



NORTH COUNTY TRANSIT DISTRICT MEETING

BOARD

Board Members

Bob Campbell – Board Chair
City of Vista

Chris Orlando – Board Vice-Chair
City of San Marcos

Mark Packard
City of Carlsbad

Carl Hilliard
City of Del Mar

Jerome Stocks
City of Encinitas

Sam Abed
City of Escondido

Rocky Chavez
City of Oceanside

David Roberts
City of Solana Beach

Bill Horn
County of San Diego

**Executive Director/
Chief Executive Officer**

Matthew O. Tucker

General Counsel

C. Michael Cowett

**For more information on NCTD,
please check out our web page at:**

www.gonctd.com

**Board Room
810 Mission Avenue
Oceanside, CA 92054**

**THURSDAY
April 16, 2009
1:00 P.M. – Special
Meeting/Closed Session
2:00 P.M. – Regular Meeting**

AGENDA HIGHLIGHTS INCLUDE:

- **Public Hearing and Adoption of Program of Projects to be Funded with the American Recovery and Reinvestment Act (ARRA) Funding**
- **Comprehensive Operations Analysis**
- **Compass Card Status Update and Marketing Plan**
- **Update on FY 2010 Budget**

NCTD’s Mission

Deliver safe, convenient, reliable, and user-friendly public transportation services.

NCTD’s Vision

Provide an integrated transit system that enables our customers to travel easily and efficiently throughout the region.

For individuals with disabilities, we will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. We will make every attempt to accommodate requests that do not give 72 hour notice. Please contact the Clerk of the Board at (760) 967-2808.

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Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection in the department of the Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours.



The NCTD office located at 810 Mission Avenue, Oceanside, CA is accessible by the COASTER (NCTD Commuter Rail), the SPRINTER (NCTD Light Rail System) and the BREEZE (NCTD Bus). Please log onto www.gonctd.com to check current routes and schedules, or call 1-800-COMMUTE.

SPECIAL MEETING / CLOSED SESSION AGENDA

- **CALL TO ORDER**

- **ROLL CALL OF BOARD MEMBERS**

- A. CLOSED SESSION**

The Board meeting will convene at 2:00. Closed Session will reconvene at the end of the meeting if there are further items to discuss.

- i. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators Agency Designated Representative: Matthew Tucker
Employee Organization: Teamsters Local 542 Unrepresented Employees: All
- ii. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is Assessor Parcel Number 164-205-24 in Vista. NCTD Negotiator: Ray Patchett and Ed Singer. Negotiating Party: City of Vista Redevelopment Agency
- iii. Closed Session Pursuant To Government Code Section 54957 – Personnel Matter - Public Employee Performance Evaluation, Title: Executive Director

REGULAR MEETING BEGINNING AT 2:00 PM

- **CALL TO ORDER**

- **ROLL CALL OF BOARD MEMBERS**

- **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

- **CHANGES TO THE AGENDA**

- **PRESENTATION OF COMMENDATIONS**

- **∅ Special Retirement Commendation to:**

- * Mr. Martin Tanguma, retiring after sixteen years of service.
- * Ms. Barb Murray, retiring after eleven years of service.

- **∅ Presentation of March 2009 Employees of the Month Commendations to:**

- * Mr. Jeremiah N. Rouse, Facility Maintenance Worker
- * Mr. Leo N. Soward, Jr., Coach Operator
- * Mr. Fred M. Knapp, Business Application Administrator

- **PUBLIC COMMUNICATIONS**

There is a time limit of 15 minutes for this section of Public Communications and each speaker is limited to three minutes for their presentation.

All persons wishing to address the Board during the meeting must complete a “Request to Speak” form. These forms are provided in a box at the table in the hallway, and must be completed and given to the Clerk of the Board before that agenda item is called.

**RECOMMENDED
ACTION**

B. MINUTES FOR REGULAR MEETING FOR MARCH 19, 2009
(Pages 6 – 9)

Approve

All matters listed under CONSENT are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on the motion, unless members of the Board, the Executive Director, or the public, request specific items to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the Clerk of the Board on the “Request to Speak” form before that agenda item is called.

ITEMS PULLED FROM CONSENT WILL BE MOVED TO THE END OF THE AGENDA

**RECOMMENDED
ACTION**

C. CONSENT ITEMS (Tabs 1 – 5)

Items reviewed and recommended for approval by the Governance Committee (G), Planning Committee (P), Monitoring Committee (M), Staff (S) or Board (B)

- | | |
|--|---------|
| 1. Local Agency Investment Fund – Authorization to Transfer Funds (G)
(Attachment 1A) | Approve |
| 2. Board Policy Amendments (G) (Attachment 2A) | Approve |
| 3. South Santa Fe Grade Crossing Signal Design and Design Review Project (M) | Approve |
| 4. Long Term Environmental Maintenance and Monitoring for COASTER Right-of-Way (M) | Approve |
| 5. Caltrans Grant Applications (P) (Attachment 5A and Attachment 5B) | Approve |

OTHER BUSINESS (Tabs 6 – 10)

- | | |
|--|---------|
| 6. Public Hearing and Adoption of Program of Projects to be Funded with the American Recovery and Reinvestment Act (ARRA) Funding (P)
(Attachment 6A and Attachment 6B) | Approve |
| 7. Comprehensive Operations Analysis (M) (Attachment 7A) | Approve |
| 8. Smart Parking Project (P) (Attachment 8A) | Approve |

- | | |
|---|---------|
| 9. Award of Contract to Raceway Ford for the Replacement of Three Signal Trucks (S) | Approve |
| 10. Construction Agreement Between NCTD and City of San Marcos for the Marcos Street At-Grade Pedestrian Crossing (G) | Approve |

INFORMATION ITEMS (Tabs 11- 14)(Items are for Board information and no action will be taken)

- | | |
|---|---------|
| 11. Update on FY 2010 Budget (P) (Attachment 11A) | Receive |
| 12. Implementation of Google Transit (M) | Receive |
| 13. Compass Card Status Update and Marketing Plan (P) | Receive |
| 14. Monthly Revenue Service Performance Report (S) (Attachment 14A) | Receive |

- **SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE**

- **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

- **EXECUTIVE DIRECTOR'S REPORT**

- **REMAINING PUBLIC COMMUNICATIONS**

For any remaining speakers who have completed a "Request to Speak" form before the start of the meeting.

- **ADJOURNMENT**

- **CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)**

- ∅ Posting of Board Agenda (Page 32)

- ∅ Rules for Public Speakers at meetings of the North County Transit District (Page 33)

***The next regularly scheduled Board meeting will be held at
2:00 p.m. on Thursday, May 21, 2009
at 810 Mission Avenue, Oceanside, CA***

CALL TO ORDER

Chairman Bob Campbell called the meeting to order at 1:03 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Carl Hilliard (City of Del Mar); Sam Abed (City of Escondido); Rocky Chavez (City of Oceanside); Chris Orlando (City of San Marcos); Bob Campbell (City of Vista).

Jerome Stocks (City of Encinitas) and Dave Roberts (City of Solana Beach) arrived at 1:04 pm; Bill Horn (County of San Diego) arrived at 1:13 pm.

CLOSED SESSION

The Board went into Closed Session at 1:04 p.m. to discuss items i, ii, iii and iv.

- i. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is Assessor Parcel Numbers 203-054-28-00 and 203-296-09-00 in Carlsbad. NCTD Negotiator: Ray Patchett– Negotiating Party: City of Carlsbad Redevelopment Agency
- ii. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is 16 parcels along Barham Lane, between La Moree Road and Shelly Drive in San Marcos – NCTD Negotiator: Ray Patchett – Negotiating Party: City of San Marcos
- iii. Closed Session Pursuant to Government Code Section 54956.9(b) - Anticipated Litigation – Three Potential Cases
- iv. Closed Session Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiators Agency Designated Representative: Matthew Tucker Employee Organization: Teamsters Local 542 Unrepresented Employees: All

The Board returned from Closed Session at 2:55 pm. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss items i, ii, iii and iv and had nothing to report.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Carl Hilliard (City of Del Mar); Jerome Stocks (City of Encinitas); Sam Abed (City of Escondido); Rocky Chavez (City of Oceanside); Chris Orlando (City of San Marcos); Dave Roberts (City of Solana Beach); Bob Campbell (City of Vista); Bill Horn (County of San Diego).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Bill Horn led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None.

ROCKY CHAVEZ LEFT AT 3:00 PM.

PRESENTATION OF COMMENDATIONS

Presentation of February 2009 Employees of the Month Commendations: Mr. Don Ankney, Division Superintendent, recognized Mr. Douglas C. Lucas, Coach Operator; Mr. Don Curry, Fleet Shift Supervisor II, recognized Mr. Nelson L. Morales, Bus Servicer I; and Mr. David Papworth, Chief of Transit Enforcement, recognized Mr. Michael J. Mahoney, Control Center Technician, with the Board's congratulations.

PUBLIC COMMUNICATIONS

None

APPROVAL OF MINUTES

MOTION BY BILL HORN TO APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 19, 2009, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

MOTION BY BILL HORN TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF FEBRUARY 28, 2009, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

1. Conservation Easement Agreement at the Rancho Del Oro Mitigation Site
2. Grant of Easement to the City of San Marcos for a Portion of the Inland Rail Trail
3. Contract for ADA Improvements
4. Service Implementation Plan for NCTD Transit Services

MOTION BY BILL HORN TO APPROVE AGENDA ITEMS 1, 2, 3 AND 4, SECONDED BY DAVE ROBERTS. BOARD MEMBER ORLANDO ABSTAINED FROM ITEM 2. MOTION CARRIED.

OTHER BUSINESS

5. 2010 Operating and Capital Budget and Quarterly Financial Report for Six Months Ended December 31, 2008

Richard Hannasch, Director of Administration and Finance, reviewed: state funding issues; decline of local sales tax revenue collection in San Diego County; passenger fare revenue; Capital Improvement Program; five-year outlook; key FY 2010 budget and business assumptions; budget timeline.

No action required.

INFORMATION ITEMS

6. Draft Regional Transit Fare Study

No action required.

7. Monthly Revenue Service Report

No action required.

• **SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE**

Ellen Roundtree, Intergovernmental Affairs Officer, provided a report.

No action required.

• **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

Bill Horn stated he has received a few emails regarding service cuts.

Sam Abed reported that the City of Escondido would be applying for an Enterprise Zone with the state which comes with significant tax incentives and money that might help with development around the SPRINTER station.

Dave Roberts thanked staff for the Board Workshop February 28th, stated that the CTSA (FACT) Board would be holding a retreat in Solana Beach on March 21, and that he was invited to a town hall meeting for a gubernatorial candidate who spoke on the need for public transit and high speed rail and the need for funding them.

Bob Campbell reported on the trip he took to Washington, D.C. where he represented NCTD, LOSSAN, SANDAG and the City of Vista. He stated that he met with Congressman Issa and Congressman Bilbray.

- **EXECUTIVE DIRECTOR’S REPORT**

Matthew Tucker stated that he provided the Board with a written copy of his Monthly Report, the National Transit News Reports and a Compass Card update.

- **REMAINING PUBLIC COMMUNICATIONS**

None

- **ADJOURNMENT**

The meeting adjourned at 3:53 pm. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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GOVERNANCE COMMITTEE REPORT

TITLE: LOCAL AGENCY INVESTMENT FUND – AUTHORIZATION TO TRANSFER FUNDS

Time Sensitive

Consent

COMMITTEE RECOMMENDATION:

Authorize the Executive Director, Matthew O. Tucker, and Director of Administration and Finance, Richard Hannasch, to transfer funds to and from the Local Agency Investment Fund.

BACKGROUND INFORMATION:

The Local Agency Investment Fund (LAIF) of the State of California is a depository for public agency funds and pays interest on the accounts of the depositing agencies. NCTD has been using this investment option for over twenty years, as authorized in NCTD's Investment Policy. As of the previous quarter ending December 31, 2008, NCTD had a balance of over \$6.6 million in the account, with an investment yield of 2.5%.

The Board is required to adopt a resolution to authorize changes of designated individuals authorized to transfer funds to and from the LAIF account. Following are the previously designated individuals and the recommended individuals.

Previous

Executive Director, Karen King
Director of Administration & Finance, Richard Hannasch

Recommended

Executive Director, Matthew Tucker
Director of Administration & Finance, Richard Hannasch

ATTACHMENT: 1A - Resolution

FISCAL IMPACT: None

COMMITTEE REVIEW:

4/01/09 Staff explained this action and the Committee recommended Board approval of this item under "Consent Items".

STAFF CONTACT:

Richard Hannasch
Director of Administration & Finance
E-mail: rhannasch@nctd.org Phone: 760/967-2809



GOVERNANCE COMMITTEE REPORT

TITLE: BOARD POLICY AMENDMENTS

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Approve proposed amendments to the District’s Board Rules of Procedures, Policy for Board Member Compensation, Board Member Confidentiality Policy, Policy for Conflict of Interest, and Policy for Establishing a Comprehensive Real Estate Policy.

BACKGROUND INFORMATION:

Pursuant to discussions with NCTD’s Executive Director, General Counsel determined that it was appropriate to conduct a review of NCTD’s Board Policies at this time, and to conduct annual review of the Board Policies in the future. This will ensure that the Board Policies accurately reflect applicable legal requirements. To this end, we have reviewed and revised the following Board Policies:

1. Rules of Procedure
2. Board Member Compensation
3. Board Member Confidentiality Policy
4. Conflict of Interest
5. Establishing a Comprehensive Real Estate Policy

These policy changes were briefly discussed at the Board Workshop of February 28, 2009.

ATTACHMENT: 2A - Revised clean drafts and redlines of each of the above policies

FISCAL IMPACT: None

COMMITTEE REVIEW:

4/01/09 The Committee reviewed this item and recommended clarifications regarding Board member compensation shown on pages 13 and 14 of the Rules of Procedure. With these clarifications, the Committee recommended inclusion of this item under “Consent Items”.

STAFF CONTACT: Paula de Sousa
Best Best & Krieger
Phone: 619/525-1336



MONITORING COMMITTEE REPORT

TITLE: SOUTH SANTA FE GRADE CROSSING SIGNAL DESIGN AND DESIGN REVIEW PROJECT

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Authorize the Executive Director to issue a Purchase Order to RailPros for design review services on the County's South Santa Fe Grade Crossing Relocation Project.

BACKGROUND INFORMATION:

The County of San Diego has obtained approval from the CPUC for a new at-grade crossing for existing South Santa Fe Avenue between the cities of Vista and San Marcos. The new crossing will be located approximately 500' east of the existing crossing and will encompass an intersection with York Drive and Woodland Drive. After the new crossing is activated, the existing crossing will be removed.

NCTD previously conducted a competitive procurement and entered into on-call consulting services contracts with several engineering and consulting firms, including RailPros. NCTD would use its on-call contract with RailPros to assist NCTD staff in reviewing the County's plans for integration with our railroad track and signal systems. The Executive Director has already issued a separate Purchase Order for signal design services required for the crossing. Under CPUC regulations, any changes to grade crossing warning systems must be managed by the owning-railroad. The Executive Director will also enter into a reimbursement agreement with the County establishing the terms as between the parties, for all design work required for the crossing, the design review work, and reimbursement from the County to NCTD therefor.

A proposal with a project estimate of \$152,000 has been received from Rail Pros and reviewed and accepted by the Chief Rail Engineer for plan review services associated with the crossing project.

ATTACHMENT: None

FISCAL IMPACT: None. All costs for this effort are reimbursable, including NCTD staff, NCTD contractors, and legal fees pursuant to the reimbursement agreement.

COMMITTEE REVIEW:

4/2/09 The Committee reviewed the proposed project for rail and signal work which would be fully reimbursed, including NCTD staff time, by the County of San Diego. The Committee recommended inclusion of this item under "Consent Items".

STAFF CONTACT: Tom Lichterman
Director of Operations
E-mail: tlichterman@nctd.org

Phone: 760/967-2855



MONITORING COMMITTEE REPORT

TITLE: LONG TERM ENVIRONMENTAL MAINTENANCE AND MONITORING FOR COASTER RIGHT-OF-WAY

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Authorize the Executive Director to execute a Change Order to the contract with Habitat Restoration Sciences, Inc. (HRS) in an amount not-to-exceed \$150,000 to conduct long-term environmental maintenance and monitoring for the COASTER.

BACKGROUND INFORMATION:

In July 2008 the Board approved the award of a contract to HRS for long-term environmental maintenance and monitoring work for the SPRINTER, with an option to add similar services for the COASTER. The original contract was approved for \$546,555.70 and has been subsequently increased two times for work related to the SPRINTER corridor, resulting in a total contract value of \$796,300.

The COASTER work is now ready to be added to the contract. The work requires long-term maintenance and biological monitoring of various COASTER sites to fully meet the resource agencies' requirements during the five-year term of the permits issued for Amtrak work that was performed on the O'Neil to Flores Second Track project and the Oceanside Passing Track project. In addition, minor installation and/or repairs are required to some sites.

Staff recommends that the Board authorize the Executive Director to issue a change order to the HRS, Inc. contract at the not-to-exceed value of \$150,000. This action would result in contract value not-to-exceed \$946,299.45.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$150,000. This work will be partially funded by AMTRAK and Caltrans Division of Rail as follows:

- \$61,500 provided from Amtrak and Caltrans Division of Rail for O'Neil to Flores Second Track Project.
- \$36,300 provided by Amtrak for Oceanside Passing Track Project.

The remaining \$52,200 is included in the operating budget (over five years) under professional services for the COASTER.

COMMITTEE REVIEW:

4/02/09 The Committee reviewed the proposed change order, and recommended inclusion of this item under "Consent Items".

STAFF CONTACT: Tom Lichterman

Director of Operations

E-mail: tlichterman@nctd.org Phone: 760/967-2855

Key Staff Contact: Kristin Thomas, Environmental Project Planner

E-mail: kthomas@nctd.org Phone: 760/967-2817



PLANNING COMMITTEE REPORT

TITLE: CALTRANS GRANT APPLICATIONS

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Approve Resolutions authorizing the Executive Director to apply for Caltrans planning grants of \$185,940. [Total estimated project costs would be \$206,600. If the grants were approved, NCTD would provide a 10% match of \$20,660.] The grants would provide for: (1) translating a rail safety video into Spanish; and (2) securing Hispanic outreach services to promote ridership.

BACKGROUND INFORMATION:

The California Department of Transportation (Caltrans) is inviting applications for Transportation Planning Grant Programs. NCTD has submitted two grant requests to Caltrans, to be accompanied by approved Resolutions from the NCTD Board of Directors. The grants would be funded by the Environmental Justice Context Sensitive Planning program, and are intended to promote strong and healthy communities, economic growth, and protection of the environment.

The first attached Resolution supports NCTD's application to translate into Spanish the video *San Diego Trains – Be Smart, Be Safe*. NCTD would plan to distribute the translated video to Spanish speaking groups in North County.

The second attached Resolution supports NCTD's application for Spanish speaking outreach services. NCTD had previously received a grant from Caltrans to educate North County Spanish speaking community members about the new SPRINTER service. This grant application seeks to build on the successes of the first grant's efforts to promote greater Spanish ridership on all modes – BREEZE buses, SPRINTER trains, and COASTER trains.

If the grants are approved, NCTD would be required to provide 10% matching funds; half of the matching funds may be in-kind contribution of staff time or materials. If both grants are fully funded for the requested amounts, the required matching amount for Hispanic Outreach would total \$20,000; the match for translating the video would be \$600.

ATTACHMENT:

- 5A – Resolution for Translating Rail Safety Video into Spanish
5B - Resolution for Securing Hispanic Outreach Services to Promote Ridership

FISCAL IMPACT:

The approval of the grant applications would have the fiscal impact of providing funding for the specific projects discussed herein aggregating \$185,940 which, when combined with the local match requirement, would provide for aggregate project funding totaling \$206,600.

The project cost of translating the Rail safety video is \$6,600. The project cost of the Outreach grant application is \$200,000. A local match of \$600 and \$20,000 respectively will be required as a local match. All projects require a local match equal to 10 percent of the grant total (one-half may be in-kind and one-half must be local funding).

COMMITTEE

REVIEW:

4/02/09 Staff described the two competitive planning grant applications that the District is pursuing with Caltrans. The Committee recommended approval and inclusion of this item under "Consent Items".

**STAFF CONTACT: Richard Hannasch
Director of Administration and Finance**

E-mail: rhannasch@nctd.org Phone: 760/967-2809

**Key Staff Contact: Tom Kelleher, Manager of Marketing &
Communications** E-mail: tkelleher@nctd.org Phone: 760/967-286



PLANNING COMMITTEE REPORT

TITLE: PUBLIC HEARING AND ADOPTION OF PROGRAM OF PROJECTS TO BE FUNDED WITH THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) FUNDING

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Conduct a public hearing and approve the attached resolution authorizing the Executive Director or his designees to take actions necessary to implement projects to be funded by the American Recovery and Reinvestment Act of 2009 (ARRA). Such actions are expected to include:
• Approve the submittal of proposed projects for inclusion in the 2008 Regional Transportation Improvement Program (RTIP);
• Submit required grant applications and any other actions required by FTA and/or Caltrans to secure ARRA funding; and
• Submit required documentation and any other actions required by SANDAG in conjunction with amendment of the RTIP, approval of the projects, and securing ARRA funding.
• Authorize the Executive Director to approve and execute contracts, including change orders, for these specific ARRA funded projects up to the maximum project budget, without further Board approval.

BACKGROUND INFORMATION:

The American Recovery and Reinvestment Act of 2009 (ARRA), was signed by President Obama on February 17, 2009. ARRA includes appropriations and tax law changes of approximately \$787 billion to support multi-pronged efforts to stimulate the economy. Goals of the statute include the preservation or creation of jobs and promotion of an economic recovery, as well as investment in transportation, environmental protection, and other infrastructure providing long-term economic benefits.

Of the \$787 billion of spending and tax law changes in ARRA, over \$48 billion (approximately 6%) will be invested in transportation, infrastructure, facilities, and equipment through four different federal agencies:

- The Secretary of Transportation has received an appropriation of \$1.5 billion for a competitive surface transportation grant program, including public transportation projects.
• The Federal Highway Administration (FHWA) has received \$27.5 billion for projects eligible under their Highways and Bridges program, including public transportation.
• The Federal Railroad Administration (FRA) has received \$8 billion for high speed and intercity rail grants.
• The Federal Transit Administration (FTA) has received \$8.4 billion for three categories of funding: (1) Transit Capital Assistance, (2) Fixed Guideway Infrastructure Investment, and (3) Capital Investment Grants (New Starts/Small Starts).

Oversight and administrative takedowns ranging from .5% to 1% of the gross amounts represent the difference between the gross and net amounts available.

Of the three categories of FTA funding described above, NCTD is eligible to receive two types: (1) Transit Capital Assistance which makes Federal resources available to urbanized areas, non-urbanized areas, Federally recognized Indian Tribes and to Governors for transit capital and operating assistance and for transportation related planning, and (2) Fixed Guideway Infrastructure Investment which provides Federal resources to modernize or improve fixed guideway systems and/or to maintain a state of good repair. NCTD is eligible to receive Transit Capital Assistance under both the urbanized area formula program (Section 5307) and the non-urban formula program (Section 5311). NCTD is eligible to apply for a total of \$25,679,903 in ARRA funding at this time, including \$24,239,815 for Section 5307, \$861,850 for Section 5309 Fixed Guideway and \$578,238 for Section 5311 directly and/or through SANDAG under this stimulus package.

ARRA specifies that funds are to be used only for capital expenditures as defined under current FTA law in Title 49, U.S.C. Chapter 53. In accordance with 49 U.S.C. section 5302(a)(1), eligible capital projects include preventive maintenance. Unlike many other FTA programs which typically require a local match, ARRA provides up to 100% of the net project cost. ARRA funds are available for a short period of time only; at least 50% of ARRA funds available under the Transit Capital Assistance and Fixed Guideway Infrastructure Investment apportioned in the March 5, 2009 Federal Register must be obligated in a grant no later than Sept 1, 2009 or funding will be forfeited. ARRA also includes/imposes other requirements on recipients, including the following:

- Certification – The Chief Executive is required to certify that the infrastructure investment has received the full review and vetting required by law and that the Chief Executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. This certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used. This certification is required to be posted on a website and linked to the Recovery.gov website. An agency may not receive funding under ARRA unless this certification is made and posted.
- Reporting – ARRA imposes extensive reporting requirements on recipients. Reports require more extensive and more frequent reporting within 10 days of quarter end.

NCTD conducted an internal project selection process for potential projects identified to be funded with ARRA. This internal process was similar to the process NCTD uses each year to determine the baseline constrained CIP, except that it also considered the objectives and requirements of the statute. Based on NCTD's internal selection process, NCTD proposes the following projects be funded with ARRA:

- Bridge 207.6 Construction (Trestles Bridge)
- Preventive Maintenance
- Technology Replacements & Enhancements
- Transit Enhancements (the law requires at least 1% be spent on this)
- Right-Of-Way Infrastructure Replacements
- Revenue Vehicle Replacements
- San Luis Rey Transit Center

Each of these projects is discussed in greater detail in Attachment 3A.

An important aspect of ARRA is getting the money working in the economy quickly. Toward this end, approval of this agenda item will also provide authorization for the Executive Director to approve and execute contracts, including change orders, for these specific ARRA funded projects up to the maximum project budget, without further Board approval.

The public participation process required by the FTA is typically done at the regional level, which means that the process is conducted by SANDAG. For the proposed ARRA funded projects only, in keeping with the spirit of the transparency and accountability requirements of the statute, NCTD has elected to conduct additional public participation efforts and to hold an additional public hearing to maximize the opportunity for the public to provide input.

NCTD will develop a strategy to identify other grant opportunities within ARRA to support other capital needs.

ATTACHMENT: Attachment 6A – Proposed List of Projects to be Funded with ARRA
Attachment 6B - Resolution

FISCAL IMPACT: Approval of the related grant applications would have the fiscal impact of providing funding for the specified capital projects totaling \$25,679,903.

**COMMITTEE
REVIEW:**

4/02/09

Staff provided background on the American Recovery and Reinvestment Act (ARRA) funding which is available to NCTD. NCTD is eligible to apply for a total of \$25,679,903 on a formula basis. These funds must be used for capital projects, with the caveat that some of the funds can also be used to support preventative maintenance. The proposed capital and preventative maintenance projects were reviewed, which include replacement of a major railroad bridge, technology replacements and enhancements, revenue vehicle replacements, and construction of the San Luis Rey Transit Center (SLRTC), among others. Staff clarified that the SLRTC project will be constructed by SANDAG upon completion of design, a change from the original assumption for this project. The Committee recommended that this item be forwarded to the full Board for Public Hearing and approval.

STAFF CONTACT: **Richard Hannasch**
Director of Administration & Finance
E-mail: rhannasch@nctd.org Phone: 760/967-2809

Key Staff Contact: Diane Hessler, Chief Management Accountant
E-mail: dhessler@nctd.org Phone: 760/966-6550



MONITORING COMMITTEE REPORT

TITLE: COMPREHENSIVE OPERATIONS ANALYSIS

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Authorize the Executive Director to issue a Purchase Order under the District’s on-call contract with Transportation Management & Design, Inc. (TMD), to conduct a Comprehensive Operational Analysis (COA) of NCTD BREEZE fixed-route bus service for a fee not-to-exceed \$400,000.

BACKGROUND INFORMATION:

NCTD is faced with significant financial challenges resulting from the economic recession and its impact on employment, local tax revenues and state funding, among other factors, in North San Diego County. In light of these and other challenges, staff is pursuing an independent review of NCTD’s BREEZE fixed-route bus service.

The purpose of this Comprehensive Operational Analysis (COA) is to conduct a complete evaluation of existing and programmed services and determine what is the most effective and cost efficient way to provide public transportation service in North San Diego County within the constraints of the current financial and operating environment. The results of this project will also serve as the basis for the San Diego Association of Governments’ (SANDAG’s) regional Short Range Transit Plan.

Main components of the COA will include a:

- Market Assessment – using land use projections, travel patterns, projected population growth, and demographic and employment trends a market segmentation analysis will be performed assessing underserved and over served transit markets within the service area. The market assessment will include a route-by-route profile of markets surrounding existing service in terms of population, demographic variables, and trip generators. The assessment will also identify corridors centered on a single street, transit corridors that function as a “spine” connecting surrounding communities, and core areas that contain concentrations of residential, employment and other destinations such as educational, retail and cultural activities.
- Service Assessment – ridership analysis, route analysis, and network analysis will be conducted of NCTD’s current bus operation. At a minimum, the *ridership analysis* will evaluate service productivity by route, trip, stop, and segment by service day (weekday, Saturday, Sunday). The *route analysis* will assess the route structure in terms of trip generators, attractions, points of interest. The *network analysis* will look at service integration and coordination among modes.
- Operations Assessment – this will include an evaluation of service quality, service efficiency, and operations efficiency. *Service quality* will

be evaluated in terms of system access, transfers, and facilities (e.g., park-and-ride lots, transit centers, stops, and rider information). *Service efficiency* will evaluate layovers, deadheading, interlining, routing, stop spacing, and directivity. *Operations efficiency* will look at labor contract provisions, pay-to-work ratios, operator availability, and staffing levels.

In addition, a comprehensive public participation process will be developed for the purpose of soliciting information, educating and gaining approval from the public, key stakeholders, and the NCTD Board throughout this project. The public participation process will also include an extensive marketing and public information component to support the implementation of the adopted service plan. Outreach strategies will ensure an efficient and effective approach to educating customers about service changes, and supporting them through the transition.

Finally, a service redevelopment plan will be developed addressing how service can be modified to better serve existing and potential new markets, and balance this with the objectives of increasing ridership, improving farebox recovery, and improving system productivity. A variety of service delivery concepts will be explored, including but not limited to: community based circulators, flex-routes, demand response, bus rapid transit, etc. The redevelopment plan will be divided into 3 scenarios based on future projected operating budgets based on modes operated and various service delivery alternatives:

- Scenario 1 (current service levels): a redevelopment plan that fits into the current service levels (vehicles, hours and miles). This will be accomplished by eliminating and restructuring existing services and reallocating the resources to new services.
- Scenario 2 (10% service reduction): a redevelopment plan that incorporates many of the system improvements in Scenario 1, but fits into service levels that are 10% lower than current service levels.
- Scenario 3 (unconstrained): an expanded redevelopment plan that includes the new services to address gaps and deficiencies identified in Scenario 1, and includes a prioritized list of additional new services that did not fit into the existing service levels.

ATTACHMENT: 7A - COA Process Overview

FISCAL IMPACT: NCTD will work with the consultant to refine the project scope, schedule, and costs before awarding the work. The estimate to conduct this study is between \$250,000 and \$400,000. Since the District contract with TMD is an assignment from SANDAG of terms and value limits from their contract with TMD, an assignment value increase was processed by SANDAG in the amount of the \$400,000 maximum study cost. NCTD has requested SANDAG to cover 50% of the cost of completing the COA.

COMMITTEE

REVIEW: The Committee discussed the major components of the proposed Comprehensive Operational Analysis. The Committee recommended that the item be scheduled for consideration by the full Board of Directors.
4/02/09

STAFF CONTACT: **Matthew O. Tucker**
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PLANNING COMMITTEE REPORT

TITLE: SMART PARKING PROJECT

Time Sensitive Consent

COMMITTEE RECOMMENDATION: Authorize the Executive Director to implement Option A for Smart Parking Enhanced Services.

BACKGROUND INFORMATION: NCTD, SANDAG, Caltrans, and the Federal Highway Administration are collaborating to conduct a Smart Parking Research Study at six COASTER station parking lots. The purpose of this research study is to improve parking management, provide customers station-specific parking availability information, evaluate pricing strategies; and develop parking management business alternatives.

The study was initiated in 2007 and various status reports have been presented to the Planning Committee and NCTD Board. Based on NCTD Board direction, specific strategies, scenarios and timelines were developed to focus on solutions which increase the availability of parking for COASTER riders to include new signage, restricted, reserved and premium parking, and fee-based solutions. Specifically, these strategies were to include measures to provide free parking for COASTER/transit riders but to charge for other uses, including overnight parking.

Recently, presentations have been made to the Carlsbad and Encinitas City Councils on the program. During these presentations, concerns were raised regarding the process COASTER Monthly Pass or Day Pass customers would need to follow to obtain a monthly parking permit for placement on their dashboard at the trial COASTER stations. Specifically, COASTER customers would need to use their Compass Card to print out a parking permit in advance over the internet, place a ticket-vending machine ticket receipt on their dash, or call the parking management company and register by phone to park within one hour of arrival.

NCTD is concerned that charging new fees or changing the ease of parking today may negatively impact ridership. Accordingly, staff is recommending that a modified approach, providing enhanced parking services only be implemented with the pilot study at this time. This is outlined as Option A, in the discussion of two options below:

Option A: This option includes the implementation of enhanced parking services as a means of improving convenience and reliability of parking for COASTER users such as preferential parking for carpools and vanpools and advance reservation capability to reserve a parking spot.

Option B: Implement all of the enhanced services under Option A, plus require all patrons to display proof of COASTER/Transit use or pay a fee to park. Charges would also be imposed for overnight-parking.

A listing of the proposed Strategies for each Option is attached.

With either option, performance monitoring and reporting will be an on-going effort throughout the completion of the study. The findings will serve as the basis for examining the effectiveness, customer acceptance and sustainability of smart parking management solutions. Should the pilot project prove successful, the results would form the basis for a business model which NCTD could use to receive solicitations for long-term management opportunities.

If the Board agrees to start with Option A, Option B could be implemented at a later date.

ATTACHMENT: 8A - Parking Management Scenarios

FISCAL IMPACT: None at this time

**COMMITTEE
REVIEW:**

4/02/09 SANDAG staff presented a review of the Smart Parking Project's objectives and progress to date, and also reviewed past Board direction and more recent developments. Concerns raised by City Councils and staffs regarding how the project would affect infrequent COASTER users, and the economic downturn with resultant ridership and parking demand declines, had led the project team to propose an option to scale back the project to just enhanced services at this time. The Committee forwarded this item to the full Board for discussion, with a recommendation that Option A (Enhanced Services Only) be implemented at this time.

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Director of Operations

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**STAFF REPORT
TO THE BOARD**

Agenda Item #

9

TITLE: AWARD OF CONTRACT TO RACEWAY FORD FOR THE REPLACEMENT OF THREE SIGNAL TRUCKS

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

Authorize the Executive Director to award a Purchase Order to Raceway Ford for the purchase of three non-revenue vehicles to be used as signal maintenance vehicles on the COASTER and SPRINTER rights-of-way.

**BACKGROUND
INFORMATION:**

As part of the District's program for non-revenue vehicles, the District replaces non-revenue vehicles in accordance with the FTA guidelines of five (5) years or 100,000 miles. An IFB was issued for the acquisition of three (3) extended cab utility body vehicles used for signal maintenance and therefore the lowest-cost responsible and responsive bidder is recommended for award of the contract.

The District received three bids. The results of the IFB were as follows:

Raceway Ford	\$138,346.46
Quality Chevrolet	\$147,050.81
Theodore Robbins Ford	\$151,027.77

These bid results were received too late to be included with the Committee Agenda mailing. While postponing this award to the May Board meeting was an option, staff was advised that this would result in receiving 2010 models instead of 2009, with likely higher costs and significantly delayed delivery. Accordingly, we are bringing this directly to the full Board this month.

The average age of the vehicles being replaced is eight (8) years, with an average mileage of 147,000 miles. These vehicles are in poor condition and staff is recommending that they be disposed of in accordance with District procedures upon delivery of the new replacements.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$138,346.46. A total of \$185,000 has been budgeted in the Capital Improvement Program for replacement of these trucks.

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TITLE: CONSTRUCTION AGREEMENT BETWEEN NCTD AND CITY OF SAN MARCOS FOR THE MARCOS STREET AT-GRADE PEDESTRIAN CROSSING

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

Authorize the Executive Director to:

- 1) Execute a Construction Agreement with the City of San Marcos for the Marcos Street At-Grade Pedestrian Crossing;
- 2) Award contracts for track work and signal work for the associated crossing construction to be paid for in advance by the City of San Marcos.

**BACKGROUND
INFORMATION:**

The City of San Marcos requested and obtained approval from the CPUC for a new at-grade pedestrian crossing located at Marcos Street between Knoll and Pico. The new at-grade crossing is intended to improve community pedestrian circulation and safety on the SPRINTER line.

Under CPUC regulations, any changes to grade crossing warning systems must be managed by the owning-railroad. Accordingly, San Marcos must contract with NCTD for the construction of the railroad-related elements of this project, including track work and signal system devices. Staff is proposing that NCTD and the City enter into a Construction Agreement which provides for the City to cover all construction costs and related project management costs with NCTD in advance.

NCTD would procure the construction services through its current railroad maintenance contractor and/or through contracting for such services. The current estimates for this work are \$90,000 for the track work and \$387,000 for the signal work. In addition, there would be staff and construction management costs estimated at \$75,000. These costs are far lower than full grade-separated pedestrian underpasses such as at Oceanside Transit Center, because they are being built at-grade, with standard CPUC warning devices similar to those at a street grade crossing, plus pedestrian gates. The photos below provide an example of an at-grade, in-station pedestrian crossing, compared to a grade-separated pedestrian crossing:



At-grade Pedestrian Crossing



Grade-separated Pedestrian Crossing

It is notable that it is very difficult to obtain CPUC approvals for new at-grade crossings. This particular case had some unique circumstances related to a chronic trespassing problem at a specific location, which was heavily documented in the City's application through safety studies and site observation data. The City made the case that illegal trespassing by large numbers of individuals was going to continue at this location unabated, whether or not a crossing was approved. The City had to demonstrate that a grade-separated crossing was not practically feasible at this location. The City also proposed this crossing as part of a larger overall safety enhancement program, which included complete fencing of the right-of-way except at the new crossing (using the SPINTER's fencing), and utilization of the latest in pedestrian grade crossing technology.

ATTACHMENT: None

FISCAL IMPACT: None. All costs associated with this agreement, including NCTD staff time, are to be paid by the City of San Marcos.

**COMMITTEE
REVIEW:**

04/01/09 The Governance Committee did not take action on this item as there was not a quorum and therefore is being forwarded to the full Board for review and approval.

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PLANNING COMMITTEE REPORT

TITLE: UPDATE ON FY 2010 BUDGET

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

For information only.

BACKGROUND INFORMATION:

At its March 19, 2009 meeting, the NCTD Board of Directors reviewed projected revenues and expenses for the next several budget years. In April, the NCTD Board will discuss more specific issues for the upcoming fiscal year 2010.

Future steps for the FY 2010 budget include:

- In May, providing notice of the public hearing on the proposed budget and making available the proposed budget for public review and comments.
- In June, presenting the proposed budget to the SANDAG Transportation Committee.
- At the June NCTD Board meeting, reviewing public comments received, conducting the public hearing on the proposed budget, and adopting the final budget.

ATTACHMENTS: None

FISCAL IMPACT: None at this time.

COMMITTEE REVIEW:

4/02/09

Staff provided an update on the status of developing the FY2010 budget. Projected revenues, expenses, and budget assumptions were reviewed. The District's projected budget shortfall for FY 2010 is over \$2 million. Potential areas for cost reductions include a freeze on compensation costs for represented and non-represented employees, assessment of contracted services, and a review of staffing levels. The Committee recommended that the full Board receive this report as information.

STAFF CONTACT:

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MONITORING COMMITTEE REPORT

TITLE: IMPLEMENTATION OF GOOGLE TRANSIT

Time Sensitive Consent

COMMITTEE
RECOMMENDATION:

For information only.

BACKGROUND
INFORMATION:

In an attempt to provide the best service for the NCTD riders, the District is participating in the online Google Transit program to enable online trip planning through the Google website. Over 250 entities now successfully provide schedule and trip planning information through the Google Transit Partner program. By entering the NCTD schedule information into this tool, it will be possible to plan a comprehensive, end-to-end trip through San Diego County through the standard Google interface.

At this meeting, NCTD staff will provide an update on the status of the implementation effort and a brief demonstration of the program.

ATTACHMENT: None

FISCAL IMPACT: None

COMMITTEE
REVIEW:

4/02/09 The Committee reviewed the information which can be available to users of the Google Transit program, and recommended a brief informational presentation for the Board of Directors.

STAFF CONTACT:

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PLANNING COMMITTEE REPORT

TITLE: COMPASS CARD STATUS UPDATE AND MARKETING PLAN

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

For information only.

BACKGROUND INFORMATION:

The Compass Card Program is the last element of the Regional Fare Technology Project. The Compass Card will use contact-less smart-card technology to automate fare collection on transit modes in the region. Beginning in April, the Compass Card is scheduled to be rolled out for COASTER fares, with other modes scheduled for future months. SANDAG staff will provide a project status update and review marketing plans for the project.

ATTACHMENT:

None

FISCAL IMPACT:

In 2002, a Memorandum of Understanding was executed between the San Diego Metropolitan Transit Development Board (now MTS) and the North San Diego County Transit Development Board (now NCTD, regarding costs for the Regional Automated Fare Collection System. The agreement allotted 75% of the costs to MTS and 25% of the costs to NCTD for "costs associated with central components and operation of the AFC system".

SANDAG has proposed that a new MOU be executed between SANDAG, NCTD, and MTS for the funding and operation of the Compass Card back office system.

SANDAG estimates the costs for FY 2009 to be about \$1.6 million, with NCTD's 25% share being about \$400,000. SANDAG estimates the costs for FY 2010 to be \$1,840,000, with NCTD's share being \$460,000.

If approved, these costs would be added to NCTD's operating budget.

COMMITTEE

REVIEW: 04/02/09

SANDAG staff introduced this item by giving a detailed update on the status of project implementation. At this time, most of the technical issues have been resolved as regards the COASTER and BREEZE modes, but some hardware issues are still being addressed. Apart from the Compass Card program, SANDAG staff also explained that there are currently credit/debit card problems caused by server problems and changes made by the banking industry, and that this was a top priority for resolution. SANDAG is confident that all issues would be resolved in time to start sales of Compass Cards for the COASTER and MTS Express bus modes on April 20, 2009 for the May Monthly Pass cycle.

The Committee was also briefed on the Customer Education and Marketing program which is ready to be rolled out, which includes posters and Rider Alerts on-board vehicles, website information, and an extensive Ambassador program of staff and temporary workers at all stations, to explain how the program works to customers both before and after the rollout date.

NCTD has developed contingency plans which include staff Team Leaders at each COASTER station and select SPRINTER stations, use of spare fare enforcement devices to aid customers in checking their Compass Cards' validity in the event of validator malfunction, and a supply of backup paper Day Passes which can be issued if there is a large system glitch.

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**STAFF REPORT
TO THE BOARD**

TITLE: MONTHLY REVENUE SERVICE REPORT

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

For information only.

**BACKGROUND
INFORMATION:**

The Monthly Revenue Service Report provides an overview of the performance of NCTD's four transit modes: BREEZE fixed-route bus service; LIFT ADA Paratransit service for persons with disabilities; COASTER commuter rail service; and SPRINTER light rail service.

Attached is a presentation on ridership and key performance indicators for February.

Highlights:

- **Overall:** system-wide ridership is up 12.1% for the first eight months of FY 2009 (July through February) over the same period in FY 2008. The ridership change for February 2009 was a decrease of 7.4%. It should be noted that there was one more day in February 2008 than in February 2009, partially explaining this difference.
- **BREEZE:** Overall year-to-date ridership is down 7.9% from FY 2008. The ridership for February 2009 was down 24.6% and service is averaging 20 passengers per revenue hour in February.
- **LIFT:** Overall year-to-date ridership is up 16.5% from FY 2008, with the ridership for February 2009 up 10.8%. Service is averaging 2.0 passengers per revenue hour in February.
- **COASTER:** Overall year-to-date ridership is down 2.8% from FY 2008, with ridership for February 2009 down by 17.7%. Service is averaging 204 passengers per revenue hour in February.
- **SPRINTER:** Overall year-to-date ridership is up 304% vs. ridership on express Route 320 which it replaced. Ridership for February 2009 vs. Route 320 is up 198%. February showed an average of 95 passengers per revenue hour.

ATTACHMENT: 14A – Monthly Revenue Service Report Presentation

FISCAL IMPACT: Not applicable

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TO: North County Transit District Board Members
FROM: Clerk of the Board
SUBJECT: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, As Amended, the following information is provided.

The Agenda for this meeting of the Board was posted as follows:

Meeting Date and Time:	April 16, 2009; 2:00 p.m.
Posted At:	810 Mission Avenue, Oceanside, CA
Date & Time of Posting:	April 9, 2009; 5:00 p.m.
Posted By:	Clerk of the Board

RULES FOR PUBLIC SPEAKERS AT MEETINGS OF THE NORTH COUNTY TRANSIT DISTRICT

Per Board policy, all public communications at meetings of the North County Transit District shall be made and received in accordance with the following procedures:

I. COMMENTS ON ITEMS NOT ON AGENDA

A. Total time limit all speakers:

Beginning of Meeting: Fifteen (15) minutes
End of Meeting: No time limit.

B. Time limit per speaker per meeting: Three (3) minutes, with no donation of time allowed

C. Priority: First come first served. All Speaker Slips will be numbered as the Clerk of the Board receives them. Those not allowed to speak at the beginning of the meeting due to limit stated above, will be called at the end of the meeting.

D. Order on agenda: Items will be heard at the beginning of the meeting and if the time limit stated in paragraph A is exhausted, those who filled out a speaker slip and have not yet spoken, will be given an opportunity to speak at the end of the meeting under "*Remaining Public Communications*".

Comments not addressing items on the agenda are out of order.

II. TIME LIMITS FOR ADDRESSING MATTERS ON THE AGENDA

A. Total time limit: None.

B. Time limit per speaker: Three (3) minutes, with one donation of three minutes, for a maximum of six minutes

C. These rules apply to both public hearing and non-public hearing items listed on the agenda.

Comments made not germane to the subject matter of the agenda are out of order.

III. CUTOFF FOR TURNING IN SPEAKER SLIPS

Speakers wishing to speak to an item on the Board Agenda must submit a speaker slip to the Clerk of the Board before that agenda item is called. Speaker slips will be available at the meeting.

Speakers turning in slips after discussion begins on an item will be heard at the end of the meeting under "*Remaining Public Communications*".

IV. MODIFICATION OF RULES BY CHAIR

The Board Chair may, in his or her absolute discretion, relax the requirements of these rules. However, a decision of the Chair to do so in one instance shall not be deemed a waiver of the rules as to any other instance or matter.