure for Subcontractor Substitution Protest

1.9.1 Subcontractor substitutions shall be made only pursuant to the provisions of the Subletting and Subcontracting Fair Practices Act, Public Contract Code section 4100 et seq., as it may be amended from time to time. Notwithstanding the foregoing, nothing in this policy is intended to require SANDAG to strictly comply with the Subcontracting Fair Practices Act. The Executive Director is hereby designated to carry out the functions of the awarding authority under Section 4100 et seq., including the authority to conduct a hearing in the event of a protest to the substitution. The Executive Director shall make a written recommendation to the Board, the Board may adopt the recommendation without further notice or hearing, or may set the matter for a de novo hearing before the Board.

1.10 Procedure for Contractors with Claims Against SANDAG on Construction Contracts

1.10.1 On all SANDAG construction contracts estimated to cost more than $25,000, a section shall be included in the contract provisions that specifies how a contractor should file a "Notice of Potential Claim" and the procedures for review and disposition thereof.

1.10.2 Federal Transit Administration review and concurrence is required for claim settlements that exceed $1 million if FTA funds are involved.

1.10.3 A list of all outstanding claims exceeding $100,000 which involve the use of federal funds shall be included in the federal grants quarterly report.

1.11 Debarment Procedures for Procurement and Construction Contracts

1.11.1 In addition to all other remedies permitted by law, SANDAG may, upon advice of the Executive Director and Office of General Counsel, by resolution declare a bidder or contractor ineligible to bid on SANDAG procurement and construction contracts for a period not to exceed three years for any of the following grounds:

   1.11.1.1 two or more claims of computational, clerical, or other error in bid submission within a two year period;

   1.11.1.2 unjustified failure or refusal to timely provide or properly execute contract documents;

   1.11.1.3 unsatisfactory performance of contract;

   1.11.1.4 false, excessive and/or unreasonable claims while performing work for SANDAG;

   1.11.1.5 two or more occasions within a two year period of failure to submit bond or insurance documents acceptable to SANDAG in the time periods required;
1.11.1.6 unjustified refusal to properly perform or complete contract work or warranty performance;

1.11.1.7 unjustified failure to honor or observe contractual obligations or legal requirements pertaining to the contract;

1.11.1.8 conviction under a state or federal statute or municipal ordinance for fraud, bribery, theft, falsification or destruction of records, receiving stolen property or of any other similar crime;

1.11.1.9 any offense or action which indicates a lack of business integrity and which could directly affect the reliability and credibility of performance of the contractor on future contracts with SANDAG;

1.11.1.10 any debarment of the contractor by another governmental agency; and

1.11.1.11 false statements or certifications in documents submitted as part of a bid or any supplementary documentation thereto.

1.11.2 SANDAG may permanently debar such bidder or contractor for a conviction under federal or state antitrust statutes involving public contracts or the submission of bid proposals, for any corrupt practices involving the administration or award of a contract with SANDAG, or permanent debarment of the bidder or contractor by another governmental agency.

1.11.3 The bidder or contractor shall be provided notice and an opportunity to present evidence and show cause before the Board why such ineligibility shall not be declared after the Director has established a factual basis for debarment.

1.11.4 A contractor’s debarment shall be effective amongst SANDAG and any subsidiary entity. Debarment prohibits SANDAG and any subsidiary entity from executing contracts with the debarred contractor.

1.11.5 Debarment constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarment decision may be extended to include any affiliate of the contractor if the affiliate is (1) specifically named, and (2) given written notice of the proposed debarment and an opportunity to respond.

1.11.6 Notwithstanding the debarment of the contractor, the Board may continue contracts in existence at the time the contractor is debarred, unless the Board directs otherwise, after receiving advice from the Executive Director as to the effects of termination of an existing agreement.
2. **Contract Administration and Contractor Assurances**

2.1 SANDAG contractors must meet all applicable laws concerning labor law, labor rates, EEO and licenses. SANDAG shall ensure that the following requirements are carried out:

2.1.1 All bidders and contractors shall be licensed in accordance with the laws of California. Additionally, contractor requirements shall be guided by the provisions of Chapter 9 of Division 3 of the Business and Professions Code concerning the licensing of contractors.

2.1.2 The contractor may not, in any case, pay workers less than the stipulated prevailing rates paid for such work or craft in the San Diego area by the contractor or any of its subcontractors, unless it is otherwise authorized by law.

2.1.3 The contractor will be responsible for complying with the provisions of the Fair Labor Standards Act of 1938 as amended.

2.1.4 SANDAG contractors shall be required to provide Workers’ Compensation Insurance to their employees in accordance with the provisions of Section 3700 of the Labor Code. Prior to commencement of work, the contractor shall sign and file with SANDAG a certification of compliance.

2.1.5 Contractors must comply with the SANDAG contractor labor compliance program, which is based on the California Labor Code and the “Labor Compliance” section of the California Department of Transportation’s Construction Manual.

2.1.6 The contractor shall comply with the EEO requirements set forth by Title VI of the 1964 Civil Rights Act on any project where Federal funds are included.

2.1.7 The contractor shall also comply with Sections 1431 and 1735 of the Labor Code and Sections 300 and 317 through 323 of Title 8 of the California Administrative Code, which prohibits labor discrimination and requires the contractor to submit an Equal Opportunity Program and certification fee to the Fair Employment Practice Commission for contracts over $200,000.

3. **Construction Contract Change Orders**

3.1 All construction and procurement contracts may be amended by a suitable change order. The contract change orders shall be processed in accordance with SANDAG procurement and construction manual(s).

3.2 Construction contract change orders shall be approved by the Executive Director in accordance with SANDAG Board policies, administrative policies, and procedural manuals.
3.3 Except in an emergency, or in the case of a justifiable sole source procurement, a change order shall not be awarded without competitive bidding where the amount of such change order exceeds 25 percent of the price of the original or altered contract, or the change order is out of the original contract scope.

3.3.1 For purposes of this section, an emergency is defined as a sudden or unforeseen situation in which, in the Executive Director's opinion, injury to persons, or significant injury to property or interruption of a public service will occur if immediate action is not taken.

3.4 All change orders that conflict or potentially conflict with Board-adopted policies shall be brought before the Board for decision.

3.5 All change orders which utilize federal funds shall conform to the Code of Federal Regulations, Volume 49, Part 18 and Federal Transit Administration Circular 4220.1E and any successors thereof, that are applicable by law.

4. Non-Competitive Procurements – Sole Source Other Than Full and Open Competition

Normally, SANDAG will utilize a full and open competition when soliciting bids or proposals for procurements in excess of $50,000. Under certain circumstances, however, a procurement may be justified that does not utilize full and open competition. These procurements are known as limited competition procurements. When less than full and open competition is used, SANDAG shall solicit offers from as many potential sources as is practicable under the circumstances. Noncompetitive procurement is known as a sole source procurement. Noncompetitive and limited competition procurements shall only be permitted when the conditions below are met.

4.1 When the project will be paid for in whole or in part by federal funds one of the following conditions set forth below must be met:

4.1.1 There is an urgent need for the work due to an emergency or some other exigency that will not permit a delay resulting from competitive solicitation. Examples of such need include a danger to the public or loss of use of a transportation facility used by the public.

4.1.2 Staff solicited competitive bids and was unable to obtain a responsive bid from a responsible bidder.

4.1.3 The grantor agency providing funds for the project has approved sole source acquisition.

4.1.4 The work is only available from a single source.

4.1.5 The item is a capital maintenance item directly procured from the original manufacturer and that supplier is the only source for such item. Unique Capability or Availability. The services are only available from one source. Services are only available from one source if one of the conditions described below is present:
4.1.1 Unique or Innovative Concept. Staff can demonstrate that the service consists of a unique or innovative concept or capability not available from another source. Unique or innovative concept means either a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to SANDAG only from one source and has not in the past been available to the recipient from another source; or

4.1.1.2 Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.

4.1.2 Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.

4.1.3 Unacceptable Delay. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling SANDAG’s needs.

4.1.4 Single Bid or Proposal. Upon receiving a single bid or proposal in response to a solicitation, if staff determines that competition was adequate based on a review of the specifications for undue restrictiveness and/or a survey of potential sources that chose not to submit a bid or proposal.

4.1.5 Unusual and Compelling Urgency. SANDAG may limit the number of sources from which it solicits bids or proposals if staff documents that such an unusual and urgent need for the services exists that SANDAG would be seriously injured unless it were permitted to limit the solicitation. SANDAG may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the services.

4.1.6 Contractual Agreement. With some exceptions, when an agency awards a grant agreement or enters into a cooperative agreement with SANDAG for a project in which the funding agency has approved the participation of a particular firm or combination of firms in the project work, the grant agreement or cooperative agreement constitutes approval of those arrangements.

4.1.7 Circumstances authorized by Federal Acquisition Regulation Part 6.3 or the federal Common Grant Rules. Examples include a statutory authorization or requirement, compliance with Department of Transportation (DOT) appropriations laws that include specific statutory requirements, with the result that only a single contractor can perform certain project work.
4.1.8 National Emergency. To maintain a facility, producer, manufacturer, or other supplier available to provide supplies or services in the event of a national emergency or to achieve industrial mobilization.

4.1.9 Research. To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.

4.1.10 Protests, Disputes, Claims, Litigation. To acquire the services of an expert or neutral person for any current or anticipated protest, dispute, claim, or litigation.

4.1.11 International Arrangements. When precluded by the terms of an international agreement or a treaty between the United States and a foreign government or international organization, or when prohibited by the written directions of a foreign government reimbursing the recipient for the cost of the acquisition of the supplies or services for that government.

4.1.12 National Security. When the disclosure of SANDAG’s needs would compromise the national security.

4.1.13 Public Interest. When SANDAG staff documents that full and open competition in connection with a particular acquisition is not in the public interest.

4.1.14 When Prohibited. Less than full and open competition is not justified under any circumstance based on:

4.1.14.2 Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, expiration of federal assistance previously available for award).

4.2 When there are no federal funds involved, additional factors may be used to justify a limited competition or sole source procurement as being within the best interest of SANDAG. For these types of procurements one of the conditions in this section (4.2) or section 4.1 must be met:

4.2.1 There is only one contractor capable of providing the work because the work is unique or highly specialized.

4.2.2 The work should be carried out by a particular contractor in the interest of economy or efficiency as a logical follow-on to work already in progress under a competitively awarded contract.

4.2.3 The cost to prepare for a competitive procurement exceeds the cost of the work.
5. **Relief from Maintenance and Responsibility and Acceptance of Work**

5.1 SANDAG will, upon written application by the contractor, consider granting relief from maintenance and responsibility on major elements of each major construction project as permitted in the contract specifications. The Executive Director is hereby delegated authority to grant said relief in writing to the contractor and shall report actions on contracts over $25,000 to the Board.

5.2 SANDAG will, upon written application by the contractor, accept the entire work on major construction contracts, provided that the work has been completed, in all respects, in accordance with the contract plans and specifications. The Executive Directors is hereby delegated the authority to accept contracts on behalf of the Board and shall report to the Board all contract acceptances over $25,000.

5.2.1 In determining whether to accept the entire work on major construction projects, these procedures should be followed:

5.2.1.1 The contractor shall request acceptance in writing.

5.2.1.2 Concurrence with the request by the SANDAG Resident Engineer shall be in writing to the Executive Director and include these findings: (1) that the contract has been completed in accordance with the plans and specifications, (2) a statement as to the financial condition of the contract, and (3) a statement as to whether the contract was completed on time or with an apparent overrun.

5.2.1.3 The Executive Director shall accept the action and report the findings to the Board.

6. **Conflict of Interest**

6.1 A contractor is eligible for award of service contracts by SANDAG so long as the contract in question does not create an actual, potential, or apparent conflict of interest. A prohibited conflict of interest exists when a firm is or may be unable to render impartial, objective assistance or advice to SANDAG or where a firm would receive an unfair competitive advantage. Prohibited conflicts of interest include, but are not limited to, the following situations:

6.1.1 Any firm that provides design services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract to construct the improvements, which are the subject of the design services.

6.1.2 Any firm, except for General design/Engineering Consultants, for a design-bid-build project that provides design services to SANDAG will be ineligible for award of any contract to provide construction management services resulting from the specific project for which design services were provided.

6.1.3 Any General design/Engineering Consultant for a project is eligible for award of a contract to provide the following general construction.
management services for that project so long as a SANDAG employee will oversee the project and make all final decisions and approvals: Office Engineer, Assistant Resident Engineer, Inspector, and Administrative/Clerical Assistant. General design/engineering consultants for a project are not eligible for award of a contract to provide the following construction management services for that project: Project Manager and Resident Engineer.

6.1.4 Any firm that provides construction management services to SANDAG for a design-bid-build project will be ineligible for award of a construction contract for which construction management services were or will be provided.

6.2 SANDAG shall not contract with, and will reject any bid or proposal submitted by, the following persons or entities, unless the Executive Director finds that special circumstances exist which justify the approval of such contract:

6.2.1 Persons employed by SANDAG;

6.2.2 Profit-making firms or businesses in which SANDAG employees serve as officers, principals, partners, or major shareholders;

6.2.3 Persons who, within the immediately preceding twelve (12) months, were employed by SANDAG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; or

6.2.4 Profit-making firms or businesses in which the former employees described in subsection 6.2.3 serve as officers, principals, partners or major shareholders.

6.3 SANDAG staff and third parties with whom SANDAG does business shall comply with SANDAG administrative policies concerning Standard of Conduct and all relevant Board Policies.

6.4 A Notice of Potential for Conflict of Interest shall be included when relevant in any procurement issued by SANDAG. The Notice shall be the policy of the Board as listed herein. Any agreement issued in accordance with this policy shall include or make reference to the policy listed herein.

6.5 A “firm” shall be defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company, construction management company, and the construction company.

6.6 “Ineligible” firms shall include the prime consultant for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.
6.7 If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will, upon written request, provide a written ruling. This procedure is encouraged prior to submittal of proposals or bids. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the Executive Director within five calendar days of notice from SANDAG the conflict. The Executive Director shall determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.

7. **Job Order Contracting**

A Job Order Contract (JOC) is a competitively bid, firm fixed price, indefinite quantity contract that is based upon specific unit pricing contained in a unit price book (prepared by the public agency or by independent commercial sources) setting forth detailed repair and construction items of work, including descriptions, specifications, units of measurement and individual unit prices for each item of work. The JOC includes unit pricing for work at time of award, but not the specified quantity and location of the work to be performed. At the time a Job Order (JO) is issued, the scope of work will identify the quantity and specific location of the work to be performed. JOC may be used when it will result in a cost savings through economies of scale or expedite the delivery of work.

7.1 **General Requirements**

7.1.1 Job Order Contracts shall be awarded under written agreement subject to the following limitations:

7.1.1.1 The specifications were advertised in accordance with Board Policy No. 024, Section 1, “Bidding Process” based on the maximum potential value of the Job Order Contract.

7.1.1.2 The specifications provided for sealed competitive bidding on unit-cost terms for all labor, material, and equipment necessary to perform all work contemplated for individual Job Orders.

7.1.1.3 The Job Order Contract does not exceed a term of three years in duration.

7.1.1.4 The Job Order Contract shall only be used for the performance of minor routine or recurring construction, or for the renovation, alteration, or repair of existing public facilities.

7.1.2 A Job Order Contract may not contain any provision which would guarantee the contractor cumulative Job Orders in excess of $50,000.
7.2 Issuance of Job Orders

7.2.1 Following award of a JOC, JOs may be issued by the Executive Director in accordance with SANDAG Board Policies, administrative policies, and procedural manuals upon certification by that individual that it is not in conflict with other Board Policies and it is the best interest of SANDAG to use the JOC procurement process because one or more of the following criteria have been met:

7.2.1.1 Use of the JOC process will result in a cost savings through economies of scale or expedite the delivery of work; or

7.2.1.2 Compliance with the traditional competitive bidding requirements will not produce an advantage to SANDAG; or

7.2.1.3 Advertising for bids is undesirable because it will be practically impossible to obtain what is needed or required by an unforeseen deadline if the traditional competitive bidding method is used; or

7.2.1.4 The entity or entities providing funds for the project have authorized use of the JOC process.

7.2.2 An individual Job Order may not exceed the sum of $2,000,000, except in the case of an emergency as defined in Section 3.3.1 of this Policy, or as specifically authorized by the Executive Director, whose authorization shall not be delegated.

7.2.3 No public work that logically should be performed as a single contractual transaction requiring the expenditure of more than $2,000,000 shall be separated into separate Job Orders for purposes of avoiding this limitation.

7.2.4 Non-prepriced items of work may be included in JOs provided that the non-prepriced items are within the scope and intent of the JOC and are priced reasonably and in conformity all applicable laws, regulations and policies.

7.3 Job Order Contract Intergovernmental Agreements

7.3.1 The SANDAG Executive Director may permit, subject to requirements of this section and subject to such terms and conditions that the Executive Director may prescribe, any public entity, including the California Department of Transportation, or any municipal corporation, school or other special district within San Diego County, to participate via the Service Bureau in JOCs entered into by SANDAG, and may enter into any agreements necessary to do so.

8. Design Build Contracting

“Design build” is a contract procurement process in which both the design and construction of a project are procured from a single entity. Notwithstanding Section 1 of this Policy,
SANDAG is permitted to use the design build contracting method on transit projects in accordance with Public Contracts Code section 20209.5 et seq. A competitive negotiation process will be used to procure design build services.

Adopted November 2003
Amended December 2006
Amended December 2007
Amended December 2008
Purpose

This policy establishes a process for obtaining input from and providing information to the public concerning agency programs, projects, and program funding in order to ensure the public is informed and has the opportunity to provide SANDAG with input so plans can reflect the public’s desire. SANDAG will review and update this plan every three years. Various federal and state laws and regulations require that an agency such as SANDAG conduct public participation programs to ensure that the public is involved and that community concerns are addressed. For example, planning of mass transit capital projects, development of short range service policies and plans, and fare policy and structure changes to public transportation require public participation. The California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) also have public information components that require an agency such as SANDAG to conduct public participation programs to ensure that the public is involved and that community concerns are addressed. A significant component of the SANDAG mission is a strong commitment to public participation and involvement to include all residents and stakeholders in the regional planning process.

The public participation policy is consistent with the requirements of Public Utility Code Section 132360.1 established with the passage of Assembly Bill 361 which reads as follows:

(c) The agency shall engage in a public collaborative planning process; recommendations from that process shall be made available and considered for integration into the plan. A procedure to carry out this process including a method of addressing and responding to recommendations from the public shall be adopted.

Social Equity and Environmental Justice

Ensuring the meaningful involvement of low income, minority, disabled, senior, and other traditionally underrepresented communities is a key component of SANDAG public participation activities. SANDAG policies, procedures, and programs are consistent with federal and state environmental justice laws, regulations, and requirements, Title VI, related nondiscrimination requirements, and reflect the principles of social equity and environmental justice. Social equity means ensuring that all people are treated fairly and are given equal opportunity to participate in the planning and decision-making process, with an emphasis on ensuring that traditionally disadvantaged groups are not left behind. Environmental justice means ensuring that plans, policies, and actions do not disproportionally affect low income and minority communities.

Scope

The policy addresses public participation policies and public information efforts in the following areas:
A. Overall Public Participation Process

B. Short Range Program – Regional Transportation Improvement Program

C. Development Planning

D. Design and Construction

E. Short Range Transit Service Planning and Fare Changes

F. Short Range Transit Planning

G. Native American Consultation

A. **Overall Public Participation Process** – Unless otherwise noted or required, these are SANDAG general policies for public participation for major planning initiatives such as the Regional Transportation Plan, Regional Comprehensive Plan, Regional Short Range Transit Plan, and other planning and programming projects

1. The SANDAG Public Participation/Involvement Program is designed to inform and involve the region’s residents in the decision-making process on issues such as growth, transportation, environmental management, housing, open space, air quality, energy, fiscal management, economic development, and public safety.

2. The Public Participation/Involvement Program seeks to involve all citizens, including but not limited to low income households, limited English proficient individuals, Hispanic, African American, Asian, Native American, senior, and other communities, persons with disabilities, as well as community and civic organizations, public agencies, business groups and associations, environmental organizations, and other stakeholders.

3. SANDAG Board meetings provide the public forum and decision point for significant regional issues. SANDAG Directors usually hold one or two Board meetings each month: a Board Policy Meeting the second Friday of each month and a Board Business Meeting the fourth Friday of each month. Meetings held at the SANDAG office are accessible by public transit. During these meetings, Directors adopt plans, allocate transportation funds, approve transit construction plans, approve transit fare changes, and establish policies and develop programs that are used by local governments as well as other public and private organizations.

4. The SANDAG Public Participation/Involvement Program shall comply with the Americans with Disabilities Act (ADA). SANDAG shall hold public meetings in buildings, rooms, or locations that are accessible to persons with disabilities. SANDAG shall provide public meeting information in alternate formats and shall provide special accommodations at public meetings with three business days notice.

5. The SANDAG Public Participation/Involvement Program is carried out as an integrated work element of the agency’s Overall Work Program and Budget and as part of other programming, development, and implementation processes such as the Regional Transportation Plan, the Regional Comprehensive Plan, Regional Short Range Transit Plan, Regional Transportation Improvement Program, Environmental Impact Reports, transit capital project development, project construction, transit fare changes, corridor studies, and other projects.
6. SANDAG shall proactively seek and promote public participation in SANDAG workshops and public hearings, as well as participation and attendance at committees, working groups, and task forces. SANDAG shall follow local, state, and federal guidelines for posting public meeting and hearing notices. Depending upon the specific project, SANDAG shall endeavor to hold meetings at times that can attract as many participants as possible, including evenings and weekends and at locations in communities throughout the region. SANDAG shall endeavor to hold these meetings in locations that are accessible by public transit.

7. SANDAG shall inform the public in a timely manner about regional issues, actions, and pending decisions through a number of efforts. As needed or required, SANDAG shall post public notices in newspapers of general circulation for publication of legal notices. Other publication and distribution efforts can include mail distribution to residents, agencies, and city/county governments, the SANDAG Web site, e-mail lists, and rEgion – the SANDAG monthly electronic newsletter. As needed, SANDAG also shall distribute press releases and media alerts to local, regional, and Mexico border area print and broadcast media.


9. SANDAG shall use its Web site to provide the public with useful and timely information including meeting schedules and agendas; plans and environmental documents; reports and other publications; demographic profiles and data downloads; and interactive database and mapping applications.

10. As appropriate and as required by local, state, and federal guidelines, SANDAG shall translate into Spanish, and other languages, publications, announcements, and Web content. In addition, numerous staff members are bilingual Spanish-English speakers and participate in public outreach and conduct presentations in Spanish. Translators shall be hired as needed and as required by local, state, and federal guidelines to provide services in Spanish and other languages as appropriate.

11. SANDAG conducts periodic public opinion surveys as part of the outreach and citizen participation component of the SANDAG work program. These surveys shall be designed to include the San Diego region’s residents in the regional planning process and to keep SANDAG officials aware of issues that are of concern to the people who live here.

12. SANDAG will endeavor to respond to general comments received by phone, fax, letter, or e-mail within five (5) business days of receipt. Comments shall be routed to
the SANDAG staff person who is responsible for that issue. Comments may be responded to in writing (e-mail or letter) or may be resolved with the initial phone call. Some comments may need to be resolved by another agency or jurisdiction so the customer is referred to the appropriate entity. When a comment is submitted as part of a public review process (e.g., a plan or environmental report) the comment and response is logged into a database. Comments, concerns, and responses received as part of a public review process shall be included in the final plan or report.

B. **Short Range Program - Regional Transportation Improvement Program (RTIP)** - document updated every two years outlining major transportation projects to be implemented during a five-year period.

1. SANDAG shall follow the latest federal and state regulations regarding participation by interested parties.

2. As the document that implements the long range plan, the RTIP shall be incorporated as part of the Board adopted public involvement process established for the Regional Transportation Plan (October 27, 2006) including participating in public outreach efforts, providing adequate public notice (legal notice publications), employing visualization techniques, holding public meetings at convenient and accessible locations.

3. SANDAG shall respond to any significant public input or comment received during the development of the biennial update and/or during the amendment cycle as part of its report to the Board or Transportation Committee (as appropriate).

4. The biennial RTIP update will be noticed in newspapers of general circulation including in alternate languages and a public hearing shall be held prior to final adoption by the Board of Directors.

5. During the amendment cycle, SANDAG will provide a draft of the amendment to all interested parties for a 15-day comment period.

C. **Development Planning** - Planning, environmental, preliminary engineering activities on major capital projects.

1. SANDAG shall follow current federal and state regulations regarding public involvement processes and procedures. SANDAG shall develop public involvement programs tailored to meet specific project needs which address the unique challenges presented by each project. Programs shall be developed using the joint Federal Highway Administration and Federal Transit Administration (FHWA/FTA) guidelines titled “Public Involvement Techniques for Transportation Decision-Making.”

2. The public involvement program shall set objectives, identify people to be reached, develop public involvement strategy, and define specific outreach techniques.
3. The public involvement program shall be developed so that critical community concerns and technical issues are identified in the study. The issues need to address the engineering, environmental, economic, and financial analyses that respond effectively to community needs and preferences and satisfy local, state, and federal environmental clearance requirements.

4. To facilitate community participation, lists of individuals, agencies, and organizations shall be developed for distribution of agency materials. These lists will include persons who have indicated an interest in transportation planning projects during previous public information efforts and/or focused on the specific project. Project information would be distributed to the persons on this list in conjunction with public meetings and workshops, to solicit comments and recommendations.

5. Environmental documents shall be prepared in accordance with California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), as appropriate, and in coordination and consultation with various federal, state, and local agencies, and with elected officials, community leaders, organizations, and other individuals from the neighborhoods and communities potentially affected by the proposed action. Coordination and public involvement shall be achieved through a variety of means, such as formal public hearings and meetings, circulation of draft documents, mailings, focus group meetings, workshops, and individual/group contacts.

6. Formal scoping meetings, public hearings, and/or other meetings during the comment period and environmental document certification shall be held in accordance with the requisite environmental document. As required, meetings shall be announced in the Federal Register, local publications, and on the SANDAG Web site. Persons and organizations on the project mailing list also will be notified. SANDAG shall endeavor to hold public meetings in locations accessible by public transit.

7. SANDAG shall prepare and distribute appropriate notices and communications to comply with CEQA and NEPA requirements.

8. A public information program shall be developed to inform the community of factors related to the project. The information program may include briefings for the news media, informational meetings, presentations to include community and professional associations and educational institutions, business groups and associations, environmental organizations, and other public forums.

9. A project working group may be organized to review and comment on the project to build understanding and identify support for feasible alternatives. This group may consist of various elected officials/staff, community and neighborhood organizations, business organizations, property owners, and other stakeholders and interested parties. This group would be formed to provide comment and guidance regarding technical issues, review study alternatives and evaluation results, and provide community input regarding the alternatives. This iterative process would allow for identified issues and concerns to receive follow-up responses. Meeting
summaries of project working group activities shall be produced. Meeting notices, agendas, and/or other information shall be posted to the SANDAG Web site.

10. Other public input opportunities include SANDAG Board of Directors meetings and meetings of SANDAG policy committees: Executive, Transportation, Regional Planning, Borders, and Public Safety. Other opportunities for public participation are at working group meetings, general public meetings, and presentations to planning and community groups.

D. **Design and Construction** – Design and construction of capital projects.

1. For all capital improvement projects with significant community impacts, SANDAG shall provide opportunities for members of the public to provide input and express concerns. SANDAG also shall implement a program designed to inform the public of progress, as well as safety and community impacts in the event of construction.

2. SANDAG shall hold publicly noticed meetings at key stages of project development and implementation in the area(s) being impacted. The location of the meetings shall depend upon the geographic location of the project. Meetings concerning projects exclusively within the North County Transit District (NCTD) service area shall be held in North County locations, and if appropriate, at SANDAG offices. Meetings concerning projects exclusively within the Metropolitan Transit System (MTS) service area shall be held in MTS service areas affected, and if appropriate, at SANDAG offices. Meetings concerning all other projects shall be held at SANDAG offices or other locations specified in SANDAG agendas. SANDAG, MTS, and NCTD offices are accessible by public transit. SANDAG shall endeavor to hold off-site public meetings at locations accessible by public transit.

3. SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, business improvement districts, environmental organizations, neighborhood associations, and senior and disabled riders. These stakeholders will be consulted during the design and construction of capital projects.

4. SANDAG shall work to advise the public regarding actual and perceived disruption during construction of capital projects by distributing informational, educational, and public information materials, and by using other traditional community relations tools.

5. SANDAG shall endeavor to meet citizen concerns as they arise and attempt to resolve those concerns.

6. For all projects requiring environmental review under CEQA and NEPA, such as major capital improvement projects, SANDAG shall provide opportunities for members of the public to provide input and comply with all related legal requirements.
6.1 SANDAG shall solicit input from the representatives of interest groups of the local population, such as community groups, planning groups, business groups and associations, and neighborhood associations.

6.2 SANDAG shall incorporate public input into project planning and development where practical and feasible.

6.3 SANDAG shall hold a public hearing to seek public comment whenever required under CEQA and/or NEPA.

6.3.1 Published notifications for such hearings shall be published in newspapers of general circulation for publication of legal notices. Notices also may be published in regional, community, or Spanish-language newspapers to reach the affected area.

6.3.2 Any item subject to a public hearing will be listed and described in the Board’s published agenda, which shall be posted at least 72 hours in advance of the meeting at the Board’s meeting place and on the SANDAG Web site.

6.3.3 Public hearings shall be conducted by SANDAG at the published date, time, and place. The public hearing will allow for interested parties to be heard. The Board also will consider any written comments that were forwarded to the Board prior to the hearing.

E. Short Range Transit Service Planning and Fare Changes

1. SANDAG has adopted Transit Service Planning and Board Policy No. 029 to provide policy guidance for transit service and fare changes. This section of this policy is designed to inform and involve public transit riders, stakeholders, and the general public about proposed changes in transit fares. Public information and involvement programs for service changes would fall under adopted policies of the Metropolitan Transit System (MTS) and North County Transit District (NCTD).

1.1 Consistent with Board Policy No. 004, A public hearing will be held by SANDAG for transit fare changes. SANDAG staff shall hold a public hearing, which could consist of an open house or workshop, to provide the public an opportunity to comment on proposed fare changes. A minimum of five public meetings shall be held prior to first reading of any proposed fare change that affects services operating in the MTS and NCTD service area. The five meetings shall be held in North County Inland, North County Coastal, Central, South Bay and East County areas. At least one meeting shall be held with a starting time no earlier than 6:00 pm.

The public hearings. A minimum of two public hearings shall be held prior to the first reading of any proposed fare change that affects services operating in both the MTS and NCTD service areas. At least one public hearing shall be held in the MTS service area, and at least one public hearing shall be held in
the MTS/NCTD service area. At least one of the public hearings shall be held with a starting time no earlier than 6:00 pm. A public hearing for proposed fare changes that do not affect the entire region may be held exclusively within the general geographic area that is being affected by the fare change. Such public meeting shall be held at a time convenient for users and potential users of the affected service, will be held at the SANDAG offices during a regularly scheduled meeting of the SANDAG Transportation Committee and/or Board of Directors and/or in the general geographic area of the affected public at a special or relocated meeting of the SANDAG Transportation Committee or Board of Directors, as determined by the SANDAG Transportation Committee or Board. Public hearings shall be held at a time and location that is accessible by users of public transit. An official transcriber or other means of recording all public input received shall be utilized in attendance at all public hearings, meetings, workshops or open-houses. A record summary of the input received shall be provided to the Transportation Committee or Board of Directors at the time of the first reading of amendments to the fare ordinance for the purpose of adjusting fare prices. Public hearings for fare changes affecting North County and/or NCTD service area residents shall be held by SANDAG in the North County area. Public hearings for fare changes affecting MTS service area residents shall be held by SANDAG in the affected area.

1.2 Public comments on proposed fare changes also shall be accepted at the SANDAG Board or Transportation Committee on the day the item is being considered before any final action is taken.

1.2.1 Take One, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected public transit vehicles within the affected area at least 15 calendar days prior to the public hearing and will include a description of the proposed fare change, the date, time, intent and location of the public hearing, and the deadline for written, e-mail and phone comments from the public. The notices will be posted to the SANDAG and Transit Agency Web site(s).

1.3.1 Print notice of public hearings will be provided at least 15 calendar days prior to the public hearing meeting date in newspapers of general circulation in the affected area(s), including appropriate minority and community publications. Public notices will be printed in Spanish in Spanish-language newspapers. The public hearing notice will include a description of proposed fare changes, the date, time, intent, and location of the public hearing(s), and the deadline for written, e-mail, and phone comments from the public.

1.4.1 An open phone line will be made available to take public comments at least 15 calendar days prior to public hearing.
1.51.6 A SANDAG Policy Committee and/or Board report (as appropriate) will be completed and available for public review at least 72 hours prior to the public hearing and posted to the SANDAG Web site(s).

2. After a fare change is approved by SANDAG:

2.1. The public will be notified via news release(s)

2.2. Take One, Rider Alerts, or other public notices in both English and Spanish will be posted on all affected transit vehicles at least 15 calendar days prior to changes going into effect and posted to the SANDAG and Transit Agency Web site(s).

3. SANDAG shall follow federal Title VI and environmental justice requirements when implementing transit fare changes.

3.1. Residential, employment, and transportation patterns of low-income and minority populations shall be identified so that their needs can be identified and addressed, and the benefits and burdens of transportation investments can be fairly distributed. SANDAG shall endeavor to involve the affected communities in evaluating the benefits and burdens of transportation investments.

3.2. SANDAG shall evaluate and - where necessary - improve the public involvement processes to eliminate participation barriers and engage minority and low-income populations in transportation decision making.

F. Short Range Transit Planning

1. Public information and involvement programs for the Regional Short Range Transit Plan and the Coordinated Human Resources and Public Transit Transportation Plan shall be the responsibility of SANDAG.

2. Public information and involvement programs for transit service changes will fall under adopted policies of the Metropolitan Transit System (MTS) and North County Transit District (NCTD).

E.G. Native American Consultation

1. SANDAG shall establish and adhere to government-to-government relationships when interacting with Tribal Governments, acknowledging these tribes as unique and separate governments within the United States.

2. SANDAG shall recognize and respect important California Native American rights, sites, traditions, and practices.
3. SANDAG engages in “consultation” with Tribal Governments prior to making decisions, taking actions, or implementing programs that may impact their communities.

4. To facilitate effective consultation with Tribal Governments, SANDAG has established a Tribal Government Liaison. The Liaison shall serve as an initial contact for Tribal Governments and communicates with tribal governments regarding SANDAG activities.

4.1. “Consultation” is the active, affirmative process of: (1) identifying and seeking input from appropriate American Indian government bodies, community groups, and individuals; and (2) considering their interests as a necessary and integral part of the decision-making process.

Adopted March 2005
Amended January 2006
Amended December 2007
Amended December 2008
REGIONAL FARE POLICY AND COMPREHENSIVE FARE ORDINANCE

Purpose:

To establish guidelines for setting a uniform, fair, and equitable areawide fare structure consistent with revenue-producing requirements and established budgets.

Background

With the approval of Senate Bill (SB) 1703, the planning and programming functions of the San Diego Metropolitan Transit Development Board (MTDBJ), which is now the Metropolitan Transit System (MTS), and the North San Diego County Transit Development Board, which is now North County Transit District (NCTD), were consolidated under the San Diego Association of Governments (SANDAG). Contained within these functions is the responsibility for developing a Regional Fare Policy, including setting fares for transit services in the region through a Comprehensive Fare Ordinance. The Initial Transition Plan for the regional consolidation specifies that SANDAG will develop the Regional Fare Policy, carried out in consultation with the transit agencies and operators.

Regional Participation

For this policy to be effective, it will be necessary for all transit agencies and operators in the region to implement the regional policy according to the following guidelines:

1. A single, unified, regionwide fare policy and transfer system shall be maintained for all publicly subsidized operators.
   
   1.1 All publicly supported transit operators shall participate in the system to be eligible for public subsidy.
   
   1.2 All publicly supported transit operators shall use and accept regional fare media.

Production

Fare revenues shall meet or exceed the level necessary to support the level of service provided given the current public subsidies available.

2. SANDAG shall adopt a specific farebox recovery ratio objective for each transit agency each fiscal year, consistent with the requirements of the Public Utilities Code regarding the disbursement of Transportation Development Act funds. SANDAG’s farebox recovery ratio shall be higher than that set by the Public Utilities Code to encourage revenue growth and ridership.
2.1 The fare-pricing schedule shall be set to be consistent with meeting or exceeding the specified farebox recovery requirements.

2.2 The annual average fare (per passenger), over time, shall generally be consistent with annual increases in regionwide transit cost indicators and/or the rate of inflation.

2.3 SANDAG shall consider the financial and Title VI impacts of a fare change upon ridership, service provision, and operating budgets.

2.4 User-side subsidies and direct public/private funding shall be encouraged as sources of operating revenue, particularly for services with lower cost-effectiveness.

**Fairness**

The fare structure should be fair and equitable to all operators and passengers in the region.

3. Fare levels shall be consistent for similar types of service and similar service areas.

3.1 Fare levels shall reflect a combination of the type of service, distance, speed of travel, and customer amenities provided to the customer, with higher fares set for premium services.

3.2 There shall be a unified policy on transfers within the region and any supplementary charges or upgrades. Transfers between all routes shall be facilitated, with the cost of such transfers being related to any differences between the types of service and respective fare levels.

3.3 Regionwide fare discounts shall generally be limited to youth and senior patrons and patrons with disabilities, and prepaid fare programs, and any mandated federal, state, and local program.

**Simplicity**

The fare policy shall promote seamless travel throughout the region by developing one common and easily understood fare structure throughout the region.

4. The fare structure and transfer system shall be as simple and easy to understand for users as possible.

4.1 The number of fare, transfer, and pass options shall be minimized to promote user friendliness and efficient fare validation.

4.2 The pricing structure shall be based upon equal or easily identified coin increments.

4.3 The fare collection process aboard a transit vehicle shall be designed to be as expeditious as possible.
4.4 Vehicle driver/operator involvement in the fare collection process onboard the transit vehicle should be minimized.

4.5 Use of prepaid fares including passes and stored value (e.g., daily and monthly passes and tokens) shall be encouraged to speed the patron boarding process.

4.6 The automated fare collection system shall be developed to simplify fare payment and collection, while providing the region with the opportunity to develop specialized fare structures that will be transparent to the user and driver/operator.

Responsibilities

SANDAG, the transit agencies, and transit operators all have roles and responsibilities to ensure successful implementation of the Regional Fare Policy.

5. SANDAG develops and adopts the Regional Fare Policy and Comprehensive Fare Ordinance which incorporates a uniform fare structure, a transfer policy, and agreement for revenue sharing of regional tickets, tokens, and passes, while also allowing the consolidated agency to adopt for adoption of specialized fare procedures for travel within each operator’s service area. SANDAG will regularly update the Regional Fare Policy and set the basic fare pricing for transit services in the region through adoption updates to the Comprehensive Fare Ordinance.

5.1 A Regional Fare Structure Working Group (comprised of staff from SANDAG, transit agencies, and operators) shall review the comprehensive fare ordinance each year during the annual budget process and propose changes to the ordinance, if appropriate.

5.2 Transit agency boards shall review and provide input on proposed changes to the fare ordinance and solicit public input in accordance with transit agency policies prior to SANDAG Board action.

5.3 SANDAG’s Transportation Committee shall review the fare ordinance and develop fare recommendations as part of the annual budget process, unless needed at other times for special circumstances.

5.4 SANDAG shall adopt specialized fares and procedures for travel within each transit agency’s service area.

5.5 Public notice of fare changes shall be provided as legally required, including written notice on all public transit vehicles, and legal notices to newspapers. The public will be provided with an opportunity(ies) to comment on proposed fare changes in accordance with Public hearings will be conducted by the SANDAG Transportation Committee according to SANDAG Policy No. 025, Public Participation/Involvement Policy.
5.6 Transit operators shall implement and adhere to this Regional Fare Policy and Comprehensive Fare Ordinance. Transit operators shall take the necessary actions to authorize enforcement of the Comprehensive Fare Ordinance.

5.7 The two transit agencies shall have the ability to set special event fares. For special events the transit agencies are encouraged to achieve full recovery of their operational expenses. These fares because of their short-term/temporary nature would not need to be included in the Comprehensive Fare Ordinance and would not require a public hearing.

5.8 The two transit agencies shall have the ability to set temporary, promotional, and experimental fares. Temporary, promotional, and experimental fares are defined as fares implemented for no more than twelve months for seasonal events or for marketing purposes. These fares, because of their short-term/temporary nature, would not need to be included in the Comprehensive Fare Ordinance or require a public hearing as provided in SANDAG Policy No. 025, and the operators shall be responsible for any necessary Title VI or financial impacts analysis related to such fares.

5.9 The Regional Fare Policy should be reviewed every two years by SANDAG.
SAN DIEGO ASSOCIATION OF GOVERNMENTS

BYLAWS

ARTICLE I

NAME AND PURPOSE

Section 1

The name of this Organization shall be the San Diego Association of Governments (hereinafter referred to as SANDAG).

Section 2

The purposes of this Organization are as set forth in SB 1703 (Chapter 743 of the Statutes of 2002), as established by state and federal law, and as approved by the Board of Directors. The primary purpose for which this organization is created is to engage in regional cooperative comprehensive planning, programming and where authorized, implementation thereof, and to assist the Member Agencies.

ARTICLE II

DEFINITIONS

The following terms shall have the meanings ascribed to them within this section unless the content of their use dictates otherwise:

a. “Region” shall mean that territory physically lying within the boundaries of San Diego County.

b. “Regional Board” shall mean the Regional Planning and Growth Management Review Board.

c. “Population” of any Member Agency shall mean that population as defined in SB 1703.

d. “Fiscal Year” shall mean that year beginning July 1, and ending June 30.

e. “Member Agencies” shall mean the cities within San Diego County and the County of San Diego collectively.

f. “Subregion” shall mean one of the five following portions of San Diego County: “North county coastal,” which includes the Cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; “North county inland,” which included the Cities of Vista, San Marcos, Escondido, and Poway; “South county,” which includes the Cities of Chula Vista, National City, Imperial Beach, and Coronado; “East county,” which includes the Cities of El Cajon, Santee, La Mesa, and Lemon Grove; and “San Diego region,” which includes the territory located within the boundaries of San Diego County.
ARTICLE III
MEMBERSHIP AND ORGANIZATION

Section 1
Membership in this Organization shall be as provided in state law, Board Policies, and these Bylaws.

Section 2
a. All powers of this Organization shall be exercised by the Board of Directors. The Board of Directors may choose to delegate several of its responsibilities from time to time in accordance with Board policy.

b. Only the duly selected official representative(s), or in his or her absence, his or her duly selected alternate or alternates, shall be entitled to represent his or her Member Agency in the deliberations of the Board of Directors.

c. When changes occur, names of the official representatives and alternates shall be communicated in writing to the Organization by each participating Member Agency.

Section 3
There shall be at least five standing committees which shall be known as policy advisory committees with the membership set forth in SB 1703 or Board Policy.

a. The procedure for City and County of San Diego and subregional appointments to the policy advisory committees shall be established by Board policy. In the case of the subregional appointments, the policy shall ensure a noticed, formal process wherein all Board members (including alternates) from each subregion are provided an opportunity to participate in the selection process. Each subregion shall ensure that SANDAG staff is notified of the date, time, and location for that subregion’s meeting. After the meeting for each subregion is set by the primary Board members, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection by January 31. An alternate member may vote in the absence of the primary member. In appointing persons to the Transportation Committee, to the extent possible, the subregions and other agencies should avoid duplication of representation from any city other than the City of San Diego.

b. Procedures for policy advisory committee attendance and voting shall be established by Board policy. The policy shall ensure the formal delineation of the voting membership at each meeting.

c. The Board Chair, First Vice Chair, and Second Vice Chair may serve as ex-officio non-voting members of the policy advisory committees.
d. The Board Chair shall select the chair and vice chair of all policy advisory committees except the Executive Committee, annually in February. When serving on the Executive Committee, the Board Chair, First Vice Chair, and Second Vice Chair shall serve as the Chair, First Vice Chair and Second Vice Chair of the Executive Committee.

Section 4

The Board of Directors shall have the authority to appoint all additional committees or working groups and may provide for the appointment of alternates to these committees.

a. Additional standing committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.

b. Ad hoc specialized subcommittees or working groups may be appointed by the Board of Directors as the need arises to accomplish specific tasks. The policy advisory committees may appoint working groups to advise them. Upon completion of its assignment, each ad hoc subcommittee or working group shall disband.

Section 5

In addition to any compensation mandated by state law for Board meetings, the rates below shall apply. Persons must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation.

a. For attendance by Board members, or alternates in their absence, at Board meetings, $150 per meeting.

b. For meetings or events attended by Board members, other than committee meetings of SANDAG, where the members are officially representing the Board, $150 per meeting or event. The Board may adopt and amend from time to time a list of such meetings and events.

c. For members and alternates of policy advisory committees, $100 per meeting.

d. The limit on the total number of paid meetings for Board and policy advisory committee members or alternates per individual is six meetings per month.

e. The Chair of the Board shall receive additional monthly compensation of $500 per month.

f. Both the Vice Chairs of the Board shall receive additional monthly compensation of $250 per month.
ARTICLE IV

MEETINGS

Section 1

a. A quorum for a meeting of the Board of Directors shall be as provided for in Section 5 of this Article.

b. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. A simple majority of the appointed members of a committee shall constitute a quorum. All decisions by a committee shall be by simple majority of the quorum.

Section 2

Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order except as otherwise modified by state law, Board policy, or these Bylaws. The Secretary shall forward written notice of the meetings of the Board of Directors and each standing committee, stating the time, location, and the agenda of business to each member’s agency and to the respective members and alternates of the Board of Directors or the standing committees, at the earliest time possible, but in no event less than 72 hours prior to meetings, except that such written notice of regular Board of Directors’ meetings may be forwarded by first class mail or other appropriate means not less than seven days prior to such meeting.

Section 3

All meetings of a SANDAG legislative body, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code). Closed session items should be heard by the Board of Directors unless timeliness requires consideration by the Executive Committee or, for transportation matters the Transportation Committee. In any event, the Transportation Committee is authorized to convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation. The Transportation Committee will report real property transaction purchase amounts at the next regular meeting of the Board occurring after final execution of the purchase documents.

Section 4

The Board and committees shall meet according to the following schedule:

a. The Board of Directors and policy advisory committees shall hold their regular meetings on Fridays unless otherwise determined from time to time by the Board of Directors or policy advisory committee. Regular meetings of the Board of Directors shall be held on the second and fourth Friday mornings of the month at the offices of the Organization or at other locations within San Diego County, unless otherwise provided by the Board. Special
meetings of the Board of Directors or policy advisory committees may be called from time to 
time by their respective Chair.

b. Other committees shall meet whenever called by their respective Chair.

Section 5 (Section 132351.2 of the Public Utilities Code)

a. A majority of the Member Agencies constitute a quorum for the transaction of business. In 
order to act on any item, except consent items which only require the vote specified in 
paragraph (1), the following voting formula in both paragraphs (1) and (2) shall apply:

(1) A majority vote of the members present on the basis of one vote per agency.

(2) A majority of the weighted vote of the Member Agencies present.

b. The City of San Diego shall determine how to allocate its single agency vote and its 
weighted votes between its two members.

c. For the weighted vote, there shall be a total of 100 votes, except additional votes shall be 
allowed pursuant to subdivision (f). Each representative shall have that number of votes 
determined by the following apportionment formula, provided that each agency shall have 
at least one vote, no agency shall have more than 40 votes, and there shall be no fractional 
votes:

(1) If any agency has 40 percent or more of the total population of the San Diego County region, 
allocate 40 votes to that agency and follow paragraph (2), if not, follow paragraph (3).

(2) Total the population of the remaining agencies determined in paragraph (1) and 
compute the percentage of this total that each agency has.

(A) Multiply each percentage derived above by 60 to determine fractional shares.

(B) Boost fractions that are less than one, to one and add the whole numbers.

(C) If the answer to subparagraph (B) is 60, drop all fractions and the whole numbers 
are the votes for each agency.

(D) If the answer to subparagraph (B) is less than 60, the remaining vote(s) is 
allocated one each to that agency(s) having the highest fraction(s) excepting those 
whose vote was increased to one in subparagraph (B) above.

(E) If the answer to subparagraph (B) is more than 60, the excess vote(s) is taken one 
each from the agency(s) with the lowest fraction(s). In no case shall a vote be 
reduced to less than one.

(3) Total the population determined in paragraph (1) and compute the percentage of this 
total that each agency has.

(A) Boost fractions that are less than one, to one and add the whole numbers.
(B) If the answer to subparagraph (A) is 100, drop all fractions and the whole numbers are the votes for each agency.

(C) If the answer to subparagraph (A) is less than 100, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (A) above.

(D) If the answer to subparagraph (A) is more than 100, the excess vote(s) is taken one each from that agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

d. When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

e. The weighted vote shall be recomputed in the above manner every July 1.

f. Any other newly incorporated city shall receive one vote under the single vote procedure and one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote, at which time the new agency shall receive votes in accordance with the formula specified in subdivision (b). Until this recomputation, the total weighted vote may exceed 100.

ARTICLE V

OFFICERS AND THEIR DUTIES

Section 1

The Board of Directors shall have as officers a Chair, First Vice Chair, and Second Vice Chair, who are members of the Board. Standing committees shall have as officers a Chair and Vice Chair, who are members of their respective committees. The Executive Director shall be the Secretary of the Board and each standing committee.

a. The Chair shall preside over Board and committee meetings, and have general supervision of Board and committee affairs. The Chair shall sign all official documents when directed to do so by the Board and committees respectively.

b. The First Vice Chair shall perform the duties of the Chair in his or her absence and perform any duties that the Chair may require. The Second Vice Chair shall perform the duties of the First Vice Chair in his or her absence and perform any duties that the Chair may require.

c. In the event of the absence of the three officers of the Board of Directors or both officers of other standing committees, the immediate past Chair may preside or the quorum of members present shall elect a Chair Pro Tempore to preside for that meeting. The Secretary, with a quorum present, shall call the meeting to order and preside during such election of a Chair Pro Tempore; he or she shall immediately relinquish the chair upon completion of the election.
Section 2

The Board may delegate authority to the Board Chair for action consistent with Board approved criteria on categories of items.

Section 3

Election of officers of the Board of Directors shall be held annually during a regular December meeting. Officers for the Board of Directors shall be elected in the following manner:

a. In or around July of each year, application forms will be made available on the Board of Directors page of the SANDAG Web site for persons interested in applying for the Chair or a Vice Chair position on the Board of Directors. Applications shall be structured to screen for the best regional leaders from among the primary members and shall include questions concerning the candidate’s vision statement for SANDAG and his/her qualifications. Applications shall be due within 30 days after the application forms are posted. Only candidates who submit an application by the deadline or who are nominated from the floor on the day of election will be considered for office.

b. The Chair shall appoint up to a six-person nominating committee, who shall be members of the Board from each of the subregions and a Board member from the City and the County of San Diego, at a regular meeting in or around September of each year. The nominating committee shall not, however, include Board members from jurisdictions that have applicants for the Chair or a Vice Chair position on the Board of Directors. The nominating committee may interview the candidates and submit a slate of nominees for the three Board offices in writing for mailing to Board members in or around November. Additional nominations for any office may be made by Board members at the election meeting.

c. In choosing the nominees from the Board membership, the nominating committee shall take into account the nominee’s availability, experience, skills, geographic diversity, and the benefits associated with having the First Vice Chair succeed the outgoing Chair and the Second Vice Chair succeed the outgoing First Vice Chair.

d. The officers shall be elected by a majority of the votes including weighted votes of those Board members present.

e. All officers shall be elected for a term(s) of one year and shall serve until their successors are elected. They shall begin their term of office on January 1.

f. In the event that the Board member who has been elected Chair, First Vice Chair, or Second Vice Chair is no longer a member of the Board of Directors, the office shall be considered vacant.

g. Any vacated office of Chair, First Vice Chair, or Second Vice Chair shall be filled at the next regular Board meeting by nominations from the floor, and a majority of votes from the members present.
Section 4

a. The Board of Directors shall appoint an Executive Director who shall hold office until he or she resigns or is removed by the Board of Directors. The Executive Director shall be the chief executive officer of SANDAG. The Executive Director shall have charge of all projects and property of the Organization and shall file with the Director of Finance of SANDAG an official bond in the minimum amount of $100,000 or such larger amount as the Board of Directors specifies, guaranteeing faithful performance of his or her duties. The Executive Director will be responsible to the SANDAG Board of Directors as set out in Board Policies and administrative policies and manual/the Administrative Rules and Regulations for the administration of SANDAG’s business, including: (1) development of program objectives, definition, directions and priorities; (2) management of SANDAG programs and coordination of staff and support services; (3) the development of financial support programs for SANDAG activities; (4) the recommendation and submission of an annual SANDAG program budget to the Board of Directors; and (5) execution of the adopted personnel, purchasing, and budgetary systems. The Executive Director shall perform such other and additional duties as is necessary to carry out the objectives and function of SANDAG and as directed by the Board of Directors.

b. Any additional staff support services provided by Member Agencies or others shall be coordinated by the Executive Director.

c. The Executive Director is hereby enabled to promulgate an employee administrative manual, known as the Administrative Rules & Regulations, as well as all other administrative policies governing the administrative procedures of the Organization.

ARTICLE VI

FINANCIAL

Section 1

The Board of Directors shall approve a preliminary budget no later than April 1 of each year. The Board of Directors shall adopt a final budget no later than June 30 of each year. A copy of the preliminary budget when approved and a copy of the final budget when adopted shall be filed with each Member Agency.

Section 2

Responsibility for supplying funds for that portion of the budget for SANDAG, which is to be supplied by the Member Agencies, as adopted by the Board of Directors, shall be divided among the Member Agencies based on their population with each Member Agency including within its budget as funds to be supplied to SANDAG that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote.
as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.

Section 3

The Director of Finance of SANDAG shall establish and maintain such funds and accounts as may be required by good accounting practice, state and federal law, and these Bylaws. The books and records of SANDAG in the hands of the Director of Finance shall be open to inspection at all reasonable times by representatives of the Member Agencies. The Director of Finance of SANDAG within 120 days after the close of each fiscal year shall give a complete written report of all financial activities for each fiscal year to Member Agencies.

Section 4

The Director of Finance of SANDAG shall receive, have the custody of, and disburse SANDAG funds upon the warrant or check-warrant of the Finance Manager pursuant to the accounting procedures developed under Section 3 above, and shall make the disbursements required to carry out any of the provisions or purposes of the Organization. The Director of Finance of SANDAG may invest SANDAG funds in accordance with state and federal law. All interest collected on SANDAG funds shall be accounted for and posted to the account of such funds.

Section 5

Delegation of authority from the Board of Directors for final financial/contracting approvals, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting budget amendment to serve as a limitation applicable to a particular job or program (not to be exceeded on a serial basis), shall be as follows:

a. Up to $100,000 to the Executive Director, subject to increase by Board action, or as may be modified in Board Policy No. 017 concerning delegation of authority to the Executive Director.

b. Up to $500,000 to the Executive Committee for any item, subject to increase by Board action.

c. Up to $500,000 to the Transportation Committee for transportation items, subject to increase by Board action.

d. Up to $500,000 to the Public Safety Committee for ARJIS and Criminal Justice Division items, subject to increase by Board action.

e. The Executive Director, Executive Committee, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Board of Directors at least quarterly.
ARTICLE VII

RELATIONSHIPS AND RULES OF PROCEDURE

Section 1

The functions of the Board of Directors and policy advisory committees shall be established by Board policy. The Board of Directors may delegate functions to the policy advisory committees as it deems appropriate.

Section 2

The Board of Directors shall provide guidance to committees and working groups. The Board may advise Member Agencies on the coordination of general plans, or on the resolution of conflicts between the general plans of agencies in the San Diego region.

Section 3

Conflicts between governmental agencies should be resolved among the affected agencies. In matters affecting more than one local government, and where requested by the affected agencies, the Organization shall have the authority to hear and make recommendations if the conflicts are not resolved to the satisfaction of each affected agency. Regional plans should serve as the guideline for the resolution of conflicts.

Section 4

Each action taken by the Organization which requires implementation should include designation of the agency or agencies directly responsible for such implementation.

Section 5

The general and specific references to the construction authority of SANDAG in SB 1703 shall be interpreted as applicable solely to its responsibilities for project development and construction of transit projects which were previously within the purview of the transit development boards and are consolidated under the authority of SANDAG.

ARTICLE VIII

REGIONAL COMPREHENSIVE PLAN

In addition to the purposes and powers set forth by law and these Bylaws, pursuant to Public Utilities Code Section 132360 et seq., the Organization shall be responsible for preparing and adopting a regional comprehensive plan based on the local general and regional plans that integrates land uses, transportation systems, infrastructure needs, and public investment strategies, within a regional framework, in cooperation with member agencies and the public.
ARTICLE IX

INFORMATION AND EVALUATION

Section 1

a. The Organization shall disseminate information concerning its work program and activities. The required information system should be organized and categorized so that it will continue to allow full and efficient use of information by the public and private sectors.

b. Adequate provision for public participation shall be provided as required by law and as directed by the Board of Directors.

c. The Board shall perform an annual evaluation of the Organization’s goals, purpose, structure, and performance, directed toward continually improving the planning, coordination, and implementation process.

ARTICLE X

AMENDMENTS

Section 1

The Board of Directors shall be responsible for making all amendments to these Bylaws.

a. Proposed amendments may be originated by the Board of Directors, the Executive Committee, or any member of the Board of Directors.

b. Prior to being taken to the Board of Directors for approval, proposed amendments should be taken to the Executive Committee preliminarily for review and discussion and then brought to the Executive Committee at a subsequent meeting for a recommendation for approval to the Board.

c. A copy of any proposed amendments shall be forwarded by the Secretary to the official representative of each Member Agency, his or her alternate and the Agency itself, at the same time as the proposed amendments are mailed as a report attachment to the agenda for the preliminary Executive Committee meeting referred to in subsection b of this section.

d. Amendments to these Bylaws (except those provisions mandated by state law) shall require the vote of a majority of the Member Agencies which also represents at least 51 percent of the weighted vote of Member Agencies.

Adopted July 2003
Revised November 2003
Amended November 2004
Amended January 2006
Amended December 2008
AMENDMENTS TO REGIONAL COMPREHENSIVE FARE ORDINANCE

Introduction

At the special Transportation Committee and regular Executive Committee meetings, which were held on December 5, 2008, staff reported that construction delays have delayed full system testing of the Compass Card. After working closely with both Metropolitan Transit System (MTS) and North County Transit District (NCTD), SANDAG staff recommended that the public launch of the Compass Card be delayed until March 1, 2009. The Transportation Committee directed staff take action to shift the initial public rollout of the Compass Card from January 1, 2009, to March 1, 2009. All paper monthly passes would still be eliminated and replaced with the Compass Card by July 1, 2009, under the revised transition schedule. In addition, the Transportation Committee also directed staff to take action to continue calendar monthly passes on Compass Card. These changes were incorporated into proposed amendments to the Regional Comprehensive Fare Ordinance. The first reading of the proposed amendments to the Fare Ordinance was held by the SANDAG Transportation Committee on December 12, 2008. Today, the Board of Directors is asked to conduct the second reading and approve the amendments to the Fare Ordinance.

Recommendation

The Board of Directors is asked to conduct the second reading and approve of amendments to the Regional Comprehensive Fare Ordinance to delay introduction of the Compass Card and Rolling Passes until March 1, 2009, and to clarify the timing of validation of Rolling Passes sold at ticket vending machines, the MTS Transit Store, NCTD Customer Service Outlets, or other outlets designated by SANDAG.

Discussion

Since last September there have been contract and construction delays with installing the Compass Card validators needed for rail operations. As a result, staffs at SANDAG, MTS, and NCTD recommended delaying the public launch of the Compass Card from January 1, to March 1, 2009, in order to allow the system to be fully installed and tested. If the proposed Fare Ordinance amendments are approved, the three agencies will have 60 days to test and ensure the system is fully operational.

Staffs at all three agencies need sufficient time to test and certify each device with the entire system before going into revenue operation. The plan is to start the official certification process January 1, 2009, allowing time to fully test the system over a 60-day period. During this period MTS, NCTD, and SANDAG will cooperatively work to train enforcement staff and operators, educate the public, address technical issues, and develop additional reports to help manage the Compass Card program.

The updated schedule would still result in all monthly paper passes being replaced by the Compass Card by July 1, 2009. Where previously the retirement of paper passes would have begun in January 2009, the revised schedule would start the phasing-out in March. The change would replace Premium Express paper passes and COASTER monthly paper passes with the Compass Card on March 1, 2009. Then on May 1, 2009, SPRINTER / BREEZE monthly paper passes would be replaced by the Compass Card. Finally, on July 1, 2009, all Regional monthly paper passes would be completely replaced by the Compass Card.
The delay in the Compass Card deployment will impact the implementation of Rolling Passes currently planned for January 1, 2009. Language in the Fare Ordinance currently calls for the new 30-Day and 14-Day Rolling Passes to replace the Half Price and calendar month passes beginning January 1, 2009. The proposed amendments to the Fare Ordinance will delay the availability of the Rolling Passes to March 1, 2009. If the proposed amendments are approved, effective March 1, 2009, transit customers would have the choice of buying or loading a COASTER, Premium or Regional calendar monthly pass or a 30-Day Rolling Pass on a Compass Card. In addition, introduction of the 14-Day Rolling Pass would be delayed to March 1, 2009. Rolling Passes will be sold from Ticket Vending Machines (TVMs), the Transit Store, and NCTD Customer Service Outlets and would be activated and valid from the time of purchase. If a subsequent Rolling Pass is purchased before an existing pass has expired, the new pass would automatically be activated and valid upon expiration of the first pass.

The proposed amendments to implement the changes discussed in this report are in Section 3 of the Fare Ordinance. An excerpt of Section 3 from the Fare Ordinance is provided as Attachment 1, which shows the proposed amendments in tracked changes. The proposed amendments to the Fare Ordinance also will require programming TVMs and other issuing equipment to sell both the 30-Day Rolling Passes and calendar monthly passes. SANDAG has performed an engineer’s estimate to include this dual capability at an approximate cost of $150,000. Staff will identify available project funding sources to meet this need, and request the Executive Committee to authorize use of reserve funds for any budget deficiencies.

The Fare Ordinance already includes provisions to allow passengers to begin using the stored value capabilities of the Compass Card. Stored value allows passengers to load cash on the card in advance of travel using a TVM, the Internet, or by telephone. The correct fare, including upgrades and supplements, is automatically deducted from the stored value when the passenger boards a bus or taps the card at a validator at a station. This feature allows the transit agencies and SANDAG to receive the money up front from passengers and will make it more convenient for riders who do not use the system enough to warrant purchasing calendar monthly or Rolling Passes. The stored value feature will reduce the amount of cash handled by the operators and is intended to help reduce costs, and to reduce bus delays caused by passengers hunting for the correct change and feeding multiple coins and bills into the fareboxes.

The Fare Ordinance currently includes language that requires all passengers to tap their Compass Card every time they board a bus or enter a rail platform. The transit operators will need to update their fare enforcement ordinances or policies to ensure that appropriate provisions are in place to enforce this requirement. The enforcement provisions could include warnings, fines, surcharges, or other enforcement actions. There will be a major marketing and education campaign beginning in early 2009 to inform riders of the requirement to tap the validators at rail stations and when boarding. In order to keep the system as simple to use as possible, the SANDAG Fare Ordinance includes language that is uniform for all users whether they have a single ride ticket on Compass Card or stored value, a calendar monthly pass, a Rolling Pass, or a Day Pass.

The introduction of Rolling Passes is a major step for the transit operators and is intended to enhance the availability of reduced fare products for all transit users. SANDAG will conduct an assessment of public acceptance and operator experiences with the Rolling Passes and will report back to the Transportation Committee with the results no later than September 2010.

GARY L. GALLEGOS
Executive Director

Attachment: 1. Proposed Amendments to Section 3 of the Regional Comprehensive Fare Ordinance

Key Staff Contact: Dave Schumacher, dsc@sandag.org, (619) 699-6906
SAN DIEGO ASSOCIATION OF GOVERNMENTS
COMPREHENSIVE FARE ORDINANCE

An Ordinance Establishing a Regional
Fare Pricing Schedule

The San Diego Association of Governments (SANDAG) ordains as follows:

SECTION 3: REGIONAL PASSES AND TICKETS

3.1 Regional Bus and Trolley Monthly Passes

The price of a Regional Monthly Pass shall be based on service type. Local Urban Bus, Express Bus, and San Diego Trolley passes shall be $64.00 ($68 effective January 1, 2009). Premium Express passes shall be $90.00. A Regional Monthly pass shall entitle the person to whom the pass is issued to unlimited rides, during the month for which the pass is designated, on any equal or lower priced, regularly scheduled services provided by MTS and NCTD. See Section 5.8 for use on Designated Rural services. See Section 5.14 for use on the COASTER. See Section 5.7 for use on DART.

3.2 Regional Senior/Disabled/Medicare Bus and Trolley Monthly Passes

The price of a regional Senior/Disabled/Medicare monthly pass is $16.00 ($17.00 effective January 1, 2009) and shall entitle the Senior, Disabled, or Medicare passenger to unlimited trips, during the month for which the pass is designated, on any regularly scheduled services provided by those operators identified in this Ordinance except the COASTER and Designated Rural services. See Section 5.14 for use on the COASTER. See Section 5.7 for use on DART. An additional upgrade is required to ride DART and the COASTER.

The price of a Premium Express monthly pass for Senior/Disabled/Medicare shall be $22.50 effective January 1, 2009.

3.3 Regional Youth Bus and Trolley Monthly Passes

The price of a youth monthly pass is $32.00 ($34.00 effective January 1, 2009) and shall entitle the youth passenger to unlimited trips, during the month for which the pass is designated, on any regularly scheduled services provided by those operators identified in this Ordinance except the COASTER or Designated Rural services. See Section 5.14 for use on the COASTER. See Section 5.7 for use on DART.

The price of a Premium Express monthly pass for Youth shall be $45.00 effective January 1, 2009.
3.4 Regional COASTER Monthly Pass

Effective July 1, 2008
Regular: 1-Zone: $129.00, 2-Zone: $140.00, 3-Zone: $156.00, 4-Zone: $168.00
Youth: All zones: $84.00
Senior/Disabled/Medicare: All zones: $42.00

NCTD shall publish in its Rider’s Guide a listing of which COASTER stations are located in each Zone.

Effective January 1, 2009:
Regular: 1-Zone: $144.00, 2-Zone: $154.00, 3-Zone: $170.00, 4-Zone: $182.00
Youth: All zones: $91.00
Senior/Disabled/Medicare: All zones: $45.50

3.5 Half Price Bus and Trolley 14-Day Rolling Passes

Half Price Regional Passes may be purchased from The Transit Store from the 15th to the 24th of each month for $34. These passes are valid from the 15th of the month to the end of the month. The sale of Half Price monthly passes will be discontinued effective July 1, 2009.

Beginning Effective January 1, 2009, the Half Price Pass shall be replaced with a 14-Day Rolling Pass priced at $41.00. A 14-Day Rolling Pass shall be valid for unlimited rides for 14 consecutive days on Trolley, SPRINTER, Breeze, MTS Local and MTS Express bus services beginning on the day the pass is validated. Passes sold or reloaded at TVMs, the Transit Store, NCTD Customer Service Outlets, or other outlets designated by SANDAG shall be validated upon purchase. This Section 3.5 shall go into effect on January 1, 2009.

3.6 Calendar Month and 30-Day Rolling Passes

Beginning Effective January 1, 2009, each Regional Pass listed in Section 3 shall be available as a monthly pass either on a calendar month or as replaced with a rolling 30-Day Rolling Pass. A 30-Day Rolling Pass shall be valid for unlimited rides for 30 consecutive days on the services for which it was intended, as further delineated in this Ordinance, beginning on the first day the pass is validated. A monthly pass shall be valid for the entire calendar month for which it is purchased. Passes sold or reloaded at TVMs, the Transit Store, NCTD Customer Service Outlets or other outlets designated by SANDAG shall be validated upon purchase. When more than one Rolling Pass is loaded onto a Compass Card, each subsequent passes shall automatically become valid upon expiration of the any previous pass. This Section 3.6 shall go into effect on January 1, 2009.
2009 LEGISLATIVE PROGRAM

Introduction

Each year, the Executive Committee recommends a legislative program in priority order to the Board of Directors for the upcoming calendar year. Consistent with past programs, the 2009 Legislative Program (Attachment 1) includes policies and proposals for federal and state legislation as well as local activities.

Recommendation

The Executive Committee recommends that the Board of Directors approve the 2009 Legislative Program.

Discussion

The SANDAG Legislative Program serves as a road map for Board members and staff to follow as legislation is introduced and activities occur during the federal and state legislative sessions. The program is organized into three distinct sections that relate to the level of effort needed to support corresponding legislative activities: (1) Sponsor, (2) Support/Oppose, and (3) Monitor. Within each section, individual goals are assigned a priority level, ranging from highest priority to lower priority. The program also lists the Board position, position year, which Policy Advisory Committee is involved, and whether the goal includes federal, state, and/or local efforts.

Proposed 2009 Legislative Program

Sponsored items include efforts where SANDAG will be actively involved with sponsoring specific legislation, requests for funding, and/or policy changes. New goals under the Sponsor section for 2009 include participating and developing SANDAG priorities for the next federal surface transportation authorization (Goal No. 1A); pursuing technical clean-up legislation to Senate Bill 375 (2008, Steinberg) to align the upcoming cycles of the Regional Transportation Plan and the Regional Housing Needs Assessment (Goal No. 3A); pursuing economic stimulus funding at the federal and state levels (in addition to annual federal appropriations) (Goal No. 4A); and pursuing policy and/or legislative changes to enable comprehensive state environmental processes to fulfill federal environmental requirements (Goal No. 6A).

The Support/Oppose section includes 18 goals that relate to the SANDAG diverse work program. The goals focus on the areas of transportation planning, funding, and project delivery; implementation of the Regional Comprehensive Plan, including housing, climate change, energy, environmental, and fiscal reform; and public safety and criminal justice efforts. Staff routinely monitors proposed bills in these subject areas and provides regular reports to the Executive Committee during the year. In turn, the Executive Committee determines whether SANDAG should take a specific position on the various bills.
Finally, the Monitor section includes four lower priority goals related to monitoring proposals to limit eminent domain, public facility infrastructure funding proposals, and legislation regarding personnel and administrative matters.

The 2008 Legislative Program, which was approved by the Board in December 2007, included 28 separate legislative goals. Goals that were completed in 2008 or that are no longer relevant have been deleted, modifications have been made to some existing goals, and new goals for 2009 are proposed. A summary of all major changes is included as Attachment 2.

2008 Legislative Highlights

SANDAG had a successful legislative year in 2008. Highlights include:

- On September 30, 2008, the Governor signed into law Senate Bill (SB) 1486 (Chapter 720, Statutes of 2008), which provides SANDAG the authority to implement a public toll project to move people and goods along the State Route 11 (SR 11) corridor. SB 1486 authorizes SANDAG to collect a toll from travelers using SR 11, and enable SANDAG to bond against the toll/user fee revenues to develop and construct the new highway and Otay Mesa East Port of Entry facility.

- On July 8, 2008, the Governor signed SB 1685 (Chapter 83, Statutes of 2008), which provides SANDAG the flexibility to expand the uses of sales tax revenues beyond transportation-related projects for future ballot measures that could include habitat conservation, water quality, and shoreline preservation. Consistent with current law, any future measure would require two-thirds local voter approval, and would be capped at a maximum half-percent (the remaining capacity in existing SANDAG sales tax authority).

- On June 6, 2008, the President signed H.R. 1195 (Public Law 110-244), which enacted technical amendments to the descriptions of several San Diego regional projects originally included in SAFETEA-LU (Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users).

Next Steps

Staff will continue to provide periodic status reports on legislative activities to the Executive Committee and/or Board of Directors during the next year. If new legislation or activities related to the agency’s mission are introduced that are not part of our established legislative goals, a report will be brought back to the Executive Committee and/or Board for direction.

GARY L. GALLEGOS  
Executive Director

Attachments: 1. Proposed 2009 Legislative Program  
2. Summary of Major Changes to the 2008 Legislative Program

Key Staff Contact: Genevieve Morelos, (619) 699-1994, gmo@sandag.org
# Proposed 2009 Legislative Program

**OVERARCHING GOAL:** Pursue policy and legislatives changes that enable SANDAG to better implement its adopted plans and programs.

## (A) Sponsor

<table>
<thead>
<tr>
<th>NO.</th>
<th>General Description of Goal</th>
<th>Priority</th>
<th>Board Position</th>
<th>T</th>
<th>R</th>
<th>P</th>
<th>B</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>Participate in discussions with stakeholders and develop SANDAG priorities for the next federal surface transportation reauthorization. (2007)</td>
<td>Highest</td>
<td>Sponsor</td>
<td></td>
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<td>Federal/State</td>
</tr>
<tr>
<td>2A</td>
<td>Pursue funding from the statewide infrastructure bond measures; participate in development of guidelines and other activities to maximize the availability and flexibility of funding for the San Diego region to support the Regional Transportation Plan (RTP) and the Regional Comprehensive Plan (RCP) implementation. (2006)</td>
<td>Highest</td>
<td>Sponsor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td>3A</td>
<td>Pursue technical clean-up legislation to SB 375 to align the timing of the implementation of the RTP and RHNA requirements. (2006)</td>
<td>Highest</td>
<td>Sponsor</td>
<td></td>
<td></td>
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<td></td>
<td>State</td>
</tr>
<tr>
<td>4A</td>
<td>Pursue FY 2010 federal appropriation requests and potential federal and state economic stimulus funding. (2005)</td>
<td>Highest</td>
<td>Sponsor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
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<tr>
<td>5A</td>
<td>Work with Governor’s administration and other stakeholders to implement SB 1486. (2008)</td>
<td>Highest</td>
<td>Sponsor</td>
<td></td>
<td></td>
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<td></td>
<td>Federal/State/Local</td>
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<tr>
<td>6A</td>
<td>Pursue policy and/or legislative changes to enable comprehensive state environmental process to fulfill federal environmental requirements. (2008)</td>
<td>High</td>
<td>Sponsor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal</td>
</tr>
<tr>
<td>7A</td>
<td>Pursue policy and/or legislative changes to enable the use of freeway shoulders as transit lanes on major corridors in the San Diego region. (2006)</td>
<td>High</td>
<td>Sponsor</td>
<td></td>
<td></td>
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<td>State</td>
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*Legend:* T: Transportation; R: Regional Planning; P: Public Safety; B: Borders
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<thead>
<tr>
<th>NO.</th>
<th>GENERAL DESCRIPTION OF GOAL</th>
<th>PRIORITY</th>
<th>BOARD POSITION</th>
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<th>P</th>
<th>B</th>
<th>JURISDICTION</th>
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<tbody>
<tr>
<td>1B</td>
<td>Legislation that provides incentives to jurisdictions that provide opportunities for more housing including affordable and transit-oriented developments; supports regional fair-share allocation of housing funds; and provides additional affordable housing funding with greater local/regional control. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
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<td>Federal/State</td>
</tr>
<tr>
<td>2B</td>
<td>Support policies and/or legislation implementing AB 32’s climate change guidelines that are consistent with the RCP and RTP. (2007)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
<td></td>
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<td>State/Local</td>
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<tr>
<td>3B</td>
<td>Efforts consistent with financial strategies adopted in the RTP such as, but not limited to, increase revenues for transportation and other related purposes through measures that would increase gas tax or equivalent revenue sources, bond measures, developer fees, and public/private partnerships; and maximize flexibility of federal and state funds; (2002, 2005)</td>
<td>Highest</td>
<td>TBD (based on activity)</td>
<td></td>
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<td>Federal/State/Local</td>
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<tr>
<td>5B</td>
<td>Legislation assisting in the implementation of the RCP, including dedicated ongoing funding source for regional blueprint planning and funding incentives for smart growth (mixed-use projects, transit-oriented development, walkable communities, etc.). (2002)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
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<td>Federal/State</td>
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<tr>
<td>6B</td>
<td>Efforts to expand available methods of transportation project delivery including design-build, design sequencing, construction manager/general contractor, and other alternative methods that expedite project delivery. (2005)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
<td></td>
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<td></td>
<td>State</td>
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<tr>
<td>7B</td>
<td>Efforts to pursue resources to improve regional public safety voice and data communications and interoperability, including connectivity with state and federal systems. (2005)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
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<td>Federal/State/Local</td>
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<th>B</th>
<th>JURISDICTION</th>
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<tr>
<td>8B</td>
<td>Efforts to pursue Homeland Security funding at both the state and federal levels to improve public safety, enhance border security and improve security in the San Diego region, through Automated Regional Justice Information System (ARJIS) operations and enhancements; regional transportation system improvements; and activities related to regional emergency preparedness, prevention, and response to catastrophic events. (2003, 2005)</td>
<td>Highest Support</td>
<td>•</td>
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<td></td>
<td>Federal/State/Local</td>
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<tr>
<td>9B</td>
<td>Fiscal reform initiatives that enable regions to develop their own fiscal strategies and oppose unfunded mandates on local governments. Pursue initiatives that balance the fiscal influence that sales tax revenues have upon local land use decisions. (2002)</td>
<td>Highest Support</td>
<td>•</td>
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<td>Federal/State/Local</td>
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<tr>
<td>10B</td>
<td>Lower the current two-thirds voter requirement for special purpose taxes, such as transportation and quality of life improvements, to a simple majority vote. (2002)</td>
<td>Highest Support</td>
<td>•</td>
<td></td>
<td></td>
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<td></td>
<td>State</td>
</tr>
<tr>
<td>11B</td>
<td>Efforts assisting in the implementation of key environmental issues, including habitat conservation, planning, beach restoration and replenishment, and water quality-related issues. (2002)</td>
<td>Higher Support</td>
<td>•</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>State/Local</td>
</tr>
<tr>
<td>12B</td>
<td>Mechanisms providing for the implementation of the RTP, including value pricing, managed lanes, high occupancy toll (HOT) lanes; the alleviation of current constraints on transponder technology; transit priority treatments; and other efforts that promote efficient use of highways and local roads. (2003)</td>
<td>Higher Support</td>
<td>•</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>13B</td>
<td>Pursue resources to implement the Regional Energy Strategy (RES) and Regional Climate Change Action Plan; and support energy-related legislation that is consistent with RES principles. (2002)</td>
<td>Higher Support</td>
<td>•</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>14B</td>
<td>Transit boards’ legislative programs where consistent with SANDAG policy. (2002)</td>
<td>High Support</td>
<td>•</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>15B</td>
<td>Support funding opportunities for prevention and intervention programs that address substance abuse, increase public safety, and reduce youth and gang violence. (2005)</td>
<td>High Support</td>
<td>•</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
</tbody>
</table>

**Legend:** T: Transportation; R: Regional Planning; P: Public Safety; B: Borders
<table>
<thead>
<tr>
<th>NO.</th>
<th>GENERAL DESCRIPTION OF GOAL</th>
<th>PRIORITY</th>
<th>BOARD POSITION</th>
<th>T</th>
<th>R</th>
<th>P</th>
<th>B</th>
<th>JURISDICTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>16B</td>
<td>Participate in efforts related to legislative and administrative reform of the state housing element law and ensure adequate state funding for the Regional Housing Needs Assessment (RHNA) process. (2002)</td>
<td>High</td>
<td>Support</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>State</td>
</tr>
<tr>
<td>17B</td>
<td>Full funding of the Census Bureau’s American Community Survey Program to ensure timely release of critical demographic and economic information for our region. (2005)</td>
<td>High</td>
<td>Support</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal</td>
</tr>
</tbody>
</table>

(C) MONITOR

<table>
<thead>
<tr>
<th>NO.</th>
<th>GENERAL DESCRIPTION OF GOAL</th>
<th>PRIORITY</th>
<th>BOARD POSITION</th>
<th>T</th>
<th>R</th>
<th>P</th>
<th>B</th>
<th>JURISDICTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1C</td>
<td>Proposals that limit the use of eminent domain for public infrastructure projects. (2005)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
<tr>
<td>2C</td>
<td>Legislation affecting solid waste, water supply, and storm water; support of funding opportunities to assist in these areas. (2003)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>State/Local</td>
</tr>
<tr>
<td>3C</td>
<td>Legislation relating to personnel matters, i.e., workers’ compensation, Public Employee Retirement Systems (PERS) benefits, and other labor-related issues. (2003)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State/Local</td>
</tr>
<tr>
<td>4C</td>
<td>Legislation requiring local agencies to implement new administrative compliance measures. (2005)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Federal/State</td>
</tr>
</tbody>
</table>
Summary of Major Changes to the 2008 Legislative Program

The 2008 Legislative Program, which was approved by the Board of Directors in December 2007, included 28 separate legislative goals. Staff has modified the 2008 program as a starting point to initiate discussions regarding the 2009 program. Goals that were completed in the 2008 program or that are no longer relevant have been deleted, modifications have been made to some existing goals, and new goals for 2009 are proposed.

The major changes from the 2008 program include:

**Proposed Deletions**

Three legislative goals would be deleted, because the legislative work was completed during 2008.

- **Goal No. 2A** – Pursue statutory authority to build a toll road and port of entry at East Otay Mesa to reduce border times

  On September 30, 2008, the Governor signed into law Senate Bill (SB) 1486 (Chapter 720, Statutes of 2008), which authorizes SANDAG to collect a toll from travelers using State Route 11 (SR 11) and to bond against the toll/user fee revenues to develop and construct the new highway and Otay Mesa East Port of Entry (POE) facility. Prior year Goal No. 2A would be deleted, and a modified goal is proposed, as discussed below under Proposed Modifications.

- **Goal No. 3A** – Pursue amendments to statutes authorizing SANDAG to issues bonds and/or other funding mechanisms with voter approval for any tax measure to finance projects that implement the Regional Comprehensive Plan (RCP)

  On July 8, 2008, the Governor signed SB 1685 (Chapter 83, Statutes of 2008), which provides SANDAG the flexibility to expand the uses of sales tax revenues beyond transportation-related projects for future ballot measures that could include habitat conservation, water quality, and shoreline preservation.

- **Goal No. 8B** – Technical clean-up language to Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

  On June 6, 2008, the President signed H.R. 1195 (Public Law 110-244), which enacted technical amendments to the descriptions of several San Diego regional projects originally included in SAFETEA-LU.

**Proposed Modifications**

Modifications are proposed for five legislative goals from last year’s program.

- **Goal No. 3A** – Pursue technical clean-up legislation to SB 375 to align the timing of the implementation of the Regional Transportation Plan (RTP) and the Regional Housing Needs Assessment (RHNA) requirements

  The 2008 program included Goal No. 2B to support policies and/or legislation implementing Assembly Bill 32 climate change guidelines that are consistent with the RCP and RTP. A major
bill in this policy area that was enacted this year was SB 375 (Chapter 728, Statutes of 2008). SANDAG will be the first major metropolitan planning organization (MPO) to implement SB 375 with the next SANDAG 2011 RTP update and RHNA update. In order to align the timing of the RTP and RHNA cycles and successfully implement the new requirements, technical amendments to SB 375 will be needed.

- **Goal No. 4A – Pursue FY 2010 federal appropriations requests and federal/state economic stimulus funding**

  The prior year’s legislative goal was to pursue FY 2009 federal appropriations. This goal is proposed to be updated and broadened to include both FY 2010 federal appropriations requests as well as potential funding requests from possible economic stimulus packages being discussed at both the state and federal levels. Staff has begun preparing a list of San Diego regional projects that could be ready-to-go within a short timeframe (e.g., 3, 6, and 12 months).

- **Goal No. 5A – Work with Governor’s administration and other stakeholders to implement SB 1486**

  Work efforts by SANDAG and Caltrans are underway to implement the SR 11 and Otay Mesa East POE project. When the Governor signed SB 1486 this year, he requested that SANDAG continue to work with his administration to address any remaining concerns with the implementation of the bill, including adequacy of toll rates and possible funding of state maintenance and enforcement costs.

- **Goal No. 6A – Support regional efforts to pursue resources to improve regional public safety voice and communications and interoperability, including connectivity with state and federal systems; and Goal No. 7A – Support regional efforts to pursue Homeland Security funding to improve public safety, enhance border security and improve security in the San Diego region, through Automated Regional Justice Information System (ARJIS) operations and enhancements; regional transportation system improvements; and activities related to regional emergency preparedness, prevention, and response to catastrophic events**

  These goals are proposed to be moved from the Sponsor to the Support/Oppose section (and listed as revised Goal Nos. 7B and 8B). Similar to last year, staff will continue to monitor legislation in these areas and bring relevant bills to the Public Safety and Executive Committees for recommended positions.

**Proposed New Goals**

Two new legislative goals are proposed for the 2009 Program.

- **Goal No. 6A – Pursue policy and/or legislative changes to enable comprehensive state environmental processes to fulfill federal environmental requirements.**

  This legislative goal would enable SANDAG to pursue policy or legislative changes that would enable state environmental processes to fulfill federal environmental requirements. These changes could assist in accelerating project delivery while adhering to strict environmental guidelines.
• Goal No. 4B – Support efforts to prevent additional diversions of public transit funding and protect spillover revenues

In 2008, seeking support for transit funding was included as part of Goal Nos. 3B (RTP Financial Strategies) and 12B (Transit Boards’ Legislative Programs). However, staff believes it is important to include support for public transit funding as a separate goal, given the state’s recent history of diverting spillover and other transit revenues to programs historically funded by the General Fund. The legislative goal would emphasize the importance of supporting efforts to prevent additional diversions of public transit funding and to protect spillover revenues.
SAN DIEGO REGION ECONOMIC STIMULUS PROPOSAL

Introduction

The nation is currently experiencing an economic downturn and recent actions by the federal government have focused on initiating programs to stimulate the nation’s economy. Congress is considering an infrastructure stimulus package that would create jobs and deliver needed infrastructure to the nation. SANDAG staff has been working with member agencies and other agencies along with input from the business community such as the San Diego Regional Economic Development Corporation and the San Diego Regional Chamber of Commerce to develop a comprehensive economic stimulus proposal that includes the construction of both transportation and public works projects. This report provides an overview of the development of the proposal and a summary of the projects contained within the proposal. SANDAG staff has shared this draft report with the region’s Congressional delegation.

Discussion

During early November 2008, SANDAG staff began to work with representatives of the Cities/County Transportation Advisory Committee (CTAC), North County Transit District (NCTD), Metropolitan Transit System (MTS), Port of San Diego, and Caltrans District 11 to develop a list of transportation projects that could be advertised for construction within twelve months. The list focused on projects that are currently ready for advertisement, projects that could be advertised in six months, and projects that could be advertised in twelve months. The types of transportation projects in the initial list included transit, highways, local streets and roads, and bikeways. A project’s environmental clearance was a major consideration in determining when the project could be ready for advertisement.

In mid-November, the list of potential projects was expanded beyond transportation to include public works infrastructure projects that could be advertised under the same timelines noted above. SANDAG staff worked with representatives of the business community, CTAC, and with other agencies such as the local water districts to gather the lists of potential projects. The types of public works projects submitted included, but were not limited to, sewer, water, storm drain, flood control, parks, buildings, recycled water, and photovoltaic systems.

The economic stimulus proposal for the San Diego region consists of the lists of projects submitted by each agency. These lists of projects have been consolidated into four major programs: Highways, Transit, Local Transportation, and Local Public Works. Each program includes a listing of projects that are ready for advertisement, could be advertised in six months, and could be advertised in twelve months. The cumulative total for all four programs is approximately $7.5 billion.

Summary of Economic Impacts

In order to evaluate the impacts that may result from implementing the projects included in the economic stimulus proposal, SANDAG conducted an economic analysis. The analysis was based on the “direct” cost of building the proposed improvement. This is a temporary impact lasting the duration of planning and construction. In the case of transit projects, consideration was made for the ongoing “direct” impacts that reoccur annually from the use of the improved facilities.
Once the “direct” impacts were established, the San Diego Regional Input-Output (SDRIO) Model was used to estimate the indirect and induced impacts that would result. Indirect impacts are defined as the numerous business products, materials, and services required and supplied locally to support the direct construction and ongoing operations of the new facilities. Induced impacts are defined as the expenditures of the wages and salaries of the employees involved in the direct and indirect activities. All impacts resulting from the economic analysis are reported in 2006 dollars. The purchase of right-of-way was not included in the analysis.

The impacts of completing the 1,043 projects identified by the region are summarized in the table below. In total, the projects would create approximately 96,000 jobs that receive more than $5 billion in wages. Overall, the construction of these projects would increase the San Diego region’s Gross Metropolitan Product (GMP) by nearly $12 billion.

Summary of Economic Impacts

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Number Of Projects</th>
<th>Project Costs ($1,000s)</th>
<th>Jobs Added</th>
<th>Wages Added ($1,000s in 2006)</th>
<th>Output Added ($1,000s in 2006)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways</td>
<td>65</td>
<td>$ 2,574,255</td>
<td>31,148</td>
<td>$ 1,763,658</td>
<td>$ 4,143,145</td>
</tr>
<tr>
<td>Transit</td>
<td>323</td>
<td>$ 1,308,780</td>
<td>19,387</td>
<td>$ 888,591</td>
<td>$ 2,113,590</td>
</tr>
<tr>
<td>Local Transportation</td>
<td>579</td>
<td>$ 1,110,730</td>
<td>13,440</td>
<td>$ 760,977</td>
<td>$ 1,787,669</td>
</tr>
<tr>
<td>Local Public Works</td>
<td>76</td>
<td>$ 2,461,817</td>
<td>31,983</td>
<td>$ 1,761,971</td>
<td>$ 4,161,682</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>1,043</strong></td>
<td><strong>$ 7,455,582</strong></td>
<td><strong>95,959</strong></td>
<td><strong>$ 5,175,197</strong></td>
<td><strong>$ 12,206,086</strong></td>
</tr>
</tbody>
</table>

The table below shows a breakdown of project costs by program and delivery schedule. The projects that are ready to advertise within six months account for approximately 50 percent of the project costs.

Summary of Project Costs and Delivery Schedule

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Ready to Advertise ($1,000s)</th>
<th>Advertise in 6 Months ($1,000s)</th>
<th>Advertise in 12 Months ($1,000s)</th>
<th>Program Totals ($1,000s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highways</td>
<td>$ 246,600</td>
<td>$ 385,655</td>
<td>$ 1,942,000</td>
<td>$ 2,574,255</td>
</tr>
<tr>
<td>Transit</td>
<td>$ 648,676</td>
<td>$ 169,178</td>
<td>$ 490,926</td>
<td>$ 1,308,780</td>
</tr>
<tr>
<td>Local Transportation</td>
<td>$ 190,250</td>
<td>$ 371,616</td>
<td>$ 548,864</td>
<td>$ 1,110,730</td>
</tr>
<tr>
<td>Local Public Works</td>
<td>$ 1,224,651</td>
<td>$ 441,842</td>
<td>$ 795,324</td>
<td>$ 2,461,817</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>$ 2,310,177</strong></td>
<td><strong>$ 1,368,291</strong></td>
<td><strong>$ 3,777,114</strong></td>
<td><strong>$ 7,455,582</strong></td>
</tr>
</tbody>
</table>

The San Diego Region Economic Stimulus Proposal includes maps and project listings for each program in its respective schedule of delivery. A summary of the region’s proposal is included as Attachment 1, showing the proposed projects, their costs, and jobs created for each Congressional District. The projects shown are critical to the future of mobility in the San Diego region, and are included in the region’s overall regional transportation and infrastructure plans. This proposal is intended as an aid to inform and assist decision makers for the San Diego region.

GARY L. GALLEGOS
Executive Director

Key Staff Contact: Dan Martin, (619) 699-6987, dma@sandag.org

Attachment: 1. San Diego Region Economic Stimulus Proposal dated December 5, 2008 (Final Draft)*

*A copy of the full document can be downloaded at www.sandag.org/stimulus.
SAN DIEGO REGION ECONOMIC STIMULUS PROPOSAL

December 5, 2008
San Diego County Projects and Economic Impacts Per Congressional District

United States Congressional Districts in the San Diego Region

110th Congress

- 49th - Darrell Issa
- 50th - Brian Bilbray
- 51st - Bob Filner
- 52nd - Duncan Hunter
- 53rd - Susan Davis

Federal Economic Stimulus Projects
San Diego County Projects and Economic Impacts

- Impact Estimates* Per Congressional District
  *Project Cost in Thousands Based on 2008 Dollars
  *Wages Added in Thousands Based on 2006 Dollars

San Diego County Projects and Economic Impacts

- 49th District
  - Project Costs: $641,096
  - Jobs Added: 8,082
  - Wages Added: $442,941

- 50th District
  - Project Costs: $1,430,450
  - Jobs Added: 18,504
  - Wages Added: $992,569

- 51st District
  - Project Costs: $2,025,430
  - Jobs Added: 25,974
  - Wages Added: $1,403,661

- 52nd District
  - Project Costs: $2,127,494
  - Jobs Added: 27,714
  - Wages Added: $1,490,369

- 53rd District
  - Project Costs: $1,231,111
  - Jobs Added: 15,653
  - Wages Added: $845,656

- All District Totals
  - Project Costs: $7,455,582
  - Jobs Added: 95,959
  - Wages Added: $5,175,197

Impact Estimates:
- Project Cost in Thousands Based on 2008 Dollars
- Wages Added in Thousands Based on 2006 Dollars
Federal Economic Stimulus Projects
San Diego County Projects

Estimated Costs Per Congressional District
(Cost in Millions)

United States Congressional Districts in the San Diego Region
110th Congress

49th - Darrell Issa
50th - Brian Bilbray
51st - Bob Filner
52nd - Duncan Hunter
53rd - Susan Davis

San Diego County Projects Congressional District Costs

49th District
Ready to Advertise: $139.3
Ready in 6 Months: $87.7
Ready in 12 Months: $414.1
Total: $641.1

50th District
Ready to Advertise: $375.8
Ready in 6 Months: $190.6
Ready in 12 Months: $864.0
Total: $1,430.4

51st District
Ready to Advertise: $487.4
Ready in 6 Months: $522.1
Ready in 12 Months: $1,016.0
Total: $2,025.4

52nd District
Ready to Advertise: $980.2
Ready in 6 Months: $352.2
Ready in 12 Months: $795.1
Total: $2,127.5

53rd District
Ready to Advertise: $327.5
Ready in 6 Months: $215.7
Ready in 12 Months: $687.9
Total: $1,231.1

All District Totals
Ready to Advertise: $2,310.2
Ready in 6 Months: $1,368.3
Ready in 12 Months: $3,777.1
Total: $7,455.6
### Project Description

<table>
<thead>
<tr>
<th>Project Location</th>
<th>Project Description</th>
<th>Cost in Millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>I-5 Clean and Treat Bridge Decks</td>
<td>$1.8</td>
</tr>
<tr>
<td>B</td>
<td>SR-78 Pavement Rehabilitation CAPM</td>
<td>$15</td>
</tr>
<tr>
<td>C</td>
<td>I-5 North Coast PCC Pavement Grinding</td>
<td>$30</td>
</tr>
<tr>
<td>D</td>
<td>I-5 North Coast Ramp Metering</td>
<td>$6.5</td>
</tr>
<tr>
<td>E</td>
<td>I-15 Mitigation Planting</td>
<td>$2.5</td>
</tr>
<tr>
<td>F</td>
<td>La Jolla Village Dr./I-805 Interchange</td>
<td>$21</td>
</tr>
<tr>
<td>G</td>
<td>SR-52 Unit 5B – 4 Lane Divided Freeway</td>
<td>$40</td>
</tr>
<tr>
<td>H</td>
<td>SR-163 Clean and Treat Bridge Decks</td>
<td>$2.3</td>
</tr>
<tr>
<td>I</td>
<td>I-8 Bridge Approach Replacement</td>
<td>$10</td>
</tr>
<tr>
<td>J</td>
<td>I-5 Clean and Treat Bridge Decks</td>
<td>$1.8</td>
</tr>
<tr>
<td>K</td>
<td>SR-94 Place Rubberized AC Overlay</td>
<td>$3</td>
</tr>
<tr>
<td>L</td>
<td>I-805 Southbound Auxiliary Lanes at SR 54</td>
<td>$16</td>
</tr>
<tr>
<td>M</td>
<td>I-805/SR-905 Interchange Improvements</td>
<td>$15.4</td>
</tr>
<tr>
<td>N</td>
<td>SR-905 – 6 Lane Freeway</td>
<td>$81.3</td>
</tr>
</tbody>
</table>

### Federal Economic Stimulus Projects

San Diego County Highway Projects

**Ready to Advertise**

- **Project Location**: Red Pin

### United States Congressional Districts in the San Diego Region

**110th Congress**

- **49th**: Darrell Issa
- **50th**: Brian Bilbray
- **51st**: Bob Filner
- **52nd**: Duncan Hunter
- **53rd**: Susan Davis
Federal Economic Stimulus Projects
San Diego County Highway Projects
Ready to Advertise in 6 Months

Project Location

United States Congressional Districts in the San Diego Region
110th Congress

- 49th - Darrell Issa
- 50th - Brian Bilbray
- 51st - Bob Filner
- 52nd - Duncan Hunter
- 53rd - Susan Davis

San Diego County Highway Projects
Ready to Advertise in 6 Months

Project Description
Cost in Millions
(Not in Order of Priority)

A SR 76 Install Concrete Median Barrier $7.7
B SR 79 Place Rubberized AC Overlay $3.9
C I-5/SR-56 Advanced Utility Relocations $5
D I-805 HOV Lanes and DAR at Carroll Canyon Rd $80
E I-5 Remove and Replace Metal Beam Guardrail $7.9
F SR 67 Bradley Avenue Interchange $33.5
G I-8 PCC Pavement Grinding $10
H I-8 Widening 2nd Avenue to Greenfield $20
I I-8 Place Bonded Wearing Course $3
J I-5 Clean and Treat Bridge Decks $3.3
K SR 163 Historic Transportation Rehabilitation $2.9
L I-15 Clean and Treat Bridge Decks $1.6
M SR 94 Install Traffic Signal and Widen $3.2
N SR 94 Freeway Maintenance Access $2
O I-5 Install New Signal $1.7
P 905/SR 125 interchange/Lone Star $90
Q Calexico Port of Entry Improvements - Phase 1 $80
R Otay Mesa Port of Entry Expansion $30
Project Description

Cost in Millions
(Not in Order of Priority)

- A SR-76 Rice Canyon Curve Correction $6
- B SR-76 Middle – 4 Lane Expressway (Design Sequencing) $200
- C SR-78 WB Aux Lane (El Camino Real to Jefferson) $4
- D SR-78 WB Aux Lane (Emerald Drive to Vista Way) $4
- E SR-78 EB Aux Lane (Sycamore Ave to Rancho Santa Fe Rd) $3
- F SR-78 Nordahl Bridge Replacement $32
- G SR-78 EB Aux Lane (Nordahl Rd to I-15) $3
- H I-1578 Interchange Operational Improvements Aux. Lane $12
- I I-5 HOV from Manchester to SR-78 $275
- J I-5 Traffic Operational Improvements $15
- K I-5 North Coast Mitigation (Habitat Restoration) $10
- L SR-67 Operational Improvements – Dye Road/Annie Moore $5
- M I-5 HOV from Genesee to I-805 (w/Voigt DAR & HOV-HOV Connectors) $175
- N I-5 SB Aux Lane (La Jolla Village to Gilman) $4
- O I-805 Transit Lane North – SR-94 to Mira Mesa Blvd. $100
- P I-15 HOV lanes from SR-163 to I-8 (Design Sequencing) $187
- Q SR-52 Widening – SR-125 to Mast Boulevard $75
- R I-5/I-8 Operational Improvements $15
- S SR-163 SB Aux Lane (Genesee Ave to Friars Rd) $15
- T SR-163/Friars Road Interchange/Aux Lanes $142
- U I-8 WB Aux Lane (Mission Gorge to I-15) $4
- V I-8 WB Aux Lane (70th to Fletcher Pkwy) $4
- W 94/125 Interchange Operational Improvements – Spring St. $50
- X SR-125/Troy St. Interchange $40
- Y I-805 Transit Lane South – Palomar to SR-94 $50
- Z I-5 Port Access Bay Marina/Civic Center $6
- AA National City Marine Terminal–Port Wharf $34
- BB National City Marine Terminal–Auto Processing Facility $59
- CC I-805/Telegraph Cyn. Southbound Off Ramp Improvements $22
- DD I-805 Main Street Undercrossing Widening $6
- EE SR-125/Rock Mountain Road Interchange (Design/Build) $27
- FF San Ysidro Port of Entry Improvements - Phase 2 $163
- GG Calexico Port of Entry Improvements - Phase 2 $195
Federal Economic Stimulus Projects
San Diego County Transit Projects

Ready to Advertise

Project Location

United States Congressional Districts in the San Diego Region

110th Congress

- 49th - Darrell Issa
- 50th - Brian Bilbray
- 51st - Bob Filner
- 52nd - Duncan Hunter
- 53rd - Susan Davis

SAN DIEGO COUNTY

Transit Projects Ready to Advertise

San Diego Region

MAP AREA

A

B

C

D

E

F

G

H

I

J

K

L

M

N

O

P

Q

R

San Diego Region

Oceanside

Carlsbad

Encinitas

Del Mar

Solana Beach

Vista

La Mesa

El Cajon

National City

Chula Vista

Coronado

Imperial Beach

San Marcos

Lemon Grove

Santee

Escondido

Vista

San Marcos

Chula Vista

Camp Pendleton

UNITED STATES

MEXICO

San Diego Region

49th - 50th - 51st - 52nd - 53rd -
Darrell Issa - Brian Bilbray - Bob Filner - Duncan Hunter - Susan Davis

Low floor LRVs (82) $290
Trolley System Communications & ADA Messaging $35.4
Sorrento Valley/Rancho Bernardo/Military First/Last Mile $30
CNG bus purchases $25
Trolley Grade Crossing Improvements $23.5
MTS Parking Lot Improvements (paving & security) $21.8
Six Coaster Commuter Rail Cars for Service Capacity expansion $18
Trolley System Tie and Rail Replacements $15
BRT I-15 Start up Bus Service/Operators $10
Twelve (12) Compressed-Natural Gas Bus Replacements $4.8
Fourteen (14) ADA Paratransit Vans for LIFT Service $4.2
Coastal Railroad Crosstie Renewal Program $2
LOSSAN Corridor Passenger Improvements $2
PRIME Computer Migration of Mission-Critical Applications $1.3
LOSSAN At-Grade Crossing Renewals (2) $0.5
Paint NCTD West Division Maintenance Shops $0.2
Platform Card Interface Devices (PCID) for COMPASS Card Implementation (32 units) $0.2
Refinish tactile tile at Coaster Train stations $0.1
NCTD Unleaded Gas Storage - Increase Capacity $0.03

Projects Not Specified on Map

A Railroad Bridge 207.6 North Approach Trestle Replacement $12
B Santa Margarita Bridge/Double track $40
C Oceanside Transit Center - Roof Replacement $0.8
D Escondido Rapid Bus $7
E Mira Mesa Corridor BRT Start Up Bus Service/Operators $20
F Super Loop $30
G CP Elvira Turnout Replacement $0.3
H No. 24 Crossover installation in False Bay Siding $2.5
I East County Bus Maintenance Facility Upgrade $2
J Grossmont Pedestrian Bridge & Station Improvement $5
K Commercial Street Track Improvements 13th to 19th $4.2
L Orange to Blue Line Connection $30
M IAD HVAC & Roof Repair Dispatch Bldg Expansion $3
N IAD & KMD Bus Maintenance Equip Replacement $1
O 12th and Imperial Switch, Track and Signal Replacement $9.6
P Blue Line Curve Straightening $6
Q South Bay Bus Maintenance Facility Upgrade - Phase 1 $2
R San Ysidro Slope Repair Project $4.2

Project Description
Cost in millions (Not in Order of Priority)

A Railroad Bridge 207.6 North Approach Trestle Replacement $12
B Santa Margarita Bridge/Double track $40
C Oceanside Transit Center - Roof Replacement $0.8
D Escondido Rapid Bus $7
E Mira Mesa Corridor BRT Start Up Bus Service/Operators $20
F Super Loop $30
G CP Elvira Turnout Replacement $0.3
H No. 24 Crossover installation in False Bay Siding $2.5
I East County Bus Maintenance Facility Upgrade $2
J Grossmont Pedestrian Bridge & Station Improvement $5
K Commercial Street Track Improvements 13th to 19th $4.2
L Orange to Blue Line Connection $30
M IAD HVAC & Roof Repair Dispatch Bldg Expansion $3
N IAD & KMD Bus Maintenance Equip Replacement $1
O 12th and Imperial Switch, Track and Signal Replacement $9.6
P Blue Line Curve Straightening $6
Q South Bay Bus Maintenance Facility Upgrade - Phase 1 $2
R San Ysidro Slope Repair Project $4.2

Low floor LRVs (82) $290
Trolley System Communications & ADA Messaging $35.4
Sorrento Valley/Rancho Bernardo/Military First/Last Mile $30
CNG bus purchases $25
Trolley Grade Crossing Improvements $23.5
MTS Parking Lot Improvements (paving & security) $21.8
Six Coaster Commuter Rail Cars for Service Capacity expansion $18
Trolley System Tie and Rail Replacements $15
BRT I-15 Start up Bus Service/Operators $10
Twelve (12) Compressed-Natural Gas Bus Replacements $4.8
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Platform Card Interface Devices (PCID) for COMPASS Card Implementation (32 units) $0.2
Refinish tactile tile at Coaster Train stations $0.1
NCTD Unleaded Gas Storage - Increase Capacity $0.03

Ready to Advertise

905

125

805

5

805

5

805

125

125

75

94

78

88

386

85

6 0 6 M I L E S
**Transit Projects** Ready to Advertise in 6 months

**San Diego County Transit Projects**
Ready to Advertise in 6 months

- **Project Location**

**United States Congressional Districts in the San Diego Region**
110th Congress

- 49th - Darrell Issa
- 50th - Brian Bilbray
- 51st - Bob Filner
- 52nd - Duncan Hunter
- 53rd - Susan Davis

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**Federal Economic Stimulus Projects**
San Diego County Transit Projects
Ready to Advertise in 6 months

- **Project Description**
  Cost in millions (Not in Order of Priority)
  
  A. Riverside/San Diego BRT Start Up Service on I-15 $10
  B. NCTD Administration Building - Elevator Modernization $0.2
  C. Oceanside Transit Center - Building Renovations $0.4
  D. Loma Alta Creek Slope Failure Sheetpile Wall $1.5
  E. Breeze Operations Facility - Install Automatic Security Gates $0.2
  F. Sorrento to Miramar Alignment Improvements $0.5
  G. Westfield Regional Bus center $7.5
  H. LRT Southline Rehabilitation – Crossovers $12.8
  I. South Bay Maintenace Facility with RTMS $7

- **Projects Not Specified on Map**
  Vehicle Procurement for I-805 Bus on Shoulder System $40
  Station Low Floor Improvements $23.5
  Low Floor Station Improvements $23.3
  System Contact Wire Replacement $20
  System Traction Power Upgrades (substation replacement) $17.7
  Trolley System Drainage & Erosion Control $14.3
  RTMS for contract buses $8
  CNG Fueling Station Replacement $2.5
  Bus Stop Improvements MTS $2
  Automatic Train Stop (ATS) Extension $0.5
  ADA Improvements - NCTD $0.3
  Flatbed Welding Hi-Rail Boom Truck $0.2
  Seal and Stripe NCTD Parking Lots $0.05
  Tree Trimming Project - NCTD $0.04
Federal Economic Stimulus Projects
San Diego County Transit Projects
Ready to Advertise in 12 months

Project Description
Cost in millions (Not in Order of Priority)

A  Inland Rail Trail Base Course – Phase 2  $0.3
B  Poinsettia Coaster Station, Track Improvements and Station Relocation $8
C  I-15 BRT Parking Structures @ Sabre Springs, Rancho Bernardo, Mira Mesa w/Parking Mgmt System $101.5
D  Encinitas Pedestrian Bridges $30
E  Timber Bridge Replacement Program – Phase 1 $28
F  Sorrento to Miramar Phase 1 $25
G  I-805 Bus on Shoulder Conversion to Concrete Lane $160
H  Rio Vista Platform Settlement $3.4
I  I-15 Mid City Transit Stations $20
J  Rehab 32nd & Commercial Street LRT Station $3.4
K  47th St Station Rehab $5.1
L  Euclid Station Rehab $5.1
M  Southbay BRT Guideway $60
N  South Bay Bus Maintenance Facility Upgrade – Phase 2 $20

Projects Not Specified on Map
System Retaining Wall Rehab/Replacement $10
New NCTD Rail Maintenance of Way Facility $8.6
Wheel Lathe $2.5
Computerized Maintenance Management System - NCTD $0.2

United States Congressional Districts in the San Diego Region
110th Congress

49th - Darrell Issa
50th - Brian Bilbray
51st - Bob Filner
52nd - Duncan Hunter
53rd - Susan Davis
## Local Transportation Projects Ready to Advertise in 12 months

**San Diego County**

### Federal Economic Stimulus Projects

#### San Diego County Local Transportation Projects

*Ready to Advertise in 12 Months*

<table>
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<th>Local Jurisdictions</th>
<th>Construction Costs</th>
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<td>Oceanside</td>
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<td>Escondido</td>
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<td>SANDAG (Rec)</td>
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### United States Congressional Districts in the San Diego Region

*110th Congress*

- **49th** - Darrell Issa
- **50th** - Brian Bilbray
- **51st** - Bob Filner
- **52nd** - Duncan Hunter
- **53rd** - Susan Davis

- **San Diego County**: $109,119,000
- **San Diego Region Map Area**: 606 miles

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**Note:** The map shows Federal Economic Stimulus Projects and local transportation projects ready to advertise in 12 months. It includes specific projects and their respective construction costs, along with the map area of San Diego County. The map is a visual representation of the mentioned projects and their locations within the San Diego region.
Federal Economic Stimulus Projects
San Diego County
Local Public Works Projects
Ready to Advertise in 6 Months

$ Construction Costs
— Local Jurisdictions

United States Congressional Districts in the San Diego Region
110th Congress

49th - Darrell Issa
50th - Brian Bilbray
51st - Bob Filner
52nd - Duncan Hunter
53rd - Susan Davis

Regional Projects (Not in Order of Priority)

San Diego County $171,492,000
Sweetwater Authority $27,980,000
San Diego County W.A. - No Projects
Vallecitos Water District $8,070,000
Summary of Economic Impacts of Economic Stimulus Projects

To evaluate the economic impacts of the proposed Economic Stimulus projects in highways, local transportation, transit, and local public works, SANDAG conducted analysis based upon estimates of the “direct” cost of building the proposed improvement, which is a temporary impact lasting the duration of planning and construction. Also, in the case of some transit projects, the ongoing “direct” impacts reoccurring annually from the use of the improved facilities were also included. Once these direct impacts are identified, the San Diego Regional Input-Output (SDRIO) Model is used to estimate the indirect and induced impacts. The indirect impacts are the numerous business products, materials and services required and supplied locally to support the direct construction and ongoing use or operations of the new facilities. The induced impacts are the expenditures of the wages and salaries of the employees involved in the direct and indirect activities. All impacts are reported in 2006 dollars. The purchase of right-of-way and land acquisition is not included in the analysis. Additional information on the San Diego Regional Input-Output Model is available from SANDAG.

Impacts: The impacts of completing the projects are summarized in the table below. In total, the projects would create 95,959 jobs that receive more than $5 billion in wages and pay more than $1.8 billion in local, state, and federal taxes. Overall, the construction of these projects would raise the San Diego Region’s Gross Metropolitan Product (GMP), the value of all goods and services produced in the locally economy during the year, by more than $12 billion. Figure 1 on the following page shows the employment impacts by project category. According to the figure, the most jobs would be generated in the areas of local public works and highway construction.

Table 1: All Projects, Summary of Economic Impacts, (Thousands of $2006)

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<th>Highways</th>
<th>Employment</th>
<th>Labor Income</th>
<th>Output</th>
<th>Taxes</th>
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<td>$1,308,780</td>
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<td>Indirect</td>
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<td>Induced</td>
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<td>$525,734</td>
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<td>TOTAL</td>
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<td>Direct</td>
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<td>Indirect</td>
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<td>Induced</td>
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<td>TOTAL</td>
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<td>Local Public Works</td>
<td>Direct</td>
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<td>$2,459,816</td>
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<td>Indirect</td>
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<td>Induced</td>
<td>$343,766</td>
<td>$1,044,894</td>
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<td>TOTAL</td>
<td>$1,761,971</td>
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<td>OVERALL TOTAL</td>
<td>95,959</td>
<td>$5,175,197</td>
<td>$12,206,086</td>
<td>$1,820,288</td>
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</table>
Figure 1
Total Employment
Proportion of Impact by Expenditure Category
San Diego Region

- Highways: 32%
- Transit: 20%
- Local Transportation: 14%
- Local Public Works: 34%
Glossary for Economic Impacts of Economic Stimulus Projects

**Direct Impact:** The expenditures for the proposed improvement.

**Employment:** Full-time equivalent jobs.

**Indirect Impact:** The numerous business products, materials, and services required and supplied locally to support the direct expenditure.

**Induced Impact:** The expenditures of the wages and salaries of the employees involved in the direct and indirect activities.

**Input-Output Analysis:** An economic model that allows the assessment of change in overall economic activity as a result of some corresponding change in one or several activities.

**Labor Income:** All forms of employment income, including employee compensation and proprietary income. Employee compensation includes wages and salaries of workers who are paid by employers, including benefits. Proprietary income consists of income received by self-employed individuals, including private business owners.

**Output:** The value of all goods and services produced in the economy during the year.

**Taxes:** Receipts of local and state (non-education) taxes and federal (non-defense) taxes. Federal taxes include Corporate Profits Tax, Indirect Business Taxes (Custom Duty and Excise Taxes), Personal Tax (Income and Estate and Gift Taxes), and Social Insurance Taxes (Employee and Employer Contributions). State and local taxes include Corporate Profits Tax, Dividends, Indirect Business Taxes (Property, Sales, Severance, and Other Taxes and Motor Vehicle Licenses), Personal Tax (Estate and Gift, Income, Fishing/Hunting, and Property Taxes, Motor Vehicle Licenses and Fines/Fees), and Social Insurance Taxes (Employee and Employer Contributions).
Introduction

In January 2005, the Board of Directors included the Mid-Coast Corridor Transit Project in the TransNet Early Action Program. The Mid-Coast Corridor Transit Project will extend San Diego Trolley service from the Old Town Transit Center to University City, serving major activity centers such as the University of California, San Diego (UCSD) and University Towne Centre (UTC).

The Board of Directors directed staff to move forward with the Mid-Coast Corridor Transit Project as a high priority. SANDAG staff has secured the services of an experienced transportation consultant with expertise in developing Federal Transit Administration (FTA) New Starts Projects. This expertise includes developing FTA New Starts Funding Applications as well as assisting clients with securing FTA Full Funding Grant Agreements. The consultant is well versed in all aspects of project development through the FTA process and has a proven track record of success within the industry.

SANDAG staff additionally secured the services of a consultant experienced in public involvement to assist in preparation and implementation of a public involvement program to support all development phases of the Mid-Coast Corridor Transit Project. The services of a firm experienced in environmental law with experience in FTA New Starts Projects as well as other public transit projects will support the Mid-Coast Corridor Transit Project through environmental review and entitlements.

This report provides an update on the current development phase of the Mid-Coast Corridor Transit Project and provides a preliminary schedule for major development activities through start of revenue service.

Discussion

Project Description

The Mid-Coast Corridor Locally Preferred Alternative (LPA) is a light rail transit (LRT) alignment that begins at the Old Town Transit Center and travels north in existing railroad right-of-way to Gilman Drive. Three stations are currently proposed in this segment and are located at Tecolote Road, Clairemont Drive, and Balboa Avenue. At Gilman Drive, the alignment continues north within the Interstate 5 (I-5) right-of-way to the proposed University Lane Station. The alignment then crosses to the west side of I-5 and enters the west side of the UCSD campus just north of La Jolla Village Drive. The alignment travels into Pepper Canyon where the proposed UCSD West Station is located approximately one block from the UCSD Price Center. The alignment continues to the east side of I-5 along Voigt Drive and serves the east side of the UCSD campus at the proposed UCSD East Station. The alignment continues along either Genesee Avenue or Regents Road and Executive Drive to the proposed Executive Drive Station. The alignment continues south on Genesee Avenue to the proposed terminal station located at UTC. A map of the alignment is included as Attachment 1.
**Current Development Phase**

The current project development phase includes the preparation of an environmental document for the Mid-Coast Corridor Transit Project prepared in compliance with the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). Preliminary Engineering is additionally included in the current project development phase.

Preparation of the environmental document will include: development and evaluation of alternatives; conducting public scoping for the environmental document; selection of alternatives for detailed analysis in the draft environmental document; preparation of the draft environmental document; preparation of the final environmental document; and approval of the final environmental document. The Board of Directors will approve the final environmental document prepared under CEQA. The FTA will approve the final document prepared under NEPA.

The first step in the environmental review process will be the development and evaluation of alternatives for potential inclusion in the public scoping process and in the draft environmental document. The alternatives include a revised LPA, additional LRT alignment variations, a commuter rail shuttle alternative, a bus rapid transit (BRT) alternative, a no build alternative, and a transportation systems management (TSM) alternative. These alternatives are currently under development. The LPA previously adopted by the Board of Directors will be re-evaluated. The LPA will be revised to reflect changes in the planned I-5 improvements as well as other changes to maximize cost-effectiveness of the LPA where achievable.

Prior to public scoping, staff will present the initial alternatives, the findings of the alternatives evaluation, and a recommended list of alternatives to be carried forward into public scoping to the SANDAG Board for review and approval. The Board of Directors will have the option of identifying a preferred alternative to be carried through the public scoping process. This step is anticipated to occur in March 2009.

During public scoping, environmental issues and alternatives proposed for detailed environmental analysis will be presented to the public and interested stakeholders for review and comment. Public scoping is anticipated to be conducted in March and April 2009. Subsequent to public scoping, staff will evaluate environmental issues and refine alternatives based on input received during the public scoping process. Staff's evaluation will consider practical and legal requirements for alternatives in the environmental document. The Board of Directors will then be asked to approve the alternatives to be carried forward for detailed analysis in the draft environmental document. Board of Directors approval will be requested in June 2009.

The draft environmental document is scheduled to be completed in August 2010. The final environmental document is scheduled to be completed in August 2011.

Preliminary Engineering can proceed once the Board of Directors has selected an LPA and FTA has approved SANDAG’s application to proceed with Preliminary Engineering on the LPA. It may be possible for the Board of Directors to select an LPA prior to proceeding with development of the draft environmental document. Should this occur, the Preliminary Engineering application can be submitted to the FTA in summer 2009. The New Starts Application, which is a portion of the Preliminary Engineering application, would be rated by the FTA in fall 2009 and the project’s New Starts Rating would be published in the FY 2011 New Starts Report in February 2010.
Project Funding

The Board of Directors included the Mid-Coast LRT Project in the TransNet Early Action Program. The Mid-Coast LRT Project was included in the original TransNet Ordinance and remains uncompleted. Under the TransNet Extension, the Mid-Coast LRT Project shall be given priority for implementation.

TransNet includes capital funds for the Mid-Coast LRT Project and operating funds for the project through the year 2048. SANDAG would be seeking FTA New Starts capital funding for the project. The current Plan of Finance assumes that 50 percent of the capital funding would be provided by TransNet and 50 percent would be provided by FTA New Starts funds. The proportion of local match provided by the TransNet capital funds, as well as the benefit to the financial plan resulting from inclusion of the TransNet operating funds, will be advantageous in securing a higher New Starts project rating from FTA for the Mid-Coast Project.

The current cost for the Mid-Coast LPA is estimated to be $1.2 billion in year of expenditure dollars. The estimated cost of the LPA alignment will be updated during the current phase of work to reflect any revisions made as the result of re-evaluating the LPA.

Public Involvement

A consultant has been selected to assist SANDAG in developing and implementing the Public Involvement Program for the Mid-Coast Corridor Transit Project. Public involvement and outreach activities will commence with public scoping in spring 2009. Public involvement and outreach activities will continue through all phases of project development including the supplemental environmental phase, preliminary engineering, final design, and construction.

Coordination with Stakeholders

SANDAG will continue to coordinate with project stakeholders throughout development of the Mid-Coast Corridor Transit Project. Coordination with key stakeholders such as MTS, UCSD, Caltrans, and the City of San Diego is already underway. Periodic regularly scheduled meetings are anticipated with the key stakeholders.

The Public Involvement Program, currently under development, will include a variety of methods for coordination with project stakeholders including the public. In addition, a Coordination Plan for environmental review is under development.

Project Schedule

The schedule assumptions for final design and construction outlined in this report are based on a range of project delivery methods that would deliver the Mid-Coast Project for revenue service between December 2015 and June 2018. Before any further information on project delivery is brought to the Transportation Committee and Board, further evaluation is required of the different project delivery methods, including how the procurement strategies may fit into the overall New Starts schedule.

A preliminary project schedule for the previously adopted LPA is shown as Attachment 2. The preliminary schedule indicates a range of start and finish dates for the final design and construction phases. This schedule is based on the assumption that an LPA will be selected by the Board of Directors upon completion of the public scoping process.
Key dates over the next year that are included in the preliminary project schedule for the Mid-Coast Corridor Transit Project are listed below:

- Board approval of alternatives for public scoping – March 2009
- Public scoping – March/April 2009
- Board approval of alternatives for the draft environmental document – June 2009

**Future Development Phases**

Future development phases include final design, construction, systems testing, and start-up of revenue service.

GARY L. GALLEGOS
Executive Director

Attachments: 1. Mid-Coast Corridor Transit Project – Locally Preferred Alternative
               2. Preliminary Project Schedule for Previously Adopted Locally Preferred Alternative

Key Staff Contact: Leslie Blanda, (619) 699-6907, lbl@sandag.org
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Milestones
## BOARD OF DIRECTORS AGENDA
Friday, December 19, 2008

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### 1. APPROVAL OF NOVEMBER 21, 2008, MEETING MINUTES

**APPROVE**

### 2. PUBLIC COMMENT/COMMUNICATION/MEMBER COMMENTS

Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG. Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk of the Board prior to speaking. Public speakers should notify the Clerk of the Board if they have a handout for distribution to Board members. Speakers are limited to three minutes. Board members also may provide information and announcements under this agenda item.

### 3. ACTIONS FROM POLICY ADVISORY COMMITTEES

This item summarizes the actions taken by the Borders Committee on November 21, the Executive, Regional Planning, and Transportation Committees on December 5, and the Transportation and Public Safety Committees on December 12, 2008.

### CONSENT ITEMS (4 through 7)

#### 4. PROPOSED RESOLUTIONS TO CONFIRM EMPLOYER PAID MEMBER CONTRIBUTIONS TO CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (Laura Coté)

Internal Revenue Code (IRC) Section 414(h)(2) allows public agencies to designate employee contributions to the California Public Employees Retirement System (CalPERS) as being funded by the employer and treated as employer contributions for tax purposes. CalPERS has advised SANDAG that the agency is required to execute a resolution by December 31, 2008, which documents our practice of funding the employee contribution. The Board of Directors is asked to approve and adopt Resolution Nos. 2009-11 and 2009-12 confirming employer paid member contributions to CalPERS and the tax treatment thereof.

#### 5. FEDERAL TRANSIT ADMINISTRATION SECTION 5311 PROGRAM OF PROJECTS (Susan Brown)

The Federal Transit Administration (FTA) provides funding for capital and operating assistance to agencies providing rural transportation through the Section 5311 Non-Urbanized Area Formula Program. Staff proposes apportioning the FY 2009 Section 5311 funds to Metropolitan Transit System and the North County Transit District by formula based on rural population within each agency’s service area. The Transportation Committee recommends that the Board of Directors approve the programming of a total of $626,205 in FTA Section 5311 funds.
+6. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (Renée Wasmund)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director since the last Board meeting.

+7. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (Kim Kawada)

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

CHAIR’S REPORT (8)

+8. ELECTION OF SANDAG BOARD OFFICERS FOR 2009

The Nominating Committee unanimously recommends the following slate of candidates for SANDAG Board officers for calendar year 2009: Escondido Mayor Lori Holt Pfeiler for Chair, Encinitas Mayor Jerome Stocks for First Vice Chair, and Santee Councilmember Jack Dale for Second Vice Chair. Additional nominations for any officer may be made by Board members at the December meeting. The Board of Directors is asked to elect SANDAG Board Officers for the upcoming year.

REPORTS (9 through 16)

+9. REGIONAL COMPREHENSIVE PLAN: 2008 PERFORMANCE MONITORING REPORT (Lemon Grove Councilmember Jerry Jones, Regional Planning Committee Chair; Christine Eary)

Monitoring progress in implementing the Regional Comprehensive Plan (RCP) occurs on an annual basis. In 2006, SANDAG released the Regional Comprehensive Plan: Establishing a Baseline for Performance Monitoring (Baseline Report). The 2008 Annual Performance Monitoring Report represents the second annual RCP monitoring report since the Baseline Report was accepted by the SANDAG Board of Directors in October 2006. The Regional Planning Committee recommends that the Board of Directors accept the Regional Comprehensive Plan 2008 Annual Performance Monitoring Report.

+10. NAVY METRO TRANSPORTATION DEMAND MANAGEMENT INITIATIVE (Dan Martin) – 10 A.M. TIME CERTAIN

The United States Navy, as one of the largest employers in the San Diego region, has partnered with RideLink to provide an analysis of commuter travel activity between the major naval housing areas and naval bases/facilities in the San Diego metropolitan area. Staff will provide an overview of the studies currently underway.
11. PROPOSED AMENDMENTS TO BOARD POLICIES AND BYLAWS (Escondido Mayor Lori Pfeiler, SANDAG First Vice Chair; Julie Wiley)*

The proposed amendments to Board Policies and Bylaws were reviewed by the Executive Committee at its December meeting. The Executive Committee recommends that the Board of Directors approve the proposed amendments to the Board Policies and Bylaws.

12. AMENDMENTS TO REGIONAL COMPREHENSIVE FARE ORDINANCE (Dave Schumacher)

On December 12, 2008, the Transportation Committee conducted the first reading of amendments to the Regional Comprehensive Fare Ordinance. The amendments delay introduction of the Compass Card and Rolling Passes until March 1, 2009, and clarify the timing of validation of Rolling Passes sold at ticket vending machines, the MTS Transit Store, NCTD Customer Service Outlets, or other outlets designated by SANDAG. The Board of Directors is asked to conduct the second reading and approve of amendments to the Regional Comprehensive Fare Ordinance.

13. 2009 LEGISLATIVE PROGRAM (Escondido Mayor Lori Pfeiler, SANDAG First Vice Chair; Genevieve Morelos)

Consistent with past programs, the proposed legislative program for calendar year 2009 includes policies and proposals for possible federal and state legislation and local activities. The Executive Committee recommends that the Board of Directors approve the 2009 SANDAG Legislative Program.

14. FINANCIAL MARKET STATUS (Renée Wasmund and Marney Cox)

This monthly briefing is designed to keep the Board of Directors informed about the latest developments in the financial markets, the economy, and revenue forecasts, and the strategies we are exploring and implementing to minimize possible impacts to SANDAG.

15. SAN DIEGO REGION ECONOMIC STIMULUS PROPOSAL (Dan Martin)

Recent actions by the federal government have focused on initiating programs to stimulate the nation’s economy. There have been ongoing discussions at the federal level of a possible economic stimulus package that would create jobs and deliver needed infrastructure to the nation. SANDAG staff has been working with agencies within the San Diego region to develop an economic stimulus proposal that includes both transportation and public works projects that could be implemented over the short-term. Staff will report on development and outreach efforts to date.
+16. MID-COAST CORRIDOR TRANSIT PROJECT UPDATE (Santee Councilmember Jack Dale, Transportation Committee Vice Chair; Leslie Blanda)*

Staff will provide a report on the status of the Mid-Coast Corridor Transit Project. The report will provide an overview of the project, describe the scope and schedule of the current phase of project development, and describe the upcoming project development phases.

17. UPCOMING MEETINGS

The next Board Policy meeting is scheduled for Friday, January 9, 2009, at 10 a.m. The next Board Business meeting of the SANDAG Board of Directors is scheduled for Friday, January 23, 2009, at 9 a.m.

18. ADJOURNMENT

+next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego Regional Transportation Commission item
Goal of Navy TDM Initiative

Increase TDM participation from San Diego Metro Target Housing Areas to Metro Area Navy Facilities
Navy Commute Patterns

Target Housing Areas & Metro Naval Bases
Travel Time Comparison AM Peak

- Transit trips ranged from 45-90 minutes
- Drive trips ranged from 11-30 minutes
- For the Pilot Project Murphy Canyon to NBSD:
  - Transit trip averaged 60 minutes
  - Drive trip averaged 16 minutes

TDM Program Offerings

- Transit
- Carpooling
- Vanpooling
- Bicycling
- Employer Outreach
- First & Last Mile Solutions
- Guaranteed Ride Home
- iCommute
- Traveler Information - 511
Additional TDM Options Under Study

- Buspool (with Paid Driver)
- Buspool (with Volunteer Driver)
- Flexible Vanpool Service

Next Steps

- Establish level of participation via Navy Commuter Survey and iCommute enrollment
- Pilot Project – Murphy Canyon to Naval Base SD
- Identify First and Last Mile solutions between Housing area and Park-and-Ride location/s
- Action Item to SANDAG Board Spring 2009
SAN DIEGO ASSOCIATION OF GOVERNMENTS

BYLAWS

ARTICLE I

NAME AND PURPOSE

Section 1

The name of this Organization shall be the San Diego Association of Governments (hereinafter referred to as SANDAG).

Section 2

The purposes of this Organization are as set forth in SB 1703 (Chapter 743 of the Statutes of 2002), as established by state and federal law, and as approved by the Board of Directors. The primary purpose for which this organization is created is to engage in regional cooperative comprehensive planning, programming and where authorized, implementation thereof, and to assist the Member Agencies.

ARTICLE II

DEFINITIONS

The following terms shall have the meanings ascribed to them within this section unless the content of their use dictates otherwise:

a. "Region" shall mean that territory physically lying within the boundaries of San Diego County.

b. "Regional Board" shall mean the Regional Planning and Growth Management Review Board.

c. b. "Population" of any Member Agency shall mean that population as defined in SB 1703.

d. c. "Fiscal Year" shall mean that year beginning July 1, and ending June 30.

e. "Member Agencies" shall mean the cities within San Diego County and the County of San Diego collectively.

f. "Subregion" shall mean one of the five following portions of San Diego County: "North county coastal," which includes the Cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; "North county inland," which includes the Cities of Vista, San Marcos, Escondido, and Poway; "South county," which includes the Cities of Chula Vista, National City, Imperial Beach, and Coronado; "East county," which includes the Cities of El Cajon, Santee, La Mesa, and Lemon Grove; and "San Diego region," which includes the territory located within the boundaries of San Diego County.
ARTICLE III

MEMBERSHIP AND ORGANIZATION

Section 1

Membership in this Organization shall be as provided in state law and these Bylaws.

Section 2

a. All powers of this Organization shall be exercised by the Board of Directors. The Board of Directors may choose to delegate several of its responsibilities from time to time in accordance with Board policy.

b. Only the duly selected official representative(s), or in his or her absence, his or her duly selected alternate or alternates, shall be entitled to represent his or her Member Agency in the deliberations of the Board of Directors.

c. When changes occur, names of the official representatives and alternates shall be communicated in writing to the Organization by each participating Member Agency.

Section 3

There shall be at least five standing committees which shall be known as policy advisory committees with the membership set forth in SB 1703 or Board Policy.

a. The procedure for City and County of San Diego and subregional appointments to the policy advisory committees shall be established by Board policy. In the case of the subregional appointments, the policy shall ensure a noticed, formal process wherein all Board members (including alternates) from each subregion are provided an opportunity to participate in the selection process. Each subregion shall ensure that SANDAG staff is notified of the date, time, and location for that subregion’s meeting. After the meeting for each subregion is set by the primary Board members, SANDAG staff shall provide Board alternates from each subregion advance notice of the meeting. A majority of the primary members present at the subregion meeting shall make a selection by January 31. An alternate member may vote in the absence of the primary member. In appointing persons to the Transportation Committee, to the extent possible, the subregions and other agencies should avoid duplication of representation from any city other than the City of San Diego.

b. Procedures for policy advisory committee attendance and voting shall be established by Board policy. The policy shall ensure the formal delineation of the voting membership at each meeting.

c. The Board Chair, First Vice Chair, and Second Vice Chair may serve as ex-officio non-voting members of the policy advisory committees.
d. The Board Chair shall select the chair and vice chair of all policy advisory committees except the Executive Committee, annually in February. When serving on the Executive Committee, the Board Chair, First Vice Chair, and Second Vice Chair shall serve as the Chair, First Vice Chair and Second Vice Chair of the Executive Committee. The First and Second Vice Chairs of the Board shall serve as voting members of the Executive Committee if one or both of the Vice Chairs represent an area of the region that is different from the area of the region represented by the Chairperson or other Vice Chair. If such an overlap occurs, a Vice Chair that cannot be the primary member shall be the alternate.

Section 4

The Board of Directors shall have the authority to appoint all additional committees or working groups and may provide for the appointment of alternates to these committees.

a. Additional standing committees may be appointed by the Board of Directors as may be required to carry out general and continuing functions and may be abolished only upon specific action by the Board of Directors.

b. Ad hoc specialized subcommittees or working groups may be appointed by the Board of Directors at the need arises to accomplish specific tasks. The policy advisory committees may appoint working groups to advise them. Upon completion of its assignment, each ad hoc subcommittee or working group shall disband.

Section 5

In addition to any compensation mandated by state law for Board meetings, the rates below shall apply. Persons must be present for at least 1/2 of the time set for the meeting or the duration of the meeting, whichever is less, in order to be eligible for compensation.

a. For attendance by Board members, or alternates in their absence, at Board meetings, $150 per meeting.

b. For meetings or events attended by Board members, other than committee meetings of SANDAG, where the members are officially representing the Board, $150 per meeting or event. The Board may adopt and amend from time to time a list of such meetings and events.

c. For members and alternates of policy advisory committees, $100 per meeting.

d. The limit on the total number of paid meetings for Board and policy advisory committee members or alternates per individual is six meetings per month.

e. The Chair of the Board shall receive additional monthly compensation of $500 per month.

f. Both the Vice Chairs of the Board shall receive additional monthly compensation of $250 per month.
ARTICLE IV

MEETINGS

Section 1

a. A quorum for a meeting of the Board of Directors shall be as provided for in Section 5 of this Article.

b. A quorum shall be required for the conduct of any business of a committee. No business shall be conducted by a committee without a quorum. A simple majority of the appointed members of a committee shall constitute a quorum. All decisions by a committee shall be by simple majority of the quorum.

Section 2

Parliamentary procedure at all meetings shall be governed by Roberts Rules of Order except as otherwise modified by state law, Board policy, or these Bylaws. The Secretary shall forward written notice of the meetings of the Board of Directors and each standing committee, stating the time, location, and the agenda of business to each member’s agency and to the respective members and alternates of the Board of Directors or the standing committees, at the earliest time possible, but in no event less than 72 hours prior to meetings, except that such written notice of regular Board of Directors’ meetings may be forwarded by first class mail or other appropriate means not less than seven days prior to such meeting.

Section 3

All meetings of SANDAG, including without limitation regular, adjourned regular, and special meetings of the Board of Directors, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the California Government Code). Closed session items should be heard by the Board of Directors unless timeliness requires consideration by the Executive Committee or, for transportation matters the Transportation Committee. In any event, the Transportation Committee is authorized to convene closed sessions and make final decisions with regard to real property transactions related to transportation projects, however, this delegation does not include the authority to make a Resolution of Necessity or to commence litigation. The Transportation Committee will report real property transaction purchase amounts at the next regular meeting of the Board occurring after final execution of the purchase documents.

Section 4

The Board and committees shall meet according to the following schedule:
a. The Board of Directors and policy advisory committees shall hold their regular meetings on Fridays unless otherwise determined from time to time by the Board of Directors or policy advisory committee. Regular meetings of the Board of Directors shall be held on the second and fourth Friday mornings of the month at the offices of the Organization or at other locations within San Diego County, unless otherwise provided by the Board. Special meetings of the Board of Directors or policy advisory committees may be called from time to time by their respective Chair.

b. Other committees shall meet whenever called by their respective Chair.

Section 5 (Section 132351.2 of the Public Utilities Code)

a. A majority of the Member Agencies constitute a quorum for the transaction of business. In order to take final action on any item, except consent items which only require the vote specified in paragraph (1), the following voting formula in both paragraphs (1) and (2) shall apply:

(1) A majority vote of the members present on the basis of one vote per agency.

(2) A majority of the weighted vote of the Member Agencies present.

b. In the event a majority vote pursuant to Section 5(a) cannot be obtained to allow final action on an item, one or more preliminary votes may be taken using the method in Section 5 (a)(1) in order to narrow the options sufficiently to obtain a majority vote on the final action as required by Public Utilities Code Section 132351.2.

c. The City and County of San Diego shall determine how to allocate its single agency vote and its weighted votes between its two members.

d. For the weighted vote, there shall be a total of 100 votes, except additional votes shall be allowed pursuant to subdivision (f). Each representative shall have that number of votes determined by the following apportionment formula, provided that each agency shall have at least one vote, no agency shall have more than 40 votes, and there shall be no fractional votes:

(1) If any agency has 40 percent or more of the total population of the San Diego County region, allocate 40 votes to that agency and follow paragraph (2), if not, follow paragraph (3).

(2) Total the population of the remaining agencies determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Multiply each percentage derived above by 60 to determine fractional shares.

(B) Boost fractions that are less than one, to one and add the whole numbers.

(C) If the answer to subparagraph (B) is 60, drop all fractions and the whole numbers are the votes for each agency.
(D) If the answer to subparagraph (B) is less than 60, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (B) above.

(E) If the answer to subparagraph (B) is more than 60, the excess vote(s) is taken one each from the agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

(3) Total the population determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Boost fractions that are less than one, to one and add the whole numbers.

(B) If the answer to subparagraph (A) is 100, drop all fractions and the whole numbers are the votes for each agency.

(C) If the answer to subparagraph (A) is less than 100, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (A) above.

(D) If the answer to subparagraph (A) is more than 100, the excess vote(s) is taken one each from that agency(s) with the lowest fraction(s). In no case shall a vote be reduced to less than one.

ed. When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

fe. The weighted vote shall be recomputed in the above manner every July 1.

gf. Any other newly incorporated city shall receive one vote under the single vote procedure and one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote, at which time the new agency shall receive votes in accordance with the formula specified in subdivision (b). Until this recomputation, the total weighted vote may exceed 100.

ARTICLE V

OFFICERS AND THEIR DUTIES

Section 1

The Board of Directors shall have as officers a Chair, First Vice Chair, and Second Vice Chair, who are primary members of the Board. Standing committees shall have as officers a Chair and Vice Chair, who are primary members of their respective committees. The Executive Director shall be the Secretary of the Board and each standing committee.
a. The Chair shall preside over Board and committee meetings, and have general supervision of Board and committee affairs. The Chair shall sign all official documents when directed to do so by the Board and committees respectively.

b. The First Vice Chair shall perform the duties of the Chair in his or her absence and perform any duties that the Chair may require. The Second Vice Chair shall perform the duties of the First Vice Chair in his or her absence and perform any duties that the Chair may require.

c. In the event of the absence of the three officers of the Board of Directors or both officers of other standing committees, the immediate past Chair may preside or the quorum of members present shall elect a Chair Pro Tempore to preside for that meeting. The Secretary, with a quorum present, shall call the meeting to order and preside during such election of a Chair Pro Tempore; he or she shall immediately relinquish the chair upon completion of the election.

Section 2

The Board may delegate authority to the Board Chair for action consistent with Board approved criteria on categories of items.

Section 3

Election of officers of the Board of Directors shall be held annually during a regular December meeting. Officers for the Board of Directors shall be elected in the following manner:

a. In or around July of each year, application forms will be made available on the Board of Directors page of the SANDAG Web site for persons interested in applying for the Chair or a Vice Chair position on the Board of Directors. Applications shall be structured to screen for the best regional leaders from among the primary members and shall include questions concerning the candidate’s vision statement for SANDAG and his/her qualifications. Applications shall be due within 30 days after the application forms are posted. Only candidates who submit an application by the deadline or who are primary members nominated from the floor on the day of election will be considered for office.

b. The Chair shall appoint up to a six-person nominating committee, who shall be members of the Board from each of the subregions and a Board member from the City and the -County of San Diego; The nominating committee appointments shall be announced at a regular meeting in or around September of each year. The nominating committee shall not, however, include Board members from jurisdictions that have applicants for the Chair or a Vice Chair position on the Board of Directors...The nominating committee shall interview the candidates and submit a slate of nominees for the three Board offices in writing for mailing to Board members in or around November. Additional nominations for any office may be made by Board members at the election meeting.

c. In choosing the nominees from the Board membership, the nominating committee shall take into account the nominee’s availability, experience, skills, geographic diversity, and the benefits associated with having the First Vice Chair succeed the outgoing Chair and the Second Vice Chair succeed the outgoing First Vice Chair.
d. The officers shall be elected by a majority of the votes including weighted votes of those Board members present.

e. All officers shall be elected for a term(s) of one year and shall serve until their successors are elected. They shall begin their term of office on January 1.

f. In the event that the Board member who has been elected Chair, First Vice Chair, or Second Vice Chair is no longer a primary member of the Board of Directors, the office shall be considered vacant.

g. Any vacated office of Chair, First Vice Chair, or Second Vice Chair shall be filled at the next regular Board meeting by nominations from the floor, and a majority of votes from the members present. A member must be a primary member to be nominated from the floor.

Section 4

a. The Board of Directors shall appoint an Executive Director who shall hold office until he or she resigns or is removed by the Board of Directors. The Executive Director shall be the chief executive officer of SANDAG. The Executive Director shall have charge of all projects and property of the Organization and shall file with the Director of Finance of SANDAG an official bond in the minimum amount of $100,000 or such larger amount as the Board of Directors specifies, guaranteeing faithful performance of his or her duties. The Executive Director will be responsible to the SANDAG Board of Directors as set out in the Administrative Rules and Regulations for the administration of SANDAG’s business, including: (1) development of program objectives, definition, directions and priorities; (2) management of SANDAG programs and coordination of staff and support services; (3) the development of financial support programs for SANDAG activities; (4) the recommendation and submission of an annual SANDAG program budget to the Board of Directors; and (5) execution of the adopted personnel, purchasing, and budgetary systems. The Executive Director shall perform such other and additional duties as is necessary to carry out the objectives and function of SANDAG and as directed by the Board of Directors.

b. Any additional staff support services provided by Member Agencies or others shall be coordinated by the Executive Director.

c. The Executive Director is hereby enabled to promulgate an administrative manual, as well as all other administrative policies governing the administrative procedures of the Organization.
ARTICLE VI

FINANCIAL

Section 1

The Board of Directors shall approve a preliminary budget no later than April 1 of each year. The Board of Directors shall adopt a final budget no later than June 30 of each year. A copy of the preliminary budget when approved and a copy of the final budget when adopted shall be filed with each Member Agency.

Section 2

Responsibility for supplying funds for that portion of the budget for SANDAG which is to be supplied by the Member Agencies, as adopted by the Board of Directors, shall be divided among the Member Agencies based on their population with each Member Agency including within its budget as funds to be supplied to SANDAG that sum of money determined by taking the ratio its population bears to the total population of the region and multiplying it by that portion of the approved budget to be supplied by the Member Agencies. Payment of this determined sum of money shall be made by each Member Agency by July 15 of each year. If payment by a Member Agency has not been made by September 1 of each year, that Member Agency shall no longer vote as a member of the Board of Directors. A delinquent Member Agency will be allowed to vote when full payment has been made, including interest computed from July 15 at the established legal rate.

Section 3

The Director of Finance of SANDAG shall establish and maintain such funds and accounts as may be required by good accounting practice, state and federal law, and these Bylaws. The books and records of SANDAG in the hands of the Director of Finance shall be open to inspection at all reasonable times by representatives of the Member Agencies. The Director of Finance of SANDAG within 120 days after the close of each fiscal year shall give a complete written report of all financial activities for each fiscal year to Member Agencies.

Section 4

The Director of Finance of SANDAG shall receive, have the custody of, and disburse SANDAG funds upon the warrant or check-warrant of the Finance Manager pursuant to the accounting procedures developed under Section 3 above, and shall make the disbursements required to carry out any of the provisions or purposes of the Organization. The Director of Finance of SANDAG may invest SANDAG funds in accordance with state and federal law. All interest collected on SANDAG funds shall be accounted for and posted to the account of such funds.

Section 5

Delegation of authority from the Board of Directors for final financial/contracting approvals, including selection of vendors, acceptance of funding, stipulations of any nature, and any resulting
budget amendment to serve as a limitation applicable to a particular job or program (not to be exceeded on a serial basis), shall be as follows:

a. Up to $100,000 to the Executive Director, subject to increase by Board action.

b. Up to $500,000 to the Executive Committee for any item, subject to increase by Board action.

c. Up to $500,000 to the Transportation Committee for transportation items, subject to increase by Board action.

d. Up to $500,000 to the Public Safety Committee for ARJIS and Criminal Justice Division items, subject to increase by Board action.

e. The Executive Director, Executive Committee, Public Safety Committee, and Transportation Committee shall report approvals under this section to the Board of Directors at least quarterly.

ARTICLE VII

RELATIONSHIPS AND RULES OF PROCEDURE

Section 1

The functions of the Board of Directors and policy advisory committees shall be established by Board policy. The Board of Directors may delegate functions to the policy advisory committees as it deems appropriate.

Section 2

The Board of Directors shall provide guidance to committees and working groups. The Board may advise Member Agencies on the coordination of general plans, or on the resolution of conflicts between the general plans of agencies in the San Diego region.

Section 3

Conflicts between governmental agencies should be resolved among the affected agencies. In matters affecting more than one local government, and where requested by the affected agencies, the Organization shall have the authority to hear and make recommendations if the conflicts are not resolved to the satisfaction of each affected agency. Regional plans should serve as the guideline for the resolution of conflicts.
Section 4

Each action taken by the Organization which requires implementation should include designation of the agency or agencies directly responsible for such implementation.

Section 5

The general and specific references to the construction authority of SANDAG in SB 1703 shall be interpreted as applicable solely to its responsibilities for project development and construction of transit projects which were previously within the purview of the transit development boards and are consolidated under the authority of SANDAG.

ARTICLE VIII

REGIONAL COMPREHENSIVE PLAN

In addition to the purposes and powers set forth by law and these Bylaws, pursuant to Public Utilities Code Section 132360 et seq., the Organization shall be responsible for preparing and adopting a regional comprehensive plan based on the local general and regional plans that integrates land uses, transportation systems, infrastructure needs, and public investment strategies, within a regional framework, in cooperation with member agencies and the public.

ARTICLE IX

INFORMATION AND EVALUATION

Section 1

a. The Organization shall disseminate information concerning its work program and activities. The required information system should be organized and categorized so that it will continue to allow full and efficient use of information by the public and private sectors.

b. Adequate provision for citizen participation shall be provided as required by law and as directed by the Board of Directors.

c. The Board shall perform an annual evaluation of the Organization’s goals, purpose, structure, and performance, directed toward continually improving the planning, coordination, and implementation process.

ARTICLE X

AMENDMENTS

Section 1

The Board of Directors shall be responsible for making all amendments to these Bylaws.
a. Proposed amendments may be originated by the Board of Directors, the Executive Committee, or any member of the Board of Directors.

b. Prior to being taken to the Board of Directors for approval, proposed amendments should be taken to the Executive Committee preliminarily for review and discussion and then brought to the Executive Committee at a subsequent meeting for a recommendation for approval to the Board.

c. A copy of any proposed amendments shall be forwarded by the Secretary to the official representative of each Member Agency, his or her alternate and the Agency itself, at the same time as the proposed amendments are mailed as a report attachment to the agenda for the preliminary Executive Committee meeting referred to in subsection b of this section.

d. Amendments to these Bylaws (except those provisions mandated by state law) shall require the vote of a majority of the Member Agencies which also represents at least 51 percent of the weighted vote of Member Agencies.

Adopted July 2003 by the SANDAG Board of Directors
Revised November 2003 by the SANDAG Board of Directors
Amended November 2004 by the SANDAG Board of Directors
Amended January 2006 by the SANDAG Board of Directors
Amended June 2007 by the SANDAG Board of Directors
SANDAG Debt Program

UPDATE

December 2008

SANDAG Debt Structure

- $100 million commercial paper program; Citigroup
  - Dexia Liquidity
- $500 million swaps:
  - Goldman Sachs
  - Merrill Lynch
  - Bank of America
- $500 million of variable rate debt:
  - Goldman Sachs and Barclays (replacing Lehman)
    - JP Morgan Liquidity
  - DeLaRosa (replacing UBS) and JP Morgan
    - Dexia Liquidity
SANDAG Variable Rate Program Performance

SANDAG Total Cost Compared to Fixed Rate

- Interest Rate
- Week (2008)
- SANDAG Total Cost
- Revenue Bond Index

SANDAG Strategy Continues...

- Continuing to evaluate Barclays performance
- Dexia trading performance continues to improve; but still higher than non-Dexia backed debt
- Exploring options, including replacement of Dexia
- JP Morgan liquidity facility expires March 2009
The short-term market will continue to be impacted by the bank liquidity market

**What we know**
- Demand for liquidity is up while supply is limited, resulting in significantly higher pricing levels.
- Banks have tightened the amount of capital exposure they are willing to accept.
- Liquidity has become increasingly scarce as issuers convert out of the auction rate product.
- Whether demand and capital will return to the market - existing liquidity and bank risk exposure.
- The maximum amount of capital exposure that banks will accept.
- Whether banks traditionally unfamiliar in the municipal market will enter.
- Barriers to entry include the requirement of double A credit ratings.

**What we don't know**
- Further increases in cross and limits of supply.
- Smaller hold amounts.
- Increased balance sheet constraints.
- More 90-120 day liquidity versus multi-year commitments.

SANDAG Debt Program

*UPDATE*

December 2008
San Diego Region Economic Stimulus Proposal

- An infrastructure stimulus package to boost employment is under consideration for 111th Congress
- In late October, SANDAG, San Diego Regional Chamber of Commerce and San Diego Regional Economic Development Corporation initiated the development of a regional proposal
San Diego Region Economic Stimulus Proposal

- Proposal includes projects that are ready to advertise immediately, within 6 months and within 12 months
- Transportation projects include Highway, Transit, Local Streets and Roads, and Bikeways
- Public Works projects include but were not limited to sewer, water, storm drain, buildings, parks, recycled water, photovoltaic systems, and flood control

Economic Stimulus Proposal A Regional Approach

Infrastructure Projects = Jobs

Projects were submitted from agencies in the region to develop the proposal
### Summary of Economic Impacts

<table>
<thead>
<tr>
<th>Program Description</th>
<th>Number of Projects</th>
<th>Project Costs ($1,000's)</th>
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<td>Transit</td>
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### Project Costs and Delivery Schedule

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<tr>
<th>Program Description</th>
<th>Ready to Advertise ($1,000's)</th>
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**Economic Stimulus Proposal**

**Maps**

- Congressional
- Highway
- Transit
- Local Transportation
- Local Public Works

[www.sandag.org/stimulus](http://www.sandag.org/stimulus)

*Project Listings*

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**Next Steps**

- Continue to work with agencies in the region to enhance project information
- Work with the region to maintain and ensure a comprehensive list of projects that will be competitive statewide
- Partner with Caltrans to incorporate the region's projects on the statewide list based on the latest federal guidance
- Cooperate with the National Association of Regional Councils in the development of the proposal
Recommendation

In preparation for future federal legislation, staff recommends that the Board of Directors accept the Final Draft of the San Diego Region Economic Stimulus Proposal as a starting point in the development of a list of regional projects.
Introduction

The nation is currently experiencing an economic downturn and recent actions by the federal government have focused on initiating programs to stimulate the nation’s economy. Congress is considering an infrastructure stimulus package that would create jobs and deliver needed infrastructure to the nation. SANDAG staff has been working with member agencies and other agencies along with input from the business community such as the San Diego Regional Economic Development Corporation and the San Diego Regional Chamber of Commerce to develop a comprehensive economic stimulus proposal that includes the construction of both transportation and public works projects. This report provides an overview of the development of the proposal and a summary of the projects contained within the proposal. SANDAG staff has shared this draft report with the region’s Congressional delegation.

Discussion

During early November 2008, SANDAG staff began to work with representatives of the Cities/County Transportation Advisory Committee (CTAC), North County Transit District (NCTD), Metropolitan Transit System (MTS), Port of San Diego, and Caltrans District 11 to develop a list of transportation projects that could be advertised for construction within twelve months. The list focused on projects that are currently ready for advertisement, projects that could be advertised in six months, and projects that could be advertised in twelve months. The types of transportation projects in the initial list included transit, highways, local streets and roads, and bikeways. A project’s environmental clearance was a major consideration in determining when the project could be ready for advertisement.

In mid-November, the list of potential projects was expanded beyond transportation to include public works infrastructure projects that could be advertised under the same timelines noted above. SANDAG staff worked with representatives of the business community, CTAC, and with other agencies such as the local water districts to gather the lists of potential projects. The types of public works projects submitted included, but were not limited to, sewer, water, storm drain, flood control, parks, buildings, recycled water, and photovoltaic systems.

The economic stimulus proposal for the San Diego region consists of the lists of projects submitted by each agency. These lists of projects have been consolidated into four major programs: Highways, Transit, Local Transportation, and Local Public Works. Each program includes a listing of projects that are ready for advertisement, could be advertised in six months, and could be advertised in twelve months. The cumulative total for all four programs is approximately $7.5 billion.

Summary of Economic Impacts

In order to evaluate the impacts that may result from implementing the projects included in the economic stimulus proposal, SANDAG conducted an economic analysis. The analysis was based on the “direct” cost of building the proposed improvement. This is a temporary impact lasting the duration of planning and construction. In the case of transit projects, consideration was made for the ongoing “direct” impacts that reoccur annually from the use of the improved facilities.
Once the “direct” impacts were established, the San Diego Regional Input-Output (SDRIO) Model was used to estimate the indirect and induced impacts that would result. Indirect impacts are defined as the numerous business products, materials, and services required and supplied locally to support the direct construction and ongoing operations of the new facilities. Induced impacts are defined as the expenditures of the wages and salaries of the employees involved in the direct and indirect activities. All impacts resulting from the economic analysis are reported in 2006 dollars. The purchase of right-of-way was not included in the analysis.

The impacts of completing the 1,043 projects identified by the region are summarized in the table below. In total, the projects would create approximately 96,000 jobs that receive more than $5 billion in wages. Overall, the construction of these projects would increase the San Diego region’s Gross Metropolitan Product (GMP) by nearly $12 billion.

### Summary of Economic Impacts

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The table below shows a breakdown of project costs by program and delivery schedule. The projects that are ready to advertise within six months account for approximately 50 percent of the project costs.

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The San Diego Region Economic Stimulus Proposal includes maps and project listings for each program in its respective schedule of delivery. A summary of the region’s proposal is included as Attachment 1, showing the proposed projects, their costs, and jobs created for each Congressional District. The projects shown are critical to the future of mobility in the San Diego region, and are included in the region’s overall regional transportation and infrastructure plans. This proposal is intended as an aid to inform and assist decision makers for the San Diego region.

GARY L. GALLEGOS  
Executive Director

Key Staff Contact: Dan Martin, (619) 699-6987,_dma@sandag.org

Attachment: 1. San Diego Region Economic Stimulus Proposal dated December 5, 2008 (Final Draft)*

*A copy of the full document can be downloaded at: www.sandag.org/stimulus