



NORTH COUNTY TRANSIT DISTRICT BOARD MEETING

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

**THURSDAY
May 21, 2009
1:00 P.M. – Special
Meeting/Closed Session
2:00 P.M. – Regular Meeting**

AGENDA HIGHLIGHTS INCLUDE:

- **FY 2010 Proposed Operating and Capital Budget Update**
- **Implement Enhanced Parking Pilot Project Report**
- **Alcohol Consumption on COASTER Ordinance**

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.

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



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 54956.9(b) - Anticipated Litigation – One Potential Case
- ii. Closed Session Pursuant to Government Code Section 54956.9(c) - Anticipated Litigation – One Potential Case
- iii. Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is Assessor Parcel Number 220-130-20 in San Marcos. NCTD Negotiator: Ray Patchett and Ed Singer. Negotiating Party: City of San Marcos Redevelopment Agency
- iv. Closed Session Pursuant to Government Code Section 54956.8 - Conference with Real Property Negotiators – Property is NCTD Owned COASTER Right-of-Way. NCTD Negotiator: Matthew Tucker and Mike Cowett. Negotiating Party: Interested Parties
- v. 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

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**

- **Presentation of April 2009 Employees of the Month Commendations to:**

- * Mr. Jerry G. Jones, Mechanic I – Body Repair
- * Mr. Sean Mack, Coach Operator
- * Ms. Mindy J. Smith, Contracts 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 APRIL 16, 2009
(Pages 6 – 10)

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 – 4)

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

- | | |
|--|---------|
| 1. Contract for Compass Card Program Support (G) | Approve |
| 2. SPRINTER Owner Controlled Insurance Program (OCIP) Administration Contract: Contract Value Increase (G) | Approve |
| 3. Crossing and Signal Rehabilitation at Washington Street, San Diego: Extra Work Purchase Order (G) | Approve |
| 4. Median Work at South Santa Fe Avenue, San Diego: Contract Value Increase (G) | Approve |

OTHER BUSINESS (Tabs 5 – 9)

- | | |
|---|---------|
| 5. FY 10 Proposed Operating and Capital Budget: Update (S)
(Attachment 5A) | Approve |
| 6. San Dieguito River Restoration Project – Railroad Bridge Retrofit Design Services, Del Mar: Purchase Order (G) | Approve |
| 7. Implement Enhanced Parking Pilot Project: Report (S)
(Attachments 7A and 7B) | Approve |
| 8. Alcohol Consumption on NCTD Transit Services: Ordinance (S)
(Attachment 8A) | Approve |

9. August 2009 Committee and Board Meetings: Consider Cancellation (S) Approve

INFORMATION ITEMS (Tabs 10-13) (Items are for Board information and no action will be taken)

10. Quarterly Capital Project Report: Review (S) ([Attachment 10A](#)) Receive

11. Legislative Status Update: Report (G) ([Attachment 11A](#)) Receive

12. Monthly Revenue Service Performance Report (S) ([Attachment 12A](#)) Receive

13. LOSSAN Quarterly Meeting: Report (S) (Oral Report) Receive

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

• **EXECUTIVE DIRECTOR'S REPORT**

- SANDAG Agenda Review
- Legislative Report
- Compass Card Update
- NCTD Cell Phone Policy

• **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 29)
- Rules for Public Speakers at meetings of the North County Transit District (Page 30)

***The next regularly scheduled Board meeting will be held at
2:00 p.m. on Thursday, June 18, 2009
at 810 Mission Avenue, Oceanside, CA***

**MINUTES OF THE SPECIAL MEETING/CLOSED SESSION AND THE REGULAR MEETING
OF NORTH COUNTY TRANSIT DISTRICT HELD APRIL 16, 2009** **PAGE 1**

CALL TO ORDER

Chairman Bob Campbell called the meeting to order at 1:01 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Mark Filanc (Alternate, 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).

CLOSED SESSION

The Board went into Closed Session at 1:02 p.m. to discuss items i, ii and iii.

- 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

The Board returned from Closed Session at 2:15 pm. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss item i and had nothing to report. He stated that Items ii and iii would be heard at the end of the meeting.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Mark Filanc (Alternate, 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 Rocky Chavez led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

Matthew Tucker, Executive Director, stated that Item 14 would be heard following Item 11, and then Items 13 and Item 12 would be heard. He added that Item 8, Smart Parking Project, would be deferred to the May 16, 2009 Board meeting.

PRESENTATION OF COMMENDATIONS

The Board recognized Special Retirement Commendations to: Mr. Martin Tanguma, retiring after sixteen years of service; Barb Murray, retiring after eleven years of service.

The Board recognized the March 2009 Employees of the Month: Mr. Jeremiah N. Rouse, Facility Maintenance Worker; Mr. Leo N. Soward, Jr., Coach Operator; Mr. Fred M. Knapp, Business Application Administrator.

PUBLIC COMMUNICATIONS

None

APPROVAL OF MINUTES

MOTION BY DAVE ROBERTS TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 19, 2009, SECONDED BY CHRIS ORLANDO. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

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

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEMS 1, 2, 3, 4 AND 5, SECONDED BY CHRIS ORLANDO. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

6. Public Hearing and Adoption of Program of Projects to be Funded with the American Recovery and Reinvestment Act (ARRA) Funding

Diane Hessler, Chief Management Accountant, reviewed projects proposed to be funded with the ARRA Funding.

Chairman Bob Campbell opened the Public Hearing. There were no public speakers. Chairman Campbell closed the Public Hearing.

MOTION BY JEROME STOCKS TO APPROVE AGENDA ITEM 6, SECONDED BY ROCKY CHAVEZ. MOTION CARRIED UNANIMOUSLY.

7. Comprehensive Operations Analysis

Matthew Tucker stated that the Comprehensive Operations Analysis would look at all NCTD BREEZE fixed-route bus services, land-use travel patterns and projected population, and would include conducting a market-segmentation analysis. He added that NCTD is asking for an amount not-to-exceed \$400,000, and that we are still working with SANDAG on the scope of the project and on cost sharing.

MOTION BY ROCKY CHAVEZ TO APPROVE AGENDA ITEM 7, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

8. Smart Parking Project

AGENDA ITEM WAS PULLED BY STAFF. NO ACTION TAKEN.

9. Award of Contract to Raceway Ford for the Replacement of Three Signal Trucks

Tom Lichterman, Director of Operations, provided a report.

Dave Roberts asked if we received the lower tax rate.

Tom Lichterman responded that the bid came in prior to the tax increase but was not sure if this would include the higher rate or not.

Dave Roberts requested the Board be notified about the tax situation on this item.

MOTION BY JEROME STOCKS TO APPROVE AGENDA ITEM 9, SECONDED BY DAVE ROBERTS. MOTION CARRIED UNANIMOUSLY.

10. Construction Agreement Between NCTD and City of San Marcos for the Marcos Street At-Grade Pedestrian Crossing

Board Member Orlando left the room during discussion of this agenda item.

Tom Lichterman provided a report.

Jerome Stocks asked, for the record, if this was a quiet zone pedestrian crossing.

Mr. Lichterman responded this crossing would require use of horns.

MOTION BY DAVE ROBERTS TO APPROVE AGENDA ITEM 10, SECONDED BY JEROME STOCKS. MOTION CARRIED UNANIMOUSLY.

INFORMATION ITEMS

11. Update on FY 2010 Budget

Richard Hannasch reviewed: current revenue assumptions for FY 2010; revenue history and projections; sales tax revenue estimates; revenue projections; expense assumptions; FY 2010 budgeted expenses; FY 2010 draft budget; targeted areas for cost reductions; timeline.

No action required.

12. Implementation of Google Transit

Angela Miller, Chief Information Officer, provided a report.

No action required.

13. Compass Card Status Update and Marketing Plan

James Dreisbach-Towle and Colleen Windsor, SANDAG Project Managers, provided a report.

No action required.

14. Monthly Revenue Service Performance 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**

Dave Roberts stated that the May Monitoring Committee meeting is cancelled and that at the April meeting they elected Rocky Chavez as the Committee Vice-Chair.

Sam Abed recognized the public service of Poway Mayor Mickey Cafagna who passed away.

Mark Packard stated that Mr. Tucker would be presenting the NCTD budget at the May 12th Carlsbad City Council meeting.

Rocky Chavez stated that the Oceanside City Council approved a visioning plan for Coast Highway, including changing the zoning and circulation for the NCTD transit areas.

Bob Campbell said he was in Sacramento April 15th and the financial news there is depressing.

• **EXECUTIVE DIRECTOR'S REPORT**

Matthew Tucker stated that he provided the Board with a written copy of his Monthly Report.

• **REMAINING PUBLIC COMMUNICATIONS**

None

CLOSED SESSION

The Board went into Closed Session at 4:04 p.m. to discuss items ii and iii.

The Board returned from Closed Session at 4:51 pm. Michael Cowett, General Counsel, stated that the Board met in Closed Session to discuss items ii and iii and had nothing to report.

• **ADJOURNMENT**

The meeting adjourned at 4:52 pm. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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STAFF REPORT TO THE GOVERNANCE COMMITTEE

Agenda Item #

1

TITLE: COMPASS CARD SUPPORT: CONTRACT AWARDS

Time Sensitive **Consent**

STAFF RECOMMENDATION:

Authorize the Executive Director to execute new and/or amend existing agreements to support the implementation and support of the new Compass Card regional fare media.

BACKGROUND INFORMATION:

NCTD is in the process of implementing the new regional fare media – the Compass Card. The Board has received many updates on the purpose and status of this project over the last year. Once the system is live and certified as operational, NCTD will have to maintain and support the system as part of the District’s operations.

While some of the systems that comprise the automated fare collection environment have been used for several years (for example the ticket vending machines and the bus fareboxes), there are a variety of components that are new as a result of the card itself, including rail platform card validators, hand held validators, point-of-sale ticket terminals, etc. These components will require incremental support to ensure a functioning fare collection environment. Additionally, NCTD desires to build a test environment using the same equipment in the field in order to test whenever new software is introduced and to troubleshoot hardware issues.

The implementation and maintenance of the environment at the District requires additional internal and external support to ensure its success. This is a request to authorize the Executive Director to execute a new professional services and equipment maintenance agreement with the OEM vendor Cubic Transportation Systems, and to amend existing agreements with other vendors to provide project management, implementation, and support services related to the new networking equipment associated with the Compass Card.

The major components of this project are as follows:

Cubic Proprietary components	\$275,000
Cubic Transportation training	\$ 25,000
Project Management	\$150,000
Contingency	\$300,000

ATTACHMENT: None

FISCAL IMPACT: \$750,000. A total of \$750,000 has been budgeted in JB#’ 409202 for this project, of which \$76,160 has been expended consistent with the purposes outlined above, and an additional \$4,160 has been encumbered, leaving an available balance of \$669,680 to carry out the remaining project activities.

**COMMITTEE
REVIEW:**

5/06/09 The Committee reviewed the purpose of the recommended action authorizing the Executive Director to execute contracts that support implementation and on-going maintenance for the Compass card program and recommended inclusion of this item under "Consent Items". Staff also provided the Committee with a status report on the recent activities that developed since the April 20, 2009 implementation of the Compass Card for COASTER passes and voiced concerns about moving forward with the scheduled date of May 20 for Breeze and SPRINTER passengers until these issues have been resolved. After much discussion, the Committee directed staff to provide a status report to the Board on these issues, separate from this action, and notify SANDAG of NCTD's strong desire to only move forward with the implementation of Compass Card for SPRINTER and Breeze passes following a 30-day successful test period that ensures customer confidence in the system.

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

**Key Staff Contact: Angela Miller, Chief Information officer
E-mail: amiller@nctd.org Phone: 760/966-6582**



GOVERNANCE COMMITTEE REPORT

TITLE: SPRINTER OWNER CONTROLLED INSURANCE PROGRAM (OCIP) ADMINISTRATION CONTRACT: CONTRACT VALUE INCREASE

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Authorize the Executive Director to increase the OCIP Contract with Willis Risk & Insurance Services of San Diego up to \$100,000 for final close-out on the SPRINTER construction project.

BACKGROUND INFORMATION:

In August 2002 the Board authorized the Executive Director to execute a contract with Willis Risk & Insurance Services of San Diego to develop and implement an Owner Controlled Insurance Program (OCIP) for the SPRINTER construction project. An OCIP is an alternative insurance purchasing strategy for site-specific insurance and related services which covers the property owner, construction manager, general contractor and other contractors and sub-contractors affiliated with a construction project. In addition to covering the parties involved in the project, the OCIP provides insurance premium savings through economies of scale, centralized safety oversight and expanded control over the project for the owner. The Board authorized staff to proceed with the OCIP when the construction of the SPRINTER began in July 2004. In addition, Willis has provided insurance brokerage, administrative and safety/loss control services since the inception of the 2002 contract to the present time for a total cost of \$608,800.

As there is a direct correlation between the SPRINTER project completion and the OCIP, close-out and the final insurance auditing process as originally anticipated needs to be extended. The cost of the extension to cover the OCIP brokerage and administrative services through October 31, 2009 is anticipated to cost up to \$100,000. If the insurance close-out work is completed earlier, a credit would be issued to NCTD. A contract value increase authorizing an amount up to the \$100,000 is recommended.

Remaining work includes: 1) Ongoing monthly reporting; 2) Final close-out of enrolled subcontractors for the mainline contract; 3) First audit of loss deductible fund; 4) Final audit of reported payroll; 5) Final audits by all excess layers; 6) Receipt, checking, correction and distribution of policies and endorsements; 7) Development and production of final reports – financials, close-outs, etc.; 8) Audit follow-up of loss deductible fund and insurance policies.

ATTACHMENT: None

FISCAL IMPACT: Up to \$100,000. A total of \$7,022,421 has been budgeted for the SPRINTER OCIP program, of which \$6,913,868 has been expended and an additional \$800 has been encumbered, leaving an available balance of \$72,233. The remainder will be funded from the contingency account, which has a sufficient balance to cover this item.

**COMMITTEE
REVIEW:**

5/06/09 The Committee reviewed the need for the increase to the OCIP contract and recommended inclusion of this item under "Consent Items".

STAFF CONTACT: Richard Hannasch

Director of Administration and Finance

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Key Staff Contract: Susan Lockwood, Manager of Safety, Risk & Training

E-Mail: slockwood@nctd.org Phone: 760/967-2847



GOVERNANCE COMMITTEE REPORT

TITLE: CROSSING AND SIGNAL REHABILITATION AT WASHINGTON STREET, SAN DIEGO: EXTRA WORK PURCHASE ORDER

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Authorize the Executive Director to award an extra work purchase order in the amount of \$332,076 under the terms of RFP 05023 to TransitAmerica Services, Inc., for the rehabilitation of the at-grade crossings and signals at Washington Street on the Coastal Corridor.

BACKGROUND INFORMATION:

Each year capital funds are programmed for the purpose of replacement and rehabilitation of at-grade crossings as part of NCTD's on-going "State of Good Repair" program for the railroad to ensure railroad safety and operational reliability. Grade crossings are prioritized in terms of need for rehabilitation and at this time the Washington Street crossing is the highest priority grade crossing rehabilitation project on the Coastal Corridor. The Washington Street grade crossing in San Diego is near the end of its useful life and is proposed for replacement through this Extra Work Purchase Order with TransitAmerica Services, Inc. under RFP 05023, the COASTER Operations and Maintenance contract.



In addition to the main grade crossing on Washington Street, this purchase order will cover rehabilitation of the auxiliary crossings for the Washington Street Wye Tracks, which are used principally for turning trains and upgrading the signal warning systems to current standards using LED technology, which will save energy and improve reliability.

Benefits gained by the implementation of improved grade crossings include the elimination of slow order train speeds which impact the on-time performance on the corridor, improved road surface for motorists and reduced potential for motorist claims.

NCTD has received a proposal from TransitAmerica for this work totaling \$332,076. Staff has determined this proposal to be fair and reasonable for the work to be performed. This item is budgeted annually as part of the ongoing At-Grade Crossing Renewal Program.

As background, under the terms of the BNSF – NCTD – MTS Shared Use Agreement, NCTD receives all Shared Use maintenance fees from BNSF and is responsible for all maintenance projects on the line, including those such as this one within the City of San Diego.

ATTACHMENT: None

FISCAL IMPACT: \$332,076. A total of \$717,500 has been budgeted in the FY08 and FY09 CIP for At-Grade Crossing Renewals, of which \$146,134 has been expended and an additional \$60,599 encumbered, leaving an available balance of \$510,767.

**COMMITTEE
REVIEW:**

5/06/09 The Committee reviewed the proposed extra work change order to TransitAmerica to rehabilitate the at-grade crossings and signals at Washington Street and recommended inclusion of this item under "Consent Items".

STAFF CONTACT: **Tom Lichterman**
Director of Operations
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Key Staff Contract: Keith Kranda, Manager of Maintenance-of-Way
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GOVERNANCE COMMITTEE REPORT

TITLE: MEDIAN WORK AT SOUTH SANTA FE AVENUE, SAN DIEGO: CONTRACT VALUE INCREASE

Time Sensitive Consent

COMMITTEE RECOMMENDATION: Ratification of the Executive Director’s declaration of an exigent circumstance to increase the contract with Frank & Son by \$34,552 for minor median construction work at South Santa Fe pursuant to CPUC direction.

BACKGROUND INFORMATION: As part of the authorization to operate the SPRINTER, granted by the California Public Utilities Commission, NCTD was required to design and construct median improvements at the existing grade crossing at South Santa Fe Avenue in the County unincorporated area.

Staff has completed this design and has obtained encroachment permits from the County. Because this median work was a CPUC condition for SPRINTER operations, staff felt that time was of the essence to complete the work once the design and permits were in place. Accordingly, rather than putting the work out to bid, we obtained a quote for the work from Frank & Son, a local contractor who recently performed other minor construction for NCTD following a competitive bid.

The quote from Frank & Son for this work is \$34,552. SPRINTER engineering staff has reviewed the quote and has determined it to be fair and reasonable. Staff also determined that assignment of this work to Frank & Son was the most expedient way to quickly accomplish this CPUC requirement.

Due to previous change orders on this contract, adding this work will result in change orders exceeding the \$50,000 limit that is currently within the Executive Director’s authority level by \$6,490.

Staff is seeking Board ratification of the Executive Director’s declaration of an exigent circumstance for this contract value increase. The total value of the Frank & Son contract to date, with this change, will be \$66,026.

ATTACHMENT: None.

FISCAL IMPACT: The fiscal impact of this item is \$34,552, including the increase in change order authority of \$6,490. A total of \$29,978,435 has been budgeted in the SPRINTER capital project for grade crossing/train control, of which \$29,333,834 has been expended and an additional \$240,608 has been encumbered, leaving an available balance of \$403,993.

COMMITTEE REVIEW: The Committee reviewed the proposal to increase the contract value with Frank and Son for minor median construction work at South Santa Fe and recommended inclusion of this item under “Consent Items”. 05/06/09

STAFF CONTACT: Tom Lichterman, Director of Operations, E-mail: tlichterman@nctd.org, Phone: 760/967-2855



**STAFF REPORT
TO THE BOARD**

Agenda Item #

5

TITLE: FY 2010 PROPOSED OPERATING AND CAPITAL BUDGET: UPDATE

Time Sensitive

Consent

**STAFF
RECOMMENDATION:**

Receive the proposed FY 2010 Operating Budget and 2010-2014 Capital Improvement Program, and approve its release for public review and comment, with a public hearing on the budget to be held June 18, 2009.

**BACKGROUND
INFORMATION:**

For the past several months, the Board has provided direction and input on the development of the FY 2010 Operating Budget. The next steps include:

- Providing notice of the public hearing on the proposed FY 2010 Operating Budget and 2010-2014 CIP.
- Making available the proposed FY 2010 Operating Budget and 2010-2014 CIP for public review and comments.
- Reviewing public comments received.
- Conducting the public hearing on the proposed FY 2010 Operating Budget and 2010-2014 CIP.
- Adopt the final FY 2010 Operating Budget and 2010-2014 CIP.

ATTACHMENT: 5A – Proposed FY 2010 Operating Budget and 2010-2014 CIP

FISCAL IMPACT: N/A

STAFF CONTACT:

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

Key Staff Contact: Cathy Sweet, Manager of Budgeting & Fare Collection
E-mail: csweet@nctd.org Phone: 760/966-6658



GOVERNANCE COMMITTEE REPORT

TITLE: SAN DIEGUITO RIVER RESTORATION PROJECT – RAILROAD BRIDGE RETROFIT DESIGN SERVICES, DEL MAR: PURCHASE ORDER

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

Authorize the Executive Director to award a purchase order to HDR Engineering for the San Dieguito River railroad bridge retrofit design in the amount of \$285,000.

BACKGROUND INFORMATION:

Many years ago as a result of the work at the San Onofre Nuclear Power Generation Station, Southern California Edison (Edison) was conditioned by the resource agencies to restore the San Dieguito River in and around Interstate 5, Jimmy Durante Boulevard, NCTD’s San Dieguito River railroad bridge, Camino Del Mar, and out to the ocean. The work affecting the railroad bridge includes the lowering of the river bottom in order to accommodate the necessary river flow to the ocean. Edison is required to keep the mouth open to the ocean in perpetuity. As a result of this proposed lowering, improvements to NCTD’s railroad bridge are necessary and include such work as the addition of longitudinal bracing, the replacement of bent sash and sway bracing, pile wrapping, river bank restoration, and revetment placement.

With funding previously received from Edison, HDR Engineering, NCTD’s on-call engineering firm, reviewed Edison’s plans and reports and provided NCTD with recommendations for the necessary improvements. To prepare the final design construction documents for the bridge improvements, staff is requesting that the Board approve the award of a purchase order to HDR Engineering, Inc. in the amount of \$285,000. The tasks included in this design effort are:

1. Structural and Hydraulic Calculations
2. Plans, specifications and estimates for the addition of longitudinal bracing, replacement sway bracing on bents and riverbank replacement with revetment
3. Details for the addition of pile wrapping to prevent marine borer activity and various other structural connections.

The cost of this work, including staff time and all related costs will be fully covered by a Design Services Agreement and will require an advance deposit from Edison for the full amount of the services.

ATTACHMENT: None

FISCAL IMPACT: No net fiscal impact. All costs for this effort are to be paid for in advance, including NCTD staff, NCTD contractors, and legal fees, by a separate Design Services Agreement with Southern California Edison.

**COMMITTEE
REVIEW:**

5/06/09 Staff reviewed the history of the project and the purpose of the recommended action to award a purchase order to HDR Engineering at no cost to NCTD. The Committee inquired about NCTD's financial responsibility in the eventual construction of the mitigation. 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

Key Staff Contract: Mitch Alderman, Chief Rail Engineer

E-Mail: malderman@nctd.org

Phone: 760/967-2852



TITLE: IMPLEMENT ENHANCED PARKING PILOT PROJECT: REPORT

Time Sensitive Consent

STAFF
RECOMMENDATION:

Authorize the Executive Director to Implement Option A for Enhanced Parking Pilot Project.

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.

In addition to the study's strategies, an interest has been expressed by some Board members in making additional services available at the stations, such as valet service or other personalized services. While these services are outside of the allowed scope of the study, the private vendor contracted by SANDAG to perform the enhanced parking services has expressed a willingness to explore additional personalized services on a trial basis.

ATTACHMENT: 7A - Parking Management Scenarios
7B – SANDAG Letter

FISCAL IMPACT: None at this time

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STAFF REPORT
TO THE BOARD

Agenda Item #

8

TITLE: ALCOHOL CONSUMPTION ON NCTD TRANSIT SERVICES:
ORDINANCE

Time Sensitive Consent

STAFF RECOMMENDATION: **Adopt NCTD Ordinance No. 2 limiting the consumption of alcohol aboard NCTD Transit Services.**

BACKGROUND INFORMATION:

Since the inception of the COASTER in 1995, alcohol consumption has been permitted on board trains. The original intent was to afford commuters an opportunity to have a glass of wine or beer on their commute home. Alcohol consumption is not allowed on any other NCTD mode or at NCTD transit centers.

Recently, NCTD's internal Rail System Safety Review Committee has discussed this issue and is recommending that alcohol consumption on the COASTER no longer be permitted, thus making the COASTER consistent with NCTD's other services. Unfortunately, as our COASTER Padre service has become more successful, the problems associated with allowing unlimited and unregulated alcohol consumption have increased and pose safety and liability issues for the District. During the spring and summer, typically half of our service complaints for the COASTER involve the use of alcohol. Among the types of problems that have developed as a result of inebriated passengers are loud, boisterous behavior, foul language, arguments and even occasional fights.

After careful review and consideration, staff is recommending that as of July 1, 2009 the consumption of alcohol on regular revenue service will no longer be allowed on any NCTD mode, including the COASTER, unless it is specifically provided under an agreement that NCTD has executed with a vendor. This change would be implemented through adoption of the attached proposed Ordinance No. 2. In its Ordinance, the District would reserve the right to make exceptions to this rule for selected, special events with prior District approval. NCTD will be exploring the provision of amenities and specialized services to include serving alcohol as part of a separate revenue study that will be conducted over the next year.

If the Board approves the proposed Ordinance, staff would notify customers through on-board notices and press releases, and would instruct conductors to make announcements on all trains to support implementation of the policy effective July 1, 2009.

ATTACHMENT: 8A – NCTD Ordinance No. 2 limiting Alcohol Consumption on NCTD services.

FISCAL IMPACT: No fiscal impact.

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**STAFF REPORT
TO THE BOARD**

**Agenda Item #
9**

**TITLE: AUGUST 2009 COMMITTEE AND BOARD MEETINGS: CONSIDER
CANCELLATION**

Time Sensitive Consent

STAFF RECOMMENDATION: **That the Board consider cancellation of August 2009 Committee and Board Meetings.**

BACKGROUND INFORMATION: For the past few years, the NCTD Board has elected to cancel Committee and Board meetings during the month of August. This election has been consistent with the typical practice of our member cities to “go dark’ during the month of August.

All appropriate actions necessary to carry out NCTD business will be brought to the Committees and Board in July. Should an emergency event occur that would require a Board action, staff will notify the Board Chair and if determined to be necessary, a Special meeting could be called.

ATTACHMENT: None

FISCAL IMPACT: None

STAFF CONTACT: **Ellen Roundtree**
Intergovernmental Affairs Officer
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**STAFF REPORT
TO THE BOARD**

Agenda Item #

10

TITLE: QUARTERLY CAPITAL PROJECT REPORT: REVIEW

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

For information only.

**BACKGROUND
INFORMATION:**

The Quarterly Project Status Report is provided to give the Board a brief synopsis regarding the current status of major capital projects that are currently being conducted or under development by NCTD. In addition to NCTD projects, other projects which are being conducted by third parties affecting NCTD property or facilities are also reviewed.

ATTACHMENT: 10A – Project Status Report

FISCAL IMPACT: None

STAFF CONTACT:

Tom Lichterman

Director of Operations

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GOVERNANCE COMMITTEE REPORT

TITLE: LEGISLATIVE STATUS UPDATE

Time Sensitive Consent

COMMITTEE RECOMMENDATION:

For information only.

BACKGROUND INFORMATION:

On November 20, 2008, the NCTD Board approved the 2009 Calendar Year Legislative and Advocacy Goals. Consistent with these goals, periodic status reports on federal and state legislative activities are provided to the Governance Committee and NCTD Board of Directors during the year. The status reports also provide an opportunity for the Governance Committee and/or Board to modify the approved agenda throughout the year as deemed appropriate. The report provides the most recent legislative activity as known prior to mail-out. Any updated information will be provided at the meeting.

FEDERAL

On August 10, 2005, President Bush signed into law SAFETEA-LU, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. The measure authorized \$244 billion in guaranteed funding over five years (FY 2005-FY 2009) for highways, highway safety and public transportation. This authorization is set to expire on September 30, 2009. The United States House of Representatives Transportation and Infrastructure (T & I) Committee Chairman Jim Oberstar (D-MN) has indicated his intent to introduce a draft six-year surface transportation authorization bill before the Memorial Day Recess (May 25-May 29) with the hope of passing an approximately \$500 billion bill out of committee in June.

On April 2, 2009, the T & I Committee notified House members that a small percentage of the bill would be available for member designated High Priority Projects and that projects would need to be submitted within a very tight time frame -- between April 27 and May 8, 2009. To meet these deadlines, Congressional members asked regional agencies such as SANDAG to submit proposals beginning as soon as April 20, 2009.

To meet this deadline, the SANDAG Board of Directors approved a list of regional transportation projects (Attachment 11A) at its April 24, 2009 meeting. The list of projects was developed in collaboration with NCTD, MTS and member cities. The NCTD public transit projects as summarized below are consistent with the Board's legislative program and as required by the process, included in the San Diego Regional Transportation Plan:

- LOSSAN Rail Corridor Improvements in San Diego \$20.0 million
- Positive Train Control \$60.0 million
- Regional Bus Replacements \$ 6.0 million
- SPRINTER Expansion \$20.0 million
- Rail Station Improvements \$ 2.5 million

NCTD, MTS and SANDAG will coordinate with the San Diego Congressional offices on the submittal of the project request forms, as well as any future forms and materials as required. It is important to recognize however, that without a clear source of additional revenues identified to fully fund the next multi-year measure, it is unlikely that Congress will pass a new transportation authorization before the September 2009 deadline and a minimum one-year extension is expected. Staff will continue to monitor the various federal activities and provide updates to the Governance Committee and Board of Directors as information becomes available.

STATE

The California Transit Association's (CTA) Legislative Committee took action to formally oppose Senate Bill 716. This bill introduced by Senator Wolk on April 21, 2009 proposes to amend the Transportation Development Act (TDA) to allow for farm worker vanpools to become an eligible expenditure of the TDA funds. According to CTA, this bill would set a dangerous precedent for diverting local funds, primarily intended for transit toward other purposes.

For background, TDA was established in 1971 as a local revenue stream to support public transportation statewide. State law specifies that these dollars are to be used for transportation planning and transit services, financial assistance for public transportation, including transit planning, operations and capital acquisition projects. TDA is the last remaining source of funding for public transportation and this bill could potentially lead the way for the dilution of these much needed funds.

The bill originally scheduled to be heard in the Senate Transportation and Housing Committee on Tuesday, April 21, was canceled by the author. Staff will continue to monitor this bill and take actions that are consistent with Board's legislative goals.

ATTACHMENT: 11A - SANDAG's List of Recommended High Priority Projects

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**

5/06/09 The Committee reviewed the staff report on federal and state legislative activities and recommended forwarding the report to the Board as an "Information Item".

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STAFF REPORT TO THE BOARD

TITLE: MONTHLY REVENUE SERVICE PERFORMANCE REPORT

Time Sensitive Consent

STAFF RECOMMENDATION: Receive the Monthly Revenue Service Performance Report as an information item.

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 March 2009. The table below provides summary percentage changes.

Highlights:

The SPRINTER passed its first year anniversary in March, so year over year comparison data is available for March. The SPRINTER and LIFT both showed gains over March 2008 (note that SPRINTER service started on March 9, 2008).

The BREEZE and COASTER both showed ridership declines in March and in year-to-date data. The decline on the BREEZE reflects riders who now use the SPRINTER, route changes of the past year, fare increases, and the economy. The COASTER's decline appears primarily related to fare increases, changes in the Sorrento Valley Shuttles, and the economy, since service has been relatively stable this past year.

Table with 4 columns: Mode, Ridership Performance March 2009, Ridership Performance FY2009 Year to Date, Passengers per Revenue Hour. Rows include System-Wide, BREEZE, LIFT, COASTER, and SPRINTER.

ATTACHMENT: 12A – Monthly Revenue Service Performance Report Presentation

FISCAL IMPACT: Not applicable

STAFF CONTACT: Tom Lichterman, Director of Operations. E-mail: tlichterman@nctd.org Phone: 760/967-2855

May 21, 2009

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:	May 21, 2009; 2:00 p.m.
Posted At:	810 Mission Avenue, Oceanside, CA
Date & Time of Posting:	May 15, 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.