



(For Board Meeting of November 20, 2009)

**SUMMARY OF RECOMMENDATIONS**  
**MEETING OF THE RULES, POLICY AND INDUSTRIAL**  
**RELATIONS COMMITTEE/COMMITTEE OF THE WHOLE**  
**FRIDAY, NOVEMBER 13, 2009**  
**(CHAIR BARBARA L. PAHRE)**

**Item No. 1**

Approve revisions to the fare collection policy resulting from implementation of new fareboxes and TransLink® on Golden Gate Transit buses; and, amend *Master Ordinance 2009* accordingly.

**Action by the Board – Ordinance**

**Item No. 2**

Adopt a restated Procurement Policy that incorporates the recent changes to state law Assembly Bill 116 regarding the procurement of equipment, supplies or materials, and that confirms current procurement policies;  
and,

Authorize the General Manager to take further actions as may be necessary to give effect to the restated Procurement Policy, if necessary, to implement changes in applicable laws and regulations and best procurement practices, with the understanding that changes that represent a deviation from the Procurement Policy must be approved by the Board of Directors.

**Action by the Board – Resolution**

**Item No. 3**

Approve an amendment to Section III.A. of *Master Ordinance 2009* relative to the establishment and enforcement of a Passenger Code of Conduct.

**Action by the Board -- Ordinance**

**Item No. 4**

Approve an amendment to *Master Ordinance 2009* to add a new section which will require the consolidation of individual free-standing newsracks at the Larkspur Ferry Terminal, the San Rafael Transit Center and the Santa Rosa Bus Facility into fixed, pedestal-mounted units.

**Action by the Board -- Ordinance**

**Item No. 5**

Approve changes to the Table of Organization within the Administration & Development Division, as outlined in the staff report; and, amend the Table of Organization accordingly.

**Action by the Board -- Resolution**



Agenda Item No. 1

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole  
Meeting of November 13, 2009

From: Alan R. Zahradnik, Director of Planning  
Z. Wayne Johnson, Deputy General Manager/Administration and Development  
Celia G. Kupersmith, General Manager

Subject: **APPROVE REVISIONS TO THE 2009 MASTER ORDINANCE  
RELATIVE TO THE CHANGES IN THE FARE COLLECTION POLICY**

### **Recommendation**

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve revisions to the 2009 Master Ordinance relative to the changes in the fare collection policy resulting from implementation of new fareboxes and TransLink® on Golden Gate Transit buses, as outlined in proposed pages of the 2009 Master Ordinance attached hereto.

### **Summary**

Over the past two years, staff has implemented two projects that result in significant changes to the way our passenger fares are collected on GGT buses. TransLink® and new fareboxes provide our customers with means to pre-pay their fares so cash fare collection is not required as they board buses. As of July 1, 2009, TransLink® “smart cards” and GFI Odyssey Farebox “mag stripe value cards” and “period passes” completely replaced the former means of pre-paying bus fares: books of 20 paper tickets, each valid for one bus ride between specific fare zones. With the completion of this changeover from paper tickets to TransLink® cards and mag-stripe cards, staff recommends the following revisions to the Master Ordinance.

1. Section I, General Provisions, A, Definitions – delete Nos. 16, 17 and 29 and modify No. 22 to remove references to ticket books.
2. Section I, General Provisions, B, Discount and Convenience Ticket Programs, 2, Transit Discount Tickets, Cards, Passes and Ticket Books – delete references to ticket books.
3. Section I, General Provisions, D, Toll and Fare Ticket Book and Other Pre-paid Fare Media Refund Policy, 1, Transit Pre-paid Fare Media – delete references to ticket books.  
Section III, Golden Gate Transit Bus and Ferry Systems, D, Discount Fares and Transfers, 1, Prepaid Discount Fares – delete references to ticket books.

4.    Section III, Golden Gate Transit Bus and Ferry Systems, D, Discount Fares and Transfers, 3, Internal Transfers – revise the maximum inter-county time limit to four hours from the current three hours to allow customers additional time to complete their travel, recognizing that automatic transfer validation starts counting time from passenger boarding rather than alighting, as was the former manual transfer issuance practice.
5.    Section III, Golden Gate Transit Bus and Ferry Systems, D, Discount Fares and Transfers, 5, Interchangeable Use of Pre-paid Fare Media on Buses and Ferries – delete Part a, reference to bus ticket book use on ferries.

**Fiscal Impact**

Since the recommended action does not change fares or fare collection policy, there is no fiscal impact associated with this recommendation.

Attachment:    Proposed Pages of the 2009 Master Ordinance

**I. GENERAL PROVISIONS**

**A. DEFINITIONS**

When used in this Ordinance, the following terms shall have the meaning set forth after each:

1. **ADULT.** A person who is not in a classification which is eligible for transit discount fares or free transportation.
2. **APPROACH.** That portion of a highway approach to the Bridge which is under control of the District.
3. **BASIC CASH FARE.** The full adult transit cash fare established for travel within a given zone or between given zones.
4. **BASIC ROUTES.** District regional bus routes which generally operate all day, seven days a week.
5. **BRIDGE.** The structure of the Golden Gate Bridge between abutments.
6. **BUS.** Any motor-driven vehicle designed, used and maintained exclusively for transporting passengers with a seating capacity of more than 15 persons, including the driver, any other passenger-type vehicle carrying more than 15 persons, including the driver, and any vehicle designed for transporting passengers which has dual rear wheels on each side of the axle, regardless of seating capacity.
7. **CARPOOL.** Any motor-driven vehicle with two axles, four wheels, except a bus, which is occupied by three or more persons.
8. **COMMUTER BUS ROUTES.** District bus routes which generally operate only 5 days a week during the morning commute period (southbound), and evening commute period (northbound).
9. **DISCOUNT FARE.** A fare for travel within a given zone or between zones which is less than the Basic Cash Fare and applies only to a given user group or for a given purpose.
10. **DISTRICT.** The Golden Gate Bridge, Highway and Transportation District as validated by Act 937, General Laws of the State of California, as approved on April 10, 1929, and as contemplated by the Bridge and Highway District Act, as amended.
11. **ELECTRONIC TOLL COLLECTION SYSTEM (ETC).** ETC (also known as FasTrak®) is an automated toll collection system in which users establish an individual credit card or cash account with a prepaid balance and are provided a transponder that is mounted on the vehicle to detect and cause the toll to be deducted from the individual account each time the vehicle passes through the toll plaza.

12. FERRY TICKET. A one-way cash fare ticket for use primarily on District ferries. Ferry tickets may also be used on District buses for travel between Zone 1 and Zones 2 or 3. Higher value tickets used in lower transit zones will not entitle user to a refund.
13. HOUSE-CAR. A motor vehicle regardless of the number of rear wheels, originally designed, or permanently altered, and equipped for human habitation, or to which a camper has been permanently attached. A motor vehicle to which a camper has been temporarily attached is not a house-car.
14. LOCAL BUS ROUTES. District bus routes that operate entirely within Marin County and are provided at service levels and fares set by Marin Transit under an Agreement with Marin County Transit District.
15. MANAGEMENT. The General Manager of the District, or his or her designee.
- ~~16. MARIN COUNTY ADULT DISCOUNT TICKET BOOK. Book of tickets sold for local travel within Marin County and which provides a discount to user relative to the basic cash fare.~~
- ~~17. MARIN COUNTY YOUTH DISCOUNT TICKET BOOK. Book of tickets sold for local youth travel within Marin County and which provides a discount to user relative to the basic cash fare.~~
- 18.16. MEDICARE. A person who is a holder of a valid Medicare card issued by the U.S. Health Care Finance Administration.
- 19.17. PERIOD PASS. A prepaid fare payment instrument, not surrendered, but presented in lieu of depositing cash or tickets when riding District bus ~~or ferry~~ services during the time period the pass is valid.
- 20.18. PERSON. Shall be defined to include an individual, firm, co-partnership, association or corporation.
- 21.19. PERSONS WITH DISABILITIES. Individuals who have one or more physical or mental impairments as evidenced by their possession of a Department of Motor Vehicles Disabled Placard identification card, Regional Transit Connection Discount Card, Medicare Card, or Identification Card for persons with disabilities from another transit agency.
- 22.20. PREPAID TRANSIT DISCOUNT FARE. The resulting fare tendered when payment is made using ~~tickets from a transit discount ticket book,~~ a stored value magnetic stripe ticket or a TransLink® card.
- 23.21. REGIONAL BUS ROUTES. District-provided bus routes which generally operate between Sonoma, Marin and San Francisco counties (intercounty) at levels of service and fares set by District.

24.22. SEATING CAPACITY. If individual seats are provided, as in the case of most standard buses, the number of such seats; if individual seats are not used, seating capacity shall be determined on the basis of seventeen inches of seat width per person.

25.23. SENIOR CITIZENS (elderly). Persons 65 years or older who possess a valid Medicare Card or Regional Transit Connection Discount Card or an Identification Card from another transit agency.

26.24. SPECIAL EVENT TRANSIT SERVICE. District bus and ferry service provided on routes that are not part of the regularly scheduled transit route network and to areas that are not more than fifty (50) miles beyond the District's transit service area, consistent with regulations of Federal Transit Administration (FTA) and subject to premium fares determined by the District as necessary to fully cover their operating expenses.

27.25. STORED VALUE TICKET. Pre-paid magnetic stripe tickets issued by the District which have designated cash value when used to pay fares on District buses.

28.26. STUDENT. A person attending elementary or secondary private or public schools, or as that term may be defined by Marin County Transit District for the purpose of setting student fares for local bus routes.

~~29. TICKET BOOK. A bound book composed of tickets issued by the District which has a value the same as money when used to pay fares on District buses.~~

30.27. TRAILER. Any vehicle without self-contained motive power, drawn by a motor vehicle regardless of the number of axles or wheels, and regardless of whether or not any part of the weight thereof, or load thereon, is supported by the towing vehicle.

31.28. TRANSFER. A ticket, card or pass entitling a passenger to continue his or her one-way journey on another vehicle, route or service.

32.29. TRANSLINK® CARD. A transit fare payment card issued by the TransLink® Consortium for use on public transit services throughout the San Francisco Bay Area.

33.30. TRUCK. Any motor-driven vehicle designed and maintained primarily for the transportation of property or for drawing other vehicles, the motor-driven unit of which has double rear wheels. This vehicle is defined as including any combination of such motor-driven tractor, trailer or semi-trailer.

34.31. YOUTH. For Ferry transit and for Bus transit, a child from 6 through 18 years of age.

**B. DISCOUNT AND CONVENIENCE TICKET PROGRAMS**

1. BRIDGE TOLL DISCOUNT FOR PERSONS WITH DISABILITIES

The Toll Discount for Persons with Disabilities is a discretionary District program that provides disabled individuals who cannot utilize District transit services with a reduced bridge toll.

a. Authorization of Discount. Bridge toll discounts, as specified in Section II.B, are authorized to eligible persons with disabilities. The discount toll is applicable to persons with disabilities operating or a passenger in a two-axle vehicle with a valid District-issued identification card twenty-four hours a day, seven days a week. The discount toll is not applicable to vehicles with three or more axles.

b. Eligibility Requirements. For purposes of this section, persons with a disability eligible for a Discount Toll shall be any person who resides within the District's transit service area as defined in Section III.B. and, by reason of a permanent physical or mental impairment, is unable independently to utilize District operated transit buses and ferries, or is able to use such buses and ferries only:

(1) With a significant risk of injury to himself or to other passengers;  
or

(2) With a significant personal discomfort caused by such impairment.

(3) In order to confirm eligibility for the discount toll, an individual who meets the above criteria must submit a written application available from the District. Completed applications shall include a written statement signed by a physician certifying that the individual has a permanent physical impairment which in the physician's opinion prevents the person from utilizing District operated transit buses and ferries, or which permits such use only with a significant risk of injury or personal discomfort as set out above. The District reserves the right to require a physical examination at District expense and an independent opinion by a physician chosen by the District, certifying to the permanency of the impairment.

c. Identification Cards. Persons who have been found by the District to be eligible for the discount toll and who intend to utilize Discount Tolls based upon disability will be issued an identification card from the District's Administrative Office. The Identification Card must be presented at the toll plaza each time a Discount Toll is offered in lieu of the standard toll.

2. TRANSIT DISCOUNT TICKETS, CARDS, ~~AND PASSES~~ ~~AND TICKET BOOKS~~. The sale of transit tickets, cards, and passes ~~and ticket books~~ and

their use shall be subject to conditions printed on these pre-paid fare media. Transit discount fare media are subject to the following conditions:

- a. Tickets, cards and passes may be used in lieu of the established cash fare on bus in effect at the date of use; however, higher-value zone ticket(s), cards and passes used in lower transit zones will not entitle user to a refund.
- b. Transit Tickets, cards and passes shall be valid for a minimum period of three (3) months and a maximum of six (6) months, up to and including the expiration date shown thereon.
- ~~c. District shall have the right to require each Ride Value ticket holder to present with each ticket the complete book containing unused tickets, all bearing the same serial numbers.~~
- d.c. The manner of use of pre-paid fare media, as well as the value of these media, shall be subject to District regulations as may be adopted from time to time. The manner of use of TransLink cards are also subject to the regulations of the TransLink Consortium.
- e.d. If lost, pre-paid fare media will not be replaced.

**C. EXEMPTION FROM TOLL AND TRANSIT FARES**

1. Free passage across the Golden Gate Bridge and on District Buses and Ferries is authorized for all District Directors, Officers and employees, District personnel retired under the provisions of the Public Employees' Retirement system and holders of temporary passes issued by the Board of Directors, except as otherwise provided for under Section C.2 below.
2. Free passage rights for bus drivers, dependents and retired bus drivers shall be in accordance with the memorandum of agreement between the District and its drivers.

**D. TOLL AND FARE TICKET-~~BOOK~~ AND OTHER PRE-PAID FARE MEDIA REFUND POLICY**

1. TRANSIT PRE-PAID FARE MEDIA. Transit tickets, ~~books, which include Bus Transit tickets (also known as Ride Value Ticket Books)~~ and Magnetic Stripe Tickets are non-refundable and non-exchangeable. TransLink refund policy is as set by the TransLink Consortium. Marin local period pass refund policy is as set by Marin Transit.
2. TRUCK CONVENIENCE AND BRIDGE DISCOUNT TICKET BOOKS.
  - a. Unused truck convenience tickets and unused Bridge discount ticket books, which are no longer effective, of the same serial number will be

refunded at the original truck convenience and Bridge discount ticket sale price, less a \$.50 service charge.

- b. Refunds will be made if tickets are presented in person to the Sergeants' Office, located at the Toll Plaza. A mail request for refund must include a self-addressed, stamped envelope, to be sent to:

Auditor-Controller  
Golden Gate Bridge, Highway  
and Transportation District  
P.O. Box 9000, Presidio Station  
San Francisco, CA 94129-060

3. MARIN LOCAL BUS CASH FARES – FOR TRAVEL ENTIRELY WITHIN MARIN COUNTY  
Adult = \$2.00  
Youth, Senior, Medicare, Disabled = \$1.00  
Free transfers are provided for continuing travel within Marin County.
4. RICHMOND BRIDGE BUS CASH FARES – FOR TRAVEL BETWEEN MARIN COUNTY AND THE EAST BAY OR WITHIN THE EAST BAY  
Adult = \$3.75  
Youth, Senior, Medicare, Disabled = \$1.85  
Free transfers are available for continuing travel within and through Marin County.
5. RICHMOND BRIDGE BUS CASH FARES – FOR TRAVEL BETWEEN SAN FRANCISCO OR SONOMA COUNTY AND THE EAST BAY  
Adult = \$6.95  
Youth, Senior, Medicare, Disabled = \$3.45  
Free transfers are available for continuing travel within San Francisco or Sonoma County.

**D. DISCOUNT FARES AND TRANSFERS**

1. PREPAID DISCOUNT FARES (EFFECTIVE JULY 1, 2008)
  - a. Regional Bus Travel – TransLink® Cards and, Stored Value Tickets and ~~Ride Value Discount Ticket books~~ shall provide a discount of 20% from the basic adult cash one-way regional inter-county bus transit fares (set forth in Section III, “Golden Gate Transit – Bus and Ferry Systems,” Subsection C, “Bus and Ferry Transit Cash Fare Tariff Schedule,” Paragraph 1, “Regional Transit Adult Cash Fare Table”). Adult cash fare discounts are not available for local San Francisco and Sonoma counties travel. Discounted fares for Youth, Seniors, Medicare and Disabled as set forth in Section II.C.2. are available with TransLink and Stored Value Tickets, ~~but are not available through purchase of Ride Value Ticket Books~~ and are not subject to further reduction. Stored Value Tickets will be provided in \$25, \$50 and \$75 denominations.
  - b. Marin local bus travel – Marin local bus TransLink® fares, Stored Value Tickets, and Period Passes ~~and ticket book~~ prices and fares shall be as follows:  
  
Adult Discount ~~Ten ticket Book and~~ Stored Value Ticket = \$18.00  
Adult Discount ~~Twenty ticket Book and~~ Stored Value Ticket = \$36.00  
~~Youth Discount Twenty ticket Book = \$20.00~~  
TransLink® Adult and Stored Value Ticket = \$1.80 per ride  
TransLink® and Stored Value Ticket, Youth, Senior, Medicare, Disabled = \$1.00 per ride  
Period Passes are restricted to local bus routes only. Pass prices are set by Marin Transit.

- c. East Bay bus travel – Richmond Bridge bus TransLink®, and Stored Value Ticket ~~and ticket book~~ prices shall be as follows:

BETWEEN EAST BAY AND MARIN COUNTY OR WITHIN EAST BAY:

~~Adult Discount Twenty-Ticket Book = \$60.00~~

TransLink® Adult and Stored Value Ticket = \$3.00 per ride

TransLink® and Stored Value Ticket Youth, Senior, Medicare, Disabled = \$1.85 per ride

BETWEEN EAST BAY AND SAN FRANCISCO OR SONOMA COUNTY:

~~Adult Discount Twenty-Ticket Book = \$111.20~~

TransLink® and Stored Value Ticket Adult = \$5.56 per ride

TransLink® and Stored Value Ticket, Youth, Senior, Medicare, Disabled = \$3.45 per ride

- d. Regional ferry travel – Ferry TransLink® fares shall be as follows:

Larkspur – SF = \$4.70 per ride

Sausalito – SF = \$4.00 per ride

TransLink® Youth, Senior, Medicare, Disabled = \$3.70 per ride

## 2. INTER-OPERATOR TRANSFERS

- a. Passengers presenting a valid transfer from Alameda-Contra Costa County (AC) Transit District or Vallejo Transit or Western Contra Costa Transit Authority (WestCAT) will be granted credit toward the payment of cash fare on Golden Gate Transit bus service across the Richmond Bridge from the East Bay to Marin in an amount equal to the AC Transit District local fare in effect at the time of transfer for the applicable class of rider (adult, youth, senior, or disabled).
- b. Passengers presenting a valid transfer from Petaluma Transit or Sonoma County Transit within the City of Petaluma will be granted credit toward the payment of cash fare on Golden Gate Transit bus service in the amount of \$1.00 for adults, or 50 cents for youth, seniors and persons with disabilities.
- c. Except for the provision in Paragraph b., above, passengers presenting valid transfers from other public transit operators within Sonoma County will be granted a \$0.10 discount off the applicable cash fare for local travel within Sonoma County on District bus services.
- d. Passengers presenting a valid transfer from Marin County Transit District rural and shuttle services will be granted credit toward payment of cash fare on Golden Gate Transit regional and Marin County Transit District local bus services for continuing travel within Marin County only. The amount of the credit will be equal to the Marin County Transit District local Marin bus fare in effect at the time of the transfer for the applicable class of rider

(adult, youth, senior, Medicare or disabled) on Golden Gate Transit services.

3. INTERNAL TRANSFERS. Free transfers are provided between all District buses and between District buses and ferries for passengers continuing travel in one direction, subject to the following conditions: maximum of three consecutive uses within specified two-hour (intracounty) to ~~three~~four-hour (intercounty) time limits; highest applicable fare charged for bus-to-ferry and ferry-to-bus transfers; ferry-to-bus transfers only available with TransLink; and round trips on a single one-way fare are prohibited.
4. CHILD FARE. Children from infant through age 5 are permitted free passage when accompanied by a responsible, fare-paying passenger. (Maximum of 2 children per fare-paying passenger.)
5. INTERCHANGABLE USE OF PRE-PAID FARE MEDIA ON BUSES AND FERRIES

~~a. Bus transit ticket books (Ride Value Discount Ticket Books). Twenty ticket bus transit ticket books usable on buses shall also be usable on the ferry. The applicable bus transit discount ticket price, rounded to the nearest five cents, shall be credited and applied against the applicable ferry TransLink® price as set forth in Section III, "Golden Gate Transit – Bus and Ferry Systems," Subsection D, "Discount Fares and Transfers," Paragraph 1, "Prepaid Discount Fares," Subparagraphs (a) through (d). Any difference in price shall be rounded to the nearest five cents and collected in cash. Exact change is required and no cash back will be given for higher priced tickets applied to lower priced fares.~~

~~b.a. TransLink® Cards. TransLink cards shall be usable on buses and ferries and subject to same rules set forth in Section III.D.1.~~

~~be. Magnetic Stripe Tickets. Stored value tickets and passes are validated by fare equipment on buses and, therefore, are not usable on ferries. Stored value tickets are subject to same rules set forth in Section III.D.1.~~

6. OTHER FARES

a. Group fares. For travel to or from Sausalito or Larkspur on the ferry by groups of 20 or more, the following discounted fares apply:

(1) Adult Ferry Fare: as set forth in Section III., "Golden Gate Transit – Bus and Ferry Systems," Subsection D, "Discount Fares and Transfers," Paragraph 1, "Prepaid Discount Fares," Subparagraph (d).

(2) Youth, Senior, Medicare or Persons with Disabilities Ferry Fare: as set forth in Section III, "Golden Gate Transit – Bus and Ferry Systems," Subsection C, "Bus and Ferry Transit Cash Fare Tariff Schedule," Paragraph 2, "Regional Transit Youth, Senior and Disabled Cash Fare Table – 50% Discount Rounded Down to Nearest 5 Cents."

This group fare shall be in effect only during off-peak times when ferries have seats available and only if prior permission has been obtained from the Deputy General Manager/Ferry Division.

- b. Reduced Rates for Attendants Accompanying Persons with Disabilities. An attendant accompanying a person with a disability who has an attendant logo on his or her valid Regional Transit Connection (RTC) Discount Card or TransLink RTC Card is eligible for the disabled fare. The attendant is not eligible for a discount fare while traveling alone and will not be issued an RTC Discount Card or TransLink RTC Card unless he or she is independently eligible for and presents his or her own RTC Card.
- c. Sonoma Superpass. This monthly period pass issued by Sonoma County Transit is accepted for inter-operator travel within Sonoma County on GGT bus routes in conjunction with Sonoma County Transit, Santa Rosa CityBus and Petaluma Transit bus routes. The price of the GGT portion of the monthly pass is equivalent to 40 one-way GGT bus cash fares for local Sonoma County travel corresponding to the applicable passenger fare category (Adult, Youth, Senior, Medicare, Disabled). In addition, provisions shall be made with Sonoma County Transit for a coordinated inter-operator fare between Sebastopol and San Francisco and between Sonoma Valley and San Francisco, where the combined SCT/GGT fare shall not exceed the comparable GGT fare.



Agenda Item No. 2

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole  
Meeting of November 13, 2009

From: Joseph M. Wire, Auditor-Controller  
David J. Miller, Attorney  
Celia G. Kupersmith, General Manager

Subject: **APPROVE ACTIONS RELATIVE TO THE ADOPTION OF A  
PROCUREMENT POLICY AND IMPLEMENTATION OF ASSEMBLY  
BILL 116 REGARDING PROCUREMENT ACTIVITIES**

### **Recommendation**

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve the following actions relative to procurement activities:

1. Adopt a restated Procurement Policy as set forth in Attachment A that incorporates recent changes to state law (AB 116) regarding the procurement of equipment, supplies or materials, and that confirms current procurement policies; and
2. Authorize the General Manager to take further actions as may be necessary to give effect to the restated Procurement Policy, including updating the Procurement Manual and making subsequent revisions to the Procurement Manual, if necessary, to implement changes in applicable laws and regulations and best procurement practices, with the understanding that changes that represent a deviation from the Procurement Policy must be approved by the Board of Directors.

### **Summary**

Assembly Bill (AB) 116, introduced by Assembly Member James Beall and signed into law by the Governor on October 11, 2009, amends the statutory rules for the District's procurement of equipment, supplies, and materials. The District officially took a position of support for these procurement reforms, which grant greater discretion and flexibility to use the method of procurement that is most appropriate for the District's needs. The changes were initiated by the Santa Clara Valley Transportation Authority and were also endorsed by the San Mateo County Transit District and the Alameda-Contra Costa Transit District. The legislation takes effect on January 1, 2010.

AB 116 impacts District procurement rules in four ways:

First, the threshold for using formal competitive bidding and a lowest responsible bidder basis of award has been raised. Instead of applying to procurements of equipment, supplies and materials that exceed \$20,000, AB 116 changed the threshold to procurements exceeding \$100,000.

Second, the legislation grants the discretion to the District to award contracts for equipment, supplies or materials over \$100,000 either on a lowest responsible bidder standard, or to the bidder who submits the proposal that provides the “best value” to the District. Best value is defined in the new law as the “overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit in response to the requirements described in the solicitation documents.”

Third, notice of the request for bids may now be satisfied by posting the notice on the District’s website coupled with one publication in a newspaper of general circulation at least 10 days before the deadline for bids. The current statutory notice requirement requires publication for two successive weeks in a newspaper of general circulation, and does not recognize the prevalence of website communication.

Finally, when the estimated expenditure for equipment, supplies, or materials is between \$2,500 and \$100,000, the new law requires that the District obtain, when practical, a minimum of three quotations, either written or oral, that permit comparison on the basis of prices and other terms. This is the same process the District currently uses for procuring goods costing less than \$20,000.

AB 116 does not alter in any way the rules for awarding public works/construction contracts, or contracts for alteration, repair, or maintenance of ferries.

District staff is in the process of revising the District’s procurement procedures to incorporate these changes. Given the passage of time, it would be desirable to restate the District’s general procurement policies overall. Accordingly, the restated Procurement Policy attached hereto as Attachment A contains all of the major procurement policies that the Board has previously adopted, with revisions to reflect the changes under AB 116. Specifically, the following policy amendments to incorporate AB 116 are recommended:

1. Formal competitive bidding procedures using the lowest responsible bidder standard as the basis of award will typically apply to purchases of equipment, supplies, or materials over \$100,000, but a “best value” approach may be used in circumstances where it is determined to be in the best interest of the District. “Best value” means a process in which the overall combination of quality, price, and other elements such as reliability, standardization, vendor track record, warranty, and life cycle costs are considered to determine which proposal provides the greatest overall benefit to the District. On a case-by-case basis, and in particular when a procurement involves a combination of goods and services, the District Procurement Office, in consultation with the project manager of the project or the department issuing the solicitation, shall make the determination of whether a “best value” approach is in the best

interest of the District. In such circumstances, the determination will be documented in writing and a Request for Proposals competitive negotiations process will be utilized.

2. An informal procurement method may be utilized for the purchase of equipment, supplies, or materials when the estimated expenditure is between \$2,500 and \$100,000. To the extent practicable, such a method shall involve obtaining a minimum of three quotations, either written or oral, that permit prices and other terms to be compared. Adequate outreach will be made to ensure open and free competition, and that small businesses, Disadvantaged Business Enterprises (DBEs), and local vendors are notified of contract opportunities. A solicitation list of interested vendors based upon a review of trade sources, lists of certified DBEs, and vendors that have registered with the District to receive notice of contract opportunities will be developed. The District's informal bidding procedures using a lowest responsible bidder standard for bid comparison shall normally be followed, unless it is determined in writing that it is in the District's best interest to apply a "best value" approach.

In general, the "best value" approach will be considered where the procurement does not only involve the purchase of specific equipment, materials, or supplies, but also involves services or customization, or where the quality, fitness of purpose, reliability, standardization, vendor track record, warranty, life cycle costs, or other qualitative elements may take priority over price. The trend towards a qualitative basis for award began in 1990, when legislation was first passed to allow the District to use competitive negotiations for the procurement of computers, telecommunications equipment, automated toll and fare collection equipment and other equipment undergoing rapid technological change. That law was expanded in 1999 to include the procurement of railcars, buses, and ferries. It has been successfully applied by the District to convert to the FasTrak® electronic toll collection system; to acquire the Advanced Communication and Information System; to implement the Asset Management and Vehicle Fluid Management Systems; and in the last procurement of District buses.

For the procurement of equipment, supplies and materials under \$100,00, the District's informal bidding process, currently used for procurements under \$20,000, will generally apply, except in circumstances where the "best value" method of award is in the District's best interest. The informal process will still require written documentation, outreach to potential vendors to ensure adequate competition, and the appropriate oversight and approvals. Procurement staff will continue to follow all rules and policies for all District procurements. The District's new computerized procurement tracking system will document all purchases over \$2,500. The new procurement tracking system will ensure that the appropriate approvals are obtained from the proper authority: 1) Department Head/Front-Line Management staff approval for procurements under \$10,000; 2) Officer, Deputy General Manager or Procurement and Retail Operations Director approval for procurements under \$20,000; and 3) General Manager approval for procurements under \$100,000.

Once AB 116 takes effect in January 2010, it will not be necessary for the District to use the formal competitive bidding process for approximately 20 contracts projected to cost between \$20,000 and \$100,000, and anticipated to go out for bid during the second half of FY 2009/2010. While District staff will still need to follow the informal bidding process for these contracts, this process is much less cumbersome and less time consuming than the formal competitive bidding process, thereby, significantly streamlining the procurement process and increasing overall District productivity and responsiveness.

The proposed Procurement Policy also addresses the method for procuring service contracts, which are not subject to statutory competitive bidding requirements. Currently, the District processes call for service contracts over \$25,000 to be awarded using a formal competitive negotiations process. Federal best procurement practices set \$100,000 as an appropriate threshold for requiring a formal competitive negotiation process. Below that level, an informal process is recommended. Consistent with the policies behind AB 116 and federal procurement guidelines, service contracts in the \$25,000 to \$100,000 range would be awarded using informal solicitation, rather than a formal Request for Proposals process. District staff will solicit proposals by oral or written request, from an adequate number of qualified sources, and with appropriate outreach to DBEs, small and local firms, as well as to those firms that are registered with the District to receive notice of solicitations. Proposers must submit a written proposal for evaluation by District staff, based upon specified criteria. A few service contracts, such as the Employee Assistance Program and Conflict Resolution Training, are projected to cost between \$25,000 and \$100,000 and are anticipated to go out for competitive negotiations during the second half of FY 2009/2010. The informal solicitation process would apply to these contracts. Like the informal bidding process, this process is much less cumbersome and less time consuming than the formal competitive negotiation process. The Procurement staff will follow strict guidelines, such as adhering to Procurement Manual and checklists, documenting the selection criteria, completing proposers' rating sheets, and obtaining the necessary approvals to ensure open and fair competition, proper communications, and checks and balances for every contract.

Assuming that the Board adopts the attached restatement of Procurement Policy incorporating the AB 116 modifications, the General Manager will implement revisions to the District's Procurement Manual. The Procurement Manual, adopted by the Board in 2001 and last revised in 2008, contains detailed procedures that track the entire process through contract administration and closeout. Occasionally these processes need to be refined or updated to reflect changes in the District's organizational structure and operations, or to maximize the Manual's effectiveness for the Purchasing Department and the divisions that it serves. The nature of these refinements do not implicate fundamental procurement policy. Thus, it is recommended that the Board authorize the General Manager to take future actions as may be necessary to give effect to the restated Procurement Policy, including the issuance of subsequent revisions to the Procurement Manual if necessary to implement changes in applicable laws and regulations and best procurement practices. Changes in the Procurement Policy, in contrast, will continue to require Board authorization and approval.

**Fiscal Impact**

There is no direct fiscal impact associated with these recommended changes. It is anticipated that the streamlining of the procurement process will allow staff to perform the procurement functions in a more efficient and timely manner and will increase overall District productivity and responsiveness.

Attachment A: Proposed Procurement Policy

## **GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT PROCUREMENT POLICY**

The Golden Gate Bridge, Highway and Transportation District is a political subdivision of the State of California, organized pursuant to California Streets and Highways Code Section 27000 et seq. and governed by a nineteen member Board of Directors. The procedures governing procurements of the District derive from the District's enabling legislation, the California Public Contract Code, Rules of the Board of Directors, and federal law. In addition, certain standards, regulations, orders of the United States Office of Management and Budget, and requirements for grants-in-aid to local governments mandated by the United States Department of Transportation, Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) apply to the District in connection with contracts financed in whole or in part with federal funds. In the event of a conflict between the District's Procurement Policy and local, state or federal law, such local, state or federal law shall supersede this Procurement Policy.

### **A. Goals**

The District Procurement Policy is guided by six basic goals, namely:

1. To promote the greatest economy and efficiency for the District;
2. To provide safeguards to maintain a procurement system of quality and integrity;
3. To instill public confidence in the procurement process of the District and adherence to proper standards of conduct by all District personnel;
4. To ensure fair and equitable treatment for all vendors who seek to deal with the District, including Disadvantaged Business Enterprises ("DBEs");
5. To foster maximum open and free competition in the expenditure of public funds;  
and
6. To maintain procurement policies and procedures to ensure compliance with applicable local, state, and federal laws and regulations.

Based on these goals and general principles of public sector procurement, the following set of procurement and contracting policies have been developed.

**B. Conflicts of Interest**

No director, officer, employee or agent of the District shall participate in any procedure, task, or decision relative to initiation, evaluation, award, or administration of a contract if a conflict of interest, real or apparent, exists. Such a conflict of interest arises when (a) the director, officer, employee or agent, (b) any member of his or her immediate family, (c) his or her business associate, or (d) an organization which employs, or which is about to employ, any of the above described individuals has a financial or other interest in a firm that participates in a District procurement process or that is selected for a contract award. The standards governing the determination as to whether such an interest exists are set forth in Sections 1090, 1091, and 1091.5 of the California Government Code and the California Political Reform Act.

**C. Methods of Procurement**

1. All purchases and contracts, whether by informal bidding, formal bidding or proposals, shall be made on a competitive basis to the greatest extent practicable.
2. The method of procurement, such as micro-purchases, informal bids or proposals, formal competitive bidding, requests for proposals, etc., shall be appropriate for the type of project or procurement and shall be in the best interest of the District.
3. Formal competitive bidding must be used for construction, repair, maintenance, alteration, and similar work whenever the estimated expenditure for such work exceeds \$5,000 or more, and vessel repair, alteration, or maintenance work whenever the estimated expenditure for such work exceeds \$20,000. Alternative methods of procurement may be permissible if authorized by state law.
4. Formal competitive bidding should be used when purchasing equipment, supplies, or materials over \$100,000, but a “best value” approach may be used in circumstances where it is determined to be in the best interest of the District. “Best value” means a process in which the overall combination of quality, price, and other elements such as reliability, standardization, vendor track record, warranty, and life cycle costs are considered together to determine which proposal provides the greatest overall benefit to the District. On a case by case basis, and in particular when a procurement involves a combination of goods and services, the District Procurement Office, in consultation with the project manager or the department issuing the solicitation, shall make the determination of whether a “best value” approach is in the best interest of the District. In such circumstances, the determination will be documented in writing and a formal competitive proposal process will be utilized.
5. An informal procurement method may be utilized for the purchase of materials, equipment, or supplies, ~~or services~~ when the estimated expenditure is between \$2,500 and \$100,000. To the extent practicable, such a method shall involve obtaining a minimum of three quotations, either written or oral, that permit prices and other terms to be compared. Adequate outreach will be made to ensure open and free competition, and that small businesses, Disadvantaged Business Enterprises, and local vendors are notified of contract opportunities. A

solicitation list of interested vendors based upon a review of trade sources, lists of certified DBEs, and vendors that have registered with the District to receive notice of contract opportunities will be developed. The District's informal bidding procedures using a lowest responsible bidder standard for bid comparison shall normally be followed for the purchase of materials, equipment, or supplies, unless it is determined in writing that it is in the District's best interest to apply a "best value" approach, in which event, qualitative factors in addition to price may be considered in making an award.

6. Formal competitive proposals, which consider and evaluate factors in addition to price, will be used to retain professional services when the estimated expenditure exceeds \$25,000, or to procure certain specialized equipment, including rolling stock, when the estimated expenditure exceeds \$100,000. Specialized State and federal laws will apply to the procurement of architecture and engineering services regardless of the estimated expenditure.
7. The use of appropriate intergovernmental agreements is encouraged in order to reduce duplicative effort and to achieve cost economies.

**D. Procurement Documentation and Consideration of Bids and Proposals**

1. Formal competitive bidding requires preparation of bid documents that clearly set forth all requirements, which must be fulfilled in order for the bid to be responsive, and advertisement in accordance with legal requirements. An award, if made, will be to the lowest responsive and responsible bidder.
2. Formal competitive proposals, including the "best value" approach, require issuance of Requests for Proposals, which clearly set forth all the requirements, and state the qualitative factors in addition to price, which will be used to evaluate and rank the Proposals. An award, if made, will be to the proposer receiving the highest consensus ranking, subject to successful negotiations with the District.
3. Any and all bids or proposals may be rejected by the District if it is in the District's best interest to do so.
4. The District may only contract with contractors who are trustworthy and are qualified and possess the ability to perform successfully under the terms and conditions of the proposed procurement.

**E. Execution of Contract Documents**

1. All District contracts and amendments will be in writing and executed prior to beginning performance under the contract.
2. The General Manager may execute all contracts on behalf of the District that are duly approved within the General Manager's authority. The President of the Board of Directors will sign contracts and leases that require approval by the Board, unless otherwise delegated to the General Manager.

**F. Disadvantaged Business Enterprise Program**

The District is committed to and has adopted a Disadvantaged Business Enterprise (“DBE”) Program for DBE participation in District contracting opportunities in accordance with 49 Code of Federal Regulations (CFR) Part 26, effective June 22, 2001, as amended. It is the policy of the District to ensure nondiscrimination on the basis of race, color, sex or national origin in the award and administration of U.S. Department of Transportation assisted and District contracts. It is the intention of the District to create a level playing field on which DBEs can compete fairly for contracts and subcontracts relating to the District’s construction, procurement and services activities.

**G. General Manager’s Procurement Authority**

1. The General Manager or his or her designee may award and execute agreements and leases for equipment, supplies, materials, services or construction when the amount to be paid by the District does not exceed \$100,000, inclusive of any change orders. A report summarizing the transactions made within the General Manager’s authority shall be presented to the Board of Directors on a periodic basis, no less than quarterly.
2. The General Manager may award contracts over \$100,000, for the routine replacement of equipment, supplies and materials that result in a defined product, with the understanding that said equipment, supplies and materials contracts should not have a policy impact and provided that such procurements are included in the District’s approved annual budget (examples of such contracts to include, but not be limited to: computers, compressors, printing of transit system timetables and guides, trucks, fuel and dry-docking).
3. For procurements not subject to paragraph 2, above, the Board of Directors shall approve the award of all contracts and leases when the amount to be paid by the District exceeds \$100,000.
4. The General Manager is authorized to approve change orders to contracts if all of the following criteria are met: (a) the change order can be funded within the contract contingency; (b) total change orders for the contract cumulatively do not exceed ten percent (10%) of the original contract price; and (c) the change order does not exceed \$50,000. All other change orders shall be approved by the Board of Directors.
5. Any changes in the General Manager’s Procurement Authority may only be made by the Board.
6. The General Manager is authorized to delegate to managers or other employees the responsibility and authority to approve purchases within the General Manager’s procurement authority, which delegation must be in writing, include defined monetary limits; be consistent with this Procurement Policy and be subject to the rules and procedures in the Procurement Manual.

**H. Protest Procedures**

Bidders may protest contracts that are let through formal competitive bidding or competitive negotiations. The General Manager is authorized to review and determine protests concerning contracts awarded within the General Manager's procurement authority. Bid protests for all other contracts not within the General Manager's procurement authority will be reviewed and determined by the Board of Directors upon recommendation by the General Manager and the District's Attorney. All protests will be in accordance with the written procedures set forth in the Procurement Manual.

**I. Contract Administration**

The District shall administer all contracts to ensure that contractors conform with the terms, conditions, and specifications of all contracts and to ensure all purchases are received in a timely manner. Each contract file shall contain documentation concerning the contract administration, including, but not limited to, monitoring of the contract budget, change orders and final disposition. Undocumented actions on all contracts must be committed to written memoranda and promptly included in the contract file.

**J. Emergency Contracts**

The General Manager has been authorized by the Board of Directors to take all necessary and proper measures in emergency conditions to keep the Golden Gate Bridge and approaches open for public transportation at all times and to maintain bus and ferry public transportation systems in operation. When emergency conditions do not permit a delay resulting from a competitive solicitation for bids, the General Manager is authorized to make emergency purchases without giving notice for bids. The General Manager shall promptly report on the reasons and necessity for proceeding without a competitive solicitation for bids to the Board of Directors at the next available meeting (not later than 14 days) after the emergency action is taken. Board approval is required for any contract in excess of \$100,000, and shall be obtained as soon as it is practicable to do so

**K. Sole Source**

Regardless of the estimated cost of the procurement, the District is not required to engage in the competitive bidding process, either formal or informal, when procuring materials, equipment, supplies or services for which there exists only a sole source of supply. If more than one distributor of a product is available, the product is not exempt from competitive bidding as a sole source. A sole source decision is not permitted merely upon the grounds that the source demonstrates technical or administrative superiority, is the most convenient, or shows superior performance potential at lower costs. In all cases, the District must verify that the particular procurement meets the definition of a sole source and the District must perform a cost or price analysis to determine the reasonableness of the price of the sole source.

**L. Intergovernmental Agreements**

To foster greater economy and efficiency, the District may avail itself of state and local intergovernmental agreements for procurement or use of common goods and services. Joint procurements, state cooperative purchasing programs, and assignment of existing contract rights ("piggyback" procurements) with other public agencies may be used when consistent with applicable state and federal statutory or grant requirements.

**M. Discretion to Waive the Competitive Process**

The Board of Directors, or the General Manager for procurements within the General Manager's procurement authority, may waive the requirements for formal competitive bidding or other procedures set forth in this Procurement Policy when permissible under applicable law and when a determination is made that the best interests of the District will be served. For example, if after rejecting bids received pursuant to formal competitive bidding, the Board of Directors finds by a two-thirds vote that procurement of the equipment, supplies or materials may be purchased at a lower price on the open market, the District may proceed to purchase the equipment, supplies or materials in the open market without formal bidding, as authorized by Public Contract Code Section 20917. In circumstances where services are needed on an expedited basis that do not permit the time required for the RFP process, the General Manager may waive such procedures, provided there is adequate documentation of the need for such services. Finally, under unusual circumstances, when a determination is made that compliance with the requirements for formal competitive bidding would be unavailing and not in the District's best interests, such requirements may be waived. These circumstances shall be evaluated on a case-by-case basis, in consultation with the District's Attorney, and keeping in mind the fundamental principles of procurement set forth in this Policy.

**N. Disposal of Surplus Property**

1. The General Manager shall determine the manner of disposition of surplus supplies, equipment and materials whose estimated value at the time of the original purchase does not exceed \$100,000. The Board of Directors shall approve the disposition of any item having an original acquisition cost greater than \$100,000.
2. The method of sale or disposition of any surplus or scrap items shall depend upon the nature of the items. Such methods may include: (1) transfer or sale to other public agencies, (2) trade-in as part of a new procurement, (3) sale by auction, advertisement for sealed bids, or negotiation, or (4) where appropriate, proper recycling or disposal.

**O. Revenue Generating Contracts/Concessions**

To the extent they are not otherwise governed by District policies, concession agreements are contracts where the District grants permission to use District facilities or property to vendors to sell products or services, for which the District receives a percentage of the proceeds and/or a flat rate of compensation. Generally, these arrangements are at no direct cost to the District.

Where it is determined that a number of potential vendors are available to provide similar products or services, a competitive negotiations procedure should be followed, and award made to the highest ranked proposer, taking into consideration the economic return to the District, quality of the product, service and experience of the vendor.

When the RFP has an anticipated value greater than \$100,000 (including options) and either involves a new concession activity or program, or involves policy-sensitive or controversial activities or programs, the Board shall approve soliciting proposals for the concession before the RFP is circulated.

**P. Implementation**

This Procurement Policy sets forth the standards and methods to be followed by the District in obtaining goods and services. Through Board Resolutions 2001-163 and 2008-11, the District Board has adopted a Procurement Manual that sets forth implementing guidelines and procedures consistent with applicable law, and best procurement practices. The General Manager shall have the authority to maintain and update as necessary the Procurement Manual to give effect to this Procurement Policy and may make subsequent revisions if necessary to implement changes in applicable laws and regulations and best procurement practices such as FTA Best Practices Manual, Caltrans Local Programs Procedures Manual, American Public Transit Association guidelines and standards, or other well accepted external references. Changes that represent a deviation from this District Procurement Policy must be approved by the Board of Directors. All District staff with responsibility for procurement activities shall be trained in, and adhere to, this Procurement Policy and the Procurement Manual.



Agenda Item No. 3

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole  
Meeting of November 13, 2009

From: Kellee J. Hopper, Marketing and Communications Director  
Z. Wayne Johnson, Deputy General Manager/Administration and Development  
James P. Swindler, Deputy General Manager, Ferry Transit Division  
Teri W. Mantony, Deputy General Manager, Bus Transit Division  
Celia G. Kupersmith, General Manager

Subject: **APPROVE AN AMENDMENT TO SECTION III.A. OF THE 2009  
MASTER ORDINANCE RELATIVE TO THE ESTABLISHMENT AND  
ENFORCEMENT OF A PASSENGER CODE OF CONDUCT**

### **Recommendation**

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve an amendment to Section III.A. of the 2009 Master Ordinance relative to the establishment and enforcement of a Passenger Code of Conduct, as outlined in the proposed Section III.A. of 2009 Master Ordinance attached hereto.

### **Summary**

Proper passenger behavior on Golden Gate Transit and Golden Gate Ferry is essential for providing quality service and ensuring safety for all transit customers. Given the District's ongoing commitment to security of the traveling public and its employees, a comprehensive Passenger Code of Conduct has been developed by staff for inclusion in the Master Ordinance. This Code was developed to better communicate the rights and expectations of passengers, as well as to clarify ways passengers can communicate with the District in the event of an incident.

In coordination with input from staff, the District's three Passenger Advisory Committees, community stakeholders and a review of Code of Conduct samples from other transit agencies, a Passenger Code of Conduct was developed to address several key areas, including proper use of the transit system, interference with safe operation of equipment, smoking, weapons and vandalism. The Passenger Code of Conduct also outlines enforcement measures for noncompliance and the District's Title VI commitment to non-discrimination.

The Passenger Code of Conduct program has four major components: (1) Section III.A. of the Master Ordinance; (2) "No Assault" signage; (3) "How To Comment;" and, (4) a "We're In This Together" courtesy campaign.

Section III.A. of the Master Ordinance includes language outlining prohibited activities, expectations of passenger conduct and rules for using the system. The “No Assault” signage is a reminder to those using the transit system of the District’s commitment to maintain a safe environment for employees and customers. The “How to Comment” component includes enhanced onboard signage as well as the development and circulation of a bilingual self-addressed, self-stamped comment card available to customers. Finally, the courtesy campaign is a printed component of the program that will be displayed onboard vehicles, at key transit stops and included in customer materials, such as the Transit Guide, the Golden Gate Gazette and a printed educational brochure targeted at school-aged children and youths. A visual presentation of these components will be made at the Committee meeting.

**Fiscal Impact**

There is no fiscal impact associated with this change. Expenses for the new signage and posters associated with this program are available within the existing Marketing and Communications Department budget.

Attachment: Proposed Section III.A. of the 2009 Master Ordinance

**AMEND THE MASTER ORDINANCE, AS FOLLOWS (BOLDED SECTIONS):**

III. GOLDEN GATE TRANSIT - BUS AND FERRY SYSTEMS

A. GENERAL RULES

The following General Rules are hereby established for the use of the District bus and ferry systems, which are generally referred to as the District's Passenger Code of Conduct. The General Manager may exercise discretion to issue supplemental directives, guidelines and procedures to implement the Passenger Code of Conduct, consistent with State law and this Ordinance.

1. **USE OF THE TRANSIT SYSTEM.** All persons on or in any facility or conveyance of Golden Gate Transit or Golden Gate Ferry shall:
  - a. Comply with all laws applicable to use of public transit systems, and shall obey lawful orders and directives of any police officer or Golden Gate Transit or Golden Gate Ferry employee or authorized representatives acting within the scope of his or her employment;
  - b. Obey any instructions on notices or signs duly posted on any Golden Gate Transit or Golden Gate Ferry facility or conveyance; and,
  - c. Provide accurate, complete and true information or documents requested by police officers or authorized District personnel.
2. **PAYMENT OF FARE AND ACCESS TO GOLDEN GATE TRANSIT OR GOLDEN GATE FERRY FACILITIES**
  - a. No person shall use or enter upon Golden Gate Transit or Golden Gate Ferry facilities or vehicle, without the payment of the applicable fare, or tender of other valid fare media, used in accordance with conditions and restrictions imposed by the District;
  - b. Except for employees of the District acting within the scope of their employment or other expressly authorized agents, no person shall sell, provide, copy, reproduce or produce, or create any version of any fare media;
  - c. No person shall put or attempt to put any paper, article, instrument or item other than fare media accepted by the District and valid for the place, time and manner in which used into any farebox, pass reader or other fare collection instrument, receptacle, device, machine or location; and,

d. **Fare media that have been forged, counterfeited, imitated, altered or improperly transferred or that have been used in a manner inconsistent with the rules regarding the use of fare media shall be confiscated.**

3. **PRIORITY SEATING FOR PERSONS WITH DISABILITIES AND SENIORS; WHEELCHAIRS.** As part of the Americans with Disabilities Act, the District is required to make priority seating available for people with disabilities and senior citizens. District passengers are requested to yield priority seating and locations designated for use by persons using wheelchairs to persons with disabilities, persons using wheelchairs, and senior citizens.

Passengers aboard buses equipped with wheelchair lift devices shall not conduct themselves in a manner which will impede the operation of such lifts, impede the securing of wheelchairs in the tie-down devices located on such buses or impede the exit of passengers using wheelchairs.

4. **ANIMALS ON TRANSIT FACILITIES.** Animals are prohibited on District buses and ferries, with the exception of service animals, such as guide dogs, signal dogs and service dogs (as defined in Section 54.1 of the California Civil Code or the regulations implementing the Americans with Disabilities Act of 1990), or animals that are hand-carried in an enclosed container. Similarly exempted from this subdivision are working dogs for law enforcement agencies, animals that are being trained as service animals and are accompanying persons with disabilities or animals that are being trained as service animals by a professional trainer. All service animals and animals being trained as service animals must be harnessed or leashed.

Designated Golden Gate Transit or Golden Gate Ferry personnel have the right to refuse admission to or eject any passenger accompanied by an animal, including a service animal, which in the opinion of the District personnel or authorized District representatives, poses a direct threat to the safety of other passengers.

5. **INTERFERENCE WITH SAFE OPERATIONS.** No person on or in any facility or conveyance of Golden Gate Transit or Golden Gate Ferry shall engage in the following:

a. **Enter or attempt to enter into any area not open to the public, including but not limited to the navigator's bridge, captain's wheelhouse, bus operator's seat location, station booths, closed-off areas, mechanical or equipment rooms, concession stands, storage areas, interior rooms, or any area marked with a sign restricting access or indicating a dangerous environment;**

- b. **Occupy more than one seat on a conveyance when to do so would interfere or tend to interfere with the operation of Golden Gate Transit or Golden Gate Ferry;**
  - c. **Block any aisles or emergency exits;**
  - d. **Threaten, harass or intimidate any District personnel or any District customer; and,**
  - e. **Interfere with the safe operation of a vehicle or vessel, including distracting or touching the operator or operator's controls while the vehicle or vessel is in motion.**
6. **NO SMOKING.** No person shall smoke or carry an open flame or lighted cigar, cigarette or pipe on any District vehicle or vessel, including ferries, and/or in District bus or ferry terminals.
7. **NO WEAPONS OR OTHER DANGEROUS INSTRUMENTS.** No weapon, explosive or other highly combustible material or radioactive material, dangerous instrument, or any other item intended for use as a weapon may be carried in or on any District facility or conveyance. This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife, gravity knife, box cutter, straight razor or razor blades that are not wrapped or enclosed in a protective covering, sword, shotgun or rifle.
8. **PROPERTY AND EQUIPMENT.** No person shall destroy, mark, soil, paint, draw, inscribe, write, spray paint or place graffiti or scratchitti upon, or remove, injure or tamper with any facility, conveyance, sign, advertisement, notice or other property of the District. No person shall litter or dump garbage or other matter, or create a public nuisance, hazard or unsanitary condition on any District facility or conveyance.
- No person shall post, distribute or display any sign, poster, notice, advertisement or other printed or written matter in or on any facility or conveyance without the permission of the District.
9. **SAN FRANCISCO BUS PASSENGERS.** No local passengers will be carried within the City and County of San Francisco, except those originating at or those whose destination is the bus stop nearest to the Golden Gate Bridge Toll Plaza or the bus stop nearest to the Lombard Gate of the Presidio.

10. NO DOCKING. No person shall stop, park, dock, land or secure any vessel, boat, craft, or other water-related vehicle, whether attended or unattended, on alongside or near the District's ferry landings, docks, or floats, except in compliance with directions of the District.
11. NO VESSEL OPERATIONS AT LARKSPUR FERRY TERMINAL. No vessel, boat, craft or other water-oriented vehicle shall be operated or navigated within the Larkspur Ferry Terminal harbor area to the westward of Channel Marker No. 20, without the express permission of the District.
12. LARKSPUR CHANNEL. All vessels, boats, craft and other water-oriented vehicles when proceeding along the course of the Larkspur Ferry Terminal main channel shall keep to the south side of said channel and within the area designated for small boats.
13. NO VEHICLES ON DISTRICT FERRIES. Gasoline-powered vehicles are prohibited aboard District ferries.
14. **ENFORCEMENT.** All suspected criminal activity will immediately be reported to the local police and/or other appropriate law enforcement authorities. Noncompliance with any of the rules stated herein may result in criminal prosecution, civil action or ejection from Golden Gate Transit and/or Golden Gate Ferry facilities and conveyances.
15. **TITLE VI OF THE CIVIL RIGHTS ACT.** The Golden Gate Bridge, Highway & Transportation District is committed to ensuring that no person shall, on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under its program of transit services delivery. Any person who believes they have been discriminated against may file a Title VI complaint. For more information, please call Customer Relations at 415/455-2000 or visit [www.goldengate.org/contact](http://www.goldengate.org/contact) to obtain a Title VI complaint form.



Agenda Item No. 4

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole  
Meeting of November 13, 2009

From: Norma Jellison, Property Development & Management Specialist  
Z. Wayne Johnson, Deputy General Manager/Administration and Development  
Celia G. Kupersmith, General Manager

Subject: **APPROVE AN AMENDMENT TO SECTION I.G. OF THE 2009 MASTER  
ORDINANCE RELATIVE TO DISTRIBUTION OF WRITTEN MATERIALS  
THROUGH NEWSRACKS**

### **Recommendation**

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve an amendment to Section I.G. of the 2009 Master Ordinance to incorporate a new Section I.G., entitled REGULATIONS PERTAINING TO USE OF TRANSIT PROPERTIES FOR DISTRIBUTION OF WRITTEN MATERIALS THROUGH NEWSRACKS, which new section will require the consolidation of individual free-standing newsracks at the Larkspur Ferry Terminal, the C. Paul Bettini San Rafael Transit Center and the Santa Rosa Bus Facility into fixed, pedestal-mounted modular newsrack units, as outlined in the proposed Ordinance hereto.

### **Background**

On August 27, 2008, the San Francisco Bay Conservation and Development Commission issued Stipulated Cease and Desist Order and Civil Penalty Order No. CCD 1-08 ("BCDC Order") to the District that, among other things, required the District to remove all free-standing newsracks and install modular newsracks. The BCDC Order also required the District to enact an ordinance by January 1, 2010, that prohibits the placement of individual free-standing newsracks and that implements a program to remove free-standing newsracks placed in the public access areas of the Larkspur Ferry Terminal.

Many of the individual newsracks at the LFT and SRTC are poorly maintained and unsightly, and have from time to time prompted complaints from members of the public. Because the District is a transit provider, the free flow of pedestrian traffic at its transit facilities is critical to its operations. The unregulated placement of free-standing newsracks creates an impediment to public access and the unobstructed flow of pedestrian traffic, and raises health and public safety concerns. In 2008 and 2009, the District completed a number of improvements at the LFT, including the relocation and consolidation of all free-standing newsracks located in the courtyard area adjacent to the ticket entrance.

The proposed Newsrack Ordinance: (1) ensures that newsracks will not obstruct the free flow of pedestrian traffic at the District's transit facilities; (2) reduces the health and public safety issues raised by the presence of unregulated and poorly maintained free-standing newsracks; (3) permits the distribution of written materials through newsracks at the District's transit properties to the extent it is constitutionally protected; and (4) complies with the requirements of the BCDC Order.

### **Summary of Proposed Newsrack Ordinance**

The attached Newsrack Ordinance applies to the District's transit properties, specifically the Larkspur Ferry Terminal, Santa Rosa Bus Facility and San Rafael Transit Center. It prohibits free-standing newsracks at these facilities and permits only fixed, pedestal-mounted modular newsracks. The District will determine the location of all fixed, pedestal-mounted modular newsracks and will install and maintain the modular newsracks. The two existing modular newsracks located at the Santa Rosa Bus Facility will remain "as is" until the District decides to install new fixed, pedestal-mounted modular newsracks.

Each distributor must obtain a permit from the District to use one of the modular newsracks installed on the District property. If there is insufficient space for all permit applicants, the District will prioritize the space available based on the frequency of publication.

The distributor must maintain and repair its individual box within the modular newsrack. In addition, distributors that charge a fee for their publications must purchase, install and maintain their own locking and coin mechanisms. All distributors must maintain their individual newsrack box in good order and in a safe and clean condition.

The ordinance provides that the General Manager shall have the authority to impose conditions on the permit, to promulgate rules and regulations to avoid the risk of injury to persons or damage to property, and to assure the safe and orderly use of the District's transit properties.

### **Fiscal Impact**

The cost of installing modular newsrack units at the Larkspur Ferry Terminal was included in the overall project costs of the parking and access improvements project completed in FY 08/09 Ferry Transit Division. The estimated cost to install modular newsracks at the other District properties is \$14,000, and this cost will be covered by the operating division budget.

Attachment: Proposed Ordinance

**GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT**

**ORDINANCE NO. 2009-**

**AN ORDINANCE TO AMEND MASTER ORDINANCE 2009, AS AMENDED,  
TO REGULATE THE DISTRIBUTION OF WRITTEN MATERIALS FROM NEWSRACKS**

November 20, 2009

THIS ORDINANCE is adopted with reference to the following facts and circumstances which are found and declared by the Board of Directors:

1. The Golden Gate Bridge, Highway and Transportation District (“District”) is a special district formed pursuant to California Streets and Highways Code Sections 27000, et. seq. Its mission is to provide safe and reliable operation, maintenance, and enhancement of the Golden Gate Bridge (“Bridge”) as well as transportation services for customers within the U.S. Highway 101 Golden Gate Corridor, including ferry and bus service.

2. The District’s bus and ferry properties are critical transit facilities with the primary purpose of transporting passengers within the North Bay and between the North Bay and San Francisco (“Transit Properties”).

3. The District owns, operates, or manages certain Transit Properties on which the distribution of written materials through newsracks has historically occurred, specifically the Larkspur Ferry Terminal (“LFT”), the Santa Rosa Bus Facility (“SRBF”), and the C. Paul Bettini San Rafael Transit Center (“SRTC”).

4. Until recently, approximately fifty free standing newsracks were located at the LFT, and currently approximately fifteen free standing newsracks and four modular units are located at the SRTC. Because distributors are responsible for providing their own newsracks, there is no uniformity in their overall appearance and some have been poorly maintained by their owners, creating potential health and safety hazards and prompting occasional complaints from members of the public to the District.

5. The result has been cluttered, potentially unsafe, and unattractive newsracks. The LFT, SRTC, and SRBF are all transit facilities and must allow for unimpeded movement of a large number of people during congested periods of time in a relatively small and limited space. The free flow of pedestrian traffic is critical to the District’s operations and the safety of those using the Transit Properties.

6. The District operates its facilities at the LFT subject to a permit from the San Francisco Bay Conservation and Development Commission (“BCDC”). In August, 2008, BCDC issued a Cease and Desist Order to the District to move the freestanding newsracks and improve public access at the

LFT, which the District has since done with the installation of fixed pedestal mounted modular newsracks.

7. The District has identified a similar need at the SRTC to consolidate the free standing newsracks into fixed pedestal mounted modular newsracks, and place the fixed pedestal mounted modular newsracks in an accessible location that allows the District to conduct its transit operations in a safe, efficient and unimpeded manner.

8. Publications are distributed through modular newsracks at SRTC and the SRBF and the District desires to establish a program to manage the existing modular newsracks to ensure that the modular newsracks remain in a safe, working, and clean condition.

9. The District has a substantial governmental interest in (1) complying with BCDC's Cease and Desist Order; (2) ensuring the free flow of pedestrian traffic through its Transit Properties; (3) maintaining safe, unobstructed facilities; and (4) maintaining an attractive, uncluttered appearance at its properties. At the same time, the District also desires to permit the use of its Transit Properties to distribute written materials from newsracks in accordance with applicable legal principles.

10. The District has determined that having modular newsracks and placing the modular newsracks in specific locations is necessary to balance its substantial governmental interests with the publishers' desire to distribute their written materials on Transit Properties.

11. This Ordinance is intended to implement reasonable time, place, and manner regulations on the distribution of written materials at Transit Properties. Specifically, the regulations balance the right to distribute written materials from newsracks with the District's obligation to ensure that the Transit Properties are as safe and secure as reasonably possible for all who use them and that the distribution of written materials does not impede or interfere with Districts primary purpose of providing transportation service.

12. The District has carefully reviewed the proposed rules and regulations and has determined the following newsrack ordinance is necessary to ensure the public health, safety and welfare, maintain the free flow of pedestrian traffic, comply with the BCDC Cease and Desist Order and protect and enhance the cleanliness and overall aesthetic appearance of property owned or controlled by the District while complying with federal and state constitutional principles.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE GOLDEN GATE BRIDGE, HIGHWAY, AND TRANSPORTATION DISTRICT AS FOLLOWS:**

**SECTION 1. THE BOARD HEREBY ADOPTS REGULATIONS PERTAINING TO DISTRIBUTION OF WRITTEN MATERIALS THROUGH NEWSRACKS, AS DELINEATED BELOW.**

**SECTION 2. SECTION I, "GENERAL PROVISIONS," AS AMENDED, IS REVISED BY ADDING A NEW SUBSECTION G, ENTITLED "REGULATIONS PERTAINING TO USE OF TRANSIT PROPERTIES FOR DISTRIBUTION OF WRITTEN MATERIALS THROUGH NEWSRACKS," AND BY RE-LETTERING THE EXISTING SECTION I.G., AND ALL SUBSEQUENT SECTIONS SEQUENTIALLY, AS FOLLOWS:**

**G. REGULATIONS PERTAINING TO USE OF TRANSIT PROPERTIES FOR DISTRIBUTION OF WRITTEN MATERIALS THROUGH NEWSRACKS**

**1. Definitions**

- a. **Abandoned newsrack box** means any newsrack box in a fixed pedestal mounted modular newsrack which does not contain the publication that is authorized to be distributed from the newsrack unit for ten (10) calendar days. However, a newsrack box will not be deemed abandoned if the District receives notice from the distributor that there is a labor strike or any temporary and extraordinary interruption of the distribution of the publication.
- b. **Distributor** means any individual or firm that that uses any newsrack or, newsrack box for the distribution of a publication. Distributors include publishers of written materials, if those publishers are also responsible for the distribution of the publication.
- c. **District property** means property owned, controlled, or leased by the District.
- d. **Fixed pedestal mounted modular newsrack** means a single pedestal mounted newsrack attached to the sidewalk, pathway, or public right-of-way containing separate newsrack boxes for two or more publications, where each newsrack box has separate coin and lock mechanisms or separate receptacles or compartments from which the publication is dispensed. A fixed pedestal mounted modular newsrack consists of the frame and pedestal that mounts to the sidewalk, but not the individual newsrack boxes for the publications.

- e. **Newsrack** means any self-service or coin-operated box, container, unit, or other dispenser installed, used, or maintained for the display and sale or distribution of publications.
- f. **Permit** means a permit issued by the District for the use and operation of a newsrack box or single-publisher split box unit in one of the fixed pedestal mounted modular newsracks.
- g. **Publication** means any written material distributed through newsracks, such as newspapers, periodicals, magazines, and other materials, whether distributed for a charge or free.
- h. **Sidewalk** means any pathway or walkway dedicated to public use and provided for the primary use of pedestrians.
- i. **Newsrack box** means one box or single-publisher split box or honor box in a fixed pedestal mounted modular newsrack for the distribution of publications.

2. **Permit Process**

- a. A distributor may use a newsrack box in one of the fixed pedestal mounted modular newsracks located on District property provided the distributor has obtained a permit from the District and complies with the terms and conditions of the permit and all provisions of this Ordinance.
- b. An application for the use of one of the newsrack boxes in a fixed pedestal mounted modular newsrack must include the following information:
  - i. The location of the fixed pedestal mounted modular newsrack where the distributor desires to distribute the publication;

- ii. The name, contact person, mailing address, and telephone number of person(s) or organization requesting a permit;
  - iii. The name of the publication to be sold or distributed from the newsrack box and a copy of a recent issue of the publication;
  - iv. The frequency of publication of the material to be sold or distributed from the newsrack box;
  - v. A statement that the distributor has read this Ordinance in full and agrees to abide by all the District's rules and regulations; and,
  - vi. A Certificate showing that the distributor has current public liability and property damage insurance naming the District as an additional insured, in an amount and with conditions acceptable to the District. The distributor must maintain current public liability and property damage insurance so long as it uses a fixed pedestal mounted modular newsrack on District property.
- c. The District will grant the requested permit within fifteen (15) business days if the permit application complies with subsection 2(b) and if there is sufficient space within the fixed pedestal mounted modular newsrack to accommodate the requested permit application.
- d. If there is insufficient space to accommodate all permit applicants, priority will be given to permit applicants as space becomes available as follows:
- i. First priority will be given to publications that are currently distributed at the specific location where the modular newsrack is located;
  - ii. Second priority will be given to daily publications, i.e. publications published at least five (5) times a week;
  - iii. Third priority will be given to publications published more than once but fewer than five (5) times per week;
  - iv. Fourth priority will be given to weekly publications;

- v. Fifth priority will be given to bi-weekly publications;
  - vi. Sixth priority will be given to monthly or less frequent publications.
  - vii. The District will maintain separate waiting lists for the LFT, SRTC, and SRBF for publications that have fulfilled the application requirements but were not assigned a slot because of insufficient space. If a newsrack box becomes available, the District will make the unit available to distributors based on the priority categories established above in descending order. If there are multiple distributors on the waiting list in any one priority category, the District will make the newsrack box available on a first come, first served basis. The District will contact the distributor in the order it appears on the waiting list and each distributor will have ten (10) calendar days to accept or reject the available newsrack box in the fixed pedestal mounted modular newsrack. If the District receives no response from the distributor within ten (10) calendar days, the distributor forfeits its right to a newsrack box , will be removed from the waiting list, and the District will make the newsrack box available to the next distributor on the waiting list.
- e. Newsrack permits may not be sold, transferred or assigned.
  - f. The District will not consider the content of a publication in deciding whether to grant or approve a permit.
  - g. After the permit for a publication is approved, the distributor will be assigned a newsrack box in one of the fixed pedestal mounted modular newsracks.
  - h. Failure to comply with the permit or any part of this Ordinance will result in the revocation of the permit.

### 3. **Fixed Pedestal Mounted Modular Newsrack Installation and Maintenance**

- a. The District will purchase and install and repair and maintain the fixed pedestal mounted modular newsracks, exclusive of the newsrack boxes, except for the two modular newsracks that are located at the SRBF as of the date of this Ordinance until such time as the District installs new fixed pedestal mounted modular newsracks at the SRBF. The District also will purchase and install the newsrack boxes for the initial transition to the District purchased fixed pedestal mounted modular newsracks.

- b. Only fixed pedestal mounted modular newsracks will be permitted on District property. The District will determine the location for the installation of all fixed pedestal mounted modular newsracks.

4. **Regulations**

- a. Distributors that charge a fee for their publication are responsible for installing, maintaining, and repairing their own locking and coin collection mechanism for their newsrack box.
- b. Each distributor is responsible for maintaining its particular newsrack box in good working order and for notifying the District if the distributor stops distributing the publication from the newsrack box.
  - i. If a distributor fails to maintain a newsrack box in good working order and in a safe and clean manner (e.g. with no graffiti) or if a newsrack box is deemed an abandoned unit, the District will send a Notice to Cure to the contact person listed on the permit application.
  - ii. The distributor will have five (5) business days to correct the violation in the Notice to Cure.
  - iii. If after five (5) business days the distributor has not corrected the violation or if the distributor has not contacted the District to arrange for additional time to cure the violation because it was not possible to cure the violation within the five (5) business day time period, the District will revoke the permit for that newsrack box and the District may reassign the unit to another publication.
- c. Distributors may not display advertisements of any kind on the fixed pedestal mounted modular newsracks or the individual newsrack boxes.
- d. No publication may be kept or maintained in any newsrack box so as to expose to the public view any statements, words, pictures, illustrations, cartoons or drawings describing or showing any explicit sexual acts or sexual organs.
- e. Distributors must indemnify the District against all claims, damages, injuries, and liabilities arising from the Distributor's use of District property to distribute a publication from a newsrack or newsrack box.

- f. The General Manager shall have the authority to impose conditions on the permit and promulgate rules and regulations to avoid the risk of injury to persons or damage to property and to assure the safe and orderly use of the District's Transit Properties.

5. **Unauthorized Newsrack.**

- a. All newsrack boxes on District property that are not in full compliance with this Ordinance and the permit are unauthorized newsracks.
- b. The District may remove any unauthorized newsrack or newsrack box on District property.

6. **Violations or Failure to Comply with the Requirements of Section I.G of the Master Ordinance.**

- a. If a distributor violates a condition of a permit, or fails to comply with the requirements of Section I.G of the Master Ordinance, the District may revoke the permit.
- b. The General Manager or her designee shall promulgate rules and regulations regarding the revocation or denial of a permit. These rules and regulations shall include a process for an administrative appeal of any decision to deny, revoke, or suspend a permit.
- c. In addition, any person who violates Section I.G. of the Master Ordinance or the rules and regulations implemented pursuant to this Section I.G will be subject to the sanctions and penalties of all applicable statutes, including but not limited to California Streets and Highways Code Section 27174.1, 27174.2, and 27176.

7. **Notice Procedures**

- a. Notice required pursuant to this Ordinance will be given either by personal delivery or by deposit in the United State mail, first class postage prepaid, addressed to the person to be notified at his last know address. Notice will be deemed to have

occurred as of the date and hour of personal delivery or as of the date of deposit of written notice in the United States mail.

- B. IF ANY PROVISION OF THIS ORDINANCE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES IS HELD INVALID, THE INVALIDITY WILL NOT AFFECT ANY OTHER PROVISIONS OR APPLICATION OF THE ORDINANCE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END, THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE.

**SECTION 3. THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE NOVEMBER 20, 2009.**

**ADOPTED** THIS DAY OF 20<sup>TH</sup> DAY OF NOVEMBER 2009, BY THE FOLLOWING VOTE OF THE GOLDEN GATE BRIDGE, HIGHWAY AND TRANSPORTATION DISTRICT BOARD OF DIRECTORS:

AYES ():  
NOES ():  
ABSENT ():

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**Albert J. Boro**  
**President, Board of Directors**

**ATTEST:**

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**Janet S. Tarantino**  
**Secretary of the District**



Agenda Item No. 5

To: Rules, Policy and Industrial Relations Committee/Committee of the Whole Meeting of November 13, 2009

From: Z. Wayne Johnson, Deputy General Manager/Administration and Development  
Celia G. Kupersmith, General Manager

Subject: **APPROVE CHANGES TO THE TABLE OF ORGANIZATION WITHIN THE ADMINISTRATION AND DEVELOPMENT DIVISION**

### **Recommendation**

The Rules, Policy and Industrial Relations Committee recommends that the Board of Directors approve the changes to the Table of Organization within the Administration and Development Division, effective on January 1, 2010, as follows:

1. Eliminate the position of Business Systems Implementation Manager, in the Planning Department, at a salary range of \$95,763 to \$115,710, plus fringe benefits;
2. Add the position of Software Engineer, in the Information Systems Department, at a salary range of \$83,179 to \$100,568, plus fringe benefits; and,
3. Amend the Table of Organization accordingly.

### **Summary**

Upcoming changes in IS projects together with staffing needs within the A&D Division have prompted staff to propose position changes to better align with future business needs and resources. The District's Asset Management project (Maximo) is scheduled to complete acceptance testing on or about January 31, 2010. This project is overseen by a Business Systems Implementation Manager position, assigned to the Planning Department. This position will no longer be needed upon completion of the project's acceptance test. Although this position is currently capitolly funded by the project, the staffing of the position resulted from the interim transition of a budgeted regular full time staff employee into this role, due to their wide-ranging skillset. Today's action will return the position to the operating budget.

As major mission critical business systems, such as IFAS and Transtat, complete their initial build-out, additional module configuration to meet end-user needs, and daily system maintenance requires the Information Systems (IS) Department to add a second Software Engineer position. Strategic additions to the IS staff were contemplated when these large technology projects were approved.

IFAS is a major business software system used by many District departments, including Accounting, Budgeting, Payroll and Human Resources. Transtat provides transit performance statistics to manage transit operations internally and to report externally to review agencies and strategic partners. Our current IS strategy includes having typically one staffed position in Information Systems unit for each large, enterprise-wide, mission critical business software system, but the IFAS system, due to its scope, size, importance, and complexity, should have a second support person. Two support staff is likewise recommended by the IFAS vendor. This second systems support person is needed not only to cover the day to day work, but also to extract the maximum user value from the systems. Currently, valuable capabilities available within the system cannot be implemented with only one support person. Also, the Software Engineer will be able to automate tasks in line with the District's strategic plan for achieving long term financial stability. This position will additionally provide backup for the TranStat system, also critical to the District, and handle software interconnectivity between various District business systems.

It is recommended that the Business Systems Implementation Manager position in the Planning Department be eliminated, and a second Software Engineer position be created, in the IS Department. This position will be posted for recruitment initially within the District to allow all qualified internal candidates to apply. This recruitment provides the opportunity to potentially retain internal talent of proven value. In the event that no internal candidate is selected, we will recruit externally for a suitable candidate.

The effective date for these proposed changes would be on January 31, 2010, to coincide with the completion of the current Maximo project. Should the project be delayed, the General Manager would be authorized to adjust the effective date.

### **Fiscal Impact**

This change will eliminate the Business Systems Implementation Manager position, at a salary range of \$95,763 to \$115,710, plus fringe benefits, a position currently funded in the Capital budget; and, will add one Software Engineer, at a salary range of \$83,179 to \$100,568, plus fringe benefits, to be funded in the Operating budget. It is anticipated that much of the additional costs for this position will be covered through further IS efficiencies, to be identified in the upcoming budget. These actions comply with the objectives of the newly approved Strategic Financial Plan involving improved efficiency for support of IS operations.